



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 233**

April 13, 2021 - Offered by Representatives ANDERSON, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HINTZ, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK.

1     **AN ACT to repeal** 49.45 (2p) and 49.45 (23); **to amend** 20.435 (4) (jw), 49.45 (23b)  
2           (title), 49.45 (23b) (b), 49.45 (23b) (c), 49.45 (23b) (e), 49.471 (4) (a) 4. b. and  
3           49.686 (3) (d); and **to create** 20.835 (2) (ba), 49.471 (1) (cr), 49.471 (4) (a) 8. and  
4           49.471 (4g) of the statutes; **relating to:** grants for certain small businesses,  
5           eligibility expansion under the Medical Assistance program, and making an  
6           appropriation.

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***Analysis by the Legislative Reference Bureau***

***Small business grants***

This bill requires the Department of Revenue to provide grants to businesses in this state that had total sales in 2019 of less than \$7 million and suffered economic damage as a result of the COVID-19 pandemic. Under the bill, the total amount of the grants to be awarded to all recipients is \$600 million.

***Medicaid expansion***

BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act

allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance program. This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults currently covered under BadgerCare Plus Core and who are incorporated into BadgerCare Plus in this bill. The bill requires the Department of Health Services to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for childless adults under the BadgerCare Plus program.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before the 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core. The bill eliminates the childless adults demonstration project, known as BadgerCare Plus Core, as a separate program.

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

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2           the following amounts for the purposes indicated:

**2021-22           2022-23**

3           **20.835   Shared revenue and tax relief**

4           (2)    **TAX RELIEF**

5           (ba)   Small business grants                    GPR    B   600,000,000   600,000,000

6           **SECTION 2.** 20.435 (4) (jw) of the statutes is amended to read:

7           20.435 (4) (jw) *BadgerCare Plus and hospital assessment.* All moneys received  
8           ~~from payment of enrollment fees under the program under s. 49.45 (23), all moneys~~  
9           transferred under s. 50.38 (9), all moneys transferred from the appropriation account  
10          under par. (jz), and 10 percent of all moneys received from penalty assessments

1 under s. 49.471 (9) (c), ~~for administration of the program under s. 49.45 (23)~~, to  
2 provide a portion of the state share of administrative costs for the BadgerCare Plus  
3 Medical Assistance program under s. 49.471, and for administration of the hospital  
4 assessment under s. 50.38.

5 **SECTION 3.** 20.835 (2) (ba) of the statutes is created to read:

6 20.835 (2) (ba) *Small business grants.* Biennially, the amounts in the schedule  
7 to make the small business grants under 2021 Wisconsin Act .... (this act), section  
8 9137 (1).

9 **SECTION 4.** 49.45 (2p) of the statutes is repealed.

10 **SECTION 5.** 49.45 (23) of the statutes is repealed.

11 **SECTION 6.** 49.45 (23b) (title) of the statutes is amended to read:

12 49.45 (23b) (title) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER  
13 IMPLEMENTATION REQUIRED.

14 **SECTION 7.** 49.45 (23b) (b) of the statutes is amended to read:

15 49.45 (23b) (b) Beginning as soon as practicable after October 31, 2018, and  
16 ending no sooner than December 31, 2023, the department shall do all of the  
17 following with regard to the childless adults demonstration project under sub. (23)  
18 s. 49.471 (4) (a) 8.:

19 1. Require in each month persons, except exempt individuals, who are eligible  
20 to receive Medical Assistance under sub. (23) s. 49.471 (4) (a) 8. and who are at least  
21 19 years of age but have not attained the age of 50 to participate in, document, and  
22 report 80 hours per calendar month of community engagement activities. The  
23 department, after finding good cause, may grant a temporary exemption from the  
24 requirement under this subdivision upon request of a Medical Assistance recipient.

1           2. Require persons with incomes of at least 50 percent of the poverty line to pay  
2 premiums in accordance with par. (c) as a condition of eligibility for Medical  
3 Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.

4           3. Require as a condition of eligibility for Medical Assistance under ~~sub. (23)~~  
5 s. 49.471 (4) (a) 8. completion of a health risk assessment.

6           4. Charge recipients of Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.  
7 an \$8 copayment for nonemergency use of the emergency department in accordance  
8 with 42 USC 1396o-1 (e) (1) and 42 CFR 447.54.

9           5. Disenroll from Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8. for 6  
10 months any individual who does not pay a required premium under subd. 2. and any  
11 individual who is required under subd. 1. to participate in a community engagement  
12 activity but who does not participate for 48 aggregate months in the community  
13 engagement activity.

14           **SECTION 8.** 49.45 (23b) (c) of the statutes is amended to read:

15           49.45 **(23b)** (c) 1. Persons who are eligible for the demonstration project under  
16 ~~sub. (23)~~ s. 49.471 (4) (a) 8. and who have monthly household income that exceeds  
17 50 percent of the poverty line shall pay a monthly premium amount of \$8 per  
18 household. A person who is eligible to receive an item or service furnished by an  
19 Indian health care provider is exempt from the premium requirement under this  
20 subdivision.

21           2. The department may disenroll under par. (b) 5. a person for nonpayment of  
22 a required monthly premium only at annual eligibility redetermination after  
23 providing notice and reasonable opportunity for the person to pay. If a person who  
24 is disenrolled for nonpayment of premiums pays all owed premiums or becomes

1 exempt from payment of premiums, he or she may reenroll in Medical Assistance  
2 under ~~sub. (23)~~ s. 49.471 (4) (a) 8.

3 3. The department shall reduce the amount of the required household premium  
4 by up to half for a recipient of Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.  
5 who does not engage in certain behaviors that increase health risks or who attests  
6 to actively managing certain unhealthy behaviors.

7 **SECTION 9.** 49.45 (23b) (e) of the statutes is amended to read:

8 49.45 **(23b)** (e) Before December 31, 2023, the ~~demonstration project~~  
9 requirements under this subsection may not be withdrawn and the department may  
10 not request from the federal government withdrawal, suspension, or termination of  
11 the ~~demonstration project~~ requirements under this subsection unless legislation has  
12 been enacted specifically allowing for the withdrawal, suspension, or termination.

13 **SECTION 10.** 49.471 (1) (cr) of the statutes is created to read:

14 49.471 **(1)** (cr) “Enhanced federal medical assistance percentage” means a  
15 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

16 **SECTION 11.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

17 49.471 **(4)** (a) 4. b. The individual’s family income does not exceed ~~100~~ 133  
18 percent of the poverty line ~~before application of the 5 percent income disregard under~~  
19 ~~42 CFR 435.603 (d).~~

20 **SECTION 12.** 49.471 (4) (a) 8. of the statutes is created to read:

21 49.471 **(4)** (a) 8. An individual who meets all of the following criteria:

22 a. The individual is an adult under the age of 65.

23 b. The individual has a family income that does not exceed 133 percent of the  
24 poverty line, except as provided in sub. (4g).

1 c. The individual is not otherwise eligible for the Medical Assistance program  
2 under this subchapter or the Medicare program under 42 USC 1395 et seq.

3 **SECTION 13.** 49.471 (4g) of the statutes is created to read:

4 49.471 **(4g)** MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. For  
5 services provided to individuals described under sub. (4) (a) 8., the department shall  
6 comply with all federal requirements to qualify for the highest available enhanced  
7 federal medical assistance percentage. The department shall submit any  
8 amendment to the state medical assistance plan, request for a waiver of federal  
9 Medicaid law, or other approval request required by the federal government to  
10 provide services to the individuals described under sub. (4) (a) 8. and qualify for the  
11 highest available enhanced federal medical assistance percentage. Sections 20.940  
12 and 49.45 (2t) do not apply to a submission to the federal government under this  
13 subsection.

14 **SECTION 14.** 49.686 (3) (d) of the statutes is amended to read:

15 49.686 **(3)** (d) Has applied for coverage under and has been denied eligibility  
16 for medical assistance within 12 months prior to application for reimbursement  
17 under sub. (2). This paragraph does not apply to an individual who is eligible for  
18 benefits under ~~the demonstration project for childless adults under s. 49.45 (23) or~~  
19 ~~to an individual who is eligible for benefits under~~ BadgerCare Plus under s. 49.471  
20 (4) (a) 8. or (11).

21 **SECTION 9119. Nonstatutory provisions; Health Services**

22 (1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health  
23 services shall submit any necessary request to the federal department of health and  
24 human services for a state plan amendment or waiver of federal Medicaid law or to  
25 modify or withdraw from any waiver of federal Medicaid law relating to the childless

1 adults demonstration project under s. 49.45 (23), 2019 stats., to reflect the  
2 incorporation of recipients of Medical Assistance under the demonstration project  
3 into the BadgerCare Plus program under s. 49.471 and the termination of the  
4 demonstration project. Sections 20.940 and 49.45 (2t) do not apply to a submission  
5 to the federal government under this subsection.

6 **SECTION 9137. Nonstatutory provisions; Revenue.**

7 (1) SMALL BUSINESS GRANTS.

8 (a) Subject to par. (b), the department of revenue shall provide grants to any  
9 establishment that has its primary business activity in this state.

10 (b) An establishment described under par. (a) may receive a payment under this  
11 subsection by filing an application with the department of revenue in the manner  
12 determined by the department. An establishment that satisfies all of following  
13 criteria is eligible to receive a payment under this subsection:

14 1. It holds a valid business tax registration certificate issued under s. 73.03  
15 (50).

16 2. It had total sales of less than \$7,000,000, as reported on its 2019 state sales  
17 tax returns.

18 3. It suffered economic damages in 2020 as a result of the COVID-19 pandemic.

19 4. It is not on the department of revenue's list of delinquent taxpayers.

20 5. It is not listed in the certification made by the department of revenue under  
21 s. 77.66.

22 6. It is not on the department of transportation's debarred contractors list.

23 **SECTION 9219. Fiscal changes; Health Services.**

24 (1) MEDICAID EXPANSION. In the schedule under s. 20.005 (3) for the  
25 appropriation to the department of health services under s. 20.435 (4) (b), the dollar

1 amount for fiscal year 2021-22 is decreased by \$849,788,000 as a result of expanding  
2 eligibility for the Medical Assistance program. In the schedule under s. 20.005 (3)  
3 for the appropriation to the department of health services under s. 20.435 (4) (b), the  
4 dollar amount for fiscal year 2022-23 is decreased by \$841,925,400 as a result of  
5 expanding eligibility for the Medical Assistance program.

6 **SECTION 9419. Effective dates; Health Services.** This act takes effect on the  
7 day after publication, except as follows:

8 (1) MEDICAID EXPANSION. The treatment of ss. 20.435 (4) (jw), 49.45 (2p), (23),  
9 and (23b) (title), (b), (c), and (e), 49.471 (1) (cr), (4) (a) 4. b. and 8. and (4g), and 49.686  
10 (3) (d) and SECTIONS 9119 (1) and 9219 (1) of this act take effect on July 1, 2021.

11 (END)