

ANALYSIS

CHUNKS

P4. 03



MED & GMM

LRB-1524/P1
.....

KJF

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

subhead: UNEMPLOYMENT INSURANCE (LS)

1 AN ACT ...; relating to: ???.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0958/P4 ***

EMPLOYMENT

Under federal law, a state may require a claimant to submit to a test for the unlawful use of controlled substances (drug test) as a condition of receiving unemployment insurance (UI) benefits if the claimant: 1) was terminated from employment with his or her most recent employer because of the unlawful use of controlled substances; or 2) is an individual for whom suitable work, as defined under a state's UI law, is only available in an occupation that regularly conducts drug testing, as determined in regulations issued by the United States Secretary of Labor (federal regulations). As of January 27, 2015, final federal regulations have not been issued.

This bill requires DWD to establish a program to require claimants who apply for regular UI benefits to submit to drug tests. The bill requires DWD to determine, when a claimant applies for regular UI benefits, whether the claimant is an individual for whom suitable work is only available in an occupation described in the federal regulations. If DWD determines that the claimant is such an individual, DWD must conduct a screening on the claimant to determine whether the claimant should be required to submit to a drug test. If the screening indicates that the claimant should be required to submit to a drug test, DWD must require the claimant to submit to such a test.

The bill provides that, if the claimant declines to submit to such a test, the claimant is ineligible for UI benefits for 52 weeks or until a subsequent claim for

benefits, whichever is later. If the claimant submits to the drug test, but does not test positive for any controlled substance without a valid prescription, the claimant may receive UI benefits if otherwise eligible and may not be required to submit to any further drug test until a subsequent claim for benefits. If the claimant submits to the drug test and tests positive for one or more controlled substances without a valid prescription, the bill provides that the claimant is ineligible for UI benefits for 52 weeks or until a subsequent claim for benefits, whichever is later, except that following the positive test, the claimant may maintain his or her eligibility for UI benefits by enrolling in a state-sponsored substance abuse treatment program and undergoing a state-sponsored job skills assessment. The claimant remains eligible for benefits for each week the claimant is in full compliance with any requirements of the substance abuse treatment program and job skills assessment.

The bill also requires DWD to promulgate rules to identify occupations for which drug testing is regularly conducted in this state and to apply the above provisions for claimants for whom suitable work is only available in one of the occupations identified by DWD.

In addition, the bill allows an employing unit to voluntarily submit to DWD the results of a drug test that was conducted on an individual as preemployment screening or that an individual declined to submit to such a test. If the results of the test indicate that the individual has tested positive for one or more controlled substances without a valid prescription, or if the individual declined to submit to such a test, the bill provides that there is a presumption, rebuttable as provided in rules promulgated by DWD, that the claimant has failed to accept suitable work when offered. If the presumption is not rebutted, the claimant is ineligible for UI benefits as if the claimant had tested positive in or declined to submit to a drug test conducted by DWD, beginning with the week in which DWD receives the report.

Keep → ***** ANALYSIS FROM -0999/P1 ***** Keep LRB # ?
EMPLOYMENT

Current law places various conditions upon the receipt of unemployment insurance (UI) benefits, including that claimants conduct a reasonable search for suitable work and that claimants accept suitable work when offered. Current law does not define suitable work, but DWD has defined it by rule to mean work that is reasonable considering the claimant's training, experience, and duration of unemployment as well as the availability of jobs in the labor market.

No !! This bill specifically requires DWD to define by rule what constitutes suitable work for claimants, and requires that the rule specify different levels of suitable work based upon the number of weeks that a claimant has received benefits in a given benefit year.

Keep → ***** ANALYSIS FROM -0998/P1 *****
EMPLOYMENT

Current law establishes penalties for certain violations under the unemployment insurance (UI) law, including for knowingly making a false statement or representation to obtain any UI benefit payment, for which the penalty is a fine of not less than \$100 nor more than \$500 or imprisonment for not more than

benefits

the penalties for benefits

range from the penalties for a Class A misdemeanor to a Class

90 days, or both. Current law provides that each such false statement or representation constitutes a separate offense.

No This bill instead provides that a person who knowingly ^{making} a false statement or representation to obtain any UI benefit payment: 1) if the value of any benefits obtained does not exceed \$2,500, is subject to a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both; 2) if the value of any benefits obtained exceeds \$2,500 but does not exceed \$5,000, is guilty of a Class I felony; 3) if the value of any benefits obtained exceeds \$5,000 but does not exceed \$10,000, is guilty of a Class H felony; or 4) if the value of any benefits obtained exceeds \$10,000, is guilty of a Class G felony.

to felony, depending on the value of the benefits obtained.

Separate from the criminal penalties described above, under current law, if a claimant for UI benefits conceals any material fact relating to his or her eligibility for benefits or conceals any of his or her wages or hours worked (act of concealment), the claimant is ineligible for benefits in an amount ranging from two to eight times the claimant's weekly benefit rate, depending on the number of acts of concealment committed, for each single act of concealment, and is liable for an additional administrative penalty in an amount equal to 15 percent of the benefit payments erroneously paid to the claimant.

UI

No This bill raises the administrative penalty described above to an amount equal to 40 percent of the benefit payments erroneously paid to the claimant.

*** ANALYSIS FROM -0610/P3 ***

stays

(SUBHEAD) WORKER'S COMPENSATION

EMPLOYMENT

Certain funds

Under current law, DWD performs certain administrative functions relating to worker's compensation. Those administrative functions include enforcement of the requirement that employers are insured for their worker's compensation liability; granting exemptions from that duty to insure to self-insured employers; administering the self-insured employers fund, from which DWD pays benefits to the injured employees of insolvent self-insured employers; administering the uninsured employers fund, from which DWD pays benefits to the injured employees of uninsured employers; and administering the work injury supplemental benefits fund, from which DWD pays supplemental benefits to certain injured employees with permanent total disability. This bill transfers the administrative functions of DWD relating to worker's compensation to OCI.

and

and

Under current law, DWD performs certain adjudicatory functions relating to worker's compensation. Those adjudicatory functions include adjudicating disputed worker's compensation claims, adjudicating disputes over the reasonableness of fees charged for health services provided to an injured employee and of the amount charged for prescription drugs dispensed to an injured employee (reasonableness of fees), and adjudicating disputes over the necessity of treatment provided to an injured employee (necessity of treatment). This bill transfers the adjudicatory functions of DWD relating to disputed worker's compensation claims to the Division of Hearings and Appeals in DOA (DHA) and the adjudicatory functions of DWD relating to the reasonableness of fees and the necessity of treatment to OCI. The bill also permits DHA to record testimony by electronic means rather than by a

necessity of necessity of treatment

adjudication of

health care fee

adjudication of fee and

disputes

stenographer and to provide notices by electronic delivery in addition to providing notices by mail.

*** ANALYSIS FROM -0452/2 ***

← stays

~~EMPLOYMENT~~

Under current law, an injured employee who is receiving the maximum weekly worker's compensation benefit in effect ~~at the time of the injury~~ for permanent or ~~continuous temporary~~ total disability resulting from an injury that occurred before January 1, 2001, is entitled to receive certain supplemental benefits in addition to the employee's regular benefits. Those supplemental benefits are payable in the first instance by the employer or insurer, but the employer or insurer then is entitled to reimbursement for those supplemental benefits paid from the work injury supplemental benefit (WISB) fund, which is a fund that, among other things, is used to pay supplemental worker's compensation to injured employees with permanent total disability.

This bill terminates reimbursement from the WISB fund for supplemental benefits paid by an employer or insurer beginning on the effective date of the bill and terminates reimbursement altogether for supplemental benefits paid for an injury that occurs on or after January 1, 2016. For supplemental benefits paid by an insurer for an injury that occurs before January 1, 2016, the bill provides that reimbursement of those benefits is from the worker's compensation operations fund and not from the WISB fund. ~~To fund that reimbursement, the bill requires DWD to collect from each licensed worker's compensation carrier the proportion of reimbursement approved by DWD for supplemental benefits paid in the year before the previous year that the total indemnity paid or payable by the carrier in worker's compensation cases initially closed during the preceding calendar year bore to the total indemnity paid in cases closed the previous calendar year by all carriers, subject to a \$5,000,000 annual limit on the amount that DWD may collect and pay in reimbursement. If the amount DWD determines to be collectible and payable exceeds that \$5,000,000 annual limit, DWD must collect and pay the amount in excess of \$5,000,000 in the next calendar year or in subsequent calendar years until the amount in excess of \$5,000,000 is collected and paid in full.~~

Under current law, if an employee of an employer that is not insured for worker's compensation (uninsured employer) suffers an injury for which the uninsured employer is liable, DWD, from the uninsured employers fund, or, if DWD obtains excess or stop-loss reinsurance from a reinsurer, the reinsurer pays benefits to the injured employee that are equal to the worker's compensation owed by the uninsured employer.

This bill requires DWD to pay a claim of an employee of an uninsured employer in excess of \$1,000,000 from the uninsured employers fund in the first instance, but provides that if the claim is not covered by excess or stop-loss reinsurance, the secretary of administration annually must transfer from the worker's compensation operations fund to the uninsured employers fund an amount equal to the amount by which payments from the uninsured employers fund on all such claims in the prior year are in excess of \$1,000,000 per claim, subject to a \$500,000 annual limit on the amount that the secretary of administration may transfer. ~~If the amount to be~~

transferred exceeds that \$500,000 annual limit, the secretary of administration must transfer the amount in excess of \$500,000 in the next calendar year or in subsequent calendar years until the amount in excess of \$500,000 is transferred in full.

who is for an employer *** ANALYSIS FROM -0921/P1 *** ← stays
~~EMPLOYMENT~~ that coverage

Currently, a student of a public school or a private school, while he or she is engaged in performing services, as part of a school work training, work experience, or work study program, who is not on the payroll of an employer that is providing the work training or work experience or who is not otherwise receiving compensation on which a worker's compensation carrier could assess premiums on that employer, is an employee of a school district or private school that elects to name the student as an employee for purposes of worker's compensation coverage. Also, under current law, a student who is named as an employee of a school district or private school for purposes of worker's compensation coverage and who makes a claim for worker's compensation against his or her school district or private school may not also make a claim for worker's compensation or maintain an action in tort against the employer that provided the work training or work experience from which the claim arose.

is considered to be

(no p)

This bill extends those provisions to a student of an institution of higher education.

(SUBHEAD) JOB TRAINING who is performing those services and who is named as an employee by the institution *** ANALYSIS FROM -0944/P1 *** → stays
~~EMPLOYMENT~~

Under current law, DWD awards workforce training grants, commonly referred to as "Fast Forward grants," to public and private organizations for the training of unemployed and underemployed workers and of incumbent employees of businesses in this state. This bill permits an organization that is awarded a Fast Forward grant to use the grant for the hiring and training of apprentices in this state.

stays → *** ANALYSIS FROM -1241/P2 ***
~~EMPLOYMENT~~

Current law requires DPI to award career and technical education incentive grants to school districts in the amount of \$1,000 per each pupil in the school district who, in the prior school year, obtained a diploma from a school in the school district and successfully completed an industry-recognized certification program approved by DPI. This bill eliminates that grant program and instead permits DWD to provide grants to school districts for the development of programs that are designed to mitigate workforce shortages in industries and occupations that are experiencing a workforce shortage, as determined by DWD, and to assist pupils in graduating with industry-recognized certifications in those industries and occupations.

Under current law, there is appropriated to DWD, as separate appropriations, general purpose revenue for workforce training grants (commonly referred to as "Wisconsin fast forward grants"), apprenticeship completion awards, and local youth apprenticeship grants. This bill repeals the separate appropriations for those apprenticeship completion awards and local youth apprenticeship grants and permits moneys in the Wisconsin fast forward grants appropriation to be expended

~~for those apprenticeship completion awards and local youth apprenticeship grants as well as for Wisconsin fast forward grants.~~

~~Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.~~

~~For further information see the *state and local* 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

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: ???.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0958/P4 ***

EMPLOYMENT

UNEMPLOYMENT INSURANCE

Under federal law, a state may require a claimant to submit to a test for the unlawful use of controlled substances (drug test) as a condition of receiving unemployment insurance (UI) benefits if the claimant is an individual for whom suitable work, as defined under a state's UI law, is only available in an occupation that regularly conducts drug testing, as determined in regulations issued by the United States Secretary of Labor (federal regulations). As of January 27, 2015, final federal regulations have not been issued.

This bill requires DWD to establish a program to require claimants who apply for regular UI benefits to submit to drug tests. The bill requires DWD to determine, when a claimant applies for regular UI benefits, whether the claimant is an individual for whom suitable work is only available in an occupation described in the federal regulations. If DWD determines that the claimant is such an individual, DWD must conduct a screening on the claimant to determine whether the claimant should be required to submit to a drug test. If the screening indicates that the claimant should be required to submit to a drug test, DWD must require the claimant to submit to such a test.

The bill provides that, if the claimant declines to submit to such a test, the claimant is ineligible for UI benefits for 52 weeks or until a subsequent claim for

benefits, whichever is later. If the claimant submits to the drug test, but does not test positive for any controlled substance without a valid prescription, the claimant may receive UI benefits if otherwise eligible and may not be required to submit to any further drug test until a subsequent claim for benefits. If the claimant submits to the drug test and tests positive for one or more controlled substances without a valid prescription, the bill provides that the claimant is ineligible for UI benefits for 52 weeks or until a subsequent claim for benefits, whichever is later, except that following the positive test, the claimant may maintain his or her eligibility for UI benefits by enrolling in a state-sponsored substance abuse treatment program and undergoing a state-sponsored job skills assessment. The claimant remains eligible for benefits for each week the claimant is in full compliance with any requirements of the substance abuse treatment program and job skills assessment.

The bill also requires DWD to promulgate rules to identify occupations for which drug testing is regularly conducted in this state and to apply the above provisions for claimants for whom suitable work is only available in one of the occupations identified by DWD.

In addition, the bill allows an employing unit to voluntarily submit to DWD the results of a drug test that was conducted on an individual as preemployment screening or that an individual declined to submit to such a test. If the results of the test indicate that the individual has tested positive for one or more controlled substances without a valid prescription, or if the individual declined to submit to such a test, the bill provides that there is a presumption, rebuttable as provided in rules promulgated by DWD, that the claimant has failed to accept suitable work when offered. If the presumption is not rebutted, the claimant is ineligible for UI benefits as if the claimant had tested positive in or declined to submit to a drug test conducted by DWD, beginning with the week in which DWD receives the report.

***** ANALYSIS FROM -0999/P1 *****

Current law places various conditions upon the receipt of UI benefits, including that claimants conduct a reasonable search for suitable work and that claimants accept suitable work when offered. Current law does not define suitable work, but DWD has defined it by rule to mean work that is reasonable considering the claimant's training, experience, and duration of unemployment as well as the availability of jobs in the labor market. This bill specifically requires DWD to define by rule what constitutes suitable work for claimants, and requires that the rule specify different levels of suitable work based upon the number of weeks that a claimant has received benefits in a given benefit year.

***** ANALYSIS FROM -0998/P1 *****

Current law establishes penalties for certain violations under the UI law, including for knowingly making a false statement or representation to obtain UI benefits, for which the penalty is a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both. This bill instead provides that the penalties for knowingly making a false statement or representation to obtain UI benefits range from the penalties for a Class A misdemeanor to a Class G felony, depending on the value of the benefits obtained.

Separate from the criminal penalties described above, under current law, if a claimant for UI benefits conceals any material fact relating to his or her eligibility for UI benefits or conceals any of his or her wages or hours worked (act of concealment), the claimant is ineligible for benefits in an amount ranging from two to eight times the claimant's weekly benefit rate and is liable for an additional administrative penalty in an amount equal to 15 percent of the benefit payments erroneously paid to the claimant. This bill raises the administrative penalty described above to an amount equal to 40 percent of the benefit payments erroneously paid to the claimant.

***** ANALYSIS FROM -0610/P3 *****

WORKERS COMPENSATION

Under current law, DWD performs certain administrative functions relating to worker's compensation. Those administrative functions include enforcement of the requirement that employers are insured for their worker's compensation liability; granting exemptions from that duty to insure to self-insured employers; and administering certain funds, from which DWD pays benefits to the injured employees of insolvent self-insured employers, the injured employees of uninsured employers, and certain injured employees with permanent total disability. This bill transfers the administrative functions of DWD relating to worker's compensation to OCI.

Under current law, DWD performs certain adjudicatory functions relating to worker's compensation. Those adjudicatory functions include adjudicating disputed worker's compensation claims, adjudicating health care fee disputes, and adjudicating necessity of treatment disputes. This bill transfers adjudication of disputed worker's compensation claims to the Division of Hearings and Appeals in DOA (DHA) and adjudication of fee and necessity of treatment disputes to OCI. The bill also permits DHA to record testimony by electronic means rather than by a stenographer and to provide notices by electronic delivery in addition to providing notices by mail.

***** ANALYSIS FROM -0452/2 *****

Under current law, an injured employee who is receiving the maximum weekly worker's compensation benefit for total disability resulting from an injury that occurred before January 1, 2001, is entitled to receive certain supplemental benefits in addition to the employee's regular benefits. Those supplemental benefits are payable in the first instance by the employer or insurer, but the employer or insurer then is entitled to reimbursement for those supplemental benefits paid from the work injury supplemental benefit (WISB) fund, which is a fund that, among other things, is used to pay supplemental worker's compensation to injured employees with permanent total disability.

This bill terminates reimbursement from the WISB fund for supplemental benefits paid by an employer or insurer beginning on the effective date of the bill and terminates reimbursement altogether for supplemental benefits paid for an injury that occurs on or after January 1, 2016. For supplemental benefits paid by an insurer for an injury that occurs before January 1, 2016, the bill provides that

reimbursement of those benefits is from the worker's compensation operations fund and not from the WISB fund.

Under current law, if an employee of an employer that is not insured for worker's compensation (uninsured employer) suffers an injury for which the uninsured employer is liable, DWD, from the uninsured employers fund, or, if DWD obtains excess or stop-loss reinsurance from a reinsurer, the reinsurer pays benefits to the injured employee that are equal to the worker's compensation owed by the uninsured employer.

This bill requires DWD to pay a claim of an employee of an uninsured employer in excess of \$1,000,000 from the uninsured employers fund in the first instance, but provides that if the claim is not covered by excess or stop-loss reinsurance, the secretary of administration annually must transfer from the worker's compensation operations fund to the uninsured employers fund an amount equal to the amount by which payments from the uninsured employers fund on all such claims in the prior year are in excess of \$1,000,000 per claim, subject to a \$500,000 annual limit on the amount that the secretary of administration may transfer.

***** ANALYSIS FROM -0921/P1 *****

Currently, a student of a public school or a private school who is performing services for an employer as part of a school work training, work experience, or work study program is considered to be an employee of a school district or private school that elects to name the student as an employee for purposes of worker's compensation coverage. This bill extends that coverage to a student of an institution of higher education who is performing those services and who is named as an employee by the institution.

***** ANALYSIS FROM -0944/P1 *****

JOB TRAINING

Under current law, DWD awards workforce training grants, commonly referred to as "Fast Forward grants," to public and private organizations for the training of unemployed and underemployed workers and of incumbent employees of businesses in this state. This bill permits an organization that is awarded a Fast Forward grant to use the grant for the hiring and training of apprentices.

***** ANALYSIS FROM -1241/P2 *****

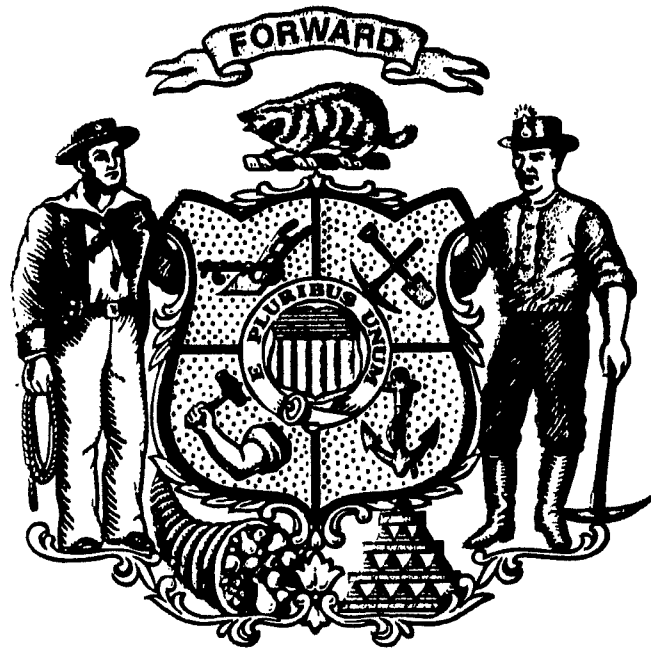
Current law requires DPI to award career and technical education incentive grants to school districts in the amount of \$1,000 per each pupil who, in the prior school year, obtained a diploma and successfully completed an industry-recognized certification program approved by DPI. This bill eliminates that grant program and instead permits DWD to provide grants to school districts for the development of programs that are designed to mitigate workforce shortages in industries and occupations that are experiencing a workforce shortage, as determined by DWD, and

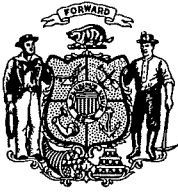
to assist pupils in graduating with industry-recognized certifications in those industries and occupations.

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

1

(END)





Handwritten initials and a signature.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: ???.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -1459/P2 ***

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, DNR administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA. In order to be eligible for PECFA reimbursement, a person must notify DNR of the discharge and the potential for submitting a PECFA claim. The state has issued revenue bonds, including variable rate revenue bonds, to pay a portion of the reimbursement provided under PECFA.

Under this bill, a person is not eligible for PECFA reimbursement for costs of cleaning up a discharge if the person does not notify DNR of the discharge and the potential for submitting a PECFA claim before February 3, 2015. Also under the bill, a person is not eligible for PECFA reimbursement for costs of cleaning up a discharge if the person does not submit a PECFA claim for those costs before July 1, 2017.

The bill requires the secretary of administration to ensure that an amount equal to the amount of any lapse from the petroleum inspection fund appropriation for PECFA reimbursement at the end of the 2015-17 biennium is used to retire variable rate revenue bonds issued for PECFA.

*** ANALYSIS FROM -1186/P5 ***

Handwritten note: clean-up

Handwritten mark: a stylized 'g' or 'q'.

Financial assistance is typically provided as a loan at a subsidized rate.

ENVIRONMENT

WATER QUALITY

Under the environmental improvement fund, this state provides financial assistance to local governmental units for certain projects. The environmental improvement fund is made up of three programs: the clean water fund program provides financial assistance for projects to control water pollution, such as sewage treatment plants; the safe drinking water loan program provides financial assistance for projects to construct or modify public water systems that help comply with national drinking water regulations; and the land recycling loan program provides financial assistance for projects to clean up contaminated land. The environmental improvement fund is jointly administered by the DOA and DNR.

As part of the biennial budget process, the DOA and DNR must prepare a biennial finance plan that includes an estimate of the present value of the subsidies for all financial assistance that will be made under these programs for the fiscal biennium. The legislature then sets a limit, in the budget act for the biennium, on the present value of the subsidies that may be provided during that biennium. For financial assistance such as a loan at a subsidized interest rate, the present value subsidy represents the cost in today's dollars to provide 20 years of subsidy for the financial assistance provided in the current biennium, and is intended to equal the amount the state would expend, but not be repaid, for a given project if the entire subsidy were provided in the year the loan was made. For financial assistance that is not paid out over time or repaid, such as a financial hardship assistance grant under the clean water fund program, the present value subsidy is the amount of the grant. The present value subsidy limit acts as a cap on all financial assistance that may be provided through these programs during the biennium.

This bill eliminates the present value subsidy limit. Under the bill, the DOA and DNR are not required to estimate the present value subsidy in the biennial finance plan, and the legislature does not set a present value subsidy limit for these programs for the biennium.

Instead, under the bill, the biennial finance plan must contain the amount DOA determines will be available to provide financial assistance for projects under these programs during the biennium. The legislature does not set a limit on how much financial assistance may be provided in a biennium. During the biennium, if a sufficient amount is available to provide financial assistance for a project, that amount must be allocated for the project.

Currently, the interest rates for subsidized loans provided under the environmental improvement programs are based on percentages of the market interest rate. Under current law, the market interest rate is the interest rate on a fixed-rate revenue obligation issued by the state. Under this bill, if interest rates have changed significantly between the time that a fixed-rate revenue obligation is issued and the date financial assistance is allocated, or if no fixed-rate revenue obligation is issued, then the DOA may set the market interest rate at the rate the DOA determines would have applied if a fixed-rate revenue obligation had been issued on the date the financial assistance was allocated.

As part of the budget process, DOA and DNR must still prepare a biennial finance plan, which under this bill must include the amount DOA determines will be available to provide financial assistance for projects under these programs during the biennium.

Under current law, the

amount of subsidy
is called the present value subsidy limit, which has the effect of limiting the amount of

under these programs

Under the clean water fund program, financial assistance may only be provided to construct water systems in an unsewered municipality if at least two-thirds of the initial flow from the new system will be for wastewater from residences that have been in existence since October 17, 1972. This bill instead requires at least two-thirds of the initial flow to be from wastewater from residences in existence for at least 20 years.

In addition, connection laterals and sewer lines that transport wastewater from structures to municipally owned or individually owned wastewater systems are not currently eligible for financial assistance under the clean water fund program. *Under this bill may* This bill creates an exception that allows connection laterals and sewer lines to be eligible for financial assistance if water other than wastewater is entering the connection lateral or sewer line from below-ground or above-ground sources and is being transported from a nonindustrial structure in a way that may interfere with a publicly owned treatment work's compliance with a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. *wastewater discharge and interfering*

This bill also provides that, if an amount has been allocated for a project under the clean water fund program, but no amount has been distributed for the project by the end of the fiscal year immediately following the biennium when the application was submitted, the allocation is rescinded, and the applicant must reapply.

Currently, only local governmental units are eligible under the safe drinking water loan program for loans to construct or modify a public water system, which is a system that provides piped water to the public. This bill extends eligibility to private owners of community water systems and nonprofit noncommunity water systems. A community water system is a public water system of a certain size; a noncommunity water system is a public water system that is smaller than a community water system. Under this bill, these private owners are subject to many of the same requirements as local governmental units that apply for loans under the safe drinking water loan program, including complying with the federal safe drinking water act, although private owners are not required to adopt a water conservation program, a maintenance program, or a user fee system.

This Finally, this bill increases the general obligation bonding authority for the safe drinking water loan program by \$7,500,000 for the 2015-17 biennium.

*** ANALYSIS FROM -0456/1 ***

ENVIRONMENT

WATER QUALITY

expands this eligibility to sediment removal projects in

Current law authorizes DNR to pay a portion of the costs of a project to remove contaminated sediment from Lake Michigan or Lake Superior, or a tributary of either lake, if the project is in a body of water that DNR has identified under the federal Clean Water Act as being impaired and the impairment is caused by contaminated sediment. This bill authorizes DNR to pay a portion of the costs of a project to remove contaminated sediment from any waters of the state, if the project is in a body of water that DNR has identified under the federal Clean Water Act as being impaired and the impairment is caused by contaminated sediment.

This bill also increases the general obligation bonding authority for sediment removal projects by \$5,000,000.

✓ *certain businesses or nonprofit organizations whose water systems are used by members of the public*

***** ANALYSIS FROM -0545/1 *******ENVIRONMENT****WATER QUALITY**

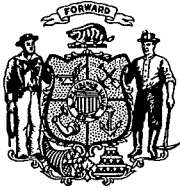
Under current law, DNR administers a program that provides financial assistance for projects that control pollution that comes from diffuse sources rather than a single concentrated discharge source (nonpoint source water pollution) in areas that qualify as high priority due to water quality problems. DNR also provides financial assistance for animal feeding operations to implement best management practices for animal waste management. This bill increases the general obligation bonding authority for these programs by \$7,000,000.

***** ANALYSIS FROM -0546/1 *******ENVIRONMENT****WATER QUALITY**

Under current law, DNR administers programs that provide financial assistance for projects that manage urban storm water and runoff and for flood control and riparian restoration projects. This bill increases the general obligation bonding authority for these programs by \$5,000,000.

For further information see the *state and local* 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:



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: ???.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -1459/P2 ***

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, DNR administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA.

Under this bill, a person is not eligible for PECFA reimbursement for costs of cleaning up a discharge if the person does not notify DNR of the potential for submitting a PECFA claim before February 3, 2015. Also under the bill, a person is not eligible for PECFA reimbursement for clean-up costs if the person does not submit a PECFA claim for those costs before July 1, 2017.

*** ANALYSIS FROM -1186/P5 ***

WATER QUALITY

Under the environmental improvement fund, this state provides financial assistance to local governmental units through three programs: the clean water fund program provides financial assistance for projects to control water pollution, such as sewage treatment plants; the safe drinking water loan program provides financial assistance for projects to construct or modify public water systems that help comply with national drinking water regulations; and the land recycling loan program provides financial assistance for projects to clean up contaminated land. The environmental improvement fund is jointly administered by DOA and DNR. Financial assistance is typically provided as a loan at a subsidized rate.

Under current law, the legislature sets a limit, in the budget act for the biennium, on the amount of subsidy that may be provided during that biennium, called the present value subsidy limit, which has the effect of limiting the amount of financial assistance that may be provided through these programs during the biennium.

This bill eliminates the present value subsidy limit. Under the bill, the legislature does not set a limit on how much financial assistance may be provided in a biennium. During the biennium, if a sufficient amount is available to provide financial assistance for a project under these programs, that amount must be allocated for the project. As part of the budget process, DOA and DNR must still prepare a biennial finance plan, which under this bill must include the amount DOA determines will be available to provide financial assistance for projects under these programs during the biennium.

Under the clean water fund program, financial assistance may only be provided to construct water systems in an unsewered municipality if at least two-thirds of the initial flow from the new system will be for wastewater from residences that have been in existence since October 17, 1972. This bill instead requires at least two-thirds of the initial flow to be from wastewater from residences in existence for at least 20 years.

In addition, connection laterals and sewer lines that transport wastewater from structures to municipally owned or individually owned wastewater systems are not currently eligible for financial assistance under the clean water fund program. Under this bill, connection laterals and sewer lines may be eligible if water other than wastewater is entering the connection lateral or sewer line and interfering with a publicly owned treatment work's compliance with a wastewater discharge permit.

This bill also provides that, if an amount has been allocated for a project under the clean water fund program, but no amount has been distributed for the project by the end of the fiscal year immediately following the biennium when the application was submitted, the allocation is rescinded, and the applicant must reapply.

Currently, only local governmental units are eligible under the safe drinking water loan program. This bill extends eligibility to certain businesses or nonprofit organizations whose water systems are used by members of the public.

This bill also increases the general obligation bonding authority for the safe drinking water loan program by \$7,500,000 for the 2015–17 biennium.

***** ANALYSIS FROM -0456/1 *****

Current law authorizes DNR to pay a portion of the costs of a project to remove contaminated sediment from Lake Michigan or Lake Superior, or a tributary of either lake, if the project is in a body of water that DNR has identified under the federal Clean Water Act as being impaired and the impairment is caused by contaminated sediment. This bill expands this eligibility to sediment removal projects in any waters of the state.

This bill also increases the general obligation bonding authority for sediment removal projects by \$5,000,000.

***** ANALYSIS FROM -0545/1 *****

Under current law, DNR administers a program that provides financial assistance for projects that control pollution that comes from diffuse sources rather than a single concentrated discharge source (nonpoint source water pollution). This bill increases the general obligation bonding authority for these programs by \$7,000,000.

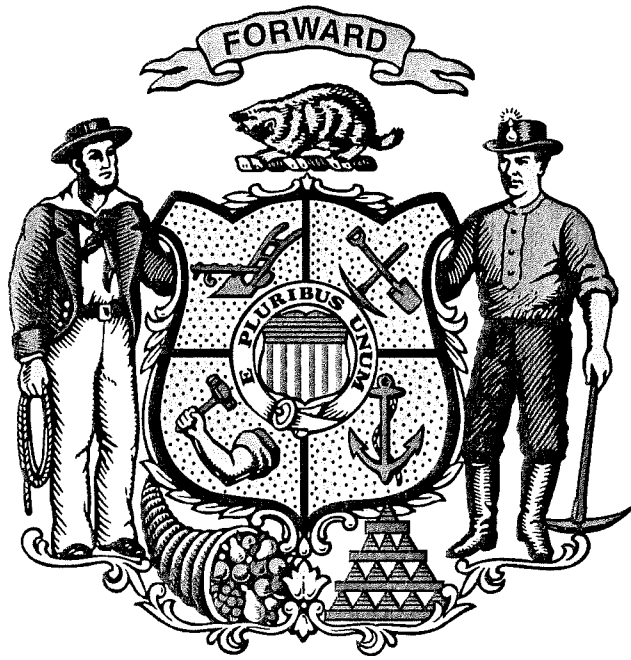
***** ANALYSIS FROM -0546/1 *****

Under current law, DNR administers programs that provide financial assistance for projects that manage urban storm water and runoff and for flood control and riparian restoration projects. This bill increases the general obligation bonding authority for these programs by \$5,000,000.

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

1

(END)





TJD, PJK, EHS, SWB, GMM, MED

State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1526/P1

.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

KJF

1 AN ACT ...; relating to: ???.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0350/4 ***

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DCF administers various work experience programs. The Transform Milwaukee Jobs program in Milwaukee County and the Transitional Jobs program outside of Milwaukee County, provide work experience for unemployed individuals by providing a subsidy for wages and other employment expenses to employers that employ the individuals. Under the Wisconsin Works (W-2) program, DCF may provide job search assistance, placement in a subsidized job, or a stipend for up to four months to a noncustodial parent who would be eligible for W-2 except that he or she is not a custodial parent, if the noncustodial parent is subject to a child support order and the custodial parent of the noncustodial parent's child is a participant in W-2. Also under current law, DCF may contract with any county, tribal governing body, or W-2 agency to administer a work experience and job training program for noncustodial parents who have failed to pay child support due to unemployment or underemployment. Such individuals may be ordered by a court to register for a work experience and job training program.

which

certain noncustodial parents

This bill requires every individual who applies to participate in the Transform Milwaukee Jobs program or the Transitional Jobs program, who applies for W-2 services and benefits for noncustodial parents, or who applies for or is ordered by a court to register for a work experience and job training program (collectively, a

program), to complete a questionnaire that screens for the abuse of a controlled substance. If, based on the answers to the questionnaire, DCF or the agency with which DCF has contracted to administer a program determines that there is a reasonable suspicion that an individual who is otherwise eligible for a program is abusing a controlled substance, the individual must undergo a test for the use of a controlled substance. If the test results are positive and the individual does not present satisfactory evidence that he or she has a valid prescription for the controlled substance, the individual must participate in substance abuse treatment to remain eligible for a program. While the individual is undergoing treatment, he or she must submit to random testing for the use of a controlled substance, and the test results must be negative, or positive with evidence of a valid prescription, for the individual to remain eligible for a program. If any test results are positive and the individual does not have a valid prescription, the individual may begin treatment again one time and will remain eligible for a program as long as all test results are negative or positive with a valid prescription. If the individual completes treatment and tests negative, or positive with a valid prescription for the use of a controlled substance at the completion of treatment, he or she will have satisfactorily completed the substance abuse screening and testing and treatment requirements for the program.

administering agency with which DCF has contracted

, at the end of treatment,

Stays

*** ANALYSIS FROM -1152/P1 ***

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

within specified limits,

Under current law, DHS pays funeral, burial, and cemetery expenses for decedents who, during life, received certain public assistance benefits, such as Wisconsin Works benefits or Medical Assistance benefits, and whose estates at death are insufficient to pay those expenses. If an eligible decedent's total funeral and burial expenses do not exceed \$4,500, DHS pays the lesser of \$1,500 or the amount not paid by the decedent's estate and other persons; if the decedent's total cemetery expenses do not exceed \$3,500, DHS pays the lesser of \$1,000 or the amount not paid by the decedent's estate and other persons. This bill provides that, if an eligible decedent, or the decedent's spouse or another person, owns a life insurance policy insuring the decedent's life and the face value is more than \$3,000, any amount that DHS would otherwise pay for the decedent's funeral, burial, or cemetery expenses will be reduced by one dollar for each dollar that the insurance policy exceeds \$3,000.

W-2

The bill also requires DHS to pursue recovery of the amount of funeral, burial, and cemetery expenses aid provided on behalf of a decedent by making a claim in the decedent's estate and in the estate of the decedent's spouse. As with estate recovery for other types of public assistance benefits, DHS may recover from all property of the decedent or the decedent's spouse, and there is a presumption that all property in the spouse's estate was marital property held with the decedent and that 100 percent of the property in the spouse's estate is subject to the claim of DHS. Unlike estate recovery for other types of public assistance benefits provided to a decedent, however, the claim for funeral, burial, and cemetery expenses aid must be allowed even if the decedent in whose estate the claim is made has a surviving spouse or a surviving child who is under the age of 21 or disabled. Also unlike estate recovery for other types of public assistance benefits, DHS is not permitted to waive recovery

and

if DHS determines that recovering the amount paid on the decedent's behalf would work an undue hardship in a particular case.

Stays →

*** ANALYSIS FROM -1174/P5 ***

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals (recipients) to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments. The program is administered in this state by DHS. Under current law, DHS may require a recipient of SNAP benefits who is able and who is 18 to 60 years of age to participate in the FoodShare employment and training program (FSET) to be eligible for SNAP benefits, unless the recipient is participating in a Wisconsin Works employment position, is the caretaker of a child under the age of six years, or is enrolled at least half time in school or in a training program or an institution of higher education.

This bill requires DHS to submit to the secretary of the federal Department of Agriculture (USDA) a request for a waiver that would authorize DHS to screen and, if indicated, test participants in the FSET program for illegal use of a controlled substance without presenting evidence of a valid prescription. If the waiver is approved, DHS must then screen and, if indicated, test, in a manner approved by the USDA FSET participants for illegal use of a controlled substance without presenting evidence of a valid prescription. The bill also requires that if the amendments are approved in the 2015-17 fiscal biennium, DHS must address any future fiscal impact resulting from the requirements in its biennial budget request for the 2017-19 fiscal biennium.

Waiver is 1

Stays →

*** ANALYSIS FROM -0417/P3 ***

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Generally, under current law, to be eligible for a W-2 employment position and a job access loan, the total number of months in which an individual or an adult member of the individual's family has participated in or received benefits under certain W-2 programs may not exceed 60 months. A W-2 agency may extend this time limit if the agency determines that unusual circumstances exist that warrant an extension of the participation period. *length of time*

Under this bill, the time limit on participating in or receiving benefits under these W-2 programs is 48 months. The bill allows a W-2 agency to extend this time limit if it determines that the individual is experiencing hardship or that the individual's family includes an individual who has been battered or subjected to extreme cruelty.

Stays →

*** ANALYSIS FROM -0131/2 ***

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law provides, among other things, work experience and monetary benefits for low-income custodial parents who are at least 18 years old. W-2 provides work experience to participants through placement, depending on a participant's skills, training, and experience, in one of a number of different employment positions, including Trial Employment Match Program jobs, community service jobs, and transitional placements. Current law provides that a participant who refuses to participate in any employment position is ineligible to participate in W-2 for three months. This bill makes the following changes to the behaviors that constitute refusal to participate:

1. Currently, it is a refusal to participate if a participant expresses verbally or in writing that he or she refuses to participate. The bill removes this behavior as an option for demonstrating a refusal to participate.

2. Currently, it is a refusal to participate if a participant fails, without good cause, to appear for an interview with a prospective employer or if a participant in a transitional placement fails, without good cause, to appear for an assigned activity. The bill broadens the definition of "employer" to include a subsidized or unsubsidized employer or a work experience provider and makes it a refusal to participate to fail, without good cause, to appear for an interview with a prospective employer, including a work experience provider, for an assigned work activity, as defined under applicable federal law, or for an activity assigned by a W-2 agency.

3. Currently, it is a refusal to participate if a participant voluntarily leaves appropriate employment or training without good cause. The bill broadens the definition of "employment" to include subsidized or unsubsidized employment or an assigned work experience activity and makes a refusal to participate if a participant leaves, without good cause, appropriate employment or training or an appropriate assigned work experience activity or a work experience site.

4. Currently, it is a refusal to participate if a participant loses employment as a result of being discharged for cause. The bill makes it a refusal to participate if a participant is discharged from appropriate employment or training for cause or from a work experience site for cause.

*** ANALYSIS FROM -0351/1 ***

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Under the Wisconsin Works (W-2) program in current law, a W-2 agency pays a wage subsidy to an employer that employs an individual placed in a Trial Employment Match Program job. The subsidy amount is negotiated between the W-2 agency and the employer, but it may not be less than the federal or state minimum wage that applies to the individual. The employer must pay the individual at least the minimum wage that applies to the individual. Also under current law, DCF pays a wage subsidy to an employer that employs an individual participating in the Transform Milwaukee Jobs Program or Transitional Jobs Program. The subsidy amount is equal to the wages that the employer pays the individual for hours

whether subsidized or not

or with

← stays

4 Currently under W-2

W-2

actually worked, up to 40 hours per week at the federal or state minimum wage that applies to the individual. The employer must pay the individual not less than the applicable federal or state minimum wage for hours actually worked, but the employer may pay the individual more than the amount of the wage subsidy that DCF pays to the employer.

This bill authorizes a W-2 agency to negotiate with the employer of an individual in a Trial Employment Match Program job, and DCF to negotiate with the employer of an individual in a job under the Transform Milwaukee Jobs Program or Transitional Jobs Program, a wage subsidy amount that the W-2 agency or DCF will pay to the employer. The wage subsidy amount ^{that} may not be more than the minimum wage. The employer must still pay the individual for hours actually worked at not less than the federal or state minimum wage that applies to the individual.

Currently under W-2

stays → *** ANALYSIS FROM -0307/P2 ***

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under the W-2 program. This child care subsidy program is known as Wisconsin Shares.

Under current law, in all areas of the state except Milwaukee County, DCF must enter into a contract with a county department or agency to make an initial determination about whether individuals who are in a particular geographic region or who are members of a particular Indian tribal unit are eligible for the child care subsidies under Wisconsin Shares. Also under current law, the same county department or agency must administer Wisconsin Shares for that geographic region or Indian tribal unit. Current law requires DCF, to the extent practicable and with certain restrictions, to allocate funds for the administration of Wisconsin Shares in a geographic region or Indian tribal unit in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all statewide child care subsidy authorizations and eligibility redeterminations in the 12-month period prior to the start of the contract period.

Under this bill, DCF has the option to make child care subsidy eligibility determinations, to contract with a county department or agency to make these determinations, or to contract with a county department or agency to share in making these determinations. The bill clarifies that, if DCF contracts with a county department or agency for the eligibility determination function, DCF must allocate funds for this function under the contract. When allocating these funds, the bill allows DCF to take into consideration trends in applications, a county department's or agency's past eligibility determination expenditures, the respective portions of the eligibility determination function to be performed by DCF and the county department or agency, and any other factor DCF determines.

to

the bill requires

also

This bill also changes the funding allocation for the administration of Wisconsin Shares. The bill requires DCF to allocate funds for a county department's or agency's administration of Wisconsin Shares in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all funding allocated for eligibility determination functions. Alternatively, the bill allows DCF to elect to allocate these funds in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all children for whom a child care subsidy was issued in the most recent 12-month period for which applicable statistics are available prior to the start of the contract period.

stays → *** ANALYSIS FROM -0309/P1 ***

HEALTH AND HUMAN SERVICES

CHILDREN

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under the W-2 program.

Under current law, if a W-2 agency plans to take action against an individual who participates in W-2 that would result in a 20 percent or more reduction in the participant's benefits or in termination of the participant's eligibility to participate in W-2, the agency must provide written notice of the proposed action and reasons for the action and allow the participant a reasonable time after providing the notice to rectify the deficiency, failure, or other behavior to avoid the proposed action. This draft removes these notice and rectification requirements.

stays → *** ANALYSIS FROM -0416/P1 ***

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

2

Under current law, the Learnfare program requires school age children of Wisconsin Works (W-2) participants, with some exceptions, to meet certain school enrollment standards. Current law requires certain individuals who are subject to the school attendance requirement to participate in case management provided under the Learnfare program, including minor parents, habitual truants, and dropouts. This bill also requires a child who is subject to the school attendance requirement and whose W-2 group includes an individual who has been unable to participate in W-2 activities due to the child's school-related problems to participate in case management provided under the Learnfare program.

stays → *** ANALYSIS FROM -0308/2 ***

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the

following certain requirements to allow representation of

age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy under the part of the W-2 program known as Wisconsin Shares if the individual needs child care services to participate in various education or work activities and satisfies other eligibility criteria.

Under current law, DCF contracts with a person (W-2 agency) to administer W-2 in a geographical area. Within 60 days of being awarded a W-2 contract, a W-2 agency is required to establish a community steering committee to focus on job creation, job training, and other employment-related services for persons who are eligible for trial employment match program jobs or community service jobs. Current law requires the W-2 agency to recommend members of the committee to the chief executive officer (CEO) of each county the agency serves. Generally, the CEO of each county appoints members to the committee in proportion to the population of that county relative to the population of each other county served by the W-2 agency. A committee must have no less than 12 members and no more than 15 members.

who then

Under this bill, a W-2 agency appoints the members of a community steering committee. The bill requires a W-2 agency to appoint to the committee, for each county the agency serves, either one representative of a county department responsible for economic development or one representative of a city department responsible for the economic development for a city that is in the county. The bill requires a W-2 agency to appoint at least one representative of business interests as a member of the committee. The bill also increases the maximum number of members on a committee to 20, allows a W-2 agency to establish more than one committee, and makes changes to some of the required activities of a committee.

stays *** ANALYSIS FROM -1235/5 ***

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHS administers a demonstration project under the Medical Assistance (MA) program that provides health care coverage to low-income adults under the age of 65 who do not have children and who are not otherwise eligible for MA. The demonstration project operates under an approved waiver of federal law (DHS may impose an annual enrollment fee of up to \$75).

This bill requires DHS to submit to the secretary of the federal Department of Health and Human Services an amendment to the waiver that was already approved for the operation of the demonstration project that would authorize DHS to do all of the following under the demonstration project: 1) impose monthly premiums as determined by DHS; 2) impose higher premiums for enrollees who engage in behaviors that increase their health risks, as determined by DHS; 3) require a health risk assessment for all enrollees; 4) limit eligibility to no more than 48 months; and 5) require a drug screening assessment and, if indicated, a drug test as a condition of eligibility. DHS must implement any changes under the amendment that are approved. If the amendment is approved, in whole or in part, in the 2015-17 fiscal biennium, DHS must identify any costs incurred or savings resulting from the new requirements in the quarterly report on MA changes that DHS must submit to JCF under current law, as well as address any future fiscal impact resulting from the requirements in its biennial budget request for the 2017-19 biennium.

Under an approved waiver of federal law,

Insert MA (see p. 8)

(and 3) directing

move

move to p. 10

*** ANALYSIS FROM -1021/P1 ***

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

MA

The bill directs that the state share of payments for health care services that are appropriate to a school setting and provided in a school to children who are eligible for Medical Assistance in excess of a certain amount be deposited in the Medical Assistance trust fund and expended for reducing waiting lists for children's long-term care services and other children's services.

move to p 11 not 11

*** ANALYSIS FROM -1150/1 ***

stays

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

take out here and move to p. 7

insert MA

Currently, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health and long-term care services to individuals who have limited resources. To be eligible for certain MA programs, especially those providing long-term care services, including family care, an individual must satisfy certain income and asset requirements. This bill provides that, when determining or redetermining an individual's financial eligibility for an MA long-term care program, or any other MA program that counts assets for determining or redetermining financial eligibility, DHS must include as a countable asset a promissory note for which the individual or his or her spouse provided the goods, money loaned, or services rendered, that is entered into or purchased on or after the effective date of the 2015-17 budget act, that is negotiable, assignable, and enforceable, and that does not contain any terms making the note unmarketable. The bill provides that a promissory note is presumed to be negotiable and that its value is the outstanding principal balance at the time of the individual's application or redetermination of eligibility for MA, unless the individual shows by credible evidence from a knowledgeable source that the note is nonnegotiable or has a different current market value, which will then be considered the note's value.

Under current law, with certain exceptions, if an institutionalized, or noninstitutionalized, individual or his or her spouse transfers assets for less than fair market value on or after a specific date (which is generally 60 months before the individual applies for MA), the institutionalized or noninstitutionalized individual is ineligible for certain MA services for a specified period of time. This is commonly known as divestment.

Under current law, the purchase by an individual or his or her spouse of a promissory note, loan, or mortgage is a transfer of assets for less than fair market value that triggers a period of ineligibility for MA unless all of the following apply: the repayment term is actuarially sound; the payments are to be made in equal amounts during the loan's term with no deferral and no balloon payment; and the loan's terms prohibit cancellation of the balance upon the death of the lender. This bill provides that the entering into or purchase of a promissory note by an individual or his or her spouse, on or after the effective date of the 2015-17 budget act, is a transfer of assets for less than fair market value that triggers a period of ineligibility for MA unless all of the following apply to the promissory note: it satisfies the

no

move up

if it

enters into or purchases a promissory note

previously stated requirements under current law; and it is negotiable, assignable, and enforceable and does not contain any terms making the note unmarketable.

stays → *** ANALYSIS FROM -1009/P1 ***
HEALTH AND HUMAN SERVICES

MA
MEDICAL ASSISTANCE

↓
Currently, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Some services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus (BC+) program. *for three months*

Under current law, certain individuals are ineligible for BC+ while they have access to certain health insurance coverage during specified time periods. Under current law, the following individuals who had health insurance coverage but no longer have the coverage are ineligible for BC+ for three months following the month in which the insurance coverage ended without a good cause reason: individuals with a family income that exceeds 150 percent of the federal poverty line (FPL); unborn children or mothers of unborn children; certain pregnant women; and adults who are not disabled and not pregnant and whose family income exceeds 133 percent of the FPL. The following individuals are also subject to three months of ineligibility under current law if the federal Department of Health and Human Services approves: individuals who are not disabled and who are children of an individual whose family income is at a level determined by DHS but no lower than 133 percent of the FPL; adult parents or adult caretaker relatives who are not disabled and not pregnant and whose family income is at a level determined by DHS but no lower than 100 percent of the FPL; and adults who are not disabled, who are under 26 years of age and eligible for coverage under a parent's coverage from an employer, and whose family income is at a level determined by DHS but no lower than 100 percent of the FPL. This bill eliminates the three months of ineligibility for all of those individuals whose access to other health insurance has ended.

Certain other

stays → *** ANALYSIS FROM -0381/P3 ***
HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Currently, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Under current law, DHS is required to pay allowable charges to certified providers for medical assistance on behalf of eligible recipients for certain federally mandated benefits and other additional services.

Under the bill, licensed midwife services are added as a benefit covered under the MA program subject to federal approval. As used in this bill, a "licensed midwife" refers to a certified professional midwife as distinguished from a nurse-midwife, whose services are already included as a federally mandated benefit.

stays → *** ANALYSIS FROM -1230/P1 ***

HEALTH AND HUMAN SERVICES

Subject to **MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES**

any necessary federal approval of this
The bill adds substance abuse treatment services provided by a medically monitored treatment service or a transitional residential treatment service to other mental health and substance abuse treatment services paid for currently under the Medical Assistance program.

***** ANALYSIS FROM -1257/P2 *****

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHS carries out a statewide immunization program to eliminate certain diseases specified by the department. With limited exceptions, school-age students, as well as children admitted to any nursery school or child care center must present evidence that he or she has received the immunizations required for his or her age group. Under current law, any person who immunizes an individual must maintain certain records regarding the immunization. DHS must prescribe the mechanisms for implementing the immunization program and monitoring compliance. DHS has established a computerized database for information relating to immunizations called the Wisconsin Immunization Registry. This bill requires a pharmacy or pharmacist that gives a vaccine to a person age 6 to 18 years of age to update the Wisconsin Immunization Registry within 24 hours of administering the vaccine.

MEDICAL ASSISTANCE

Currently, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Under current law, DHS is required to pay allowable charges to certified providers for Medical Assistance on behalf of eligible recipients for certain federally mandated benefits and other additional services. This bill requires, subject to federal approval of an amendment to the state Medical Assistance plan, DHS to provide Medical Assistance reimbursement to pharmacists who meet certain requirements specified by DHS for administering vaccines to people 6 to 18 years of age.

***** ANALYSIS FROM -1343/P2 *****

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Currently, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. This bill requires DHS to increase the MA reimbursement rate in Brown, Polk, and Racine counties to providers of pediatric dental care and adult emergency dental services, if DHS receives any necessary federal approval for the increased rate.

***** ANALYSIS FROM -1288/P2 *****

The bill makes additional changes to the MA program, including: 1) requiring

licensed midwife services as well as

MA

move up

NOTE

move

also

MA

insert -1021/P1 burning dots from p. 8

2) allocating

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

The bill allocates moneys for the fiscal biennium for DHS to make supplemental payments to certain hospitals that have a disproportionate share of low-income patients and sets specifications for those payments.

*** ANALYSIS FROM -0311/P4 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, monthly subsidized guardianship payments may be made to the guardian of a child who has been adjudged to be in need of protection or services if certain additional conditions have been met. In addition, current law permits DCF to provide payments to the adoptive or proposed adoptive parents of a child with special needs to assist in the cost of care of the child when DCF determines that those payments are necessary to assure the child's adoption (adoption assistance). Subject to certain exceptions, subsidized guardianship payments and adoption assistance end when the child attains 18 years of age.

This bill permits subsidized guardianship payments to be made or adoption assistance to be provided until a child attains 21 years of age if the child is a full-time student at a secondary school or its vocational or technical equivalent (full-time student), an individualized education program (IEP) is in effect for the child, and the subsidized guardianship agreement or adoption assistance agreement for the child became effective on or after the date on which the child attained 16 years of age. (An IEP is a written statement for a child with a disability developed by an IEP team appointed by the child's local educational agency that includes, among other things, the child's level of academic achievement and functional performance, measurable goals for the child, the special education and related services to be provided to the child, and how the child's progress toward attaining those goals will be measured.)

Under current law, monthly kinship care payments may be made to a relative of a child (kinship care relative) who is providing care and maintenance for the child if certain additional conditions have been met. Kinship care payments generally end when the child attains 18 years of age, except under certain exceptions including an exception under which kinship care payments may be made until a child attains 21 years of age if the child is a full-time student and an IEP is in effect for the child.

This bill, in addition, requires, as a condition for eligibility for kinship care payments for a child under 21 years of age who is a full-time student and for whom an IEP is in effect, that the child be placed in the home of the kinship care relative under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or under a voluntary transition-to-independent-living agreement, which is an agreement under which such a child may continue in out-of-home care and receive services to assist him or her in transitioning to independent living until the child attains 21 years of age, is granted a high school or high school equivalency diploma, or terminates the agreement, whichever occurs first.

Insert 1021 from P. 8

setting

now

that those

under that exception

over 18 years of age

the child

an additional

Under current law, a permanency plan must be prepared for a child who is placed outside the home under a juvenile court order or under a voluntary agreement. (A permanency plan is a plan designed to ensure that a child who is placed outside the home is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability.)

This bill requires a permanency plan to be prepared for a child who is placed outside the home under a voluntary transition-to-independent-living agreement. The bill also, with respect to voluntary transition-to-independent-living agreements: 1) requires the juvenile court, by no later than 180 days after the date of the agreement, to determine whether placement of the child in out-of-home care under the agreement is in the best interests of the child; 2) provides that if DCF, DOC, or a county enters into such an agreement with a child, the agreement must specifically state that DCF, DOC, or the county has placement and care responsibility for the child and has primary responsibility for providing services to the child; and 3) ~~creates an appeal procedure under which any person who is aggrieved by the failure of an agency to enter into such an agreement or by an agency's termination of such an agreement has the right to a contested case hearing under the state administrative procedures laws. In addition, the bill requires DCF to promulgate rules governing the provision of subsidized guardianship payments, kinship care payments, and adoption assistance any child 18 years of age or over for whom such payments or assistance is provided.~~

an agency's

grants to

Under current law, subject to certain exceptions, a facility where five or more adults who do not require care above intermediate level nursing care reside and receive care, treatment, or services that are above the level of room and board must be licensed as a community-based residential facility (CBRF). This bill provides that a facility licensed as a foster home, group home, or residential care center for children and youth (facility) that provides care and maintenance for a person 18 years of age or over, but under 21 years of age, who is placed in the facility under an order of the juvenile court ~~that terminates after the person attains 18 years of age, under a voluntary transition-to-independent-living agreement, or under the placement and care responsibility of another state is not required to also be licensed as a CBRF.~~

stays but change to IP2

~~*** ANALYSIS FROM -0301/1 ***~~

~~This bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to design an official "Made in Wisconsin" logotype for use with products, other than cheese, manufactured in Wisconsin using materials produced in Wisconsin. Under the bill, DATCP must promulgate rules that implement the bill's requirements and that define what constitutes a product manufactured in Wisconsin using materials produced in Wisconsin to qualify for use of the "Made in Wisconsin" logotype. The bill makes it an unfair trade practice for any person to affix to or display in connection with a product the words "Made in Wisconsin" except as provided in the rules promulgated by DATCP under the bill.~~

~~This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.~~

*** ANALYSIS FROM -0305/P1 ***

Insert GMM

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DCF, a county, or an agency contracted with to certify child care providers must require any person applying for issuance, continuation, or renewal of a child care provider license, certificate, or contract to complete a background information form. This bill requires DCF, a county, or a contracted agency to require a person applying for issuance of a child care provider license, certificate, or contract to complete a background information form, but exempts these persons from completing such a form when applying to continue or renew a license, certification, or contract.

Under current law, every four years an entity that provides care for children must require all of its caregivers and nonclient residents to complete a background information form provided by DCF, except that a child care provider must require the form to be completed every year. This bill changes this exception by exempting child care providers from the four-year requirement and instead obligating them to require any new caregiver or nonclient resident to complete the form.

exempts

obligates

*** ANALYSIS FROM -1073/P1 ***

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHS administers the Senior Care program, which provides assistance to the elderly in the purchase of prescription drugs. To be eligible for Senior Care, a person must be a resident of the state, be at least 65 years of age, not be a recipient of prescription drug coverage through Medical Assistance, have a household income that does not exceed 240 percent of the federal poverty line, and pay a program enrollment fee. This bill adds as a requirement for eligibility for Senior Care that the person must apply for and, if eligible, enroll in Medicare Part D, which is a federal prescription drug assistance program.

*** ANALYSIS FROM -1258/P1 ***

stays

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHS must, by the first October 1 after the start of each fiscal year, estimate the total amount of its expenditures for department operations for that fiscal year. Based on that estimate, DHS assesses certain health care providers, other than hospitals and ambulatory surgery centers, for the estimated total amount, less certain amounts received for administrative purposes. This bill eliminates the authorization for DHS to charge assessments to health care providers.

Insert TJD

*** ANALYSIS FROM -1074/P2 ***

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Currently, a law enforcement officer or certain other persons, in counties other than Milwaukee County, may take an individual into custody for emergency detention if the officer or other person has cause to believe that the individual is

mentally ill, drug dependent, or developmentally disabled, and that the individual shows other evidence of the standards for emergency detention. The county department of community programs in the county in which the individual was taken into custody must approve the need for detention, and for evaluation, diagnosis, and treatment if permitted, before the law enforcement officer or other person delivers the individual to the detention facility. In Milwaukee County, currently, the law enforcement officer or other person must sign a statement of emergency detention and delivers the statement of emergency detention along with the individual to the detention facility. The treatment director of the facility must determine whether the individual is detained or detained, evaluated, diagnosed, and treated. After a detention of up to 72 hours, the treatment director determines whether the individual is eligible for involuntary commitment. If involuntary commitment is appropriate, the treatment director files the statement of detention with the court. Currently, a pilot program in Milwaukee County grants authority for a treatment director or treatment director designee to take an individual into custody for emergency detention under the same standards as a law enforcement officer. In the pilot program, "treatment director" also includes a physician or psychologist who is an employee of or contractor of the Milwaukee County Behavioral Health Division and who actively assumes clinical responsibility for providing emergency care. Once a treatment director takes an individual into custody for emergency detention under the pilot program, the procedure is similar to that of other emergency detentions in Milwaukee County.

↑ for certain
Physicians
or Psychologists

This bill eliminates the emergency detention procedure and the pilot program in Milwaukee County and applies the existing procedure for emergency detentions in other counties to Milwaukee County. The bill adds that a physician who has completed a residency in psychiatry, a psychologist, or a licensed mental health professional must perform a crisis assessment on the individual and agree with the need for detention in order for the county department to approve the detention.

stays

***** ANALYSIS FROM -1282/P2 *****

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

***** ANALYSIS FROM -0596/P4 *****

← stays

HEALTH AND HUMAN SERVICES

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Under current law, DHS is required to distribute moneys for community aids, which includes community social, mental health, developmental disabilities, and alcohol and other drug abuse services; for the Alzheimer's family and caregiver support program; for the family support program; for the mental health community support program; to county departments of social services, human services, community programs, and developmental disabilities; and to county aging units. The source of these moneys to be distributed is federal revenue and general purpose revenue (GPR). The bill consolidates moneys from other appropriations and allocates moneys for community mental health services to be paid from the GPR appropriation that pays for community aids.

In addition, the bill transfers oversight of tattooing, body piercings and tanning from DHS to the new Department of Financial Institutions and Professional Standards.

Under current law, if a skilled nursing facility or an intermediate care facility is found to meet the classification of an institution for mental diseases, DHS must pay for care in the community or in that institution for mental diseases for individuals meeting certain criteria. Current law also requires DHS to pay for relocations of certain individuals who have mental illness to the community. The bill eliminates both of these requirements.

*** ANALYSIS FROM -0602/P4 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

The bill transfers oversight of restaurants, lodging, and recreation from DHS, which currently regulates those areas, to DATCP.

*** ANALYSIS FROM -0313/2 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, DCF must certify to DOR, for purposes of collection through intercepting state income tax refunds, delinquent payments of child support, family support, maintenance, past support, medical expenses, birth expenses, and centralized receipt and disbursement fees, which must be paid annually by persons who are obligated to pay support or maintenance. These certifications by DCF must be made for cases in which the payee is receiving services under DCF's child and spousal support and establishment of paternity and medical support liability program or in which the state is a real party in interest as specified under current law. This bill provides that DCF must also, at least annually, certify to DOR delinquent payments of centralized receipt and disbursement fees that are owed in cases not involving persons receiving services from county child support agencies.

*** ANALYSIS FROM -0020/1 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, if a person who owes child support under a court order (obligor) is delinquent in the payment of support, the amount of the delinquent support is entered on the statewide support lien docket and becomes a lien in favor of the DCF. DCF may enforce the lien by sending a notice of levy to a financial institution at which the obligor has an account, instructing the financial institution to prohibit the closing of or withdrawals from the account. DCF may also send to a financial institution a request from another state to enforce a child support lien in favor of the other state, along with a certification that any due process requirements have been met in the other state and a request that the financial institution send the amount specified in the request directly to the other state, as well as the address to which the funds must be sent. Under this bill, in addition to sending child support to another state to enforce the other state's lien in response to a request sent by DCF, a financial institution is required to honor a notice of levy or request to enforce a lien in favor of another state that it receives directly from the other state or a child support agency in the other state, along with a certification by the other state that any due process requirements have been met in the other state. The financial

Person

by all other persons not already subject to the certifications

institution must send the amount specified in the notice or request, up to the amount contained in the obligor's account or accounts minus the financial institution fees and estimated levy fees and costs. According to DCF, requiring financial institutions to honor levies in favor of other states that are sent directly by the other states is necessary to comply with federal law.

*** ANALYSIS FROM -0434/P2 *** ← stays

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, DWD assists individuals with disabilities in gaining employment through its vocational rehabilitation (VR) program, which is funded through a combination of state and federal matching dollars. In addition, DWD receives certain moneys from the federal government as reimbursement for the fact that individuals who gain employment with assistance from the VR program no longer receive certain benefits from social security. DWD must allocate \$600,000 of those reimbursement dollars and, using the moneys so allocated, make grants to independent living centers for providing nonresidential services to severely disabled individuals. Also under current law, DHS must make general purpose revenue (GPR)-funded grants to independent living centers for providing nonresidential services to severely disabled individuals. An independent living center, in order to receive a grant from either DWD or DHS, must comply with certain requirements under state and federal law.

Also, under federal law, states may receive financial assistance for purposes including providing, expanding, and improving independent living services.

This bill, instead of requiring that DWD allocate \$600,000 in social security reimbursement funds to provide these grants, requires DWD to transfer \$600,000 of those moneys to DHS and allows DHS to provide grants using those moneys, as well as the federal independent living center financial assistance moneys. Consequently, the bill requires that DHS make grants to independent living centers using a combination of GPR moneys, moneys transferred from DWD, and moneys received from the federal government for independent living services.

For further information see the *state and local* 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:



State of Wisconsin
2015 - 2016 LEGISLATURE

Insert

Insert GMM

LRB-1301/P2
GMM:cmh:rs

XXX ANALYSIS FROM - 1301/P2 XXX

DOA:.....Major, BB0456 - Services for youth victims of sex trafficking

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES
CHILDREN

Under current law, if an agency to which a report of child abuse is made determines that a child is in need of services, the agency must offer to provide appropriate services or make arrangements for the provision of services. This bill appropriates general purpose revenues to DCF to purchase or provide treatment and services for children who are the victims of sex trafficking. The bill requires DCF, within the availability of funding appropriated for that treatment and those services, to ensure that that treatment and those services are available to children in all geographic areas of the state, including both urban and rural communities.

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:

SECTION 1. 20.437 (1) (e) of the statutes is created to read:

20.437 (1) (e) *Services for sex-trafficking victims.* The amounts in the schedule for treatment and services for sex-trafficking victims under s. 48.48 (19).

Such

That

✓ create burning dots
IP2

1

INSERT TJD (this analysis would be for LRB-1461)

X Currently, DHS administers community-based, long-term care programs including: the Family Care program which provides long-term care to frail elders or adults with physical or developmental disabilities in certain counties; the self-directed services option known as IRIS; the Community Options Program (COP); and the Family Care Partnership Program (FCPP) and the Program of All-Inclusive Care for the Elderly (PACE). In addition to long-term care services, FCPP and PACE also provide primary and acute health care services.

X Family Care currently operates under a waiver of federal Medicaid law and is funded jointly by the federal government and the state MA program. A care management organization (CMO) enrolls individuals in the Family Care program and administers the Family Care benefit under a contract with the DHS. DHS may contract with a county, a long-term care district, a governing body of a tribe or band or the Great Lakes Inter-Tribal Council, a joint association of those entities, or a private organization to be a CMO.

The bill requires DHS to obtain the necessary federal approval to implement changes to Family Care, FCPP, and PACE including all of the following changes: eliminating long-term care districts; allowing DHS to add primary and acute health care services to the Family Care benefit, allowing CMOs to provide services statewide and not only in a specified geographic area; allowing DHS to contract with any applicants that it certifies as meeting the requirements to be a CMO and eliminates the requirement that DHS solicit proposals for contracts; generally allowing Family Care enrollees to switch CMOs only in an open enrollment period; and requiring administration of Family Care statewide. The bill eliminates the separate IRIS program but specifies that individuals may self-direct their services within the Family Care program. The bill also eliminates the requirement that CMOs obtain a permit from OCI but specifies that when the Family Care program begins to operate statewide CMOs are insurers and may be regulated as insurance by OCI. Once Family Care operates statewide, DHS is allowed to discontinue enrollment in certain other long-term care programs as specified in the bill.

Resource centers currently provide information and referral services among other functions, including determining eligibility and assisting individuals to enroll in a CMO. Currently, resource centers are required to provide all services specified by law. The bill allows DHS to contract with a resource center or a private entity for some or all of the services. The bill also eliminates the requirement that a resource center has a governing board and eliminates the requirement to create long-term care advisory committees.

COP is one of the programs that DHS may discontinue once Family Care is available. The bill also creates a Children's Community Options Program (Children's COP) that provides long-term community support services to individuals up to age 22 who have a disability. Children who seek services are assessed for Children's COP and a county department or private nonprofit agency will create a case plan and arrange for services. The bill requires DHS to create a

x scale for assessment of a fee for Children's COP based on ability to pay. DHS seeks a waiver of federal Medicaid law to obtain federal funding for Children's COP. The bill eliminates the Family Support Program. S

END INSERT TJD



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

One East Main Street, Suite 200
P.O. Box 2037
Madison, WI 53701-2037
www.legis.state.wi.us/lrb/

Legal Section: (608) 266-3561
Legal Fax: (608) 264-6948
Library Circulation: (608) 266-7040
Reference Section: (608) 266-0341
Reference Fax: (608) 266-5648

Richard A. Champagne
Chief

MEMORANDUM

To: Legal and Administrative Services Teams
From: Cathlene
Date: January 29, 2015
Subject: Analysis Editing

General Procedure: Refer to the Budget Work Schedule memo for a discussion of the editing procedure. If a draft you included in your subject heading analysis in-list has more than one subject heading, remove the material that does not belong under your subject heading.

Editing of Text: Remove, replace, reorder, or rewrite your material as needed. Put your material in satisfactory form to improve the readability of the entire document. In the compile, retain LRB numbers for each draft included. We will remove the numbers when we compile all of the subject heading analyses.

Subheadings: Due to changes in the content of the budget bill, you may have to delete some subheadings, add new subheadings, or regroup subheadings. Generally, if a subheading has only one or two short drafts under it, delete it or regroup your drafts. If a subheading has more than ten drafts under it, create a new subheading. Remove redundant headings and subheadings.

Inclusions and Exclusions: Keep track of any redrafts of individual budget drafts. You will need to revise the analysis compile manually to keep up with any changes necessitated by redrafts. We will not run another analysis compile from LRB numbers.

Length: The major concern is reducing the length of the analysis. Attorneys should reduce the length of their analyses to ensure their utility and to avoid misleading readers about the significance of certain drafts. You may want to refer to the 2013 Budget Bill for guidance. Remember that DOA's budget books and LFB's summary document provide information on every aspect of the bill. The LRB analysis should not duplicate these efforts.

Procedure: Mark changes on your subject heading analysis compile or attach inserts. Submit the entire subject heading analysis all at once to editing. Do not redraft an individual draft solely for analysis editing purposes. Redraft an individual draft only if you make a substantive change in an analysis that must be coordinated with the individual draft (for example, to correct an error or make a clarification in the draft).



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to: ???.**

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0350/4 ***

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DCF administers the Transform Milwaukee Jobs program in Milwaukee County and the Transitional Jobs program outside of Milwaukee County, which provide work experience for unemployed individuals by providing a subsidy for wages and other employment expenses to employers that employ the individuals. Under the Wisconsin Works (W-2) program, DCF may provide job search assistance, placement in a subsidized job, or a stipend for up to four months to certain noncustodial parents. Also under current law, DCF may contract with any county, tribal governing body, or W-2 agency to administer a work experience and job training program for noncustodial parents who have failed to pay child support due to unemployment or underemployment. Such individuals may be ordered by a court to register for a work experience and job training program.

This bill requires every individual who applies to participate in the Transform Milwaukee Jobs program or the Transitional Jobs program, who applies for W-2 services and benefits for noncustodial parents, or who applies for or is ordered by a court to register for a work experience and job training program (collectively, a program), to complete a questionnaire that screens for the abuse of a controlled substance. If, based on the answers to the questionnaire, DCF or the administering agency with which DCF has contacted determines that there is a reasonable

suspicion that an individual is abusing a controlled substance, the individual must undergo a test for the use of a controlled substance. If the test results are positive and the individual does not present satisfactory evidence that he or she has a valid prescription for the controlled substance, the individual must participate in substance abuse treatment to remain eligible for a program. If, at the end of treatment, the individual tests negative, or positive with a valid prescription for the controlled substance, he or she will have satisfactorily completed the substance abuse screening and testing and treatment requirements for the program.

***** ANALYSIS FROM -1152/P1 *****

Under current law, DHS pays, within specified limits, funeral, burial, and cemetery expenses for decedents who, during life, received certain public assistance benefits, such as W2 benefits or Medical Assistance benefits, and whose estates at death are insufficient to pay those expenses. This bill provides that, if an eligible decedent, or the decedent's spouse or another person, owns a life insurance policy insuring the decedent's life and the face value is more than \$3,000, any amount that DHS would otherwise pay for the decedent's funeral, burial, or cemetery expenses will be reduced by one dollar for each dollar that the insurance policy exceeds \$3,000.

The bill also requires DHS to pursue recovery of the amount of funeral, burial, and cemetery expenses provided on behalf of a decedent by making a claim in the decedent's estate and in the estate of the decedent's spouse. As with estate recovery for other types of public assistance benefits, DHS may recover from all property of the decedent or the decedent's spouse, and there is a presumption that all property in the spouse's estate was marital property held with the decedent and that 100 percent of the property in the spouse's estate is subject to the claim of DHS. Unlike estate recovery for other types of public assistance benefits, however, the claim for funeral, burial, and cemetery expenses must be allowed even if the decedent in whose estate the claim is made has a surviving spouse or a surviving child who is under the age of 21 or disabled and, DHS is not permitted to waive recovery if DHS determines that recovering the amount paid on the decedent's behalf would work an undue hardship in a particular case.

***** ANALYSIS FROM -1174/P5 *****

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals (recipients) to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments. The program is administered in this state by DHS. Under current law, DHS may require a recipient of SNAP benefits who is able and who is 18 to 60 years of age to participate in the FoodShare employment and training program (FSET) to be eligible for SNAP benefits, unless the recipient is participating in a Wisconsin Works employment position, is the caretaker of a child under the age of six years, or is enrolled at least half time in school or in a training program or an institution of higher education.

This bill requires DHS to submit to the secretary of the federal Department of Agriculture (USDA) a request for a waiver that would authorize DHS to screen and, if indicated, test participants in the FSET program for illegal use of a controlled

substance without presenting evidence of a valid prescription. If the waiver is approved, DHS must then screen and, if indicated, test FSET participants for illegal use of a controlled substance without presenting evidence of a valid prescription. The bill also requires that if the waiver is approved in the 2015–17 fiscal biennium, DHS must address any future fiscal impact resulting from the requirements in its biennial budget request for the 2017–19 fiscal biennium.

***** ANALYSIS FROM -0417/P3 *****

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Generally, under current law, to be eligible for a W-2 employment position and a job access loan, the total length of time in which an individual or an adult member of the individual's family has participated in or received benefits under certain W-2 programs may not exceed 60 months. A W-2 agency may extend this time limit if the agency determines that unusual circumstances exist that warrant an extension of the participation period.

Under this bill, the time limit on participating in or receiving benefits under these W-2 programs is 48 months. The bill allows a W-2 agency to extend this time limit if it determines that the individual is experiencing hardship or that the individual's family includes an individual who has been battered or subjected to extreme cruelty.

***** ANALYSIS FROM -0131/2 *****

W-2 provides work experience to participants through placement in one of a number of different employment positions, including Trial Employment Match Program jobs, community service jobs, and transitional placements. Current law provides that a participant who refuses to participate in any employment position is ineligible to participate in W-2 for three months. This bill makes the following changes to the behaviors that constitute refusal to participate:

1. Currently, it is a refusal to participate if a participant expresses verbally or in writing that he or she refuses to participate. The bill removes this behavior as an option for demonstrating a refusal to participate.

2. Currently, it is a refusal to participate if a participant fails, without good cause, to appear for an interview with a prospective employer or if a participant in a transitional placement fails, without good cause, to appear for an assigned activity. The bill makes it a refusal to participate to fail, without good cause, to appear for an interview with a prospective employer, whether subsidized or not, or with a work experience provider, for an assigned work activity, as defined under applicable federal law, or for an activity assigned by a W-2 agency.

3. Currently, it is a refusal to participate if a participant voluntarily leaves appropriate employment or training without good cause. The bill makes a refusal, whether subsidized or not, to participate if a participant leaves, without good cause, appropriate employment or training or an appropriate assigned work experience activity or a work experience site.

4. Currently, it is a refusal to participate if a participant loses employment as a result of being discharged for cause. The bill also makes it a refusal to participate

if a participant is discharged from appropriate training for cause or from a work experience site for cause.

***** ANALYSIS FROM -0351/1 *****

Currently under W-2, a W-2 agency pays an employer that employs an individual placed in a Trial Employment Match Program job a wage subsidy amount negotiated between the W-2 agency and the employer, that may not be less than the federal or state minimum wage that applies to the individual. The employer must pay the individual at least the minimum wage that applies to the individual. Also under current law, DCF pays an employer that employs an individual participating in the Transform Milwaukee Jobs Program or Transitional Jobs Program a subsidy equal to the wages that the employer pays the individual for hours actually worked, up to 40 hours per week at the federal or state minimum wage that applies to the individual. The employer must pay the individual not less than the applicable federal or state minimum wage for hours actually worked, but the employer may pay the individual more than the amount of the wage subsidy that DCF pays to the employer.

This bill authorizes a W-2 agency to negotiate with the employer of an individual in a Trial Employment Match Program job, and DCF to negotiate with the employer of an individual in a job under the Transform Milwaukee Jobs Program or Transitional Jobs Program, a wage subsidy amount that the W-2 agency or DCF will pay to the employer that may not be more than the minimum wage. The employer must still pay the individual for hours actually worked at not less than the federal or state minimum wage that applies to the individual.

***** ANALYSIS FROM -0307/P2 *****

Currently under W-2, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under the W-2 program. This child care subsidy program is known as Wisconsin Shares.

Under current law, in all areas of the state except Milwaukee County, DCF must enter into a contract with a county department or agency to make an initial determination about whether individuals who are in a particular geographic region or who are members of a particular Indian tribal unit are eligible for the child care subsidies under Wisconsin Shares. Also under current law, the same county department or agency must administer Wisconsin Shares for that geographic region or Indian tribal unit. Current law requires DCF, to the extent practicable and with certain restrictions, to allocate funds for the administration of Wisconsin Shares in a geographic region or Indian tribal unit in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all statewide child care subsidy authorizations and eligibility redeterminations in the 12-month period prior to the start of the contract period.

Under this bill, DCF has the option to make child care subsidy eligibility determinations, to contract with a county department or agency to make these determinations, or to contract with a county department or agency to share in making these determinations. If DCF contracts with a county department or agency

for the eligibility determination function, the bill requires DCF to allocate funds for this function under the contract.

The bill also requires DCF to allocate funds for a county department's or agency's administration of Wisconsin Shares in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all funding allocated for eligibility determination functions. Alternatively, the bill allows DCF to elect to allocate these funds in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all children for whom a child care subsidy was issued in the most recent 12-month period for which applicable statistics are available prior to the start of the contract period.

***** ANALYSIS FROM -0309/P1 *****

Under current law, if a W-2 agency plans to take action against an individual who participates in W-2 that would result in a 20 percent or more reduction in the participant's benefits or in termination of the participant's eligibility to participate in W-2, the agency must provide written notice of the proposed action and reasons for the action and allow the participant a reasonable time after providing the notice to rectify the deficiency, failure, or other behavior to avoid the proposed action. This draft removes these notice and rectification requirements.

***** ANALYSIS FROM -0416/P1 *****

Under current law, the Learnfare program requires school age children of W-2 participants, with some exceptions, to meet certain school enrollment standards. Current law requires certain individuals who are subject to the school attendance requirement to participate in case management provided under the Learnfare program, including minor parents, habitual truants, and dropouts. This bill also requires a child who is subject to the school attendance requirement and whose W-2 group includes an individual who has been unable to participate in W-2 activities due to the child's school-related problems to participate in case management provided under the Learnfare program.

***** ANALYSIS FROM -0308/2 *****

Under current law, DCF contracts with a W-2 agency to administer W-2 in a geographical area. Within 60 days of being awarded a W-2 contract, a W-2 agency is required to establish a community steering committee to focus on job creation, job training, and other employment-related services for persons who are eligible for trial employment match program jobs or community service jobs. Current law requires the W-2 agency to recommend members of the committee to the chief executive officer (CEO) of each county the agency serves, who then appoints members to the committee in proportion to the population of that county relative to the population of each other county served by the W-2 agency.

Under this bill, a W-2 agency appoints the members of a community steering committee, following certain requirements to allow representation of each county the agency serves.

***** ANALYSIS FROM -1235/5 *****

MEDICAL ASSISTANCE

Currently, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health and long-term care services to

individuals who have limited resources. Under current law, under an approved waiver of federal law, DHS administers a demonstration project under MA that provides health care coverage to low-income adults under the age of 65 who do not have children and who are not otherwise eligible for MA.

This bill requires DHS to submit to the secretary of the federal Department of Health and Human Services an amendment to the waiver that was already approved that would authorize DHS to do all of the following under the demonstration project: 1) impose monthly premiums as determined by DHS; 2) impose higher premiums for enrollees who engage in behaviors that increase their health risks, as determined by DHS; 3) require a health risk assessment for all enrollees; 4) limit eligibility to no more than 48 months; and 5) require a drug screening assessment and, if indicated, a drug test as a condition of eligibility. DHS must implement any changes that are approved. If the amendment is approved, in whole or in part, in the 2015–17 fiscal biennium, DHS must identify any costs incurred or savings resulting from the new requirements in the quarterly report on MA changes that DHS must submit to JCF under current law, as well as address any future fiscal impact resulting from the requirements in its biennial budget request for the 2017–19 biennium.

***** ANALYSIS FROM -1150/1 *****

To be eligible for certain MA programs, especially those providing long-term care services, including family care, an individual must satisfy certain income and asset requirements. This bill provides that, when determining or redetermining an individual's financial eligibility for an MA long-term care program, or any other MA program that counts assets for determining or redetermining financial eligibility, DHS must include as a countable asset a promissory note for which the individual or his or her spouse provided the goods, money loaned, or services rendered, that is entered into or purchased on or after the effective date of the 2015–17 budget act, that is negotiable, assignable, and enforceable, and that does not contain any terms making the note unmarketable. The bill provides that a promissory note is presumed to be negotiable and that its value is the outstanding principal balance at the time of the individual's application or redetermination of eligibility for MA, unless the individual shows by credible evidence from a knowledgeable source that the note is nonnegotiable or has a different current market value, which will then be considered the note's value.

Under current law, with certain exceptions, if an institutionalized, or noninstitutionalized, individual or his or her spouse transfers assets for less than fair market value on or after a specific date (which is generally 60 months before the individual applies for MA), the institutionalized or noninstitutionalized individual is ineligible for certain MA services for a specified period of time. Under current law, the purchase by an individual or his or her spouse of a promissory note is a transfer of assets for less than fair market value that triggers a period of ineligibility for MA unless all of the following apply: the repayment term is actuarially sound; the payments are to be made in equal amounts during the loan's term with no deferral and no balloon payment; and the loan's terms prohibit cancellation of the balance upon the death of the lender. This bill provides that if an individual or his or her spouse enters into or purchases a promissory note on or after the effective date of the

2015–17 budget act, it is a transfer of assets for less than fair market value that triggers a period of ineligibility for MA unless all of the following apply to the promissory note: it satisfies the previously stated requirements under current law; and it is negotiable, assignable, and enforceable and does not contain any terms making the note unmarketable.

***** ANALYSIS FROM –1009/P1 *****

Currently, some MA services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus (BC+) program.

Under current law, certain individuals are ineligible for BC+ for three months while they have access to certain health insurance coverage during specified time periods. Certain other individuals are also subject to three months of ineligibility under current law if the federal Department of Health and Human Services approves. This bill eliminates the three months of ineligibility for all of those individuals whose access to other health insurance has ended.

***** ANALYSIS FROM –0381/P3 *****

***** ANALYSIS FROM –1230/P1 *****

***** ANALYSIS FROM –1257/P2 *****

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Subject to any necessary federal approval, this bill adds licensed midwife services, as well as substance abuse treatment services provided by a medically monitored treatment service or a transitional residential treatment service to other services paid for currently under the MA program. This bill also requires, subject to federal approval, DHS to provide MA reimbursement to pharmacists who meet certain requirements specified by DHS for administering vaccines to people 6 to 18 years of age.

***** ANALYSIS FROM –1343/P2 *****

This bill makes additional changes to the MA program, including: 1) requiring DHS to increase the MA reimbursement rate in Brown, Polk, and Racine counties to providers of pediatric dental care and adult emergency dental services, if DHS receives any necessary federal approval for the increased rate; 2) allocating moneys for the fiscal biennium for DHS to make supplemental payments to certain hospitals that have a disproportionate share of low-income patients and setting specifications for those payments; and 3) directing that the state share of payments for health care services provided in a school to children who are eligible for MA in excess of a certain amount be deposited in the MA trust fund and expended for reducing waiting lists for children's long-term care services and other children's services.

***** ANALYSIS FROM –1288/P2 *****

***** ANALYSIS FROM –1021/P1 *****

***** ANALYSIS FROM –0311/P4 *****

CHILDREN

Under current law, monthly subsidized guardianship payments may be made to the guardian of a child who has been adjudged to be in need of protection or services if certain additional conditions have been met. In addition, current law permits DCF to provide payments to the adoptive parents of a child with special needs to assist in

the cost of care of the child (adoption assistance). Subject to certain exceptions, subsidized guardianship payments and adoption assistance end when the child attains 18 years of age.

This bill permits subsidized guardianship payments to be made or adoption assistance to be provided until a child attains 21 years of age if the child is a full-time student at a secondary school or its vocational or technical equivalent (full-time student), an individualized education program (IEP) is in effect for the child, and the subsidized guardianship or adoption assistance agreement for the child became effective after the child attained 16 years of age. (An IEP is a written statement for a child with a disability developed by an IEP team appointed by the child's local educational agency that includes, among other things, the child's level of academic achievement and functional performance, measurable goals for the child, the special education and related services to be provided to the child, and how the child's progress toward attaining those goals will be measured.)

Under current law, monthly kinship care payments may be made to a relative of a child (kinship care relative) who is providing care for the child if certain additional conditions have been met. Kinship care payments generally end when the child attains 18 years of age, except that those payments may be made until a child attains 21 years of age if the child is a full-time student and an IEP is in effect for the child.

This bill requires, as an additional condition for eligibility for kinship care payments under that exception, that the child be placed in the home of the kinship care relative under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or under a voluntary transition-to-independent-living agreement, which is an agreement under which a child over 18 years of age may continue in out-of-home care and receive services to assist the child in transitioning to independent living until the child attains 21 years of age, is granted a high school or high school equivalency diploma, or terminates the agreement, whichever occurs first.

Under current law, a permanency plan must be prepared for a child who is placed outside the home under a juvenile court order or under a voluntary agreement. (A permanency plan is a plan designed to ensure that a child who is placed outside the home is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability.)

This bill requires a permanency plan to be prepared for a child who is placed outside the home under a voluntary transition-to-independent-living agreement. The bill also, with respect to voluntary transition-to-independent-living agreements: 1) requires the juvenile court, by no later than 180 days after the date of the agreement, to determine whether placement of the child in out-of-home care under the agreement is in the best interests of the child; 2) provides that if DCF, DOC, or a county enters into such an agreement with a child, the agreement must specifically state that DCF, DOC, or the county has placement and care responsibility for the child and has primary responsibility for providing services to the child; and 3) grants to any person who is aggrieved by an agency's failure to enter

into such an agreement or termination of such an agreement the right to a contested case hearing under the state administrative procedures laws.

Under current law, subject to certain exceptions, a facility where five or more adults who do not require care above intermediate level nursing care reside and receive care, treatment, or services that are above the level of room and board must be licensed as a community-based residential facility (CBRF). This bill provides that a facility licensed as a foster home, group home, or residential care center for children and youth (facility) that provides care for a person 18 years of age or over, but under 21 years of age, who is placed in the facility under an order of the juvenile court, a voluntary transition-to-independent-living agreement, or the placement and care responsibility of another state is not required to also be licensed as a CBRF.

***** ANALYSIS FROM -0301/P1 *****

Under current law, if an agency to which a report of child abuse is made determines that a child is in need of services, the agency must offer to provide appropriate services or make arrangements for the provision of services. This bill appropriates general purpose revenues to DCF to purchase or provide treatment and services for children who are the victims of sex trafficking. The bill requires DCF, within the availability of that funding, to ensure that such treatment and services are available to children in all geographic areas of the state, including both urban and rural communities.

***** ANALYSIS FROM -0305/P1 *****

Under current law, DCF, a county, or an agency contracted with to certify child care providers must require any person applying for issuance, continuation, or renewal of a child care provider license, certificate, or contract to complete a background information form. This bill exempts these persons from completing such a form when applying to continue or renew a license, certification, or contract.

Under current law, every four years an entity that provides care for children must require all of its caregivers and nonclient residents to complete a background information form provided by DCF, except that a child care provider must require the form to be completed every year. This bill exempts child care providers from the four-year requirement and instead obligates them to require any new caregiver or nonclient resident to complete the form.

***** ANALYSIS FROM -1073/P1 *****

HEALTH

Under current law, DHS administers the Senior Care program, which provides assistance to the elderly in the purchase of prescription drugs. To be eligible for Senior Care, a person must be a resident of the state, be at least 65 years of age, not be a recipient of prescription drug coverage through Medical Assistance, have a household income that does not exceed 240 percent of the federal poverty line, and pay a program enrollment fee. This bill adds as a requirement for eligibility for Senior Care that the person must apply for and, if eligible, enroll in Medicare Part D, which is a federal prescription drug assistance program.

***** ANALYSIS FROM -1461/P2 *****

Currently, DHS administers community-based, long-term care programs including: the Family Care program which provides long-term care to frail elders

or adults with physical or developmental disabilities in certain counties; the self-directed services option known as IRIS; the Community Options Program (COP); and the Family Care Partnership Program (FCPP) and the Program of All-Inclusive Care for the Elderly (PACE). In addition to long-term care services, FCPP and PACE also provide primary and acute health care services.

Family Care currently operates under a waiver of federal Medicaid law and is funded jointly by the federal government and the state MA program. A care management organization (CMO) enrolls individuals in the Family Care program and administers the Family Care benefit under a contract with DHS. DHS may contract with a county, a long-term care district, a governing body of a tribe or band or the Great Lakes Inter-Tribal Council, a joint association of those entities, or a private organization to be a CMO.

The bill requires DHS to obtain the necessary federal approval to implement changes to Family Care, FCPP, and PACE including all of the following changes: eliminating long-term care districts; allowing DHS to add primary and acute health care services to the Family Care benefit, allowing CMOs to provide services statewide and not only in a specified geographic area; allowing DHS to contract with any applicants that it certifies as meeting the requirements to be a CMO and eliminates the requirement that DHS solicit proposals for contracts; generally allowing Family Care enrollees to switch CMOs only in an open enrollment period; and requiring administration of Family Care statewide. The bill eliminates the separate IRIS program but specifies that individuals may self-direct their services within the Family Care program. The bill also eliminates the requirement that CMOs obtain a permit from OCI but specifies that when the Family Care program begins to operate statewide CMOs are insurers and may be regulated as insurance by OCI. Once Family Care operates statewide, DHS is allowed to discontinue enrollment in certain other long-term care programs as specified in the bill.

Resource centers currently provide information and referral services among other functions, including determining eligibility and assisting individuals to enroll in a CMO. Currently, resource centers are required to provide all services specified by law. The bill allows DHS to contract with a resource center or a private entity for some or all of the services. The bill also eliminates the requirement that a resource center has a governing board and eliminates the requirement to create long-term care advisory committees.

COP is one of the programs that DHS may discontinue once Family Care is available. The bill also creates a Children's Community Options Program (Children's COP) that provides long-term community support services to individuals up to age 22 who have a disability. Children who seek services are assessed for Children's COP and a county department or private nonprofit agency will create a case plan and arrange for services. The bill requires DHS to create a scale for assessment of a fee for Children's COP based on ability to pay. DHS seeks a waiver of federal Medicaid law to obtain federal funding for Children's COP. The bill eliminates the Family Support Program.

*** ANALYSIS FROM -1258/P1 ***

Under current law, DHS must, after the start of each fiscal year, estimate the total amount of its expenditures for department operations for that fiscal year. Based on that estimate, DHS assesses certain health care providers for the estimated total amount, less certain amounts received for administrative purposes. This bill eliminates the authorization for DHS to charge assessments to health care providers.

***** ANALYSIS FROM -1074/P2 *****

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Currently, a law enforcement officer or certain other persons, in counties other than Milwaukee County, may take an individual into custody for emergency detention if the officer or other person has cause to believe that the individual is mentally ill, drug dependent, or developmentally disabled, and that the individual shows other evidence of the standards for emergency detention. The county department of community programs in the county in which the individual was taken into custody must approve the need for detention, and for evaluation, diagnosis, and treatment if permitted, before the law enforcement officer or other person delivers the individual to the detention facility. In Milwaukee County, currently, the law enforcement officer or other person must sign a statement of emergency detention and delivers the statement of emergency detention along with the individual to the detention facility. The treatment director of the facility must determine whether the individual is detained or detained, evaluated, diagnosed, and treated. Currently, a pilot program in Milwaukee County grants authority for a treatment director or designee, or certain physicians or psychologists, to take an individual into custody for emergency detention under the same standards as a law enforcement officer.

This bill eliminates the emergency detention procedure and the pilot program in Milwaukee County and applies the existing procedure for emergency detentions in other counties to Milwaukee County. The bill adds that a physician who has completed a residency in psychiatry, a psychologist, or a licensed mental health professional must perform a crisis assessment on the individual and agree with the need for detention in order for the county department to approve the detention.

***** ANALYSIS FROM -1282/P2 *****

***** ANALYSIS FROM -0596/P4 *****

Under current law, if a skilled nursing facility or an intermediate care facility is found to meet the classification of an institution for mental diseases, DHS must pay for care in the community or in that institution for mental diseases for individuals meeting certain criteria. Current law also requires DHS to pay for relocations of certain individuals who have mental illness to the community. The bill eliminates both of these requirements.

***** ANALYSIS FROM -0602/P4 *****

OTHER HEALTH AND HUMAN SERVICES

The bill transfers oversight of restaurants, lodging, and recreation from DHS, which currently regulates those areas, to DATCP. In addition, the bill transfers oversight of tattooing, body piercing, and tanning from DHS to the new Department of Financial Institutions and Professional standards.

***** ANALYSIS FROM -0313/2 *****

Under current law, for cases in which the payee is receiving services under DCF's child and spousal support and establishment of paternity and medical support liability program or in which the state is a real party in interest as specified under current law, DCF must certify to DOR, for purposes of collection through intercepting state income tax refunds, delinquent payments of child support, family support, maintenance, past support, medical expenses, birth expenses, and centralized receipt and disbursement fees, which must be paid annually by persons who are obligated to pay support or maintenance. This bill provides that DCF must also, at least annually, certify to DOR delinquent payments of centralized receipt and disbursement fees that are owed by all other persons not already subject to the certifications.

***** ANALYSIS FROM -0020/1 *****

Under current law, if a person who owes child support under a court order is delinquent in the payment of support, the amount of the delinquent support is entered on the statewide support lien docket and becomes a lien in favor of the DCF. DCF may enforce the lien by sending a notice of levy to a financial institution at which the person has an account. DCF may also send to a financial institution a request from another state to enforce a child support lien in favor of the other state. Under this bill, in addition to sending child support to another state to enforce the other state's lien in response to a request sent by DCF, a financial institution is required to honor a notice of levy or request to enforce a lien in favor of another state that it receives directly from the other state.

***** ANALYSIS FROM -0434/P2 *****

Under current law, DWD assists individuals with disabilities in gaining employment through its vocational rehabilitation (VR) program, which is funded through a combination of state and federal matching dollars. In addition, DWD receives certain moneys from the federal government as reimbursement for the fact that individuals who gain employment with assistance from the VR program no longer receive certain benefits from social security. DWD must allocate \$600,000 of those reimbursement dollars and, using the moneys so allocated, make grants to independent living centers for providing nonresidential services to severely disabled individuals. Also under current law, DHS must make general purpose revenue (GPR)-funded grants to independent living centers for providing nonresidential services to severely disabled individuals. An independent living center, in order to receive a grant from either DWD or DHS, must comply with certain requirements under state and federal law.

Also, under federal law, states may receive financial assistance for purposes including providing, expanding, and improving independent living services.

This bill, instead of requiring that DWD allocate \$600,000 in social security reimbursement funds to provide these grants, requires DWD to transfer \$600,000 of those moneys to DHS and allows DHS to provide grants using those moneys, as well as the federal independent living center financial assistance moneys. Consequently, the bill requires that DHS make grants to independent living centers using a

combination of GPR moneys, moneys transferred from DWD, and moneys received from the federal government for independent living services.

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

1

(END)