



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRBs0065/1  
JK&TJD:all

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 232**

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** 49.471 (1) (cr), 49.471 (4) (a) 8. and 49.471 (4g) of  
4 the statutes; **relating to:** property tax assistance to households, eligibility  
5 expansion under the Medical Assistance program, and making an  
6 appropriation.

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

***Lottery and gaming property tax credit***

This bill transfers \$1.6 billion from the general fund to the lottery fund to be used for the lottery and gaming property tax credit. Under current law, the credit reduces the property taxes owed on an individual's primary residence in this state.

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

2           20.435 (4) (jw) *BadgerCare Plus and hospital assessment.* All moneys received  
3 ~~from payment of enrollment fees under the program under s. 49.45 (23),~~ all moneys  
4 transferred under s. 50.38 (9), all moneys transferred from the appropriation account  
5 under par. (jz), and 10 percent of all moneys received from penalty assessments  
6 under s. 49.471 (9) (c), ~~for administration of the program under s. 49.45 (23),~~ to  
7 provide a portion of the state share of administrative costs for the BadgerCare Plus  
8 Medical Assistance program under s. 49.471, and for administration of the hospital  
9 assessment under s. 50.38.

10           **SECTION 2.** 49.45 (2p) of the statutes is repealed.

11           **SECTION 3.** 49.45 (23) of the statutes is repealed.

12           **SECTION 4.** 49.45 (23b) (title) of the statutes is amended to read:

1           49.45 **(23b)** (title) CHILDLESS ADULTS ~~DEMONSTRATION PROJECT~~ REFORM WAIVER  
2 IMPLEMENTATION REQUIRED.

3           **SECTION 5.** 49.45 (23b) (b) of the statutes is amended to read:

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

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

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

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

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

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

1 activity but who does not participate for 48 aggregate months in the community  
2 engagement activity.

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

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

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

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

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

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

1           **SECTION 8.** 49.471 (1) (cr) of the statutes is created to read:

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

4           **SECTION 9.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

5           49.471 (4) (a) 4. b. The individual’s family income does not exceed ~~100~~ 133  
6 percent of the poverty line ~~before application of the 5 percent income disregard under~~  
7 ~~42 CFR 435.603 (d).~~

8           **SECTION 10.** 49.471 (4) (a) 8. of the statutes is created to read:

9           49.471 (4) (a) 8. An individual who meets all of the following criteria:

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

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

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

15           **SECTION 11.** 49.471 (4g) of the statutes is created to read:

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

1           **SECTION 12.** 49.686 (3) (d) of the statutes is amended to read:

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

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

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

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

19           (1) LOTTERY AND GAMING PROPERTY TAX CREDIT. Notwithstanding ss. 25.75 (1) (b)  
20 and 79.10 (11) (b), the department of administration shall increase the amount  
21 available as lottery proceeds for payment of the credit under s. 79.10 (5) by  
22 \$1,600,000,000.

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 9237. Fiscal changes; Revenue.**

7 (1) LOTTERY AND GAMING PROPERTY TAX CREDIT. There is transferred from the  
8 general fund to the lottery fund \$1,600,000,000 in fiscal year 2021-22 to be used for  
9 the lottery and gaming credit under s. 79.10 (5).

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

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

15 (END)