



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1195/2
FFK:nwn:jf

DOA:.....Skwarczek, BB0262 - Transfer the food stamp program from DHS
to DCF

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS administers the Supplemental Nutrition Assistance Program, formerly known as the food stamp program and currently known in Wisconsin as FoodShare, under which eligible low-income individuals and families receive cash assistance to purchase food. This bill transfers the administration of FoodShare to DCF on January 1, 2013. This bill also updates terminology related to the former food stamp program to be consistent with current federal law.

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, as affected by 2011 Wisconsin Act

3 (this act), is amended to read:

4 16.27 (5) (c) A household entirely composed of persons receiving aid to families
5 with dependent children under s. 49.19, ~~food stamps~~ supplemental nutrition

1 assistance program benefits under 7 USC 2011 to 2036, or supplemental security
2 income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.39.

****NOTE: This is reconciled s. 16.27 (5) (c). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

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

4 16.27 (5) (e) A household that is not eligible under par. (c) that includes at least
5 one person who is eligible for ~~food stamps~~ supplemental nutrition assistance
6 program benefits under 7 USC 2011 to 2036, excluding any household in an
7 institution, as defined by the department of health services by rule.
8 Notwithstanding sub. (6), a household under this paragraph shall be eligible for a
9 heating assistance benefit of not more than \$1.

10 **SECTION 3.** 20.435 (4) (bn) of the statutes, as affected by 2011 Wisconsin Act ...
11 (this act), is repealed.

****NOTE: This is reconciled s. 20.435 (4) (bn). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

12 **SECTION 4.** 20.435 (4) (L) of the statutes, as affected by 2011 Wisconsin Act ...
13 (this act), is amended to read:

14 20.435 (4) (L) *Fraud and error reduction.* All moneys received as the state's
15 share of the recovery of overpayments and incorrect payments under ss. 49.497 (1)
16 and (1m), ~~49.793 (2)~~, and 49.847, all moneys received from counties and tribal
17 governing bodies as a result of any error reduction activities under ss. 49.197 and
18 49.845, for any contracts under s. 49.197 (5), and for any activities to reduce error and
19 fraud under s. 49.845, ~~to pay federal sanctions under the food stamp program, and~~
20 ~~for food stamp reinvestment activities under reinvestment agreements with the~~
21 ~~federal department of agriculture that are designed to improve the food stamp~~
22 ~~program.~~

****NOTE: This is reconciled s. 20.435 (4) (L). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

1 **SECTION 5.** 20.435 (4) (nn) of the statutes, as affected by 2011 Wisconsin Act
2 (this act), is amended to read:

3 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
4 federal government for the costs of contracting for the administration of the Medical
5 Assistance program under subch. IV of ch. 49 and the Badger Care health care
6 program under s. 49.665 ~~and the food stamp program~~, other than moneys received
7 under par. (pa), for costs to administer income maintenance programs, as defined in
8 s. 49.78 (1) (b).

****NOTE: This is reconciled s. 20.435 (4) (nn). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

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

10 20.435 (4) (pa) *Federal aid; Medical Assistance ~~and food stamp~~ contracts*
11 *administration.* All federal moneys received for the federal share of the cost of
12 contracting for payment and services administration and reporting, other than
13 moneys received under par. (nn), to reimburse 3rd parties for their costs under s.
14 49.475, ~~for administrative contract costs for the food stamp program under s. 49.79,~~
15 and for services of resource centers under s. 46.283.

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

16 **SECTION 7.** 20.435 (4) (pv) of the statutes is repealed.

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

17 **SECTION 8.** 20.437 (2) (bm) of the statutes is created to read:

18 20.437 (2) (bm) *Supplemental nutrition assistance program administration.*
19 Biennially, the amounts in the schedule to provide the state share of administrative
20 costs for the supplemental nutrition assistance program under s. 49.37, including

1 the supplemental nutrition assistance employment and training program under s.
2 49.37 (9).

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

3 **SECTION 9.** 20.437 (2) (L) of the statutes is amended to read:

4 20.437 (2) (L) *Public assistance overpayment recovery, fraud investigation, and*
5 *error reduction.* All moneys received as the state's share of the recovery of
6 overpayments and incorrect payments under s. 49.191 (3) (c), 1997 stats., and s.
7 49.195, 1997 stats., and s. 49.373 (2) (a), all moneys received from counties and tribal
8 governing bodies as a result of error reduction activities under ss. 49.197 and 49.845,
9 and all moneys credited to this appropriation account under s. 49.373 (2) (b), for any
10 contracts under s. 49.845 (4), for any activities under s. 49.197 (1m) to investigate
11 fraud relating to the Aid to Families with Dependent Children program, the
12 supplemental nutrition assistance program, and the Wisconsin Works program, for
13 any activities under s. 49.197 (3) to reduce payment errors in the supplemental
14 nutrition assistance program and the Wisconsin Works program, and for costs
15 associated with collection of public assistance overpayments, to pay federal
16 sanctions under the supplemental nutrition assistance program, and for
17 supplemental nutrition assistance program reinvestment activities under
18 reinvestment agreements with the federal department of agriculture that are
19 designed to improve the supplemental nutrition assistance program.

20 **SECTION 10.** 20.437 (2) (nn) of the statutes is amended to read:

21 20.437 (2) (nn) *Federal ~~program operations~~ aid; supplemental nutrition*
22 *assistance program administration.* All moneys received from the federal
23 government ~~or any of its agencies for the state~~ for administration of continuing

1 ~~programs~~ the supplemental nutrition assistance program under s. 49.37 to be
2 expended for the purposes specified.

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

3 **SECTION 11.** 20.437 (2) (pv) of the statutes is amended to read:

4 20.437 (2) (pv) *Electronic benefits transfer.* All moneys received from the
5 federal government for the electronic transfer of benefits administered by the
6 department of children and families, including the supplemental nutrition
7 assistance program under 7 USC 2011 to 2036, to be expended for the purposes
8 specified. Estimated disbursements under this paragraph shall not be included in
9 the schedule under s. 20.005.

10 **SECTION 12.** 46.215 (1) (k) of the statutes is amended to read:

11 46.215 (1) (k) Certify eligibility for and issue ~~food coupons~~ benefits to needy
12 households in conformity with the federal ~~food stamp act of 1964~~ supplemental
13 nutrition assistance program under 7 USC 2011 to 2036, as amended, and, in
14 addition, the county department of social services may certify eligibility for and
15 distribute surplus commodities and food stuffs.

16 **SECTION 13.** 46.283 (3) (k) of the statutes, as affected by 2011 Wisconsin Act
17 (this act), is amended to read:

18 46.283 (3) (k) A determination of eligibility for state supplemental payments
19 under s. 49.39, medical assistance under s. 49.46, 49.468, 49.47, or 49.471, or the
20 federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to
21 ~~2029~~ 2036.

****NOTE: This is reconciled s. 46.283 (3) (k). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

1 **SECTION 14.** 48.685 (5) (br) 5. of the statutes, as affected by 2011 Wisconsin Act
2 (this act), is amended to read:

3 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in
4 the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of
5 a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent
6 children under s. 49.19, medical assistance under subch. IV of ch. 49, ~~food stamps~~
7 benefits under the ~~food stamp~~ supplemental nutrition assistance program under 7
8 USC 2011 to 2036, supplemental security income payments under s. 49.77, 2009
9 stats., or s. 49.39, payments for the support of children of supplemental security
10 income recipients under s. 49.775, 2009 stats., or s. 49.395, or health care benefits
11 under the Badger Care health care program under s. 49.665.

 ****NOTE: This is reconciled s. 48.685 (5) (br) 5. This SECTION has been affected by
 drafts with the following LRB numbers: 1019/4 and 1195/1.

12 **SECTION 15.** 49.131 (3) of the statutes is amended to read:

13 49.131 (3) The Except as provided in s. 49.377 (2), the department may not
14 require a county or tribal governing body to participate in an electronic benefit
15 transfer system under this section if the costs to the county or tribal governing body
16 would be greater than the costs that the county or tribal governing body would incur
17 in delivering the benefits through a system that is not an electronic benefit transfer
18 system.

19 **SECTION 16.** 49.141 (7) (c) 3. of the statutes is amended to read:

20 49.141 (7) (c) 3. Fraudulently misstating or misrepresenting his or her identity
21 or place of residence for the purpose of receiving simultaneously in this state and at
22 least one other state benefits under the federal ~~food stamp~~ supplemental nutrition
23 assistance program under 7 USC 2011 to ~~2029~~ 2036.

1 **SECTION 17.** 49.143 (2) (d) of the statutes is amended to read:

2 49.143 (2) (d) If the Wisconsin ~~works~~ Works agency is not a county department
3 under s. 46.215, 46.22 or 46.23 or tribal governing body, cooperate with the county
4 department or tribal governing body to ensure that services delivered under
5 Wisconsin ~~works~~ Works, the ~~food stamp~~ supplemental nutrition assistance program
6 and medical assistance are coordinated with the county or tribal governing body in
7 a manner that most effectively serves the recipients of those services.

8 **SECTION 18.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

9 49.155 (1m) (a) 3m. Participate in a job search or work experience component
10 of the ~~food stamp~~ supplemental nutrition assistance employment and training
11 program under s. ~~49.79 (9)~~ 49.37 (9).

12 **SECTION 19.** 49.159 (2) of the statutes is amended to read:

13 49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.
14 A custodial parent who is under the age of 18 is eligible, regardless of that
15 individual's or that individual's parent's income or assets, to meet with a financial
16 and employment planner. The financial and employment planner may provide the
17 individual with information regarding Wisconsin ~~works~~ Works eligibility, available
18 child care services, employment and financial planning, family planning services, as
19 defined in s. 253.07 (1) (b), community resources, eligibility for ~~food stamps~~ the
20 supplemental nutrition assistance program, and other food and nutrition programs.

21 **SECTION 20.** 49.173 (3) (a) 2. of the statutes is amended to read:

22 49.173 (3) (a) 2. ~~Food stamp~~ Supplemental nutrition assistance employment
23 and training.

24 **SECTION 21.** 49.197 (1m) of the statutes, as affected by 2011 Wisconsin Act
25 (this act), 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, on the part of recipients of benefits under
5 the supplemental nutrition assistance program under 7 USC 2011 to 2036,
6 supplemental security income payments under s. 49.77, 2009 stats., or s. 49.39, and
7 payments for the support of children of supplemental security income recipients
8 under s. 49.775, 2009 stats., or s. 49.395, on the part of participants in the Wisconsin
9 Works program under ss. 49.141 to 49.161, and, if the department of health services
10 contracts with the department under sub. (5), on the part of recipients of medical
11 assistance under subch. IV, ~~food stamp benefits under the food stamp program under~~
12 ~~7 USC 2011 to 2036,~~ and health care benefits under the Badger Care health care
13 program under s. 49.665. The department's activities under this subsection may
14 include, but are not limited to, comparisons of information provided to the
15 department by an applicant and information provided by the applicant to other
16 federal, state, and local agencies, development of an advisory welfare investigation
17 prosecution standard, and provision of funds to county departments under ss.
18 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to
19 detect fraud. The department shall cooperate with district attorneys regarding
20 fraud prosecutions.

 ****NOTE: This is reconciled s. 49.197 (1m). This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

21 **SECTION 22.** 49.197 (3) of the statutes, as affected by 2011 Wisconsin Act ...
22 (this act), is amended to read:

1 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
2 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161,
3 the supplemental nutrition assistance program under 7 USC 2011 to 2036, the
4 supplemental security income payments program under s. 49.39, and the program
5 providing payments for the support of children of supplemental security income
6 recipients under s. 49.395, and, if the department of health services contracts with
7 the department under sub. (5), the Medical Assistance program under subch. IV, ~~the~~
8 ~~food stamp program under 7 USC 2011 to 2036~~, and the Badger Care health care
9 program under s. 49.665.

 ****NOTE: This is reconciled s. 49.197 (3). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

10 **SECTION 23.** 49.197 (4) of the statutes, as affected by 2011 Wisconsin Act ...
11 (this act), is amended to read:

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

 ****NOTE: This is reconciled s. 49.197 (4). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

19 **SECTION 24.** 49.197 (5) of the statutes, as affected by 2011 Wisconsin Act ...
20 (this act), is amended to read:

21 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE ~~AND FOOD STAMPS~~.
22 Notwithstanding s. 49.845 (1) and (2), the department of health services may

1 contract with the department to investigate suspected fraudulent activity on the
2 part of recipients of medical assistance under subch. IV, ~~food stamp benefits under~~
3 ~~the food stamp program under 7 USC 2011 to 2036~~, and health care benefits under
4 the Badger Care health care program under s. 49.665 and to conduct activities to
5 reduce payment errors in the Medical Assistance program under subch. IV, ~~the food~~
6 ~~stamp program under 7 USC 2011 to 2036~~, and the Badger Care health care program
7 under s. 49.665, as provided in this section.

****NOTE: This is reconciled s. 49.197 (5). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

8 **SECTION 25.** 49.22 (6) of the statutes is amended to read:

9 49.22 (6) The department shall establish, pursuant to federal and state laws,
10 rules and regulations, a uniform system of fees for services provided under this
11 section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471;
12 benefits under s. 49.148, 49.155, or ~~49.79~~ 49.37; foster care maintenance payments
13 under 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or
14 long-term kinship care payments under s. 48.57 (3n). The system of fees may take
15 into account an individual's ability to pay. Any fee paid and collected under this
16 subsection may be retained by the county providing the service except for the fee
17 specified in 42 USC 653 (e) (2) for federal parent locator services.

18 **SECTION 26.** 49.32 (7) (b) of the statutes is amended to read:

19 49.32 (7) (b) The department shall conduct a program to periodically match the
20 records of recipients of aid to families with dependent children under s. 49.19 and
21 recipients of benefits under the supplemental nutrition assistance program under 7
22 USC 2011 to 2036 and, if the department of health services contracts with the
23 department under s. 49.197 (5), recipients of medical assistance under subch. IV and

1 ~~food stamp benefits under the food stamp program under 7 USC 2011 to 2036~~ with
2 the records of recipients under those programs in other states. If an agreement with
3 the other states can be obtained, matches with records of states contiguous to this
4 state shall be conducted at least annually.

5 **SECTION 27.** 49.32 (7) (c) of the statutes is amended to read:

6 49.32 (7) (c) The department shall conduct a program to periodically ~~match~~
7 review the address records of recipients of aid to families with dependent children
8 under s. 49.19 and recipients of benefits under the supplemental nutrition assistance
9 program under 7 USC 2011 to 2036 and, if the department of health services
10 contracts with the department under s. 49.197 (5), recipients of medical assistance
11 under subch. IV ~~and food stamp benefits under the food stamp program under 7 USC~~
12 ~~2011 to 2036~~ to verify residency and to identify recipients receiving duplicate or
13 fraudulent payments.

14 **SECTION 28.** 49.32 (7) (d) of the statutes is amended to read:

15 49.32 (7) (d) The department, with assistance from the department of
16 corrections, shall conduct a program to periodically match the records of persons
17 confined in state correctional facilities with the records of recipients of aid to families
18 with dependent children under s. 49.19 and benefits under the supplemental
19 nutrition assistance program under 7 USC 2011 to 2036 and, if the department of
20 health services contracts with the department under s. 49.197 (5), recipients of
21 medical assistance under subch. IV ~~and food stamp benefits under the food stamp~~
22 ~~program under 7 USC 2011 to 2036~~ to identify recipients who may be ineligible for
23 benefits.

24 **SECTION 29.** 49.32 (10) (a) (intro.) of the statutes is amended to read:

1 49.32 (10) (a) (intro.) Each county department under s. 46.215, 46.22, or 46.23
2 may release the current address of a recipient of ~~food stamps~~ supplemental nutrition
3 assistance program benefits under s. 49.37 or of aid under s. 49.19, and each
4 Wisconsin works agency may release the current address of a participant in
5 Wisconsin works under ss. 49.141 to 49.161, to a law enforcement officer if the officer
6 meets all of the following conditions:

7 **SECTION 30.** 49.37 (1m) of the statutes is created to read:

8 49.37 (1m) ADMINISTRATION BY DEPARTMENT. The department shall administer,
9 and may enter into contracts for the administration of, the supplemental nutrition
10 assistance program in this state. Administration of the supplemental nutrition
11 assistance program includes all of the following:

12 (a) Receiving applications.

13 (b) Determining eligibility.

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

15 (d) Implementing error reduction procedures.

16 (e) Recovering overpayments of benefits.

17 **SECTION 31.** 49.78 (1) (b) of the statutes is amended to read:

18 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
19 program under subch. IV of ch. 49, the Badger Care health care program under s.
20 49.665, ~~the food stamp program under 7 USC 2011 to 2036~~, or the cemetery, funeral,
21 and burial expenses program under s. 49.785.

22 **SECTION 32.** 49.79 (title) of the statutes is renumbered 49.37 (title) and
23 amended to read:

24 **49.37 (title) ~~Food stamp~~ Supplemental nutrition assistance program**
25 **administration.**

1 **SECTION 33.** 49.79 (1) (intro.) of the statutes is renumbered 49.37 (1) (intro.).

2 **SECTION 34.** 49.79 (1) (a) of the statutes is renumbered 49.37 (1) (a).

3 **SECTION 35.** 49.79 (1) (c) of the statutes is renumbered 49.37 (1) (f) and
4 amended to read:

5 49.37 (1) (f) "~~Food stamp program~~ Supplemental nutrition assistance program"
6 means the federal ~~food stamp~~ supplemental nutrition assistance program under 7
7 USC 2011 to 2036.

8 **SECTION 36.** 49.79 (1) (f) of the statutes is renumbered 49.37 (1) (c).

9 **SECTION 37.** 49.79 (1) (g) of the statutes is renumbered 49.37 (1) (g).

10 **SECTION 38.** 49.79 (2) of the statutes is renumbered 49.37 (2) and amended to
11 read:

12 49.37 (2) DENIAL OF ELIGIBILITY. An individual who fails to comply with the work
13 requirements of the employment and training program under sub. (9) is ineligible to
14 participate in the ~~food stamp~~ supplemental nutrition assistance program as
15 specified under sub. (9) (b).

16 **SECTION 39.** 49.79 (3) (title) of the statutes is renumbered 49.37 (3) (title) and
17 amended to read:

18 49.37 (3) (title) LIABILITY FOR ~~LOST FOOD COUPONS~~ MISAPPROPRIATED BENEFITS.

19 **SECTION 40.** 49.79 (3) (a) of the statutes, as affected by 2011 Wisconsin Act
20 (this act), is renumbered 49.37 (3) (a) and amended to read:

21 49.37 (3) (a) A federally recognized American Indian tribe is liable for all ~~food~~
22 ~~stamp coupons lost,~~ supplemental nutrition assistance program benefits that are
23 misappropriated, ~~or destroyed~~ while under the tribe's direct control, except as
24 provided in par. (b).

****NOTE: This is reconciled s. 49.79 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

1 **SECTION 41.** 49.79 (3) (b) of the statutes, as affected by 2011 Wisconsin Act ...
2 (this act), is repealed.

****NOTE: This is reconciled s. 49.79 (3) (b). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

3 **SECTION 42.** 49.79 (3) (c) of the statutes, as affected by 2011 Wisconsin Act ...
4 (this act), is renumbered 49.37 (3) (c) and amended to read:

5 49.37 (3) (c) A federally recognized American Indian tribe is liable for ~~food~~
6 ~~stamp coupons mailed~~ supplemental nutrition assistance program benefits
7 incorrectly transferred to members of the tribe ~~and lost in the mail~~ due to incorrect
8 information submitted to the department by the tribe.

****NOTE: This is reconciled s. 49.79 (3) (c). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

9 **SECTION 43.** 49.79 (4) of the statutes, as affected by 2011 Wisconsin Act ... (this
10 act), is renumbered 49.37 (4) and amended to read:

11 49.37 (4) DEDUCTIONS FROM INCOME MAINTENANCE PAYMENTS. The department
12 shall withhold the value of ~~food stamp~~ any losses for which a federally recognized
13 American Indian tribe is liable under sub. (3) from the payment to the tribe under
14 ~~income maintenance contracts under s. 49.78~~ contracts for the administration of the
15 supplemental nutrition assistance program and reimburse the federal government
16 from the funds withheld.

****NOTE: This is reconciled s. 49.79 (4). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

17 **SECTION 44.** 49.79 (5) (title) of the statutes is renumbered 49.37 (5) (title).

18 **SECTION 45.** 49.79 (5) (a) of the statutes is renumbered 49.37 (5) (a) and
19 amended to read:

1 49.37 (5) (a) The department shall require an applicant for, or recipient under,
2 the ~~food-stamp~~ supplemental nutrition assistance program to state in writing
3 whether the applicant or recipient or any member of the applicant's or recipient's
4 household has been convicted, in any state or federal court of a felony that has as an
5 element possession, use or distribution of a controlled substance. The department
6 shall require an applicant or recipient, or member of the applicant's or recipient's
7 household to submit to a test for use of a controlled substance as a condition of
8 continued eligibility if, after August 22, 1996; but not more than 5 years prior to the
9 date the written statement is made, the applicant or recipient or the member of the
10 applicant's or recipient's household was convicted in any state or federal court of a
11 felony that had as an element possession, use or distribution of a controlled
12 substance. If the test results are positive with respect to any individual, the
13 department may not consider the needs of that individual in determining the
14 household's eligibility for the ~~food-stamp~~ supplemental nutrition assistance program
15 for at least 12 months from the date of the test. The department shall, however,
16 consider the income and resources of that individual to be available to the household.

17 **SECTION 46.** 49.79 (5) (b) of the statutes is renumbered 49.37 (5) (b).

18 **SECTION 47.** 49.79 (6) of the statutes is renumbered 49.37 (6) and amended to
19 read:

20 49.37 (6) INELIGIBILITY FOR FUGITIVE FELONS. No person is eligible for the ~~food~~
21 ~~stamp~~ supplemental nutrition assistance program in a month in which that person
22 is a fugitive felon under 7 USC 2015 (k) (1) or is violating a condition of probation,
23 extended supervision or parole imposed by a state or federal court.

24 **SECTION 48.** 49.79 (7) of the statutes is renumbered 49.37 (7) and amended to
25 read:

1 49.37 (7) ~~SIMPLIFIED FOOD-STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

2 The department shall develop a simplified ~~food-stamp-program~~ supplemental
3 nutrition assistance program that meets all of the requirements under P.L. 104-193,
4 section 854, and shall submit the plan to the secretary of the federal department of
5 agriculture for approval. If the secretary of the federal department of agriculture
6 approves the plan, the department shall submit the plan to the secretary of
7 administration for approval. If the secretary of administration approves the plan,
8 the department may implement the plan.

9 **SECTION 49.** 49.79 (8) of the statutes, as affected by 2011 Wisconsin Act (this
10 act), is renumbered 49.37 (8) and amended to read:

11 49.37 (8) **BENEFITS FOR QUALIFIED ALIENS.** The department shall not provide
12 benefits under this section to a qualified alien, except to the extent that federal ~~food~~
13 ~~stamp~~ supplemental nutrition assistance program benefits for qualified aliens are
14 required by the federal government.

 ****NOTE: This is reconciled s. 49.79 (8). This SECTION has been affected by drafts
 with the following LRB numbers: 0151/1 and 1195/1.

15 **SECTION 50.** 49.79 (8m) (title) of the statutes is renumbered 49.37 (8m) (title).

16 **SECTION 51.** 49.79 (8m) (a) of the statutes is renumbered 49.37 (8m) (a) and
17 amended to read:

18 49.37 (8m) (a) The department shall allow a prisoner who is applying for the
19 ~~food-stamp~~ supplemental nutrition assistance program from a correctional
20 institution in anticipation of being released from the institution to use the address
21 of the correctional institution as his or her address on the application.

22 **SECTION 52.** 49.79 (8m) (b) of the statutes is renumbered 49.37 (8m) (b) and
23 amended to read:

1 49.37 (8m) (b) The department shall allow an employee of a correctional
2 institution who has been authorized by a prisoner of the institution to act on his or
3 her behalf in matters related to the ~~food stamp~~ supplemental nutrition assistance
4 program to receive and conduct telephone calls on behalf of the prisoner in matters
5 related to the ~~food stamp~~ supplemental nutrition assistance program.

6 **SECTION 53.** 49.79 (9) (title) of the statutes is renumbered 49.37 (9) (title).

7 **SECTION 54.** 49.79 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
8 (this act), is renumbered 49.37 (9) (a) 1. and amended to read:

9 49.37 (9) (a) 1. The department shall administer an employment and training
10 program for recipients under the ~~food stamp~~ supplemental nutrition assistance
11 program and may contract ~~under s. 49.78~~ with tribal governing bodies to carry out
12 the administrative functions. The department may contract, or a tribal governing
13 body may subcontract, with a Wisconsin Works agency or another provider to
14 administer the employment and training program under this subsection. Except as
15 provided in subds. 2. and 3., the department may require able individuals who are
16 18 to 60 years of age who are not participants in a Wisconsin Works employment
17 position to participate in the employment and training program under this
18 subsection.

 ****NOTE: This is reconciled s. 49.79 (9) (a) 1. This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

19 **SECTION 55.** 49.79 (9) (a) 2. of the statutes is renumbered 49.37 (9) (a) 2. and
20 amended to read:

21 49.37 (9) (a) 2. The department may not require an individual who is a recipient
22 under the ~~food stamp~~ supplemental nutrition assistance program and who is the

1 caretaker of a child under the age of 12 weeks to participate in any employment and
2 training program under this subsection.

3 **SECTION 56.** 49.79 (9) (a) 3. of the statutes is renumbered 49.37 (9) (a) 3. and
4 amended to read:

5 49.37 (9) (a) 3. The department may not require an individual who is a recipient
6 under the ~~food stamp~~ supplemental nutrition assistance program to participate in
7 any employment and training program under this subsection if that individual is
8 enrolled at least half time in a school, as defined in s. 49.26 (1) (a) 2., a training
9 program, or an institution of higher education.

10 **SECTION 57.** 49.79 (9) (a) 4. of the statutes is renumbered 49.37 (9) (a) 4. and
11 amended to read:

12 49.37 (9) (a) 4. The amount of ~~food stamp~~ supplemental nutrition assistance
13 benefits paid to a recipient who is a participant in a Wisconsin ~~works~~ Works
14 employment position under s. 49.147 (4) or (5) shall be calculated based on the
15 pre-sanction benefit amount received s. 49.148.

16 **SECTION 58.** 49.79 (9) (a) 5. of the statutes is renumbered 49.37 (9) (a) 5.

17 **SECTION 59.** 49.79 (9) (b) (intro.) of the statutes is renumbered 49.37 (9) (b)
18 (intro.) and amended to read:

19 49.37 (9) (b) (intro.) An individual who fails to comply with the work
20 requirements under par. (a) without good cause is ineligible to participate in the ~~food~~
21 ~~stamp~~ supplemental nutrition assistance program as follows:

22 **SECTION 60.** 49.79 (9) (b) 1. of the statutes is renumbered 49.37 (9) (b) 1.

23 **SECTION 61.** 49.79 (9) (b) 2. of the statutes is renumbered 49.37 (9) (b) 2.

24 **SECTION 62.** 49.79 (9) (b) 3. of the statutes is renumbered 49.37 (9) (b) 3.

1 **SECTION 63.** 49.793 (title) of the statutes is renumbered 49.373 (title) and
2 amended to read:

3 **49.373 (title) Recovery of food stamps supplemental nutrition**
4 **assistance program overpayments.**

5 **SECTION 64.** 49.793 (1) of the statutes, as affected by 2011 Wisconsin Act ...
6 (this act), is renumbered 49.373 (1) and amended to read:

7 **49.373 (1)** The department or an elected governing body of a federally
8 recognized American Indian tribe or band acting on behalf of the department, may
9 recover overpayments that arise from an overissuance of ~~food coupons~~ benefits under
10 the ~~food stamp~~ supplemental nutrition assistance program administered under s.
11 49.78. Recovery shall be made in accordance with 7 USC 2022.

 ****NOTE: This is reconciled s. 49.793 (1). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

12 **SECTION 65.** 49.793 (2) of the statutes, as affected by 2011 Wisconsin Act
13 (this act), is renumbered 49.373 (2).

 ****NOTE: This is reconciled s. 49.793 (2). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

14 **SECTION 66.** 49.795 (title) of the statutes is renumbered 49.375 (title) and
15 amended to read:

16 **49.375 (title) Food stamp Supplemental nutrition assistance program**
17 **offenses.**

18 **SECTION 67.** 49.795 (1) (intro.) of the statutes is renumbered 49.375 (1) (intro.).

19 **SECTION 68.** 49.795 (1) (a) of the statutes is renumbered 49.375 (1) (a) and
20 amended to read:

1 49.375 (1) (a) “Eligible person” means a member of a household certified as
2 eligible for the ~~food stamp~~ supplemental nutrition assistance program or a person
3 authorized to represent a certified household under 7 USC 2020 (e) (7).

4 **SECTION 69.** 49.795 (1) (b) of the statutes is renumbered 49.375 (1) (b) and
5 amended to read:

6 49.375 (1) (b) “Food” means items ~~which~~ that may be purchased using ~~food~~
7 ~~coupons~~ supplemental nutrition assistance program benefits under 7 USC 2012 ~~(g)~~
8 and 2016 (b).

9 **SECTION 70.** 49.795 (1) (c) of the statutes is renumbered 49.375 (1) (c) and
10 amended to read:

11 49.375 (1) (c) “~~Food stamp~~ Supplemental nutrition assistance program” means
12 the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC
13 2011 to ~~2029~~ 2036.

14 **SECTION 71.** 49.795 (1) (d) of the statutes is renumbered 49.375 (1) (d) and
15 amended to read:

16 49.375 (1) (d) “Supplier” means a retail grocery store or other person
17 authorized by the federal department of agriculture to accept ~~food~~ ~~coupons~~
18 supplemental nutrition assistance program benefits in exchange for food under the
19 ~~food stamp~~ supplemental nutrition assistance program.

20 **SECTION 72.** 49.795 (1) (e) (intro.) of the statutes is renumbered 49.375 (1) (e)
21 (intro.).

22 **SECTION 73.** 49.795 (1) (e) 1. of the statutes, as affected by 2011 Wisconsin Act
23 (this act), is renumbered 49.375 (1) (e) 1. and amended to read:

1 49.375 (1) (e) 1. An employee or officer of the federal government, the state, or
2 a federally recognized American Indian tribe acting in the course of official duties in
3 connection with the ~~food stamp~~ supplemental nutrition assistance program.

 ****NOTE: This is reconciled s. 49.795 (1) (e) 1. This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

4 **SECTION 74.** 49.795 (1) (e) 2. of the statutes, as affected by 2011 Wisconsin Act
5 (this act), is renumbered 49.375 (1) (e) 2. and amended to read:

6 49.375 (1) (e) 2. A person acting in the course of duties under a contract with
7 the federal government, the state, or a federally recognized American Indian tribe
8 in connection with the ~~food stamp~~ supplemental nutrition assistance program.

 ****NOTE: This is reconciled s. 49.795 (1) (e) 2. This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

9 **SECTION 75.** 49.795 (1) (e) 3. of the statutes is renumbered 49.375 (1) (e) 3.

10 **SECTION 76.** 49.795 (1) (e) 4. of the statutes is renumbered 49.375 (1) (e) 4.

11 **SECTION 77.** 49.795 (1) (e) 5. of the statutes is renumbered 49.375 (1) (e) 5. and
12 amended to read:

13 49.375 (1) (e) 5. A person authorized to redeem ~~food coupons~~ supplemental
14 nutrition assistance program benefits under 7 USC 2019.

15 **SECTION 78.** 49.795 (2) of the statutes is renumbered 49.375 (2) and amended
16 to read:

17 49.375 (2) No person may misstate or conceal facts in a ~~food stamp~~
18 supplemental nutrition assistance program application or report of income, assets
19 or household circumstances with intent to secure or continue to receive ~~food stamp~~
20 supplemental nutrition assistance program benefits.

21 **SECTION 79.** 49.795 (2m) of the statutes is renumbered 49.375 (2m).

1 **SECTION 80.** 49.795 (3) of the statutes is renumbered 49.375 (3) and amended
2 to read:

3 49.375 (3) No person may knowingly issue ~~food coupons~~ supplemental
4 nutrition assistance program benefits to a person who is not an eligible person or
5 knowingly issue ~~food coupons~~ supplemental nutrition assistance program benefits
6 to an eligible person in excess of the amount for which the person's household is
7 eligible.

8 **SECTION 81.** 49.795 (4) of the statutes is renumbered 49.375 (4) and amended
9 to read:

10 49.375 (4) No eligible person may knowingly transfer ~~food coupons~~
11 supplemental nutrition assistance program benefits except to purchase food from a
12 supplier or knowingly obtain or use ~~food coupons~~ supplemental nutrition assistance
13 program benefits for which the person's household is not eligible.

14 **SECTION 82.** 49.795 (5) of the statutes is renumbered 49.375 (5) and amended
15 to read:

16 49.375 (5) No supplier may knowingly obtain ~~food coupons~~ supplemental
17 nutrition assistance program benefits except as payment for food or knowingly
18 obtain ~~food coupons~~ supplemental nutrition assistance program benefits from a
19 person who is not an eligible person.

20 **SECTION 83.** 49.795 (6) of the statutes is renumbered 49.375 (6) and amended
21 to read:

22 49.375 (6) No unauthorized person may knowingly obtain, possess, transfer,
23 or use ~~food coupons~~ supplemental nutrition assistance program benefits.

24 **SECTION 84.** 49.795 (7) of the statutes is renumbered 49.375 (7) and amended
25 to read:

1 49.375 (7) No person may knowingly alter ~~food coupons~~ supplemental nutrition
2 assistance program benefits.

3 **SECTION 85.** 49.795 (8) (a) (intro.) of the statutes is renumbered 49.375 (8) (a)
4 (intro.).

5 **SECTION 86.** 49.795 (8) (a) 1. of the statutes is renumbered 49.375 (8) (a) 1. and
6 amended to read:

7 49.375 (8) (a) 1. If the value of the ~~food coupons~~ supplemental nutrition
8 assistance program benefits does not exceed \$100, a person who violates this section
9 may be fined not more than \$1,000 or imprisoned not more than one year in the
10 county jail or both.

11 **SECTION 87.** 49.795 (8) (a) 2. of the statutes is renumbered 49.375 (8) (a) 2. and
12 amended to read:

13 49.375 (8) (a) 2. If the value of the ~~food coupons~~ supplemental nutrition
14 assistance program benefits exceeds \$100, but is less than \$5,000, a person who
15 violates this section is guilty of a Class I felony.

16 **SECTION 88.** 49.795 (8) (b) (intro.) of the statutes is renumbered 49.375 (8) (b)
17 (intro.).

18 **SECTION 89.** 49.795 (8) (b) 1. of the statutes is renumbered 49.375 (8) (b) 1. and
19 amended to read:

20 49.375 (8) (b) 1. If the value of the ~~food coupons~~ supplemental nutrition
21 assistance program benefits does not exceed \$100, a person who violates this section
22 may be fined not more than \$1,000 or imprisoned not more than one year in the
23 county jail or both.

24 **SECTION 90.** 49.795 (8) (b) 2. of the statutes is renumbered 49.375 (8) (b) 2. and
25 amended to read:

1 49.375 (8) (b) 2. If the value of the ~~food coupons~~ supplemental nutrition
2 assistance program benefits exceeds \$100, but is less than \$5,000, a person who
3 violates this section is guilty of a Class H felony.

4 **SECTION 91.** 49.795 (8) (c) of the statutes is renumbered 49.375 (8) (c) and
5 amended to read:

6 49.375 (8) (c) For any offense under this section, if the value of the ~~food coupons~~
7 supplemental nutrition assistance program benefits is \$5,000 or more, a person who
8 violates this section is guilty of a Class G felony.

9 **SECTION 92.** 49.795 (8) (d) 1. (intro.) of the statutes is renumbered 49.375 (8)
10 (d) 1. (intro.) and amended to read:

11 49.375 (8) (d) 1. (intro.) In addition to the penalties applicable under par. (a),
12 (b), or (c), the court shall suspend a person who violates this section from
13 participation in the ~~food stamp~~ supplemental nutrition assistance program as
14 follows:

15 **SECTION 93.** 49.795 (8) (d) 1. a. of the statutes is renumbered 49.375 (8) (d) 1.

16 a.

17 **SECTION 94.** 49.795 (8) (d) 1. b. of the statutes is renumbered 49.375 (8) (d) 1.

18 b.

19 **SECTION 95.** 49.795 (8) (d) 1. c. of the statutes is renumbered 49.375 (8) (d) 1.

20 c.

21 **SECTION 96.** 49.795 (8) (d) 1m. of the statutes is renumbered 49.375 (8) (d) 1m.
22 and amended to read:

23 49.375 (8) (d) 1m. In addition to the penalties applicable under par. (a), (b), or
24 (c), a court shall permanently suspend from the ~~food stamp~~ supplemental nutrition
25 assistance program a person who has been convicted of an offense under 7 USC 2024

1 (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500
2 or more.

3 **SECTION 97.** 49.795 (8) (d) 2. of the statutes, as affected by 2011 Wisconsin Act
4 (this act), is renumbered 49.375 (8) (d) 2.

****NOTE: This is reconciled s. 49.795 (8) (d) 2. This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

5 **SECTION 98.** 49.795 (8) (e) 1. (intro.) of the statutes is renumbered 49.375 (8)
6 (e) 1. (intro.) and amended to read:

7 49.375 (8) (e) 1. (intro.) If a court finds that a person traded a controlled
8 substance, as defined in s. 961.01 (4), for ~~food coupons~~ supplemental nutrition
9 assistance program benefits, the court shall suspend the person from participation
10 in the ~~food stamp~~ supplemental nutrition assistance program as follows:

11 **SECTION 99.** 49.795 (8) (e) 1. a. of the statutes is renumbered 49.375 (8) (e) 1.
12 a.

13 **SECTION 100.** 49.795 (8) (e) 1. b. of the statutes is renumbered 49.375 (8) (e) 1.
14 b.

15 **SECTION 101.** 49.795 (8) (e) 2. of the statutes is renumbered 49.375 (8) (e) 2. and
16 amended to read:

17 49.375 (8) (e) 2. If a court finds that a person traded firearms, ammunition, or
18 explosives for ~~food coupons~~ supplemental nutrition assistance program benefits, the
19 court shall suspend the person permanently from participation in the ~~food stamp~~
20 supplemental nutrition assistance program.

21 **SECTION 102.** 49.795 (8) (f) of the statutes is renumbered 49.375 (8) (f) and
22 amended to read:

1 49.375 (8) (f) Notwithstanding par. (d), in addition to the penalties applicable
2 under par. (a), (b), or (c), the court shall suspend from the ~~food stamp~~ supplemental
3 nutrition assistance program for a period of 10 years a person who fraudulently
4 misstates or misrepresents his or her identity or place of residence for the purpose
5 of receiving multiple benefits simultaneously under the ~~food stamp~~ supplemental
6 nutrition assistance program.

7 **SECTION 103.** 49.797 (title) of the statutes is renumbered 49.377 (title).

8 **SECTION 104.** 49.797 (1) of the statutes is renumbered 49.377 (1) and amended
9 to read:

10 49.377 (1) DEFINITION. In this section, "~~food stamp program~~" "supplemental
11 nutrition assistance program" means the federal ~~food stamp~~ supplemental nutrition
12 assistance program under 7 USC 2011 to 2029 2036 or, if the department determines
13 that the ~~food stamp~~ supplemental nutrition assistance program no longer exists, a
14 nutrition program that the department determines is a successor to the ~~food stamp~~
15 supplemental nutrition assistance program.

16 **SECTION 105.** 49.797 (2) (a) of the statutes is renumbered 49.377 (2) and
17 amended to read:

18 49.377 (2) ~~Notwithstanding s. 46.028 and except as provided in par. (b) and sub.~~
19 ~~(8), the~~ The department shall administer a statewide program to deliver ~~food stamp~~
20 supplemental nutrition assistance program benefits to recipients of ~~food stamp~~
21 supplemental nutrition assistance program benefits by an electronic benefit transfer
22 system. All suppliers, as defined in s. ~~49.795 (1)~~ 49.375 (1) (d), may participate in the
23 delivery of ~~food stamp~~ supplemental nutrition assistance program benefits under the
24 electronic benefit transfer system. The department shall explore methods by which
25 nontraditional retailers, such as farmers' markets, may participate in the delivery

1 of ~~food stamp~~ supplemental nutrition assistance program benefits under the
2 electronic benefit transfer system.

3 **SECTION 106.** 49.797 (2) (b) of the statutes is repealed.

4 **SECTION 107.** 49.797 (4) of the statutes is renumbered 49.377 (4).

5 **SECTION 108.** 49.797 (5) of the statutes is renumbered 49.377 (5).

6 **SECTION 109.** 49.797 (6) of the statutes is renumbered 49.377 (6).

7 **SECTION 110.** 49.797 (7) of the statutes is renumbered 49.377 (7).

8 **SECTION 111.** 49.797 (8) of the statutes, as affected by 2011 Wisconsin Act
9 (this act), is repealed.

***NOTE: This is reconciled s. 49.797 (8). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

10 **SECTION 112.** 49.84 (5) of the statutes is amended to read:

11 49.84 (5) A person applying for Wisconsin ~~works~~ Works under ss. 49.141 to
12 49.161, aid to families with dependent children under s. 49.19, medical assistance
13 under subch. IV, or ~~food stamp~~ supplemental nutrition assistance program benefits
14 under 7 USC 2011 to ~~2029~~ 2036 shall, as a condition of eligibility, provide a
15 declaration and other verification of citizenship or satisfactory immigration status
16 as required by the department by rule or as required in 42 USC 1320b-7 (d).

17 **SECTION 113.** 49.845 (1) of the statutes, as affected by Wisconsin Act (this
18 act), is amended to read:

19 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
20 (bn), (kz), (L), and (nn), the department of health services shall establish a program
21 to investigate suspected fraudulent activity on the part of recipients of medical
22 assistance under subch. IV, ~~food stamp benefits under the food stamp program under~~
23 ~~7 USC 2011 to 2036~~, and health care benefits under the Badger Care health care

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

****NOTE: This is reconciled s. 49.845 (1). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

16 **SECTION 114.** 49.845 (2) of the statutes, as affected by 2011 Wisconsin Act ...
17 (this act), is amended to read:

18 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
19 services shall conduct activities to reduce payment errors in the Medical Assistance
20 program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, and
21 the Badger Care health care program under s. 49.665 and, if the department of
22 children and families contracts with the department of health services under sub. (4),
23 in 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~~ Wisconsin Works under ss. 49.141 to 49.161, and the
3 supplemental nutrition assistance program under 7 USC 2011 to 2036.

****NOTE: This is reconciled s. 49.845 (2). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

4 **SECTION 115.** 49.845 (4) (title) of the statutes, as affected by 2011 Wisconsin Act
5 (this act), is amended to read:

6 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
7 INCOME, ~~AND~~ CARETAKER SUPPLEMENT, AND THE SUPPLEMENTAL NUTRITION ASSISTANCE
8 PROGRAM.

****NOTE: This is reconciled s. 49.845 (4) (title). This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

9 **SECTION 116.** 49.845 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
10 (this act), is amended to read:

11 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
12 children and families may contract with the department of health services to
13 investigate suspected fraudulent activity on the part of recipients of aid to families
14 with dependent children under s. 49.19, recipients of supplemental security income
15 payments under s. 49.39, recipients of payments for the support of children of
16 supplemental security income recipients under s. 49.395, recipients of benefits under
17 the supplemental nutrition assistance program under 7 USC 2011 to 2036, and
18 participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities
19 to reduce payment errors in the supplemental security income payments program
20 under s. 49.39, the program providing payments for the support of children of
21 supplemental security income recipients under s. 49.395, the supplemental
22 nutrition assistance program under 7 USC 2011 to 2036, and Wisconsin Works under

1 ss. 49.141 to 49.161, as provided in this section. If any employee of the department
2 of health services reasonably suspects that fraudulent activity as described in this
3 subdivision has occurred or is occurring, the employee shall immediately report the
4 facts and circumstances contributing to that suspicion to the employee's immediate
5 supervisor.

****NOTE: This is reconciled s. 49.845 (4) (a) 1. This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

6 **SECTION 117.** 49.847 (1) of the statutes is amended to read:

7 49.847 (1) Subject to ~~ss. s.~~ s. 49.497 (1) and ~~49.793 (1)~~, the department of health
8 services, or a county or elected governing body of a federally recognized American
9 Indian tribe or band acting on behalf of the department, may recover benefits
10 incorrectly paid under any of the programs administered by the department under
11 this chapter.

12 **SECTION 118.** 49.847 (2) of the statutes is amended to read:

13 49.847 (2) The department, county, or elected governing body may recover an
14 overpayment from a family or individual who continues to receive benefits under any
15 program administered by the department under this chapter by reducing the
16 family's or individual's benefit amount. ~~Subject to s. 49.793 (1), the~~ The department
17 may by rule specify other methods for recovering incorrectly paid benefits.

18 **SECTION 119.** 49.847 (3) of the statutes, as affected by 2011 Wisconsin Act ...
19 (this act), is amended to read:

20 49.847 (3) (a) Subject to ~~ss. s.~~ s. 49.497 (2) and ~~49.793 (2)~~, a county or elected
21 governing body may retain a portion of an amount recovered under this section due
22 to the efforts of an employee or officer of the county, tribe, or band, as provided by the
23 department by rule.

****NOTE: This is reconciled s. 49.847 (3). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

1 **SECTION 120.** 49.85 (1) of the statutes is amended to read:

2 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
3 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
4 Indian tribe or band determines that the department of health services may recover
5 an amount under s. 49.497,~~49.793~~, or 49.847, or that the department of children and
6 families may recover an amount under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect
7 an amount under s. 49.147 (6) (cm), the county department or governing body shall
8 notify the affected department of the determination. If a Wisconsin Works agency
9 determines that the department of children and families may recover an amount
10 under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect an amount under s. 49.147 (6) (cm),
11 the Wisconsin Works agency shall notify the department of children and families of
12 the determination.

13 **SECTION 121.** 49.85 (2) (a) (intro.) of the statutes is amended to read:

14 49.85 (2) (a) (intro.) At least annually, the department of health services shall
15 certify to the department of revenue the amounts that, based on the notifications
16 received under sub. (1) and on other information received by the department of
17 health services, the department of health services has determined that it may
18 recover under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, except that the
19 department of health services may not certify an amount under this subsection
20 unless all of the following apply:

21 **SECTION 122.** 49.85 (2) (b) of the statutes is amended to read:

22 49.85 (2) (b) At least annually, the department of children and families shall
23 certify to the department of revenue the amounts that, based on the notifications

1 received under sub. (1) and on other information received by the department of
2 children and families, the department of children and families has determined that
3 it may recover under ~~ss. s.~~ 49.161, and 49.195 (3) and, or 49.373 or collect under s.
4 49.147 (6) (cm), except that the department of children and families may not certify
5 an amount under this subsection unless it has met the notice requirements under
6 sub. (3) and unless its determination has either not been appealed or is no longer
7 under appeal.

8 **SECTION 123.** 49.85 (3) (a) 1. of the statutes is amended to read:

9 49.85 (3) (a) 1. Inform the person that the department of health services
10 intends to certify to the department of revenue an amount that the department of
11 health services has determined to be due under s. 49.45 (2) (a) 10., 49.497, ~~49.793,~~
12 or 49.847, for setoff from any state tax refund that may be due the person.

13 **SECTION 124.** 49.85 (3) (b) 1. of the statutes is amended to read:

14 49.85 (3) (b) 1. Inform the person that the department of children and families
15 intends to certify to the department of revenue an amount that the department of
16 children and families has determined to be due under s. 49.161 ~~or,~~ 49.195 (3), or
17 49.373, or to be delinquent under a repayment agreement for a loan under s. 49.147
18 (6), for setoff from any state tax refund that may be due the person.

19 **SECTION 125.** 49.95 (4m) (a) of the statutes is amended to read:

20 49.95 (4m) (a) Without legal authority, sends or brings a person to a county,
21 tribal governing body, or municipality or advises a person to go to a county, tribal
22 governing body, or municipality for the purpose of obtaining relief funded by a relief
23 block grant, benefits under the Wisconsin ~~works~~ Works program under ss. 49.141 to
24 49.161, aid to families with dependent children under s. 49.19, medical assistance

1 under subch. IV, or ~~food stamps~~ benefits under the supplemental nutrition
2 assistance program under 7 USC 2011 to ~~2029~~ 2036.

3 **SECTION 126.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

4 71.07 (2dx) (a) 5. "Member of a targeted group" means a person who resides
5 in an area designated by the federal government as an economic revitalization area,
6 a person who is employed in an unsubsidized job but meets the eligibility
7 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
8 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,
9 real pay project position under s. 49.147 (3m), a person who is eligible for child care
10 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an
11 economically disadvantaged youth, an economically disadvantaged veteran, a
12 supplemental security income recipient, a general assistance recipient, an
13 economically disadvantaged ex-convict, a qualified summer youth employee, as
14 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or
15 a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance
16 program under 7 USC 2011 to 2036, if the person has been certified in the manner
17 under sub. (2dj) (am) 3. by a designated local agency, as defined in sub. (2dj) (am) 2.

18 **SECTION 127.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

19 71.28 (1dx) (a) 5. "Member of a targeted group" means a person who resides
20 in an area designated by the federal government as an economic revitalization area,
21 a person who is employed in an unsubsidized job but meets the eligibility
22 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
23 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,
24 real pay project position under s. 49.147 (3m), a person who is eligible for child care
25 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an

1 economically disadvantaged youth, an economically disadvantaged veteran, a
2 supplemental security income recipient, a general assistance recipient, an
3 economically disadvantaged ex-convict, a qualified summer youth employee, as
4 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or
5 a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance
6 program under 7 USC 2011 to 2036, if the person has been certified in the manner
7 under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

8 **SECTION 128.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

9 71.47 (1dx) (a) 5. "Member of a targeted group" means a person who resides
10 in an area designated by the federal government as an economic revitalization area,
11 a person who is employed in an unsubsidized job but meets the eligibility
12 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
13 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,
14 real pay project position under s. 49.147 (3m), a person who is eligible for child care
15 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an
16 economically disadvantaged youth, an economically disadvantaged veteran, a
17 supplemental security income recipient, a general assistance recipient, an
18 economically disadvantaged ex-convict, a qualified summer youth employee, as
19 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or
20 a ~~food stamp~~ recipient of supplemental nutrition assistance program benefits under
21 7 USC 2011 to 2036, if the person has been certified in the manner under sub. (1dj)
22 (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

23 **SECTION 129.** 71.93 (1) (a) 3. of the statutes is amended to read:

1 71.93 (1) (a) 3. An amount that the department of health services may recover
2 under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, if the department of health
3 services has certified the amount under s. 49.85.

4 **SECTION 130.** 71.93 (1) (a) 4. of the statutes is amended to read:

5 71.93 (1) (a) 4. An amount that the department of children and families may
6 recover under s. 49.161 ~~or~~, 49.195 (3), ~~or 49.373~~ or collect under s. 49.147 (6) (cm), if
7 the department of children and families has certified the amount under s. 49.85.

8 **SECTION 131.** 76.636 (1) (e) 13. of the statutes is amended to read:

9 76.636 (1) (e) 13. A ~~food stamp~~ recipient of benefits under the supplemental
10 nutrition assistance program under 7 USC 2011 to 2036.

11 **SECTION 132.** 102.29 (8r) of the statutes is amended to read:

12 102.29 (8r) No participant in a ~~food stamp~~ supplemental nutrition assistance
13 employment and training program under s. ~~49.79 (9)~~ 49.37 (9) who, under s. ~~49.79~~
14 ~~(9) (a) 5.~~ 49.37 (9) (a) 5., is provided worker's compensation coverage by the
15 department of ~~health services~~ children and families or by a Wisconsin Works agency,
16 as defined in s. 49.001 (9), or other provider under contract with the department of
17 ~~health services~~ children and families or a county department under s. 46.215, 46.22,
18 or 46.23 or tribal governing body to administer the ~~food stamp~~ supplemental
19 nutrition assistance employment and training program and who makes a claim for
20 compensation under this chapter may make a claim or maintain an action in tort
21 against the employer who provided the employment and training from which the
22 claim arose.

23 **SECTION 133.** 115.347 (2) of the statutes is amended to read:

24 115.347 (2) Whenever a school district that is located in whole or in part in a
25 county that has converted to the client assistance for reemployment and economic

1 support data system submits a report under sub. (1) in the prescribed format, the
2 department of children and families shall determine which children enrolled in the
3 school district are members of Wisconsin Works groups participating under s. 49.147
4 (3) to (5) or of families receiving aid to families with dependent children or ~~food~~
5 stamps benefits under the supplemental nutrition assistance program under 7 USC
6 2011 to 2036 and shall provide the information to the school board as soon thereafter
7 as possible. The school board shall use the information to directly certify children
8 as eligible for free or reduced-price meals served by the school district under federal
9 school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

10 **SECTION 134.** 238.30 (4m) of the statutes, as affected by 2011 Wisconsin Act
11 (this act), is amended to read:

12 238.30 (4m) "Member of a targeted group" means a person who resides in an
13 area designated by the federal government as an economic revitalization area, a
14 person who is employed in an unsubsidized job but meets the eligibility requirements
15 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who
16 is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay
17 project position under s. 49.147 (3m), a person who is eligible for child care assistance
18 under s. 49.155, a person who is a vocational rehabilitation referral, an economically
19 disadvantaged youth, an economically disadvantaged veteran, a supplemental
20 security income recipient, a general assistance recipient, an economically
21 disadvantaged ex-convict, a dislocated worker, as defined in 29 USC 2801 (9), or a
22 ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance
23 program under 7 USC 2011 to 2036, if the person has been certified in the manner
24 under 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26 USC 51
25 (d) (12).

****NOTE: This is reconciled s. 238.30 (4m). This SECTION has been affected by drafts with the following LRB numbers: 1465/P3 and 1195/1.

1 **SECTION 135.** 812.30 (9) of the statutes is amended to read:

2 812.30 (9) "Need-based public assistance" means aid to families with
3 dependent children, relief funded by a relief block grant under ch. 49, relief provided
4 by counties under s. 59.53 (21), medical assistance, supplemental security income,
5 ~~food stamps~~ supplemental nutrition assistance program benefits, or benefits
6 received by veterans under s. 45.40 (1m) or under 38 USC 501 to 562.

7 **SECTION 136.** 812.44 (4) 2. (form) of the statutes is amended to read:

8 812.44 (4) 2. (form) You receive aid to families with dependent children, relief
9 funded by a relief block grant under ch. 49, relief provided by counties under section
10 s. 59.53 (21) of the Wisconsin Statutes, medical assistance, supplemental security
11 income, ~~food stamps~~ supplemental nutrition assistance program benefits, or
12 veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of the
13 Wisconsin Statutes, or have received these benefits within the past 6 months.

14 **SECTION 137.** 812.44 (5) 2. (form) of the statutes is amended to read:

15 812.44 (5) 2. (form) I receive, am eligible for, or have within 6 months received,
16 aid to families with dependent children, relief funded by a relief block grant under
17 ch. 49, relief provided by counties under section 59.53 (21) of the Wisconsin Statutes,
18 medical assistance, supplemental security income, ~~food stamps~~ supplemental
19 nutrition assistance program benefits, or veterans benefits based on need under 38
20 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes.

21 **SECTION 138.** 814.29 (1) (d) 1. of the statutes is amended to read:

22 814.29 (1) (d) 1. That the person is a recipient of means-tested public
23 assistance, including aid to families with dependent children, relief funded by a relief

1 block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical
2 assistance, supplemental security income, ~~food stamps~~ supplemental nutrition
3 assistance program benefits, or benefits received by veterans under s. 45.40 (1m) or
4 under 38 USC 501 to 562.

5 **SECTION 139.** 977.01 (2) of the statutes is amended to read:

6 977.01 (2) "Public assistance" means relief provided by counties under s. 59.53
7 (21), Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, medical assistance under
8 subch. IV of ch. 49, low-income energy assistance under s. 16.27, weatherization
9 assistance under s. 16.26, and the ~~food stamp~~ supplemental nutrition assistance
10 program under 7 USC 2011 to ~~2029~~ 2036.

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

12 (1) FOOD STAMP PROGRAM TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES.

13 (a) *Employee transfers.* The classified positions, and incumbent employees
14 holding positions, in the department of health services relating primarily to the food
15 stamp program under section 49.79, 2009 stats., as determined by the secretary of
16 administration, are transferred to the department of children and families. Upon
17 determination of these employees, the secretary of administration may transfer
18 moneys between the general purpose revenue appropriations for the department of
19 health services and the department of children and families, between the program
20 revenue appropriations for the department of health services and the department of
21 children and families, between the program revenue-service appropriations for the
22 department of health services and the department of children and families, between
23 the appropriations of given segregated funds for the department of health services
24 and the department of children and families, and between the federal revenue
25 appropriations for the department of health services and the department of children

1 and families, if necessary to adjust previously allocated costs in accordance with the
2 transfer of personnel and administrative functions.

3 (b) *Employee status.* Employees transferred under paragraph (a) shall have the
4 same rights and status under subchapter V of chapter 111 and chapter 230 of the
5 statutes in the department of children and families that they enjoyed in the
6 department of health services immediately before the transfer. Notwithstanding
7 section 230.28 (4) of the statutes, no employee so transferred who has attained
8 permanent status in class is required to serve a probationary period.

9 (c) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property, including records, of the department of health services
11 that is primarily related to the food stamp program under section 49.79, 2009 stats.,
12 as determined by the secretary of administration, shall be transferred to the
13 department of children and families.

14 (d) *Contracts.* All contracts entered into by the department of health services
15 in effect on the effective date of this paragraph that are primarily related to the
16 related to the food stamp program under section 49.79, 2009 stats., as determined
17 by the secretary of administration, remain in effect and are transferred to the
18 department of children and families. The department of children and families shall
19 carry out any such contractual obligations unless modified or rescinded by the
20 department of children and families to the extent allowed under the contract.

21 (e) *Pending matters.* Any matter pending with the department of health
22 services on the effective date of this paragraph that is primarily related to the food
23 stamp program under section 49.79, 2009 stats., as determined by the secretary of
24 administration, is transferred to the department of children and families and all
25 materials submitted to or actions taken by the department of health services with

1 respect to the pending matter are considered as having been submitted to or taken
2 by the department of children and families.

3 (f) *Rules and orders.* All rules promulgated by the department of health
4 services that are primarily related to the food stamp program under section 49.79,
5 2009 stats., as determined by the secretary of administration, and that are in effect
6 on the effective date of this paragraph remain in effect until their specified expiration
7 dates or until amended or repealed by the department of children and families. All
8 orders issued by the department of health services that are primarily related to the
9 food stamp program under section 49.79, 2009 stats., as determined by the secretary
10 of administration, and that are in effect on the effective date of this paragraph
11 remain in effect until their specified expiration dates or until modified or rescinded
12 by the department of children and families.

13 **SECTION 9321. Initial applicability; Health Services.**

14 (1) FOOD STAMP TRANSFER; INCOME MAINTENANCE CONTRACTS. The treatment of
15 section 49.78 (1) (b) of the statutes first applies to contracts for the administration
16 of income maintenance programs in 2013.

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

18 (1) FOOD STAMP PROGRAM TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES.
19 The treatment of sections 16.27 (5) (c) (by SECTION 1) and (e), 20.435 (4) (L) (by
20 SECTION 4), (nn) (by SECTION 5), (pa), and (pv), 20.437 (2) (bm), (L), (nn), and (pv),
21 46.215 (1) (k), 46.283 (3) (k) (by SECTION 13), 48.685 (5) (br) 5. (by SECTION 14), 49.131
22 (3), 49.141 (7) (c) 3., 49.143 (2) (d), 49.155 (1m) (a) 3m., 49.159 (2), 49.173 (3) (a) 2.,
23 49.197 (1m) (by SECTION 21), (3) (by SECTION 22), (4) (by SECTION 23), and (5) (by
24 SECTION 24), 49.22 (6), 49.32 (7) (b), (c), and (d), and (10) (a), 49.37 (1m), 49.78 (1) (b),
25 49.79 (title), (intro.), (1) (a), (c), (f), and (g), (2), (3) (title), (5) (title), (a), and (b), (6),

1 (7), (8m) (title), (a), and (b), and (9) (title), 2., 3., 4., and 5., and (b) (intro.), 1., 2., and
2 3., 49.793 (title) and (2) (by SECTION 65), 49.795 (title), (1) (intro.), (a), (b), (c), (d), and
3 (e) (intro.), 3., 4., and 5., (2), (2m), (3), (4), (5), (6), (7), (8) (a) (intro.), 1., and 2., (b)
4 (intro.), 1., and 2, (c), (d) 1. (intro.), a., b., and c. and 1m., (e) 1. (intro.), a., and b. and
5 2., and (f), 49.797 (title), (1), (2) (a) and (b), (4), (5), (6) and (7), 49.84 (5), 49.845 (1)
6 (by SECTION 113), (2) (by SECTION 114), (4) (title) (by SECTION 115) and (a) 1. (by
7 SECTION 116), 49.847 (1), (2), and (3) (by SECTION 119), 49.85 (1), (2) (a) (intro.) and
8 (b), (3) (a) 1. and (b) 1., 49.95 (4m) (a), 71.07 (2dx) (a) 5., 71.28 (1dx) (a) 5., 71.47 (1dx)
9 (a) 5., 71.93 (1) (a) 3. and 4., 76.636 (1) (e) 13., 102.29 (8r), 115.347 (2), 238.30 (4m)
10 (by SECTION 134), 812.30 (9), 812.44 (4) 2. (form) and (5) 2. (form), 814.29 (1) (d) 1.,
11 and 977.01 (2), the repeal of sections 20.435 (4) (bn), 49.79 (3) (b), and 49.797 (8) of
12 the statutes, the renumbering of section 49.795 (8) (d) 2. of the statutes, and the
13 renumbering and amendment of sections 49.79 (3) (a) and (c), (4), (8), and (9) (a) 1.,
14 49.793 (1), and 49.795 (1) (e) 1. and 2. of the statutes and SECTION 9121 (1) of this act
15 take effect on January 1, 2013.

****NOTE: This is reconciled SECTION 9421 (1). This SECTION has been affected by
drafts with the following LRB numbers: 0151/1, 1019/4, 1195/1, and 1465/P3.

16

(END)