



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0058/1
EVM&TJD:amn

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 238**

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** 20.395 (2) (fd), 49.471 (1) (cr), 49.471 (4) (a) 8.,
4 49.471 (4g) and 86.313 of the statutes; **relating to:** local highways and bridges
5 supplement, eligibility expansion under the Medical Assistance program, and
6 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill expands eligibility under the state's Medical Assistance program and creates a local highways and bridges supplement program.

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.

Local highways and bridges supplement

This bill requires the Department of Transportation to administer a local highways and bridges supplement program. Under the program, DOT awards grants to municipalities and counties to fund qualifying improvement projects on highways or bridges under the jurisdiction of the municipality or county. A qualifying improvement project under the program is a highway or bridge construction project for which no federal funds are expended and that is any of the following:

1. Eligible for funding under the local bridge improvement assistance program.
2. Eligible for funding under the local roads improvement discretionary grant program.
3. A project to increase the load-bearing capacity of a bridge.

The bill appropriates \$617,039,600 from the general fund for this program. The bill provides \$288,000,000 for grants to counties. Not more than \$4,000,000 of this amount may be paid to each county. The bill also provides \$329,039,600 for grants to municipalities. Each municipality may be paid no more than the amount calculated by multiplying the number of miles of highways under the jurisdiction of the municipality for calendar year 2020 by \$4,000. Under the bill, DOT may not provide grants under the program after December 31, 2024.

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

1 **20.395 Transportation, department of**

2 (2) LOCAL TRANSPORTATION ASSISTANCE

3 (fd) Local highways and bridges sup-
4 plement

GPR C 617,039,600 -0-

5 **SECTION 2.** 20.395 (2) (fd) of the statutes is created to read:6 20.395 (2) (fd) *Local highways and bridges supplement.* From the general fund,
7 as a continuing appropriation, the amounts in the schedule for the local highways
8 and bridges supplement program under s. 86.313.9 **SECTION 3.** 20.435 (4) (jw) of the statutes is amended to read:10 20.435 (4) (jw) *BadgerCare Plus and hospital assessment.* All moneys received
11 from payment of enrollment fees under the program under s. 49.45 (23), all moneys
12 transferred under s. 50.38 (9), all moneys transferred from the appropriation account
13 under par. (jz), and 10 percent of all moneys received from penalty assessments
14 under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23), to
15 provide a portion of the state share of administrative costs for the BadgerCare Plus
16 Medical Assistance program under s. 49.471, and for administration of the hospital
17 assessment under s. 50.38.18 **SECTION 4.** 49.45 (2p) of the statutes is repealed.19 **SECTION 5.** 49.45 (23) of the statutes is repealed.20 **SECTION 6.** 49.45 (23b) (title) of the statutes is amended to read:21 49.45 (23b) (title) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER
22 IMPLEMENTATION REQUIRED.23 **SECTION 7.** 49.45 (23b) (b) of the statutes is amended to read:

1 49.45 **(23b)** (b) Beginning as soon as practicable after October 31, 2018, and
2 ending no sooner than December 31, 2023, the department shall do all of the
3 following with regard to the childless adults demonstration project under sub. ~~(23)~~
4 s. 49.471 (4) (a) 8.:

5 1. Require in each month persons, except exempt individuals, who are eligible
6 to receive Medical Assistance under sub. ~~(23)~~ s. 49.471 (4) (a) 8. and who are at least
7 19 years of age but have not attained the age of 50 to participate in, document, and
8 report 80 hours per calendar month of community engagement activities. The
9 department, after finding good cause, may grant a temporary exemption from the
10 requirement under this subdivision upon request of a Medical Assistance recipient.

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

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

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

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

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

1 49.45 **(23b)** (c) 1. Persons who are eligible for the demonstration project under
2 ~~sub. (23) s. 49.471 (4) (a) 8.~~ and who have monthly household income that exceeds
3 50 percent of the poverty line shall pay a monthly premium amount of \$8 per
4 household. A person who is eligible to receive an item or service furnished by an
5 Indian health care provider is exempt from the premium requirement under this
6 subdivision.

7 2. The department may disenroll under par. (b) 5. a person for nonpayment of
8 a required monthly premium only at annual eligibility redetermination after
9 providing notice and reasonable opportunity for the person to pay. If a person who
10 is disenrolled for nonpayment of premiums pays all owed premiums or becomes
11 exempt from payment of premiums, he or she may reenroll in Medical Assistance
12 under ~~sub. (23) s. 49.471 (4) (a) 8.~~

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

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

18 49.45 **(23b)** (e) Before December 31, 2023, the demonstration project
19 requirements under this subsection may not be withdrawn and the department may
20 not request from the federal government withdrawal, suspension, or termination of
21 the demonstration project requirements under this subsection unless legislation has
22 been enacted specifically allowing for the withdrawal, suspension, or termination.

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

24 49.471 **(1)** (cr) “Enhanced federal medical assistance percentage” means a
25 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

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

2 49.471 (4) (a) 4. b. The individual's family income does not exceed ~~100~~ 133
3 percent of the poverty line ~~before application of the 5 percent income disregard under~~
4 ~~42 CFR 435.603 (d).~~

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

6 49.471 (4) (a) 8. An individual who meets all of the following criteria:

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

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

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

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

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

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

24 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
25 for medical assistance within 12 months prior to application for reimbursement

1 under sub. (2). This paragraph does not apply to an individual who is eligible for
2 benefits under the demonstration project for childless adults under s. 49.45 (23) or
3 to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471
4 (4) (a) 8. or (11).

5 **SECTION 15.** 86.313 of the statutes is created to read:

6 **86.313 Local highways and bridges supplement. (1)** In this section:

7 (a) “Municipality” means a city, village, or town.

8 (b) “Political subdivision” means a city, village, town, or county.

9 (c) “Qualifying improvement project” means a highway or bridge construction
10 project for which no federal funds are expended and that is any of the following:

11 1. Eligible for funding under s. 84.18.

12 2. Eligible for funding under s. 86.31 (3g) to (3r).

13 3. A project to increase the load-bearing capacity of a bridge.

14 **(2)** The department shall administer a local highways and bridges supplement
15 program. Subject to sub. (3), from the appropriation under s. 20.395 (2) (fd), the
16 department shall, upon application, award grants to political subdivisions to fund
17 qualifying improvement projects on highways or bridges under the jurisdiction of the
18 political subdivision. The department shall make a grant award determination as
19 soon as practicable after receiving a complete application for a grant under this
20 section. The department may not provide grants under this section after December
21 31, 2024.

22 **(3) (a) 1.** From the appropriation under s. 20.395 (2) (fd), the department shall
23 allocate \$288,000,000 to fund qualifying improvement projects on highways or
24 bridges under the jurisdiction of counties.

1 2. The total amount of grants that may be paid by the department to each
2 county under this section may not exceed \$4,000,000.

3 (b) 1. From the appropriation under s. 20.395 (2) (fd), the department shall
4 allocate \$329,039,600 to fund qualifying improvement projects on highways or
5 bridges under the jurisdiction of municipalities.

6 2. The total amount of grants that may be paid by the department to each
7 municipality under this section may not exceed the amount calculated by
8 multiplying the number of miles of highways under the jurisdiction of the
9 municipality, as determined under s. 86.302 for calendar year 2020, by \$4,000.

10 (4) Amounts received under this section may not be included in cost
11 calculations under s. 86.303.

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

13 (1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health
14 services shall submit any necessary request to the federal department of health and
15 human services for a state plan amendment or waiver of federal Medicaid law or to
16 modify or withdraw from any waiver of federal Medicaid law relating to the childless
17 adults demonstration project under s. 49.45 (23), 2019 stats., to reflect the
18 incorporation of recipients of Medical Assistance under the demonstration project
19 into the BadgerCare Plus program under s. 49.471 and the termination of the
20 demonstration project. Sections 20.940 and 49.45 (2t) do not apply to a submission
21 to the federal government under this subsection.

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

23 (1) MEDICAID EXPANSION. In the schedule under s. 20.005 (3) for the
24 appropriation to the department of health services under s. 20.435 (4) (b), the dollar
25 amount for fiscal year 2021-22 is decreased by \$849,788,000 as a result of expanding

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

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

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

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(END)