

1 ***-1261/5.585* *-1267/P1.129* SECTION 1654.** 49.775 (2) (bm) of the statutes
2 is amended to read:

3 49.775 (2) (bm) The custodial parent assigns to the state any right of the
4 custodial parent or of the dependent child to support from any other person. No
5 amount of support that begins to accrue after the individual ceases to receive
6 payments under this section may be considered assigned to the state. Any money
7 that is received by the department of workforce development children and families
8 under an assignment to the state under this paragraph and that is not the federal
9 share of support shall be paid to the custodial parent. The department of workforce
10 development children and families shall pay the federal share of support assigned
11 under this paragraph as required under federal law or waiver.

12 ***-1261/5.586* *-1267/P1.130* SECTION 1655.** 49.78 (4) of the statutes is
13 amended to read:

14 49.78 (4) RULES; MERIT SYSTEM. The department of workforce development
15 children and families shall promulgate rules for the efficient administration of aid
16 to families with dependent children in agreement with the requirement for federal
17 aid, including the establishment and maintenance of personnel standards on a merit
18 basis. The provisions of this section relating to personnel standards on a merit basis
19 supersede any inconsistent provisions of any law relating to county personnel. This
20 subsection shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

21 ***-1261/5.587* *-1261/P3.493* SECTION 1656.** 49.78 (5) of the statutes is
22 amended to read:

23 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
24 qualifications of applicants in any county department administering aid to families
25 with dependent children shall be given by the administrator of the division of merit

1 recruitment and selection in the office of state employment relations. The office of
2 state employment relations shall be reimbursed for actual expenditures incurred in
3 the performance of its functions under this section from the appropriations available
4 to the department of health and family services children and families for
5 administrative expenditures.

6 ***-1261/5.588* *-1267/P1.131* SECTION 1657.** 49.78 (7) of the statutes is
7 amended to read:

8 49.78 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under
9 sub. (4), the department of workforce development children and families where
10 requested by the county shall delegate to that county, without restriction because of
11 enumeration, any or all of the authority of the department of workforce
12 development's authority children and families under sub. (4) to establish and
13 maintain personnel standards including salary levels.

14 ***-0905/3.68* SECTION 1658.** 49.785 (1) (intro.) of the statutes is amended to
15 read:

16 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient of benefits
17 under s. 49.148, 49.46 or 49.77, or under 42 USC 1381 to 1385 in effect on
18 May 8, 1980, specified in sub. (1c) dies and the estate of the deceased recipient is
19 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
20 recipient, the county or applicable tribal governing body or organization responsible
21 for burial of the recipient shall pay, to the person designated by the county
22 department under s. 46.215, 46.22, or 46.23 or applicable tribal governing body or
23 organization responsible for the burial of the recipient, all of the following:

24 ***-0905/3.69* SECTION 1659.** 49.785 (1c) of the statutes is created to read:

25 49.785 (1c) All of the following are eligible recipients under this section:

1 (a) A recipient of benefits under s. 49.148, 49.46, or 49.77, or under 42 USC 1381
2 to 1385 in effect on May 8, 1980.

3 (b) A recipient of benefits under s. 49.471 who is any of the following:

4 1. A pregnant woman or a child under 6 years of age with a family income not
5 exceeding 185 percent of the poverty line at the time of death.

6 2. A child at least 6 years of age but less than 19 years of age with a family
7 income not exceeding 100 percent of the poverty line at the time of death.

8 3. A parent or caretaker relative with a family income not exceeding 50 percent
9 of the poverty line at the time of death.

10 ***-1313/3.15* SECTION 1660.** 49.79 (1) (b) of the statutes is repealed.

11 ***-1313/3.16* SECTION 1661.** 49.79 (1) (d) of the statutes is repealed.

12 ***-1313/3.17* SECTION 1662.** 49.79 (1) (e) of the statutes is repealed.

13 ***-1313/3.18* SECTION 1663.** 49.79 (1) (g) of the statutes is created to read:

14 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
15 in s. 49.141 (1) (r).

16 ***-1313/3.19* SECTION 1664.** 49.79 (2) (a) of the statutes is repealed.

17 ***-1313/3.20* SECTION 1665.** 49.79 (2) (b) of the statutes is renumbered 49.79
18 (2).

19 ***-1313/4.21* SECTION 1666.** 49.79 (9) (a) 2. of the statutes, as affected by 2007
20 Wisconsin Act ... (this act), is amended to read:

21 49.79 (9) (a) 2. The department may not require an individual who is a recipient
22 under the food stamp program and who is the caretaker of a child under the age of
23 ~~12~~ 26 weeks to participate in any employment and training program under this
24 subsection.

****NOTE: This is reconciled s. 49.79 (9) (a) 2. This SECTION has been affected by drafts with the following LRB numbers: -0484 and -1313.

1 ***-1313/3.21*** SECTION 1667. 49.79 (10) of the statutes is repealed.

2 ***-1261/5.589*** ***-1267/P1.133*** SECTION 1668. 49.81 (intro.) of the statutes is
3 amended to read:

4 **49.81 Public assistance recipients' bill of rights.** (intro.) The department
5 of health and family services, the department of ~~workforce development~~ children and
6 families, and all public assistance and relief-granting agencies shall respect rights
7 for recipients of public assistance. The rights shall include all rights guaranteed by
8 the U.S. constitution and the constitution of this state, and in addition shall include:

9 ***-0905/3.70*** SECTION 1669. 49.81 (4) of the statutes is amended to read:

10 49.81 (4) The right to a speedy determination of the recipient's status or
11 eligibility for public assistance, to notice of any proposed change in such status or
12 eligibility, and, in the case of assistance granted under s. 49.19, 49.46, 49.468 or,
13 49.47, or 49.471, to a speedy appeals process for resolving contested determinations.

14 ***-1261/5.590*** ***-1267/P1.134*** SECTION 1670. 49.82 (1) of the statutes is
15 amended to read:

16 49.82 (1) DEPARTMENTS TO ADVISE COUNTIES. The department of health and
17 family services and the department of ~~workforce development~~ children and families
18 shall advise all county officers charged with the administration of requirements
19 relating to public assistance programs under this chapter and shall render all
20 possible assistance in securing compliance therewith, including the preparation of
21 necessary forms and reports. The department of health and family services and the
22 department of ~~workforce development~~ children and families shall also publish any
23 information that those departments consider advisable to acquaint persons entitled

1 to public assistance, and the public generally, with the laws governing public
2 assistance under this chapter.

3 ***-1311/1.1* SECTION 1671.** 49.82 (2) of the statutes is renumbered 49.82 (2) (a)
4 and amended to read:

5 49.82 (2) (a) ~~Proof shall be provided~~ Except as provided in par. (b), for each
6 person included in an application for public assistance under this chapter, ~~except for~~
7 ~~a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42~~
8 ~~USC 1396a (e) (4) or an unborn child who is eligible for coverage under the Badger~~
9 ~~Care health care program under s. 49.665 (4) (ap),~~ proof shall be provided of his or
10 her social security number or that an application for a social security number has
11 been made.

12 ***-1311/1.2* SECTION 1672.** 49.82 (2) (b) of the statutes is created to read:

13 49.82 (2) (b) Paragraph (a) does not apply to any of the following:

14 1. A child who is eligible for medical assistance under s. 49.46 or 49.47 because
15 of 42 USC 1396a (e) (4).

16 2. An unborn child who is eligible for coverage under the Badger Care health
17 care program under s. 49.665 (4) (ap).

18 3. A person who is applying for medical assistance under subch. IV, coverage
19 under the Badger Care health care program under s. 49.665, or coverage under the
20 program for prescription drug assistance for elderly persons under s. 49.688 and who
21 refuses to obtain a social security number because of well-established religious
22 objections, as defined in 42 CFR 435.910 (h) (2).

23 ***-0905/3.71* SECTION 1673.** 49.82 (2) (b) 1. of the statutes, as created by 2007
24 Wisconsin Act (this act), is amended to read:

1 49.82 (2) (b) 1. A child who is eligible for medical assistance under s. 49.46 or,
2 49.47, or 49.471 because of 42 USC 1396a (e) (4).

***NOTE: This is reconciled s. 49.82 (2) (b) 1. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0905 and LRB-1311.

3 ***-0905/3.72* SECTION 1674.** 49.82 (2) (b) 2. of the statutes, as created by 2007
4 Wisconsin Act ... (this act), is amended to read:

5 49.82 (2) (b) 2. An unborn child who is eligible for coverage under s. 49.471 or
6 the Badger Care health care program under s. 49.665 (4) (ap).

****NOTE: This is reconciled s. 49.82 (2) (b) 2. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0905 and LRB-1311.

7 ***-1261/5.591* *-1267/P1.135* SECTION 1675.** 49.83 of the statutes is
8 amended to read:

9 **49.83 Limitation on giving information.** Except as provided under s. 49.32
10 (9), (10), and (10m), no person may use or disclose information concerning applicants
11 and recipients of relief funded by a relief block grant, aid to families with dependent
12 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and
13 spousal support and establishment of paternity and medical support liability
14 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not
15 connected with the administration of the programs, except that the department of
16 ~~workforce development~~ children and families may disclose such information to the
17 department of revenue for the sole purpose of administering state taxes. Any person
18 violating this section may be fined not less than \$25 nor more than \$500 or
19 imprisoned in the county jail not less than 10 days nor more than one year or both.

20 ***-0265/3.1* SECTION 1676.** 49.84 (6) of the statutes is created to read:

21 49.84 (6) (a) In this subsection, "department" means the department of health
22 and family services.

1 (b) 1. Notwithstanding any other eligibility requirements for the programs
2 specified in par. (c), unless excepted by par. (c) an applicant for or recipient under any
3 of those programs who declares himself or herself to be a citizen or national of the
4 United States shall provide, as a further condition of eligibility, satisfactory
5 documentary evidence, as provided in par. (d), that he or she is a citizen or national
6 of the United States.

7 2. An applicant shall provide the documentation at the time of application. If
8 a recipient was not required to provide documentation at the time he or she applied,
9 the recipient shall provide the documentation the first time his or her eligibility is
10 reviewed or redetermined after the effective date of this subdivision ... [revisor
11 inserts date]. An applicant or recipient shall be granted a reasonable time, as
12 determined by the department, to submit the documentation before his or her
13 eligibility is denied or terminated.

14 (c) The requirement to provide satisfactory documentary evidence under par.
15 (b) applies to applicants for and recipients under all of the following:

16 1. The Medical Assistance program under subch. IV, except for any of the
17 following:

18 a. An applicant or recipient who is entitled to benefits under or enrolled in any
19 part of Medicare under 42 USC 1395 et seq., as amended.

20 b. An applicant or recipient who is receiving supplemental security income
21 under 42 USC 1381 to 1383c.

22 c. A person who is eligible for medical assistance under s. 49.45 (27).

23 d. A child who is receiving medical assistance under s. 49.46 (1) (a) 13. or 49.47
24 (4) (am) 3.

25 e. A pregnant woman who is receiving medical assistance under s. 49.465.

1 2. The Badger Care health care program under s. 49.665, except for an unborn
2 child under s. 49.665 (4) (ap).

3 3. The part of the prescription drug assistance for elderly persons program
4 under s. 49.688 that is supported by a Medical Assistance waiver under 42 USC 1315
5 (a), as authorized under s. 49.688 (11).

6 (d) Satisfactory documentary evidence that an applicant or a recipient is a
7 citizen or national of the United States consists of the documents or other forms of
8 evidence specified in 42 CFR 435.407.

9 ***-0905/3.73* SECTION 1677.** 49.84 (6) (c) 1. d. of the statutes, as created by 2007
10 Wisconsin Act (this act), is amended to read:

11 49.84 (6) (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1)
12 (a) 13. or, 49.47 (4) (am) 3., or 49.471 (4) (a) 2. or (b) 2. or an unborn child receiving
13 prenatal care under s. 49.471.

****NOTE: This is reconciled s. 49.84 (6) (c) 1. d. This SECTION has been affected by
drafts with the following LRB numbers: -0265 and -0905.

14 ***-0905/3.74* SECTION 1678.** 49.84 (6) (c) 1. e. of the statutes, as created by 2007
15 Wisconsin Act (this act), is amended to read:

16 49.84 (6) (a) 1. e. A pregnant woman who is receiving medical assistance under
17 s. 49.465 or a child or pregnant woman who is receiving medical assistance under s.
18 49.471 (5) (b) 1. or 2.

****NOTE: This is reconciled s. 49.84 (6) (c) 1. e. This SECTION has been affected by
drafts with the following LRB numbers: -0265 and -0905.

19 ***-1261/5.592* *-1267/P1.136* SECTION 1679.** 49.845 (1) of the statutes is
20 amended to read:

21 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
22 (bn), (kz), (L), and (nn), the department of health and family services shall establish

1 a program to investigate suspected fraudulent activity on the part of recipients of
2 medical assistance under subch. IV, food stamp benefits under the food stamp
3 program under 7 USC 2011 to 2036, supplemental security income payments under
4 s. 49.77, payments for the support of children of supplemental security income
5 recipients under s. 49.775, and health care benefits under the Badger Care health
6 care program under s. 49.665 and, if the department of ~~workforce development~~
7 children and families contracts with the department of health and family services
8 under sub. (4), on the part of recipients of aid to families with dependent children
9 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to
10 49.161. The activities of the department of health and family services under this
11 subsection may include comparisons of information provided to the department by
12 an applicant and information provided by the applicant to other federal, state, and
13 local agencies, development of an advisory welfare investigation prosecution
14 standard, and provision of funds to county departments under ss. 46.215, 46.22, and
15 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The
16 department of health and family services shall cooperate with district attorneys
17 regarding fraud prosecutions.

18 *-1261/5.593* *-1267/P1.137* SECTION 1680. 49.845 (2) of the statutes is
19 amended to read:

20 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and
21 family services shall conduct activities to reduce payment errors in the Medical
22 Assistance program under subch. IV, the food stamp program under 7 USC 2011 to
23 2036, the supplemental security income payments program under s. 49.77, the
24 program providing payments for the support of children of supplemental security
25 income recipients under s. 49.775, and the Badger Care health care program under

1 s. 49.665 and, if the department of ~~workforce development~~ children and families
2 contracts with the department of health and family services under sub. (4), in
3 Wisconsin Works under ss. 49.141 to 49.161.

4 ***-1261/5.594* *-1267/P1.138* SECTION 1681.** 49.845 (3) of the statutes is
5 amended to read:

6 49.845 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of
7 ~~workforce development~~ children and families contracts with the department of
8 health and family services under sub. (4), the department of health and family
9 services shall provide funds from the appropriation under s. 20.435 (4) (kz) to
10 Wisconsin Works agencies to offset the administrative costs of reducing payment
11 errors in Wisconsin Works under ss. 49.141 to 49.161.

12 ***-1261/5.595* *-1267/P1.139* SECTION 1682.** 49.845 (4) of the statutes is
13 amended to read:

14 49.845 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m)
15 and (3), the department of ~~workforce development~~ children and families may
16 contract with the department of health and family services to investigate suspected
17 fraudulent activity on the part of recipients of aid to families with dependent
18 children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to
19 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under
20 ss. 49.141 to 49.161, as provided in this section.

21 ***-1261/5.596* *-1267/P1.140* SECTION 1683.** 49.85 (1) of the statutes is
22 amended to read:

23 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
24 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
25 Indian tribe or band determines that the department of health and family services

1 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department
2 of ~~workforce development~~ children and families may recover an amount under s.
3 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county
4 department or governing body shall notify the affected department of the
5 determination. If a Wisconsin Works agency determines that the department of
6 ~~workforce development~~ children and families may recover an amount under s. 49.161
7 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works
8 agency shall notify the department of ~~workforce development~~ children and families
9 of the determination.

10 *~~1261/5.597~~* *~~1267/P1.141~~* SECTION 1684. 49.85 (2) (b) of the statutes is
11 amended to read:

12 49.85 (2) (b) At least annually, the department of ~~workforce development~~
13 children and families shall certify to the department of revenue the amounts that,
14 based on the notifications received under sub. (1) and on other information received
15 by the department of ~~workforce development~~ children and families, the department
16 of ~~workforce development~~ children and families has determined that it may recover
17 under ss. 49.161 and 49.195 (3) and collect under s. 49.147 (6) (cm), except that the
18 department of ~~workforce development~~ children and families may not certify an
19 amount under this subsection unless it has met the notice requirements under sub.
20 (3) and unless its determination has either not been appealed or is no longer under
21 appeal.

22 *~~1261/5.598~~* *~~1267/P1.142~~* SECTION 1685. 49.85 (3) (b) (intro.) of the
23 statutes is amended to read:

24 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
25 department of ~~workforce development~~ children and families shall send a notice to the

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1 last-known address of the person from whom that department intends to recover or
2 collect the amount. The notice shall do all of the following:

3 ***-1261/5.599* *-1267/P1.143* SECTION 1686.** 49.85 (3) (b) 1. of the statutes
4 is amended to read:

5 49.85 (3) (b) 1. Inform the person that the department of ~~workforce~~
6 development children and families intends to certify to the department of revenue
7 an amount that the department of ~~workforce development children and families~~ has
8 determined to be due under s. 49.161 or 49.195 (3) or to be delinquent under a
9 repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax
10 refund that may be due the person.

11 ***-1261/5.600* *-1267/P1.144* SECTION 1687.** 49.85 (3) (b) 2. of the statutes
12 is amended to read:

13 49.85 (3) (b) 2. Inform the person that he or she may appeal the determination
14 of the department of ~~workforce development children and families~~ to certify the
15 amount by requesting a hearing under sub. (4) within 30 days after the date of the
16 letter and inform the person of the manner in which he or she may request a hearing.

17 ***-1261/5.601* *-1267/P1.145* SECTION 1688.** 49.85 (3) (b) 3. of the statutes
18 is amended to read:

19 49.85 (3) (b) 3. Inform the person that, if the determination of the department
20 of ~~workforce development children and families~~ is appealed, that department will
21 not certify the amount to the department of revenue while the determination of the
22 department of ~~workforce development children and families~~ is under appeal.

23 ***-1261/5.602* *-1267/P1.146* SECTION 1689.** 49.85 (3) (b) 4. of the statutes
24 is amended to read:

1 49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is
2 requested to appeal the determination of the department of ~~workforce development~~
3 children and families, the person may be precluded from challenging any subsequent
4 setoff of the certified amount by the department of revenue, except on the grounds
5 that the certified amount has been partially or fully paid or otherwise discharged,
6 since the date of the notice.

7 *-1261/5.603* *-1267/P1.147* SECTION 1690. 49.85 (3) (b) 5. of the statutes
8 is amended to read:

9 49.85 (3) (b) 5. Request that the person inform the department of ~~workforce~~
10 development children and families if a bankruptcy stay is in effect with respect to the
11 person or if the claim has been discharged in bankruptcy.

12 *-1261/5.604* *-1267/P1.148* SECTION 1691. 49.85 (4) (b) of the statutes is
13 amended to read:

14 49.85 (4) (b) If a person has requested a hearing under this subsection, the
15 department of ~~workforce development~~ children and families shall hold a contested
16 case hearing under s. 227.44, except that the department of ~~workforce development~~
17 children and families may limit the scope of the hearing to exclude issues that were
18 presented at a prior hearing or that could have been presented at a prior opportunity
19 for hearing.

20 *-1261/5.605* *-1267/P1.149* SECTION 1692. 49.85 (5) of the statutes is
21 amended to read:

22 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
23 of revenue shall constitute a lien, equal to the amount certified, on any state tax
24 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
25 of revenue as a setoff under s. 71.93. Certification of an amount under this section

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1 does not prohibit the department of health and family services or the department of
2 ~~workforce development~~ children and families from attempting to recover or collect
3 the amount through other legal means. The department of health and family
4 services or the department of ~~workforce development~~ children and families shall
5 promptly notify the department of revenue upon recovery or collection of any amount
6 previously certified under this section.

7 ***-1261/5.606* *-1267/P1.150* SECTION 1693.** 49.852 (1) of the statutes is
8 renumbered 49.852 (1m) and amended to read:

9 49.852 (1m) The department of ~~workforce development~~ may direct the
10 department of employee trust funds, the retirement system of any 1st class city, any
11 retirement system established under chapter 201, laws of 1937, or the administrator
12 of any other pension plan to withhold the amount specified in the statewide support
13 lien docket under s. 49.854 (2) (b) from any lump sum payment from a pension plan
14 that may be paid a delinquent support obligor, except that the department of
15 ~~workforce development~~ may not direct that an amount be withheld under this
16 subsection unless it has met the notice requirements under sub. (2) and unless the
17 amount specified has either not been appealed or is no longer under appeal under s.
18 49.854.

19 ***-1261/5.607* *-1267/P1.151* SECTION 1694.** 49.852 (1c) of the statutes is
20 created to read:

21 49.852 (1c) In this section, "department" means the department of children
22 and families.

23 ***-1261/5.608* *-1267/P1.152* SECTION 1695.** 49.852 (2) (intro.) of the
24 statutes is amended to read:

1 49.852 (2) (intro.) The department of ~~workforce development~~ shall send a
2 notice to the last-known address of the person from whom the department intends
3 to recover the amount specified in the statewide support lien docket under s. 49.854
4 (2) (b). The notice shall do all of the following:

5 ***-1261/5.609*** ***-1267/P1.153*** **SECTION 1696.** 49.852 (2) (c) of the statutes is
6 amended to read:

7 49.852 (2) (c) Request that the person inform the department of ~~workforce~~
8 development or the appropriate county child support agency under s. 59.53 (5) if a
9 bankruptcy stay is in effect with respect to the person.

10 ***-1261/5.610*** ***-1267/P1.154*** **SECTION 1697.** 49.852 (3) of the statutes is
11 amended to read:

12 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the
13 hearing shall be conducted before the circuit court that rendered the initial order to
14 pay support. The court shall schedule a hearing within 10 business days after
15 receiving a request for a hearing. A circuit court commissioner may conduct the
16 hearing. If the court determines that the person owes the amount specified in the
17 statewide support lien docket under s. 49.854 (2) (b), the department of ~~workforce~~
18 development may direct the department of employee trust funds, the retirement
19 system of any 1st class city, any retirement system established under chapter 201,
20 laws of 1937, or the administrator of any other pension plan, whichever is
21 appropriate, to withhold the amount from any lump sum payment from a pension
22 plan that may be paid the person. If the court determines that the person does not
23 owe the amount specified in the statewide support lien docket under s. 49.854 (2) (b),
24 the department of ~~workforce development~~ may not direct the department of
25 employee trust funds, the retirement system of any 1st class city, any retirement

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1 system established under chapter 201, laws of 1937, or the administrator of any
2 other pension plan, whichever is appropriate, to withhold the amount from any lump
3 sum payment from a pension plan that may be paid the person.

4 ***-1261/5.611* *-1267/P1.155* SECTION 1698.** 49.852 (4) (a) of the statutes is
5 amended to read:

6 49.852 (4) (a) If the department of ~~workforce development~~ directs the
7 department of employee trust funds, the retirement system of any 1st class city, any
8 retirement system established under chapter 201, laws of 1937, or the administrator
9 of any other pension plan to withhold the amount specified in the statewide support
10 lien docket under s. 49.854 (2) (b), this directive shall constitute a lien, equal to the
11 amount specified in the statewide support lien docket, on any lump sum payment
12 from a pension plan that may be paid the person.

13 ***-1261/5.612* *-1267/P1.156* SECTION 1699.** 49.852 (4) (b) of the statutes is
14 amended to read:

15 49.852 (4) (b) If the department of ~~workforce development~~ directs the
16 department of employee trust funds, the retirement system of any 1st class city, any
17 retirement system established under chapter 201, laws of 1937, or the administrator
18 of any other pension plan to withhold the amount specified in the statewide support
19 lien docket under s. 49.854 (2) (b), the department of employee trust funds, the
20 retirement system of any 1st class city, any retirement system established under
21 chapter 201, laws of 1937, or the administrator of any other pension plan shall deduct
22 from any lump sum payment that may be paid the person the amount specified in
23 the statewide support lien docket, less any amount specified under par. (d). If the
24 amount specified in the statewide support lien docket under s. 49.854 (2) (b), less any
25 amount specified under par. (d), exceeds the lump sum payment, the department of

1 employee trust funds, the retirement system of any 1st class city, any retirement
2 system established under chapter 201, laws of 1937, or the administrator of any
3 other pension plan shall deduct the entire lump sum payment, less any withholdings
4 otherwise required by law. The amount deducted under this paragraph shall be
5 remitted to the department of workforce development.

6 ***-1261/5.613* *-1267/P1.157* SECTION 1700.** 49.852 (4) (c) of the statutes is
7 amended to read:

8 49.852 (4) (c) A directive to the department of employee trust funds, the
9 retirement system of any 1st class city, any retirement system established under
10 chapter 201, laws of 1937, or the administrator of any other pension plan to withhold
11 the amount specified in the statewide support lien docket under s. 49.854 (2) (b)
12 under this section does not prohibit the department of workforce development from
13 attempting to recover the amount through other legal means.

14 ***-1261/5.614* *-1267/P1.158* SECTION 1701.** 49.852 (4) (d) of the statutes is
15 amended to read:

16 49.852 (4) (d) The department of workforce development shall promptly notify
17 the department of employee trust funds, the retirement system of any 1st class city,
18 any retirement system established under chapter 201, laws of 1937, or the
19 administrator of any other pension plan upon recovery of any amount previously
20 specified in the statewide support lien docket under s. 49.854 (2) (b).

21 ***-1261/5.615* *-1267/P1.159* SECTION 1702.** 49.853 (1) (b) of the statutes is
22 amended to read:

23 49.853 (1) (b) "Department" means the department of workforce development
24 children and families.

SECTION 1703

1 ***-1261/5.616* *-1267/P1.160* SECTION 1703.** 49.854 (1) (a) of the statutes is
2 amended to read:

3 49.854 (1) (a) "Department" means the department of ~~workforce development~~
4 children and families.

5 ***-0485/2.1* SECTION 1704.** 49.854 (5) (a) 3. of the statutes is created to read:

6 49.854 (5) (a) 3. "Lien" means a lien under this section or a lien in favor of
7 another state based on a support obligation, including a lien placed under s. 769.305
8 (2) (g).

9 ***-0485/2.2* SECTION 1705.** 49.854 (5) (b) of the statutes is amended to read:

10 49.854 (5) (b) *Notice to the financial institution.* To enforce a lien ~~under this~~
11 ~~section~~ by levying against an account at a financial institution, the department shall
12 send a notice of levy to the financial institution instructing the financial institution
13 to prohibit the closing of or withdrawals from one or more accounts that the obligor
14 owns in whole or in part, up to a total amount that is sufficient to pay the support
15 owed, financial institution fees under par. (e), and estimated levy fees and costs
16 under sub. (11), until further notice from the department or a court. The financial
17 institution shall comply with the notice of levy and shall hold the amount specified
18 in the notice until the financial institution receives further instructions from the
19 department or a court.

20 ***-0485/2.3* SECTION 1706.** 49.854 (5) (c) of the statutes is created to read:

21 49.854 (5) (c) *Liens in favor of other states.* Notwithstanding par. (b), if a lien
22 under par. (b) is in favor of another state, the notice sent by the department to the
23 financial institution may consist of the request from the other state to enforce the
24 lien, a certification by the department that any necessary due process requirements
25 were met in the other state, a request that the financial institution honor the request

1 from the other state by sending the amount specified in the request directly to the
2 other state, and the address to which the financial institution shall send the funds.
3 Notice and hearing requirements under pars. (d) and (f) do not apply to a lien in favor
4 of another state.

5 ***-0485/2.4* SECTION 1707.** 49.854 (5) (e) of the statutes is amended to read:

6 49.854 (5) (e) *Financial institution fees.* A financial institution may continue
7 to collect fees, under the terms of the account agreement, on accounts frozen under
8 this subsection. In addition to the levy fee authorized under sub. (11) (a), a financial
9 institution may collect any early withdrawal penalty incurred under the terms of an
10 account as a result of the levy. Financial institution fees authorized under this
11 paragraph may be charged to the account immediately prior to the remittance of the
12 amount to the department or the other state and may be charged even if the amounts
13 in the obligor's accounts are insufficient to pay the total amount of support owed and
14 the department's levy costs under sub. (11) (b).

15 ***-1261/5.617* *-1267/P1.161* SECTION 1708.** 49.854 (11) (b) of the statutes
16 is amended to read:

17 49.854 (11) (b) *The department.* The department may assess a collection fee
18 to recover the department's costs incurred in levying against property under this
19 section. The department shall determine its costs to be paid in all cases of levy. The
20 obligor is liable to the department for the amount of the collection fee authorized
21 under this paragraph. Fees collected under this paragraph shall be credited to the
22 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja).

23 ***-1261/5.618* *-1267/P1.162* SECTION 1709.** 49.855 (1) of the statutes is
24 amended to read:

SECTION 1709

1 49.855 (1) If a person obligated to pay child support, family support,
2 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is
3 delinquent in making any of those payments, or owes an outstanding amount that
4 has been ordered by the court for past support, medical expenses, or birth expenses,
5 upon application under s. 59.53 (5) the department of ~~workforce development~~
6 children and families shall certify the delinquent payment or outstanding amount
7 to the department of revenue and, at least annually, shall provide to the department
8 of revenue any certifications of delinquencies or outstanding amounts that it receives
9 from another state because the obligor resides in this state.

10 *-1261/5.619* *-1261/P3.494* SECTION 1710. 49.855 (2r) of the statutes is
11 created to read:

12 49.855 (2r) At least annually, the department of children and families shall
13 certify to the department of revenue any obligation owed to that department under
14 s. 49.345 if the obligation is rendered to a judgment.

15 *-1261/5.620* *-1261/P3.495* SECTION 1711. 49.855 (3) of the statutes is
16 amended to read:

17 49.855 (3) Receipt of a certification by the department of revenue shall
18 constitute a lien, equal to the amount certified, on any state tax refunds or credits
19 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
20 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
21 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
22 obligor that the state intends to reduce any state tax refund or credit due the obligor
23 by the amount the obligor is delinquent under the support, maintenance, or receiving
24 and disbursing fee order or obligation, by the outstanding amount for past support,
25 medical expenses, or birth expenses under the court order, or by the amount due

1 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20
2 days the obligor may request a hearing before the circuit court rendering the order
3 under which the obligation arose. Within 10 days after receiving a request for
4 hearing under this subsection, the court shall set the matter for hearing. Pending
5 further order by the court or a circuit court commissioner, the department of
6 ~~workforce development~~ children and families or its designee, whichever is
7 appropriate, is prohibited from disbursing the obligor's state tax refund or credit.
8 A circuit court commissioner may conduct the hearing. The sole issues at that
9 hearing shall be whether the obligor owes the amount certified and, if not and it is
10 a support or maintenance order, whether the money withheld from a tax refund or
11 credit shall be paid to the obligor or held for future support or maintenance, except
12 that the obligor's ability to pay shall also be an issue at the hearing if the obligation
13 relates to an order under s. ~~767.51 (3) (e) 1. or 767.62 (4) (d) 1. s. 767.89 (3) (e) 1. or~~
14 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that
15 the obligor's income was at or below the poverty line established under 42 USC 9902
16 (2).

17 ***-1261/5.621* *-1267/P1.164* SECTION 1712.** 49.855 (4) (a) of the statutes is
18 amended to read:

19 49.855 (4) (a) The department of revenue shall send the portion of any state tax
20 refunds or credits withheld for delinquent child or family support or maintenance or
21 past support, medical expenses, or birth expenses to the department of ~~workforce~~
22 development children and families or its designee for deposit in the support
23 collections trust fund under s. 25.68 and shall send the portion of any state tax
24 refunds or credits withheld for delinquent receiving and disbursing fees to the
25 department of ~~workforce development~~ children and families or its designee for

1 deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja). The
2 department of ~~workforce development~~ children and families shall make a settlement
3 at least annually with the department of revenue. The settlement shall state the
4 amounts certified, the amounts deducted from tax refunds and credits, and the
5 administrative costs incurred by the department of revenue.

6 ***-1261/5.622* *-1267/P1.165* SECTION 1713.** 49.855 (4) (b) of the statutes is
7 amended to read:

8 49.855 (4) (b) The department of administration shall send the portion of any
9 federal tax refunds or credits received from the internal revenue service that was
10 withheld for delinquent child or family support or maintenance or past support,
11 medical expenses, or birth expenses to the department of ~~workforce development~~
12 children and families or its designee for deposit in the support collections trust fund
13 under s. 25.68 and shall send the portion of any federal tax refunds or credits received
14 from the internal revenue service that was withheld for delinquent receiving and
15 disbursing fees to the department of ~~workforce development~~ children and families
16 or its designee for deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)
17 (ja).

18 ***-1261/5.623* SECTION 1714.** 49.855 (4m) (b) of the statutes is amended to
19 read:

20 49.855 (4m) (b) The department of revenue may provide a certification that it
21 receives under sub. (1), (2m), ~~or (2p), or (2r)~~ to the department of administration.
22 Upon receipt of the certification, the department of administration shall determine
23 whether the obligor is a vendor or is receiving any other payments from this state,
24 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
25 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration

1 determines that the obligor is a vendor or is receiving payments from this state,
2 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
3 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
4 certified from those payments and shall notify the obligor that the state intends to
5 reduce any payments due the obligor by the amount the obligor is delinquent under
6 the support, maintenance, or receiving and disbursing fee order or obligation, by the
7 outstanding amount for past support, medical expenses, or birth expenses under the
8 court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The
9 notice shall provide that within 20 days after receipt of the notice the obligor may
10 request a hearing before the circuit court rendering the order under which the
11 obligation arose. An obligor may, within 20 days after receiving notice, request a
12 hearing under this paragraph. Within 10 days after receiving a request for hearing
13 under this paragraph, the court shall set the matter for hearing. A circuit court
14 commissioner may conduct the hearing. Pending further order by the court or circuit
15 court commissioner, the department of ~~workforce development~~ children and families
16 or its designee, whichever is appropriate, may not disburse the payments withheld
17 from the obligor. The sole issues at the hearing are whether the obligor owes the
18 amount certified and, if not and it is a support or maintenance order, whether the
19 money withheld shall be paid to the obligor or held for future support or
20 maintenance, except that the obligor's ability to pay is also an issue at the hearing
21 if the obligation relates to an order under s. ~~767.51 (3) (e) 1. or 767.62 (4) (d) 1. s.~~
22 767.89 (3) (e) 1. or 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that
23 the court found that the obligor's income was at or below the poverty line established
24 under 42 USC 9902 (2).

SECTION 1715

1 ***-1261/5.624*** ***-1267/P1.167*** SECTION 1715. 49.855 (4m) (c) of the statutes
2 is amended to read:

3 49.855 (4m) (c) Except as provided by order of the court after hearing under
4 par. (b), the department of administration shall continue withholding until the
5 amount certified is recovered in full. The department of administration shall
6 transfer the amounts withheld under this paragraph to the department of ~~workforce~~
7 ~~development~~ children and families or its designee, the department of health and
8 family services, or the department of corrections, whichever is appropriate. The
9 department of ~~workforce development~~ children and families or its designee shall
10 deposit amounts withheld for delinquent child or family support, maintenance, or
11 receiving and disbursing fees or past support, medical expenses, or birth expenses
12 in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (kp).

13 ***-1261/5.625*** ***-1267/P1.168*** SECTION 1716. 49.855 (5) of the statutes is
14 amended to read:

15 49.855 (5) Certification of an obligation to the department of revenue does not
16 deprive any party of the right to collect the obligation or to prosecute the obligor. The
17 department of ~~workforce development~~ children and families or its designee shall
18 immediately notify the department of revenue of any collection of an obligation that
19 has been certified to the department of revenue.

20 ***-1261/5.626*** ***-1267/P1.169*** SECTION 1717. 49.856 (1) (b) of the statutes is
21 amended to read:

22 49.856 (1) (b) "Department" means the department of ~~workforce development~~
23 children and families.

24 ***-1261/5.627*** ***-1267/P1.170*** SECTION 1718. 49.857 (1) (cf) of the statutes is
25 created to read:

1 49.857 (1) (cf) "Department" means the department of children and families.

2 ***-1261/5.628* *-1267/P1.171* SECTION 1719.** 49.857 (1) (f) of the statutes is
3 amended to read:

4 49.857 (1) (f) "Subpoena or warrant" means a subpoena or warrant issued by
5 the department of ~~workforce development~~ or a child support agency and relating to
6 paternity or support proceedings.

7 ***-1261/5.629* *-1267/P1.172* SECTION 1720.** 49.857 (2) (a) of the statutes is
8 amended to read:

9 49.857 (2) (a) The department of ~~workforce development~~ shall establish a
10 system, in accordance with federal law, under which a licensing authority is
11 requested, and a licensing agency or credentialing board is required, to restrict,
12 limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or
13 revalidate a license in a timely manner upon certification by and in cooperation with
14 the department of ~~workforce development~~, if the individual holding or applying for
15 the license is delinquent in making court-ordered payments of support or fails to
16 comply, after appropriate notice, with a subpoena or warrant.

17 ***-1261/5.630* *-1267/P1.173* SECTION 1721.** 49.857 (2) (b) (intro.) of the
18 statutes is amended to read:

19 49.857 (2) (b) (intro.) Under the system, the department of ~~workforce~~
20 ~~development~~ shall enter into a memorandum of understanding with a licensing
21 authority, if the licensing authority agrees, and with a licensing agency. A
22 memorandum of understanding under this paragraph shall address at least all of the
23 following:

24 ***-1261/5.631* *-1267/P1.174* SECTION 1722.** 49.857 (2) (b) 2. (intro.) of the
25 statutes is amended to read:

1 49.857 (2) (b) 2. (intro.) Procedures that the department of workforce
2 development shall use for doing all of the following:

3 *~~-1261/5.632~~* *~~-1267/P1.175~~* SECTION 1723. 49.857 (2) (b) 2. a. of the
4 statutes is amended to read:

5 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
6 delinquency in support or a failure to comply with a subpoena or warrant. The
7 memorandum of understanding with the department of regulation and licensing
8 shall include procedures for the department of regulation and licensing to notify a
9 credentialing board that a certification of delinquency in support or failure to comply
10 with a subpoena or warrant has been made by the department of workforce
11 development children and families with respect to an individual who holds or applied
12 for a credential granted by the credentialing board.

13 *~~-1261/5.633~~* *~~-1267/P1.176~~* SECTION 1724. 49.857 (2) (b) 3. c. of the statutes
14 is amended to read:

15 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of
16 workforce development children and families notifies the licensing authority or
17 licensing agency that an individual who was delinquent in making court-ordered
18 payments of support has paid the delinquent support or made satisfactory
19 alternative payment arrangements or that an individual who failed to comply with
20 a subpoena or warrant has satisfied the requirements under the subpoena or
21 warrant. The memorandum of understanding with the department of regulation
22 and licensing shall include procedures for the department of regulation and licensing
23 to direct a credentialing board to grant or reinstate a credential if the department
24 of workforce development children and families notifies the department of
25 regulation and licensing that an individual who holds or applied for a credential

1 granted by the credentialing board has paid the delinquent support or made
2 satisfactory alternative payment arrangements or that an individual who failed to
3 comply with a subpoena or warrant has satisfied the requirements under the
4 subpoena or warrant.

5 ***-1261/5.634* *-1267/P1.177* SECTION 1725.** 49.857 (2) (b) 5. of the statutes
6 is amended to read:

7 49.857 (2) (b) 5. Procedures for safeguarding the confidentiality of information
8 about an individual, including social security numbers obtained by the department
9 of ~~workforce development~~, the licensing authority, the licensing agency, or a
10 credentialing board.

11 ***-1261/5.635* *-1267/P1.178* SECTION 1726.** 49.857 (3) (a) (intro.) of the
12 statutes is amended to read:

13 49.857 (3) (a) (intro.) Before the department of ~~workforce development~~ certifies
14 to a licensing authority or a licensing agency under the system established under
15 sub. (2) that an individual is delinquent in making court-ordered payments of
16 support, the department of ~~workforce development~~ or a child support agency shall
17 provide notice to the individual by regular mail. The notice shall inform the
18 individual of all of the following:

19 ***-1261/5.636* *-1267/P1.179* SECTION 1727.** 49.857 (3) (a) 4. of the statutes
20 is amended to read:

21 49.857 (3) (a) 4. That the certification will not be made if the individual pays
22 the delinquent amount in full or makes satisfactory alternative payment
23 arrangements with the department of ~~workforce development~~ or a child support
24 agency. The notice shall inform the individual of how he or she may pay the
25 delinquent amount or make satisfactory alternative payment arrangements.

1 ***-1261/5.637* *-1267/P1.180* SECTION 1728.** 49.857 (3) (ac) 1. of the statutes
2 is amended to read:

3 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,
4 the court shall schedule a hearing within 10 business days after receiving the
5 request. A circuit court commissioner may conduct the hearing. The only issues at
6 the hearing shall be whether the individual is delinquent in making court-ordered
7 payments of support and whether any alternative payment arrangement offered by
8 the department of ~~workforce development~~ or the county child support agency is
9 reasonable.

10 ***-1261/5.638* *-1267/P1.181* SECTION 1729.** 49.857 (3) (ac) 2. of the statutes
11 is amended to read:

12 49.857 (3) (ac) 2. If at a hearing under subd. 1. the court or circuit court
13 commissioner finds that the individual does not owe delinquent support, or if within
14 20 business days after receiving a notice under par. (a) the individual pays the
15 delinquent amount in full or makes satisfactory alternative payment arrangements,
16 the department of ~~workforce development~~ may not place the individual's name on a
17 certification list.

18 ***-1261/5.639* *-1267/P1.182* SECTION 1730.** 49.857 (3) (ac) 3. of the statutes
19 is amended to read:

20 49.857 (3) (ac) 3. If at a hearing under subd. 1. the court or circuit court
21 commissioner makes a written determination that alternative payment
22 arrangements proposed by the department of ~~workforce development~~ or a child
23 support agency are not reasonable, the court or circuit court commissioner may order
24 for the individual an alternative payment arrangement. If the court or circuit court

1 commissioner orders an alternative payment arrangement, the department of
2 ~~workforce development~~ may not place the individual's name on a certification list.

3 ***-1261/5.640* *-1267/P1.183* SECTION 1731.** 49.857 (3) (am) (intro.) of the
4 statutes is amended to read:

5 49.857 (3) (am) (intro.) If an individual, after receiving notice under par. (a),
6 does not timely request a hearing or pay the delinquent amount of support or make
7 satisfactory alternative payment arrangements, the department of ~~workforce~~
8 development shall place the individual's name on a certification list. Thereafter, the
9 department of ~~workforce development~~ or a child support agency shall provide a 2nd
10 notice to the individual by regular mail that informs the individual of all of the
11 following:

12 ***-1261/5.641* *-1267/P1.184* SECTION 1732.** 49.857 (3) (am) 4. of the statutes
13 is amended to read:

14 49.857 (3) (am) 4. That the certification will not be made if the individual pays
15 the delinquent amount in full or makes satisfactory alternative payment
16 arrangements with the department of ~~workforce development~~ or a child support
17 agency. The notice shall inform the individual of how he or she may pay the
18 delinquent amount or make satisfactory alternative payment arrangements.

19 ***-1261/5.642* *-1267/P1.185* SECTION 1733.** 49.857 (3) (ar) 1. of the statutes
20 is amended to read:

21 49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,
22 the court shall schedule a hearing within 10 business days after receiving the
23 request. A circuit court commissioner may conduct the hearing. The only issues at
24 the hearing shall be whether the individual is delinquent in making court-ordered
25 payments of support and whether any alternative payment arrangement offered by

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1 the department of workforce development or the county child support agency is
2 reasonable.

3 ***-1261/5.643* *-1267/P1.186* SECTION 1734.** 49.857 (3) (ar) 2. of the statutes
4 is amended to read:

5 49.857 (3) (ar) 2. If at a hearing under subd. 1. the court or circuit court
6 commissioner finds that the individual does not owe delinquent support, or if within
7 20 business days after receiving a notice under par. (am) the individual pays the
8 delinquent amount in full or makes satisfactory alternative payment arrangements,
9 the department of workforce development shall remove the individual's name from
10 the certification list.

11 ***-1261/5.644* *-1267/P1.187* SECTION 1735.** 49.857 (3) (ar) 3. of the statutes
12 is amended to read:

13 49.857 (3) (ar) 3. If at a hearing under subd. 1. the court or circuit court
14 commissioner makes a written determination that alternative payment
15 arrangements proposed by the department of workforce development or a child
16 support agency are not reasonable, the court or circuit court commissioner may order
17 for the individual an alternative payment arrangement. If the court or circuit court
18 commissioner orders an alternative payment arrangement, the department of
19 workforce development may not place the individual's name on a certification list.

20 ***-1261/5.645* *-1267/P1.188* SECTION 1736.** 49.857 (3) (b) (intro.) of the
21 statutes is amended to read:

22 49.857 (3) (b) (intro.) Any subpoena or warrant shall include notice to the
23 individual of the effect that a failure to comply with the subpoena or warrant may
24 have on any license that the individual holds or for which the individual applies. If
25 the individual fails to comply, before the department of workforce development

1 certifies to a licensing authority or a licensing agency under the system established
2 under sub. (2) that an individual has failed to comply with a subpoena or warrant,
3 the department of ~~workforce development~~ or a child support agency shall provide
4 notice to the individual by regular mail. The notice shall inform the individual of all
5 of the following:

6 ***-1261/5.646* *-1267/P1.189* SECTION 1737.** 49.857 (3) (bm) of the statutes
7 is amended to read:

8 49.857 (3) (bm) If an individual, after receiving notice under par. (b), does not
9 satisfy the requirements under the subpoena or warrant, the department of
10 ~~workforce development~~ shall place the individual's name on a certification list.

11 ***-1261/5.647* *-1267/P1.190* SECTION 1738.** 49.857 (3) (c) (intro.) of the
12 statutes is amended to read:

13 49.857 (3) (c) (intro.) If the department of ~~workforce development~~ children and
14 families provides a certification list to a licensing authority, a licensing agency or,
15 with respect to a credential granted by a credentialing board, the department of
16 regulation and licensing, upon receipt of the list the licensing authority if the
17 licensing authority agrees, the licensing agency or, with respect to a credential
18 granted by a credentialing board, the department of regulation and licensing shall
19 do all of the following:

20 ***-1261/5.648* *-1267/P1.191* SECTION 1739.** 49.857 (3) (d) 1. of the statutes
21 is amended to read:

22 49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of
23 delinquent support, is denied a license or whose license, on the basis of delinquent
24 support, is restricted, limited, suspended, or refused renewal or revalidation under
25 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent

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1 amount of support in full or makes satisfactory alternative payment arrangements,
2 the department of ~~workforce development~~ children and families shall immediately
3 notify the licensing authority or licensing agency to issue or reinstate the individual's
4 license as provided in the memorandum of understanding. If the individual held or
5 applied for a credential granted by a credentialing board, the department of
6 regulation and licensing shall, upon notice by the department of ~~workforce~~
7 ~~development~~ children and families, notify the credentialing board to grant or
8 reinstate the individual's credential.

9 *~~-1261/5.649~~* *~~-1267/P1.192~~* SECTION 1740. 49.857 (3) (d) 2. of the statutes
10 is amended to read:

11 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
12 failure to comply with a subpoena or warrant, is denied a license or whose license,
13 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
14 suspended, or refused renewal or revalidation under a memorandum of
15 understanding entered into under sub. (2) (b) satisfies the requirements under the
16 subpoena or warrant, the department of ~~workforce development~~ children and
17 families shall immediately notify the licensing authority or licensing agency to issue
18 or reinstate the individual's license as provided in the memorandum of
19 understanding. If the individual held or applied for a credential granted by a
20 credentialing board, the department of regulation and licensing shall, upon notice
21 by the department of ~~workforce development~~ children and families, notify the
22 credentialing board to grant or reinstate the individual's credential.

23 *~~-1261/5.650~~* *~~-1267/P1.193~~* SECTION 1741. 49.857 (4) of the statutes is
24 amended to read:

1 49.857 (4) Each licensing agency shall enter into a memorandum of
2 understanding with the department of workforce development children and families
3 under sub. (2) (b) and shall cooperate with the department of workforce development
4 children and families in its administration of s. 49.22. The department of regulation
5 and licensing shall enter into a memorandum of understanding with the department
6 of workforce development children and families on behalf of a credentialing board
7 with respect to a credential granted by the credentialing board.

8 ***-1261/5.651*** ***-1267/P1.194*** SECTION 1742. 49.858 (1) of the statutes is
9 renumbered 49.858 (1) (intro.) and amended to read:

10 49.858 (1) (intro.) In this section, “support”:

11 (b) “Support” has the meaning given in s. 49.857 (1) (g).

12 ***-1261/5.652*** ***-1267/P1.195*** SECTION 1743. 49.858 (1) (a) of the statutes is
13 created to read:

14 49.858 (1) (a) “Department” means the department of children and families.

15 ***-1261/5.653*** ***-1267/P1.196*** SECTION 1744. 49.858 (2) (intro.) of the
16 statutes is amended to read:

17 49.858 (2) RULES. (intro.) For the procedures under this subchapter for the
18 administrative enforcement of support obligations, the department of workforce
19 development shall promulgate rules related to all of the following:

20 ***-1261/5.654*** ***-1267/P1.197*** SECTION 1745. 49.858 (3) of the statutes is
21 amended to read:

22 49.858 (3) REVIEW OF CIRCUIT COURT COMMISSIONER DECISIONS. If a circuit court
23 commissioner conducts a hearing in any administrative support enforcement
24 proceeding under s. 49.852, 49.856 or 49.857, the department of workforce
25 development or the obligor may, within 15 business days after the date that the

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1 circuit court commissioner makes his or her decision, request review of the decision
2 by the court with jurisdiction over the matter.

3 ***-1261/5.655* *-1267/P1.198* SECTION 1746.** 49.86 of the statutes is
4 renumbered 49.86 (2) and amended to read:

5 49.86 (2) Withdrawal or disbursement of moneys deposited in a public
6 depository, as defined in s. 34.01 (5), to the credit of the department of workforce
7 development or any of its divisions or agencies shall be by check, share draft, or other
8 draft signed by the secretary of workforce development or by one or more persons in
9 the department of workforce development designated by written authorization of the
10 secretary of workforce development. Such checks, share drafts, and other drafts
11 shall be signed personally or by use of a mechanical device adopted by the secretary
12 of workforce development or his or her designees for affixing a facsimile signature.
13 Any public depository shall be fully warranted and protected in making payment on
14 any check, share draft, or other draft bearing such facsimile signature
15 notwithstanding that the facsimile may have been placed thereon without the
16 authority of the secretary of workforce development or his or her designees.

17 ***-1261/5.656* *-1267/P1.199* SECTION 1747.** 49.86 (1) of the statutes is
18 created to read:

19 49.86 (1) In this section:

20 (a) "Department" means the department of children and families.

21 (b) "Secretary" means the secretary of children and families.

22 ***-1261/5.657* *-1267/P1.200* SECTION 1748.** 49.89 (2) of the statutes is
23 amended to read:

24 49.89 (2) SUBROGATION. The department of health and family services, the
25 department of workforce development children and families, a county, or an elected

1 tribal governing body that provides any public assistance under this chapter or
2 under s. 253.05 as a result of the occurrence of an injury, sickness, or death that
3 creates a claim or cause of action, whether in tort or contract, on the part of a public
4 assistance recipient or beneficiary or the estate of a recipient or beneficiary against
5 a 3rd party, including an insurer, is subrogated to the rights of the recipient,
6 beneficiary or estate and may make a claim or maintain an action or intervene in a
7 claim or action by the recipient, beneficiary, or estate against the 3rd party.
8 Subrogation under this subsection because of the provision of medical assistance
9 under subch. IV constitutes a lien, equal to the amount of the medical assistance
10 provided as a result of the injury, sickness, or death that gave rise to the claim. The
11 lien is on any payment resulting from a judgment or settlement that may be due the
12 obligor. A lien under this subsection continues until it is released and discharged by
13 the department of health and family services.

14 ***-1261/5.658* *-1267/P1.201* SECTION 1749.** 49.89 (6) of the statutes is
15 amended to read:

16 **49.89 (6) DEPARTMENTS' DUTIES AND POWERS.** The department of health and
17 family services and the department of ~~workforce development~~ children and families
18 shall enforce their rights under this section and may contract for the recovery of any
19 claim or right of indemnity arising under this section.

20 ***-0905/3.75* SECTION 1750.** 49.89 (7) (b) of the statutes is amended to read:

21 **49.89 (7) (b)** The incentive payment shall be an amount equal to 15% of the
22 amount recovered because of benefits paid under s. 49.46, 49.465, 49.468 ~~or~~, 49.47,
23 or 49.471. The incentive payment shall be taken from the federal share of the sum
24 recovered as provided under 42 CFR 433.153 and 433.154.

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1 *-1261/5.659* *-1267/P1.202* SECTION 1751. 49.89 (7) (d) 2. of the statutes
2 is amended to read:

3 49.89 (7) (d) 2. Any county or elected tribal governing body that has made a
4 recovery under this section for which it is eligible to receive an incentive payment
5 under par. (c) shall report such recovery to the department of ~~workforce development~~
6 children and families within 30 days after the end of the month in which the recovery
7 is made in a manner specified by the department of ~~workforce development~~ children
8 and families.

9 *-1548/3.1* SECTION 1752. 49.895 of the statutes is created to read:

10 **49.895 Insurance claim intercept. (1)** In this section:

11 (a) "Medical assistance liability" means an amount that the department of
12 health and family services may recover under s. 49.497, 49.847, or 49.89.

13 (b) "Support liability" means an amount that is entered in the statewide
14 support lien docket under s. 49.854.

15 **(2)** Before paying an insurance claim of \$500 or more to any individual, an
16 insurer that is authorized to do business in this state shall do all of the following:

17 (a) Verify with the department of health and family services, in the manner
18 required by the department, whether the individual to whom the claim is to be paid
19 has a medical assistance liability.

20 (b) Check the statewide support lien docket to determine whether the
21 individual to whom the claim is to be paid has a support liability.

22 **(3)** If an individual to whom a claim of \$500 or more is to be paid has a support
23 liability or a medical assistance liability, or both, the insurer shall distribute the
24 claim proceeds as follows:

1 (a) First, if there is a support liability, to the department of workforce
2 development to pay the support liability, up to the amount of the support liability or
3 the amount of the claim, whichever is less.

4 (b) Next, if there is a medical assistance liability, to the department of health
5 and family services to pay the medical assistance liability, up to the amount of the
6 medical assistance liability or the amount of the claim proceeds remaining,
7 whichever is less.

8 (c) Last, to the individual, the remainder of the claim proceeds, if any.

9 (4) The department of health and family services shall promulgate rules for the
10 administration of this section, including procedures for insurers to follow and any
11 notice and hearing requirements. Notwithstanding s. 227.24 (3), the rules under this
12 subsection may be promulgated as emergency rules under s. 227.24 without a finding
13 of emergency.

14 ***-1261/5.660* SECTION 1753.** 49.895 (3) (a) of the statutes, as created by 2007
15 Wisconsin Act (this act), is amended to read:

16 49.895 (3) (a) First, if there is a support liability, to the department of workforce
17 development children and families to pay the support liability, up to the amount of
18 the support liability or the amount of the claim, whichever is less.

****NOTE: This is reconciled s. 49.895 (3) (a). This SECTION has been affected by
drafts with the following LRB numbers: -1261 and -1548.

19 ***-1261/5.661* *-1267/P1.203* SECTION 1754.** 49.90 (2) of the statutes is
20 amended to read:

21 49.90 (2) Upon failure of these relatives to provide maintenance the authorities
22 or board shall submit to the corporation counsel a report of its findings. Upon receipt
23 of the report the corporation counsel shall, within 60 days, apply to the circuit court

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1 for the county in which the dependent person under sub. (1) (a) 1. or the child of a
2 dependent person under sub. (1) (a) 2. resides for an order to compel the
3 maintenance. Upon such an application the corporation counsel shall make a
4 written report to the county department under s. 46.215, 46.22, or 46.23, with a copy
5 to the chairperson of the county board of supervisors in a county with a single-county
6 department or the county boards of supervisors in counties with a multicounty
7 department, and to the department of health and family services or the department
8 of workforce development children and families, whichever is appropriate.

9 ***-1261/5.662* *-1267/P1.204* SECTION 1755.** 49.90 (2g) of the statutes is
10 amended to read:

11 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a
12 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who
13 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a
14 dependent minor or the child's parent may apply to the circuit court for the county
15 in which the child resides for an order to compel the provision of maintenance. A
16 county department under s. 46.215, 46.22, or 46.23, a county child support agency
17 under s. 59.53 (5), or the department of workforce development children and families
18 may initiate an action to obtain maintenance of the child by the child's grandparent
19 under sub. (1) (a) 2., regardless of whether the child receives public assistance.

20 ***-1261/5.663* *-1261/P3.497* SECTION 1756.** 49.90 (4) of the statutes is
21 amended to read:

22 49.90 (4) The circuit court shall in a summary way hear the allegations and
23 proofs of the parties and by order require maintenance from these relatives, if they
24 have sufficient ability, considering their own future maintenance and making
25 reasonable allowance for the protection of the property and investments from which

1 they derive their living and their care and protection in old age, in the following
2 order: First the husband or wife; then the father and the mother; and then the
3 grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify
4 a sum which will be sufficient for the support of the dependent person under sub. (1)
5 (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be
6 paid weekly or monthly, during a period fixed by the order or until the further order
7 of the court. If the court is satisfied that any such relative is unable wholly to
8 maintain the dependent person or the child, but is able to contribute to the person's
9 support or the child's maintenance, the court may direct 2 or more of the relatives
10 to maintain the person or the child and prescribe the proportion each shall
11 contribute. If the court is satisfied that these relatives are unable together wholly
12 to maintain the dependent person or the child, but are able to contribute to the
13 person's support or the child's maintenance, the court shall direct a sum to be paid
14 weekly or monthly by each relative in proportion to ability. Contributions directed
15 by court order, if for less than full support, shall be paid to the department of health
16 and family services or the department of children and families, whichever is
17 appropriate, and distributed as required by state and federal law. An order under
18 this subsection that relates to maintenance required under sub. (1) (a) 2. shall
19 specifically assign responsibility for and direct the manner of payment of the child's
20 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon
21 application of any party affected by the order and upon like notice and procedure, the
22 court may modify such an order. Obedience to such an order may be enforced by
23 proceedings for contempt.

24 *-1261/5.664* *-1261/P3.498* SECTION 1757. 50.01 (1g) (b) of the statutes is
25 amended to read:

1 50.01 (1g) (b) A facility or private home that provides care, treatment, and
2 services only for victims of domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a), and
3 their children.

4 ***-1198/P4.6*** SECTION 1758. 50.02 (2) (d) of the statutes is renumbered 50.02
5 (2) (d) (intro.) and amended to read:

6 50.02 (2) (d) (intro.) The department shall promulgate rules that prescribe the
7 time periods and the methods of providing information specified in ss. ~~50.033 (2r) and~~
8 ~~(2s), 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a).~~ all of
9 the following:

10 ***-1198/P4.7*** SECTION 1759. 50.02 (2) (d) 1. of the statutes is created to read:

11 50.02 (2) (d) 1. The method by which community-based residential facilities
12 shall make referrals to resource centers or county departments under s. 50.035 (4n)
13 and the method by which residential care apartment complexes shall make referrals
14 to resource centers under s. 50.034 (5n).

15 ***-1198/P4.8*** SECTION 1760. 50.02 (2) (d) 2. of the statutes is created to read:

16 50.02 (2) (d) 2. The time period for nursing homes to provide information to
17 prospective residents under s. 50.04 (2g) (a) and the time period and method by which
18 nursing homes shall make referrals to resource centers under s. 50.04 (2h) (a).

19 ***-0242/1.9*** SECTION 1761. 50.02 (4) of the statutes is repealed.

20 ***-1085/1.1*** SECTION 1762. 50.033 (2) of the statutes is amended to read:

21 50.033 (2) Standards for operation of licensed adult family homes and
22 procedures for application for licensure, monitoring, inspection, revocation and
23 appeal of revocation under this section shall be under rules promulgated by the
24 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
25 revoked under this section. Licensure is not transferable. The biennial licensure fee

1 for a licensed adult family home is \$135, except that, after March 31, 2008, the
2 biennial fee for a licensed adult family home shall be the amount that the department
3 shall establish by rule. The fee is payable to the county department under s. 46.215,
4 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family
5 home under sub. (1m) (b), and is payable to the department, on a schedule
6 determined by the department if the department licenses the adult family home
7 under sub. (1m) (b).

8 ***-1198/P4.9* SECTION 1763.** 50.033 (2r) of the statutes is repealed.

****NOTE: This is reconciled s. 50.033 (2r). This SECTION has been affected by drafts
with the following LRB numbers: 0330 and 1198.

9 ***-1198/P4.10* SECTION 1764.** 50.033 (2s) of the statutes is repealed.

****NOTE: This is reconciled s. 50.033 (2s). This SECTION has been affected by drafts
with the following LRB numbers: 0330 and 1198.

10 ***-1198/P4.11* SECTION 1765.** 50.033 (2t) of the statutes is repealed.

11 ***-0358/3.3* SECTION 1766.** 50.034 (3) (e) of the statutes is created to read:

12 50.034 (3) (e) Post in a conspicuous location in the residential care apartment
13 complex a notice, provided by the board on aging and long-term care, of the name,
14 address, and telephone number of the Long-Term Care Ombudsman Program under
15 s. 16.009 (2) (b).

16 ***-1198/P4.12* SECTION 1767.** 50.034 (5m) of the statutes is amended to read:

17 50.034 (5m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), when a
18 residential care apartment complex shall, within the time period after inquiry by
19 first provides written material regarding the residential care apartment complex to
20 a prospective resident that is prescribed by the department by rule, inform, the
21 residential care apartment complex shall also provide the prospective resident of
22 information specified by the department concerning the services of a resource center

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1 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
2 functional screening and a financial screen and cost-sharing screening to determine
3 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

****NOTE: This is reconciled s. 50.034 (5m). This SECTION has been affected by
drafts with the following LRB numbers: 0330 and 1198.

4 ***-1198/P4.13* SECTION 1768.** 50.034 (5n) (intro.) of the statutes is amended
5 to read:

6 50.034 (5n) REQUIRED REFERRAL. (intro.) Subject to sub. (5p), when a residential
7 care apartment complex shall, within the time period prescribed by the department
8 by rule, refer to a resource center under s. 46.283 a person who is seeking admission,
9 first provides written material regarding the residential care apartment complex to
10 a prospective resident who is at least 65 years of age or has developmental disability
11 or a physical disability and whose disability or condition is expected to last at least
12 90 days, the residential care apartment complex shall refer the prospective resident
13 to a resource center under s. 46.283, unless any of the following applies:

14 ***-0330/P6.44* SECTION 1769.** 50.034 (5n) (a) of the statutes is amended to
15 read:

16 50.034 (5n) (a) For a person who has received a screen for whom a screening
17 for functional eligibility under s. 46.286 (1) (a) has been performed within the
18 previous 6 months, the referral under this subsection need not include performance
19 of an additional functional screen screening under s. 46.283 (4) (g).

20 ***-0330/P6.45* SECTION 1770.** 50.034 (5n) (d) of the statutes is amended to
21 read:

22 50.034 (5n) (d) For a person who seeks admission or is about to be admitted on
23 a private pay basis and who waives the requirement for a financial screen and

1 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
2 not include performance of a financial screen and cost-sharing screening under s.
3 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
4 within 6 months.

5 ***-1198/P4.14* SECTION 1771.** 50.035 (4m) of the statutes is amended to read:
6 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), when a
7 community-based residential facility shall, within the time period after inquiry by
8 first provides written material regarding the community-based residential facility
9 to a prospective resident that is prescribed by the department by rule, inform, the
10 community-based residential facility shall also provide the prospective resident of
11 information specified by the department concerning the services of a resource center
12 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
13 functional screening and a financial screen and cost-sharing screening to determine
14 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

****NOTE: This is reconciled s. 50.035 (4m). This SECTION has been affected by
drafts with the following LRB numbers: 0330 and 1198.

15 ***-1198/P4.15* SECTION 1772.** 50.035 (4n) (intro.) of the statutes is amended
16 to read:

17 50.035 (4n) REQUIRED REFERRAL. (intro.) ~~Subject to sub. (4p),~~ When a
18 community-based residential facility shall, within the time period prescribed by the
19 department by rule, refer to a resource center under s. 46.283 a person who is seeking
20 admission, first provides written information regarding the community-based
21 residential facility to a prospective resident who is at least 65 years of age or has
22 developmental disability or a physical disability and whose disability or condition is
23 expected to last at least 90 days, the community-based residential facility shall refer

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1 the individual to a resource center under s. 46.283 or, if the secretary has not certified
2 under s. 46.281 (3) that a resource center is available in the area of the
3 community-based residential facility to serve individuals in an eligibility group to
4 which the prospective resident belongs, to the county department that administers
5 a program under ss. 46.27 or 46.277, unless any of the following applies:

6 ***-0330/P6.46* SECTION 1773.** 50.035 (4n) (a) of the statutes is amended to
7 read:

8 50.035 (4n) (a) For a person who has received a screen for whom a screening
9 for functional eligibility under s. 46.286 (1) (a) has been performed within the
10 previous 6 months, the referral under this subsection need not include performance
11 of an additional functional screen screening under s. 46.283 (4) (g).

12 ***-0330/P6.47* SECTION 1774.** 50.035 (4n) (d) of the statutes is amended to
13 read:

14 50.035 (4n) (d) For a person who seeks admission or is about to be admitted on
15 a private pay basis and who waives the requirement for a financial screen and
16 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
17 not include performance of a financial screen and cost-sharing screening under s.
18 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
19 within 6 months.

20 ***-1198/P4.16* SECTION 1775.** 50.035 (4p) of the statutes is amended to read:

21 50.035 (4p) APPLICABILITY. Subsections Subsection (4m) and (4n) apply applies
22 only if the secretary has certified under s. 46.281 (3) that a resource center is
23 available for the community-based residential facility and for specified groups of
24 eligible individuals that include those persons seeking admission to or the residents
25 of the community-based residential facility.