

**2013 DRAFTING REQUEST**

**Bill**

Received: **3/21/2013** Received By: **fknepp**  
Wanted: **As time permits** Same as LRB:  
For: **Alberta Darling (608) 266-5830** By/Representing: **Anne Sappenfield**  
May Contact: Drafter: **fknepp**  
Subject: **Public Assistance - fdshre(SNAP)** Addl. Drafters: **pkahler**  
**Public Assistance - misc**  
**Public Assistance - Wis works**  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Sen.Darling@legis.wisconsin.gov**  
Carbon copy (CC) to: **Anne.Sappenfield@legis.wisconsin.gov**  
**fern.knepp@legis.wisconsin.gov**  
**pam.kahler@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Fraud in public assistance programs

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 4/9/2013	jdyer 4/10/2013	phenry 4/10/2013	_____			
/P1	pkahler 4/12/2013			_____	sbasford 4/10/2013		State
/P2	pkahler	jdyer	jfrantze	_____	rose		State

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/2		jdyer 6/10/2013	phenry 6/10/2013	_____	sbasford 6/10/2013	mbarman 7/23/2013	State

FE Sent For:

7/8/2013 12:00:00 AM - 7/8/2013 12:00:00 AM

(1/2")

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→ 07-08-2013  
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Per  
FFK

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/?	fknepp	PI jcd 4/10	4/10 ph	ph/rs			

FE Sent For:

<END>

Meeting w/ Anne Sappenfield

Requester

- (1) Criminal Code provisions - from 1479
- (2) Oath provisions - from 1479
- (3) Jurisdiction - Leg Council drafts 0034/1
- (4) DCF positions - See ~~to~~ DCF 180
- (A) - 4 positions field audit investigator to review organizations under contract w/ DCF
- (B) - 1 position - risk management assessment - to assess DCF systems + processes to identify potential financial weaknesses that could be exploited by outside parties
- (C) - 5 positions - quality assurance for W-2 + Wis Shares
- (D) - 1 position - asset collector specialist to identify assets that may be collected once fraud is identified
- (5) Expand DCF's "business analytics capacity" to "data mine" information collected by DCF to connect dots once fraud is discovered.

Darling's office

20,931 ← look here

2013 0620/1

PAPI

WLC: 0034/1

AH:ty

12/03/2010

1 AN ACT to amend 49.495 of the statutes; relating to: department of justice authority  
2 to prosecute fraud in relation to public assistance programs.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Joint Legislative Council's Special Committee on Public Assistance Program Integrity.

The draft amends s. 49.495, Stats., to authorize the Department of Justice to prosecute fraud related to public assistance programs. Under current law, the department is specifically authorized to prosecute cases related to the Medical Assistance program. The department also has general statutory authority under current law to prosecute crimes that are statewide in nature or importance. No specific authority exists for the prosecution of fraud related to other public assistance programs.

The draft also allocates funding and authorizes one full-time employment position to enable the department's prosecution of public assistance-related crimes.

3 SECTION 1. 49.495 of the statutes is amended to read:

4 **49.495 Jurisdiction of the department of justice.** The department of justice or the  
5 district attorney may institute, manage, control and direct, in the proper county, any  
6 prosecution for violation of criminal laws affecting the ~~medical assistance program~~ public  
7 assistance programs under this chapter including ~~but not limited to laws contained in this~~  
8 chapter and provisions of the criminal code relating to medical assistance ~~contained in this~~  
9 subchapter, Wisconsin works, the supplemental nutrition assistance program, emergency  
10 assistance, and other public assistance programs, and laws affecting the health, safety and  
11 welfare of recipients of ~~medical assistance~~ public assistance programs. For this purpose the  
12 department of justice shall have and exercise all powers conferred upon district attorneys in

## Knepp, Fern

---

**From:** Sappenfield, Anne  
**Sent:** Thursday, March 14, 2013 9:54 AM  
**To:** Knepp, Fern  
**Subject:** Darling draft

Hi Fern,

Nick would like you to require DCF to perform the functions stated in their request for more positions.

Thanks!!  
Anne

*Anne Sappenfield*  
Senior Staff Attorney  
WI Legislative Council  
(608) 267-9485

## Knepp, Fern

---

**From:** Sappenfield, Anne  
**Sent:** Monday, March 25, 2013 12:53 PM  
**To:** Knepp, Fern  
**Subject:** FW: Fraud positions info

**Importance:** High

Hi Fern,

Here is some info from DCF on the draft you are working on for Sen. Darling. I asked for information on "data mining" again and asked if Sen. Darling would like to just use DCF's existing authority for these positions or to spell out the duties.

Thanks!  
Anne

---

**From:** Kitzman, Nick  
**Sent:** Monday, March 25, 2013 12:38 PM  
**To:** Sappenfield, Anne  
**Subject:** FW: Fraud positions info  
**Importance:** High

Anne,  
I hope the below email will give enough information for Fern to complete the draft. Please let me know if you have any questions.

Thanks.

---

**From:** Buschman, Sara - DCF [<mailto:Sara.Buschman@wisconsin.gov>]  
**Sent:** Monday, March 25, 2013 12:17 PM  
**To:** Kitzman, Nick  
**Subject:** Fraud positions info  
**Importance:** High

Here is the info on those positions from our budget director. Let me know if you have any questions or need anything else. He is going to be on vacation the rest of the week but is here yet today.

Sara

**Sara L. Buschman**  
**Executive Assistant**  
Department of Children and Families

---

201 East Washington Avenue, Madison, WI 53703  
Phone: 608.261.6588 • Fax: 608.261.6972  
Email: [sara.buschman@wisconsin.gov](mailto:sara.buschman@wisconsin.gov)

All of the functions that the new positions will perform are within the Department's current authority. The positions under #2 would simply be a higher level auditor that would be tasked with assessing department policies and developing financial processes to improve DCF's auditing function. The position under #4 would be a higher level collections specialist, similar to what we have in the collections unit, that would focus on asset collection as a tool for collection of debts.

The cost of the 12 positions (9.0 GPR and 3.0 FED) is estimated at \$857,300 in FY14 and \$1,043,100 in SFY15. The GPR positions and funding would be in the following appropriations:

			<u>SFY 14</u>	<u>SFY15</u>
20.437(1)(a)	Appr. 101	9.0 FTE	\$643,000	\$782,300
20.437(1)(n)	Appr. 155	3.0 FTE	\$214,300	\$260,800



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1479/PI  
FFK:jldjm

-1479/PI

In 4-9-13  
out 4-10 (if possible) d-note

keep

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

✓

Regen

pw

1 AN ACT *to repeal* 49.141 (7) (b), 49.141 (9) (title), 49.141 (10) (title) and (b), 49.49

2 (1) (title) and (a) (intro.), 49.49 (1) (b), 49.49 (2) (title) and (2) (a) (title), 49.49

3 (2) (b) (title), 49.49 (2) (c) (title), 49.49 (3) (title), 49.49 (3m) (title), 49.49 (3m)

4 (b), 49.49 (4) (title), 49.795 (1) (c) and (cm), 49.795 (7), 49.795 (8) (a) (intro.) and

5 49.95; *to renumber* 49.795 (title) and (1) (intro.) and 49.82; *to renumber and*

6 *amend* 49.141 (7) (a), 49.141 (9) (a) to (c), 49.141 (10) (a), 49.155 (7) (b) 4., 49.195

7 (3), 49.49 (1) (a) 1. to 4., 49.49 (1) (c), 49.49 (2) (a), 49.49 (2) (b), 49.49 (2) (c), 49.49

8 (3), 49.49 (3m) (a), 49.795 (1) (a), (b), (d) and (e), 49.795 (2) to (6), 49.795 (8) (a)

9 1., 49.795 (8) (a) 2., 49.795 (8) (b), 49.795 (8) (c), 49.795 (8) (d) 1., 49.795 (8) (d)

10 1m., 49.795 (8) (d) 2., 49.795 (8) (e) and (f) and 49.96; *to consolidate,*

11 *renumber and amend* 49.49 (4) (a) and (b); *to amend* 49.141 (7) (c) (intro.),

12 49.141 (8), 49.143 (2) (b), 49.145 (2) (j), 49.152 (title), 49.152 (1), 49.155 (6m) (a)

13 and (b), 49.161 (1), 49.195 (title), 49.195 (3m) (f), 49.45 (2) (b) 7. (intro.) and a.,

14 and (11), 49.49 (3p) (title), 49.49 (7) (d), 49.688 (9) (a), 59.54 (23), 815.18 (13) (a)

15 and 940.11 (2); and *to create* 49.006, 49.007 (3), 49.138 (5), 49.143 (2) (h),

*offenses in public assistance programs*

1 49.1525, 49.195 (3) (b), 49.4715, 49.796 (title), 49.796 (1), 946.90 (title), 946.90  
2 (1), 946.90 (2), 946.91 (title), (1) and (2) (intro.), 946.92 (1) (e) and (3) (a) (intro.)  
3 and 946.93 of the statutes; **relating to:** *applications for* public assistance programs, granting  
4 rule-making authority, *\* set* and providing a penalty. ~~\_\_\_\_\_~~

**Analysis by the Legislative Reference Bureau**

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

*Analysis ✓  
event →*

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

*Ins  
23-14  
A  
(Mon to  
p. 23)*

*X* SECTION 1. *49.835* ~~49.006~~ of the statutes is created to read:

6 **49.006** *49.835* **Affirmation of statements in applications.** (1) A person who  
7 makes a statement in a written application for any aid or benefit provided under this  
8 chapter *is* shall be considered to have made an admission as to the existence,  
9 correctness, or validity of any fact stated. Such a statement *is* shall be considered to  
10 be prima facie evidence against the person *who made* making it in any complaint, information,  
11 or indictment, or in any action brought for enforcement of any provision of this  
12 chapter.

13 (2) An employee of a county department, a Wisconsin Works agency, *a multi-county consortium* the  
14 department of health services, or the department of children and families who  
15 accepts an application for any aid or benefit under this chapter *has* shall have the  
16 authority to administer an oath to the applicant that the information given is true  
17 and correct to the best of the applicant's knowledge.

18 (3) The department of children and families and the department of health  
19 services shall promulgate rules requiring information provided by an applicant for



End Ins 3-21A

1 any aid or benefit under this chapter to be sworn to or otherwise affirmed as being  
2 true and correct to the best of the applicant's knowledge. ✓

3 SECTION 2. 49.007 (3) of the statutes is created to read:

4 49.007 (3) FRAUD PREVENTION TRAINING. The department of health services, in  
5 consultation with the department of children and families, shall provide training to  
6 county and Wisconsin Works agency employees relating to fraud prevention and  
7 investigation, error reduction, and related activities. The department of health  
8 services shall promulgate rules specifying the frequency and content of the training.

9 SECTION 3. 49.138 (5) of the statutes is created to read:

10 49.138 (5) (a) The department shall recover an overpayment of benefits paid  
11 under sub. (1m) from an individual who receives benefits under sub. (1m). The value  
12 of the benefit for recovery under this paragraph may not exceed the amount that the  
13 department paid in emergency assistance with respect to that particular recipient  
14 while the recipient was ineligible to receive emergency assistance.

15 (b) The department shall recover assistance paid under sub. (1m) to a person  
16 in the form of a voucher or other payment method for the purpose of providing  
17 housing or a service to a recipient of assistance under sub. (1m) in the amount of  
18 assistance paid by the voucher or other payment method that the person does not use  
19 as required by the department.

20 (c) The department shall promulgate rules establishing policies and  
21 procedures for administering this subsection.

Ins  
3-22

22 SECTION 4. 49.141 (7) (a) ✓ of the statutes is renumbered 946.90 (3) and amended  
23 to read:

24 946.90 (3) - A person who is convicted of violating sub. (6) in connection with the  
25 Whoever violates sub. (2) by furnishing by that person of items or services for which

SECTION 4

MOVE

XXXXX NOTE: It is not clear to me how a person could violate sub (2) by furnishing items or services. However, this is based on current law. You may want to confirm how this provision is applied with DEK. Works is guilty of a Class H or interpreted under current law and

clarify the language accordingly.

1 payment is or may be made under Wisconsin works  
2 felony.

3 SECTION 5. 49.141 (7) (b) of the statutes is repealed.

4 SECTION 6. 49.141 (7) (c) (intro.) <sup>and 1.</sup> of the statutes <sup>✓</sup> is amended to read:

5 49.141 (7) (c) (intro.) Except as provided in par. (d), in addition to the penalties  
6 applicable under par. (a) or (b) s. 946.90 (2) or (3), a person shall be suspended from  
7 participating in Wisconsin works Works for a period of 10 years, beginning on the  
8 date of conviction, if the person is convicted in a federal or state court for any of the  
9 following:

INS.  
7-9

10 SECTION 7. 49.141 (8) of the statutes is amended to read:

11 49.141 (8) DAMAGES. If a person is convicted under sub. (6) s. 946.90 (2) or (3),  
12 the state has a cause of action for relief against the person in an amount equal to 3  
13 times the amount of actual damages sustained as a result of any excess payments  
14 made in connection with the offense for which the conviction was obtained. Proof by  
15 the state of a conviction under sub. (6) s. 946.90 (2) or (3) is conclusive proof in a civil  
16 action of the state's right to damages and the only issue in controversy shall be the  
17 amount, if any, of the actual damages sustained. Actual damages consist of the total  
18 amount of excess payments, any part of which is paid with state funds. In a civil  
19 action under this subsection, the state may elect to file a motion in expedition of the  
20 action. Upon receipt of the motion, the presiding judge shall expedite the action.

21 SECTION 8. 49.141 (9) (title) of the statutes is repealed.

22 SECTION 9. 49.141 (9) (a) <sup>✓</sup> to (c) of the statutes are renumbered 946.90 (4) (a) to  
23 (c), and 946.90 (4) (a), (b) and (c) 1., as renumbered, are amended to read:

24 946.90 (4) (a) Whoever solicits or receives ~~any remuneration in cash or in-kind~~  
25 money, goods, services, or any other thing of value, in return for referring an

1 individual to a person for the furnishing or arranging for the furnishing of any item  
2 or service for which payment may be made in whole or in part under Wisconsin ~~works~~  
3 Works, or in return for purchasing, leasing, ordering, or arranging for or  
4 recommending purchasing, leasing, or ordering any good, facility, service, or item for  
5 which payment may be made in whole or in part under Wisconsin ~~works~~ Works, is  
6 guilty of a Class H felony, except that, notwithstanding the maximum fine specified  
7 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

8 (b) Whoever offers or pays ~~any remuneration in cash or in-kind~~ money, goods,  
9 services, or any other thing of value to any person to induce the person to refer an  
10 individual to a person for the furnishing or arranging for the furnishing of any item  
11 or service for which payment may be made in whole or in part under Wisconsin ~~works~~  
12 Works, or to purchase, lease, order, or arrange for or recommend purchasing, leasing,  
13 or ordering any good, facility, service or item for which payment may be made in  
14 whole or in part under any provision of Wisconsin ~~works~~ Works, is guilty of a Class  
15 H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)  
16 (h), the person may be fined not more than \$25,000.

17 (c) 1. A discount or other reduction in price obtained by a provider of services  
18 or other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed  
19 and appropriately reflected in the costs claimed or charges made by the provider or  
20 entity under Wisconsin ~~works~~ Works.

21 **SECTION 10.** 49.141 (10) (title) and (b) of the statutes are repealed.

22 **SECTION 11.** 49.141 (10) (a) <sup>✓</sup> of the statutes is renumbered <sup>✓</sup> 946.90 (5) and  
23 amended to read:

24 946.90 (5) A provider may not who knowingly ~~impose~~ imposes upon a recipient  
25 participant in Wisconsin Works charges that are in addition to payments received by

1 ~~the provider~~ for services under Wisconsin ~~works~~ Works or knowingly ~~impose~~ imposes  
2 direct charges upon a ~~recipient participant in Wisconsin Works~~ in lieu of obtaining  
3 payment under Wisconsin ~~works~~ Works ~~unless Works is guilty of a Class H felony, except~~  
4 ~~that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may~~  
5 ~~be fined not more than \$25,000. This subsection does not apply if benefits or services~~  
6 are not provided under Wisconsin ~~works~~ Works and the recipient Wisconsin Works  
7 participant is advised of this fact prior to receiving the service. ✓

8 **SECTION 12.** 49.143 (2) (b) of the statutes is amended to read:

9 49.143 (2) (b) Establish a children's services network. The children's services  
10 network shall ~~provide~~ make available information about community resources  
11 available to the dependent children in a Wisconsin ~~works~~ Works group, including  
12 charitable food and clothing centers; ~~subsidized and~~ low-income housing;  
13 transportation subsidies; the ~~state~~ supplemental food program for women, infants  
14 and children under s. 253.06; and child care programs. In a county having a  
15 population of 500,000 or more, a children's services network shall, in addition,  
16 provide a forum for those persons who are interested in the delivery of child welfare  
17 services and other services to children and families in the geographical area under  
18 sub. (6) served by that children's services network to communicate with and make  
19 recommendations to the providers of those services in that geographical area with  
20 respect to the delivery of those services in that area.

21 **SECTION 13.** 49.143 (2) (h) of the statutes is created to read:

22 49.143 (2) (h) Prohibit persons who contract with the Wisconsin ~~Works~~ Works agency  
23 from imposing on a participant charges that are in addition to payments received by  
24 the person for services under Wisconsin ~~Works~~ Works or from imposing direct charges upon  
25 a participant in lieu of obtaining payment under Wisconsin ~~Works~~ Works.

1       **SECTION 14.** 49.145 (2) (j) of the statutes is amended to read:

2       49.145 (2) (j) ~~On the last day of the month, the~~ The individual is not  
3 participating in a strike.

4       **SECTION 15.** 49.152 (title) of the statutes is amended to read:

5       **49.152 (title) Review of Wisconsin Works agency decisions.**

6       **SECTION 16.** 49.152 (1) of the statutes is amended to read:

7       49.152 (1) PETITION FOR REVIEW. ~~Any~~ Except as provided in 49.1525, any  
8 individual whose application for any component of Wisconsin Works is not acted  
9 upon by the Wisconsin Works agency with reasonable promptness after the filing of  
10 the application, as defined by the department by rule, or is denied in whole or in part,  
11 whose benefit is modified or canceled, or who believes that the benefit was calculated  
12 incorrectly, that the employment position in which the individual was placed is  
13 inappropriate, or that providing case management services under s. 49.147 (2) (am)  
14 in lieu of placement in a Wisconsin Works employment position is inappropriate, may  
15 petition the Wisconsin Works agency for a review of such action. Review is  
16 unavailable if the action by the Wisconsin Works agency occurred more than 45 days  
17 prior to submission of the petition for review.

18       **SECTION 17.** 49.1525 of the statutes is created to read:

19       **49.1525 Review of Wisconsin Shares decisions.** (1) PETITION FOR REVIEW.  
20 Any individual whose application for a child care subsidy under s. 49.155 is not acted  
21 upon with reasonable promptness after the filing of the application, as defined by the  
22 department by rule, or is denied in whole or in part, whose benefit is modified or  
23 canceled, or who believes that the benefit was calculated incorrectly, or any child care  
24 provider who is refused payment under s. 49.155 (7) or assessed a penalty under s.  
25 49.155 (7m), may petition the department for a review of such action. Review is

1 unavailable if the action occurred more than 45 days prior to submission of the  
2 petition for review.

3 (2) REVIEW. (a) Upon a timely petition under sub. (1), the department shall give  
4 the applicant, participant, or child care provider reasonable notice and opportunity  
5 for a review. The department shall render its decision as soon as possible after the  
6 review and shall send by 1st class mail a certified copy of its decision to the  
7 last-known address of the applicant, participant or child care provider. The  
8 department shall deny a petition for a review or shall refuse to grant relief if the  
9 petitioner does any of the following:

10 1. Withdraws the petition in writing.

11 2. Abandons the petition. Abandonment occurs if the petitioner fails to appear  
12 in person or by representative at a scheduled review without good cause, as defined  
13 by the department by rule.

14 (b) The petitioner may request a review of the department's decision under ch.  
15 227 within 21 days of the date on which the decision of the department is mailed.

16 (3) REMEDIES. If, following review under sub. (2), the department determines  
17 that a participant's child care subsidy benefit was improperly modified, canceled, or  
18 refused, or was calculated incorrectly, the department shall restore the benefit to the  
19 level determined to be appropriate by the department retroactive to the date on  
20 which the benefit was first improperly modified, canceled, refused, or incorrectly  
21 calculated.

22 SECTION 18. 49.155 (6m) (a) and (b) of the statutes are amended to read:

23 49.155 (6m) (a) Maintain ~~a~~ an accurate written record of the daily hours of  
24 attendance of each child for whom the provider is providing care under this section,  
25 including the actual arrival and departure times for each child.

1 (b) Retain on the premises of the child care provider the written daily  
2 attendance records under par. (a) for each child for at least 3 years after the child's  
3 last day of attendance, regardless of whether the child care provider is still receiving  
4 or eligible to receive payments under this section.

5 **SECTION 19.** 49.155 (7) (b) 4. of the statutes is renumbered 49.155 (7) (c) and  
6 amended to read:

7 49.155 (7) (c) The department or a county department under s. 46.215, 46.22,  
8 or 46.23 may refuse to pay a child care provider for child care provided under this  
9 section if the department or county department reasonably suspects that the person  
10 has violated any provision under the program under this section or any rule  
11 promulgated under this section. Within 30 working days of the initial refusal of  
12 payment under this paragraph, the department shall either initiate an action to  
13 withhold payments under sub. (7m) or resume payments to the child care provider.

14 **SECTION 20.** 49.161 (1) of the statutes is amended to read:

15 49.161 (1) TRIAL JOBS OVERPAYMENTS. Notwithstanding s. ~~49.96~~ 49.043, the  
16 department shall recover an overpayment of benefits paid under s. 49.148 (1) (a) from  
17 an individual who receives benefits paid under s. 49.148 (1) (a). The value of the  
18 benefit liable for recovery under this subsection may not exceed the amount that the  
19 department paid in wage subsidies with respect to that participant while the  
20 participant was ineligible to participate. The department shall promulgate rules  
21 establishing policies and procedures for administrating this subsection.

22 **SECTION 21.** 49.195 (title) of the statutes is amended to read:

23 **49.195 (title) Recovery of Action to recoup aid to families with**  
24 **dependent children and, Wisconsin works Works benefits.**

1           **SECTION 22.** 49.195 (3) of the statutes is renumbered 49.195 (3) (a) and  
2 amended to read:

3           49.195 (3) (a) A county, tribal governing body, Wisconsin ~~works~~ Works agency,  
4 or the department shall determine whether an overpayment has been made under  
5 s. 49.19, 49.148, 49.155, or 49.157 and, if so, the amount of the overpayment. The  
6 county, tribal governing body, Wisconsin ~~works~~ Works agency, or department shall  
7 provide notice of the overpayment to the liable person. The department shall give  
8 that person an opportunity for a review following the procedure specified under s.  
9 49.152 or 49.1525, if the person received the overpayment under s. ~~ss.~~ 49.141 to  
10 49.161, and for a hearing under ch. 227. Notwithstanding s. ~~49.96~~ 49.043, the  
11 department shall promptly recover all overpayments made under s. 49.19, 49.148,  
12 49.155, or 49.157 that have not already been received under s. 49.161 or ~~49.19 (17)~~  
13 and shall promulgate rules establishing policies and procedures to administer this  
14 subsection. The rules shall include notification procedures similar to those  
15 established for child support collections.

16           **SECTION 23.** 49.195 (3) (b) of the statutes is created to read:

17           49.195 (3) (b) Notwithstanding par. (a), the department shall waive recovery  
18 of an overpayment paid to a child care provider under s. 49.155 if the overpayment  
19 is a result of the child care provider's reasonable reliance on incorrect information  
20 provided by the county department or an agency with which the department  
21 contracts under s. 49.155 (1m) regarding the child care provider's eligibility for  
22 payment or an individual's eligibility to receive a child care subsidy under s. 49.155.

23           **SECTION 24.** 49.195 (3m) (f) of the statutes is amended to read:

24           49.195 (3m) (f) Notwithstanding s. ~~49.96~~ 49.043, at any time after the filing of  
25 a warrant, the department may commence and maintain a garnishee action as

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1 provided by ch. 812 or may use the remedy of attachment as provided by ch. 811 for  
2 actions to enforce a judgment. The place of trial of such an action may be either in  
3 Dane County or the county where the debtor resides and may not be changed from  
4 the county in which that action is commenced, except upon consent of the parties.

5 SECTION 25. 49.45 (2) (b) 7. (intro.) and a., and (11) of the statutes are amended  
6 to read:

7 49.45 (2) (b) 7. (intro.) Require, as a condition of certification under par. (a) 11.,  
8 all providers of a specific service that is among those enumerated under s. 49.46 (2),  
9 49.47 (6) (a), or 49.471 (11), as specified in this subdivision, to file with the  
10 department a surety bond issued by a surety company licensed to do business in this  
11 state. Providers subject to this subdivision provide those services specified under s.  
12 49.46 (2), 49.47 (6) (a), or 49.471 (11) for which providers have demonstrated  
13 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),  
14 or (4m) (a) or 946.91 (2), (3) (a) or (b), (4), (5), or (6), to require recovery under par.  
15 (a) 10., or to need additional sanctions under par. (a) 13. The surety bond shall be  
16 payable to the department in an amount that the department determines is  
17 reasonable in view of amounts of former recoveries against providers of the specific  
18 service and the department's costs to pursue those recoveries. The department shall  
19 promulgate rules to implement this subdivision that specify all of the following:

20 a. Services under medical assistance Medical Assistance for which providers  
21 have demonstrated significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3),  
22 (3m) (a), (3p), (4) (a), or (4m) (a) or 946.91 (2), (3) (a) or (b), (4), (5), or (6), to require  
23 recovery under par. (a) 10., or to need additional sanctions under par. (a) 13.

1 (11) PENALTY. Any person who receives or assists another in receiving  
2 assistance under this section, to which the recipient is not entitled, shall be subject  
3 to the penalties under s. 49.95<sup>✓</sup> ss. 946.91 and 946.93.

4 SECTION 26. 49.4715 of the statutes is created to read:

5 **49.4715 Reimbursement; retroactive eligibility.** If an applicant is  
6 determined to be eligible retroactively under s. 49.46 (1g) (b), 49.47 (4) (d), or 49.471  
7 and a provider bills the applicant directly for services and benefits rendered during  
8 the retroactive period, the provider shall, upon notification of the applicant's  
9 retroactive eligibility, submit claims for payment under s. 49.45 for covered services  
10 or benefits rendered to the recipient during the retroactive period. Upon receipt of  
11 payment under s. 49.45, the provider shall reimburse the recipient or other person  
12 who made a prior payment to the provider for services provided to the recipient  
13 during the retroactive eligibility period, for the amount that the recipient or other  
14 person paid.

\*\*\*NOTE: This SECTION contains a cross-reference to s. 49.46 (1g), which is  
renumbered from s. 49.46 (1) in LRB-0818.

15 SECTION 27. 49.49 (1) (title) and (a) (intro.) of the statutes are repealed.

16 SECTION 28. 49.49 (1) (a) 1. to 4.<sup>✓</sup> of the statutes are renumbered 946.91 (2) (a)  
17 to (d) and amended to read:

18 946.91 (2) (a) ~~Knowingly and willfully make~~ Intentionally makes or ~~cause~~  
19 causes to be made any false statement or representation of a material fact in any  
20 application for any Medical Assistance benefit or payment.

21 (b) ~~Knowingly and willfully make~~ Intentionally makes or ~~cause~~ causes to be  
22 made any false statement or representation of a material fact for use in determining  
23 ~~rights to such~~ eligibility for any Medical Assistance benefit or payment.

1 (c) Having knowledge of the occurrence of any event affecting the initial or  
2 continued ~~right to~~ eligibility for any such Medical Assistance benefit or payment or  
3 the initial or continued ~~right to~~ eligibility for any such benefit or payment of any  
4 other individual in whose behalf he or she has applied for or is receiving such benefit  
5 or payment, ~~conceal~~ conceals or ~~fail~~ fails to disclose such event with an intent to  
6 fraudulently ~~to~~ secure such benefit or payment either in a greater amount or  
7 quantity than is due or when no such benefit or payment is authorized.

8 (d) Having ~~made application~~ applied to receive any such Medical Assistance  
9 benefit or payment for the use and benefit of another and having received it,  
10 knowingly and willfully ~~convert such~~ converts the benefit or payment or any part  
11 thereof to a use ~~other than for the use and~~ that is not for the benefit of such other  
12 person.

13 **SECTION 29.** 49.49 (1) (b) of the statutes is repealed.

14 **SECTION 30.** 49.49 (1) (c) <sup>X</sup> of the statutes is renumbered 49.49 (1d) and amended  
15 to read:

16 **49.49 (1d) DAMAGES.** If any person is convicted under ~~this subsection~~ s. 946.91  
17 (2), the state shall have a cause of action for relief against such person in an amount  
18 3 times the amount of actual damages sustained as a result of any excess payments  
19 made in connection with the offense for which the conviction was obtained. Proof by  
20 the state of a conviction under ~~this section~~ s. 946.91 (2) in a civil action shall be  
21 conclusive regarding the state's right to damages and the only issue in controversy  
22 shall be the amount, if any, of the actual damages sustained. Actual damages shall  
23 consist of the total amount of excess payments, any part of which is paid by state  
24 funds. In any such civil action the state may elect to file a motion in expedition of  
25 the action. Upon receipt of the motion, the presiding judge shall expedite the action.

1 SECTION 31. 49.49 (2) (title) and (2) (a) (title) of the statutes are repealed.

2 SECTION 32. 49.49 (2) (a)<sup>x</sup> of the statutes is renumbered 946.91 (3) (a) and  
3 amended to read:

4 946.91 (3) (a) ~~Any person who~~ Whoever solicits or receives any remuneration,  
5 including any kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in  
6 cash or in kind, money, goods, services, or any other thing of value in return for  
7 referring an individual to a person for the furnishing or arranging for the furnishing

8 of any item or service for which payment may be made in whole or in part under a  
9 ~~medical assistance~~ Medical Assistance program, or in return for purchasing, leasing,  
10 ordering, or arranging for or recommending purchasing, leasing, or ordering any

11 good, facility, service, or item for which payment may be made in whole or in part  
12 ~~under a medical assistance~~ Medical Assistance program, is guilty of a Class H felony,  
13 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the  
14 person may be fined not more than \$25,000.

15 SECTION 33. 49.49 (2) (b) (title) of the statutes is repealed.

16 SECTION 34. 49.49 (2) (b)<sup>x</sup> of the statutes is renumbered 946.91 (3) (b) and  
17 amended to read:

18 946.91 (3) (b) ~~Whoever offers or pays any remuneration including any~~  
19 ~~kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in cash or in kind~~  
20 money, goods, services, or any other thing of value to any person to induce such  
21 person to refer an individual to a person for the furnishing or arranging for the

22 furnishing of any item or service for which payment may be made in whole or in part

23 ~~under a medical assistance~~ Medical Assistance program, or to purchase, lease, order,  
24 or arrange for or recommend purchasing, leasing, or ordering any good, facility,

25 service or item for which payment may be made in whole or in part under a ~~medical~~

strike

strike

strike

1 assistance ~~Medical Assistance program~~ is guilty of a Class H felony, except that,  
2 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be  
3 fined not more than \$25,000.

4 SECTION 35. 49.49 (2) (c) (title) of the statutes is repealed.

5 SECTION 36. 49.49 (2) (c) <sup>x</sup> of the statutes is renumbered 946.91 (3) (c) and  
6 amended to read:

7 946.91 (3) (c) This subsection ~~shall~~ does not apply to any of the following:

8 1. A discount or other reduction in price obtained by a provider of services or  
9 other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed  
10 and appropriately reflected in the costs claimed or charges made by the provider or  
11 entity under ~~a medical assistance~~ <sup>strike</sup> Medical Assistance program.

12 2. Any An amount paid by an employer to an employee who has a bona fide  
13 employment relationship with such employer for employment in the provision of  
14 covered items or services.

15 SECTION 37. 49.49 (3) (title) of the statutes is repealed.

16 SECTION 38. 49.49 (3) <sup>x</sup> of the statutes is renumbered 946.91 (4) and amended  
17 to read:

18 946.91 (4) ~~No person may~~ Whoever knowingly and willfully ~~make~~ makes or  
19 ~~cause~~ causes to be made, or ~~induce~~ induces or ~~seek~~ seeks to induce the making of, any  
20 false statement or representation of a material fact with respect to the conditions or  
21 operation of any institution or facility in order that such institution or facility may  
22 qualify either upon initial certification or upon recertification as a hospital, skilled  
23 nursing facility, intermediate care facility, or home health agency. ~~A person who~~  
24 ~~violates this subsection~~ is guilty of a Class H felony, except that, notwithstanding the

1 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
2 \$25,000.

3 SECTION 39. 49.49 (3m) (title) of the statutes is repealed.

4 SECTION 40. 49.49 (3m) (a) of the statutes is renumbered 946.91 (5), and 946.91  
5 (5) (intro.), (a) and (b), as renumbered, are amended to read:

6 946.91 (5) (intro.) ~~No provider may~~ Whoever knowingly ~~impose~~ imposes upon  
7 a Medical Assistance recipient charges in addition to payments received for services  
8 under ss. 49.45 to 49.471 or knowingly ~~impose~~ imposes direct charges upon a  
9 recipient in lieu of obtaining payment under ss. 49.45 to 49.471 ~~except under the~~  
10 ~~following conditions~~ is guilty of a Class H felony, except that, notwithstanding the  
11 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than

12 \$25,000. This subsection does not apply to the following circumstances: *under any of*

13 (a) Benefits or services are not provided under s. 49.46 (2) or 49.471 (11) and  
14 the Medical Assistance recipient is advised of this fact prior to receiving the service.

15 (b) *No Strike* If an An applicant is determined to be eligible retroactively under s. 49.46

16 *plain* ~~(1)~~ ~~(1g)~~ (b), 49.47 (4) (d), or 49.471 ~~and~~, a provider bills the applicant directly for  
17 services and benefits rendered during the retroactive period, ~~the provider shall the~~  
18 provider, upon notification of the applicant's retroactive eligibility, ~~submit claims~~  
19 submits a claim for payment under s. 49.45 for covered services or benefits rendered  
20 to the recipient during the retroactive period. ~~Upon receipt of payment under s.~~  
21 ~~49.45, the provider shall reimburse, and the provider reimburses~~ the recipient or  
22 other person who has made prior payment to the provider for services provided to the  
23 recipient during the retroactive eligibility period, by the amount of the prior payment  
24 made upon receipt of payment under 49.45.

\*\*\*\*NOTE: This SECTION contains a cross-reference to s. 49.46 (1g), which is renumbered from s. 49.46 (1) in LRB-0818.

1 SECTION 41. 49.49 (3m) (b) <sup>X</sup> of the statutes is repealed.

2 SECTION 42. 49.49 (3p) (title) of the statutes is amended to read:

3 49.49 (3p) (title) OTHER PROHIBITED PROVIDER CHARGES.

4 SECTION 43. 49.49 (4) (title) of the statutes is repealed.

5 SECTION 44. 49.49 (4) (a) <sup>X</sup> and (b) of the statutes are consolidated, renumbered  
6 946.91 (6) and amended to read:

7 946.91 (6) No person Whoever, in connection with ~~the~~ <sup>strike</sup> ~~medical assistance~~  
8 Medical Assistance program <sup>✓</sup> when the cost of the services provided to the patient is

9 paid for in whole or in part by the state, ~~may knowingly and willfully charge, solicit,~~  
10 ~~accept or receive intentionally charges, solicits, accepts, or receives,~~ in addition to

11 any amount otherwise required to be paid under ~~a~~ <sup>strike</sup> ~~medical assistance~~ Medical

12 Assistance program <sup>✓ strike</sup>, any gift, money, donation, or other consideration, other than a  
13 charitable, religious, or philanthropic contribution from an organization or from a

14 person unrelated to the patient, as a precondition of admitting a patient to a hospital,  
15 skilled nursing facility, or intermediate care facility, or as a requirement for the

16 patient's continued stay in such a facility. ~~(b) A person who violates this subsection~~  
17 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified

18 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

19 SECTION 45. 49.49 (7) (d) of the statutes is amended to read:

20 49.49 (7) (d) A commission's imposition of an assessment described under par.  
21 (b), a member's payment of the assessment as described under par. (c), and

22 acceptance of the payment by the commission do not constitute conduct prohibited  
23 under sub. (4) <sup>✓</sup> 946.91 (6) or prohibited under s. DHS 106.04 (3), Wis. Adm. Code, in

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1 effect on May 26, 2010. It is the intent of the legislature to create a mechanism  
 2 whereby 2 or more political subdivisions may share in the operation, use, and  
 3 funding of a nursing home or intermediate care facility without violating 42 USC  
 4 1320a-7b (d) or 42 USC 1396a (a) (25) (C).

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5 SECTION 46. 49.688 (9) (a) of the statutes is amended to read:

6 49.688 (9) (a) The department shall promulgate rules relating to prohibitions  
 7 on fraud that are substantially similar to applicable provisions under s. 49.49 (1) (a)  
 8 946.91 (2).

9 SECTION 47. 49.795 (title) and (1) (intro.) of the statutes are renumbered 946.92  
 10 (title) and (1) (intro.).

11 SECTION 48. 49.795 (1) (a), (b), (d) and (e) of the statutes are renumbered 946.92  
 12 (1) (d), (dm), (fm) and (fr), and 946.92 (1) (d), (dm), (fm) and (fr) 1., 2. and 5), as  
 13 renumbered, are amended to read:

14 946.92 (1) (d) "Eligible person" means a member of a household certified as  
 15 eligible for the food stamp supplemental nutrition assistance program or a person  
 16 authorized to represent a certified household under 7 USC 2020 (e) (7).

\*\*\*\*NOTE: The terminology change from "food stamp program" to "supplemental nutrition assistance program" is in LRB-0818.

17 (dm) (b) "Food" means items which that may be purchased using food coupons  
 18 supplemental nutrition assistance program benefits under 7 USC 2012 (g) and 2016

19 (b). (d)  
 20 (fm) "Supplier" means a retail grocery store or other person authorized by the  
 21 federal department of agriculture to accept food coupons supplemental nutrition  
 22 assistance program benefits in exchange for food under the food stamp supplemental  
 23 nutrition assistance program.

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NO  
4

plain  
no strike

no strike  
plain

no strike

plain

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

5 2. A person acting in the course of duties under a contract with the federal  
 6 government, the state, a county, a multicounty consortium, or a federally recognized  
 7 American Indian tribe in connection with the ~~food stamp~~ supplemental nutrition  
 8 assistance program.

9 5. A person authorized to redeem ~~food coupons~~ supplemental nutrition  
 10 assistance program benefits under 7 USC 2019.

11 SECTION 49. 49.795 (1) (c) and (cm) of the statutes is repealed.

12 SECTION 50. 49.795 (2) to (6) of the statutes are renumbered 946.92 (2) (a) to  
 13 (f), and 946.92 (2) (a), (c), (d), (e) and (f), as renumbered, are amended to read:

14 946.92 (2) (a) No person may misstate or conceal facts in a ~~food stamp~~  
 15 supplemental nutrition assistance program application or report of income, assets,  
 16 or household circumstances with intent to secure or continue to receive ~~food stamp~~  
 17 supplemental nutrition assistance program benefits.

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

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

Plain  
no strike

plain  
No  
Strike

plain  
no  
strike

1 (e) No supplier may knowingly obtain ~~food~~ coupons supplemental nutrition  
2 assistance program benefits except as payment for food or knowingly obtain ~~food~~  
3 coupons supplemental nutrition assistance program benefits from a person who is  
4 not an eligible person.

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

7 SECTION 51. 49.795 (7) of the statutes is repealed.

8 SECTION 52. 49.795 (8) (a) ~~(intro.)~~ of the statutes ~~(s)~~ repealed.

9 SECTION 53. 49.795 (8) (a) 1. of the statutes is renumbered 946.92 (3) (a) 1. and  
10 amended to read:

11 946.92 (3) (a) 1. If the value of the ~~food~~ coupons supplemental nutrition  
12 assistance program benefits does not exceed \$100, ~~a~~ the person who violates this  
13 section may be fined not more than \$1,000 or imprisoned not more than one year in  
14 the county jail or both.

15 SECTION 54. 49.795 (8) (a) 2. of the statutes is renumbered 946.92 (3) (a) 2. and  
16 amended to read:

17 946.92 (3) (a) 2. If the value of the ~~food~~ coupons supplemental nutrition  
18 assistance benefits exceeds \$100, but is less than \$5,000, ~~a~~ the person who violates  
19 this section is guilty of a Class I felony.

20 SECTION 55. 49.795 (8) (b) of the statutes is renumbered 946.92 (3) (b) and  
21 amended to read:

22 946.92 (3) (b) For a 2nd or subsequent offense under ~~this section~~ sub. (2), any  
23 of the following applies:

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

4 ~~2. If the value of the food coupons supplemental nutrition assistance benefits~~  
5 ~~exceeds \$100, but is less than \$5,000, a the person who violates this section is guilty~~  
6 ~~of a Class H felony.~~

7 ~~SECTION 56. 49.795 (8) (c) of the statutes is renumbered 946.92 (3) (c) and~~  
8 ~~amended to read:~~

9 ~~946.92 (3) (c) For any offense under this section violation of sub.(2), if the value~~  
10 ~~of the food coupons supplemental nutrition assistance benefits is \$5,000 or more, a~~  
11 ~~person who violates this section is guilty of a Class G felony.~~

12 ~~SECTION 57. 49.795 (8) (d) 1. of the statutes is renumbered 946.92 (3) (d) 1., and~~  
13 ~~946.92 (3) (d) 1. (intro.), a. and b., as renumbered, are amended to read:~~

14 ~~946.92 (3) (d) 1. (intro.) In addition to the penalties applicable under par. (a),~~  
15 ~~(b) or (c), the court shall suspend a person who violates this section sub. (2) from~~  
16 ~~participation in the food stamp supplemental nutrition assistance program as~~  
17 ~~follows:~~

18 ~~1. For a first offense <sup>conviction</sup> under this section, not less than one year. The court may~~  
19 ~~extend the suspension by and not more than 18 months 2.5 years.~~

20 ~~2. For a 2nd offense <sup>conviction</sup> under this section, not less than 2 years. The court may~~  
21 ~~extend the suspension by and not more than 18 months 3.5 years.~~

22 ~~SECTION 58. 49.795 (8) (d) 1m. of the statutes is renumbered 946.92 (3) (d) 1m.~~  
23 ~~and amended to read:~~

24 ~~946.92 (3) (d) 1m. In addition to the penalties applicable under par. (a), (b) or~~  
25 ~~(c), a court shall permanently suspend from the food stamp supplemental nutrition~~

1 assistance program a person who has been convicted of an offense under 7 USC 2024  
 2 (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500  
 3 or more

Ins  
22-3

4 SECTION 59. 49.795 (8) (d) 2. of the statutes is renumbered 49.796 (2) and

5 amended to read:

Food stamp reinstatement.

6 (B) 49.796 (2) The A person may apply to the multicounty consortium or the a

as defined in  
s. 49.78(1)(br)

7 federally recognized American Indian tribal governing body or, if the person is a

8 supplier, to the federal department of agriculture for reinstatement of benefits

9 following the a period of suspension imposed under s. 946.92, if the suspension is not

10 permanent.

11 SECTION 60. 49.795 (8) (e) and (f) of the statutes are renumbered 946.92 (3)(e)

12 and (f) and 946.92 (3) (e) 1. (intro.) and 2. and (f), as renumbered, are amended to

13 read:

14 946.92 (3) (e) 1. (intro.) If a court finds that a person traded violated sub. (2)  
 15 by trading a controlled substance, as defined in s. 961.01 (4), for food coupons  
 16 supplemental nutrition assistance program benefits, the court shall suspend the  
 17 person from participation in the food stamp supplemental nutrition assistance  
 18 program as follows:

19 2. If a court finds that a person traded violated sub. (2) by trading firearms,  
 20 ammunition, or explosives for food coupons supplemental nutrition assistance  
 21 program benefits, the court shall suspend the person permanently from  
 22 participation in the food stamp supplemental nutrition assistance program.

23 Notwithstanding par. (a), (b) and (c) in addition to the penalties applicable under par.

24 (a), (b) or (c), the court shall suspend from the food stamp supplemental nutrition

25 assistance program for a period of 10 years a person who violates sub. (2) by

Ins  
22-14  
From  
Amended  
P.Lins

No strike

plain

as defined in s. 946.92(1)(d)

(d) and

NO STRIKE

plain

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

Ins  
23-3  
from P/ins 2

4 SECTION 61. 49.796 (title) of the statutes is created to read:

5 **49.796 (title) Supplemental nutrition assistance reinstatement.**

6 SECTION 62. 49.796 (1) of the statutes is created to read:

7 49.796 (1) In this section:

8 (a) "Food" means an item that may be purchased using supplemental nutrition  
9 assistance program benefits under 7 USC 2012 (g) and 2016 (b).

10 (b) "Supplier" means a retail grocery store or other person authorized by the  
11 federal department of agriculture to accept supplemental nutrition assistance  
12 program benefits in exchange for food under the supplemental nutrition assistance  
13 program.

\*\*\*\*NOTE: The definitions in s. 49.79 (1) apply to ss. 49.793, 49.796, and 49.797  
under LRB-0818.

Ins  
23-14A  
from P. 2

14 SECTION 63. 49.82 of the statutes is renumbered 49.007.

15 SECTION 64. 49.95 of the statutes is repealed.

16 SECTION 65. 49.96 of the statutes is renumbered 49.043 and amended to read:

Ins  
23-14B

17 **49.043 Assistance grants exempt from levy.** All grants of aid to families  
18 with dependent children, payments made under ss. 48.57 (3m) or (3n), 49.143 (2z),  
19 49.148 (1) (b) 1. or (c) or (1m), or ~~49.149~~ 49.15 to 49.159, payments made for social  
20 services, cash benefits paid by counties under s. 59.53 (21), and benefits under s.  
21 49.77, 49.775, or federal Title XVI, are exempt from every tax, and from execution,  
22 garnishment, attachment and every other process and shall be inalienable.

\*\*\*\*NOTE: This SECTION contains a cross-reference to s. 49.143 (2z), which is  
renumbered from s. 49.149 in LRB-0818.

1           **SECTION 66.** 59.54 (23) of the statutes is amended to read:

2           59.54 (23) PUBLIC ASSISTANCE; FALSE REPRESENTATION. The board may enact and  
3 enforce an ordinance to prohibit conduct that is the same as or similar to conduct that  
4 is prohibited by s. ~~49.95 (1)~~ 946.93 (2) and provide a forfeiture for a violation of the  
5 ordinance.

6           **SECTION 67.** 815.18 (13) (a) of the statutes is amended to read:

7           815.18 (13) (a) Assistance benefits exempt under s. ~~49.96~~ 49.043.

8           **SECTION 68.** 940.11 (2) of the statutes is amended to read:

9           940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or  
10 avoid apprehension, <sup>3</sup>prosecution or conviction for a crime or notwithstanding s.  
11 ~~49.141 (7), 49.49 (1), or 49.795~~ 946.90 (2) or (3), 946.91 (2), 946.92, or 946.93 (2) or  
12 (3) with intent to collect benefits under one of those sections the assistance program  
13 for families with dependent children, administered under ss. 49.141 to 49.161, the  
14 Medical Assistance program administered under subch. IV of ch. 49, or the  
15 supplemental nutrition assistance program, as defined in s. 49.79 (1) (fg), is guilty  
16 of a Class G felony.

\*\*\*\*NOTE: The food stamp program is renamed the supplemental nutrition  
assistance program in s. 49.79 (1) (fg) in LRB-0818.

17           **SECTION 69.** 946.90 (title) of the statutes is created to read:

18           **946.90 (title) Wisconsin Works fraud.**

19           **SECTION 70.** 946.90 (1) of the statutes is created to read:

20           946.90 (1) In this section:

21           (a) "Provider" means a Wisconsin Works agency or a person that contracts with  
22 a Wisconsin Works agency to provide services to a participant in Wisconsin Works.

1 (b) “Wisconsin Works” means the assistance program for families with  
2 dependent children, administered under ss. 49.141 to 49.161.

3 (c) “Wisconsin Works agency” has the meaning given in s. 49.001 (9).

4 **SECTION 71.** 946.90 (2) of the statutes is created to read:

5 946.90 (2) Whoever does any of the following is guilty of a Class A  
6 misdemeanor:

7 (a) Intentionally makes or causes to be made any false statement or  
8 representation of a material fact in any application for or receipt of any Wisconsin  
9 Works benefit or payment.

10 (b) Having knowledge of the occurrence of any event affecting the initial or  
11 continued eligibility for a Wisconsin Works benefit or payment under Wisconsin  
12 Works, conceals or fails to disclose that event with an intent to fraudulently secure  
13 a Wisconsin Works benefit or payment either in a greater amount or quantity than  
14 is due or when no such benefit or payment is authorized.

15 **SECTION 72.** 946.91 (title), (1) and (2) (intro.) of the statutes are created to read:

16 **946.91 (title) Medical Assistance fraud. (1)** In this section:

17 (a) “Facility” means a nursing home or a community-based residential facility  
18 that is licensed under s. 50.03 and that is certified by the department of health  
19 services as a provider of aid under Medical Assistance.

20 (b) “Medical Assistance” means the program providing aid under subch. IV of  
21 ch. 49, except ss. 49.468 and 49.471.

22 (c) “Provider” means a person, corporation, limited liability company,  
23 partnership, incorporated business, or professional association, and any agent or  
24 employee thereof, who provides services under Medical Assistance.

1 (2) (intro.) Whoever does any of the following is guilty of a Class H felony, except  
2 that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may  
3 be fined not more than \$25,000:

Ins  
26-4

4 **SECTION 73.** 946.92 (1) (e) and (3) (a) (intro.) of the statutes are created to read:  
5 946.92 (1) (e) "Supplemental nutrition assistance program" has the meaning  
6 given in s. 49.79 (1) (fg).

\*\*\*\*NOTE: Section 49.79 (1) (fg) is created in LRB-0818.

7 (3) (a) (intro.) If a person violates sub. (2), any of the following applies:

8 **SECTION 74.** 946.93 of the statutes is created to read:

9 **946.93 Public assistance fraud.** (1) In this section, "public assistance"  
10 means any aid, benefit, or services provided under ch. 49.

11 (2) Whoever intentionally makes or causes to be made any false statement or  
12 representation of material fact in any application for or receipt of public assistance  
13 is guilty of a Class H felony.

14 (3) No person may do any of the following:

15 (a) Having knowledge of an event affecting the initial or continued eligibility  
16 for public assistance, conceal or fail to disclose that event with an intent to  
17 fraudulently secure public assistance, including payment either in a greater amount  
18 or quantity than is due or when no such benefit or payment is authorized.

19 (b) Receive any income or assets and fail to notify the public assistance agency  
20 within 10 days after receiving the income or assets, unless a different time period is  
21 required under the applicable public assistance program.

22 (c) Fail to notify the public assistance agency within 10 days of any change in  
23 circumstances for which notification by the recipient must be provided under law,

1 unless a different time period is required under the applicable public assistance  
2 program.

3 (d) Receive a voucher under a public assistance program for goods or services  
4 and use the funding granted under the voucher for purposes that are not authorized  
5 by the public assistance agency.

6 (e) ~~If a person~~ <sup>Whoever</sup> violates par. (a), (b), (c), or (d), any of the following applies: <sup>is subject to the following penalties</sup>

7 1. If the value of the payment or benefit does not exceed \$300, the person may  
8 be required to forfeit not more than \$1,000. <sup>a Class B forfeiture</sup>

9 2. If the value of the payment or benefit is more than \$300 but does not exceed  
10 \$1,000, the person may be fined not more than \$250 or imprisoned for not more than  
11 6 months, or both. <sup>a Class B misdemeanor</sup>

12 3. If the value of the payment or benefit is more than \$1,000 but does not exceed  
13 \$2,000, the person is guilty of a Class A misdemeanor. ✓

14 4. If the value of the payment or benefit is more than \$2,000 but does not exceed  
15 \$5,000, the person is guilty of a Class I felony. ✓

16 5. If the value of the payment or benefit is more than \$5,000 but does not exceed  
17 \$10,000, the person is guilty of a Class H felony. ✓

18 6. If the value of the payment or benefit is more than \$10,000, the person is  
19 guilty of a Class G felony.

20 (4) A person who obtains money, goods, services, or any other thing of value  
21 because he or she sends or brings a person to a county department, tribal governing  
22 body, or Wisconsin Works agency for the purpose of obtaining public assistance is  
23 guilty of a Class C misdemeanor.

24 (5) (a) Whoever solicits or receives money, goods, services, or any other thing  
25 of value in return for referring an individual to a person for the furnishing or

Insert  
27-11 ✓

multiracially consortium

1 arranging for the furnishing of any item or service for which a public assistance  
2 payment may be made in whole or in part, or in return for purchasing, leasing,  
3 ordering, or arranging for or recommending purchasing, leasing, or ordering any  
4 good, facility, service, or item for which public assistance payment may be made in  
5 whole or in part, is guilty of a Class H felony, except that, notwithstanding the  
6 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
7 \$25,000.

8 (b) Whoever offers or pays money, goods, services, or any other thing of value  
9 to any person to induce the person to refer an individual to a person for the furnishing  
10 or arranging for the furnishing of any item or service for which public assistance  
11 payment may be made in whole or in part, or to purchase, lease, order, or arrange for  
12 or recommend purchasing, leasing, or ordering any good, facility, service, or item for  
13 which public assistance payment may be made in whole or in part, is guilty of a Class  
14 H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)  
15 (h), the person may be fined not more than \$25,000.

16 (c) This subsection does not apply to any of the following:

17 1. A discount or other reduction in price obtained by a provider of services or  
18 other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed  
19 and appropriately reflected in the costs claimed or charges made by the provider or  
20 entity under a public assistance program.

21 2. An amount paid by an employer to an employee who has a bona fide  
22 employment relationship with the employer for employment in the provision of  
23 covered items or services.

24 (6) Whoever makes any statement in a written application for public  
assistance shall be <sup>e</sup> considered <sup>is</sup> to have made an admission as to the existence,

1 correctness, or validity of any fact stated. Such a statement shall be considered to  
 2 be prima facie evidence against the person <sup>who made</sup> making it in any complaint, information,  
 3 or indictment, or in any action brought for enforcement of any provision of this  
 4 section or ch. 49.

**SECTION 75. Nonstatutory provisions.**

(1) PUBLIC ASSISTANCE APPLICATIONS; RULES.

INS  
29-7A  
INSERT  
29-7B  
INS  
29-10

5  
 6  
 7 (a) The department of children and families shall submit in proposed form the  
 8 rules required under section <sup>49,835(3)</sup> 49.006 (3) of the statutes, as created by this act, to the  
 9 legislative council staff under section 227.15 (1) of the statutes no later than the first  
 10 day of the 7th month beginning after the <sup>governor approves the statements of scope</sup> effective date of this paragraph <sup>for the rules</sup>.

11 (b) The department of health services shall submit in proposed form the rules  
 12 required under section <sup>49,835(3)</sup> 49.006 (3) of the statutes, as created by this act, to the  
 13 legislative council staff under section 227.15 (1) of the statutes no later than the first  
 14 day of the 6th month beginning after the <sup>governor approves the statements of scope</sup> effective date of this paragraph <sup>for the rules</sup>.

15 (2) REVIEW OF WISCONSIN SHARES DECISIONS; RULES. The department of children  
 16 and families shall submit in proposed form the rules required under section 49.1525  
 17 of the statutes, as created by this act, to the legislative council staff under section  
 18 227.15 (1) of the statutes no later than the first day of the 7th month beginning after  
 19 the effective date of this subsection.

**SECTION 76. Initial applicability.**

20  
 21 (1) PUBLIC ASSISTANCE APPLICATIONS. The treatment of section <sup>49,835</sup> 49.006 of the  
 22 statutes first applies to applications for aid or benefits under chapter 49 of the  
 23 statutes that are received by the department of health services or the department of  
 24 children and families on the effective date of this subsection.

1 (2) REVIEW OF WISCONSIN SHARES DECISIONS. The treatment of sections 49.152  
2 (1) and 49.1525 of the statutes first applies to applications that are filed and actions  
3 of the department of children and families that occur on the first day of the 25th  
4 month after the effective date of the subsection.

5 (4) (3) PUBLIC ASSISTANCE FRAUD. The treatment of section 946.93 of the statutes  
6 first applies to acts and omissions that occur on the effective date of this subsection.

7 (END)

d-note  
↓