



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBb0908/2  
MG/ZW/JK/TD/CH:wlj

**ASSEMBLY AMENDMENT 31,  
TO SENATE BILL 21**

July 8, 2015 - Offered by Representatives BARCA, SARGENT, ZAMARRIPA, C. TAYLOR  
and HEBL.

1           At the locations indicated, amend the bill, as shown by senate substitute  
2 amendment 1, as follows:

3           **1.** At the appropriate places, insert all of the following:

4           “**SECTION 1.** 49.45 (23) (a) of the statutes is amended to read:

5           49.45 (23) (a) The department shall request a waiver from the secretary of the  
6 federal department of health and human services to permit the department to  
7 conduct a demonstration project to provide health care coverage to adults who are  
8 under the age of 65, who have family incomes not to exceed ~~100~~ 133 percent of the  
9 poverty line ~~before application of the 5 percent income disregard under 42 CFR~~  
10 ~~435.603 (d), except as provided in s. 49.471 (4g),~~ and who are not otherwise eligible  
11 for medical assistance under this subchapter, the Badger Care health care program  
12 under s. 49.665, or Medicare under 42 USC 1395 et seq.

13           **SECTION 2.** 49.471 (1) (cr) of the statutes is created to read:

1           49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a  
2 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

3           **SECTION 3.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

4           49.471 (4) (a) 4. b. The Except as provided in sub. (4g), the individual’s family  
5 income does not exceed ~~100~~ 133 percent of the poverty line ~~before application of the~~  
6 ~~5 percent income disregard under 42 CFR 435.603 (d).~~

7           **SECTION 4.** 49.471 (4g) of the statutes is created to read:

8           49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. (a)  
9 For services provided to individuals described under sub. (4) (a) 4. and s. 49.45 (23),  
10 the department shall comply with all federal requirements to qualify for the highest  
11 available enhanced federal medical assistance percentage. The department shall  
12 submit any amendment to the state medical assistance plan, request for a waiver of  
13 federal Medicaid law, or other approval required by the federal government to  
14 provide services to the individuals described under sub. (4) (a) 4. and s. 49.45 (23) and  
15 qualify for the highest available enhanced federal medical assistance percentage.

16           (b) If the department does not qualify for an enhanced federal medical  
17 assistance percentage, or if the enhanced federal medical assistance percentage  
18 obtained by the department is lower than printed in federal law as of July 1, 2013,  
19 for individuals eligible under sub. (4) (a) 4. or s. 49.45 (23), the department shall  
20 submit to the joint committee on finance a fiscal analysis comparing the cost to  
21 maintain coverage for adults who are not pregnant and not elderly at up to 133  
22 percent of the poverty line to the cost of limiting eligibility to those adults with family  
23 incomes up to 100 percent of the poverty line. The department may reduce income  
24 eligibility for adults who are not pregnant and not elderly from up to 133 percent of

1 the poverty line to up to 100 percent of the poverty line only if this reduction in income  
2 eligibility levels is approved by the joint committee on finance.”.

3 **2.** Page 195, line 7: decrease the dollar amount for fiscal year 2015-16 by  
4 \$113,100,000 and decrease the dollar amount for fiscal year 2016-17 by  
5 \$247,400,000 for the purpose of providing Medical Assistance to certain adults with  
6 incomes up to 133 percent of the federal poverty line.

7 **3.** Page 1219, line 2: after that line insert:

8 “**SECTION 3796j.** 230.81 (2) of the statutes is amended to read:

9 230.81 (2) Nothing in this section prohibits an employee from disclosing  
10 information to an appropriate law enforcement agency, a state or federal district  
11 attorney in whose jurisdiction the crime is alleged to have occurred, a state or federal  
12 grand jury or a judge in a proceeding commenced under s. 968.26, or disclosing  
13 information pursuant to any subpoena issued by any person authorized to issue  
14 subpoenas under s. 885.01. Any such disclosure of information, or a report under  
15 sub. (4), is a lawful disclosure under this section and is protected under s. 230.83.

16 **SECTION 3796i.** 230.81 (4) of the statutes is created to read:

17 230.81 (4) Any employee of the Wisconsin Economic Development Corporation  
18 who is aware that a fraud has been perpetrated against the Wisconsin Economic  
19 Development Corporation shall cause that fraud to be reported to the appropriate  
20 district attorney.”.

21 **4.** Page 1223, line 7: delete “one-sixth” and substitute “one-twelfth”.

22 **5.** Page 1223, line 7: after that line insert:

23 “**SECTION 3960h.** 238.03 (5) of the statutes is created to read:

1           238.03 (5) REPORTS TO THE BOARD. At each meeting of the board, the chief  
2 executive officer shall report to the board on the development or identification of  
3 benchmarks under sub. (2).

4           **SECTION 3960i.** 238.03 (6) of the statutes is created to read:

5           238.03 (6) REPORTS TO THE BOARD. At each meeting of the board, the chief  
6 executive officer shall report to the board on the creation or progress of statutorily  
7 required policies.

8           **SECTION 3960j.** 238.03 (7) of the statutes is created to read:

9           238.03 (7) REPORTS TO THE BOARD. The chief executive officer shall annually  
10 report to the board on staff compliance with policies on site visits and reviews of  
11 contractual compliance.

12           **SECTION 3960k.** 238.03 (8) of the statutes is created to read:

13           238.03 (8) The chief executive officer shall annually report to the board on the  
14 corporation's timeliness of providing past-due notices to loan and grant recipients  
15 who have not timely submitted to the corporation any report required under this  
16 chapter.

17           **SECTION 3960kk.** 238.03 (9) of the statutes is created to read:

18           238.03 (9) The chief executive officer shall annually report to the board on loan  
19 and grant recipient compliance with sub. (3) (a) and the timeliness of efforts by the  
20 corporation to acquire documents required under sub. (3) (a).

21           **SECTION 3960L.** 238.07 (2) (at) of the statutes is created to read:

22           238.07 (2) (at) An accounting of the total number of jobs created or retained in  
23 the state as a result of each program since July 1, 2011.

24           **SECTION 3960LL.** 238.07 (2) (i) of the statutes is created to read:

1           **238.07 (2)** (i) A description of each instance when the corporation could have  
2 enforced a provision to recover grant or loan funds or tax credits and the action the  
3 corporation either took or did not take.

4           **SECTION 3960Lm.** 238.085 of the statutes is created to read:

5           **238.085 Retention of records.** The corporation may not delete or destroy any  
6 documents, communications, or other records relating to the corporation's  
7 administration and economic development programs.

8           **SECTION 3960m.** 238.095 of the statutes is created to read:

9           **238.095 Execution of contracts.** The corporation may not execute any  
10 contract unless the corporation has reviewed the contract to ensure compliance with  
11 program policy requirements under this chapter.

12           **SECTION 3960n.** 238.0951 of the statutes is created to read:

13           **238.0951 Contract terms.** All terms of each contract the corporation executes  
14 shall be in compliance with state law at the time the contract is executed.

15           **SECTION 3960o.** 238.0952 of the statutes is created to read:

16           **238.0952 Contract terms.** All terms of each contract the corporation executes  
17 shall be in compliance with all corporation policies and procedures at the time the  
18 contract is executed.

19           **SECTION 3960p.** 238.096 of the statutes is created to read:

20           **238.096 Verification of job creation. (1)** The recipient of a loan or grant  
21 shall submit to the corporation information necessary to verify that the activity for  
22 which the loan or grant was provided created or retained full-time jobs in this state.

23           **(2)** The corporation shall adopt policies and procedures that specify how the  
24 corporation is to evaluate information provided under sub. (1).

25           **SECTION 3960pp.** 238.0961 of the statutes is created to read:

1           **238.0961 Report to board concerning loan delinquency.** No later than  
2 August 1 of each year, the chief executive officer of the corporation shall determine,  
3 and submit a report to the board setting forth, all of the following:

4           **(1)** The loan balance and the total amount of past-due repayments for each  
5 loan with repayments 90 days or more past due on July 1 of the year of the report.

6           **(2)** The loan balance for each loan with repayments 90 days or more past due  
7 that was amended to defer repayments, written off, or forgiven during each 6-month  
8 period after repayments on the loan were 90 days or more past due.

9           **(3)** Each loan that had been 90 days or more past due and was no longer than  
10 90 days or more past due during each 6-month period after repayments on the loan  
11 were 90 days or more past due, because the loan recipient made loan repayments.

12           **(4)** The payment delinquency rate and the principal delinquency rate on July  
13 1 of the year of the report.

14           **SECTION 3960q.** 238.0962 of the statutes is created to read:

15           **238.0962 Staff review. (1)** In this section, “staff review” means a review  
16 conducted by the corporation’s underwriters to determine whether a business is  
17 eligible for an economic development award based on the law and the corporation’s  
18 policies and procedures.

19           **(2)** The corporation shall establish policies that specify how long a completed  
20 staff review remains valid and that require when another staff review should be  
21 completed to ensure compliance with current law and the corporation’s policies and  
22 procedures.

23           **SECTION 3960r.** 238.097 of the statutes is created to read:

1           **238.097 Contracts for the allocation of tax credits.** The corporation may  
2 not enter into a contract to allocate tax credits for an economic development project  
3 that begins before the contract is executed.

4           **SECTION 3960s.** 238.098 of the statutes is created to read:

5           **238.098 Recovering tax credits.** The corporation shall establish policies and  
6 procedures for recovering previously awarded tax credits from tax credit recipients  
7 that did not meet contractual obligations.

8           **SECTION 3960t.** 238.112 of the statutes is created to read:

9           **238.112 Notifications concerning job loss.** For each economic development  
10 program for which the creation of full-time jobs is an expected outcome, the recipient  
11 of a grant, loan, or tax credit under the program shall notify the corporation within  
12 30 days after each full-time job maintained by the recipient is eliminated in this  
13 state, including through relocation of the full-time job out of this state.

14           **SECTION 3960ts.** 238.113 of the statutes is created to read:

15           **238.113 Verification of no recent legal action.** The corporation shall  
16 independently verify the certification of each applicant for economic development  
17 assistance under this chapter that the applicant has not been the subject of any  
18 recent legal action.

19           **SECTION 3960tt.** 238.114 of the statutes is created to read:

20           **238.114 Certifications concerning job levels.** Each entity that receives a  
21 grant or loan from the corporation under an economic development program shall,  
22 upon completion of the economic development program, file a certification with the  
23 corporation that states: “No funds received from the Wisconsin Economic  
24 Development Corporation were utilized to relocate jobs out of Wisconsin or to reduce  
25 net employment in Wisconsin.”

1           **SECTION 3960u.** 238.121 of the statutes is created to read:

2           **238.121 Job creation requirement for tax credits.** The corporation may  
3 not award tax credits to a business under this chapter unless the corporation  
4 determines that the award recipient will use the tax credits to increase net  
5 employment in this state.”.

6           **6.** Page 1232, line 15: after “date.” insert “Before imposing a moratorium, or  
7 any similar restriction, on certifying persons to claim credits under ss. 71.07 (9m),  
8 71.28 (6), and 71.47 (6), the corporation shall submit a plan for doing so to the joint  
9 committee on finance. If the cochairpersons of the joint committee on finance do not  
10 notify the corporation that the committee has scheduled a meeting to review the  
11 proposed plan within 14 working days after the plan is submitted to the committee,  
12 the corporation may implement the plan. If, within 14 working days after the  
13 corporation submits the proposed plan, the cochairpersons of the committee notify  
14 the corporation that the committee has scheduled a meeting to review the proposed  
15 plan, the corporation may implement the proposed plan only with the committee’s  
16 approval.”.

17           **7.** Page 1446, line 23: after that line insert:

18           “**SECTION 4721s.** 946.18 of the statutes is amended to read:

19           **946.18 Misconduct sections apply to all public officers.** Sections 946.10  
20 to 946.17 apply to public officers, whether legally constituted or exercising powers  
21 as if legally constituted, including all officers and employees of the Wisconsin  
22 Economic Development Corporation.”.

23           **8.** Page 1533, line 5: after that line insert:



1           “(5dp) JOB PERFORMANCE. It is the sense of the legislature that if the state’s job  
2 performance is below the national average for more than one year, the appointing  
3 authority of the Wisconsin Economic Development Corporation’s chief executive  
4 officer shall replace the chief executive officer.”.

5           **9.** Page 1563, line 20: after that line insert:

6           “(5f) MEDICAID EXPANSION. The treatment of sections 49.45 (23) (a) and 49.471  
7 (1) (cr), (4) (a) 4. b., and (4g) takes effect on January 1, 2016, or on the day after  
8 publication, whichever is later.”.

9

(END)