



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment I

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2011 LRB-1149/1 (For: DOA)

has been copied/added to the drafting file for

2011 LRB-1019 (For: DOA)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 02/15/2011 (Per: FFK)

The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2011 DRAFTING REQUEST

Bill

Received: 01/24/2011

Received By: **fknepp**

Wanted: As time permits

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **fknepp**

Subject: **Public Assistance - misc**

Addl. Drafters:

Extra Copies: **Pam Kahler**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Dombrowski, BB0240 -

Topic:

Transfer the State SSI Supplement and Caretaker Supplement program to the Department of Children and Families.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	fknepp 01/26/2011	csicilia 02/01/2011	rschluet 02/01/2011	_____	lparisi 02/01/2011		
/1	fknepp 02/09/2011 pkahler 02/09/2011 fknepp	csicilia 02/11/2011	phenry 02/11/2011	_____ _____ _____	cduerst 02/11/2011		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

02/10/2011

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

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Received By: **fknepp**

Wanted: As time permits

Companion to LRB:

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By/Representing: **Dombrowski**

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/? /P1	fknepp 01/26/2011	csicilia 02/01/2011	rschluet 02/01/2011	2/11	lparisi 02/01/2011		
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FE Sent For: / 1 gjs 2/11 / 11 ph / JK <END>

2011 DRAFTING REQUEST

Bill

Received: 01/24/2011

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **fknepp**

Subject: **Public Assistance - misc**

Addl. Drafters:

Extra Copies: **Pam Kahler**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Dombrowski, BB0240 -

Topic:

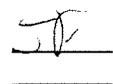
Transfer the State SSI Supplement and Caretaker Supplement program to the Department of Children and Families.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	fknepp	PI js 2/11					
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FE Sent For:

<END>

Kahler, Pam

From: Dodge, Tamara
Sent: Monday, January 24, 2011 8:24 AM
To: Knepp, Fern; Kahler, Pam
Subject: FW: Statutory Language Drafting Request
I'm pretty sure this belongs to one of you, or it may be Gordon's.
Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Hanaman, Cathlene
Sent: Saturday, January 22, 2011 12:10 PM
To: Dodge, Tamara
Subject: FW: Statutory Language Drafting Request

From: DOADLBBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Friday, January 21, 2011 2:56 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Dombrowski, Cynthia A - DOA
Subject: Statutory Language Drafting Request

Topic: Transfer State SSI Supplement and Caretaker Supplement

Tracking Code: BB0240

SBO Team: HSI

SBO Analyst: Dombrowski, Cynthia A - DOA
Phone: (608) 266-2214
E-mail: Cynthia.Dombrowski@Wisconsin.gov

Agency Acronym: DHS

Agency Number: 435

Priority: High

Intent:

Transfer the State SSI Supplement and the Caretaker Supplement program from DHS to DCF on July 1, 2011.

Attachments: False

1/24/2011

X-ref
copy

77
775



TODAY (d-note)
State of Wisconsin
 2011 - 2012 LEGISLATURE



LRB-1149/P1

FFK:.....

gjs

In 1-26-11

DOA:.....Dombrowski, BB0240 - Transfer the State SSI Supplement and Caretaker Supplement program to the Department of Children and Families.

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

SA ✓

do NOT gen

the individual is

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES ✓

PUBLIC ASSISTANCE ✓

Under current law, DHS administers two programs that provide supplemental payment 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 *they* *are* elderly, blind, or disabled. The second program, known as the caretaker 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.

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

2 **SECTION 1.** 16.27 (5) (c) of the statutes is amended to read:

1 16.27 (5) (c) A household entirely composed of persons receiving aid to families
2 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2036, or
3 supplemental security income or state supplemental payments under 42 USC 1381
4 to 1383c or s. ~~49.77~~ 49.39.

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344; 2009 a. 11, 28.

5 **SECTION 2.** 20.435 (4) (bm) of the statutes is amended to read:

6 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
7 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
8 amounts in the schedule to provide a portion of the state share of administrative
9 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
10 Badger Care health care program under s. 49.665 and to provide the state share of
11 administrative costs for the food stamp program under s. 49.79, other than payments
12 to counties and tribal governing bodies under s. 49.78 (8), to develop and implement
13 a registry of recipient immunizations, to reimburse 3rd parties for their costs under
14 s. 49.475, for costs associated with outreach activities, ~~for state administration of~~
15 ~~state supplemental grants to supplemental security income recipients under s.~~
16 ~~49.77~~, to administer the pharmacy benefits purchasing pool under s. 146.45, and for
17 services of resource centers under s. 46.283. No state positions may be funded in the
18 department of health services from this appropriation, except positions for the
19 performance of duties under a contract in effect before January 1, 1987, related to
20 the administration of the Medical Assistance program between the subunit of the
21 department primarily responsible for administering the Medical Assistance
22 program and another subunit of the department. Total administrative funding
23 authorized for the program under s. 49.665 may not exceed 10% of the amounts
24 budgeted under pars. (p) and (x).

NOTE: NOTE: NOTE: Par. (bm) is shown as amended eff. 1-1-11 by 2009 Wis. Act 28. Prior to 1-1-11 it reads: NOTE:

(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 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and to provide the state share of administrative costs for the food stamp program under s. 49.79, other than payments to counties and tribal governing bodies under s. 49.78 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs associated with outreach activities, for state administration of state supplemental grants to supplemental security income recipients under s. 49.77, and for services of resource centers under s. 46.283. No state positions may be funded in the department of health services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the Medical Assistance program between the subunit of the department primarily responsible for administering the Medical Assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under par. (p) and (x).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243, 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334. A

- 11 SECTION 3. 20.435 (4) (ed) of the statutes is renumbered 20.437 (2) (ed) and
 12 amended to read:
 13 20.437 (2) (ed) *State supplement to federal supplemental security income*
 14 *program.* A sum sufficient for payments of supplemental grants to supplemental
 15 security income recipients under s. 49.77 49.39 and, except as provided in 1997
 16 Wisconsin Act 237, section 9122 (4e) (a), for payments for the support of children of
 17 supplemental security income recipients under s. 49.775 49.395.

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

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334. A

- 18 SECTION 4. 20.437 (2) (eg) of the statutes is created to read:
 19 20.437 (2) (eg) *State supplement to federal supplemental security income*
 20 *programs; administration.* Biennially, the amounts in the schedule for the
 21 administration of the supplemental security income payments program under s.
 22 49.39 and the program providing payments for the support of children of
 23 supplemental security income recipients under s. 49.395.

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

1 **SECTION 5.** 20.437 (2) (r) of the statutes is amended to read:

2 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
3 support collections trust fund, except as provided in par. (qm), all moneys received
4 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
5 received under ss. 767.57 and 767.75 for child or family support, maintenance,
6 spousal support, health care expenses, or birth expenses, all other moneys received
7 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
8 and all moneys received under s. 49.855 (4) from the department of revenue or the
9 department of administration that were withheld by the department of revenue or
10 the internal revenue service for delinquent child support, family support, or
11 maintenance or outstanding court-ordered amounts for past support, medical
12 expenses, or birth expenses, for disbursement to the persons for whom the payments
13 are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under
14 s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., ^{or} 49.395
15 ^{S.} (2) (bm), or ^{S.} 49.775 (2) (bm), 2009 stats., for transfer to the appropriation account
16 under par. (k). Estimated disbursements under this paragraph shall not be included
17 in the schedule under s. 20.005.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; s. 13.92 (2) (i).

18 **SECTION 6.** 46.206 (1) (bm) of the statutes is amended to read:

19 46.206 (1) (bm) All records of the department relating to aid provided under
20 s. 49.46, 49.465, 49.468, 49.47, ^{or} 49.471, or ^{S.} 49.77, 2009 stats., are open to inspection
21 at reasonable hours by members of the legislature who require the information
22 contained in the records in pursuit of a specific state legislative purpose. All ^{or} records
23 of any county relating to aid provided under s. 49.46, 49.465, 49.468, 49.47, 49.471,
24 ^{S.} or ^{S.} 49.77, 2009 stats., are open to inspection at reasonable hours by members of the

7 **AAA** *Note: DCF does not have a general section similar to s. 46.206 for programs in subch. III of ch. 49. Does DCF need a section in subch. III of ch. 49 that implements the same open record requirements for records related to the SSI caretaker programs*

1 board of supervisors of the county or the governing body of a city, village or town
 2 located in the county who require the information contained in the records in pursuit
 3 of a specific county or municipal legislative purpose. The right to records access
 4 provided by this paragraph does not apply if access is prohibited by federal law or
 5 regulation or if this state is required to prohibit such access as a condition precedent
 6 to participation in a federal program in which this state participates.

History: 1973 c. 147; 1977 c. 271, 449; 1981 c. 329, 335; 1983 a. 27, 239, 487; 1985 a. 176; 1987 a. 27 s. 3202 (24); 1987 a. 403 s. 256; 1989 a. 31; 1995 a. 27, 77; 1997 a. 33; 2007 a. 20.

7 **SECTION 7.** 46.215 (1) (L) of the statutes is amended to read:

8 46.215 (1) (L) Within the limits of available state and federal funds and of
 9 county funds appropriated to match state funds, to provide social services for persons
 10 eligible for or receiving benefits under the supplementary security income program
 11 under federal Title XVI, the supplemental payments program under s. ~~49.77~~ 49.39
 12 or aid to families with dependent children under s. 49.19.

History: 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; 2007 a. 20 ss. 848 to 856, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 15, 28, 180, 334.

13 **SECTION 8.** 46.22 (1) (b) 1. c. of the statutes is renumbered 46.22 (1) (b) 2. h. and
 14 amended to read:

15 46.22 (1) (b) 2. h. Within the limits of available state and federal funds and of
 16 county funds appropriated to match state funds, to provide social services for persons
 17 eligible for or receiving supplemental security aids under Title XVI of the social
 18 security act, eligible for or receiving state supplemental payments under s. ~~49.77~~
 19 49.39 or eligible for or receiving aid to families with dependent children under s.
 20 49.19.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334.

1 **SECTION 13.** 49.145 (2) (i) of the statutes is amended to read:

2 49.145 (2) (i) The individual is not receiving supplemental security income
3 under 42 USC 1381 to 1383c or state supplemental payments under s. ~~49.77~~ 49.39
4 and, if the individual is a dependent child, the custodial parent of the individual does
5 not receive a payment on behalf of the individual under s. ~~49.775~~ 49.395. The
6 department may require an individual who receives benefits under s. 49.148 and who
7 has applied for supplemental security income under 42 USC 1381 to 1383c to
8 authorize the federal social security administration to reimburse the department for
9 the benefits paid to the individual under s. 49.148 during the period that the
10 individual was entitled to supplemental security income benefits to the extent that
11 retroactive supplemental security income benefits are made available to the
12 individual.

History: 1995 a. 289; 1997 a. 27, 191, 237, 283; 1999 a. 9; 2001 a. 16; 2005 a. 25; 2009 a. 28.

13 **SECTION 14.** 49.175 (1) (r) of the statutes is amended to read:

14 49.175 (1) (r) *Children of recipients of supplemental security income.* For
15 payments made under s. ~~49.775~~ 49.395 for the support of the dependent children of
16 recipients of supplemental security income, \$29,899,800 in fiscal year 2009-10 and
17 \$29,933,200 in each fiscal year thereafter.

****NOTE: Are any changes required to the appropriation accounts listed in s.
49.175 (1) (intro.) to fund the payments described in this paragraph? Specifically, should
s. 20.437 (2) (ed), as renumbered by this bill, be included in the introductory section?

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28.

18 **SECTION 15.** 49.19 (19m) of the statutes is amended to read:

19 49.19 (19m) Notwithstanding subs. (1) to (19), no aid may be paid under this
20 section for a child on whose behalf a payment is made under s. ~~49.775~~ 49.395.

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59; 2003 a. 33; 2005 a. 22; 2005 a. 443 s. 265; 2007 a. 20 ss. 1459 to 1463, 9121 (6) (a); 2009 a. 28.

21 **SECTION 16.** 49.197 (1m) of the statutes is amended to read:

1 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)
2 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program
3 to investigate suspected fraudulent activity on the part of recipients of aid to families
4 with dependent children under s. 49.19, supplemental security income payments
5 under s. 49.39 or s. 49.77, 2009 stats., and payments for the support of children of
6 supplemental security income recipients under s. 49.395 or ^{s.}49.775, 2009 stats., on
7 the part of participants in the Wisconsin Works program under ss. 49.141 to 49.161,
8 and, if the department of health services contracts with the department under sub.
9 (5), on the part of recipients of medical assistance under subch. IV, food stamp
10 benefits under the food stamp program under 7 USC 2011 to 2036, ~~supplemental~~
11 ~~security income payments under s. 49.77, payments for the support of children of~~
12 ~~supplemental security income recipients under s. 49.775,~~ and health care benefits
13 under the Badger Care health care program under s. 49.665. The department's
14 activities under this subsection may include, but are not limited to, comparisons of
15 information provided to the department by an applicant and information provided
16 by the applicant to other federal, state, and local agencies, development of an
17 advisory welfare investigation prosecution standard, and provision of funds to
18 county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works
19 agencies to encourage activities to detect fraud. The department shall cooperate
20 with district attorneys regarding fraud prosecutions.

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

21 **SECTION 17.** 49.197 (3) of the statutes is amended to read:

22 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
23 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161,
24 the supplemental security income payments program under s. 49.39, the program

1 ~~providing payments for the support of children of supplemental security income~~
2 ~~recipients under s. 49.395, and, if the department of health services contracts with~~
3 ~~the department under sub. (5), the Medical Assistance program under subch. IV, the~~
4 ~~food stamp program under 7 USC 2011 to 2036, the supplemental security income~~
5 ~~payments program under s. 49.77, the program providing payments for the support~~
6 ~~of children of supplemental security income recipients under s. 49.775, and the~~
7 Badger Care health care program under s. 49.665.

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

8 **SECTION 18.** 49.197 (4) of the statutes is amended to read:

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

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

18 **SECTION 19.** 49.197 (5) of the statutes is amended to read:

19 49.197 (5) ~~CONTRACTS FOR MEDICAL ASSISTANCE, AND FOOD STAMPS, SUPPLEMENTAL~~
20 ~~SECURITY INCOME, AND CARETAKER SUPPLEMENT.~~ Notwithstanding s. 49.845 (1) and (2),
21 the department of health services may contract with the department to investigate
22 suspected fraudulent activity on the part of recipients of medical assistance under
23 subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to

1 ~~2036, supplemental security income payments under s. 49.77, payments for the~~
 2 ~~support of children of supplemental security income recipients under s. 49.775, and~~
 3 health care benefits under the Badger Care health care program under s. 49.665 and
 4 to conduct activities to reduce payment errors in the Medical Assistance program
 5 under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
 6 ~~supplemental security income payments program under s. 49.77, the program~~
 7 ~~providing payments for the support of children of supplemental security income~~
 8 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665,~~
 9 as provided in this section.

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

10 **SECTION 20.** 49.43 (1e) of the statutes is amended to read:

11 49.43 (1e) "Accommodated person" means any person in a hospital or in a
 12 skilled nursing facility or intermediate care facility, as defined in Title XIX of the
 13 social security act, who would have been eligible for benefits under s. 49.19 or ~~49.77~~
 14 ~~49.39~~ or federal Title XVI if the person were not in such a hospital or facility, and any
 15 person in such an institution who can be found eligible for Title XIX under the social
 16 security act.

History: 1977 c. 29 ss. 583m, 591; 1977 c. 418 s. 929 (18); 1979 c. 221; 1981 c. 20 s. 2202 (20) (m); 1981 c. 93; 1983 a. 189; 1987 a. 27; 1987 a. 403 s. 256; 1987 a. 413; 1991 a. 39; 1993 a. 27, 99, 112, 437; 1995 s. 27 ss. 2649, 2661, 2943 to 2946, 9126 (19); 1999 a. 9; 2001 a. 16; 2005 a. 264; 2007 a. 20 s. 9121 (6) (a).

17 **SECTION 21.** 49.46 (1) (a) 4. of the statutes is amended to read:

18 49.46 (1) (a) 4. Any person receiving benefits under s. ~~49.77~~ ~~49.39~~ or federal
 19 Title XVI.

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221.

20 **SECTION 22.** 49.46 (1) (a) 4m. of the statutes is amended to read:

21 49.46 (1) (a) 4m. Any child for whom a payment is made under s. ~~49.775~~ ~~49.395~~.

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221.

1 **SECTION 23.** 49.46 (1) (d) 4. of the statutes is amended to read:

2 49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) (3)
3 shall be considered a recipient of benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221.

4 **SECTION 24.** 49.46 (1) (e) of the statutes is amended to read:

5 49.46 (1) (e) If an application under s. 49.47 (3) shows that the individual meets
6 the income limits under s. 49.19 or meets the income and resource requirements
7 under federal Title XVI or s. ~~49.77~~ 49.39, or that the individual is an essential person,
8 an accommodated person, or a patient in a public medical institution, the individual
9 shall be granted the benefits enumerated under sub. (2) whether or not the
10 individual requests or receives a grant of any of such aids.

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221.

11 **SECTION 25.** 49.47 (4) (c) 1. of the statutes is amended to read:

12 49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,
13 eligibility exists if income does not exceed 138 ^{1/3%} ~~percent~~ ^{percent} of the maximum aid to
14 families with dependent children payment under s. 49.19 (11) for the applicant's
15 family size or the combined benefit amount available under supplemental security
16 income under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39,
17 whichever is higher. In this subdivision "income" includes earned or unearned
18 income that would be included in determining eligibility for the individual or family
19 under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381
20 to 1385. "Income" does not include earned or unearned income which would be

1 excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~
2 49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

History: 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25, 253; 2007 a. 11, a. 20 ss. 1596 to 1604, 9121 (6) (a); 2009 a. 28, 180.

3 **SECTION 26.** 49.471 (7) (c) 4. of the statutes is amended to read:

4 49.471 (7) (c) 4. Not include in the calculation any income of an individual
5 receiving benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

History: 2007 a. 20; 2009 a. 28, 180, 219.

6 **SECTION 27.** 49.472 (4) (a) 2. a. of the statutes is amended to read:

7 49.472 (4) (a) 2. a. A maintenance allowance established by the department by
8 rule. The maintenance allowance may not be less than the sum of \$20, the federal
9 supplemental security income payment level determined under 42 USC 1382 (b) and
10 the state supplemental payment determined under s. ~~49.77 (2m)~~ 49.39 (2m).

History: 1999 a. 9, 185; 2001 a. 16; 2003 a. 33; 2009 a. 2.

11 **SECTION 28.** 49.77 of the statutes is renumbered [^]49.39, and 49.39 (6), as
12 renumbered, is amended to read:

13 49.39 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer
14 this section and s. ~~49.775~~ 49.395, and may promulgate rules to guide the
15 administration of eligibility determinations and benefits payments.

History: 1973 c. 90, 147; 1975 c. 39, 199, 224; 1977 c. 29; 1979 c. 34; 1981 c. 20; 1981 c. 314 s. 144; 1983 a. 27; 1985 a. 29, 120, 176; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 56; 1993 a. 16; 1995 a. 27 ss. 2844 to 2849, 3151; Stats. 1995 s. 49.77; 2005 a. 25.

16 **SECTION 29.** 49.775 of the statutes is renumbered [^]49.395, and 49.395 (2) (a),

17 (b), (bm)^e and (e) 1., as renumbered, are amended to read:

18 49.395 (2) (a) The custodial parent is a recipient of supplemental security
19 income under 42 USC 1381 to 1383c or of state supplemental payments under s.
20 ~~49.77~~ 49.39, or both.

History: 1997 a. 27, 237; 1999 a. 9; 2005 a. 25; 2007 a. 20; 2009 a. 28.

1 (b) If the dependent child has 2 custodial parents, each custodial parent
2 receives supplemental security income under 42 USC 1381 to 1383c or state
3 supplemental payments under s. ~~49.77~~ 49.39, or both.

History: 1997 a. 27, 237; 1999 a. 9; 2005 a. 25; 2007 a. 20; 2009 a. 28.

4 (bm) The custodial parent assigns to the state any right of the custodial parent
5 or of the dependent child to support from any other person accruing during the time
6 that any payment under this subsection is made to the custodial parent. No amount
7 of support that begins to accrue after the individual ceases to receive payments under
8 this section may be considered assigned to the state. Seventy-five percent of all
9 money that is received by the department of ~~children and families~~ under an
10 assignment to the state under this paragraph shall be paid to the custodial parent.
11 The department of ~~children and families~~ shall pay the federal share of support
12 assigned under this paragraph as required under federal law or waiver.

NOTE: NOTE: Par. (bm) is shown as amended eff. 10-1-10 by 2009 Wis. Act 28. Prior to 10-1-10 it reads:NOTE:

13 (bm) The custodial parent assigns to the state any right of the custodial parent or of the dependent child to support from any other person accruing during the time
14 that any payment under this subsection is made to the custodial parent. No amount of support that begins to accrue after the individual ceases to receive payments
15 under this section may be considered assigned to the state. Any money that is received by the department of children and families under an assignment to the state under
16 this paragraph and that is not the federal share of support shall be paid to the custodial parent. The department of children and families shall pay the federal share
17 of support assigned under this paragraph as required under federal law or waiver.

History: 1997 a. 27, 237; 1999 a. 9; 2005 a. 25; 2007 a. 20; 2009 a. 28.

18 (e) 1. The custodial parent is ineligible for aid under s. 49.19 solely because he
19 or she receives supplemental security income under 42 USC 1381 to 1383c or state
20 supplemental payments under s. ~~49.77~~ 49.39.

History: 1997 a. 27, 237; 1999 a. 9; 2005 a. 25; 2007 a. 20; 2009 a. 28.

21 **SECTION 30.** ~~49.776~~ of the statutes is renumbered ^{49.396} and amended to read: X
22 **49.396 Payment of support arrears.** If a custodial parent who formerly
23 received payments under s. ~~49.395~~ or ^{S.} ~~49.775~~, ~~2009 stats.~~, but who is no longer
24 receiving payments under s. ~~49.395~~ or ^{S.} ~~49.775~~, ~~2009 stats.~~, assigned to the state
25 under s. ~~49.395~~ (2) (bm) or ^{S.} ~~49.775~~ (2) (bm), ~~2009 stats.~~, his or her right or the right
26 of the dependent child to support from any other person, the department shall pay
27 to the custodial parent all money in support arrears that is collected by the

1 department after the custodial parent's receipt of payments under s. 49.395 or ^{Score} 49.775, 2009 stats. _↓ 49.775 ^{S.} _↑ ceased and that accrued while the custodial parent was receiving
 2 those payments. *plain space*

History: 2009 a. 28.

4 **SECTION 31.** 49.785 (1c) (a) of the statutes is amended to read: ^{or} 49.785 (1c) (a) A recipient of benefits under s. 49.148, 49.39, 49.46, or ^{S.} 49.77,
 5 2009 stats., or under 42 USC 1381 to 1385 in effect on May 8, 1980.

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33
 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

7 **SECTION 32.** 49.825 (2) (a) 2. of the statutes is repealed. *

8 **SECTION 33.** 49.83 of the statutes is amended to read:

9 **49.83 Limitation on giving information.** Except as provided under ss.
 10 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information
 11 concerning applicants and recipients of relief funded by a relief block grant, aid to
 12 families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social
 13 services, child and spousal support and establishment of paternity and medical
 14 support liability services under s. 49.22, or supplemental payments under s. 49.39
 15 or ^{S.} 49.77, 2009 stats. for any purpose not connected with the administration of the
 16 programs, except that the department of children and families may disclose such
 17 information to the department of revenue for the sole purpose of administering state
 18 taxes. Any person violating this section may be fined not less than \$25 nor more than
 19 \$500 or imprisoned in the county jail not less than 10 days nor more than one year
 20 or both.

History: 1995 a. 27 ss. 3142, 3144; Stats. 1995 s. 49.83; 1995 a. 289, 361, 404; 1997 a. 35; 2005 a. 25; 2007 a. 20; 2009 a. 28.

21 **SECTION 34.** 49.845 (1) of the statutes is amended to read:

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

1 to investigate suspected fraudulent activity on the part of recipients of medical
2 assistance under subch. IV, food stamp benefits under the food stamp program under
3 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~
4 ~~payments for the support of children of supplemental security income recipients~~
5 ~~under s. 49.775,~~ and health care benefits under the Badger Care health care program
6 under s. 49.665 and, if the department of children and families contracts with the
7 department of health services under sub. (4), on the part of recipients of aid to
8 families with dependent children under s. 49.19, supplemental security income
9 payments under s. 49.39 or ^{s.}49.77, 2009 stats., payments for the support of children
10 of supplemental security income recipients under s. 49.395 or ^{s.}49.775, 2009 stats.,
11 and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The
12 activities of the department of health services under this subsection may include
13 comparisons of information provided to the department by an applicant and
14 information provided by the applicant to other federal, state, and local agencies,
15 development of an advisory welfare investigation prosecution standard, and
16 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
17 Wisconsin Works agencies to encourage activities to detect fraud. The department
18 of health services shall cooperate with district attorneys regarding fraud
19 prosecutions.

20 History: 2005 a. 25; 2007 a. 20 ss. 1681 to 1684, 9121 (6) (a); 2009 a. 76 ss. 37q to 37t; s. 13.92 (1) (bm) 2.

SECTION 35. 49.845 (2) of the statutes is amended to read:

21 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
22 services shall conduct activities to reduce payment errors in the Medical Assistance
23 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
24 ~~supplemental security income payments program under s. 49.77, the program~~

1 ~~providing payments for the support of children of supplemental security income~~
 2 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~
 3 and, if the department of children and families contracts with the department of
 4 health services under sub. (4), in the supplemental security income payments
 5 program under s. 49.39, ^{er} in the program providing payments for the support of
 6 children of supplemental security income recipients under s. 49.395, and Wisconsin
 7 Works under ss. 49.141 to 49.161.

History: 2005 a. 25; 2007 a. 20 ss. 1681 to 1684, 9121 (6) (a); 2009 a. 76 ss. 37q to 37t; s. 13.92 (1) (bm) 2.

8 SECTION 36. 49.845 (4) (title) of the statutes is amended to read:

9 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
 10 INCOME, AND CARETAKER SUPPLEMENT.

History: 2005 a. 25; 2007 a. 20 ss. 1681 to 1684, 9121 (6) (a); 2009 a. 76 ss. 37q to 37t; s. 13.92 (1) (bm) 2.

11 SECTION 37. 49.845 (4) (a) 1. of the statutes is amended to read:

12 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
 13 children and families may contract with the department of health services to
 14 investigate suspected fraudulent activity on the part of recipients of aid to families
 15 with dependent children under s. 49.19, recipients of supplemental security income
 16 payments under s. 49.39, recipients of payments for the support of children of
 17 supplemental security income recipients under s. 49.395, and participants in
 18 Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce
 19 payment errors in Wisconsin Works under ss. 49.141 to 49.161, as provided in this
 20 section. If any employee of the department of health services reasonably suspects
 21 that fraudulent activity as described in this subdivision has occurred or is occurring,
 22 the employee shall immediately report the facts and circumstances contributing to
 23 that suspicion to the employee's immediate supervisor.

History: 2005 a. 25; 2007 a. 20 ss. 1681 to 1684, 9121 (6) (a); 2009 a. 76 ss. 37q to 37t; s. 13.92 (1) (bm) 2.

24 SECTION 38. 49.89 (7) (bm) of the statutes is amended to read:

the supplemental security
income payments program under
s. 49.39, the program providing payments for the support of children
of supplemental security income recipients under s. 49.395 and

1 is located, if the county department accepts responsibility for the resident or is
 2 delegated responsibility for the resident by the department or by a court.

History: 1975 c. 413; 1977 c. 29, 170, 205, 272, 418, 447; 1979 c. 221; 1981 c. 20, 72, 121; 1981 c. 314 s. 146; 1985 a. 29 ss. 1058, 3202 (56) (a); 1985 a. 176; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1), (3); 1987 a. 27, 127, 399; 1989 a. 31, 359; 1991 a. 39, 221; 1993 a. 27, 112, 375, 491; 1995 a. 27 ss. 3227 to 3232, 9126 (19); 1997 a. 27, 114; 2001 a. 16; 2003 a. 33; 2005 a. 264, 387; 2007 a. 20 s. 9121 (6) (a); 2007 a. 92; 2009 a. 28.

3 **SECTION 42.** 50.037 (3) of the statutes is amended to read:

4 **50.037 (3) EXEMPTION.** Community-based residential facilities where the total
 5 monthly charges for each resident do not exceed the monthly state supplemental
 6 payment rate under s. ~~49.77 (3s)~~ 49.39 (3s) that is in effect at the time the fee under
 7 sub. (2) is assessed are exempt from this section.

8 **SECTION 43.** 767.521 (intro.) of the statutes is amended to read:

9 **767.521 Action by state for child support.** (intro.) The state or its delegate
 10 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
 11 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
 12 right to support is assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645
 13 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., ^{or} 49.395 (2) (bm), or ^{s.} 49.775 (2) (bm), 2009 stats.,
 14 and all of the following apply:

15 History: 1987 a. 27; 1995 a. 289, 404; 1997 a. 27, 105; 2005 a. 443 s. 38; Stats. 2005 s. 767.521; 2007 a. 20.

(END)

d-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1149/P1dn

FFK:/:....

cjs

- date -

To Cindy Dombrowski:

Please let me know if you need nonstatutory language to transfer employees, tangible personal property, pending matters, contracts^s or rules and orders related to the state supplemental SSI program or the caretaker supplement program to the department of children and families.

≡

≡

≡

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1149/P1dn
FFK:cjs:rs

February 1, 2011

To Cindy Dombrowski:

Please let me know if you need nonstatutory language to transfer employees, tangible personal property, pending matters, contracts, or rules and orders related to the state supplemental SSI program or the caretaker supplement program to the Department of Children and Families.

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§§1 & Caretaker Redraft Instr
from Sara Gimsrud 8-2-8-11

* add x-ref to 49.175(1)(r)

* she will get back to me re: open records
add open records language to DCF

→ add language for DCF section
open records like in 46.206(1)(bm)

care through parental education, support and guidance in the practice of appropriate care.

2. "High-risk infant" means a neonatal child who has or is at risk of having serious physical disorders, biological complications or developmental impairment.

3. "Hospital" has the meaning given in section 50.33 (2) of the statutes.

4. "Neonatal" means within 4 weeks after birth.

5. "Neonatal intensive care unit" means a hospital unit in which are concentrated special equipment and skilled medical personnel for the care of high-risk infants requiring immediate or continuous attention.

(b) From the appropriation under section 20.435 (5) (er) of the statutes, the department of health and family services shall distribute up to \$170,000 in each fiscal year to provide up to 10 grants to applying public or private hospitals to pay for specialized training and on-site consultation and support of medical personnel of neonatal intensive care units in the principles and practice of developmentally supportive and family-centered care for high-risk infants and their families. An individual who has demonstrated proficiency in training professional caregivers in developmentally supportive and family-centered care shall provide the training and consultation.

(c) The department of health and family services shall promulgate all of the following rules to implement this section:

1. Establishing the criteria and procedures for the awarding of grants under paragraph (b).

2. Defining "specialized training and on-site consultation and support". The rule shall include a minimum of 40 hours of formal training and 160 hours of practice work.

(3tz) EMERGENCY RULES FOR NEONATAL INTENSIVE CARE UNIT TRAINING GRANTS. Using the procedure under section 227.24 of the statutes, the department of health and family services may promulgate rules defining "specialized training and on-site consultation and support" and regarding criteria and procedures for awarding grants under the neonatal intensive care unit training grant program under subsection (3ty) for the period before the effective date of the permanent rules promulgated under subsection (3ty) (c), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

(4) PILOT PROJECT FOR COUNTY OR TRIBAL MANAGEMENT OF LONG-TERM CARE PROGRAMS. From the appropriation under section 20.435 (6) (a) of the statutes, the department of health and family services shall contract in fiscal year 1998-99 with counties or tribes under a pilot project to demonstrate the ability of counties or tribes to

manage all long-term care programs under a long-term care management organization.

(4d) KINSHIP CARE ELIGIBILITY RULES. The department of health and family services shall submit in proposed form the rules required under section 48.57 (3m) (ar) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than January 1, 1999.

(4e) CARETAKER SUPPLEMENT FOR RECIPIENTS OF SUPPLEMENTAL SECURITY INCOME.

(a) *Restriction on use of funds.* The department of health and family services may not expend any moneys from the appropriation account under section 20.435 (7) (ed) of the statutes, as affected by this act, for the purpose of providing payments under section 49.775 of the statutes, as affected by this act, unless the department of health and family services receives official notification from the federal social security administration that states all of the following:

1. The portion of the payments made under section 49.775 of the statutes, as affected by this act, from general purpose revenue are considered state supplemental payments for the purpose of satisfying the maintenance-of-effort requirement under 42 USC 1382g.

2. The portion of the payments made under section 49.775 of the statutes, as affected by this act, from federal funds received under the federal temporary assistance for needy families block grant are not considered income for recipients of federal supplemental security income.

(b) *Request for funds.* If the department of health and family services determines that it does not have sufficient funds available to make payments under section 49.775 of the statutes, as affected by this act, the secretary of health and family services shall submit to the secretary of administration a request to transfer funds from the appropriation account under section 20.445 (3) (md) of the statutes to the appropriation account under section 20.435 (7) (ky) of the statutes in an amount sufficient to make the payments required under section 49.775 of the statutes, as affected by this act. The secretary of administration shall submit the request to the cochairpersons of the joint committee on finance. If within 14 days after the submittal of the request the cochairpersons do not notify the secretary of administration in writing that a meeting has been scheduled for the purpose of reviewing the request, the secretary of administration shall transfer the requested funds from the appropriation account under section 20.445 (3) (md) of the statutes to the appropriation account under section 20.435 (7) (ky) of the statutes.

(5k) NURSING HOME SURVEILLANCE. The authorized FTE positions for the department of health and family services are increased by 0.5 FED position on January 1, 1999, to be funded from the appropriation under section 20.435 (6) (n) of the statutes, for the purpose of performing nursing home surveillance.

Vetoed
In Part