

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: isagerro

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Addl. Drafters:

Subject: Public Assistance - med. assist.

Extra Copies: DAK

Submit via email: YES

Requester's email: Rep.Black@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Exempt amounts claimed for depreciation from income for purposes of calculating income under MA and Badger Care

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	isagerro 06/22/2001	wjackson 06/22/2001	rschluet 06/26/2001 rschluet 06/27/2001	_____	lrb_docadmin 06/27/2001	lrb_docadmin 06/27/2001	

FE Sent For:

<END>

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black:.....Susan McMurray -

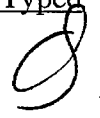
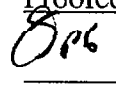
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Exempt amounts claimed for depreciation from income for purposes of calculating income under MA and BadgerCare
△

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1/?	isagerro	1 WJ 6/22	 6-26-01				

FE Sent For:

<END>

Hubler/Caucus

LRB #:

Assembly Democrat Budget Amendment Requests

Request Number:
(not LRB number)

81

Agency: DHFS -MA Badgercare

Description: Expand BadgerCare to include farmers

Attachments: AB 272

Cost (if known):

Contact person: Susan McMurray, 266-7521, Representative Black's Office

ISR



LPS: Please fix request sheet. Thanks.

black:..... Susan McMurray – Exempt amounts claimed for depreciation from income for purposes of calculating income under MA and BadgerCare

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 630, line 23: after "resources" insert "and subject to par. (at)".

3 2. Page 631, line 2: after "resources" insert "and subject to par. (at)".

4 3. Page 631, line 8: after "income" insert "and subject to par. (at)".

5 4. Page 631, line 14: after "income" insert "and subject to par. (at)".

6 5. Page 631, line 21: after "(11)" insert ", as determined under par. (at)".

7 6. Page 632, line 2: after "(ar)" insert ", as determined under par. (at)".

8 7. Page 632, line 7: after "resources" insert "and subject to par. (at)".

*as affected by
2001 Wisconsin Act
... (this act)*

1 ✓ **8.** Page 632, line 10: delete lines 10 to 16 and substitute:
 2 "SECTION 1800g. 49.46 (1) (a) 6. of the statutes is amended to read:
 3 49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who^e without regard
 4 (4) to the individual's resources and ~~subject to par. (at)~~ or income, would be considered,
 5 under federal law, to be receiving aid to families with dependent children for the
 6 purpose of determining eligibility for medical assistance and whose income does not
 7 exceed the income limit under par. (ar), [✓] as determined under par. (at)."

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39, 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9.

8 ✓ **9.** Page 632, line 20: after "family" insert "as determined under par. (at)".

9 ✓ **10.** Page 632, line 24: after "family" insert "as determined under par. (at)".

10 (10) ✓ **11.** Page 633, line ~~24~~⁸: after "family" insert "as determined under par. (at)".

11 ✓ **12.** Page 633, line 12: after "(11)" insert "as determined under par. (at)".

12 ✓ **13.** Page 633, line 17: after "(ar)" insert "as determined under par. (at)".

13 ✓ **14.** Page 633, line 24: after that line insert:

14 "SECTION 1804p. 49.46 (1) (at)[✓] of the statutes is created to read:

15 49.46 (1) (at)[✓] Except as provided in subd. 2. and except to the extent that the
 16 determination is inconsistent with 42 USC 1396a (a) (17), for the purposes of
 17 determining whether an individual under par. (a) 1.[✓], 1g.[✓], or 6.[✓] would qualify for a
 18 grant of aid to families with dependent children under s. 49.19, or whether an
 19 individual meets the income limits under par. (a) 1m.[✓], 9.[✓], 10.[✓], 11.[✓], or 12.[✓], "income"
 20 includes income that would be used in determining eligibility for aid to families with
 21 dependent children under s. 49.19 and excludes income that would be excluded in
 22 determining eligibility for aid to families with dependent children under s. 49.19.[✓]

1 2. Notwithstanding s. 49.19 (5),[✓] for purposes of calculating whether an
 2 individual under par. (a) 1., 1g.,[✓] or 6.[✓] would qualify for a grant of aid to families with
 3 dependent children under s. 49.19,[✓] or whether an individual meets the income limits
 4 under par. (a) 1m.,[✓] 9.,[✓] 10.,[✓] 11.,[✓] or 12.,[✓] (am),[✓] or (e),[✓] the department shall exclude from
 5 the calculation of farm or self-employment income any amounts claimed for
 6 depreciation for income tax purposes.

7 **SECTION 1804r** 49.46 (1) (at) of the statutes, as created by 2001 Wisconsin Act
 8 (this act), is amended to read:

9 49.46 (1) (at)^h Except as provided in subd. 2. and except to the extent that the
 10 determination is inconsistent with 42 USC 1396a (a) (17), for the purposes of
 11 determining whether an individual ~~under par. (a) 1., 1g., or 6. would qualify for a~~
 12 ~~grant of aid to families with dependent children under s. 49.19, or whether an~~
 13 individual meets the income limits under par. (a) ~~1m., 9., 10., 11., or 12. (at)~~, “income”
 14 includes income that would be used in determining eligibility for aid to families with
 15 dependent children under s. 49.19 and excludes income that would be excluded in
 16 determining eligibility for aid to families with dependent children under s. 49.19.

17 2. Notwithstanding s. 49.19 (5), for purposes of calculating whether an
 18 individual ~~under par. (a) 1., 1g., or 6. would qualify for a grant of aid to families with~~
 19 ~~dependent children under s. 49.19, or whether an individual meets the income limits~~
 20 under par. (a) ~~1m., 9., 10., 11., or 12., (am), or (e) (at)~~, the department shall exclude
 21 from the calculation of farm or self-employment income any amounts claimed for
 22 depreciation for income tax purposes.”.

1 ✓ **15.** Page 634, line 3: delete that line and substitute "4919, as calculated under
2 par. (at), or meets the income and resource requirements under federal Title XVI or
3 s.".

4 ✓ **16.** Page 634, line 11: delete that line and substitute "the income limits under
5 ~~s. 49.19 par. (ar)~~, as calculated under par. (at), or meets the income and resource".

6 ✓ **17.** Page 634, line 15: after that line insert:
7 "SECTION 1805i. 49.46 (1) (L) of the statutes is repealed."

8 ✓ **18.** Page 637, line 6: after that line insert:
→ *Insert 4-9-14*

9 **19.** Page 637, line 10: delete the material beginning with that line and ending
10 with page 638, line 16 and substitute:

11 "SECTION 1815d. 49.47 (4) (c) 1. of the statutes is amended to read:

12 49.47 (4) (c) 1. Except as provided in par. (am) and as ~~limited by subd. 3.,~~
13 ~~eligibility exists if an applicant is eligible to receive medical assistance under this~~
14 ~~subsection if the applicant's income, as determined under subd. 1m,~~ ✓ does not exceed
15 133 1/3% of the maximum aid to families with dependent children payment under
16 s. 49.19 (11) for the applicant's family size or if the applicant's income does not exceed
17 the combined benefit amount available under supplemental security income under
18 42 USC 1381 to 1383c and state supplemental aid under s. 49.77 whichever is higher.
19 ~~In this subdivision "income" includes earned or unearned income that would be~~
20 ~~included in determining eligibility for the individual or family under s. 49.19 or~~
21 ~~49.77, or for the aged, blind or disabled under 42 USC 1381 to 1385. "Income" does~~
22 ~~not include earned or unearned income which would be excluded in determining~~

ASSEMBLY BILL 272

1 49.46 (1) (e) If an application under s. 49.47 (3) shows that the person has
 2 individual meets the income and resources within the limitations of resource limits
 3 under s. 49.19, as calculated under par. (ar), or meets the income and resource
 4 requirements under federal Title XVI or s. 49.77, or that the person is an essential
 5 person, an accommodated person or a patient in a public medical institution, the
 6 person shall be granted the benefits enumerated under sub. (2) whether or not the
 7 person requests or receives a grant of any of such aids.

8 **SECTION 10.** 49.46 (1) (d) of the statutes is repealed.

9 **SECTION 11.** 49.47 (4) (a) 1. of the statutes is amended to read:

10 49.47 (4) (a) 1. Under 18 At least 19 years of age but under 21 years of age or,
 11 if the person and resides in an intermediate care facility, skilled nursing facility or
 12 inpatient psychiatric hospital, under 21 years of age.

13 **SECTION 12.** 49.47 (4) (a) 1m. of the statutes is created to read:

14 49.47 (4) (a) 1m. Under the age of 18.

15 ^{a)} **SECTION** ^{1814c} ~~13~~ 49.47 (4) (am) 1. of the statutes is amended to read:

16 49.47 (4) (am) 1. A pregnant woman whose family income, as determined under
 17 par. (c), ^{lm.} does not exceed 155% of the poverty line for a family the size of the woman's
 18 family, except that, if a waiver under par. (j) or a change in the approved state plan
 19 under s. 49.46 (1) (am) 2. is in effect, the income limit is 185% of the poverty line for
 20 a family the size of the woman's family in each state fiscal year after the 1994-95
 21 state fiscal year.

22 ^{1814K} **SECTION** ~~14~~ 49.47 (4) (am) 2. of the statutes is amended to read:

23 49.47 (4) (am) 2. A child who is under 6 years of age and whose family income,
 24 as determined under par. (c), ^{lm.} does not exceed 155% of the poverty line for a family
 25 the size of the child's family, except that, if a waiver under par. (j) or a change in the

Insert
4-9

Insert
4-9(cont)

ASSEMBLY BILL 272

1 approved state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is 185%
2 of the poverty line for a family the size of the child's family in each state fiscal year
3 after the 1994-95 state fiscal year.))

4 SECTION 15. 49.47 (4) (c) 1. of the statutes is repealed and recreated to read:

5 49.47 (4) (c) 1. Except as provided in par. (am) and subd. 3., an applicant is
6 eligible to receive medical assistance under this subsection if the applicant's total
7 income, as determined under par. (cg), does not exceed 133 1/3% of the maximum aid
8 to families with dependent children payment under s. 49.19 (11) for the applicant's
9 family size or the combined benefit amount available under supplemental security
10 income under 42 USC 1381 to 1383c and state supplemental aid under s. 49.77,
11 whichever is higher.

12 SECTION ^{1815h} ~~14~~ 49.47 (4) (c) ^{Im.} of the statutes is created to read:

13 49.47 (4) (c) ^{Im.a.} Except as provided in ^{Im.c.} subd. ^{subd. 1.} 3,
14 whether an individual's income meets the income requirements under ~~par. (cg)~~
15 "income" includes all of the individual's earned and unearned income that would be
16 included in determining eligibility for the individual or family under s. 49.19 or
17 49.77, or for the aged, blind, or disabled individual under 42 USC 1381 to 1385 and
18 "income" does not include earned and unearned income that would be excluded in
19 determining eligibility for the individual or family under s. 49.19 or 49.77, or for the
20 aged, blind, or disabled individual under 42 USC 1381 to 1385.

21 SECTION ^{1815K} ~~17~~ 49.47 (4) (c) ^{Im.c.} of the statutes is created to read:

22 49.47 (4) (c) ^{Im.c.} Notwithstanding s. 49.19 (5), for purposes of determining
23 whether an individual under par. ^(cg) ~~(a)~~ ^{Im. or 2A} or (am) is eligible for medical
24 assistance, the department shall exclude from the calculation of farm or

5-Insert
18

(cont)

ASSEMBLY BILL 272

*Insert
5-19
ent*

1 self-employment income any amounts claimed for depreciation for income tax
 2 purposes. ^{(b) 1815n}
 3 SECTION ~~18~~ 49.47 (4) (h) of the statutes is renumbered 49.47 (4) (c) ~~24~~ ^{Im, b.} and
 4 amended to read: ^{Im, b.}
 5 49.47 (4) (c) ~~24~~ ^{Im, b.} For ~~Except as provided in subd. 2.~~ ^{Im, c.} for the purposes of par. (am),
 6 "income" includes income that would be used in determining eligibility for aid to
 7 families with dependent children under s. 49.19 and ~~excludes does not include~~
 8 income that would be excluded in determining eligibility for aid to families with
 9 dependent children under s. 49.19. [✓]

*Insert
5-20*

10 SECTION ~~19~~ ^{(b) 1835W} 49.665 (4) (a) 1. of the statutes is amended to read:
 11 49.665 (4) (a) 1. The family's income does not exceed 185% of the poverty line,
 12 except as provided in par. (at) and except that a family that is already receiving
 13 health care coverage under this section may have an income that does not exceed
 14 200% of the poverty line. The Subject to par. (d), the department shall establish by
 15 rule the criteria to be used to determine income. [✓]

*Insert
5-21*

16 SECTION ~~20~~ ^{(b) 1837P} 49.665 (4) (d) of the statutes is created to read:
 17 49.665 (4) (d) For purposes of calculating a family's or child's income under this
 18 subsection, the department shall exclude from the calculation of farm or
 19 self-employment income any amounts claimed for depreciation for income tax
 20 purposes. [✓]

21 **SECTION 21. Initial applicability.**
 22 (1) This act first applies to eligibility determinations for the medical assistance
 23 and badger care health care programs that are made on the effective date of this
 24 subsection.

25 (END)

ADC CAUCUS BUDGET AMENDMENT [ONLY FOR CAUCUS]

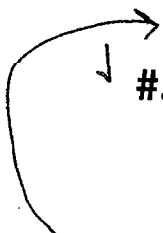
See form **AMENDMENTS — COMPONENTS & ITEMS.**

CAUCUS AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 2001 SENATE BILL 55

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

(am) 1. and 2.

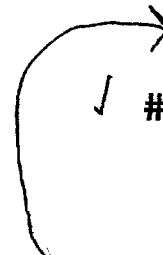


✓ #. Page 1398, line 23: delete that line and substitute "and 1. (b) 2m. a. and (c) 1. (by Section 1815d), ~~and (d) 1. and (e) 1.~~ and (e) 1. of the statutes first applies to eligibility"

✓ #. Page 1398, line 22: delete "and (e) (by Section 1805)" and substitute "(d) (by Section 1804p), (e) (by Section 1805), and (f)".

→ insert from next page

✓ #. Page 1419, line 14: delete "and (e)" and substitute "(at) (by Section 1804p), and (e)".



✓ #. Page 1419, line 19: after "(ar)" insert "(at) (by Section 1804p)".

✓ #. Page 1419, line 14: after "1805)" insert "and (f)".

(am) 1. and 2.

#. Page 1419, line 15: delete ^{that} line 15 and substitute "and 1. (b) 2m. a. and (c) 1. (by Section 1815d), ~~and (d) 1. and (e) 1.~~ and (e) 1. of the statutes and Section 9323(15c) of this act"

2001

Date (time) needed _____

LRB b _____ / _____

**ADC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

_____ : _____ : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

✓ #. Page 119, line 20: delete "and Im." (and substitute "by ^{CS} Section 1815g")

Move to previous page.

✓ #. Page 1399, line 4: delete "and Im." and substitute "by ^{CS} Section 1815g"

~~#. Page, line:~~
~~#. Page, line:~~
~~#. Page, line:~~
~~#. Page, line:~~