



State of Wisconsin
2021 - 2022 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 234**

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:** tourism industry grants, eligibility expansion under
5 the Medical Assistance program, and making an appropriation.

Analysis by the Legislative Reference Bureau

TOURISM PROMOTION AND DEVELOPMENT ORGANIZATION GRANTS

This bill requires the Department of Tourism to award grants to nonprofit organizations whose primary purpose is the promotion and development of tourism in Wisconsin to assist those organizations to remain operational in the wake of the COVID-19 global pandemic. The bill further requires the Department of Tourism to award grants to such nonprofit organizations and to certain governmental organizations also having that same primary purpose for purposes of tourism marketing in connection with Wisconsin's recovery from the COVID-19 global pandemic.

A nonprofit or governmental organization receiving a grant under the bill, as specified above, may not receive grants totalling more than \$1,000,000 or 50 percent of the organization's average annual tourism marketing budget over the previous

three years, not including 2020. The bill appropriates \$100,000,000 in general purpose revenue for the grants.

AMUSEMENT INDUSTRY GRANTS

The bill requires the Department of Tourism to award grants to organizations that own or operate amusement or theme parks in Wisconsin for purposes of short-term tourism marketing in connection with the organization's recovery from the COVID-19 global pandemic. The bill limits each grant to 50 percent of the organization's average annual tourism marketing budget over the previous three years, not including 2020. The bill appropriates \$50,000,000 in general purpose revenue for the grants.

ELIGIBILITY EXPANSION UNDER THE MEDICAL ASSISTANCE PROGRAM

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. The 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 the 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.

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~~

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

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

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

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

10 49.45 **(23b)** (title) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER
11 IMPLEMENTATION REQUIRED.

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

13 49.45 **(23b)** (b) Beginning as soon as practicable after October 31, 2018, and
14 ending no sooner than December 31, 2023, the department shall do all of the
15 following with regard to the childless adults demonstration project under sub. ~~(23)~~
16 s. 49.471 (4) (a) 8.:

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

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

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

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

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

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

12 49.45 **(23b)** (c) 1. Persons who are eligible for the demonstration project under
13 ~~sub. (23)~~ s. 49.471 (4) (a) 8. and who have monthly household income that exceeds
14 50 percent of the poverty line shall pay a monthly premium amount of \$8 per
15 household. A person who is eligible to receive an item or service furnished by an
16 Indian health care provider is exempt from the premium requirement under this
17 subdivision.

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

24 3. The department shall reduce the amount of the required household premium
25 by up to half for a recipient of Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.

1 who does not engage in certain behaviors that increase health risks or who attests
2 to actively managing certain unhealthy behaviors.

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

4 49.45 **(23b)** (e) Before December 31, 2023, the ~~demonstration~~ project
5 requirements under this subsection may not be withdrawn and the department may
6 not request from the federal government withdrawal, suspension, or termination of
7 the ~~demonstration project~~ requirements under this subsection unless legislation has
8 been enacted specifically allowing for the withdrawal, suspension, or termination.

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

10 49.471 **(1)** (cr) “Enhanced federal medical assistance percentage” means a
11 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

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

13 49.471 **(4)** (a) 4. b. The individual’s family income does not exceed ~~100~~ 133
14 percent of the poverty line ~~before application of the 5 percent income disregard under~~
15 ~~42 CFR 435.603 (d).~~

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

17 49.471 **(4)** (a) 8. An individual who meets all of the following criteria:

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

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

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

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

24 49.471 **(4g)** **MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE.** For
25 services provided to individuals described under sub. (4) (a) 8., the department shall

1 comply with all federal requirements to qualify for the highest available enhanced
2 federal medical assistance percentage. The department shall submit any
3 amendment to the state medical assistance plan, request for a waiver of federal
4 Medicaid law, or other approval request required by the federal government to
5 provide services to the individuals described under sub. (4) (a) 8. and qualify for the
6 highest available enhanced federal medical assistance percentage. Sections 20.940
7 and 49.45 (2t) do not apply to a submission to the federal government under this
8 subsection.

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

10 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
11 for medical assistance within 12 months prior to application for reimbursement
12 under sub. (2). This paragraph does not apply to an individual ~~who is eligible for~~
13 ~~benefits under the demonstration project for childless adults under s. 49.45 (23) or~~
14 ~~to an individual~~ who is eligible for benefits under BadgerCare Plus under s. 49.471
15 (4) (a) 8. or (11).

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

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

1 **SECTION 9143. Nonstatutory provisions; Tourism.**

2 (1) TOURISM PROMOTION AND DEVELOPMENT ORGANIZATION GRANTS.

3 (a) *Definitions.* In this subsection:

4 1. “Governmental organization” means a department or a subunit of a county,
5 city, village, town, or federally recognized American Indian tribe or band in this state.

6 2. “Tourism promotion and development organization” means a nonprofit
7 organization or a governmental organization whose primary purpose is the
8 promotion and development of tourism to or within this state or a particular region
9 in this state.

10 (b) *Continuation of operations grants.* From the appropriation under s. 20.380

11 (1) (a), the department of tourism shall award grants to tourism promotion and
12 development organizations, other than governmental organizations, adversely
13 affected by the COVID-19 global pandemic to assist those organizations to remain
14 operational.

15 (c) *Tourism marketing grants.* From the appropriation under s. 20.380 (1) (a),
16 the department of tourism shall award grants to tourism promotion and
17 development organizations for purposes of short-term tourism marketing in
18 connection with this state’s recovery from the COVID-19 global pandemic.

19 (d) *Grant limits.* No organization may receive grants under pars. (b) and (c)
20 that in the aggregate exceed the lesser of the following:

21 1. \$1,000,000.

22 2. Fifty percent of the organization’s average annual tourism marketing budget
23 for the preceding 3 years, not including 2020.

24 (2) AMUSEMENT INDUSTRY TOURISM MARKETING GRANTS.

1 (a) *Grants.* From the appropriation under s. 20.380 (1) (a), the department of
2 tourism shall award grants to organizations that own or operate amusement or
3 theme parks in this state for purposes of short-term tourism marketing in
4 connection with the organization's recovery from the COVID-19 global pandemic.

5 (b) *Grant limit.* No organization may receive a grant under par. (a) that exceeds
6 50 percent of the organization's average annual tourism marketing budget for the
7 preceding 3 years, not including 2020.

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

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

16 **SECTION 9243. Fiscal changes; Tourism.**

17 (1) **TOURISM PROMOTION AND DEVELOPMENT ORGANIZATION GRANTS.** In the schedule
18 under s. 20.005 (3) for the appropriation to the the department of tourism under s.
19 20.380 (1) (a), the dollar amount for fiscal year 2021-22 is increased by \$100,000,000
20 to provide grants under SECTION 9143 (1) of this act.

21 (2) **AMUSEMENT INDUSTRY TOURISM MARKETING GRANTS.** In the schedule under s.
22 20.005 (3) for the appropriation to the the department of tourism under s. 20.380 (1)
23 (a), the dollar amount for fiscal year 2021-22 is increased by \$50,000,000 to provide
24 grants under SECTION 9143 (2) of this act.

