



State of Wisconsin  
2011 - 2012 LEGISLATURE

RMR



LRB-1019/PZ 1

FFK:nwn:jf

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DOA:.....Skwarczek, BB0220 - Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

D-note  
(in 2-14)

do not get cut

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AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

✓ Ins →  
Analysis

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

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SECTION 1. 20.435 (4) (bm) of the statutes is amended to read:  
20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care administration; contract costs, insurer reports, and resource centers.* Biennially, the amounts in the schedule to provide a portion of the state share of administrative

1 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the  
2 Badger Care health care program under s. 49.665 and to provide the state share of  
3 administrative costs for the food stamp program under s. 49.79, ~~other than payments~~  
4 ~~to counties and tribal governing bodies under s. 49.78 (8) including payments to a~~  
5 ~~tribal governing body that administers income maintenance programs, as defined in~~  
6 ~~s. 49.78 (1) (b), to a county to which income maintenance administrative functions~~  
7 ~~are delegated under 2011 Wisconsin Act .... (this act), section 9121 (1) (c), and for the~~  
8 ~~administration of income maintenance programs by the Milwaukee County~~  
9 ~~enrollment services unit, as described in s. 49.825 (2), to develop and implement a~~  
10 registry of recipient immunizations, to reimburse 3rd parties for their costs under  
11 s. 49.475, for costs associated with outreach activities, ~~for state administration of~~  
12 ~~state supplemental grants to supplemental security income recipients under s.~~  
13 ~~49.77,~~ ✓ to administer the pharmacy benefits purchasing pool under s. 146.45, and for  
14 services of resource centers under s. 46.283. No state positions may be funded in the  
15 department of health services from this appropriation, except positions for the  
16 performance of duties under a contract in effect before January 1, 1987, related to  
17 the administration of the Medical Assistance program between the subunit of the  
18 department primarily responsible for administering the Medical Assistance  
19 program and another subunit of the department or for positions in the income  
20 maintenance administration unit, as described in s. 49.78 (1m). Total administrative  
21 funding authorized for the program under s. 49.665 may not exceed 10% of the  
22 amounts budgeted under pars. (p) and (x).

23 **SECTION 2.** 20.435 (4) (bm) of the statutes, as affected by 2011 Wisconsin Act  
24 .... (this act), is amended to read:

1           20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*  
2 *administration; contract costs, insurer reports, and resource centers.* Biennially, the  
3 amounts in the schedule to provide a portion of the state share of administrative  
4 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the  
5 Badger Care health care program under s. 49.665 and to provide the state share of  
6 administrative costs for the food stamp program under s. 49.79, including payments  
7 to a tribal governing body that administers income maintenance programs, as  
8 defined in s. 49.78 (1) (b), ~~to a county to which income maintenance administrative~~  
9 ~~functions are delegated under 2011 Wisconsin Act .... (this act), section 9121 (1) (c),~~  
10 ~~and for the administration of income maintenance programs by the Milwaukee~~  
11 ~~County enrollment services unit, as described in 49.825 (2), to develop and~~  
12 ~~implement a registry of recipient immunizations, to reimburse 3rd parties for their~~  
13 ~~costs under s. 49.475, for costs associated with outreach activities,~~ ✓ ~~for state~~  
14 ~~administration of state supplemental grants to supplemental security income~~  
15 ~~recipients under s. 49.77,~~ to administer the pharmacy benefits purchasing pool  
16 under s. 146.45, and for services of resource centers under s. 46.283. No state  
17 positions may be funded in the department of health services from this  
18 appropriation, except positions for the performance of duties under a contract in  
19 effect before January 1, 1987, related to the administration of the Medical Assistance  
20 program between the subunit of the department primarily responsible for  
21 administering the Medical Assistance program and another subunit of the  
22 department or for positions in the income maintenance administration unit, as  
23 described in s. 49.78 (1m). Total administrative funding authorized for the program  
24 under s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).

25           **SECTION 3.** 20.435 (4) (bn) of the statutes is amended to read:

plain

1 20.435 (4) (bn) Income maintenance Funeral, cemetery, and burial expenses

2 and the food stamp employment and training program. Biennially, the amounts in

3 the schedule for ~~funeral expenses under s. 49.785,~~ and for the administration of the

4 food stamp employment and training program under s. 49.79 (9), ~~for the performance~~

5 of income maintenance administrative activities on behalf of a local entity, as defined

6 in s. 30.77 (3) (dm) 1. b., and for payments under s. 49.78 (8) relating to the

7 administration of the Medical Assistance program under subch. IV of ch. 49, the

8 Badger Care health care program under s. 49.665, the food stamp program, and the

9 cemetery, funeral, and burial expenses program under s. 49.785. ✓

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\* Ins 4-9 ✓  
 Ins 4-10 ✓

10 SECTION 4. 20.435 (4) (im) of the statutes is amended to read:

11 20.435 (4) (im) *Medical assistance; correct payment recovery; collections; other*

12 *recoveries.* All moneys received from the recovery of correct medical assistance

13 payments under ss. 49.496 and 867.035 and rules promulgated under s. 46.286 (7),

14 and all moneys received as collections and other recoveries from providers, drug

15 manufacturers, and other 3rd parties under medical assistance performance-based

16 contracts, ~~and all moneys credited to this appropriation account under s. 49.89 (7)~~

17 ~~(f)~~, for payments to counties and tribal governing bodies under s. 49.496 (4) (a), for

18 payment of claims under s. 867.035 (3), for payments to the federal government for

19 its share of medical assistance benefits recovered, for the state share of medical

20 assistance benefits provided under subch. IV of ch. 49, and for costs related to

21 collections and other recoveries.

22 SECTION 5. 20.435 (4) (L) of the statutes is amended to read:

1           20.435 (4) (L) *Fraud and error reduction*. All moneys received as the state's  
2 share of the recovery of overpayments and incorrect payments under ss. 49.497 (1)  
3 and (1m), 49.793 (2) (a), and 49.847, all moneys received from counties and tribal  
4 governing bodies as a result of any error reduction activities under ss. 49.197 and  
5 49.845, and all moneys credited to this appropriation account under ss. ~~49.497 (2) (b),~~  
6 ~~49.793 (2) (b), and 49.847 (3) (b)~~, for any contracts under s. 49.197 (5), for any  
7 activities to reduce error and fraud under s. 49.845, to pay federal sanctions under  
8 the food stamp program, and for food stamp reinvestment activities under  
9 reinvestment agreements with the federal department of agriculture that are  
10 designed to improve the food stamp program.

11           **SECTION 6.** 20.435 (4) (nn) of the statutes is amended to read:

12           20.435 (4) (nn) *Federal aid; income maintenance*. All moneys received from the  
13 federal government for the costs of contracting for the administration of the Medical  
14 Assistance program under subch. IV of ch. 49 and the Badger Care health care  
15 program under s. 49.665 and the food stamp program, other than moneys received  
16 under par. (pa), for ~~payments under s. 49.78 (8)~~ costs to administer income  
17 maintenance programs, as defined in s. 49.78 (1) (b).

18           **SECTION 7.** 20.545 (1) (i) of the statutes is amended to read:

19           20.545 (1) (i) *Services to nonstate governmental units*. The amounts in the  
20 schedule for the purpose of funding personnel services to nonstate governmental  
21 units under s. 230.05 (8), including services provided under ss. ~~49.78 (5)~~ 49.19 (19g)  
22 (b) and 59.26 (8) (a). All moneys received from the sale of these services shall be  
23 credited to this appropriation account.

24           **SECTION 8.** 40.02 (25) (b) 2c. of the statutes is amended to read:

25           40.02 (25) (b) 2c. A state employee described in s. ~~49.825 (4)~~ or 49.826 (4).

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1           **SECTION 9.** 40.22 (2) (m) of the statutes is amended to read:

2           40.22 **(2)** (m) Notwithstanding sub. (3m), the employee was formerly employed  
3 by Milwaukee County, is a state employee described in s. 49.825 (4), 2009 stats., or  
4 s. 49.826 (4), and elects to remain a covered employee under the retirement system  
5 established under chapter 201, laws of 1937, pursuant to s. 49.825 (4) (c), 2009 stats.,  
6 or s. 49.826 (4) (c). This paragraph shall not apply if the employee remains a state  
7 employee, but is no longer performing services for the Milwaukee County enrollment  
8 services unit under s. 49.825, 2009 stats., or the child care provider services unit  
9 under s. 49.826.

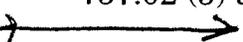
10           **SECTION 10.** 40.62 (2) of the statutes is amended to read:

11           40.62 **(2)** Sick leave accumulation shall be determined in accordance with rules  
12 of the department, any collective bargaining agreement under subch. I, V, or VI of  
13 ch. 111, and ss. 13.121 (4), 36.30, ~~49.825 (4) (d)~~, 49.826 (4) (d), 230.35 (2), 233.10,  
14 757.02 (5) and 978.12 (3).

15           **SECTION 11.** 46.215 (1) (intro.) of the statutes is amended to read:

16           46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population  
17 of 500,000 or more the administration of welfare services, other than child welfare  
18 services under s. 48.48 (17) administered by the department and except as provided  
19 in ss. 49.155 (3g), 49.78 (1m), 49.825, and 49.826, is vested in a county department  
20 of social services under the jurisdiction of the county board of supervisors under s.  
21 46.21 (2m) (b) 1. a. Any reference in any law to a county department of social services  
22 under this section applies to a county department under s. 46.21 (2m) in its  
23 administration under s. 46.21 (2m) of the powers and duties of the county  
24 department of social services. Except as provided in ss. 49.155 (3g), 49.78 (1m),  
25 49.825, and 49.826, the county department of social services shall have the following

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1 functions, duties, and powers, and such other welfare functions as may be delegated  
2 to it:

3 SECTION 12. 46.215 (1) (intro.) of the statutes, as affected by 2011 Wisconsin  
4 Act .... (this act), is amended to read:

5 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population  
6 of 500,000 or more the administration of welfare services, other than child welfare  
7 services under s. 48.48 (17) administered by the department and except as provided  
8 in ss. 49.155 (3g), 49.78 (1m), 49.825, and 49.826, is vested in a county department  
9 of social services under the jurisdiction of the county board of supervisors under s.  
10 46.21 (2m) (b) 1. a. Any reference in any law to a county department of social services  
11 under this section applies to a county department under s. 46.21 (2m) in its  
12 administration under s. 46.21 (2m) of the powers and duties of the county  
13 department of social services. Except as provided in ss. 49.155 (3g), 49.78 (1m),  
14 49.825, and 49.826, the county department of social services shall have the following  
15 functions, duties, and powers, and such other welfare functions as may be delegated  
16 to it:

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17 SECTION 13. 46.22 (1) (b) 1. (intro.) of the statutes is amended to read:  
18 46.22 (1) (b) 1. (intro.) The Except as provided in s. 49.78 (1m), the county  
19 department of social services shall have the following functions, duties and powers  
20 in accordance with the rules promulgated by the department of health services and  
21 subject to the supervision of the department of health services:

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22 SECTION 14. 46.22 (1) (b) 2. d. of the statutes is repealed.

23 SECTION 15. 46.22 (1) (d) of the statutes is amended to read:  
24 46.22 (1) (d) *Merit system; records.* The county department of social services  
25 is subject to s. 49.78 (4) to (7) 49.19 (19g). The county department of social services

1 and all county officers and employees performing any duties in connection with the  
2 administration of aid to families with dependent children shall observe all rules  
3 promulgated by the department of children and families under s. ~~49.78 (4)~~ 49.19  
4 (19g) (a) and shall keep records and furnish reports as the department of children  
5 and families requires in relation to their performance of such duties.

6 **SECTION 16.** 46.22 (2) (b) of the statutes is amended to read:

7 46.22 (2) (b) Appoint the county social services director under sub. (3) subject  
8 to s. ~~49.78 (4) to (7)~~ 49.19 (19g) and the rules promulgated thereunder and subject  
9 to the approval of the county board of supervisors in a county with a single-county  
10 department of social services or the county boards of supervisors in counties with a  
11 multicounty department of social services.

12 **SECTION 17.** 46.22 (3m) (a) of the statutes is amended to read:

13 46.22 (3m) (a) In any county with a county executive or a county administrator  
14 that has established a single-county department of social services, the county  
15 executive or county administrator, subject to s. ~~49.78 (4) to (7)~~ 49.19 (19g) and the  
16 rules promulgated thereunder, shall appoint and supervise the county social services  
17 director. The appointment is subject to the confirmation of the county board of  
18 supervisors unless the county board of supervisors, by ordinance, elects to waive  
19 confirmation or unless the appointment is made under a civil service system  
20 competitive examination procedure established under s. 59.52 (8) or ch. 63.

21 **SECTION 18.** 46.27 (7) (am) of the statutes is amended to read:

22 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department  
23 shall allocate funds to each county or private nonprofit agency with which the  
24 department contracts to pay assessment and case plan costs under sub. (6) not  
25 otherwise paid by fee or under s. 49.45 ~~or 49.78 (2)~~. The department shall reimburse

1 counties for the cost of assessing persons who are eligible for medical assistance  
2 under s. 49.46, 49.468, 49.47, or 49.471 (4) (a) ~~as part of the administrative services~~  
3 ~~of medical assistance, payable, as provided~~ under s. 49.45 (3) (a). Counties may use  
4 unspent funds allocated under this paragraph to pay the cost of long-term  
5 community support services and for a risk reserve under par. (fr).

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6 SECTION 19. 46.40 (9) (e) of the statutes is created to read:

7 46.40 (9) (e) *Adjustment for income maintenance programs.* In each fiscal year,  
8 beginning in fiscal year 2012-13, the department shall decrease a county's allocation  
9 under sub. (2) from the appropriation under s. 20.435 (7) (b) by the amount that the  
10 department determines the county expended in calendar year 2009 to provide  
11 income maintenance programs, as defined in s. 49.78 (1) (b), 2009 stats.

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12 SECTION 20. 49.155 (1) (ah) of the statutes is amended to read:

13 49.155 (1) (ah) "County department or agency" means a county department  
14 under s. 46.215, 46.22, or 46.23, ~~the unit, as defined in s. 49.825 (1) (e),~~ or a Wisconsin  
15 Works agency, child care resource and referral agency, or other agency.

16 SECTION 21. 49.155 (3g) (a) (intro.) of the statutes is amended to read:

17 49.155 (3g) (a) (intro.) The department may contract with the Milwaukee  
18 ~~County enrollment services unit, as provided in s. 49.825 (2) (b)~~ department of health  
19 services, to do any of the following:

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20 SECTION 22. 49.197 (2) (cm) of the statutes is amended to read:

21 49.197 (2) (cm) Any amounts recovered with respect to the child care subsidy  
22 program under s. 49.155 by a county department in a county having a population of  
23 500,000 or more as a result of a program under par. (b) or due to the efforts of an  
24 employee of such a county who is supervised by the department ~~or the department~~

1 of health services under s. 49.825 shall be credited to the appropriation account  
2 under s. 20.437 (2) (me).

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**SECTION 23.** 49.197 (4) of the statutes is amended to read:

4 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health  
5 services contracts with the department under sub. (5), the department shall provide  
6 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing  
7 bodies of federally recognized American Indian tribes administering Medical  
8 Assistance under subch. IV, the food stamp program under 7 USC 2011 to 2036, ~~the~~  
9 ~~supplemental security income payments program under s. 49.77, the program~~  
10 ~~providing payments for the support of children of supplemental security income~~  
11 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665,~~  
12 as applicable, to offset administrative costs of reducing payment errors in those  
13 programs.

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**SECTION 24.** 49.45 (2) (a) 3. of the statutes is amended to read:

15 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,  
16 rehabilitative, and social services under ss. 49.46, 49.468, 49.47, and 49.471 and  
17 rules and policies adopted by the department and may, under a contract under s.  
18 49.78 (2), delegate all, or any portion, of this function to ~~the county department under~~  
19 ~~s. 46.215, 46.22, or 46.23~~ or a tribal governing body.

**SECTION 25.** 49.45 (3) (a) of the statutes is amended to read:

21 49.45 (3) (a) Reimbursement shall be made to each county department under  
22 ss. 46.215, 46.22, and 46.23 for ~~any administrative services performed in the Medical~~  
23 ~~Assistance program on the basis of s. 49.78 (8). For purposes of reimbursement~~  
24 ~~under this paragraph~~, assessments completed under s. 46.27 (6) (a) are  
25 ~~administrative services performed in the Medical Assistance program.~~

1           **SECTION 26.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

2           49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the  
3 department shall give the applicant or recipient reasonable notice and opportunity  
4 for a fair hearing. The department may make such additional investigation as it  
5 considers necessary. Notice of the hearing shall be given to the applicant or recipient  
6 and, if a county department under s. 46.215, 46.22, or 46.23 is ~~responsible for making~~  
7 made the medical assistance determination, to the county clerk of the county. The  
8 county may be represented at such hearing. The department shall render its decision  
9 as soon as possible after the hearing and shall send a certified copy of its decision to  
10 the applicant or recipient, and to the county clerk, ~~and to any county officer charged~~  
11 ~~with administration of the Medical Assistance program.~~ The decision of the  
12 department shall have the same effect as an order of a county officer charged with  
13 ~~the administration of the Medical Assistance program~~ of the county that made the  
14 medical assistance determination. The decision shall be final, but may be revoked  
15 or modified as altered conditions may require. The department shall deny a petition  
16 for a hearing or shall refuse to grant relief if:

17           **SECTION 27.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

18           49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice  
19 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be  
20 suspended, reduced, or discontinued until a decision is rendered after the hearing  
21 but medical assistance payments made pending the hearing decision may be  
22 recovered by the department if the contested decision or failure to act is upheld. If  
23 a county department is ~~responsible for making~~ made the medical assistance  
24 determination, the department shall notify the county department of the county in

1 which the recipient resides that the recipient has requested a hearing. Medical  
2 assistance coverage shall be suspended, reduced, or discontinued if:

3 **SECTION 28.** 49.45 (19) (bm) of the statutes is amended to read:

4 49.45 (19) (bm) The department ~~or the county department under s. 46.215 or~~  
5 ~~46.22~~ shall notify applicants of the requirements of this subsection at the time of  
6 application.

7 **SECTION 29.** 49.45 (34) of the statutes is amended to read:

8 49.45 (34) MEDICAL ASSISTANCE MANUAL. The department shall prepare a  
9 medical assistance manual that is clear, comprehensive and consistent with this  
10 subchapter and 42 USC 1396a to 1396u and shall, ~~no later than July 1, 1992,~~ provide  
11 ~~the manual to counties for use by county employees who administer the medical~~  
12 ~~assistance program.~~

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13 **SECTION 30.** 49.465 (2) (a) of the statutes is amended to read:

14 49.465 (2) (a) If the woman applies for benefits under s. 49.46 or 49.47 within  
15 the time required under sub. (4), the day on which the department ~~or the county~~  
16 ~~department under s. 46.215, 46.22 or 46.23~~ determines whether the woman is  
17 eligible for benefits under s. 49.46 or 49.47.

18 **SECTION 31.** 49.47 (3) (b) of the statutes is amended to read:

19 49.47 (3) (b) The agency department shall promptly review the application and  
20 shall issue a certificate to the individual showing eligibility when eligibility has been  
21 established.

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22 **SECTION 32.** 49.471 (5) (b) 3. a. of the statutes is amended to read:

23 49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4)  
24 within the time required under par. (d), the benefits specified in subd. 1. or 2.,  
25 whichever is applicable, end on the day on which the department ~~or the county~~

1 ~~department under s. 46.215, 46.22, or 46.23~~ determines whether the woman or child  
2 is eligible for benefits under sub. (4).

3 **SECTION 33.** 49.473 (2) (intro.) of the statutes is amended to read:

4 49.473 (2) (intro.) A woman is eligible for medical assistance as provided under  
5 sub. (5) if, after applying to the department ~~or a county department~~, the department  
6 ~~or a county department~~ determines that she meets all of the following requirements:

7 **SECTION 34.** 49.473 (3) (intro.) of the statutes is amended to read:

8 49.473 (3) (intro.) Prior to applying to the department ~~or a county department~~  
9 for medical assistance, a woman is eligible for medical assistance as provided under  
10 sub. (5) beginning on the date on which a qualified entity determines, on the basis  
11 of preliminary information, that the woman meets the requirements specified in sub.  
12 (2) and ending on one of the following dates:

13 **SECTION 35.** 49.473 (3) (a) of the statutes is amended to read:

14 49.473 (3) (a) If the woman applies to the department ~~or a county department~~  
15 for medical assistance within the time limit required under sub. (4), the day on which  
16 the department ~~or county department~~ determines whether the woman meets the  
17 requirements under sub. (2).

18 **SECTION 36.** 49.473 (3) (b) of the statutes is amended to read:

19 49.473 (3) (b) If the woman does not apply to the department ~~or county~~  
20 ~~department~~ for medical assistance within the time limit required under sub. (4), the  
21 last day of the month following the month in which the qualified entity determines  
22 that the woman is eligible for medical assistance.

23 **SECTION 37.** 49.473 (4) of the statutes is amended to read:

24 49.473 (4) A woman who a qualified entity determines under sub. (3) is eligible  
25 for medical assistance shall apply to the department ~~or county department~~ no later

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1 than the last day of the month following the month in which the qualified entity  
2 determines that the woman is eligible for medical assistance.

3 **SECTION 38.** 49.473 (6) (b) of the statutes is amended to read:

4 49.473 (6) (b) Inform the woman at the time of the determination that she is  
5 required to apply to the department ~~or a county department~~ for medical assistance  
6 no later than the last day of the month following the month in which the qualified  
7 entity determines that the woman is eligible for medical assistance.

8 **SECTION 39.** 49.496 (4) (a) of the statutes is renumbered 49.496 (4) and  
9 amended to read:

10 49.496 (4) The department may require a county department under s. 46.215,  
11 46.22, or 46.23 or the governing body of a federally recognized American Indian tribe  
12 administering medical assistance to gather and provide the department with  
13 information needed to recover medical assistance under this section. ~~Except as~~  
14 ~~provided in par. (b), the~~ The department shall pay to a county department or tribal  
15 governing body an amount equal to 5% of the recovery collected by the department  
16 relating to a beneficiary for whom the county department or tribal governing body  
17 made the last determination of medical assistance eligibility. A county department  
18 or tribal governing body may use funds received under this ~~paragraph~~ subsection  
19 only to pay costs incurred under this ~~paragraph~~ subsection and, if any amount  
20 remains, to pay for improvements to functions required under s. 49.78 (2). The  
21 department may withhold payments under this ~~paragraph~~ subsection for failure to  
22 comply with the department's requirements under this ~~paragraph~~ subsection. The  
23 department shall treat payments made under this ~~paragraph~~ subsection as costs of  
24 administration of the Medical Assistance program.

25 **SECTION 40.** 49.496 (4) (b) of the statutes is repealed.

1           **SECTION 41.** 49.496 (5) of the statutes is amended to read:

2           49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (4) (im), the  
3 department shall pay the amount of the payments under sub. (4) (a) that is not paid  
4 from federal funds, shall pay to the federal government the amount of the funds  
5 recovered under this section equal to the amount of federal funds used to pay the  
6 benefits recovered under this section, and shall spend the remainder of the funds  
7 recovered under this section for medical assistance benefits under this subchapter.

8           **SECTION 42.** 49.497 (1) (b) of the statutes is amended to read:

9           49.497 (1) (b) The department's right of recovery is against any Medical  
10 Assistance or Badger Care recipient to whom or on whose behalf the incorrect  
11 payment was made. The extent of recovery is limited to the amount of the benefits  
12 incorrectly granted. ~~The county department under s. 46.215 or 46.22 or the~~  
13 governing body of a federally recognized American Indian tribe administering  
14 Medical Assistance or Badger Care shall may begin recovery actions on behalf of the  
15 department according to rules promulgated by the department.

16           **SECTION 43.** 49.497 (2) (a) of the statutes is renumbered 49.497 (2) and  
17 amended to read:

18           49.497 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a  
19 federally recognized American Indian tribe may retain 15% of benefits provided  
20 under this subchapter or s. 49.665 that are recovered under this section due to the  
21 efforts of an employee or officer of the county or tribe.

22           **SECTION 44.** 49.497 (2) (b) of the statutes is repealed.

23           **SECTION 45.** 49.78 (1) (b) of the statutes is amended to read:

24           49.78 (1) (b) "Income maintenance program" means the Medical Assistance  
25 program under subch. IV of ch. 49, the Badger Care health care program under s.

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1 49.665, and the food stamp program under 7 USC 2011 to 2036, ~~or the cemetery,~~  
2 ~~funeral, and burial expenses program under s. 49.785.~~

3 **SECTION 46.** 49.78 (1) (bm) of the statutes is created to read:

4 49.78 (1) (bm) "Income maintenance worker" means a person employed by or  
5 under a contract with the department or a tribal governing body whose duties  
6 include determining eligibility for income maintenance programs.

7 **SECTION 47.** 49.78 (1) (f) of the statutes is created to read:

8 49.78 (1) (f) "Unit" means the income maintenance administration unit.

9 **SECTION 48.** 49.78 (1m) (intro.) of the statutes, as created by 2011 Wisconsin  
10 Act .... (this act), is amended to read:

11 49.78 (1m) (intro.) The department shall establish an income maintenance  
12 administration unit under s. 15.02 (3) (c) 3. to administer income maintenance  
13 programs in this state, ~~except as provided in s. 49.825 (2).~~ Administration of income  
14 maintenance programs includes the following:

15 **SECTION 49.** 49.78 (1m) of the statutes is created to read:

16 49.78 (1m) ESTABLISHMENT OF UNIT. The department shall establish an income  
17 maintenance administration unit under s. 15.02 (3) (c) 3. to administer income  
18 maintenance programs in this state, except as provided in s. 49.825 (2).  
19 Administration of income maintenance programs includes the following:

20 (a) Receiving applications.

21 (b) Determining eligibility.

22 (c) Conducting fraud investigation and fraud prevention activities.

23 (d) Implementing error reduction procedures.

24 (e) Recovering overpayments of benefits.

25 **SECTION 50.** 49.78 (1p) of the statutes is created to read:

1           49.78 (1p) INCOME MAINTENANCE ADMINISTRATION UNIT CONTRACTS. The  
2 department may contract with a public or private entity to provide the income  
3 maintenance administrative services described in sub. (1m). A contract to provide  
4 income maintenance administrative services under this section is exempt from  
5 subch. IV of ch. 16.

6           **SECTION 51.** 49.78 (1r) of the statutes is created to read:

7           49.78 (1r) ADMINISTRATION BY A TRIBAL GOVERNING BODY. A tribal governing body  
8 may administer income maintenance programs by electing to have the unit  
9 administer the tribe's income maintenance programs or by providing the required  
10 administrative services and entering into a contract with the department for  
11 reimbursement under sub. (2).

12           **SECTION 52.** 49.78 (2) of the statutes is amended to read:

13           49.78 (2) CONTRACTS WITH A TRIBAL GOVERNING BODY. Annually, for the income  
14 maintenance administrative program functions, if any, that the department  
15 delegates to a ~~county or~~ tribal governing body, ~~the department and county~~  
16 ~~department under s. 46.215, 46.22, or 46.23 shall enter into a contract, and the~~  
17 ~~department and tribal governing body may enter into a contract, for reimbursement~~  
18 ~~of the county department or tribal governing body for the reasonable cost of~~  
19 ~~administering income maintenance programs.~~

20           **SECTION 53.** 49.78 (4) of the statutes is renumbered 49.19 (19g) (a) and  
21 amended to read:

22           49.19 (19g) (a) ~~RULES, MERIT SYSTEM.~~ The department of children and families  
23 shall promulgate rules for the efficient administration of aid to families with  
24 dependent children in agreement with the requirement for federal aid, including the  
25 establishment and maintenance of personnel standards on a merit basis. The

1 provisions of this ~~section~~ subsection relating to personnel standards on a merit basis  
2 supersede any inconsistent provisions of any law relating to county personnel. This  
3 ~~subsection~~ paragraph shall not be construed to invalidate the provisions of s. 46.22  
4 (1) (d).

5 **SECTION 54.** 49.78 (5) of the statutes is renumbered 49.19 (19g) (b) and  
6 amended to read:

7 49.19 (19g) (b) ~~PERSONNEL EXAMINATIONS.~~ Statewide examinations to ascertain  
8 qualifications of applicants in any county department administering aid to families  
9 with dependent children shall be given by the administrator of the division of merit  
10 recruitment and selection in the office of state employment relations. The office of  
11 state employment relations shall be reimbursed for actual expenditures incurred in  
12 the performance of its functions under this ~~section~~ subsection from the  
13 appropriations available to the department ~~of children and families~~ for  
14 administrative expenditures.

15 **SECTION 55.** 49.78 (6) (title) of the statutes is repealed.

16 **SECTION 56.** 49.78 (6) of the statutes is renumbered 49.19 (19g) (c).

17 **SECTION 57.** 49.78 (7) of the statutes is renumbered 49.19 (19g) (d) and  
18 amended to read:

19 49.19 (19g) (d) ~~COUNTY PERSONNEL SYSTEMS.~~ Pursuant to rules promulgated  
20 under ~~sub. (4) par. (a)~~, the department ~~of children and families~~ where requested by  
21 the county shall delegate to that county, without restriction because of enumeration,  
22 any or all of the authority of the department ~~of children and families~~ under ~~sub. (4)~~  
23 par. (a) to establish and maintain personnel standards including salary levels.

24 **SECTION 58.** 49.78 (8) (a) of the statutes is amended to read:

1           49.78 (8) (a) From the ~~appropriation accounts~~ appropriations under s. 20.435  
2           (4) ~~(bn)~~ (bm) and (nn) and subject to par. (b), the department shall reimburse each  
3           ~~county~~ and tribal governing body that contracts with the department under sub. (2)  
4           for reasonable costs of administering the income maintenance programs, including  
5           conducting fraud prevention activities. The amount of each reimbursement paid  
6           under this paragraph shall be calculated using a formula based on workload within  
7           the limits of available state and federal funds under s. 20.435 (4) ~~(bn)~~ (bm) and (nn)  
8           by contract under sub. (2). The amount of reimbursement calculated under this  
9           paragraph and par. (b) is in addition to any reimbursement provided to a ~~county or~~  
10          tribal governing body for fraud and error reduction under s. 49.197 or 49.845.

11           **SECTION 59.** 49.78 (8) (b) of the statutes is amended to read:

12           49.78 (8) (b) The department may adjust the amounts determined under par.  
13           (a) for workload changes and computer network activities performed by a ~~county or~~  
14           tribal governing body and may reduce the amount of any reimbursement if federal  
15           reimbursement is withheld due to audits, quality control samples, or program  
16           reviews.

17           **SECTION 60.** 49.78 (10) (title) of the statutes is amended to read:

18           49.78 (10) (title) ~~COUNTY~~ TRIBAL GOVERNING BODY CERTIFICATION.

19           **SECTION 61.** 49.78 (10) (a) of the statutes is amended to read:

20           49.78 (10) (a) ~~Each county treasurer and director of a county department under~~  
21           ~~s. 46.215, 46.22, or 46.23 that contracts with the department under sub. (2) and each~~  
22           Each tribal governing body that contracts with the department under sub. (2) shall  
23           certify monthly under oath to the department in such manner as the department  
24           prescribes the claim of the ~~county or~~ tribal governing body for state reimbursement  
25           under sub. (8) (a). The department shall review each claim of reimbursement and,

1 if the department approves the claim, the department shall certify to the department  
2 of administration for reimbursement to the ~~county~~ or tribal governing body for  
3 amounts due under sub. (8) (a) and payment claimed to be made to the ~~counties~~ or  
4 tribal governing bodies monthly. The department may make advance payments  
5 prior to the beginning of each month equal to one-twelfth of the contracted amount.

6 **SECTION 62.** 49.78 (10) (b) of the statutes is amended to read:

7 49.78 (10) (b) To facilitate prompt reimbursement, the certificate of the  
8 department may be based on the certified statements of the ~~county officers~~ or tribal  
9 governing body executives filed under par. (a). Funds recovered from audit  
10 adjustments from a prior fiscal year may be included in subsequent certifications  
11 only to pay ~~counties~~ tribal governing bodies owed funds as a result of any audit  
12 adjustment. By September 30 annually, the department shall submit a report to the  
13 appropriate standing committees under s. 13.172 (3) on funds recovered and paid out  
14 during the previous calendar year as a result of audit adjustments.

15 **SECTION 63.** 49.785 (1) (intro.) of the statutes is amended to read:

16 49.785 (1) (intro.) Except as provided in sub. (1m) ~~and subject to s. 49.825~~, if  
17 any recipient specified in sub. (1c) dies and the estate of the deceased recipient is  
18 insufficient to pay the funeral, burial, and cemetery expenses of the deceased  
19 recipient, the ~~department~~ or county or applicable tribal governing body or  
20 organization responsible for burial of the recipient shall pay, to the person  
21 designated by the ~~department~~ or county department under s. 46.215, 46.22, or 46.23  
22 or applicable tribal governing body or organization responsible for the burial of the  
23 recipient, all of the following:

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SECTION 64. 49.785 (1m) (a) of the statutes is amended to read:

1           49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,  
2 the ~~department or~~ county or applicable tribal governing body or organization  
3 responsible for burial of the recipient is not required to make a payment for the  
4 cemetery expenses under sub. (1) (a).

5           **SECTION 65.** 49.785 (1m) (b) of the statutes is amended to read:

6           49.785 (1m) (b) If the total funeral and burial expenses for the recipient exceed  
7 \$4,500, the ~~department or~~ county or applicable tribal governing body or organization  
8 responsible for burial of the recipient is not required to make a payment for funeral  
9 and burial expenses under sub. (1) (b).

10          **SECTION 66.** 49.785 (1m) (c) of the statutes is amended to read:

11          49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12  
12 months after the death of the recipient, the ~~department or~~ county or applicable tribal  
13 governing body or organization responsible for burial of the recipient is not required  
14 to make a payment for cemetery, funeral, or burial expenses.

15          **SECTION 67.** 49.79 (3) (a) of the statutes is amended to read:

16          49.79 (3) (a) A ~~county or~~ federally recognized American Indian tribe is liable  
17 for all food stamp coupons lost, misappropriated, or destroyed while under the  
18 ~~county's or~~ tribe's direct control, except as provided in par. (b).

19          **SECTION 68.** 49.79 (3) (b) of the statutes is amended to read:

20          49.79 (3) (b) A ~~county or~~ federally recognized American Indian tribe is not liable  
21 for food stamp coupons lost in natural disasters if it provides evidence acceptable to  
22 the department that the coupons were destroyed and not redeemed.

23          **SECTION 69.** 49.79 (3) (c) of the statutes is amended to read:

24          49.79 (3) (c) A ~~county or~~ federally recognized American Indian tribe is liable  
25 for food stamp coupons mailed to ~~residents of the county or~~ members of the tribe and

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1 lost in the mail due to incorrect information submitted to the department by the  
2 ~~county or~~ tribe.

3 **SECTION 70.** 49.79 (4) of the statutes is amended to read:

4 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The  
5 department shall withhold the value of food stamp losses for which a ~~county or~~  
6 federally recognized American Indian tribe is liable under sub. (3) from the payment  
7 to the ~~county or~~ tribe under income maintenance contracts under s. 49.78 and  
8 reimburse the federal government from the funds withheld.

9 **SECTION 71.** 49.79 (9) (a) 1. of the statutes is amended to read:

10 49.79 (9) (a) 1. The department shall administer an employment and training  
11 program for recipients under the food stamp program and may contract under s.  
12 49.78 ~~with county departments under ss. 46.215, 46.22, and 46.23, and~~ with tribal  
13 governing bodies to carry out the administrative functions. The department may  
14 contract, or a ~~county department or~~ tribal governing body may subcontract, with a  
15 Wisconsin Works agency or another provider to administer the employment and  
16 training program under this subsection. Except as provided in subds. 2. and 3., the  
17 department may require able individuals who are 18 to 60 years of age who are not  
18 participants in a Wisconsin Works employment position to participate in the  
19 employment and training program under this subsection.

20 **SECTION 72.** 49.793 (1) of the statutes is amended to read:

21 49.793 (1) The department ~~or a county~~ or an elected governing body of a  
22 federally recognized American Indian tribe or band acting on behalf of the  
23 department, may recover overpayments that arise from an overissuance of food  
24 coupons under the food stamp program administered under s. ~~46.215 (1) (k) or 46.22~~  
25 ~~(1) (b) 2. d~~ 49.78. Recovery shall be made in accordance with 7 USC 2022.

1           **SECTION 73.** 49.793 (2) (a) of the statutes is renumbered 49.793 (2) and  
2 amended to read:

3           49.793 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a  
4 federally recognized American Indian tribe may retain a portion of the amount of an  
5 overpayment the state is authorized to retain under 7 USC 2025 that is recovered  
6 under sub. (1) due to the efforts of an employee or officer of the county or tribe. The  
7 department shall promulgate a rule establishing the portion of the amount of the  
8 overpayment that the county or governing body may retain. This ~~paragraph~~  
9 subsection does not apply to recovery of an overpayment that was made as a result  
10 of state, county, or tribal governing body error.

11           **SECTION 74.** 49.793 (2) (b) of the statutes is repealed.

12           **SECTION 75.** 49.795 (1) (e) 1. of the statutes is amended to read:

13           49.795 (1) (e) 1. An employee or officer of the federal government, the state,  
14 ~~a county~~ or a federally recognized American Indian tribe acting in the course of  
15 official duties in connection with the food stamp program.

16           **SECTION 76.** 49.795 (1) (e) 2. of the statutes is amended to read:

17           49.795 (1) (e) 2. A person acting in the course of duties under a contract with  
18 the federal government, the state, ~~a county~~ or a federally recognized American  
19 Indian tribe in connection with the food stamp program.

20           **SECTION 77.** 49.795 (8) (d) 2. of the statutes is amended to read:

21           49.795 (8) (d) 2. The person may apply to the ~~county~~ department ~~under s.~~  
22 ~~46.215, 46.22 or 46.23~~ or the federally recognized American Indian tribal governing  
23 body or, if the person is a supplier, to the federal department of agriculture for  
24 reinstatement following the period of suspension, if the suspension is not permanent.

25           **SECTION 78.** 49.797 (8) of the statutes is amended to read:

see p. 28

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1 49.797 (8) COUNTY TRIBAL GOVERNING BODY PARTICIPATION; EXCEPTION. The  
 2 department may not require a county or tribal governing body to participate in an  
 3 electronic benefit transfer system under this section if the costs to the county or tribal  
 4 governing body would be greater than the costs that the county or tribal governing  
 5 body would incur in delivering the benefits through a system that is not an electronic  
 6 benefit transfer system.

, as affected by 2011 Wisconsin Act ... (this act),

7 SECTION 79. 49.825 of the statutes is repealed.

8 SECTION 80. 49.847 (3) (a) of the statutes is renumbered 49.847 (3) and  
 9 amended to read:

10 49.847 (3) Subject to ss. 49.497 (2) and 49.793 (2), and except as provided in par.  
 11 (b), a county or elected governing body may retain a portion of an amount recovered  
 12 under this section due to the efforts of an employee or officer of the county, tribe, or  
 13 band, as provided by the department by rule.

14 SECTION 81. 49.847 (3) (b) of the statutes is repealed.

15 SECTION 82. 49.89 (7) (a) of the statutes is amended to read:

16 49.89 (7) (a) ~~Except as provided in par. (f), any~~ Any county or elected tribal  
 17 governing body that has made a recovery under this section shall receive an incentive  
 18 payment from the sum recovered as provided under this subsection.

19 SECTION 83. 49.89 (7) (f) of the statutes is repealed.

20 SECTION 84. 59.22 (2) (c) 2. of the statutes is amended to read:

21 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the  
 22 rules of the department of children and families under s. 49.78 (4) to (7) 49.19 (19g)  
 23 relating to employees administering old-age assistance, aid to families with  
 24 dependent children, aid to the blind, or aid to totally and permanently disabled  
 25 persons or ss. 63.01 to 63.17.

1           **SECTION 85.** 63.03 (2) (r) of the statutes is amended to read:

2           63.03 (2) (r) All staff performing services for the Milwaukee County enrollment  
3 ~~services unit under s. 49.825~~ or for the child care provider services unit under s.  
4 49.826.

5           **SECTION 86.** 111.70 (1) (a) of the statutes is amended to read:

6           111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
7 obligation of a municipal employer, through its officers and agents, and the  
8 representative of its municipal employees in a collective bargaining unit, to meet and  
9 confer at reasonable times, in good faith, with the intention of reaching an  
10 agreement, or to resolve questions arising under such an agreement, with respect to  
11 wages, hours, and conditions of employment, and with respect to a requirement of  
12 the municipal employer for a municipal employee to perform law enforcement and  
13 fire fighting services under s. 61.66, and for a school district with respect to any  
14 matter under sub. (4) (o), and for a school district with respect to any matter under  
15 sub. (4) (n), except as provided in subs. ~~(3m)~~, (3p), and (4) (m) and (mc) and s. 40.81  
16 (3) and except that a municipal employer shall not meet and confer with respect to  
17 any proposal to diminish or abridge the rights guaranteed to municipal employees  
18 under ch. 164. The duty to bargain, however, does not compel either party to agree  
19 to a proposal or require the making of a concession. Collective bargaining includes  
20 the reduction of any agreement reached to a written and signed document. The  
21 municipal employer shall not be required to bargain on subjects reserved to  
22 management and direction of the governmental unit except insofar as the manner  
23 of exercise of such functions affects the wages, hours, and conditions of employment  
24 of the municipal employees in a collective bargaining unit. In creating this  
25 subchapter the legislature recognizes that the municipal employer must exercise its

1 powers and responsibilities to act for the government and good order of the  
2 jurisdiction which it serves, its commercial benefit and the health, safety, and  
3 welfare of the public to assure orderly operations and functions within its  
4 jurisdiction, subject to those rights secured to municipal employees by the  
5 constitutions of this state and of the United States and by this subchapter.

6 SECTION 87. 111.70 (3m) of the statutes is repealed.

7 SECTION 88. 230.44 (1) (h) of the statutes is repealed.

8 SECTION 9121. **Nonstatutory provisions; Health Services.**

9 (1) TRANSFER OF INCOME MAINTENANCE ADMINISTRATION TO INCOME MAINTENANCE  
10 ADMINISTRATION UNIT.

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

12 1. "County" means a county administering income maintenance programs, as  
13 defined in section 49.78 (1) (b) of the statutes, as affected by this act, on the effective  
14 date of this subdivision.

15 2. "Department" means the department of health services.

16 3. "Income maintenance programs" has the meaning given in section 49.78 (1)  
17 (b) of the statutes, as affected by this act.

18 4. "Unit" has the meaning given in section 49.78 (1) (f) of the statutes, as created  
19 by this act.

20 (b) *Transition Plan.* On the effective date of this paragraph, the department  
21 shall begin to transition the administration of the income maintenance programs  
22 from counties to the unit. The department shall develop a transition plan that  
23 includes a deadline by which each county must transfer to the department all records  
24 in the possession of the county that are related to the administration of income  
25 maintenance programs.

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1           (c) *Delegation of administrative functions to counties.* Notwithstanding section  
2           49.78 of the statutes, as affected by this act, before May 1, 2012, the department may  
3           delegate some or all of the administrative functions related to income maintenance  
4           programs to counties, on a county by county basis. If the department delegates  
5           administrative functions related to income maintenance programs to a county, the  
6           county shall continue to perform the delegated administrative functions until the  
7           department notifies the county that the unit is prepared to assume responsibility for  
8           the administrative functions. The department and a county to which the department  
9           delegates administrative functions related to income maintenance programs shall  
10          enter into a contract relating to the county's administrative functions and  
11          reimbursement for the reasonable costs of performing those administrative  
12          functions. Reimbursements to counties that continue to administer income  
13          maintenance programs shall be considered costs incurred by the unit to administer  
14          income maintenance programs.

15          (2) **ELIMINATION OF MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT.** The  
16          department of health services shall determine when the income maintenance  
17          administration unit established under section 49.78 (1m) of the statutes, as created  
18          by this act, is prepared to take over income maintenance administration  
19          responsibilities in Milwaukee County and shall notify the legislative reference  
20          bureau of that date. The legislative reference bureau shall publish a notice in the  
21          Wisconsin Administrative Register that specifies that date.

22                   **SECTION 9421. Effective dates; Health Services.**

23          (1) **ELIMINATION OF THE MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT.** The  
24          treatment of sections 20.435 (4) (bm) (by SECTION 2), (im), and (L), 40.02 (25) (b) 2c.,  
25          40.22 (2) (m), 40.62 (2), 46.215 (1) (intro.) (by SECTION 12), 49.155 (1) (ah), 49.197 (2)

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1 (cm), 49.496 (4) (a) and (b) and (5), 49.497 (2) (a) and (b), 49.78 (1m) (intro.) (by  
2 SECTION 48), 49.793 (2) (a) and (b), 49.825, 49.847 (3) (a) and (b), 49.89 (7) (a) and (f),  
3 63.03 (2) (r), 111.70 (1) (a) and (3m), and 230.44 (1) (h) of the statutes takes effect on  
4 the date specified in the notice published in the Wisconsin Administrative Register  
5 under SECTION 9121 (1) of this act, or on May 1, 2012, whichever is earlier.

6 (END)

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INSERT - ANALYSIS

HEALTH AND HUMAN SERVICES ✓

PUBLIC ASSISTANCE ✓

Under current law, income maintenance programs ✓ are administered by counties, except for Milwaukee County, ✓ and by tribal governing bodies through contracts with DHS. The Milwaukee County enrollment services unit within DHS ✓ (Milwaukee unit) administers income maintenance programs in Milwaukee County. Income maintenance programs are currently specified in the statutes as the Medical Assistance program, ✓ including BadgerCare Plus; the food stamp program; ✓ and the funeral, burial, and cemetery expenses program. ✓

This bill requires DHS ✓ to establish an income maintenance administration unit (IM unit) ✓ in DHS to administer income maintenance programs in all counties. ✓ Under this bill, administration of income maintenance programs specifically includes receiving applications, determining eligibility, conducting fraud investigations, implementing error reduction procedures, and recovering overpayment of benefits. ✓ This bill provides that, until the IM unit is prepared to assume income maintenance administration from counties, DHS may continue to delegate income maintenance administrative functions to counties, on a county by county basis. ✓ Similarly, under this bill, the Milwaukee unit will continue to administer income maintenance programs for Milwaukee County until the IM unit is prepared to administer income maintenance programs in Milwaukee County. ✓ This bill requires that the IM unit administer income maintenance programs for all counties no later than May 1, 2012. ✓ The Milwaukee unit is eliminated when the IM unit assumes income maintenance program administration in Milwaukee county ✓ or on May 1, 2012, ✓ whichever is earlier. ✓

Under the funeral, burial, and cemetery expenses program ✓ in current law, county departments of social services or human services (county departments) ✓ pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits and whose estates are insufficient to pay those expenses. DHS reimburses the county departments for those payments from a general purpose revenue (GPR) ✓ appropriation out of which DHS also pays county departments for administering the income maintenance programs. ✓

This bill excludes payments for funeral, burial, and cemetery expenses ✓ and for administering the funeral, burial, and cemetery expenses program from that existing GPR ✓ appropriation and creates a new GPR ✓ appropriation for reimbursing counties for the funeral, burial, and cemetery expenses. In addition, the bill removes the funeral, burial, and cemetery expenses program from those programs that are income maintenance programs ✓ and requires that counties administer the program without financial assistance from the state for the administration. ✓

Under current law, DHS administers two programs that provide supplemental payments to individuals who are eligible to receive federal supplemental security income (SSI). ✓ The first program provides supplemental cash payments, known as state supplemental payments, to an individual who qualifies for SSI because the individual is elderly, blind, or disabled. ✓ The second program, known as the caretaker

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supplement program, provides additional cash payments to an individual who receives SSI, state supplemental payments, or both, and is a custodial parent of a dependent child. This bill transfers the administration of the state supplemental payment program and the caretaker supplement program to DCF.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

(end of ins - ~~and~~ analysis)