~~Assistance program on the basis of s. 49.78 (8). For purposes of reimbursement under this paragraph,~~ assessments completed under s. 46.27 (6) (a) ~~are administrative services performed in the Medical Assistance program~~.

***-1019/5.48* SECTION 1426.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

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

***-1019/5.49* SECTION 1427.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

49.45 **(5)** (b) 2. (intro.) If a recipient requests a hearing within the timely notice period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be suspended, reduced, or discontinued until a decision is rendered after the hearing

but medical assistance payments made pending the hearing decision may be recovered by the department if the contested decision or failure to act is upheld. If a county department ~~is responsible for making~~ made the medical assistance determination, the department shall notify the county department of the county in which the recipient resides that the recipient has requested a hearing. Medical assistance coverage shall be suspended, reduced, or discontinued if:

***-0809/4.11* SECTION 1428.** 49.45 (5m) (am) of the statutes is amended to read:

49.45 **(5m)** (am) Notwithstanding sub. (3) (e), from the appropriation accounts under s. 20.435 (4) (b), (gm), (o), (w) and (xc), the department shall distribute not more than $5,000,000 in each fiscal year, to provide supplemental funds to rural hospitals that, as determined by the department, have high utilization of inpatient services by patients whose care is provided from governmental sources, except that the department may not distribute funds to a rural hospital to the extent that the distribution would exceed any limitation under 42 USC 1396b (i) (3).

***-0243/2.1* SECTION 1429.** 49.45 (6m) (a) 6. of the statutes is amended to read:

49.45 **(6m)** (a) 6. "Resource Utilization Groupings ~~III~~" means a comparative resource utilization grouping that classifies each facility resident based on information obtained from performing, for the resident, a minimum data set assessment developed by the federal Centers for Medicare and Medicaid Services.

***-0809/4.12* SECTION 1430.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

49.45 **(6m)** (ag) (intro.) Payment for care provided in a facility under this subsection made under s. 20.435 (4) (b), (gm), (o), (pa), or (w) shall, except as provided in pars. (bg), (bm), and (br), be determined according to a prospective payment system updated annually by the department. The payment system shall implement

standards that are necessary and proper for providing patient care and that meet quality and safety standards established under subch. II of ch. 50 and ch. 150. The payment system shall reflect all of the following:

***-0243/2.2* SECTION 1431.** 49.45 (6m) (ag) 3p. a. of the statutes is amended to read:

49.45 **(6m)** (ag) 3p. a. The system ~~shall~~ may incorporate acuity measurements under the most recent Resource Utilization Groupings ~~III~~ methodology to determine factors for case-mix adjustment.

***-0174/4.3* SECTION 1432.** 49.45 (6tw) of the statutes is amended to read:

49.45 **(6tw)** PAYMENTS TO CITY HEALTH DEPARTMENTS. From the appropriation account under s. 20.435 (7) (b), if the department selects the payment procedure under s. 49.45 (52) (a), the department may make payments to local health departments, as defined under s. 250.01 (4) (a) 3. Payment under this subsection to such a local health department may not exceed on an annualized basis payment made by the department to the local health department under s. 49.45 (6t), 2003 stats., for services provided by the local health department in 2002.

***-0809/4.13* SECTION 1433.** 49.45 (6v) (b) of the statutes is amended to read:

49.45 **(6v)** (b) The department shall, each year, submit to the joint committee on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that provides information on the utilization of beds by recipients of medical assistance in facilities and a discussion and detailed projection of the likely balances, expenditures, encumbrances and carry over of currently appropriated amounts in the appropriation accounts under s. 20.435 (4) (b), (gm), and (o).

***-0986/3.1* SECTION 1434.** 49.45 (6x) of the statutes is repealed.

***-0809/4.14* SECTION 1435.** 49.45 (6y) (a) of the statutes is amended to read:

1 49.45 **(6y)** (a) Notwithstanding sub. (3) (e), from the appropriation accounts
2 under s. 20.435 (4) (b), (gm), (o), and (w), the department may distribute funding in
3 each fiscal year to provide supplemental payment to hospitals that enter into a
4 contract under s. 49.02 (2) to provide health care services funded by a relief block
5 grant, as determined by the department, for hospital services that are not in excess
6 of the hospitals' customary charges for the services, as limited under 42 USC 1396b
7 (i) (3). If no relief block grant is awarded under this chapter or if the allocation of
8 funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the
9 department may distribute funds to hospitals that have not entered into a contract
10 under s. 49.02 (2).

11 ***-0809/4.15* SECTION 1436.** 49.45 (6z) (a) (intro.) of the statutes is amended
12 to read:

13 49.45 **(6z)** (a) (intro.) Notwithstanding sub. (3) (e), from the appropriation
14 accounts under s. 20.435 (4) (b), (gm), (o), and (w), the department may distribute
15 funding in each fiscal year to supplement payment for services to hospitals that enter
16 into indigent care agreements, in accordance with the approved state plan for
17 services under 42 USC 1396a, with relief agencies that administer the medical relief
18 block grant under this chapter, if the department determines that the hospitals serve
19 a disproportionate number of low-income patients with special needs. If no medical
20 relief block grant under this chapter is awarded or if the allocation of funds to such
21 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department
22 may distribute funds to hospitals that have not entered into indigent care
23 agreements. The department may not distribute funds under this subsection to the
24 extent that the distribution would do any of the following:

25 ***-0809/4.16* SECTION 1437.** 49.45 (8) (b) of the statutes is amended to read:

1 49.45 **(8)** (b) Reimbursement under s. 20.435 (4) (b), (gm), (o), and (w) for home
2 health services provided by a certified home health agency or independent nurse
3 shall be made at the home health agency's or nurse's usual and customary fee per
4 patient care visit, subject to a maximum allowable fee per patient care visit that is
5 established under par. (c).

6 ***-1187/P5.374* SECTION 1438.** 49.45 (8r) of the statutes is amended to read:

7 49.45 **(8r)** PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. The rate
8 of payment for obstetric and gynecological care provided in primary care shortage
9 areas, as defined in s. ~~36.60~~ 37.60 (1) (cm), or provided to recipients of medical
10 assistance who reside in primary care shortage areas, that is equal to 125% of the
11 rates paid under this section to primary care physicians in primary care shortage
12 areas, shall be paid to all certified primary care providers who provide obstetric or
13 gynecological care to those recipients.

14 ***-1019/5.50* SECTION 1439.** 49.45 (19) (bm) of the statutes is amended to read:

15 49.45 **(19)** (bm) The department ~~or the county department under s. 46.215 or~~
16 ~~46.22~~ shall notify applicants of the requirements of this subsection at the time of
17 application.

18 ***-0809/4.17* SECTION 1440.** 49.45 (24m) (intro.) of the statutes is amended to
19 read:

20 49.45 **(24m)** (intro.) From the appropriation accounts under s. 20.435 (4) (b),
21 (gm), (o), and (w), in order to test the feasibility of instituting a system of
22 reimbursement for providers of home health care and personal care services for
23 medical assistance recipients that is based on competitive bidding, the department
24 shall:

***-1375/1.1* SECTION 1441.** 49.45 (24r) (a) of the statutes is renumbered 49.45 (24r).

***-1375/1.2* SECTION 1442.** 49.45 (24r) (b) of the statutes is repealed.

***-1019/5.51* SECTION 1443.** 49.45 (34) of the statutes is amended to read:

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

***-0809/4.18* SECTION 1444.** 49.45 (51) (a) of the statutes is amended to read:

49.45 **(51)** (a) By November 1 annually, the department shall provide to the department of revenue information concerning the estimated amounts of supplements payable from the appropriation accounts under s. 20.435 (4) (b) and (gm) to specific local governmental units for the provision of transportation for medical care, as specified under s. 49.46 (2) (b) 3., during the fiscal year. Beginning November 1, 2004, the information that the department provides under this paragraph shall include any adjustments necessary to reflect actual claims submitted by service providers in the previous fiscal year.

***-0174/4.4* SECTION 1445.** 49.45 (52) (title) of the statutes is amended to read:

49.45 **(52)** (title) PAYMENT ADJUSTMENTS; FEDERAL FUNDING FOR CERTAIN SERVICES.

***-0174/4.5* SECTION 1446.** 49.45 (52) of the statutes is renumbered 49.45 (52) (a) 1. and amended to read:

49.45 **(52)** (a) 1. ~~Beginning on January 1, 2003~~ If the department provides the notice under par. (c) selecting the payment procedure in this paragraph, the department may, from the appropriation account under s. 20.435 (7) (b), make

1 Medical Assistance payment adjustments to county departments under s. 46.215,
2 46.22, 46.23, ~~or~~ 51.42, or 51.437 or to local health departments, as defined in s. 250.01
3 (4), as appropriate, for covered services under s. 49.46 (2) (a) 2. and 4. d. and f. and
4 (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13., 15., and 16., except for
5 services specified under s. 49.46 (2) (b) 6. b. and c. provided to children participating
6 in the early intervention program under s. 51.44. Payment adjustments under this
7 ~~subsection~~ paragraph shall include the state share of the payments. The total of any
8 payment adjustments under this ~~subsection~~ paragraph and Medical Assistance
9 payments made from appropriation accounts under s. 20.435 (4) (b), (gm), (o), and
10 (w), may not exceed applicable limitations on payments under 42 USC 1396a (a) (30)
11 (A).

****NOTE: This is reconciled s. 49.45 (52) (a) 1. This SECTION has been affected by draft LRB-0809/3.

12 ***-0174/4.6* SECTION 1447.** 49.45 (52) (a) 2. of the statutes is created to read:
13 49.45 **(52)** (a) 2. The department may require a county department or local
14 health department to submit a certified cost report that meets the requirements of
15 the federal department of health and human services for covered services described
16 in subd. 1.
17 ***-0174/4.7* SECTION 1448.** 49.45 (52) (b) of the statutes is created to read:
18 49.45 **(52)** (b) If the department provides the notice under par. (c) selecting the
19 payment procedure in this paragraph, all of the following apply:
20 1. Annually, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437
21 shall submit a certified cost report that meets the requirements of the federal
22 department of health and human services for covered services under s. 49.46 (2) (a)
23 2. and 4. d. and f. and (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13.,

15., and 16., except for services specified under s. 49.46 (2) (b) 6. b. and c. provided to children participating in the early intervention program under s. 51.44.

2. For services described under subd. 1., the department shall base the amount of a claim for federal medical assistance funds on certified cost reports submitted by county departments under subd. 1. to the extent the reports comply with federal requirements.

3. The department shall pay county departments a percentage of the federal funds claimed under subd. 2. for services described under subd. 1., which percentage is established in the most recent biennial budget.

4. The department may pay a local health department, as defined in s. 250.01 (4), that submits certified cost reports for services described under subd. 1. a percentage of the federal funds claimed for those services, which percentage is established in the most recent biennial budget.

***-0174/4.8* SECTION 1449.** 49.45 (52) (c) of the statutes is created to read:

49.45 **(52)** (c) The department shall select a payment procedure under either par. (a) or (b) and may change which procedure under par. (a) or (b) is selected. The department shall notify each county department and local health department, as applicable, of the selected payment procedure before the date on which payment for services is made under that selected or newly selected procedure.

***-0174/4.9* SECTION 1450.** 49.45 (53) of the statutes is amended to read:

49.45 **(53)** PAYMENTS FOR CERTAIN SERVICES. Beginning on January 1, 2003, the department may, from the appropriation account under s. 20.435 (7) (b), make Medical Assistance payments to providers for covered services under ss. 49.46 (2) (a) 4. d. and (b) 6. j. and m. and 49.471 (11) (f) <u>that are provided before January 1, 2012</u>.

***-1019/5.52* SECTION 1451.** 49.46 (1) (a) 4. of the statutes is amended to read:

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

***-1019/5.53* SECTION 1452.** 49.46 (1) (a) 4m. of the statutes is amended to read:

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

***-1019/5.54* SECTION 1453.** 49.46 (1) (d) 4. of the statutes is amended to read:

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

***-1019/5.55* SECTION 1454.** 49.46 (1) (e) of the statutes is amended to read:

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

***-1019/5.56* SECTION 1455.** 49.465 (2) (a) of the statutes is amended to read:

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

***-0970/2.1* SECTION 1456.** 49.468 (1) (b) of the statutes is amended to read:

49.468 **(1)** (b) For an elderly or disabled individual who is entitled to coverage under ~~part~~ Part A of ~~medicare~~ Medicare, entitled to coverage under ~~part~~ Part B of ~~medicare~~ Medicare, and who does not meet the eligibility criteria for ~~medical assistance~~ Medical Assistance under s. 49.46 (1), 49.465, 49.47 (4), or 49.471 but

meets the limitations on income and resources under par. (d), ~~medical assistance~~ Medical Assistance shall pay the deductible and coinsurance portions of ~~medicare~~ Medicare services under 42 USC 1395 to 1395zz ~~which~~ that are not paid under 42 USC 1395 to 1395zz, including those ~~medicare~~ Medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums under ~~part~~ Part A of ~~medicare~~ Medicare. Payment of coinsurance for a service under ~~part~~ Part B of ~~medicare~~ Medicare under 42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital services, and payment of coinsurance for a service under Part A of Medicare may not exceed the allowable charge for the service under ~~medical assistance~~ Medical Assistance minus the ~~medicare~~ Medicare payment.

***-0970/2.2* SECTION 1457.** 49.468 (1) (c) of the statutes is amended to read:

49.468 **(1)** (c) For an elderly or disabled individual who is only entitled to coverage under ~~part~~ Part A of ~~medicare~~ Medicare and who does not meet the eligibility criteria for ~~medical assistance~~ Medical Assistance under s. 49.46 (1), 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under par. (d), ~~medical assistance~~ Medical Assistance shall pay the deductible and coinsurance portions of ~~medicare~~ Medicare services under 42 USC 1395 to 1395i ~~which~~ that are not paid under 42 USC 1395 to 1395i, including those ~~medicare~~ Medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty for premiums under ~~part~~ Part A of ~~medicare~~ Medicare, if applicable. Payment of coinsurance for a service under Part A of Medicare may not

exceed the allowable charge for the service under Medical Assistance minus the Medicare payment.

***-1019/5.57* SECTION 1458.** 49.47 (3) (b) of the statutes is amended to read:

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

***-1019/5.58* SECTION 1459.** 49.47 (4) (c) 1. of the statutes is amended to read:

49.47 **(4)** (c) 1. Except as provided in par. (am) and as limited by subd. 3., eligibility exists if income does not exceed 133 1/3% of the maximum aid to families with dependent children payment under s. 49.19 (11) for the applicant's family size or the combined benefit amount available under supplemental security income under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39, whichever is higher. In this subdivision "income" includes earned or unearned income that would be included in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381 to 1385. "Income" does not include earned or unearned income which would be excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

***-1465/P4.338* *-0808/2.203* SECTION 1460.** 49.47 (4) (i) 1. of the statutes is amended to read:

49.47 **(4)** (i) 1. The department shall request a waiver from the secretary of the federal department of health and human services to permit the application of subd. 2. The waiver shall request approval to implement the waiver on a statewide basis, unless the department of health services determines that statewide implementation of the waiver would present an obstacle to the approval of the waiver by the secretary

of the federal department of health and human services, in which case the waiver shall request approval to implement the waiver in 48 pilot counties to be selected by the department of health services. Within 30 days after August 12, 1993, the department of ~~regulation and licensing~~ safety and professional services shall notify funeral directors licensed under ch. 445, cemetery associations, as defined in s. 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of the waiver required to be requested under this subdivision. If the waiver is approved by the secretary of the federal department of health and human services and if the waiver remains in effect, subd. 2. shall apply.

***-1019/5.59* SECTION 1461.** 49.471 (5) (b) 3. a. of the statutes is amended to read:

49.471 **(5)** (b) 3. a. If the woman or child applies for benefits under sub. (4) within the time required under par. (d), the benefits specified in subd. 1. or 2., whichever is applicable, end on the day on which the department ~~or the county department under s. 46.215, 46.22, or 46.23~~ determines whether the woman or child is eligible for benefits under sub. (4).

***-1019/5.60* SECTION 1462.** 49.471 (7) (c) 4. of the statutes is amended to read:

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

***-1019/5.61* SECTION 1463.** 49.472 (4) (a) 2. a. of the statutes is amended to read:

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

***-0809/4.19* SECTION 1464.** 49.472 (6) (a) of the statutes is amended to read:

49.472 **(6)** (a) Notwithstanding sub. (4) (a) 3., from the appropriation ~~account~~ accounts under s. 20.435 (4) (b), (gm), or (w), the department shall, on the part of an individual who is eligible for medical assistance under sub. (3), pay premiums for or purchase individual coverage offered by the individual's employer if the department determines that paying the premiums for or purchasing the coverage will not be more costly than providing medical assistance.

***-0809/4.20* SECTION 1465.** 49.472 (6) (b) of the statutes is amended to read:

49.472 **(6)** (b) If federal financial participation is available, from the appropriation ~~account~~ accounts under s. 20.435 (4) (b), (gm), or (w), the department may pay medicare Part A and Part B premiums for individuals who are eligible for medicare and for medical assistance under sub. (3).

***-1019/5.62* SECTION 1466.** 49.473 (2) (intro.) of the statutes is amended to read:

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

***-1019/5.63* SECTION 1467.** 49.473 (3) (intro.) of the statutes is amended to read:

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

***-1019/5.64* SECTION 1468.** 49.473 (3) (a) of the statutes is amended to read:

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

***-1019/5.65* SECTION 1469.** 49.473 (3) (b) of the statutes is amended to read:

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

***-1019/5.66* SECTION 1470.** 49.473 (4) of the statutes is amended to read:

49.473 **(4)** A woman who a qualified entity determines under sub. (3) is eligible for medical assistance shall apply to the department ~~or county department~~ no later than the last day of the month following the month in which the qualified entity determines that the woman is eligible for medical assistance.

***-0809/4.21* SECTION 1471.** 49.473 (5) of the statutes is amended to read:

49.473 **(5)** The department shall audit and pay, from the appropriation accounts under s. 20.435 (4) (b), (gm), and (o), allowable charges to a provider who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who meets the requirements under sub. (2) for all benefits and services specified under s. 49.46 (2).

***-1019/5.67* SECTION 1472.** 49.473 (6) (b) of the statutes is amended to read:

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

***-1019/5.68* SECTION 1473.** 49.496 (4) (a) of the statutes is renumbered 49.496 (4) and amended to read:

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

***-1019/5.69* SECTION 1474.** 49.496 (4) (b) of the statutes is repealed.

***-1019/5.70* SECTION 1475.** 49.496 (5) of the statutes is amended to read:

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

***-1019/5.71* SECTION 1476.** 49.497 (1) (b) of the statutes is amended to read:

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

***-1019/5.72* SECTION 1477.** 49.497 (2) (a) of the statutes is renumbered 49.497 (2) and amended to read:

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

***-1019/5.73* SECTION 1478.** 49.497 (2) (b) of the statutes is repealed.

***-1156/1.1* SECTION 1479.** 49.68 (3) (b) of the statutes is amended to read:

49.68 **(3)** (b) From the appropriation accounts under ss. 20.435 (4) (e) and (je), the state shall pay ~~the cost of~~, at a rate determined by the department under par. (e), for medical treatment that is required as a direct result of chronic renal disease of certified patients from the date of certification, including ~~the cost of~~ administering recombinant human erythropoietin to appropriate patients, whether the treatment is rendered in an approved facility in the state or in a dialysis or transplantation center ~~which~~ that is approved as such by a contiguous state, subject to the conditions specified under par. (d). Approved facilities may include a hospital in-center dialysis unit or a nonhospital dialysis center ~~which~~ that is closely affiliated with a home

1 dialysis program supervised by an approved facility. Aid shall also be provided for
2 all reasonable expenses incurred by a potential living-related donor, including
3 evaluation, hospitalization, surgical costs, and postoperative follow-up to the extent
4 that these costs are not reimbursable under the federal medicare program or other
5 insurance. In addition, all expenses incurred in the procurement, transportation,
6 and preservation of cadaveric donor kidneys shall be covered to the extent that these
7 costs are not otherwise reimbursable. All donor-related costs are chargeable to the
8 recipient and reimbursable under this subsection.

9 ***-1156/1.2* SECTION 1480.** 49.68 (3) (e) of the statutes is amended to read:

10 49.68 **(3)** (e) ~~State aids~~ Payment for services provided under this section shall
11 be ~~equal to~~ at a rate determined by the department that does not exceed the allowable
12 charges under the federal Medicare program. In no case shall state rates for
13 individual service elements exceed the federally defined allowable costs. The rate
14 of charges for services not covered by public and private insurance shall not exceed
15 the reasonable charges as established by ~~medicare~~ Medicare fee determination
16 procedures. A person that provides to a patient a service for which aid is provided
17 under this section shall accept the amount paid under this section for the service as
18 payment in full and may not bill the patient for any amount by which the charge for
19 the service exceeds the amount paid for the service under this section. The state may
20 not pay for the cost of travel, lodging, or meals for persons who must travel to receive
21 inpatient and outpatient dialysis treatment for kidney disease. This paragraph shall
22 not apply to donor related costs as defined in par. (b).

23 ***-1325/2.1* SECTION 1481.** 49.688 (2) (a) 6. of the statutes is created to read:

24 49.688 **(2)** (a) 6. The person applies for and, if eligible, enrolls in Medicare
25 under Part D of Title XVIII of the federal Social Security Act, 42 USC 1395w-101 to

1395w-153, if the secretary of the federal department of health and human services approves the condition on eligibility under this subdivision.

***-1325/2.2* SECTION 1482.** 49.688 (2) (b) of the statutes is amended to read:

49.688 **(2)** (b) A person to whom par. (a) 1. to 3. ~~and~~, 5., and 6. applies, but whose annual household income, as determined by the department, exceeds 240% of the federal poverty line for a family the size of the persons' eligible family, is eligible to purchase a prescription drug at the amounts specified in sub. (5) (a) 4. only during the remaining amount of any 12-month period in which the person has first paid the annual deductible specified in sub. (3) (b) 2. a. in purchasing prescription drugs at the retail price and has then paid the annual deductible specified in sub. (3) (b) 2. b.

***-1019/5.74* SECTION 1483.** 49.77 of the statutes is renumbered 49.39, and 49.39 (6), as renumbered, is amended to read:

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

***-1019/5.75* SECTION 1484.** 49.775 of the statutes is renumbered 49.395, and 49.395 (2) (a), (b), (bm) and (e) 1., as renumbered, are amended to read:

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

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

(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

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 under this section may be considered assigned to the state. Seventy-five percent of all money that is received by the department ~~of children and families~~ under an assignment to the state under this paragraph shall be paid to the custodial parent. The department ~~of children and families~~ shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

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

***-1019/5.76* SECTION 1485.** 49.776 of the statutes is renumbered 49.396 and amended to read:

49.396 Payment of support arrears. If a custodial parent who formerly received payments under s. 49.775, 2009 stats., or s. 49.395 but who is no longer receiving payments under s. 49.775, 2009 stats., or s. 49.395 assigned to the state under s. 49.775 (2) (bm), 2009 stats., or s. 49.395 (2) (bm) his or her right or the right of the dependent child to support from any other person, the department shall pay to the custodial parent all money in support arrears that is collected by the department after the custodial parent's receipt of payments under s. 49.775, 2009 stats., or s. 49.395 ceased and that accrued while the custodial parent was receiving those payments.

***-1195/2.31* SECTION 1486.** 49.78 (1) (b) of the statutes is amended to read:

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

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

***-1019/5.77* SECTION 1487.** 49.78 (1) (bm) of the statutes is created to read:

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

***-1019/5.78* SECTION 1488.** 49.78 (1) (f) of the statutes is created to read:

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

***-1019/5.79* SECTION 1489.** 49.78 (1m) (intro.) of the statutes, as created by 2011 Wisconsin Act .... (this act), is amended to read:

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

***-1019/5.80* SECTION 1490.** 49.78 (1m) of the statutes is created to read:

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

(a) Receiving applications.

(b) Determining eligibility.

(c) Conducting fraud investigation and fraud prevention activities.

(d) Implementing error reduction procedures.

(e) Recovering overpayments of benefits.

***-1019/5.81* SECTION 1491.** 49.78 (1p) of the statutes is created to read:

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

***-1019/5.82* SECTION 1492.** 49.78 (1r) of the statutes is created to read:

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

***-1019/5.83* SECTION 1493.** 49.78 (2) of the statutes is amended to read:

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

***-1019/5.84* SECTION 1494.** 49.78 (4) of the statutes is renumbered 49.19 (19g) (a) and amended to read:

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

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

***-1019/5.85* SECTION 1495.** 49.78 (5) of the statutes is renumbered 49.19 (19g) (b) and amended to read:

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

***-1019/5.86* SECTION 1496.** 49.78 (6) (title) of the statutes is repealed.

***-1019/5.87* SECTION 1497.** 49.78 (6) of the statutes is renumbered 49.19 (19g) (c).

***-1019/5.88* SECTION 1498.** 49.78 (7) of the statutes is renumbered 49.19 (19g) (d) and amended to read:

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

***-1019/5.89* SECTION 1499.** 49.78 (8) (a) of the statutes is amended to read:

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

***-1019/5.90* SECTION 1500.** 49.78 (8) (b) of the statutes is amended to read:

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

***-1019/5.91* SECTION 1501.** 49.78 (10) (title) of the statutes is amended to read:

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

***-1019/5.92* SECTION 1502.** 49.78 (10) (a) of the statutes is amended to read:

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

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

***-1019/5.93* SECTION 1503.** 49.78 (10) (b) of the statutes is amended to read:

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

***-1019/5.94* SECTION 1504.** 49.785 (1) (intro.) of the statutes is amended to read:

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

***-1019/5.95* SECTION 1505.** 49.785 (1) (intro.) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is amended to read:

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

***-1019/5.96* SECTION 1506.** 49.785 (1c) (a) of the statutes is amended to read:

49.785 **(1c)** (a) A recipient of benefits under s. 49.77, 2009 stats., or s. 49.148, 49.39, or 49.46, ~~or 49.77,~~ or under 42 USC 1381 to 1385 in effect on May 8, 1980.

***-1019/5.97* SECTION 1507.** 49.785 (1m) (a) of the statutes is amended to read:

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

***-1019/5.98* SECTION 1508.** 49.785 (1m) (b) of the statutes is amended to read:

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

***-1019/5.99* SECTION 1509.** 49.785 (1m) (c) of the statutes is amended to read:

49.785 **(1m)** (c) If a request for payment under sub. (1) is made more than 12 months after the death of the recipient, the department ~~or county~~ or applicable tribal

governing body or organization responsible for burial of the recipient is not required to make a payment for cemetery, funeral, or burial expenses.

***-1019/5.100* SECTION 1510.** 49.785 (2) of the statutes is amended to read:

49.785 **(2)** From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department shall reimburse a county or applicable tribal governing body or organization for any amount that the county or applicable tribal governing body or organization is required to pay under sub. (1) if the county or applicable tribal governing body or organization complies with sub. (3). From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department shall reimburse a county or applicable tribal governing body or organization for cemetery expenses or for funeral and burial expenses for a person described under sub. (1) that the county or applicable tribal governing body or organization is not required to pay under subs. (1) and (1m) only if the department approves the reimbursement due to unusual circumstances and if the county or applicable tribal governing body or organization complies with sub. (3).

***-1019/5.101* SECTION 1511.** 49.785 (2) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is amended to read:

49.785 **(2)** From the appropriation under s. 20.435 (4) (br), the department shall reimburse ~~a county or~~ an applicable tribal governing body or organization for any amount that the ~~county or applicable~~ tribal governing body or organization is required to pay under sub. (1) if the ~~county or applicable~~ tribal governing body or organization complies with sub. (3). From the appropriation under s. 20.435 (4) (br), the department shall reimburse ~~a county or~~ an applicable tribal governing body or organization for cemetery expenses or for funeral and burial expenses for a person described under sub. (1) that the ~~county or applicable~~ tribal governing body or organization is not required to pay under subs. (1) and (1m) only if the department

approves the reimbursement due to unusual circumstances and if the ~~county or applicable~~ tribal governing body or organization complies with sub. (3).

***-1019/5.102* SECTION 1512.** 49.785 (3) (intro.) of the statutes is amended to read:

49.785 **(3)** (intro.) As a condition for reimbursement under sub. (2) for amounts paid on behalf of a deceased recipient, ~~a county or~~ an applicable tribal governing body or organization shall provide to the department all of the following information with respect to the deceased recipient:

***-1019/5.103* SECTION 1513.** 49.785 (3) (c) of the statutes is amended to read:

49.785 **(3)** (c) The total amount of each of the expenses under pars. (a) and (b) that the ~~county or~~ tribal governing body or organization paid on behalf of the deceased recipient.

***-1195/2.32* SECTION 1514.** 49.79 (title) of the statutes is renumbered 49.37 (title) and amended to read:

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

***-1195/2.33* SECTION 1515.** 49.79 (1) (intro.) of the statutes is renumbered 49.37 (1) (intro.).

***-1195/2.34* SECTION 1516.** 49.79 (1) (a) of the statutes is renumbered 49.37 (1) (a).

***-1195/2.35* SECTION 1517.** 49.79 (1) (c) of the statutes is renumbered 49.37 (1) (f) and amended to read:

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

***-1195/2.36* SECTION 1518.** 49.79 (1) (f) of the statutes is renumbered 49.37 (1) (c).

***-1195/2.37* SECTION 1519.** 49.79 (1) (g) of the statutes is renumbered 49.37 (1) (g).

***-1195/2.38* SECTION 1520.** 49.79 (2) of the statutes is renumbered 49.37 (2) and amended to read:

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

***-1195/2.39* SECTION 1521.** 49.79 (3) (title) of the statutes is renumbered 49.37 (3) (title) and amended to read:

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

***-1019/5.104* SECTION 1522.** 49.79 (3) (a) of the statutes is amended to read:

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

***-1195/2.40* SECTION 1523.** 49.79 (3) (a) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is renumbered 49.37 (3) (a) and amended to read:

49.37 **(3)** (a) A federally recognized American Indian tribe is liable for all ~~food stamp coupons lost,~~ supplemental nutrition assistance program benefits that are misappropriated~~, or destroyed~~ while under the tribe's direct control, except as 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 ***-1019/5.105* SECTION 1524.** 49.79 (3) (b) of the statutes is amended to read:

2 49.79 **(3)** (b) A ~~county or~~ federally recognized American Indian tribe is not liable
3 for food stamp coupons lost in natural disasters if it provides evidence acceptable to
4 the department that the coupons were destroyed and not redeemed.

5 ***-1195/2.41* SECTION 1525.** 49.79 (3) (b) of the statutes, as affected by 2011
6 Wisconsin Act .... (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.

7 ***-1019/5.106* SECTION 1526.** 49.79 (3) (c) of the statutes is amended to read:

8 49.79 **(3)** (c) A ~~county or~~ federally recognized American Indian tribe is liable
9 for food stamp coupons mailed to ~~residents of the county or~~ members of the tribe and
10 lost in the mail due to incorrect information submitted to the department by the
11 ~~county or~~ tribe.

12 ***-1195/2.42* SECTION 1527.** 49.79 (3) (c) of the statutes, as affected by 2011
13 Wisconsin Act .... (this act), is renumbered 49.37 (3) (c) and amended to read:

14 49.37 **(3)** (c) A federally recognized American Indian tribe is liable for ~~food~~
15 ~~stamp coupons mailed~~ supplemental nutrition assistance program benefits
16 incorrectly transferred to members of the tribe ~~and lost in the mail~~ due to incorrect
17 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.

18 ***-1019/5.107* SECTION 1528.** 49.79 (4) of the statutes is amended to read:

19 49.79 **(4)** DEDUCTIONS FROM ~~COUNTY~~ INCOME MAINTENANCE PAYMENTS. The
20 department shall withhold the value of food stamp losses for which a ~~county or~~
21 federally recognized American Indian tribe is liable under sub. (3) from the payment

to the ~~county or~~ tribe under income maintenance contracts under s. 49.78 and reimburse the federal government from the funds withheld.

***-1195/2.43* SECTION 1529.** 49.79 (4) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is renumbered 49.37 (4) and amended to read:

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

***-1195/2.44* SECTION 1530.** 49.79 (5) (title) of the statutes is renumbered 49.37 (5) (title).

***-1195/2.45* SECTION 1531.** 49.79 (5) (a) of the statutes is renumbered 49.37 (5) (a) and amended to read:

49.37 **(5)** (a) The department shall require an applicant for, or recipient under, the ~~food stamp~~ supplemental nutrition assistance program to state in writing whether the applicant or recipient or any member of the applicant's or recipient's household has been convicted, in any state or federal court of a felony that has as an element possession, use or distribution of a controlled substance. The department shall require an applicant or recipient, or member of the applicant's or recipient's household to submit to a test for use of a controlled substance as a condition of continued eligibility if, after August 22, 1996, but not more than 5 years prior to the date the written statement is made, the applicant or recipient or the member of the

applicant's or recipient's household was convicted in any state or federal court of a felony that had as an element possession, use or distribution of a controlled substance. If the test results are positive with respect to any individual, the department may not consider the needs of that individual in determining the household's eligibility for the ~~food stamp~~ supplemental nutrition assistance program for at least 12 months from the date of the test. The department shall, however, consider the income and resources of that individual to be available to the household.

***-1195/2.46* SECTION 1532.** 49.79 (5) (b) of the statutes is renumbered 49.37 (5) (b).

***-1195/2.47* SECTION 1533.** 49.79 (6) of the statutes is renumbered 49.37 (6) and amended to read:

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

***-1195/2.48* SECTION 1534.** 49.79 (7) of the statutes is renumbered 49.37 (7) and amended to read:

49.37 **(7)** SIMPLIFIED ~~FOOD STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. The department shall develop a simplified ~~food stamp program~~ supplemental nutrition assistance program that meets all of the requirements under P.L. 104-193, section 854, and shall submit the plan to the secretary of the federal department of agriculture for approval. If the secretary of the federal department of agriculture approves the plan, the department shall submit the plan to the secretary of administration for approval. If the secretary of administration approves the plan, the department may implement the plan.

***-0151/1.1* SECTION 1535.** 49.79 (8) of the statutes is amended to read:

49.79 **(8)** BENEFITS FOR QUALIFIED ALIENS. The department shall not provide benefits under this section to a qualified alien ~~who is ineligible for benefits under this section solely because of the application of 9 USC 1612 or 1613 according to a plan approved by the federal department of agriculture. This subsection does not apply,~~ except to the extent that federal food stamp benefits for qualified aliens are ~~restored~~ required by the federal government.

***-1195/2.49* SECTION 1536.** 49.79 (8) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is renumbered 49.37 (8) and amended to read:

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

***-1195/2.50* SECTION 1537.** 49.79 (8m) (title) of the statutes is renumbered 49.37 (8m) (title).

***-1195/2.51* SECTION 1538.** 49.79 (8m) (a) of the statutes is renumbered 49.37 (8m) (a) and amended to read:

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

***-1195/2.52* SECTION 1539.** 49.79 (8m) (b) of the statutes is renumbered 49.37 (8m) (b) and amended to read:

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

***-1195/2.53* SECTION 1540.** 49.79 (9) (title) of the statutes is renumbered 49.37 (9) (title).

***-1019/5.108* SECTION 1541.** 49.79 (9) (a) 1. of the statutes is amended to read:

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

***-1195/2.54* SECTION 1542.** 49.79 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act .... (this act), is renumbered 49.37 (9) (a) 1. and amended to read:

49.37 **(9)** (a) 1. The department shall administer an employment and training program for recipients under the ~~food stamp~~ supplemental nutrition assistance program and may contract ~~under s. 49.78~~ with tribal governing bodies to carry out the administrative functions. The department may contract, or a tribal governing body may subcontract, with a Wisconsin Works agency or another provider to

administer the employment and training program under this subsection. Except as provided in subds. 2. and 3., the department may require able individuals who are 18 to 60 years of age who are not participants in a Wisconsin Works employment position to participate in the employment and training program under this 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.

***-1195/2.55* SECTION 1543.** 49.79 (9) (a) 2. of the statutes is renumbered 49.37 (9) (a) 2. and amended to read:

49.37 **(9)** (a) 2. The department may not require an individual who is a recipient under the ~~food stamp~~ supplemental nutrition assistance program and who is the caretaker of a child under the age of 12 weeks to participate in any employment and training program under this subsection.

***-1195/2.56* SECTION 1544.** 49.79 (9) (a) 3. of the statutes is renumbered 49.37 (9) (a) 3. and amended to read:

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

***-1195/2.57* SECTION 1545.** 49.79 (9) (a) 4. of the statutes is renumbered 49.37 (9) (a) 4. and amended to read:

49.37 **(9)** (a) 4. The amount of ~~food stamp~~ supplemental nutrition assistance benefits paid to a recipient who is a participant in a Wisconsin ~~works~~ Works

employment position under s. 49.147 (4) or (5) shall be calculated based on the pre-sanction benefit amount received s. 49.148.

***-1195/2.58* SECTION 1546.** 49.79 (9) (a) 5. of the statutes is renumbered 49.37 (9) (a) 5.

***-1195/2.59* SECTION 1547.** 49.79 (9) (b) (intro.) of the statutes is renumbered 49.37 (9) (b) (intro.) and amended to read:

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

***-1195/2.60* SECTION 1548.** 49.79 (9) (b) 1. of the statutes is renumbered 49.37 (9) (b) 1.

***-1195/2.61* SECTION 1549.** 49.79 (9) (b) 2. of the statutes is renumbered 49.37 (9) (b) 2.

***-1195/2.62* SECTION 1550.** 49.79 (9) (b) 3. of the statutes is renumbered 49.37 (9) (b) 3.

***-1195/2.63* SECTION 1551.** 49.793 (title) of the statutes is renumbered 49.373 (title) and amended to read:

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

***-1019/5.109* SECTION 1552.** 49.793 (1) of the statutes is amended to read:

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

***-1195/2.64* SECTION 1553.** 49.793 (1) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is renumbered 49.373 (1) and amended to read:

49.373 **(1)** The department or an elected governing body of a federally recognized American Indian tribe or band acting on behalf of the department, may recover overpayments that arise from an overissuance of ~~food coupons~~ benefits under the ~~food stamp~~ supplemental nutrition assistance program administered under s. 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.

***-1195/2.65* SECTION 1554.** 49.793 (2) of the statutes, as affected by 2011 Wisconsin Act .... (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.

***-1019/5.110* SECTION 1555.** 49.793 (2) (a) of the statutes is renumbered 49.793 (2) and amended to read:

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

***-1019/5.111* SECTION 1556.** 49.793 (2) (b) of the statutes is repealed.

***-1195/2.66* SECTION 1557.** 49.795 (title) of the statutes is renumbered 49.375 (title) and amended to read:

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

***-1195/2.67* SECTION 1558.** 49.795 (1) (intro.) of the statutes is renumbered 49.375 (1) (intro.).

***-1195/2.68* SECTION 1559.** 49.795 (1) (a) of the statutes is renumbered 49.375 (1) (a) and amended to read:

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

***-1195/2.69* SECTION 1560.** 49.795 (1) (b) of the statutes is renumbered 49.375 (1) (b) and amended to read:

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

***-1195/2.70* SECTION 1561.** 49.795 (1) (c) of the statutes is renumbered 49.375 (1) (c) and amended to read:

49.375 **(1)** (c) "~~Food stamp~~ Supplemental nutrition assistance program" means the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to ~~2029~~ 2036.

***-1195/2.71* SECTION 1562.** 49.795 (1) (d) of the statutes is renumbered 49.375 (1) (d) and amended to read:

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

***-1195/2.72* SECTION 1563.** 49.795 (1) (e) (intro.) of the statutes is renumbered 49.375 (1) (e) (intro.).

***-1019/5.112* SECTION 1564.** 49.795 (1) (e) 1. of the statutes is amended to read:

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

***-1195/2.73* SECTION 1565.** 49.795 (1) (e) 1. of the statutes, as affected by 2011 Wisconsin Act .... (this act), is renumbered 49.375 (1) (e) 1. and amended to read:

49.375 **(1)** (e) 1. An employee or officer of the federal government, the state, or a federally recognized American Indian tribe acting in the course of official duties in 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.

***-1019/5.113* SECTION 1566.** 49.795 (1) (e) 2. of the statutes is amended to read:

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

***-1195/2.74* SECTION 1567.** 49.795 (1) (e) 2. of the statutes, as affected by 2011 Wisconsin Act .... (this act), is renumbered 49.375 (1) (e) 2. and amended to read:

49.375 **(1)** (e) 2. A person acting in the course of duties under a contract with the federal government, the state, or a federally recognized American Indian tribe 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.

***-1195/2.75* SECTION 1568.** 49.795 (1) (e) 3. of the statutes is renumbered 49.375 (1) (e) 3.

***-1195/2.76* SECTION 1569.** 49.795 (1) (e) 4. of the statutes is renumbered 49.375 (1) (e) 4.

***-1195/2.77* SECTION 1570.** 49.795 (1) (e) 5. of the statutes is renumbered 49.375 (1) (e) 5. and amended to read:

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

***-1195/2.78* SECTION 1571.** 49.795 (2) of the statutes is renumbered 49.375 (2) and amended to read:

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

***-1195/2.79* SECTION 1572.** 49.795 (2m) of the statutes is renumbered 49.375 (2m).

***-1195/2.80* SECTION 1573.** 49.795 (3) of the statutes is renumbered 49.375 (3) and amended to read:

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

***-1195/2.81* SECTION 1574.** 49.795 (4) of the statutes is renumbered 49.375 (4) and amended to read:

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

***-1195/2.82* SECTION 1575.** 49.795 (5) of the statutes is renumbered 49.375 (5) and amended to read:

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

***-1195/2.83* SECTION 1576.** 49.795 (6) of the statutes is renumbered 49.375 (6) and amended to read:

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

***-1195/2.84* SECTION 1577.** 49.795 (7) of the statutes is renumbered 49.375 (7) and amended to read:

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

***-1195/2.85* SECTION 1578.** 49.795 (8) (a) (intro.) of the statutes is renumbered 49.375 (8) (a) (intro.).

***-1195/2.86* SECTION 1579.** 49.795 (8) (a) 1. of the statutes is renumbered 49.375 (8) (a) 1. and amended to read:

49.375 **(8)** (a) 1. If the value of the ~~food coupons~~ supplemental nutrition assistance program benefits does not exceed $100, a person who violates this section

may be fined not more than $1,000 or imprisoned not more than one year in the county jail or both.

***-1195/2.87* SECTION 1580.** 49.795 (8) (a) 2. of the statutes is renumbered 49.375 (8) (a) 2. and amended to read:

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

***-1195/2.88* SECTION 1581.** 49.795 (8) (b) (intro.) of the statutes is renumbered 49.375 (8) (b) (intro.).

***-1195/2.89* SECTION 1582.** 49.795 (8) (b) 1. of the statutes is renumbered 49.375 (8) (b) 1. and amended to read:

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

***-1195/2.90* SECTION 1583.** 49.795 (8) (b) 2. of the statutes is renumbered 49.375 (8) (b) 2. and amended to read:

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

***-1195/2.91* SECTION 1584.** 49.795 (8) (c) of the statutes is renumbered 49.375 (8) (c) and amended to read:

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

***-1195/2.92* SECTION 1585.** 49.795 (8) (d) 1. (intro.) of the statutes is renumbered 49.375 (8) (d) 1. (intro.) and amended to read:

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

***-1195/2.93* SECTION 1586.** 49.795 (8) (d) 1. a. of the statutes is renumbered 49.375 (8) (d) 1. a.

***-1195/2.94* SECTION 1587.** 49.795 (8) (d) 1. b. of the statutes is renumbered 49.375 (8) (d) 1. b.

***-1195/2.95* SECTION 1588.** 49.795 (8) (d) 1. c. of the statutes is renumbered 49.375 (8) (d) 1. c.

***-1195/2.96* SECTION 1589.** 49.795 (8) (d) 1m. of the statutes is renumbered 49.375 (8) (d) 1m. and amended to read:

49.375 **(8)** (d) 1m. In addition to the penalties applicable under par. (a), (b), or (c), a court shall permanently suspend from the ~~food stamp~~ supplemental nutrition assistance program a person who has been convicted of an offense under 7 USC 2024 (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of $500 or more.

***-1019/5.114* SECTION 1590.** 49.795 (8) (d) 2. of the statutes is amended to read:

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

***-1195/2.97* SECTION 1591.** 49.795 (8) (d) 2. of the statutes, as affected by 2011 Wisconsin Act .... (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.

***-1195/2.98* SECTION 1592.** 49.795 (8) (e) 1. (intro.) of the statutes is renumbered 49.375 (8) (e) 1. (intro.) and amended to read:

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

***-1195/2.99* SECTION 1593.** 49.795 (8) (e) 1. a. of the statutes is renumbered 49.375 (8) (e) 1. a.

***-1195/2.100* SECTION 1594.** 49.795 (8) (e) 1. b. of the statutes is renumbered 49.375 (8) (e) 1. b.

***-1195/2.101* SECTION 1595.** 49.795 (8) (e) 2. of the statutes is renumbered 49.375 (8) (e) 2. and amended to read:

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

***-1195/2.102* SECTION 1596.** 49.795 (8) (f) of the statutes is renumbered 49.375 (8) (f) and amended to read:

49.375 **(8)** (f) Notwithstanding par. (d), in addition to the penalties applicable under par. (a), (b), or (c), the court shall suspend from the ~~food stamp~~ supplemental nutrition assistance program for a period of 10 years a person who fraudulently

misstates or misrepresents his or her identity or place of residence for the purpose of receiving multiple benefits simultaneously under the ~~food stamp~~ supplemental nutrition assistance program.

***-1195/2.103* SECTION 1597.** 49.797 (title) of the statutes is renumbered 49.377 (title).

***-1195/2.104* SECTION 1598.** 49.797 (1) of the statutes is renumbered 49.377 (1) and amended to read:

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

***-1195/2.105* SECTION 1599.** 49.797 (2) (a) of the statutes is renumbered 49.377 (2) and amended to read:

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

***-1195/2.106* SECTION 1600.** 49.797 (2) (b) of the statutes is repealed.

***-1195/2.107* SECTION 1601.** 49.797 (4) of the statutes is renumbered 49.377 (4).

***-1195/2.108* SECTION 1602.** 49.797 (5) of the statutes is renumbered 49.377 (5).

***-1195/2.109* SECTION 1603.** 49.797 (6) of the statutes is renumbered 49.377 (6).

***-1195/2.110* SECTION 1604.** 49.797 (7) of the statutes is renumbered 49.377 (7).

***-1019/5.115* SECTION 1605.** 49.797 (8) of the statutes is amended to read:

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

***-1195/2.111* SECTION 1606.** 49.797 (8) of the statutes, as affected by 2011 Wisconsin Act .... (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.

***-1019/5.116* SECTION 1607.** 49.825 of the statutes, as affected by 2011 Wisconsin Act .... (this act), is repealed.

***-1019/5.117* SECTION 1608.** 49.825 (2) (a) 2. of the statutes is repealed.

***-1019/5.118* SECTION 1609.** 49.83 of the statutes is amended to read:

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

***-1195/2.112* SECTION 1610.** 49.84 (5) of the statutes is amended to read:

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

***-1019/5.119* SECTION 1611.** 49.845 (1) of the statutes is amended to read:

49.845 **(1)** FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4) (bn), (kz), (L), and (nn), the department of health services shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~

~~payments for the support of children of supplemental security income recipients under s. 49.775,~~ and health care benefits under the Badger Care health care program under s. 49.665 and, if the department of children and families contracts with the department of health services under sub. (4), on the part of recipients of aid to families with dependent children under s. 49.19, supplemental security income payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395, and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The activities of the department of health services under this subsection may include comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The department of health services shall cooperate with district attorneys regarding fraud prosecutions.

***-1195/2.113* SECTION 1612.** 49.845 (1) of the statutes, as affected by Wisconsin Act .... (this act), is amended to read:

49.845 **(1)** FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4) (bn), (kz), (L), and (nn), the department of health services shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV~~, food stamp benefits under the food stamp program under 7 USC 2011 to 2036,~~ and health care benefits under the Badger Care health care program under s. 49.665 and, if the department of children and families contracts with the department of health services under sub. (4), on the part of recipients of aid

to families with dependent children under s. 49.19, supplemental security income payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395, recipients of benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036, and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The activities of the department of health services under this subsection may include comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The department of health services shall cooperate with district attorneys regarding fraud 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.

***-1019/5.120* SECTION 1613.** 49.845 (2) of the statutes is amended to read:

49.845 **(2)** STATE ERROR REDUCTION ACTIVITIES. The department of health services shall conduct activities to reduce payment errors in the Medical Assistance program under subch. IV, the food stamp program under 7 USC 2011 to 2036, ~~the supplemental security income payments program under s. 49.77, the program providing payments for the support of children of supplemental security income recipients under s. 49.775,~~ and the Badger Care health care program under s. 49.665 and, if the department of children and families contracts with the department of health services under sub. (4), in 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 Wisconsin Works under ss. 49.141 to 49.161.

***-1195/2.114* SECTION 1614.** 49.845 (2) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is amended to read:

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

***-1019/5.121* SECTION 1615.** 49.845 (4) (title) of the statutes is amended to read:

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

***-1195/2.115* SECTION 1616.** 49.845 (4) (title) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is amended to read:

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

***-1019/5.122* SECTION 1617.** 49.845 (4) (a) 1. of the statutes is amended to read:

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

***-1195/2.116* SECTION 1618.** 49.845 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act .... (this act), is amended to read:

49.845 **(4)** (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of children and families may contract with the department of health services to investigate suspected fraudulent activity on the part of recipients of aid to families with dependent children under s. 49.19, recipients of supplemental security income payments under s. 49.39, recipients of payments for the support of children of supplemental security income recipients under s. 49.395, recipients of benefits under