

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

4 *~~-1019/5.48~~* SECTION 1426. 49.45 (5) (b) 1. (intro.) of the statutes is amended
5 to read:

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

21 *~~-1019/5.49~~* SECTION 1427. 49.45 (5) (b) 2. (intro.) of the statutes is amended
22 to read:

23 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
24 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
25 suspended, reduced, or discontinued until a decision is rendered after the hearing

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

7 ***-0809/4.11* SECTION 1428.** 49.45 (5m) (am) of the statutes is amended to read:

8 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriation accounts
9 under s. 20.435 (4) (b), (gm), (o), (w) and (xc), the department shall distribute not
10 more than \$5,000,000 in each fiscal year, to provide supplemental funds to rural
11 hospitals that, as determined by the department, have high utilization of inpatient
12 services by patients whose care is provided from governmental sources, except that
13 the department may not distribute funds to a rural hospital to the extent that the
14 distribution would exceed any limitation under 42 USC 1396b (i) (3).

15 ***-0243/2.1* SECTION 1429.** 49.45 (6m) (a) 6. of the statutes is amended to read:

16 49.45 (6m) (a) 6. "Resource Utilization Groupings III" means a comparative
17 resource utilization grouping that classifies each facility resident based on
18 information obtained from performing, for the resident, a minimum data set
19 assessment developed by the federal Centers for Medicare and Medicaid Services.

20 ***-0809/4.12* SECTION 1430.** 49.45 (6m) (ag) (intro.) of the statutes is amended
21 to read:

22 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
23 subsection made under s. 20.435 (4) (b), (gm), (o), (pa), or (w) shall, except as provided
24 in pars. (bg), (bm), and (br), be determined according to a prospective payment
25 system updated annually by the department. The payment system shall implement

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

4 ***-0243/2.2* SECTION 1431.** 49.45 (6m) (ag) 3p. a. of the statutes is amended to
5 read:

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

9 ***-0174/4.3* SECTION 1432.** 49.45 (6tw) of the statutes is amended to read:

10 49.45 (6tw) PAYMENTS TO CITY HEALTH DEPARTMENTS. From the appropriation
11 account under s. 20.435 (7) (b), if the department selects the payment procedure
12 under s. 49.45 (52) (a), the department may make payments to local health
13 departments, as defined under s. 250.01 (4) (a) 3. Payment under this subsection to
14 such a local health department may not exceed on an annualized basis payment
15 made by the department to the local health department under s. 49.45 (6t), 2003
16 stats., for services provided by the local health department in 2002.

17 ***-0809/4.13* SECTION 1433.** 49.45 (6v) (b) of the statutes is amended to read:

18 49.45 (6v) (b) The department shall, each year, submit to the joint committee
19 on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that
20 provides information on the utilization of beds by recipients of medical assistance in
21 facilities and a discussion and detailed projection of the likely balances,
22 expenditures, encumbrances and carry over of currently appropriated amounts in
23 the appropriation accounts under s. 20.435 (4) (b), (gm), and (o).

24 ***-0986/3.1* SECTION 1434.** 49.45 (6x) of the statutes is repealed.

25 ***-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:

1 ***-1375/1.1*** SECTION 1441. 49.45 (24r) (a) of the statutes is renumbered 49.45
2 (24r).

3 ***-1375/1.2*** SECTION 1442. 49.45 (24r) (b) of the statutes is repealed.

4 ***-1019/5.51*** SECTION 1443. 49.45 (34) of the statutes is amended to read:
5 49.45 (34) MEDICAL ASSISTANCE MANUAL. The department shall prepare a
6 medical assistance manual that is clear, comprehensive and consistent with this
7 subchapter and 42 USC 1396a to 1396u and shall, ~~no later than July 1, 1992, provide~~
8 ~~the manual to counties for use by county employees who administer the medical~~
9 ~~assistance program.~~

10 ***-0809/4.18*** SECTION 1444. 49.45 (51) (a) of the statutes is amended to read:
11 49.45 (51) (a) By November 1 annually, the department shall provide to the
12 department of revenue information concerning the estimated amounts of
13 supplements payable from the appropriation accounts under s. 20.435 (4) (b) and
14 (gm) to specific local governmental units for the provision of transportation for
15 medical care, as specified under s. 49.46 (2) (b) 3., during the fiscal year. Beginning
16 November 1, 2004, the information that the department provides under this
17 paragraph shall include any adjustments necessary to reflect actual claims
18 submitted by service providers in the previous fiscal year.

19 ***-0174/4.4*** SECTION 1445. 49.45 (52) (title) of the statutes is amended to read:
20 49.45 (52) (title) PAYMENT ADJUSTMENTS; FEDERAL FUNDING FOR CERTAIN SERVICES.

21 ***-0174/4.5*** SECTION 1446. 49.45 (52) of the statutes is renumbered 49.45 (52)
22 (a) 1. and amended to read:

23 49.45 (52) (a) 1. Beginning on January 1, 2003 If the department provides the
24 notice under par. (c) selecting the payment procedure in this paragraph, the
25 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.,

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

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

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

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

14 ***-0174/4.8* SECTION 1449.** 49.45 (52) (c) of the statutes is created to read:

15 49.45 (52) (c) The department shall select a payment procedure under either
16 par. (a) or (b) and may change which procedure under par. (a) or (b) is selected. The
17 department shall notify each county department and local health department, as
18 applicable, of the selected payment procedure before the date on which payment for
19 services is made under that selected or newly selected procedure.

20 ***-0174/4.9* SECTION 1450.** 49.45 (53) of the statutes is amended to read:

21 49.45 (53) PAYMENTS FOR CERTAIN SERVICES. Beginning on January 1, 2003, the
22 department may, from the appropriation account under s. 20.435 (7) (b), make
23 Medical Assistance payments to providers for covered services under ss. 49.46 (2) (a)
24 4. d. and (b) 6. j. and m. and 49.471 (11) (f) that are provided before January 1, 2012.

25 ***-1019/5.52* SECTION 1451.** 49.46 (1) (a) 4. of the statutes is amended to read:

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

3 ***-1019/5.53* SECTION 1452.** 49.46 (1) (a) 4m. of the statutes is amended to
4 read:

5 49.46 (1) (a) 4m. Any child for whom a payment is made under s. ~~49.775~~ 49.395.

6 ***-1019/5.54* SECTION 1453.** 49.46 (1) (d) 4. of the statutes is amended to read:

7 49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) (3)
8 shall be considered a recipient of benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

9 ***-1019/5.55* SECTION 1454.** 49.46 (1) (e) of the statutes is amended to read:

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

16 ***-1019/5.56* SECTION 1455.** 49.465 (2) (a) of the statutes is amended to read:

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

21 ***-0970/2.1* SECTION 1456.** 49.468 (1) (b) of the statutes is amended to read:

22 49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage
23 under ~~part~~ Part A of ~~medicare~~ Medicare, entitled to coverage under ~~part~~ Part B of
24 ~~medicare~~ Medicare, and who does not meet the eligibility criteria for medical
25 ~~assistance~~ Medical Assistance under s. 49.46 (1), 49.465, 49.47 (4), or 49.471 but

1 meets the limitations on income and resources under par. (d), ~~medical assistance~~
2 Medical Assistance shall pay the deductible and coinsurance portions of ~~medicare~~
3 Medicare services under 42 USC 1395 to 1395zz ~~which that~~ are not paid under 42
4 USC 1395 to 1395zz, including those ~~medicare~~ Medicare services that are not
5 included in the approved state plan for services under 42 USC 1396; the monthly
6 premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under
7 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums
8 under ~~part~~ Part A of Medicare Medicare. Payment of coinsurance for a service under
9 ~~part~~ Part B of Medicare Medicare under 42 USC 1395j to 1395w, other than payment
10 of coinsurance for outpatient hospital services, and payment of coinsurance for a
11 service under Part A of Medicare may not exceed the allowable charge for the service
12 under ~~medical assistance~~ Medical Assistance minus the ~~medicare~~ Medicare
13 payment.

14 ***-0970/2.2* SECTION 1457.** 49.468 (1) (c) of the statutes is amended to read:

15 49.468 (1) (c) For an elderly or disabled individual who is only entitled to
16 coverage under ~~part~~ Part A of Medicare Medicare and who does not meet the
17 eligibility criteria for ~~medical assistance~~ Medical Assistance under s. 49.46 (1),
18 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under
19 par. (d), ~~medical assistance~~ Medical Assistance shall pay the deductible and
20 coinsurance portions of ~~medicare~~ Medicare services under 42 USC 1395 to 1395i
21 ~~which that~~ are not paid under 42 USC 1395 to 1395i, including those ~~medicare~~
22 Medicare services that are not included in the approved state plan for services under
23 42 USC 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and
24 the late enrollment penalty for premiums under ~~part~~ Part A of Medicare Medicare,
25 if applicable. Payment of coinsurance for a service under Part A of Medicare may not

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

3 ***-1019/5.57* SECTION 1458.** 49.47 (3) (b) of the statutes is amended to read:
4 49.47 (3) (b) The agency department shall promptly review the application and
5 shall issue a certificate to the individual showing eligibility when eligibility has been
6 established.

7 ***-1019/5.58* SECTION 1459.** 49.47 (4) (c) 1. of the statutes is amended to read:
8 49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,
9 eligibility exists if income does not exceed 133 1/3% of the maximum aid to families
10 with dependent children payment under s. 49.19 (11) for the applicant's family size
11 or the combined benefit amount available under supplemental security income
12 under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39,
13 whichever is higher. In this subdivision "income" includes earned or unearned
14 income that would be included in determining eligibility for the individual or family
15 under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381
16 to 1385. "Income" does not include earned or unearned income which would be
17 excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~
18 49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

19 ***-1465/P4.338* *-0808/2.203* SECTION 1460.** 49.47 (4) (i) 1. of the statutes is
20 amended to read:

21 49.47 (4) (i) 1. The department shall request a waiver from the secretary of the
22 federal department of health and human services to permit the application of subd.
23 2. The waiver shall request approval to implement the waiver on a statewide basis,
24 unless the department of health services determines that statewide implementation
25 of the waiver would present an obstacle to the approval of the waiver by the secretary

1 of the federal department of health and human services, in which case the waiver
2 shall request approval to implement the waiver in 48 pilot counties to be selected by
3 the department of health services. Within 30 days after August 12, 1993, the
4 department of ~~regulation and licensing~~ safety and professional services shall notify
5 funeral directors licensed under ch. 445, cemetery associations, as defined in s.
6 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of
7 the waiver required to be requested under this subdivision. If the waiver is approved
8 by the secretary of the federal department of health and human services and if the
9 waiver remains in effect, subd. 2. shall apply.

10 ***-1019/5.59* SECTION 1461.** 49.471 (5) (b) 3. a. of the statutes is amended to
11 read:

12 49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4)
13 within the time required under par. (d), the benefits specified in subd. 1. or 2.,
14 whichever is applicable, end on the day on which the department ~~or the county~~
15 ~~department under s. 46.215, 46.22, or 46.23~~ determines whether the woman or child
16 is eligible for benefits under sub. (4).

17 ***-1019/5.60* SECTION 1462.** 49.471 (7) (c) 4. of the statutes is amended to read:
18 49.471 (7) (c) 4. Not include in the calculation any income of an individual
19 receiving benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

20 ***-1019/5.61* SECTION 1463.** 49.472 (4) (a) 2. a. of the statutes is amended to
21 read:

22 49.472 (4) (a) 2. a. A maintenance allowance established by the department by
23 rule. The maintenance allowance may not be less than the sum of \$20, the federal
24 supplemental security income payment level determined under 42 USC 1382 (b) and
25 the state supplemental payment determined under s. ~~49.77 (2m)~~ 49.39 (2m).

1 ***-0809/4.19* SECTION 1464.** 49.472 (6) (a) of the statutes is amended to read:
2 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation ~~account~~
3 accounts under s. 20.435 (4) (b), (gm), or (w), the department shall, on the part of an
4 individual who is eligible for medical assistance under sub. (3), pay premiums for or
5 purchase individual coverage offered by the individual's employer if the department
6 determines that paying the premiums for or purchasing the coverage will not be more
7 costly than providing medical assistance.

8 ***-0809/4.20* SECTION 1465.** 49.472 (6) (b) of the statutes is amended to read:
9 49.472 (6) (b) If federal financial participation is available, from the
10 appropriation ~~account~~ accounts under s. 20.435 (4) (b), (gm), or (w), the department
11 may pay medicare Part A and Part B premiums for individuals who are eligible for
12 medicare and for medical assistance under sub. (3).

13 ***-1019/5.62* SECTION 1466.** 49.473 (2) (intro.) of the statutes is amended to
14 read:

15 49.473 (2) (intro.) A woman is eligible for medical assistance as provided under
16 sub. (5) if, after applying to the department ~~or a county department~~, the department
17 ~~or a county department~~ determines that she meets all of the following requirements:

18 ***-1019/5.63* SECTION 1467.** 49.473 (3) (intro.) of the statutes is amended to
19 read:

20 49.473 (3) (intro.) Prior to applying to the department ~~or a county department~~
21 for medical assistance, a woman is eligible for medical assistance as provided under
22 sub. (5) beginning on the date on which a qualified entity determines, on the basis
23 of preliminary information, that the woman meets the requirements specified in sub.
24 (2) and ending on one of the following dates:

25 ***-1019/5.64* SECTION 1468.** 49.473 (3) (a) of the statutes is amended to read:

1 49.473 (3) (a) If the woman applies to the department ~~or a county department~~
2 for medical assistance within the time limit required under sub. (4), the day on which
3 the department ~~or county department~~ determines whether the woman meets the
4 requirements under sub. (2).

5 *~~-1019/5.65~~* SECTION 1469. 49.473 (3) (b) of the statutes is amended to read:

6 49.473 (3) (b) If the woman does not apply to the department ~~or county~~
7 ~~department~~ for medical assistance within the time limit required under sub. (4), the
8 last day of the month following the month in which the qualified entity determines
9 that the woman is eligible for medical assistance.

10 *~~-1019/5.66~~* SECTION 1470. 49.473 (4) of the statutes is amended to read:

11 49.473 (4) A woman who a qualified entity determines under sub. (3) is eligible
12 for medical assistance shall apply to the department ~~or county department~~ no later
13 than the last day of the month following the month in which the qualified entity
14 determines that the woman is eligible for medical assistance.

15 *~~-0809/4.21~~* SECTION 1471. 49.473 (5) of the statutes is amended to read:

16 49.473 (5) The department shall audit and pay, from the appropriation
17 accounts under s. 20.435 (4) (b), (gm), and (o), allowable charges to a provider who
18 is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
19 meets the requirements under sub. (2) for all benefits and services specified under
20 s. 49.46 (2).

21 *~~-1019/5.67~~* SECTION 1472. 49.473 (6) (b) of the statutes is amended to read:

22 49.473 (6) (b) Inform the woman at the time of the determination that she is
23 required to apply to the department ~~or a county department~~ for medical assistance
24 no later than the last day of the month following the month in which the qualified
25 entity determines that the woman is eligible for medical assistance.

1 ***-1019/5.68* SECTION 1473.** 49.496 (4) (a) of the statutes is renumbered 49.496
2 (4) and amended to read:

3 49.496 (4) The department may require a county department under s. 46.215,
4 46.22, or 46.23 or the governing body of a federally recognized American Indian tribe
5 administering medical assistance to gather and provide the department with
6 information needed to recover medical assistance under this section. ~~Except as~~
7 ~~provided in par. (b), the~~ The department shall pay to a county department or tribal
8 governing body an amount equal to 5% of the recovery collected by the department
9 relating to a beneficiary for whom the county department or tribal governing body
10 made the last determination of medical assistance eligibility. A county department
11 or tribal governing body may use funds received under this ~~paragraph~~ subsection
12 only to pay costs incurred under this ~~paragraph~~ subsection and, if any amount
13 remains, to pay for improvements to functions required under s. 49.78 (2). The
14 department may withhold payments under this ~~paragraph~~ subsection for failure to
15 comply with the department's requirements under this ~~paragraph~~ subsection. The
16 department shall treat payments made under this ~~paragraph~~ subsection as costs of
17 administration of the Medical Assistance program.

18 ***-1019/5.69* SECTION 1474.** 49.496 (4) (b) of the statutes is repealed.

19 ***-1019/5.70* SECTION 1475.** 49.496 (5) of the statutes is amended to read:

20 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (4) (im), the
21 department shall pay the amount of the payments under sub. (4) (~~a~~) that is not paid
22 from federal funds, shall pay to the federal government the amount of the funds
23 recovered under this section equal to the amount of federal funds used to pay the
24 benefits recovered under this section, and shall spend the remainder of the funds
25 recovered under this section for medical assistance benefits under this subchapter.

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

2 49.497 (1) (b) The department's right of recovery is against any Medical
3 Assistance or Badger Care recipient to whom or on whose behalf the incorrect
4 payment was made. The extent of recovery is limited to the amount of the benefits
5 incorrectly granted. ~~The county department under s. 46.215 or 46.22 or the~~
6 governing body of a federally recognized American Indian tribe administering
7 Medical Assistance or Badger Care ~~shall~~ may begin recovery actions on behalf of the
8 department according to rules promulgated by the department.

9 *-1019/5.72* SECTION 1477. 49.497 (2) (a) of the statutes is renumbered 49.497
10 (2) and amended to read:

11 49.497 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a
12 federally recognized American Indian tribe may retain 15% of benefits provided
13 under this subchapter or s. 49.665 that are recovered under this section due to the
14 efforts of an employee or officer of the county or tribe.

15 *-1019/5.73* SECTION 1478. 49.497 (2) (b) of the statutes is repealed.

16 *-1156/1.1* SECTION 1479. 49.68 (3) (b) of the statutes is amended to read:

17 49.68 (3) (b) From the appropriation accounts under ss. 20.435 (4) (e) and (je),
18 the state shall pay the cost of, at a rate determined by the department under par. (e),
19 for medical treatment that is required as a direct result of chronic renal disease of
20 certified patients from the date of certification, including ~~the cost of~~ administering
21 recombinant human erythropoietin to appropriate patients, whether the treatment
22 is rendered in an approved facility in the state or in a dialysis or transplantation
23 center ~~which~~ that is approved as such by a contiguous state, subject to the conditions
24 specified under par. (d). Approved facilities may include a hospital in-center dialysis
25 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

1 1395w-153, if the secretary of the federal department of health and human services
2 approves the condition on eligibility under this subdivision.

3 ***-1325/2.2* SECTION 1482.** 49.688 (2) (b) of the statutes is amended to read:

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

11 ***-1019/5.74* SECTION 1483.** 49.77 of the statutes is renumbered 49.39, and
12 49.39 (6), as renumbered, is amended to read:

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

16 ***-1019/5.75* SECTION 1484.** 49.775 of the statutes is renumbered 49.395, and
17 49.395 (2) (a), (b), (bm) and (e) 1., as renumbered, are amended to read:

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

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

24 (bm) The custodial parent assigns to the state any right of the custodial parent
25 or of the dependent child to support from any other person accruing during the time

1 that any payment under this subsection is made to the custodial parent. No amount
2 of support that begins to accrue after the individual ceases to receive payments under
3 this section may be considered assigned to the state. Seventy-five percent of all
4 money that is received by the department of ~~children and families~~ under an
5 assignment to the state under this paragraph shall be paid to the custodial parent.
6 The department of ~~children and families~~ shall pay the federal share of support
7 assigned under this paragraph as required under federal law or waiver.

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

11 ***-1019/5.76* SECTION 1485.** 49.776 of the statutes is renumbered 49.396 and
12 amended to read:

13 **49.396 Payment of support arrears.** If a custodial parent who formerly
14 received payments under s. 49.775, 2009 stats., or s. 49.395 but who is no longer
15 receiving payments under s. 49.775, 2009 stats., or s. 49.395 assigned to the state
16 under s. 49.775 (2) (bm), 2009 stats., or s. 49.395 (2) (bm) his or her right or the right
17 of the dependent child to support from any other person, the department shall pay
18 to the custodial parent all money in support arrears that is collected by the
19 department after the custodial parent's receipt of payments under s. 49.775, 2009
20 stats., or s. 49.395 ceased and that accrued while the custodial parent was receiving
21 those payments.

22 ***-1195/2.31* SECTION 1486.** 49.78 (1) (b) of the statutes is amended to read:
23 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
24 program under subch. IV of ch. 49, the Badger Care health care program under s.

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

3 ***-1019/5.77* SECTION 1487.** 49.78 (1) (bm) of the statutes is created to read:

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

7 ***-1019/5.78* SECTION 1488.** 49.78 (1) (f) of the statutes is created to read:

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

9 ***-1019/5.79* SECTION 1489.** 49.78 (1m) (intro.) of the statutes, as created by
10 2011 Wisconsin Act (this act), is amended to read:

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

15 ***-1019/5.80* SECTION 1490.** 49.78 (1m) of the statutes is created to read:

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

- 20 (a) Receiving applications.
- 21 (b) Determining eligibility.
- 22 (c) Conducting fraud investigation and fraud prevention activities.
- 23 (d) Implementing error reduction procedures.
- 24 (e) Recovering overpayments of benefits.

25 ***-1019/5.81* SECTION 1491.** 49.78 (1p) of the statutes is created to read:

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

6 *-1019/5.82* SECTION 1492. 49.78 (1r) of the statutes is created to read:

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

12 *-1019/5.83* SECTION 1493. 49.78 (2) of the statutes is amended to read:

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

20 *-1019/5.84* SECTION 1494. 49.78 (4) of the statutes is renumbered 49.19 (19g)

21 (a) and amended to read:

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

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

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

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

15 ***-1019/5.86* SECTION 1496.** 49.78 (6) (title) of the statutes is repealed.

16 ***-1019/5.87* SECTION 1497.** 49.78 (6) of the statutes is renumbered 49.19 (19g)
17 (c).

18 ***-1019/5.88* SECTION 1498.** 49.78 (7) of the statutes is renumbered 49.19 (19g)
19 (d) and amended to read:

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

25 ***-1019/5.89* SECTION 1499.** 49.78 (8) (a) of the statutes is amended to read:

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

11 ***-1019/5.90*** SECTION 1500. 49.78 (8) (b) of the statutes is amended to read:

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

17 ***-1019/5.91*** SECTION 1501. 49.78 (10) (title) of the statutes is amended to
18 read:

19 49.78 (10) (title) COUNTY TRIBAL GOVERNING BODY CERTIFICATION.

20 ***-1019/5.92*** SECTION 1502. 49.78 (10) (a) of the statutes is amended to read:

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

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

7 ***-1019/5.93* SECTION 1503.** 49.78 (10) (b) of the statutes is amended to read:

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

16 ***-1019/5.94* SECTION 1504.** 49.785 (1) (intro.) of the statutes is amended to
17 read:

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

1 ***-1019/5.95* SECTION 1505.** 49.785 (1) (intro.) of the statutes, as affected by
2 2011 Wisconsin Act (this act), is amended to read:

3 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient specified in
4 sub. (1c) dies and the estate of the deceased recipient is insufficient to pay the
5 funeral, burial, and cemetery expenses of the deceased recipient, the department ~~or~~
6 ~~county~~ or applicable tribal governing body or organization responsible for burial of
7 the recipient shall pay, to the person designated by the department ~~or county~~
8 ~~department under s. 46.215, 46.22, or 46.23~~ or applicable tribal governing body or
9 organization responsible for the burial of the recipient, all of the following:

10 ***-1019/5.96* SECTION 1506.** 49.785 (1c) (a) of the statutes is amended to read:

11 49.785 (1c) (a) A recipient of benefits under s. 49.77, 2009 stats., or s. 49.148,
12 49.39, or 49.46, or 49.77, or under 42 USC 1381 to 1385 in effect on May 8, 1980.

13 ***-1019/5.97* SECTION 1507.** 49.785 (1m) (a) of the statutes is amended to read:

14 49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,
15 the department ~~or county~~ or applicable tribal governing body or organization
16 responsible for burial of the recipient is not required to make a payment for the
17 cemetery expenses under sub. (1) (a).

18 ***-1019/5.98* SECTION 1508.** 49.785 (1m) (b) of the statutes is amended to read:

19 49.785 (1m) (b) If the total funeral and burial expenses for the recipient exceed
20 \$4,500, the department ~~or county~~ or applicable tribal governing body or organization
21 responsible for burial of the recipient is not required to make a payment for funeral
22 and burial expenses under sub. (1) (b).

23 ***-1019/5.99* SECTION 1509.** 49.785 (1m) (c) of the statutes is amended to read:

24 49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12
25 months after the death of the recipient, the department ~~or county~~ or applicable tribal

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

3 ***-1019/5.100* SECTION 1510.** 49.785 (2) of the statutes is amended to read:

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

15 ***-1019/5.101* SECTION 1511.** 49.785 (2) of the statutes, as affected by 2011
16 Wisconsin Act ... (this act), is amended to read:

17 49.785 (2) From the appropriation under s. 20.435 (4) (br), the department
18 shall reimburse ~~a county or~~ an applicable tribal governing body or organization for
19 any amount that the ~~county or applicable~~ tribal governing body or organization is
20 required to pay under sub. (1) if the ~~county or applicable~~ tribal governing body or
21 organization complies with sub. (3). From the appropriation under s. 20.435 (4) (br),
22 the department shall reimburse ~~a county or~~ an applicable tribal governing body or
23 organization for cemetery expenses or for funeral and burial expenses for a person
24 described under sub. (1) that the ~~county or applicable~~ tribal governing body or
25 organization is not required to pay under subs. (1) and (1m) only if the department

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

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

5 49.785 (3) (intro.) As a condition for reimbursement under sub. (2) for amounts
6 paid on behalf of a deceased recipient, ~~a county or an~~ applicable tribal governing
7 body or organization shall provide to the department all of the following information
8 with respect to the deceased recipient:

9 ***-1019/5.103* SECTION 1513.** 49.785 (3) (c) of the statutes is amended to read:

10 49.785 (3) (c) The total amount of each of the expenses under pars. (a) and (b)
11 that the ~~county or~~ tribal governing body or organization paid on behalf of the
12 deceased recipient.

13 ***-1195/2.32* SECTION 1514.** 49.79 (title) of the statutes is renumbered 49.37
14 (title) and amended to read:

15 **49.37 (title) Food stamp Supplemental nutrition assistance program**
16 **administration.**

17 ***-1195/2.33* SECTION 1515.** 49.79 (1) (intro.) of the statutes is renumbered
18 49.37 (1) (intro.).

19 ***-1195/2.34* SECTION 1516.** 49.79 (1) (a) of the statutes is renumbered 49.37
20 (1) (a).

21 ***-1195/2.35* SECTION 1517.** 49.79 (1) (c) of the statutes is renumbered 49.37
22 (1) (f) and amended to read:

23 49.37 (1) (f) "**Food stamp program Supplemental nutrition assistance program**"
24 means the federal ~~food stamp~~ supplemental nutrition assistance program under 7
25 USC 2011 to 2036.

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

2 (1) (c).

3 ***-1195/2.37* SECTION 1519.** 49.79 (1) (g) of the statutes is renumbered 49.37

4 (1) (g).

5 ***-1195/2.38* SECTION 1520.** 49.79 (2) of the statutes is renumbered 49.37 (2)

6 and amended to read:

7 49.37 (2) DENIAL OF ELIGIBILITY. An individual who fails to comply with the work
8 requirements of the employment and training program under sub. (9) is ineligible to
9 participate in the ~~food stamp~~ supplemental nutrition assistance program as
10 specified under sub. (9) (b).

11 ***-1195/2.39* SECTION 1521.** 49.79 (3) (title) of the statutes is renumbered
12 49.37 (3) (title) and amended to read:

13 49.37 (3) (title) ~~LIABILITY FOR LOST FOOD COUPONS~~ MISAPPROPRIATED BENEFITS.

14 ***-1019/5.104* SECTION 1522.** 49.79 (3) (a) of the statutes is amended to read:

15 49.79 (3) (a) A ~~county or~~ federally recognized American Indian tribe is liable
16 for all food stamp coupons lost, misappropriated, or destroyed while under the
17 ~~county's or~~ tribe's direct control, except as provided in par. (b).

18 ***-1195/2.40* SECTION 1523.** 49.79 (3) (a) of the statutes, as affected by 2011
19 Wisconsin Act (this act), is renumbered 49.37 (3) (a) and amended to read:

20 49.37 (3) (a) A federally recognized American Indian tribe is liable for all ~~food~~
21 ~~stamp coupons lost,~~ supplemental nutrition assistance program benefits that are
22 misappropriated, ~~or destroyed~~ while under the tribe's direct control, except as
23 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

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

3 ***-1195/2.43* SECTION 1529.** 49.79 (4) of the statutes, as affected by 2011
4 Wisconsin Act (this act), is renumbered 49.37 (4) and amended to read:

5 49.37 (4) DEDUCTIONS FROM INCOME MAINTENANCE PAYMENTS. The department
6 shall withhold the value of ~~food stamp~~ any losses for which a federally recognized
7 American Indian tribe is liable under sub. (3) from the payment to the tribe under
8 ~~income maintenance contracts under s. 49.78~~ contracts for the administration of the
9 supplemental nutrition assistance program and reimburse the federal government
10 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.

11 ***-1195/2.44* SECTION 1530.** 49.79 (5) (title) of the statutes is renumbered
12 49.37 (5) (title).

13 ***-1195/2.45* SECTION 1531.** 49.79 (5) (a) of the statutes is renumbered 49.37
14 (5) (a) and amended to read:

15 49.37 (5) (a) The department shall require an applicant for, or recipient under,
16 the ~~food stamp~~ supplemental nutrition assistance program to state in writing
17 whether the applicant or recipient or any member of the applicant's or recipient's
18 household has been convicted, in any state or federal court of a felony that has as an
19 element possession, use or distribution of a controlled substance. The department
20 shall require an applicant or recipient, or member of the applicant's or recipient's
21 household to submit to a test for use of a controlled substance as a condition of
22 continued eligibility if, after August 22, 1996, but not more than 5 years prior to the
23 date the written statement is made, the applicant or recipient or the member of the

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

8 ***-1195/2.46* SECTION 1532.** 49.79 (5) (b) of the statutes is renumbered 49.37
9 (5) (b).

10 ***-1195/2.47* SECTION 1533.** 49.79 (6) of the statutes is renumbered 49.37 (6)
11 and amended to read:

12 49.37 (6) INELIGIBILITY FOR FUGITIVE FELONS. No person is eligible for the ~~food~~
13 ~~stamp~~ supplemental nutrition assistance program in a month in which that person
14 is a fugitive felon under 7 USC 2015 (k) (1) or is violating a condition of probation,
15 extended supervision or parole imposed by a state or federal court.

16 ***-1195/2.48* SECTION 1534.** 49.79 (7) of the statutes is renumbered 49.37 (7)
17 and amended to read:

18 49.37 (7) SIMPLIFIED ~~FOOD-STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.
19 The department shall develop a simplified ~~food stamp program~~ supplemental
20 nutrition assistance program that meets all of the requirements under P.L. 104-193,
21 section 854, and shall submit the plan to the secretary of the federal department of
22 agriculture for approval. If the secretary of the federal department of agriculture
23 approves the plan, the department shall submit the plan to the secretary of
24 administration for approval. If the secretary of administration approves the plan,
25 the department may implement the plan.

1 ***-0151/1.1*** SECTION 1535. 49.79 (8) of the statutes is amended to read:

2 49.79 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall not provide
3 benefits under this section to a qualified alien ~~who is ineligible for benefits under this~~
4 ~~section solely because of the application of 9 USC 1612 or 1613 according to a plan~~
5 ~~approved by the federal department of agriculture. This subsection does not apply,~~
6 except to the extent that federal food stamp benefits for qualified aliens are ~~restored~~
7 required by the federal government.

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

10 49.37 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall not provide
11 benefits under this section to a qualified alien, except to the extent that federal ~~food~~
12 ~~stamp~~ supplemental nutrition assistance program benefits for qualified aliens are
13 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.

14 ***-1195/2.50*** SECTION 1537. 49.79 (8m) (title) of the statutes is renumbered
15 49.37 (8m) (title).

16 ***-1195/2.51*** SECTION 1538. 49.79 (8m) (a) of the statutes is renumbered 49.37
17 (8m) (a) and 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 ***-1195/2.52*** SECTION 1539. 49.79 (8m) (b) of the statutes is renumbered 49.37
23 (8m) (b) and 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 ***-1195/2.53*** SECTION 1540. 49.79 (9) (title) of the statutes is renumbered
7 49.37 (9) (title).

8 ***-1019/5.108*** SECTION 1541. 49.79 (9) (a) 1. of the statutes is amended to read:
9 49.79 (9) (a) 1. The department shall administer an employment and training
10 program for recipients under the food stamp program and may contract under s.
11 49.78 ~~with county departments under ss. 46.215, 46.22, and 46.23,~~ and with tribal
12 governing bodies to carry out the administrative functions. The department may
13 contract, or a ~~county department~~ or tribal governing body may subcontract, with a
14 Wisconsin Works agency or another provider to administer the employment and
15 training program under this subsection. Except as provided in subds. 2. and 3., the
16 department may require able individuals who are 18 to 60 years of age who are not
17 participants in a Wisconsin Works employment position to participate in the
18 employment and training program under this subsection.

19 ***-1195/2.54*** SECTION 1542. 49.79 (9) (a) 1. of the statutes, as affected by 2011
20 Wisconsin Act (this act), is renumbered 49.37 (9) (a) 1. and amended to read:

21 49.37 (9) (a) 1. The department shall administer an employment and training
22 program for recipients under the ~~food stamp~~ supplemental nutrition assistance
23 program and may contract ~~under s. 49.78~~ with tribal governing bodies to carry out
24 the administrative functions. The department may contract, or a tribal governing
25 body may subcontract, with a Wisconsin Works agency or another provider to

1 administer the employment and training program under this subsection. Except as
2 provided in subds. 2. and 3., the department may require able individuals who are
3 18 to 60 years of age who are not participants in a Wisconsin Works employment
4 position to participate in the employment and training program under this
5 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.

6 ***-1195/2.55* SECTION 1543.** 49.79 (9) (a) 2. of the statutes is renumbered 49.37
7 (9) (a) 2. and amended to read:

8 49.37 (9) (a) 2. The department may not require an individual who is a recipient
9 under the ~~food stamp~~ supplemental nutrition assistance program and who is the
10 caretaker of a child under the age of 12 weeks to participate in any employment and
11 training program under this subsection.

12 ***-1195/2.56* SECTION 1544.** 49.79 (9) (a) 3. of the statutes is renumbered 49.37
13 (9) (a) 3. and amended to read:

14 49.37 (9) (a) 3. The department may not require an individual who is a recipient
15 under the ~~food stamp~~ supplemental nutrition assistance program to participate in
16 any employment and training program under this subsection if that individual is
17 enrolled at least half time in a school, as defined in s. 49.26 (1) (a) 2., a training
18 program, or an institution of higher education.

19 ***-1195/2.57* SECTION 1545.** 49.79 (9) (a) 4. of the statutes is renumbered 49.37
20 (9) (a) 4. and amended to read:

21 49.37 (9) (a) 4. The amount of ~~food stamp~~ supplemental nutrition assistance
22 benefits paid to a recipient who is a participant in a Wisconsin ~~works~~ Works

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

3 ***-1195/2.58* SECTION 1546.** 49.79 (9) (a) 5. of the statutes is renumbered 49.37
4 (9) (a) 5.

5 ***-1195/2.59* SECTION 1547.** 49.79 (9) (b) (intro.) of the statutes is renumbered
6 49.37 (9) (b) (intro.) and amended to read:

7 49.37 (9) (b) (intro.) An individual who fails to comply with the work
8 requirements under par. (a) without good cause is ineligible to participate in the food
9 stamp supplemental nutrition assistance program as follows:

10 ***-1195/2.60* SECTION 1548.** 49.79 (9) (b) 1. of the statutes is renumbered 49.37
11 (9) (b) 1.

12 ***-1195/2.61* SECTION 1549.** 49.79 (9) (b) 2. of the statutes is renumbered 49.37
13 (9) (b) 2.

14 ***-1195/2.62* SECTION 1550.** 49.79 (9) (b) 3. of the statutes is renumbered 49.37
15 (9) (b) 3.

16 ***-1195/2.63* SECTION 1551.** 49.793 (title) of the statutes is renumbered 49.373
17 (title) and amended to read:

18 **49.373 (title) Recovery of food stamps supplemental nutrition**
19 **assistance program overpayments.**

20 ***-1019/5.109* SECTION 1552.** 49.793 (1) of the statutes is amended to read:

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

SECTION 1553

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

3 49.373 (1) The department or an elected governing body of a federally
4 recognized American Indian tribe or band acting on behalf of the department, may
5 recover overpayments that arise from an overissuance of ~~food coupons~~ benefits under
6 the ~~food stamp~~ supplemental nutrition assistance program administered under s.
7 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.

8 ***-1195/2.65* SECTION 1554.** 49.793 (2) of the statutes, as affected by 2011
9 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.

10 ***-1019/5.110* SECTION 1555.** 49.793 (2) (a) of the statutes is renumbered
11 49.793 (2) and amended to read:

12 49.793 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a
13 federally recognized American Indian tribe may retain a portion of the amount of an
14 overpayment the state is authorized to retain under 7 USC 2025 that is recovered
15 under sub. (1) due to the efforts of an employee or officer of the county or tribe. The
16 department shall promulgate a rule establishing the portion of the amount of the
17 overpayment that the county or governing body may retain. This ~~paragraph~~
18 subsection does not apply to recovery of an overpayment that was made as a result
19 of state, county, or tribal governing body error.

20 ***-1019/5.111* SECTION 1556.** 49.793 (2) (b) of the statutes is repealed.

21 ***-1195/2.66* SECTION 1557.** 49.795 (title) of the statutes is renumbered 49.375
22 (title) and amended to read:

1 **49.375** (title) ~~Food stamp~~ Supplemental nutrition assistance program
2 **offenses.**

3 ***-1195/2.67*** SECTION 1558. 49.795 (1) (intro.) of the statutes is renumbered
4 49.375 (1) (intro.).

5 ***-1195/2.68*** SECTION 1559. 49.795 (1) (a) of the statutes is renumbered 49.375
6 (1) (a) and amended to read:

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

10 ***-1195/2.69*** SECTION 1560. 49.795 (1) (b) of the statutes is renumbered 49.375
11 (1) (b) and amended to read:

12 49.375 (1) (b) "Food" means items ~~which~~ that may be purchased using ~~food~~
13 ~~coupons~~ supplemental nutrition assistance program benefits under 7 USC 2012 (g)
14 and 2016 (b).

15 ***-1195/2.70*** SECTION 1561. 49.795 (1) (c) of the statutes is renumbered 49.375
16 (1) (c) and amended to read:

17 49.375 (1) (c) "~~Food stamp~~ Supplemental nutrition assistance program" means
18 the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC
19 2011 to ~~2029~~ 2036.

20 ***-1195/2.71*** SECTION 1562. 49.795 (1) (d) of the statutes is renumbered 49.375
21 (1) (d) and amended to read:

22 49.375 (1) (d) "Supplier" means a retail grocery store or other person
23 authorized by the federal department of agriculture to accept ~~food coupons~~
24 supplemental nutrition assistance program benefits in exchange for food under the
25 ~~food stamp~~ supplemental nutrition assistance program.

1 ***-1195/2.72* SECTION 1563.** 49.795 (1) (e) (intro.) of the statutes is renumbered
2 49.375 (1) (e) (intro.).

3 ***-1019/5.112* SECTION 1564.** 49.795 (1) (e) 1. of the statutes is amended to
4 read:

5 49.795 (1) (e) 1. An employee or officer of the federal government, the state,
6 a county or a federally recognized American Indian tribe acting in the course of
7 official duties in connection with the food stamp program.

8 ***-1195/2.73* SECTION 1565.** 49.795 (1) (e) 1. of the statutes, as affected by 2011
9 Wisconsin Act (this act), is renumbered 49.375 (1) (e) 1. and amended to read:

10 49.375 (1) (e) 1. An employee or officer of the federal government, the state, or
11 a federally recognized American Indian tribe acting in the course of official duties in
12 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.

13 ***-1019/5.113* SECTION 1566.** 49.795 (1) (e) 2. of the statutes is amended to
14 read:

15 49.795 (1) (e) 2. A person acting in the course of duties under a contract with
16 the federal government, the state, a county or a federally recognized American
17 Indian tribe in connection with the food stamp program.

18 ***-1195/2.74* SECTION 1567.** 49.795 (1) (e) 2. of the statutes, as affected by 2011
19 Wisconsin Act (this act), is renumbered 49.375 (1) (e) 2. and amended to read:

20 49.375 (1) (e) 2. A person acting in the course of duties under a contract with
21 the federal government, the state, or a federally recognized American Indian tribe
22 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.

1 ***-1195/2.75* SECTION 1568.** 49.795 (1) (e) 3. of the statutes is renumbered
2 49.375 (1) (e) 3.

3 ***-1195/2.76* SECTION 1569.** 49.795 (1) (e) 4. of the statutes is renumbered
4 49.375 (1) (e) 4.

5 ***-1195/2.77* SECTION 1570.** 49.795 (1) (e) 5. of the statutes is renumbered
6 49.375 (1) (e) 5. and amended to read:

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

9 ***-1195/2.78* SECTION 1571.** 49.795 (2) of the statutes is renumbered 49.375
10 (2) and amended to read:

11 49.375 (2) No person may misstate or conceal facts in a ~~food stamp~~
12 supplemental nutrition assistance program application or report of income, assets
13 or household circumstances with intent to secure or continue to receive ~~food stamp~~
14 supplemental nutrition assistance program benefits.

15 ***-1195/2.79* SECTION 1572.** 49.795 (2m) of the statutes is renumbered 49.375
16 (2m).

17 ***-1195/2.80* SECTION 1573.** 49.795 (3) of the statutes is renumbered 49.375
18 (3) and amended to read:

19 49.375 (3) No person may knowingly issue ~~food coupons~~ supplemental
20 nutrition assistance program benefits to a person who is not an eligible person or
21 knowingly issue ~~food coupons~~ supplemental nutrition assistance program benefits
22 to an eligible person in excess of the amount for which the person's household is
23 eligible.

24 ***-1195/2.81* SECTION 1574.** 49.795 (4) of the statutes is renumbered 49.375
25 (4) and amended to read:

1 49.375 (4) No eligible person may knowingly transfer ~~food coupons~~
2 supplemental nutrition assistance program benefits except to purchase food from a
3 supplier or knowingly obtain or use ~~food coupons~~ supplemental nutrition assistance
4 program benefits for which the person's household is not eligible.

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

7 49.375 (5) No supplier may knowingly obtain ~~food coupons~~ supplemental
8 nutrition assistance program benefits except as payment for food or knowingly
9 obtain ~~food coupons~~ supplemental nutrition assistance program benefits from a
10 person who is not an eligible person.

11 ***-1195/2.83*** SECTION 1576. 49.795 (6) of the statutes is renumbered 49.375
12 (6) and amended to read:

13 49.375 (6) No unauthorized person may knowingly obtain, possess, transfer,
14 or use ~~food coupons~~ supplemental nutrition assistance program benefits.

15 ***-1195/2.84*** SECTION 1577. 49.795 (7) of the statutes is renumbered 49.375
16 (7) and amended to read:

17 49.375 (7) No person may knowingly alter ~~food coupons~~ supplemental nutrition
18 assistance program benefits.

19 ***-1195/2.85*** SECTION 1578. 49.795 (8) (a) (intro.) of the statutes is renumbered
20 49.375 (8) (a) (intro.).

21 ***-1195/2.86*** SECTION 1579. 49.795 (8) (a) 1. of the statutes is renumbered
22 49.375 (8) (a) 1. and amended to read:

23 49.375 (8) (a) 1. If the value of the ~~food coupons~~ supplemental nutrition
24 assistance program benefits does not exceed \$100, a person who violates this section

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

3 ***-1195/2.87* SECTION 1580.** 49.795 (8) (a) 2. of the statutes is renumbered
4 49.375 (8) (a) 2. and amended to read:

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

8 ***-1195/2.88* SECTION 1581.** 49.795 (8) (b) (intro.) of the statutes is renumbered
9 49.375 (8) (b) (intro.).

10 ***-1195/2.89* SECTION 1582.** 49.795 (8) (b) 1. of the statutes is renumbered
11 49.375 (8) (b) 1. and amended to read:

12 49.375 (8) (b) 1. If the value of the ~~food-coupons~~ supplemental nutrition
13 assistance program benefits does not exceed \$100, a person who violates this section
14 may be fined not more than \$1,000 or imprisoned not more than one year in the
15 county jail or both.

16 ***-1195/2.90* SECTION 1583.** 49.795 (8) (b) 2. of the statutes is renumbered
17 49.375 (8) (b) 2. and amended to read:

18 49.375 (8) (b) 2. If the value of the ~~food-coupons~~ supplemental nutrition
19 assistance program benefits exceeds \$100, but is less than \$5,000, a person who
20 violates this section is guilty of a Class H felony.

21 ***-1195/2.91* SECTION 1584.** 49.795 (8) (c) of the statutes is renumbered 49.375
22 (8) (c) and amended to read:

23 49.375 (8) (c) For any offense under this section, if the value of the ~~food-coupons~~
24 supplemental nutrition assistance program benefits is \$5,000 or more, a person who
25 violates this section is guilty of a Class G felony.

SECTION 1585

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

3 49.375 (8) (d) 1. (intro.) In addition to the penalties applicable under par. (a),
4 (b), or (c), the court shall suspend a person who violates this section from
5 participation in the ~~food stamp~~ supplemental nutrition assistance program as
6 follows:

7 ***-1195/2.93* SECTION 1586.** 49.795 (8) (d) 1. a. of the statutes is renumbered
8 49.375 (8) (d) 1. a.

9 ***-1195/2.94* SECTION 1587.** 49.795 (8) (d) 1. b. of the statutes is renumbered
10 49.375 (8) (d) 1. b.

11 ***-1195/2.95* SECTION 1588.** 49.795 (8) (d) 1. c. of the statutes is renumbered
12 49.375 (8) (d) 1. c.

13 ***-1195/2.96* SECTION 1589.** 49.795 (8) (d) 1m. of the statutes is renumbered
14 49.375 (8) (d) 1m. and amended to read:

15 49.375 (8) (d) 1m. In addition to the penalties applicable under par. (a), (b), or
16 (c), a court shall permanently suspend from the ~~food stamp~~ supplemental nutrition
17 assistance program a person who has been convicted of an offense under 7 USC 2024
18 (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500
19 or more.

20 ***-1019/5.114* SECTION 1590.** 49.795 (8) (d) 2. of the statutes is amended to
21 read:

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

1 ***-1195/2.97* SECTION 1591.** 49.795 (8) (d) 2. of the statutes, as affected by 2011
2 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.

3 ***-1195/2.98* SECTION 1592.** 49.795 (8) (e) 1. (intro.) of the statutes is
4 renumbered 49.375 (8) (e) 1. (intro.) and amended to read:

5 49.375 (8) (e) 1. (intro.) If a court finds that a person traded a controlled
6 substance, as defined in s. 961.01 (4), for ~~food coupons~~ supplemental nutrition
7 assistance program benefits, the court shall suspend the person from participation
8 in the ~~food stamp~~ supplemental nutrition assistance program as follows:

9 ***-1195/2.99* SECTION 1593.** 49.795 (8) (e) 1. a. of the statutes is renumbered
10 49.375 (8) (e) 1. a.

11 ***-1195/2.100* SECTION 1594.** 49.795 (8) (e) 1. b. of the statutes is renumbered
12 49.375 (8) (e) 1. b.

13 ***-1195/2.101* SECTION 1595.** 49.795 (8) (e) 2. of the statutes is renumbered
14 49.375 (8) (e) 2. and amended to read:

15 49.375 (8) (e) 2. If a court finds that a person traded firearms, ammunition, or
16 explosives for ~~food coupons~~ supplemental nutrition assistance program benefits, the
17 court shall suspend the person permanently from participation in the ~~food stamp~~
18 supplemental nutrition assistance program.

19 ***-1195/2.102* SECTION 1596.** 49.795 (8) (f) of the statutes is renumbered
20 49.375 (8) (f) and amended to read:

21 49.375 (8) (f) Notwithstanding par. (d), in addition to the penalties applicable
22 under par. (a), (b), or (c), the court shall suspend from the ~~food stamp~~ supplemental
23 nutrition assistance program for a period of 10 years a person who fraudulently

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

4 ***-1195/2.103*** SECTION 1597. 49.797 (title) of the statutes is renumbered
5 49.377 (title).

6 ***-1195/2.104*** SECTION 1598. 49.797 (1) of the statutes is renumbered 49.377
7 (1) and amended to read:

8 49.377 (1) DEFINITION. In this section, "~~food stamp program~~" "supplemental
9 nutrition assistance program" means the federal ~~food stamp~~ supplemental nutrition
10 assistance program under 7 USC 2011 to 2029 2036 or, if the department determines
11 that the ~~food stamp~~ supplemental nutrition assistance program no longer exists, a
12 nutrition program that the department determines is a successor to the ~~food stamp~~
13 supplemental nutrition assistance program.

14 ***-1195/2.105*** SECTION 1599. 49.797 (2) (a) of the statutes is renumbered
15 49.377 (2) and amended to read:

16 49.377 (2) ~~Notwithstanding s. 46.028 and except as provided in par. (b) and sub.~~
17 ~~(8), the~~ The department shall administer a statewide program to deliver ~~food stamp~~
18 supplemental nutrition assistance program benefits to recipients of ~~food stamp~~
19 supplemental nutrition assistance program benefits by an electronic benefit transfer
20 system. All suppliers, as defined in s. ~~49.795 (1)~~ 49.375 (1) (d), may participate in the
21 delivery of ~~food stamp~~ supplemental nutrition assistance program benefits under the
22 electronic benefit transfer system. The department shall explore methods by which
23 nontraditional retailers, such as farmers' markets, may participate in the delivery
24 of ~~food stamp~~ supplemental nutrition assistance program benefits under the
25 electronic benefit transfer system.

1 ***-1195/2.106* SECTION 1600.** 49.797 (2) (b) of the statutes is repealed.

2 ***-1195/2.107* SECTION 1601.** 49.797 (4) of the statutes is renumbered 49.377
3 (4).

4 ***-1195/2.108* SECTION 1602.** 49.797 (5) of the statutes is renumbered 49.377
5 (5).

6 ***-1195/2.109* SECTION 1603.** 49.797 (6) of the statutes is renumbered 49.377
7 (6).

8 ***-1195/2.110* SECTION 1604.** 49.797 (7) of the statutes is renumbered 49.377
9 (7).

10 ***-1019/5.115* SECTION 1605.** 49.797 (8) of the statutes is amended to read:
11 49.797 (8) ~~COUNTY~~ TRIBAL GOVERNING BODY PARTICIPATION; EXCEPTION. The
12 department may not require a ~~county or~~ tribal governing body to participate in an
13 electronic benefit transfer system under this section if the costs to the ~~county or~~ tribal
14 governing body would be greater than the costs that the ~~county or~~ tribal governing
15 body would incur in delivering the benefits through a system that is not an electronic
16 benefit transfer system.

17 ***-1195/2.111* SECTION 1606.** 49.797 (8) of the statutes, as affected by 2011
18 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.

19 ***-1019/5.116* SECTION 1607.** 49.825 of the statutes, as affected by 2011
20 Wisconsin Act (this act), is repealed.

21 ***-1019/5.117* SECTION 1608.** 49.825 (2) (a) 2. of the statutes is repealed.

22 ***-1019/5.118* SECTION 1609.** 49.83 of the statutes is amended to read:

1 **49.83 Limitation on giving information.** Except as provided under ss.
2 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information
3 concerning applicants and recipients of relief funded by a relief block grant, aid to
4 families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social
5 services, child and spousal support and establishment of paternity and medical
6 support liability services under s. 49.22, or supplemental payments under s. 49.77,
7 2009 stats., or s. 49.39 for any purpose not connected with the administration of the
8 programs, except that the department of children and families may disclose such
9 information to the department of revenue for the sole purpose of administering state
10 taxes. Any person violating this section may be fined not less than \$25 nor more than
11 \$500 or imprisoned in the county jail not less than 10 days nor more than one year
12 or both.

13 ***-1195/2.112* SECTION 1610.** 49.84 (5) of the statutes is amended to read:

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

20 ***-1019/5.119* SECTION 1611.** 49.845 (1) of the statutes is amended to read:

21 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
22 (bn), (kz), (L), and (nn), the department of health services shall establish a program
23 to investigate suspected fraudulent activity on the part of recipients of medical
24 assistance under subch. IV, food stamp benefits under the food stamp program under
25 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~

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

17 ***-1195/2.113* SECTION 1612.** 49.845 (1) of the statutes, as affected by
18 Wisconsin Act (this 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
24 program under s. 49.665 and, if the department of children and families contracts
25 with the department of health services under sub. (4), on the part of recipients of aid

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

14 ***-1019/5.120* SECTION 1613.** 49.845 (2) of the statutes is amended to read:
15 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
16 services shall conduct activities to reduce payment errors in the Medical Assistance
17 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, ~~the~~
18 ~~supplemental security income payments program under s. 49.77, the program~~
19 ~~providing payments for the support of children of supplemental security income~~
20 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~
21 and, if the department of children and families contracts with the department of
22 health services under sub. (4), in the supplemental security income payments
23 program under s. 49.39, the program providing payments for the support of children

1 of supplemental security income recipients under s. 49.395, and Wisconsin Works
2 under ss. 49.141 to 49.161.

3 ***-1195/2.114* SECTION 1614.** 49.845 (2) of the statutes, as affected by 2011
4 Wisconsin Act (this act), is amended to read:

5 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
6 services shall conduct activities to reduce payment errors in the Medical Assistance
7 program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036,~~ and
8 the Badger Care health care program under s. 49.665 and, if the department of
9 children and families contracts with the department of health services under sub. (4),
10 in the supplemental security income payments program under s. 49.39, the program
11 providing payments for the support of children of supplemental security income
12 recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to 49.161, and the
13 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.

14 ***-1019/5.121* SECTION 1615.** 49.845 (4) (title) of the statutes is amended to
15 read:

16 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
17 INCOME, AND CARETAKER SUPPLEMENT.

18 ***-1195/2.115* SECTION 1616.** 49.845 (4) (title) of the statutes, as affected by
19 2011 Wisconsin Act (this act), is amended to read:

20 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
21 INCOME, AND CARETAKER SUPPLEMENT, AND THE SUPPLEMENTAL NUTRITION ASSISTANCE
22 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.

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

3 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
4 children and families may contract with the department of health services to
5 investigate suspected fraudulent activity on the part of recipients of aid to families
6 with dependent children under s. 49.19, recipients of supplemental security income
7 payments under s. 49.39, recipients of payments for the support of children of
8 supplemental security income recipients under s. 49.395, and participants in
9 Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce
10 payment errors in the supplemental security income payments program under s.
11 49.39, the program providing payments for the support of children of supplemental
12 security income recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to
13 49.161, as provided in this section. If any employee of the department of health
14 services reasonably suspects that fraudulent activity as described in this subdivision
15 has occurred or is occurring, the employee shall immediately report the facts and
16 circumstances contributing to that suspicion to the employee's immediate
17 supervisor.

18 ***-1195/2.116* SECTION 1618.** 49.845 (4) (a) 1. of the statutes, as affected by
19 2011 Wisconsin Act (this act), is amended to read:

20 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
21 children and families may contract with the department of health services to
22 investigate suspected fraudulent activity on the part of recipients of aid to families
23 with dependent children under s. 49.19, recipients of supplemental security income
24 payments under s. 49.39, recipients of payments for the support of children of
25 supplemental security income recipients under s. 49.395, recipients of benefits under