



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



2

LRBb0051/7

RAC/TJD/MES/JTK:all:md

SENATE AMENDMENT ,
TO SENATE BILL 11

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: delete “an appropriation” and substitute “appropriations”.

3 **2.** Page 9, line 21: after that line insert:

4 “SECTION 5m. 13.488 (1) (m) of the statutes is amended to read:

5 13.488 (1) (m) The duty to ~~compute~~ determine and make payments to the
6 United States required ~~under 26 USC 148 (f) so that public debt, revenue obligations~~
7 ~~and operating notes issued pursuant to ch. 18 will not be treated as arbitrage bonds~~
8 ~~for the purpose of exclusion from gross income under 26 USC 103 (b) (2) so as to avoid~~
9 an adverse effect on any exclusion of interest from gross income for federal income
10 tax purposes on public debt, revenue obligations, and operating notes issued
11 pursuant to ch. 18, master lease obligations issued pursuant to s. 16.76, and
12 appropriation obligations issued pursuant to s. 16.527 and to make any payments to
13 advisors that assist in making the determination. If the proceeds of an obligation are

1 utilized for an activity that is financed from program revenue, the building
2 commission shall make the ~~payment payments~~ required under this paragraph from
3 that revenue, to the extent it is available.”

4 **3.** Page 11, line 23: delete the material beginning with that line and ending
5 with page 12, line 10.

6 **4.** Page 24, line 2: delete “Notwithstanding” and substitute “Except as
7 provided in sub. (3m) and notwithstanding”.

8 **5.** Page 24, line 11: delete lines 11 to 22 and substitute:

9 “(2) If there is any outstanding public debt, a portion of which was used to
10 finance the acquisition, construction, or improvement of any plant that is sold, or is
11 the subject of a contract for operation, under sub. (1), the department shall determine
12 any actions that may be necessary or appropriate so as not to adversely affect any
13 exclusion of interest on such public debt from gross income for federal income tax
14 purposes, including payments to advisors or the federal internal revenue service.
15 The department shall apply the net proceeds from any sale of a plant to do all of the
16 following:

17 (a) To make any payments to advisors or the federal internal revenue service
18 determined by the department to be necessary or appropriate.

19 (b) If the plant was acquired, constructed, or improved with federal financial
20 assistance, to repay the federal government, as required by federal law.

21 (c) To deposit a sufficient amount of the net proceeds from any sale of the plant
22 in the bond security and redemption fund under s. 18.09 to repay the principal and
23 pay the interest on such portion of the public debt, and any premium due upon
24 repayment of such portion of the public debt.

1 **(3)** Except as provided in s. 51.06, the department shall deposit in the budget
2 stabilization fund any net proceeds in excess of the amount required to be deposited
3 or paid under sub. (2).”.

4 **6.** Page 24, line 22: after that line insert:

5 **“(3m)** If the department proposes to sell, lease, or contract for the operation of
6 any plant identified in sub. (1), the department shall first notify the joint committee
7 on finance in writing of its proposed action. If the cochairpersons of the committee
8 do not notify the department that the committee has scheduled a meeting for the
9 purpose of reviewing the proposed sale within 14 working days after the date of the
10 department’s notification, the plant may be sold by the department. If, within 14
11 working days after the date of the department’s notification, the cochairpersons of
12 the committee notify the department that the committee has scheduled a meeting for
13 the purpose of reviewing the proposed sale, the plant may be sold under sub. (1) only
14 upon approval of the committee. Together with any notification, the department
15 shall also provide all of the following:

16 (a) The estimated value of the plant as determined by the department and by
17 at least one qualified privately owned assessor.

18 (b) The full cost of retiring any remaining public debt incurred to finance the
19 acquisition, construction, or improvement of the plant.

20 (c) A cost-benefit analysis that considers the short-term and long-term costs
21 and benefits to the state from selling, leasing, or contracting for the operation of the
22 plant.

23 (d) The length and conditions of any proposed sale, lease, or service agreement
24 between this state and a proposed purchaser, lessee, or contractor.

1 (e) The estimated budgetary impact of the proposed sale, lease, or contractual
2 operation upon affected state agencies for at least the current and following fiscal
3 biennium.

4 (f) Any other information requested by the committee.”

5 **7.** Page 28, line 9: delete the material beginning with “No moneys” and ending
6 with “administration.” on line 10.

7 **8.** Page 31, line 3: after that line insert:

8 “SECTION 63m. 20.867 (3) (h) of the statutes is amended to read:

9 20.867 (3) (h) *Principal repayment, interest, ~~and rebates,~~ and tax-related*
10 *payments.* A sum sufficient to guarantee full payment of principal and interest costs
11 for self-amortizing or partially self-amortizing facilities enumerated under ss.
12 20.190 (1) (j), 20.245 (1) (j), 20.285 (1) (im), (je), (jq), (kd), (km), and (ko), 20.370 (7)
13 (eq), 20.485 (1) (go), and 20.867 (3) (kd) if moneys available in those appropriations
14 are insufficient to make full payment, to make full payment of the amounts
15 determined by the building commission under s. 13.488 (1) (m) if the appropriation
16 under s. 20.190 (1) (j), 20.245 (1) (j), 20.285 (1) (im), (je), (jq), (kd), (km), or (ko), 20.485
17 (1) (g), or 20.867 (3) (kd) is insufficient to make full payment of those amounts, ~~and~~
18 to make payments under an agreement or ancillary arrangement entered into under
19 s. 18.06 (8) (a), and to make payments to the federal internal revenue service or to
20 advisors determined under s. 16.896 (2) if the net proceeds from a sale under s. 16.896
21 are insufficient to make such payments or if there are no net proceeds. All amounts
22 advanced under the authority of this paragraph shall be repaid to the general fund
23 whenever the balance of the appropriation for which the advance was made is
24 sufficient to meet any portion of the amount advanced. The department of

1 administration may take whatever action is deemed necessary including the making
2 of transfers from program revenue appropriations and corresponding appropriations
3 from program receipts in segregated funds and including actions to enforce
4 contractual obligations that will result in additional program revenue for the state,
5 to ensure recovery of the amounts advanced.”.

6 **9.** Page 34, line 22: delete the material beginning with “other” and ending
7 with “230.26” on line 23.

8 **10.** Page 37, line 10: delete lines 10 to 24.

9 **11.** Page 41, line 16: delete lines 16 to 18.

10 **12.** Page 48, line 2: after that line insert:

11 “**SECTION 112d.** 49.45 (2m) of the statutes, as created by 2011 Wisconsin Act
12 (this act), is repealed.”.

13 **13.** Page 48, line 5: after that line insert:

14 “**SECTION 113d.** 49.45 (3) (n) of the statutes, as created by 2011 Wisconsin Act
15 (this act), is repealed.”.

16 **14.** Page 48, line 8: after that line insert:

17 “**SECTION 114d.** 49.45 (6m) (n) of the statutes, as created by 2011 Wisconsin Act
18 (this act), is repealed.”.

19 **15.** Page 48, line 15: after that line insert:

20 “**SECTION 115d.** 49.45 (8) (b) of the statutes, as affected by 2011 Wisconsin Act
21 (this act), is amended to read:

22 49.45 (8) (b) Unless otherwise provided by the department by rule promulgated
23 ~~under sub. (2m) (c), reimbursement~~ Reimbursement under s. 20.435 (4) (b), (o), and
24 (w) for home health services provided by a certified home health agency or

1 independent nurse shall be made at the home health agency's or nurse's usual and
2 customary fee per patient care visit, subject to a maximum allowable fee per patient
3 care visit that is established under par. (c).”.

4 **16.** Page 48, line 22: after that line insert:

5 “**SECTION 116d.** 49.45 (8) (c) of the statutes, as affected by 2011 Wisconsin Act
6 (this act), is amended to read:

7 49.45 (8) (c) The department shall establish a maximum statewide allowable
8 fee per patient care visit, for each type of visit with respect to provider, that may be
9 no greater than the cost per patient care visit, as determined by the department from
10 cost reports of home health agencies, adjusted for costs related to case management,
11 care coordination, travel, record keeping and supervision, ~~unless otherwise provided~~
12 ~~by the department by rule promulgated under sub. (2m) (c).~~”.

13 **17.** Page 49, line 6: after that line insert:

14 “**SECTION 117d.** 49.45 (8r) of the statutes, as affected by 2011 Wisconsin Act
15 (this act), is amended to read:

16 49.45 (8r) PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. ~~Unless~~
17 ~~otherwise provided by the department by rule promulgated under sub. (2m) (c), the~~
18 The rate of payment for obstetric and gynecological care provided in primary care
19 shortage areas, as defined in s. 36.60 (1) (cm), or provided to recipients of medical
20 assistance who reside in primary care shortage areas, that is equal to 125% of the
21 rates paid under this section to primary care physicians in primary care shortage
22 areas, shall be paid to all certified primary care providers who provide obstetric or
23 gynecological care to those recipients.”.

24 **18.** Page 49, line 18: after that line insert:

1 “**SECTION 118d.** 49.45 (8v) of the statutes, as affected by 2011 Wisconsin Act
2 (this act), is amended to read:

3 49.45 (8v) INCENTIVE-BASED PHARMACY PAYMENT SYSTEM. The department shall
4 establish a system of payment to pharmacies for legend and over-the-counter drugs
5 provided to recipients of medical assistance that has financial incentives for
6 pharmacists who perform services that result in savings to the medical assistance
7 program. Under this system, the department shall establish a schedule of fees that
8 is designed to ensure that any incentive payments made are equal to or less than the
9 documented savings ~~unless otherwise provided by the department by rule~~
10 ~~promulgated under sub. (2m) (e).~~ The department may discontinue the system
11 established under this subsection if the department determines, after performance
12 of a study, that payments to pharmacists under the system exceed the documented
13 savings under the system.”.

14 **19.** Page 50, line 7: after that line insert:

15 “**SECTION 119d.** 49.45 (18) (ac) of the statutes, as affected by 2011 Wisconsin
16 Act (this act), is amended to read:

17 49.45 (18) (ac) Except as provided in pars. (am) to (d), and subject to par. (ag),
18 any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the
19 benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum
20 amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided
21 under s. 49.46 (2). The service provider shall collect the specified or allowable
22 copayment, coinsurance, or deductible, unless the service provider determines that
23 the cost of collecting the copayment, coinsurance, or deductible exceeds the amount
24 to be collected. The department shall reduce payments to each provider by the

1 amount of the specified or allowable copayment, coinsurance, or deductible. ~~Unless~~
2 ~~otherwise provided by the department by rule promulgated under sub. (2m) (e), no~~
3 ~~No~~ provider may deny care or services because the recipient is unable to share costs,
4 but an inability to share costs specified in this subsection does not relieve the
5 recipient of liability for these costs.”

6 **20.** Page 50, line 11: after that line insert:

7 “**SECTION 120d.** 49.45 (18) (ag) (intro.) of the statutes, as affected by 2011
8 Wisconsin Act (this act), is amended to read:

9 49.45 (18) (ag) (intro.) Except as provided in pars. (am), (b), and (c), and subject
10 to par. (d), a recipient specified in par. (ac) shall pay all of the following, ~~unless~~
11 ~~otherwise provided by the department by rule promulgated under sub. (2m) (e):”.~~

12 **21.** Page 50, line 15: after that line insert:

13 “**SECTION 121d.** 49.45 (18) (b) (intro.) of the statutes, as affected by 2011
14 Wisconsin Act (this act), is amended to read:

15 49.45 (18) (b) (intro.) ~~Unless otherwise provided by the department by rule~~
16 ~~promulgated under sub. (2m) (e), the~~ The following services are not subject to
17 recipient cost sharing under this subsection:”

18 **22.** Page 50, line 21: after that line insert:

19 “**SECTION 122d.** 49.45 (18) (d) of the statutes, as affected by 2011 Wisconsin Act
20 (this act), is amended to read:

21 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
22 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
23 is liable under this subsection for more than \$12 per month for prescription drugs

1 received, ~~unless otherwise provided by the department by rule promulgated under~~
2 ~~sub. (2m) (c).~~”.

3 **23.** Page 51, line 6: after that line insert:

4 “**SECTION 123d.** 49.45 (23) (a) of the statutes, as affected by 2011 Wisconsin Act
5 (this act), is amended to read:

6 49.45 (23) (a) The department shall request a waiver from the secretary of the
7 federal department of health and human services to permit the department to
8 conduct a demonstration project to provide health care coverage for basic primary
9 and preventive care to adults who are under the age of 65, who have family incomes
10 not to exceed 200 percent of the poverty line, and who are not otherwise eligible for
11 medical assistance under this subchapter, the Badger Care health care program
12 under s. 49.665, or Medicare under 42 USC 1395 et seq. ~~If the department~~
13 ~~promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the~~
14 ~~extent that it conflicts with the rule.~~”.

15 **24.** Page 51, line 17: after that line insert:

16 “**SECTION 124d.** 49.45 (23) (b) of the statutes, as affected by 2011 Wisconsin Act
17 (this act), is amended to read:

18 49.45 (23) (b) If the waiver is granted and in effect, the department may
19 promulgate rules defining the health care benefit plan, including more specific
20 eligibility requirements and cost-sharing requirements. ~~Unless otherwise provided~~
21 ~~by the department by rule promulgated under sub. (2m) (c), cost~~ Cost sharing may
22 include an annual enrollment fee, which may not exceed \$75 per year.
23 Notwithstanding s. 227.24 (3), the plan details under this subsection may be
24 promulgated as an emergency rule under s. 227.24 without a finding of emergency.

1 If the waiver is granted and in effect, the demonstration project under this subsection
2 shall begin on January 1, 2009, or on the effective date of the waiver, whichever is
3 later.”.

4 **25.** Page 52, line 3: after that line insert:

5 “**SECTION 125d.** 49.45 (24g) (c) of the statutes, as affected by 2011 Wisconsin
6 Act (this act), is amended to read:

7 49.45 **(24g)** (c) The department’s proposal under par. (a) shall specify increases
8 in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or
9 2., and shall provide for payment of a monthly per-patient care coordination fee to
10 those providers. The department shall set the increases in reimbursement rates and
11 the monthly per-patient care coordination fee so that together they provide
12 sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The
13 proposal shall specify effective dates for the increases in reimbursement rates and
14 the monthly per-patient care coordination fee that are no sooner than July 1, 2011.
15 ~~If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not~~
16 ~~apply to the extent that it conflicts with the rule.”.~~

17 **26.** Page 52, line 11: after that line insert:

18 “**SECTION 126d.** 49.45 (24r) (a) of the statutes, as affected by 2011 Wisconsin
19 Act (this act), is amended to read:

20 49.45 **(24r)** (a) The department shall implement any waiver granted by the
21 secretary of the federal department of health and human services to permit the
22 department to conduct a demonstration project to provide family planning, as
23 defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages
24 of 15 and 44 whose family income does not exceed 200% of the poverty line for a family

1 the size of the woman's family. ~~If the department promulgates a rule under sub. (2m)~~
2 ~~(c) 10., this paragraph does not apply to the extent it conflicts with the rule."~~

3 **27.** Page 52, line 19: after that line insert:

4 "SECTION 127d. 49.45 (24r) (b) of the statutes, as affected by 2011 Wisconsin
5 Act ... (this act), is amended to read:

6 49.45 (24r) (b) The department may request an amended waiver from the
7 secretary to permit the department to conduct a demonstration project to provide
8 family planning to any man between the ages of 15 and 44 whose family income does
9 not exceed 200 percent of the poverty line for a family the size of the man's family.
10 If the amended waiver is granted, the department may implement the waiver. ~~If the~~
11 ~~department promulgates a rule under sub. (2m)(c) 10., this paragraph does not apply~~
12 ~~to the extent it conflicts with the rule."~~

13 **28.** Page 53, line 7: after that line insert:

14 "SECTION 128d. 49.45 (25g) (c) of the statutes, as affected by 2011 Wisconsin
15 Act ... (this act), is amended to read:

16 49.45 (25g) (c) The department's proposal under par. (b) shall specify increases
17 in reimbursement rates for providers that satisfy the conditions under par. (b), and
18 shall provide for payment of a monthly per-patient care coordination fee to those
19 providers. The department shall set the increases in reimbursement rates and the
20 monthly per-patient care coordination fee so that together they provide sufficient
21 incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall
22 specify effective dates for the increases in reimbursement rates and the monthly
23 per-patient care coordination fee that are no sooner than January 1, 2011. The
24 increases in reimbursement rates and monthly per-patient care coordination fees

1 that are not provided by the federal government shall be paid from the appropriation
2 under. s. 20.435 (1) (am). ~~If the department promulgates a rule under sub. (2m) (c)~~
3 ~~4., this paragraph does not apply to the extent it conflicts with the rule.”.~~

4 **29.** Page 53, line 13: after that line insert:

5 “**SECTION 129d.** 49.45 (27) of the statutes, as affected by 2011 Wisconsin Act
6 (this act), is amended to read:

7 49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien
8 lawfully admitted for permanent residence or otherwise permanently residing in the
9 United States under color of law may not receive medical assistance benefits except
10 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), ~~unless otherwise~~
11 ~~provided by the department by rule promulgated under sub. (2m) (c).”.~~

12 **30.** Page 54, line 24: after that line insert:

13 “**SECTION 130d.** 49.45 (39) (b) 1. of the statutes, as affected by 2011 Wisconsin
14 Act (this act), is amended to read:

15 49.45 (39) (b) 1. ‘Payment for school medical services.’ If a school district or a
16 cooperative educational service agency elects to provide school medical services and
17 meets all requirements under par. (c), the department shall reimburse the school
18 district or the cooperative educational service agency for 60% of the federal share of
19 allowable charges for the school medical services that it provides, ~~unless otherwise~~
20 ~~provided by the department by rule promulgated under sub. (2m) (c),~~ and, as
21 specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for
22 the Blind and Visually Impaired or the Wisconsin Educational Services Program for
23 the Deaf and Hard of Hearing elects to provide school medical services and meets all
24 requirements under par. (c), the department shall reimburse the department of

1 public instruction for 60% of the federal share of allowable charges for the school
2 medical services that the Wisconsin Center for the Blind and Visually Impaired or
3 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
4 provides, ~~unless otherwise provided by the department by rule promulgated under~~
5 ~~sub. (2m)(e)~~, and, as specified in subd. 2., for allowable administrative costs. A school
6 district, cooperative educational service agency, the Wisconsin Center for the Blind
7 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
8 and Hard of Hearing may submit, and the department shall allow, claims for common
9 carrier transportation costs as a school medical service unless the department
10 receives notice from the federal health care financing administration that, under a
11 change in federal policy, the claims are not allowed. If the department receives the
12 notice, a school district, cooperative educational service agency, the Wisconsin
13 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
14 Program for the Deaf and Hard of Hearing may submit, and the department shall
15 allow, unreimbursed claims for common carrier transportation costs incurred before
16 the date of the change in federal policy. The department shall promulgate rules
17 establishing a methodology for making reimbursements under this paragraph. All
18 other expenses for the school medical services provided by a school district or a
19 cooperative educational service agency shall be paid for by the school district or the
20 cooperative educational service agency with funds received from state or local taxes.
21 The school district, the Wisconsin Center for the Blind and Visually Impaired, the
22 Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the
23 cooperative educational service agency shall comply with all requirements of the
24 federal department of health and human services for receiving federal financial
25 participation.”.

1 **31.** Page 55, line 2: after that line insert:

2 “**SECTION 131d.** 49.46 (1) (n) of the statutes, as created by 2011 Wisconsin Act
3 (this act), is repealed.”.

4 **32.** Page 55, line 7: after that line insert:

5 “**SECTION 132d.** 49.46 (2) (a) (intro.) of the statutes, as affected by 2011
6 Wisconsin Act (this act), is amended to read:

7 49.46 (2) (a) (intro.) Except as provided in par. (be) and ~~unless otherwise~~
8 ~~provided by the department by rule promulgated under s. 49.45 (2m) (e),~~ the
9 department shall audit and pay allowable charges to certified providers for medical
10 assistance on behalf of recipients for the following federally mandated benefits:”.

11 **33.** Page 55, line 12: after that line insert:

12 “**SECTION 133d.** 49.46 (2) (b) (intro.) of the statutes, as affected by 2011
13 Wisconsin Act (this act), is amended to read:

14 49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) and ~~unless~~
15 ~~otherwise provided by the department by rule promulgated under s. 49.45 (2m) (e),~~
16 the department shall audit and pay allowable charges to certified providers for
17 medical assistance on behalf of recipients for the following services:”.

18 **34.** Page 55, line 20: after that line insert:

19 “**SECTION 134d.** 49.465 (2) (intro.) of the statutes, as affected by 2011 Wisconsin
20 Act (this act), is amended to read:

21 49.465 (2) (intro.) ~~Unless otherwise provided by the department by rule~~
22 ~~promulgated under s. 49.45 (2m) (e),~~ a A pregnant woman is eligible for medical
23 assistance benefits, as provided under sub. (3), during the period beginning on the
24 day on which a qualified provider determines, on the basis of preliminary

1 information, that the woman's family income does not exceed the highest level for
2 eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and ending as
3 follows:".

4 **35.** Page 55, line 25: after that line insert:

5 "SECTION 135d. 49.47 (4) (a) (intro.) of the statutes, as affected by 2011
6 Wisconsin Act (this act), is amended to read:

7 49.47 (4) (a) (intro.) ~~Unless otherwise provided by the department by rule~~
8 ~~under s. 49.45 (2m) (c), any~~ Any individual who meets the limitations on income and
9 resources under pars. (b) to (c) and who complies with pars. (cm) and (cr) shall be
10 eligible for medical assistance under this section if such individual is:".

11 **36.** Page 56, line 13: after that line insert:

12 "SECTION 138d. 49.47 (5) (c) of the statutes, as created by 2011 Wisconsin Act
13 (this act), is repealed."

14 **37.** Page 56, line 17: after that line insert:

15 "SECTION 139d. 49.47 (6) (a) (intro.) of the statutes, as affected by 2011
16 Wisconsin Act (this act), is amended to read:

17 49.47 (6) (a) (intro.) ~~Unless otherwise provided by the department by rule~~
18 ~~promulgated under s. 49.45 (2m) (c), the~~ The department shall audit and pay charges
19 to certified providers for medical assistance on behalf of the following:".

20 **38.** Page 56, line 21: after that line insert:

21 "SECTION 140d. 49.471 (13) of the statutes, as created by 2011 Wisconsin Act
22 (this act), is repealed."

23 **39.** Page 57, line 2: after that line insert:

1 “**SECTION 141d.** 49.472 (3) (intro.) of the statutes, as affected by 2011 Wisconsin
2 Act (this act), is amended to read:

3 49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) ~~and unless~~
4 ~~otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),~~
5 an individual is eligible for and shall receive medical assistance under this section
6 if all of the following conditions are met.”.

7 **40.** Page 57, line 8: after that line insert:

8 “**SECTION 142d.** 49.472 (4) (b) (intro.) of the statutes, as affected by 2011
9 Wisconsin Act (this act), is amended to read:

10 49.472 (4) (b) (intro.) The department may waive monthly premiums that are
11 calculated to be below \$10 per month. ~~Unless otherwise provided by the department~~
12 ~~by rule promulgated under s. 49.45 (2m) (c), the~~ The department may not assess a
13 monthly premium for any individual whose income level, after adding the
14 individual’s earned income and unearned income, is below 150% of the poverty line.”.

15 **41.** Page 57, line 14: after that line insert:

16 “**SECTION 143d.** 49.473 (2) (intro.) of the statutes, as affected by 2011 Wisconsin
17 Act (this act), is amended to read:

18 49.473 (2) (intro.) ~~Unless otherwise provided by the department by rule~~
19 ~~promulgated under s. 49.45 (2m) (c), a~~ A woman is eligible for medical assistance as
20 provided under sub. (5) if, after applying to the department or a county department,
21 the department or a county department determines that she meets all of the
22 following requirements”.

23 **42.** Page 57, line 21: after that line insert:

1 **“SECTION 144d.** 49.473 (5) of the statutes, as affected by 2011 Wisconsin Act
2 ... (this act), is amended to read:

3 49.473 (5) The department shall audit and pay, from the appropriation
4 accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is
5 certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
6 meets the requirements under sub. (2) for all benefits and services specified under
7 s. 49.46 (2), ~~unless otherwise provided by the department by rule promulgated under~~
8 ~~s. 49.45 (2m) (c).~~”.

9 **43.** Page 58, line 15: delete “half of all actuarially required” and substitute “all
10 employee required”.

11 **44.** Page 58, line 17: delete “actuarially”.

12 **45.** Page 60, line 5: after that line insert:

13 **“SECTION 151d.** 66.0509 (1m) of the statutes is created to read:

14 66.0509 (1m) (a) A local governmental unit, as defined in s. 66.0131 (1) (a), that
15 does not have a civil service system on the effective date of this subsection [LRB
16 inserts date], shall establish a grievance system not later than the first day of the 4th
17 month beginning after the effective date of this subsection [LRB inserts date].

18 (b) To comply with the grievance system that is required under par. (a), a local
19 governmental unit may establish either a civil service system under any provision
20 authorized by law, to the greatest extent practicable, if no specific provision for the
21 creation of a civil service system applies to that local governmental unit, or establish
22 a grievance procedure as described under par. (d).

1 (c) Any civil service system that is established under any provision of law, and
2 any grievance procedure that is created under this subsection, shall contain at least
3 all of the following provisions:

- 4 1. A grievance procedure that addresses employee terminations.
- 5 2. Employee discipline.
- 6 3. Workplace safety.

7 (d) If a local governmental unit creates a grievance procedure under this
8 subsection, the procedure shall contain at least all of the following elements:

- 9 1. A written document specifying the process that a grievant and an employer
10 must follow.
- 11 2. A hearing before an impartial hearing officer.
- 12 3. An appeal process in which the highest level of appeal is the governing body
13 of the local governmental unit.

14 (e) If an employee of a local governmental unit is covered by a civil service
15 system on the effective date of this subsection [LRB inserts date], and if that
16 system contains provisions that address the provisions specified in par. (c), the
17 provisions that apply to the employee under his or her existing civil service system
18 continue to apply to that employee.”

19 **46.** Page 60, line 16: after that line insert:

20 “**SECTION 153g.** 66.1105 (2) (k) of the statutes is renumbered 66.1105 (2) (k) 1.
21 and amended to read:

22 66.1105 (2) (k) 1. “Tax incremental district” means a contiguous geographic
23 area within a city defined and created by resolution of the local legislative body,
24 consisting solely of whole units of property as are assessed for general property tax

1 purposes, other than railroad rights-of-way, rivers or highways. Railroad
2 rights-of-way, rivers or highways may be included in a tax incremental district only
3 if they are continuously bounded on either side, or on both sides, by whole units of
4 property as are assessed for general property tax purposes which are in the tax
5 incremental district. "Tax incremental district" does not include any area identified
6 as a wetland on a map under s. 23.32, except for an area identified on such a map that
7 has been converted in compliance with state law so that it is no longer a wetland and
8 except as provided in subd. 2.

9 **SECTION 153m.** 66.1105 (2) (k) 2. of the statutes is created to read:

10 66.1105 (2) (k) 2. For an area that is identified as a wetland on a map under
11 s. 23.32 and that is within the boundaries of a tax incremental district or is part of
12 a tax incremental district parcel, the area shall be considered part of the tax
13 incremental district for determining the applicability of exemptions from or
14 compliance with water quality standards that are applicable to wetlands.”

15 **47.** Page 60, line 17: after that line insert:

16 **“SECTION 154m.** 71.05 (6) (b) 47. of the statutes, as created by 2011 Wisconsin
17 Act 5, is amended to read:

18 71.05 (6) (b) 47. An amount equal to the increase in the number of full-time
19 equivalent employees employed by the taxpayer in this state during the taxable year,
20 multiplied by \$4,000 for a business with gross receipts of no greater than \$5,000,000
21 in the taxable year or \$2,000 for a business with gross receipts greater than
22 \$5,000,000 in the taxable year. For purposes of this subdivision, the increase in the
23 number of full-time equivalent employees employed by the taxpayer in this state
24 during the taxable year is determined by subtracting from the number of full-time

1 equivalent employees employed by the taxpayer in this state during the taxable year,
2 as determined by computing the average employee count from the taxpayer's
3 quarterly unemployment insurance reports or other information as required by the
4 department for the taxable year, the number of full-time equivalent employees
5 employed by the taxpayer in this state during the immediately preceding taxable
6 year, as determined by computing the average employee count from the taxpayer's
7 quarterly unemployment insurance reports or other information as required by the
8 department for the immediately preceding taxable year. No person may claim a
9 deduction under this subdivision if the person may claim a ~~credit~~ deduction under
10 this subchapter based on the person relocating the person's business from another
11 state to this state and in an amount equal to the person's tax liability. The
12 department shall promulgate rules to administer this subdivision.".

13 **48.** Page 109, line 17: after that line insert:

14 "SECTION 325m. 230.08 (2) (e) 7. of the statutes is amended to read:

15 230.08 (2) (e) 7. Justice — § 5."

16 **49.** Page 113, line 9: delete lines 9 to 16.

17 **50.** Page 125, line 5: after that line insert:

18 "(cq) The department of employee trust funds may not expend any moneys from
19 the appropriation under section 20.515 (1) (d) of the statutes, as created by this act,
20 for funding the cost of the study under this subsection unless the department
21 submits a spending plan to the joint committee on finance. If the cochairpersons of
22 the joint committee on finance do not notify the department within 14 working days
23 after the date of the department's submittal of the plan that the committee has
24 scheduled a meeting to review the plan, the plan may be implemented and moneys

1 may be expended as proposed by the department. If, within 14 days after the date
2 of the department's submittal of the plan, the cochairpersons of the committee notify
3 the department that the committee has scheduled a meeting to review the plan,
4 moneys may be expended only after the plan has been approved by the committee.”.

5 **51.** Page 127, line 22: after that line insert:

6 **“SECTION 9129. Nonstatutory provisions; Justice.**

7 (1) POSITION INCREASES AND DECREASES.

8 (a) The authorized FTE positions for the department of justice are decreased
9 by 1.0 GPR position, funded from the appropriation under section 20.455 (1) (a) of
10 the statutes, for the purpose for which the appropriation is made. The secretary of
11 administration shall identify the position.

12 (b) The authorized FTE positions for the department of justice are decreased
13 by 1.0 GPR position, funded from the appropriation under section 20.455 (3) (a) of
14 the statutes, for the purpose for which the appropriation is made. The secretary of
15 administration shall identify the position.

16 (c) The authorized FTE positions for the department of justice are increased
17 by 1.0 GPR position, funded from the appropriation under section 20.455 (1) (a) of
18 the statutes, to provide for an additional unclassified division administrator.

19 (d) The authorized FTE positions for the department of justice are increased
20 by 1.0 GPR positions, funded from the appropriation under section 20.455 (3) (a) of
21 the statutes, to provide for an additional unclassified division administrator.”.

22 **52.** Page 138, line 21: after that line insert:

23 **“(8r) INCREASE IN MEDICAL ASSISTANCE APPROPRIATION FOR CAPITATION PAYMENTS.**

24 In the schedule under section 20.005 (3) of the statutes for the appropriation to the

1 department of health services under section 20.435 (4) (b) of the statutes, as affected
2 by the acts of 2011, the dollar amount is increased by \$42,700,000 for the second fiscal
3 year of the fiscal biennium in which this subsection takes effect to pay capitation
4 payments to care management organizations and other entities that provide services
5 to medical assistance recipients under a managed care system for services provided
6 in June 2011, to individuals enrolled in care management organizations and
managed care systems.”.

7
8
9 **53.** Page 142, line 20: after that line insert:

10 **66** “(2e) GRIEVANCE PROCEDURE; COLLECTIVE BARGAINING. The treatment of section
11 ~~62~~.0509 (1m) of the statutes first applies on the first day of the 4th month beginning
after the effective date of this subsection.”.

12 **54.** Page 144, line 3: after that line insert:

13 **“SECTION 9421. Effective dates; Health Services.**

14 (1q) MEDICAL ASSISTANCE PROGRAM CHANGES. The treatment of sections 49.45 (8)
15 (b) (by SECTION 115d), (8) (c) (by SECTION 116d), (8r) (by SECTION 117d), (8v) (by
16 SECTION 118d), (18) (ac) (by SECTION 119d), (18) (ag) (intro.) (by SECTION 120d), (18)
17 (b) (intro.) (by SECTION 121d), (18) (d) (by SECTION 122d), (23) (a) (by SECTION 123d),
18 (23) (b) (by SECTION 124d), (24g) (c) (by SECTION 125d), (24r) (a) (by SECTION 126d),
19 (24r) (b) (by SECTION 127d), (25g) (c) (by SECTION 128d), (27) (by SECTION 129d), and
20 (39) (b) 1. (by SECTION 130d), 49.46 (2) (a) (intro.) (by SECTION 132d) and (2) (b) (intro.)
21 (by SECTION 133d), 49.465 (2) (intro.) (by SECTION 134d), 49.47 (4) (a) (intro.) (by
22 SECTION 135d) and (6) (a) (intro.) (by SECTION 139d), 49.472 (3) (intro.) (by SECTION
23 141d) and (4) (b) (intro.) (by SECTION 142d), 49.473 (2) (intro.) (by SECTION 143d) and
24 (5) (by SECTION 144d) of the statutes and the repeal of sections 49.45 (2m), (3) (n), and

1 (6m) (n), 49.46 (1) (n), 49.47 (5) (c), and 49.471 (13) of the statutes take effect on
2 January 1, 2015.”

3 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE
January 2011 Special Session



LRBb004471
RAC:jld:rs

ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 11

No Appendix
Needed...
Per CMH
7/18

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 124, line 3: delete the material beginning with "In addition" and
3 ending with "of 2011." on line 6.

4 (END)

[Handwritten signature]

↑
INS 20-16