

ASSEMBLY BILL 148 (LRB -2096)

An Act to affect 2007 Wisconsin Act 20, section 9201 (1c) (a), 2011 Wisconsin Act 10, section 9219, 2011 Wisconsin Act 10, section 9221 (2), 2011 Wisconsin Act 10, section 9227 (2), 2011 Wisconsin Act 10, section 9230, 2011 Wisconsin Act 10, section 9245 and 2011 Wisconsin Act 10, section 9255; relating to: changes affecting state finances in the 2010-11 fiscal year and making an appropriation. (FE)

2011

05-25.	A.	Introduced by Representatives Petryk, T. Larson, Bernier, Brooks, Endsley, Kaufert, Kleefisch, Klenke, Knilans, Kooyenga, LeMahieu, Marklein, Mursau, Nygren, Rivard, Steineke, Strachota, Tranel, Vos, Tiffany, Litjens and Jacque ; cosponsored by Senators Darling, Grothman, Hopper, Kapanke, Leibham and Olsen .	
05-25.	A.	Read first time and referred to joint committee on Finance	349
05-26.	A.	Fiscal estimate received.	
05-26.	A.	Executive action taken.	
05-27.	A.	Report passage, with emergency statement attached, pursuant to s. 16.47 (2), Wisconsin Statutes, recommended by joint committee on Finance	352
05-27.	A.	Referred to committee on Rules	352
05-27.	A.	Representative Loudonbeck added as a coauthor	353
06-02.	A.	Placed on calendar 6-8-2011 by committee on Rules.	
06-08.	A.	Read a second time	371
06-08.	A.	Assembly amendment 1 offered by Representative Vos (LRB a1196)	371
06-08.	A.	Assembly amendment 1 adopted	371
06-08.	A.	Assembly amendment 2 offered by Representative Vos (LRB a1191)	371
06-08.	A.	Assembly amendment 2 adopted	371
06-08.	A.	Assembly amendment 3 offered by Representatives Doyle, Barca, Molepske Jr, Turner and Richards (LRB a1206)	371
06-08.	A.	Assembly amendment 3 laid on table, Ayes 59, Noes 38	371
06-08.	A.	Assembly amendment 4 offered by Representatives Vruwink, Seidel, Grigsby, Shilling, Mason, Turner and Bernard Schaber (LRB a1215)	371
06-08.	A.	Assembly amendment 4 laid on table, Ayes 59, Noes 38	371
06-08.	A.	Ordered to a third reading	371
06-08.	A.	Rules suspended	371
06-08.	A.	Read a third time and passed , Ayes 84, Noes 12, Paired 2	371
06-08.	A.	Ordered immediately messaged	372
06-09.	S.	Received from Assembly	330
06-09.	S.	Read first time and referred to committee on Senate Organization	331
06-09.	S.	Available for scheduling.	
06-13.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0	1
06-13.	S.	Placed on calendar 6-14-2011 pursuant to Senate Rule 18(1)	0
06-14.	S.	Read a second time.	
06-14.	S.	Senate amendment 1 offered by Senators Hansen, Lassa, Erpenbach, Taylor, Vinehout, Carpenter, Holperin, C. Larson, T. Cullen, S. Coggs and Risser (LRB a1199).	
06-14.	S.	Senate amendment 1 laid on table, Ayes 19, Noes 14.	
06-14.	S.	Senate amendment 2 offered by Senators Carpenter, Hansen, Wirch, Miller, Risser, Lassa, Erpenbach, Taylor, Vinehout, Holperin, C. Larson, T. Cullen and S. Coggs (LRB a1204).	
06-14.	S.	Senate amendment 2 laid on table, Ayes 19, Noes 14.	
06-14.	S.	Senate amendment 3 offered by Senator Jauch (LRB f535).	
06-14.	S.	Senate amendment 3 laid on table, Ayes 18, Noes 14.	
06-14.	S.	Ordered to a third reading.	
06-14.	S.	Rules suspended.	
06-14.	S.	Read a third time and concurred in , Ayes 33, Noes 0.	
06-14.	S.	Ordered immediately messaged.	
06-14.	A.	Received from Senate concurred in.	

9/12

**2011
ENROLLED BILL**

11en A B-148

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

11-2096/5

Amendments to above (if none, write "NONE"): AA1 - a 1196 / 1
AA2 - a 1191 / 1

Corrections - show date (if none, write "NONE"): None

Topic Rel

6-15-11 J. Miller
Date Enrolling Drafter



2011 ASSEMBLY BILL 148

May 25, 2011 - Introduced by Representatives PETRYK, T. LARSON, BERNIER, BROOKS, ENDSLEY, KAUFERT, KLEEFISCH, KLENKE, KNILANS, KOOYENGA, LEMAHIEU, MARKLEIN, MURSAU, NYGREN, RIVARD, STEINEKE, STRACHOTA, TRANEL, VOS, TIFFANY, LITJENS and JACQUE, cosponsored by Senators DARLING, GROTHMAN, HOPPER, KAPANKE, LEIBHAM and OLSEN. Referred to Joint Committee on Finance.

1 **AN ACT** to affect 2007 Wisconsin Act 20, section 9201 (1c) (a), 2011 Wisconsin Act
2 10, section 9219, 2011 Wisconsin Act 10, section 9221 (2), 2011 Wisconsin Act
3 10, section 9227 (2), 2011 Wisconsin Act 10, section 9230, 2011 Wisconsin Act
4 10, section 9245 and 2011 Wisconsin Act 10, section 9255; relating to: changes
5 affecting state finances in the 2010-11 fiscal year and making an
6 appropriation.

Analysis by the Legislative Reference Bureau

This bill makes all of the following changes relating to state finances during the 2010-11 fiscal year:

1. The bill repeals all lapse requirements under 2011 Wisconsin Act 10 relating to lapses from state agencies, the office of the governor, the legislature, and the courts that were intended to capture employer savings from fringe benefit changes under that act.

2. 2007 Wisconsin Act 20 required that \$200,000,000 be lapsed or transferred to the general fund during the 2009-11 fiscal biennium. 2011 Wisconsin Act 13 reduced this amount to \$121,000,000. This bill further reduces this amount to \$67,000,000.

3. In *Wisconsin Medical Society, Inc. v. Morgan*, 2010 WI 94, the court held that a transfer of \$200,000,000 from the injured patients and families compensation fund to the Medical Assistance trust fund, which was required by 2007 Wisconsin Act 20,

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was unconstitutional. The bill transfers \$235,000,000 by June 30, 2012, from the general fund to the injured patients and families compensation fund. The transferred moneys must be used for the purpose of paying the amount ordered by the court in *Wisconsin Medical Society, Inc. v. Morgan*.

4. The bill increases the amount that the Department of Health Services (DHS) is authorized to spend in fiscal year 2010-11 from the Medical Assistance appropriation account that derives from general purpose revenue to pay for certain services under the Medical Assistance program and to pay capitation payments to care management organizations and other entities that provide services to medical assistance recipients under a managed care system for services provided to individuals enrolled in care management organizations and managed care systems. The bill decreases the amount that DHS is authorized to spend in fiscal year 2011-12 from that appropriation account.

5. The bill decreases the amount that DHS is authorized to spend from the appropriation account that is derived from general purpose revenue and that provides moneys for community aids, including certain long-term care services.

6. The bill reduces the general purpose revenue funds general program supplements appropriation to the Joint Committee on Finance by \$4,590,400.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 2007 Wisconsin Act 20, section 9201 (1c) (a), as affected by 2011

2 Wisconsin Act 13, is amended to read:

3 [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001

4 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary

5 of administration shall lapse to the general fund or transfer to the general fund from

6 the unencumbered balances of state operations appropriations to executive branch

7 state agencies, other than sum sufficient appropriations and appropriations of

8 federal revenues, an amount equal to \$200,000,000 during the 2007-09 fiscal

9 biennium and ~~\$121,000,000~~ \$67,000,000 during the 2009-11 fiscal biennium. This

10 paragraph shall not apply to appropriations to the Board of Regents of the University

11 of Wisconsin System and to the technical college system board.

INS. AA2-1

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1

SECTION 2. 2011 Wisconsin Act 10, section 9219 is repealed.

INS. AA2-2

2

SECTION 3. 2011 Wisconsin Act 10, section 9221 (2) is repealed.

3

SECTION 4. 2011 Wisconsin Act 10, section 9227 (2) is repealed.

4

SECTION 5. 2011 Wisconsin Act 10, section 9230 is repealed.

5

SECTION 6. 2011 Wisconsin Act 10, section 9245 is repealed.

6

SECTION 7. 2011 Wisconsin Act 10, section 9255 is repealed.

INS. AA2-3

7

SECTION 9221. Fiscal changes; Health Services.

8

(1) **MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2011, the dollar amount is increased by \$147,000,000 for the 2010-11 fiscal year for the purposes for which the appropriation is made and to pay capitation payments to care management organizations and other entities that provide services to medical assistance recipients under a managed care system for services provided to individuals enrolled in care management organizations and managed care systems.

16

(2) **MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE DECREASE.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2011, the dollar amount is decreased by \$170,000,000 for the 2011-12 fiscal year for the purposes for which the appropriation is made and for capitation payments to care management organizations and other entities that provide services to medical assistance recipients under a managed care system for services provided to individuals enrolled in care management organizations and managed care systems.

24

(3) **COMMUNITY AIDS APPROPRIATION.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section

25

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1 20.435 (7) (b) of the statutes, as affected by the acts of 2011, the dollar amount is
2 decreased by \$3,100,000 for the second fiscal year of the fiscal biennium in which this
3 subsection takes effect for the purposes for which the appropriation is made.

4 **SECTION 9225. Fiscal changes; Insurance.**

INS.
AA2-4

5 (1) TRANSFER TO INJURED PATIENTS AND FAMILIES COMPENSATION FUND. There is
6 transferred from the general fund to the injured patients and families compensation
7 fund \$235,000,000 by June 30, 2012. Moneys transferred under this subsection shall
8 be used for the purpose of paying the amount ordered by the court in Wisconsin
9 Medical Society, Inc. v. Morgan, 2010 WI 94. If the amount ordered by the court is
10 less than \$235,000,000, the secretary of administration shall transfer the amount
11 ordered by the court.

12 **SECTION 9227. Fiscal changes; Joint Committee on Finance.**

13 (1) GENERAL PURPOSE REVENUE FUNDS GENERAL PROGRAM SUPPLEMENTATION. In the
14 schedule under section 20.005 (3) of the statutes for the appropriation to the joint
15 committee on finance under section 20.865 (4) (a) of the statutes, as affected by the
16 acts of 2011, the dollar amount is decreased by \$4,590,400 for the second fiscal year
17 of the fiscal biennium in which this subsection takes effect to reduce expenditures
18 for the purpose for which the appropriation is made.

INS. AA1-1

19 **SECTION 9421. Effective dates; Health Services.**

20 (1) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE DECREASE. Section 9221 (2)
21 of this act takes effect on the day after publication, or on the 2nd day after publication
22 of the 2011-13 biennial budget act, whichever is later.

INS. AA1-2

23 (END)



ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 148

June 8, 2011 - Offered by Representative Vos.

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

2 **1.** Page 4, line 18: after that line insert:

AA1-1

3 **SECTION 9253. Fiscal changes; Veterans Affairs.**

4 (1q) MILITARY FUNERAL HONORS APPROPRIATION. In the schedule under section
5 20.005 (3) of the statutes for the appropriation to the department of veterans affairs
6 under section 20.485 (2) (dm) of the statutes, as affected by the acts of 2009 and 2011,
7 the dollar amount is increased by \$68,900 for the second fiscal year of the fiscal
8 biennium in which this subsection takes effect for the purpose of providing
9 reimbursement to local units of veterans organizations for the costs of providing
10 military funeral honors”.

11 **2.** Page 4, line 22: after that line insert:

AA1-2

12 **SECTION 9453. Effective dates; Veterans Affairs.**

AA1-2

1 (1q) MILITARY FUNERAL HONORS APPROPRIATION. SECTION 9253 (1q) of this act
2 takes effect on the day after publication or retroactively to June 30, 2011, whichever
3 is earlier.⁷

4

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1191/1
TJD:kjf&wlj:rs

ASSEMBLY AMENDMENT 2,
TO 2011 ASSEMBLY BILL 148

June 8, 2011 - Offered by Representative Vos.

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

2 1. Page 2, line 11: after that line insert:

3 **SECTION 1p.** 2011 Wisconsin Act 10, section 9208 (1) is repealed.

AA 2-1

4 2. Page 3, line 1: after that line insert:

5 **SECTION 2p.** 2011 Wisconsin Act 10, section 9221 (1) is repealed.

AA 2-2

6 3. Page 3, line 6: after that line insert:

7 **SECTION 9208. Fiscal changes; Children and Families.**

AA 2-3

8 (1) INCOME AUGMENTATION LAPSE.

9 (a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
10 general fund from the appropriation account to the department of children and
11 families under section 20.437 (1) (kx) of the statutes, as affected by the acts of 2011,
12 \$2,011,200 in the second fiscal year of the fiscal biennium in which this subsection
13 takes effect.

AA 2-3

1 (b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary
2 of administration shall apply the lapse under paragraph (a) to the lapse requirement
3 for the 2009-11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

4 4. Page 4, line 3: after that line insert:

5 (4) INCOME AUGMENTATION LAPSE.

AA 2-4

6 (a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
7 general fund from the appropriation account to the department of health services
8 under section 20.435 (8) (mb) of the statutes, as affected by the acts of 2011,
9 \$4,500,000 in the second fiscal year of the fiscal biennium in which this subsection
10 takes effect.

11 (b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary
12 of administration shall apply the lapse under paragraph (a) to the lapse requirement
13 for the 2009-11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

14 (END)