

2001-02
Wisconsin State Budget

Drafting File For:
Enrolled SB-55

Part **E**

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1 mental health services, mental health crisis intervention and drop-in projects, and
2 public mental health information activities.

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3 SECTION 1563d. 46.56 (3) (b) 6. of the statutes is amended to read:

4 46.56 (3) (b) 6. Representatives of the county health department, as defined in
5 s. 251.01 (2) established under s. 251.02 (1) or city-county health department
6 established under s. 251.02 (1m).

7 SECTION 1568c. 46.766 of the statutes is created to read:

8 **46.766 Food pantry grants. (1)** In this section:

9 (a) "Nonprofit organization" means an organization described in section 501 (c)
10 of the Internal Revenue Code.

11 (b) "Rural" means outside a metropolitan statistical area specified under 42
12 CFR 412.62 (ii) (A) or within a metropolitan statistical area but isolated from an
13 urban center.

14 (2) (a) From the appropriation under s. 20.435 (3) (fp), the department shall
15 provide annual grants to food pantries that meet the eligibility requirements under
16 sub. (4). The amount of each grant awarded to a food pantry shall be in proportion
17 to the number of persons served by the food pantry.

18 (b) The department shall allocate 25% of the amounts appropriated under s.
19 20.435 (3) (fp) for grants to rural food pantries. The department shall allocate the
20 remainder of the amounts available for grants under s. 20.435 (3) (fp) for grants to
21 all food pantries. If, after awarding the grants to rural food pantries, any of the
22 moneys remain unallocated, the department shall distribute the unallocated
23 amounts for grants to all food pantries in proportion to the number of persons served
24 by those food pantries.

1 (c) The total amount of all grants awarded annually to each food pantry under
2 this section may not exceed \$15,000.

3 (3) Grants awarded under this section may be used for any of the following
4 purposes:

5 (a) The purchase, storage, transportation, coordination, or distribution of food
6 to needy households.

7 (b) The administration of emergency food distribution.

8 (c) The purchase of capital equipment.

9 (d) Programs designed to increase food availability to needy households or
10 enhance food security.

11 (e) Nutrition education and outreach.

12 (f) Technical assistance related to food pantry management.

13 (4) A food pantry is eligible for a grant under this section if the food pantry
14 meets all of the following requirements:

15 (a) The food pantry applies for a grant on an application developed by the
16 department. The application may not exceed one page.

17 (b) The food pantry is a nonprofit organization or is affiliated with a nonprofit
18 organization.

19 (c) The food pantry distributes food packages directly, without charge, to needy
20 households.

21 (d) The food pantry is open to the general public in its service area.

22 (e) The food pantry does not base food distribution on any criteria other than
23 need of the recipient, except to the extent necessary for the orderly and fair
24 distribution of food.

1 (f) The food pantry has a permanent address, regular hours of operation, and
2 is open at least one day per month.

3 (g) The food pantry adheres to the U.S. department of agriculture food safety
4 and food storage standards.

5 (5) The department may not use more than 5% of the total amount
6 appropriated under s. 20.435 (3) (fp) for administration of the grant program under
7 this section.

8 (6) A food pantry that receives a grant under this section shall, not later than
9 60 days after the end of the grant period, submit a report, not longer than 3 pages,
10 to the department in the manner prescribed by the department, that describes how
11 the grant money was used by the food pantry. The department shall compile the
12 reports and submit the compiled reports to the legislature under s. 13.172 (2).

13 **SECTION 1568b.** 46.858 of the statutes is created to read:

14 **46.858 Publicity for Alzheimer's disease registration program.** (1) In
15 this section, "Alzheimer's disease" has the meaning given in s. 46.87 (1) (a).

16 (2) From the appropriation under s. 20.435 (6) (a), the department shall engage
17 in activities to publicize the existence of a program administered by a
18 nongovernmental entity that registers persons with Alzheimer's disease or other
19 related dementias in a national database and provides the persons identification
20 products in order to facilitate the safe return to caregivers of persons who have
21 Alzheimer's disease or other related dementias and who have become lost or have
22 wandered.

23 **SECTION 1568d.** 46.86 (6) (a) (intro.) of the statutes is amended to read:

24 46.86 (6) (a) (intro.) From the appropriation under s. 20.435 (7) (md), the
25 department may award not more than \$1,167,900 in each fiscal year up to \$1,369,000

1 in fiscal year 2001–02 and up to \$1,330,800 in fiscal year 2002–03 and in each fiscal
2 year thereafter, and from the appropriation under s. 20.435 (6) (gb), the department
3 may award not more than \$231,300 in fiscal year 2001–02 and not more than
4 \$319,500 in fiscal year 2002–03 and in each fiscal year thereafter, as grants to
5 counties and private entities to provide community–based alcohol and other drug
6 abuse treatment programs that do all of the following:

7 **SECTION 1568m.** 46.87 (2) of the statutes is amended to read:

8 46.87 (2) From the appropriations under s. 20.435 (7) (b), ~~(kw)~~ and (o), the
9 department shall allocate funds to agencies designated under sub. (3) (c), to be used
10 for the administration and implementation of an Alzheimer’s family and caregiver
11 support program for persons with Alzheimer’s disease and their caregivers.

12 **SECTION 1568mg.** 46.87 (5) (a) 3. of the statutes is amended to read:

13 46.87 (5) (a) 3. The household meets financial eligibility requirements specified
14 by the department by rule, and persons in the household are ineligible for the family
15 care benefit under s. 46.286 in a county in which a care management organization
16 under s. 46.284 operates.

17 **SECTION 1568mh.** 46.87 (5) (b) of the statutes is amended to read:

18 46.87 (5) (b) Provide or contract for the provision of services and goods or make
19 payments for services to ~~persons~~ a person with Alzheimer’s disease living in a
20 residential facilities facility in the county who ~~meet~~ meets financial eligibility
21 requirements specified by the department by rule and is ineligible for the family care
22 benefit under s. 46.286 in a county in which a care management organization under
23 s. 46.284 operates.

24 **SECTION 1569.** 46.93 (1m) (b) of the statutes is amended to read:

1 46.93 (1m) (b) “Board” means the adolescent pregnancy prevention and
2 pregnancy services board ~~under s. 15.195 (5).~~

3 **SECTION 1570.** 46.93 (2) (intro.) of the statutes is amended to read:

4 46.93 (2) PURPOSE; ALLOCATION. (intro.) From the ~~appropriation~~ appropriations
5 under s. 20.434 (1) (b) and (ky), the board shall award not more than \$439,300 in each
6 fiscal year for grants to organizations to provide adolescent pregnancy prevention
7 programs or pregnancy services that include health care, education, counseling, and
8 vocational training. Types of services and programs that are eligible for grants
9 include all of the following:

10 **SECTION 1571.** 46.93 (2m) (a) of the statutes is amended to read:

11 46.93 (2m) (a) Each organization that receives a grant under this section shall
12 provide matching funds equal to 20% of the grant amount awarded. The match may
13 be in the form of money or in-kind services or both, but any moneys used by an
14 organization toward a match may not include moneys received from the state or
15 federal government.

16 **SECTION 1572.** 46.93 (3) of the statutes is amended to read:

17 46.93 (3) STAFF AND SALARIES. The salaries of the board staff and all actual and
18 necessary operating expenses of the board shall be paid from the ~~appropriation~~
19 appropriations under s. 20.434 (1) (a) and (kp).

20 **SECTION 1574b.** 46.972 (4) of the statutes is repealed.

21 **SECTION 1574p.** 46.985 (7) (a) of the statutes is amended to read:

22 46.985 (7) (a) From the appropriations under s. 20.435 (7) (b), ~~(kw)~~ and (o), the
23 department shall allocate to county departments funds for the administration and
24 implementation of the program.

25 **SECTION 1574v.** 46.986 (2) (b) 2. (intro.) of the statutes is amended to read:

1 46.986 (2) (b) 2. (intro.) Solicit applications from and, using the criteria under
2 subd. 1., award in ~~the 1999-2001~~ each state fiscal biennium up to one grant in each
3 of the 5 administrative regions prescribed by the department to any of the following
4 to conduct a life-span respite care project:

5 **SECTION 1575.** 46.99 (2) (a) (intro.) of the statutes is amended to read:

6 46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), (km) and
7 (nL), the department, ~~beginning on January 1, 2001,~~ shall distribute \$2,125,200 in
8 each fiscal year to applying nonprofit corporations and public agencies operating in
9 a county having a population of 500,000 or more and ~~\$1,229,300~~ \$1,199,300 in each
10 fiscal year to applying county departments under s. 46.22, 46.23, 51.42 or 51.437
11 operating in counties other than a county having a population of 500,000 or more to
12 provide programs to accomplish all of the following:

13 **SECTION 1576.** 46.995 (1m) of the statutes is amended to read:

14 46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS. From the appropriation
15 account under s. 20.435 (3) (km), the department may allocate ~~\$172,500~~ \$195,000 in
16 each fiscal year and, from the appropriation account under s. 20.435 (3) (eg), the
17 department may allocate ~~\$7,500~~ \$15,000 in each fiscal year to provide the grants
18 specified in subs. (2), (3) (b) and (4m) (b).

19 **SECTION 1577.** 46.995 (4m) (b) (intro.) of the statutes is amended to read:

20 46.995 (4m) (b) (intro.) From the allocations under sub. (1m), the department
21 may provide a grant annually in the amount of ~~\$30,000~~ \$60,000 to the elected
22 governing body of a federally recognized American Indian tribe or band for the
23 provision of information to members of the tribe or band in order to increase
24 community knowledge about problems of adolescents and information to and

1 activities for adolescents, particularly female adolescents, in order to enable the
2 adolescents to develop skills with respect to all of the following:

3 **SECTION 1578.** 48.21 (5) (b) of the statutes is renumbered 48.21 (5) (b) (intro.)
4 and amended to read:

5 48.21 (5) (b) (intro.) An order relating to a child held in custody outside of his
6 or her home shall also describe include all of the following:

7 1. A description of any efforts that were made to permit the child to remain
8 safely at home and the services that are needed to ensure the child's well-being, to
9 enable the child to return safely to his or her home, and to involve the parents in
10 planning for the child.

11 **SECTION 1579.** 48.21 (5) (b) 2. of the statutes is created to read:

12 48.21 (5) (b) 2. If the child is held in custody outside the home in a placement
13 recommended by the intake worker, a statement that the court approves the
14 placement recommended by the intake worker or, if the child is placed outside the
15 home in a placement other than a placement recommended by the intake worker, a
16 statement that the court has given bona fide consideration to the recommendations
17 made by the intake worker and all parties relating to the placement of the child.

18 **SECTION 1577g.** 48.02 (15) of the statutes is amended to read:

19 48.02 (15) "Relative" means a parent, grandparent, greatgrandparent,
20 stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt. This
21 relationship shall be by blood, marriage, or adoption.

22 **SECTION 1580.** 48.315 (1) (h) of the statutes is created to read:

23 48.315 (1) (h) Any period of delay resulting from the need to appoint a qualified
24 interpreter.

25 **SECTION 1583.** 48.355 (2) (b) 6m. of the statutes is created to read:

1 48.355 (2) (b) 6m. If the child is placed outside the home in a placement
2 recommended by the agency designated under s. 48.33 (1), a statement that the court
3 approves the placement recommended by the agency or, if the child is placed outside
4 the home in a placement other than a placement recommended by that agency, a
5 statement that the court has given bona fide consideration to the recommendations
6 made by the agency and all parties relating to the child's placement.

7 **SECTION 1584.** 48.357 (2v) of the statutes is created to read:

8 48.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in
9 placement would place the child outside the home in a placement recommended by
10 the person or agency primarily responsible for implementing the dispositional order,
11 the change in placement order shall include a statement that the court approves the
12 placement recommended by that person or agency or, if the child is placed outside the
13 home in a placement other than a placement recommended by that person or agency,
14 a statement that the court has given bona fide consideration to the recommendations
15 made by that person or agency and all parties relating to the child's placement.

16 **SECTION 1585d.** 48.366 (8) of the statutes is amended to read:
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18 48.366 (8) **TRANSFER TO OR BETWEEN FACILITIES.** The department of corrections
19 may transfer a person subject to an order between secured correctional facilities.
20 After the person attains the age of 17 years, the department of corrections may place
21 the person in a state prison named in s. 302.01, except that the department of
22 corrections may not place any person under the age of 18 years in the correctional
23 institution authorized in s. 301.16 (1n). If the person is 15 years of age or over, the
24 department of corrections may transfer the person to the Racine youthful offender
25 correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If the

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1 department of corrections places a person subject to an order under this section in
2 a state prison, that department shall provide services for that person from the
3 appropriate appropriation under s. 20.410 (1). The department of corrections may
4 transfer a person placed in a state prison under this subsection to or between state
5 prisons named in s. 302.01 without petitioning for revision of the order under sub.
6 (5) (a), except that the department of corrections may not transfer any person under
7 the age of 18 years to the correctional institution authorized in s. 301.16 (1n).

8 **SECTION 1587.** 48.375 (7) (d) 1m. of the statutes is amended to read:

9 48.375 (7) (d) 1m. Except as provided under s. 48.315 (1) (b), (c) ~~and~~, (f), and
10 (h), if the court fails to comply with the time limits specified under subd. 1. without
11 the prior consent of the minor and the minor's counsel, if any, or the member of the
12 clergy who filed the petition on behalf of the minor, if any, the minor and the minor's
13 counsel, if any, or the member of the clergy, if any, shall select a temporary reserve
14 judge, as defined in s. 753.075 (1) (b), to make the determination under par. (c) and
15 issue an order granting or denying the petition and the chief judge of the judicial
16 administrative district in which the court is located shall assign the temporary
17 reserve judge selected by the minor and the minor's counsel, if any, or the member
18 of the clergy, if any, to make the determination and issue the order. A temporary
19 reserve judge assigned under this subdivision to make a determination under par.
20 (c) and issue an order granting or denying a petition shall make the determination
21 and issue the order within 2 calendar days after the assignment, unless the minor
22 and her counsel, if any, or the member of the clergy who filed the petition on behalf
23 of the minor, if any, consent to an extension of that time period. The order shall be
24 effective immediately. The court shall prepare and file with the clerk of court

1 findings of fact, conclusions of law and a final order granting or denying the petition,
2 and shall notify the minor of the court's order, as provided under subd. 1.

3 **SECTION 1618r.** 48.48 (17) (e) of the statutes is created to read:

4 48.48 (17) (e) The department shall promulgate rules regulating the
5 administration of child welfare services in a county having a population of 500,000
6 or more. Those rules shall include rules providing for all of the following:

7 1. The process by which the department contracts for the provision of child
8 welfare services that the department is authorized to provide under this chapter.

9 2. Grievance procedures under which any person who is aggrieved by any act
10 or omission of the department, or of a person contracting to provide child welfare
11 services under this chapter, relating to the provision of those services may grieve that
12 act or omission.

13 3. Caseload ratios for staff providing direct child welfare services under this
14 chapter, whether employed by the department or by a person contracting to provide
15 child welfare services under this chapter.

16 4. Standards for the provision of child welfare services under this chapter.

17 5. The use of an open public participation process for the planning, monitoring,
18 and evaluation of child welfare services provided under this chapter.

19 **SECTION 1619r.** 48.55 (1) of the statutes is amended to read:

20 48.55 (1) The department shall establish a state adoption information
21 exchange for the purpose of finding adoptive homes for children with special needs
22 who do not have permanent homes and a state adoption center for the purposes of
23 increasing public knowledge of adoption and promoting to adolescents and pregnant
24 women the availability of adoption services. From the appropriation under s. 20.435
25 (3) (dg), the department may provide not more than ~~\$125,000~~ \$163,700 in fiscal year

1 2001–02 and not more than \$171,300 in each fiscal year thereafter as grants to
2 individuals and private agencies to provide adoption information exchange services
3 and to operate the state adoption center.

4 **SECTION 1620.** 48.561 (3) (a) of the statutes is renumbered 48.561 (3) (a) (intro.)
5 and amended to read:

6 48.561 (3) (a) (intro.) A county having a population of 500,000 or more shall
7 contribute \$58,893,500 in each state fiscal year for the provision of child welfare
8 services in that county by the department. That contribution shall be made as
9 follows:

10 **SECTION 1621.** 48.561 (3) (a) 1. of the statutes is created to read:

11 48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the amount
12 distributed to that county under s. 46.40 (2) in each state fiscal year.

13 **SECTION 1622.** 48.561 (3) (a) 2. of the statutes is created to read:

14 48.561 (3) (a) 2. Through a reduction of \$1,583,000 from the amount distributed
15 to that county under s. 46.40 (2m) (a) in each state fiscal year.

16 **SECTION 1623.** 48.561 (3) (a) 3. of the statutes is created to read:

17 48.561 (3) (a) 3. Through a deduction of \$20,101,300 from any state payment
18 due that county under s. 79.03, 79.04, 79.058, 79.06, or 79.08 as provided in par. (b).

19 **SECTION 1624d.** 48.561 (3) (b) of the statutes is amended to read:

20 48.561 (3) (b) The department of administration shall collect the amount
21 specified in par. (a) 3. from a county having a population of 500,000 or more by
22 deducting all or part of that amount from any state payment due that county under
23 s. 46.40, 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration
24 shall notify the department of revenue, by September 15 of each year, of the amount
25 to be deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or

1 79.08. The department of administration shall credit all amounts collected under
2 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify
3 the county from which those amounts are collected of that collection. The
4 department may not expend any moneys from the appropriation account under s.
5 20.435 (3) (cx) for providing services to children and families under s. 48.48 (17) until
6 the amounts in the appropriation account under s. 20.435 (3) (kw) are exhausted.

7 **SECTION 1629.** 48.57 (3p) (fm) 2. of the statutes is amended to read:

8 48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may
9 provisionally employ a person in a position in which that person would have regular
10 contact with the child for whom those payments are being made or provisionally
11 permit a person to be an adult resident if the person receiving those payments states
12 to the county department or, in a county having a population of 500,000 or more, the
13 department of health and family services that the employee or adult resident does
14 not have any arrests or convictions that could adversely affect the child or the ability
15 of the person receiving payments to care for the child. A person receiving payments
16 under sub. (3m) may not finally employ a person in a position in which that person
17 would have regular contact with the child for whom those payments are being made
18 or finally permit a person to be an adult resident until the county department or, in
19 a county having a population of 500,000 or more, the department of health and family
20 services receives information from the department of justice indicating that the
21 person's conviction record under the law of this state is satisfactory according to the
22 criteria specified in par. (g) 1. to 3. and the county department ~~so advises~~ or, in a
23 county having a population of 500,000 or more, the department of health and family
24 services and so advises the person receiving payments under sub. (3m) or the
25 ~~department of health and family services so advises that person~~ until a decision is

1 made under par. (h) 4. to permit a person who is receiving payments under sub. (3m)
2 to employ a person in a position in which that person would have regular contact with
3 the child for whom payments are being made or to permit a person to be an adult
4 resident and the county department or, in a county having a population of 500,000
5 or more, the department of health and family services so advises the person receiving
6 payments under sub. (3m). A person receiving payments under sub. (3m) may finally
7 employ a person in a position in which that person would have regular contact with
8 the child for whom those payments are being made or finally permit a person to be
9 an adult resident conditioned on the receipt of information from the county
10 department or, in a county having a population of 500,000 or more, the department
11 of health and family services that the federal bureau of investigation indicates that
12 the person's conviction record under the law of any other state or under federal law
13 is satisfactory according to the criteria specified in par. (g) 1. to 3.

14 **SECTION 1629x.** 48.57 (3r) of the statutes is created to read:

15 48.57 (3r) If the amounts in the appropriation under s. 20.435 (3) (kc) are
16 insufficient to provide payments under sub. (3m) (am) (intro.) or (3n) (am) (intro.) to
17 all persons who are eligible to receive those payments, the department may request
18 the secretary of administration under s. 16.515 to supplement that appropriation for
19 the purpose of increasing funding for those payments. Notwithstanding s. 16.515 (1),
20 the secretary of administration may supplement the appropriation under s. 20.435
21 (3) (kc) if all of the following occur:

22 (a) The secretary of administration determines that the amounts in the
23 appropriation are insufficient to provide payments under sub. (3m) (am) (intro.) or
24 (3n) (am) (intro.) to all persons who are eligible to receive those payments.

1 (b) The joint committee on finance either does not schedule a meeting for the
2 purpose of reviewing the proposed supplementation within 14 working days after the
3 secretary of administration notifies the committee of the proposed supplementation
4 or, if the committee schedules a meeting for the purpose of reviewing the proposed
5 supplementation, the committee approves the proposed supplementation.

6 **SECTION 1635.** 48.627 (3) (h) of the statutes is amended to read:

7 48.627 (3) (h) If a claim by a foster, treatment foster or family-operated group
8 home parent or a member of the foster, treatment foster or family-operated group
9 home parent's family is approved, the department shall deduct from the amount
10 approved ~~\$200~~ \$100 less any amount deducted by an insurance company from a
11 payment for the same claim, except that a foster, treatment foster or family-operated
12 group home parent and his or her family are subject to only one deductible for all
13 claims filed in a fiscal year.

14 **SECTION 1636.** 48.651 (1) (intro.) of the statutes is amended to read:

15 48.651 (1) (intro.) Each county department shall certify, according to the
16 standards adopted by the department of workforce development under s. 49.155 (1d),
17 each day care provider reimbursed for child care services provided to families
18 determined eligible under s. 49.155 (~~1m~~), unless the provider is a day care center
19 licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each
20 county may charge a fee to cover the costs of certification. To be certified under this
21 section, a person must meet the minimum requirements for certification established
22 by the department of workforce development under s. 49.155 (1d), meet the
23 requirements specified in s. 48.685 and pay the fee specified in this section. The
24 county shall certify the following categories of day care providers:

25 **SECTION 1636d.** 48.67 of the statutes is amended to read:

1 **48.67 Rules governing child welfare agencies, day care centers, foster**
2 **homes, treatment foster homes, group homes, shelter care facilities and**
3 **county departments.** The department shall promulgate rules establishing
4 minimum requirements for the issuance of licenses to, and establishing standards
5 for the operation of, child welfare agencies, day care centers, foster homes, treatment
6 foster homes, group homes, shelter care facilities, and county departments. These
7 rules shall be designed to protect and promote the health, safety, and welfare of the
8 children in the care of all licensees. The department shall consult with the
9 department of commerce and the department of public instruction before
10 promulgating these rules. In establishing the minimum requirements for the
11 issuance of licenses to day care centers that provide care and supervision for children
12 under one year of age, the department shall include a requirement that all licensees
13 who are individuals and all employees and volunteers of a licensee who provide care
14 and supervision for children receive, before the date on which the license is issued
15 or the employment or volunteer work commences, whichever is applicable, training
16 in the most current medically accepted methods of preventing sudden infant death
17 syndrome.

18 **SECTION 1651g.** 48.981 (1) (am) 1. of the statutes is amended to read:

19 48.981 (1) (am) 1. The child's parent, grandparent, greatgrandparent,
20 stepparent, brother, sister, stepbrother, stepsister, half brother, or half sister.

21 **SECTION 1651h.** 48.981 (1) (fm) of the statutes is amended to read:

22 48.981 (1) (fm) "Relative" means a parent, grandparent, greatgrandparent,
23 stepparent, brother, sister, first cousin, 2nd cousin, nephew, niece, uncle, aunt,
24 stepgrandparent, stepbrother, stepsister, half brother, half sister, brother-in-law,
25 sister-in-law, stepuncle, or steppaunt.

1 **SECTION 1651m.** 48.981 (3) (a) of the statutes is amended to read:

2 48.981 (3) (a) *Referral of report.* 1. A person required to report under sub. (2)
3 shall immediately inform, by telephone or personally, the county department or, in
4 a county having a population of 500,000 or more, the department or a licensed child
5 welfare agency under contract with the department or the sheriff or city, village, or
6 town police department of the facts and circumstances contributing to a suspicion of
7 child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will
8 occur.

9 2. The sheriff or police department shall within 12 hours, exclusive of
10 Saturdays, Sundays, or legal holidays, refer to the county department or, in a county
11 having a population of 500,000 or more, the department or a licensed child welfare
12 agency under contract with the department all cases reported to it. The county
13 department, department, or licensed child welfare agency may require that a
14 subsequent report be made in writing. ~~Each~~

15 3. A county department, the department, or a licensed child welfare agency
16 under contract with the department shall within 12 hours, exclusive of Saturdays,
17 Sundays, or legal holidays, refer to the sheriff or police department all cases of
18 suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For
19 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am), or (gm),
20 or neglect, each county department, the department, and a licensed child welfare
21 agency under contract with the department shall adopt a written policy specifying
22 the kinds of reports it will routinely report to local law enforcement authorities.

23 **SECTION 1651p.** 48.981 (3) (a) 4. of the statutes is created to read:

24 48.981 (3) (a) 4. If the report is of suspected or threatened abuse, as defined in
25 s. 48.02 (1) (b) to (f), the sheriff or police department and the county department,

1 department, or licensed child welfare agency under contract with the department
2 shall coordinate the planning and execution of the investigation of the report.

3 **SECTION 1651r.** 48.981 (3) (b) 3. of the statutes is amended to read:

4 48.981 (3) (b) 3. ~~If the police or other law enforcement officials determine~~ sheriff
5 or police department determines that criminal action is necessary, ~~they~~ the sheriff
6 or police department shall refer the case to the district attorney for criminal
7 prosecution. Each sheriff and police department shall adopt a written policy
8 specifying the kinds of reports of suspected or threatened abuse, as defined in s. 48.02
9 (1) (b) to (f), that the sheriff or police department will routinely refer to the district
10 attorney for criminal prosecution.

11 **SECTION 1651v.** 48.981 (8) (a) of the statutes is amended to read:

12 48.981 (8) (a) The department, the county departments, and a licensed child
13 welfare agency under contract with the department in a county having a population
14 of 500,000 or more to the extent feasible shall conduct continuing education and
15 training programs for staff of the department, the county departments, ~~a~~ licensed
16 child welfare ~~agency~~ agencies under contract with the department or a county
17 department, law enforcement agencies, and the tribal social services departments,
18 persons and officials required to report, the general public, and others as
19 appropriate. The programs shall be designed to encourage reporting of child abuse
20 and neglect and of unborn child abuse, to encourage self-reporting and voluntary
21 acceptance of services and to improve communication, cooperation, and coordination
22 in the identification, prevention, and treatment of child abuse and neglect and of
23 unborn child abuse. Programs provided for staff of the department, county
24 departments, and licensed child welfare agencies under contract with county
25 departments or, ~~in a county having a population of 500,000 or more~~, the department

1 whose responsibilities include the investigation or treatment of child abuse or
2 neglect shall also be designed to provide information on means of recognizing and
3 appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a). The
4 department, the county departments, and a licensed child welfare agency under
5 contract with the department in a county having a population of 500,000 or more
6 shall develop public information programs about child abuse and neglect and about
7 unborn child abuse.

8 **SECTION 1652d.** 48.982 (2) (d) of the statutes is amended to read:

9 48.982 (2) (d) Solicit and accept contributions, grants, gifts, and bequests for
10 the children's trust fund or for any other purpose for which a contribution, grant, gift,
11 or bequest is made and received. Moneys received under this paragraph, other than
12 moneys received under s. 341.14 (6r) (b) 6., may be credited to the appropriation
13 accounts under s. 20.433 (1) (i), or (q) or (r). Interest earned on moneys received
14 under s. 341.14 (6r) (b) 6. may be credited to the appropriation ~~accounts~~ account
15 under s. 20.433 (1) (q) ~~or (r)~~.

16 **SECTION 1653.** 48.982 (2m) (intro.) of the statutes is amended to read:

17 48.982 (2m) DONATION USES. (intro.) If money is accepted by the board for the
18 children's trust fund or for any other purpose under sub. (2) (d) and appropriated
19 under s. 20.433 (1) (q) ~~or (r)~~, the board shall use the money in accordance with the
20 wishes of the donor to do any of the following:

21 **SECTION 1654.** 48.982 (3) of the statutes is amended to read:

22 48.982 (3) STAFF AND SALARIES. The board shall determine the qualifications of
23 and appoint, in the classified service, an executive director and staff. The salaries
24 of the executive director and staff and all actual and necessary operating expenses

1 of the board shall be paid from the appropriations under s. 20.433 (1) (g), (i), (k), (m),
2 and ~~(r)~~ (q).

3 **SECTION 1655.** 48.982 (5) of the statutes is amended to read:

4 48.982 (5) STATEWIDE PROJECTS. From the appropriations under s. 20.433 (1) (i)
5 and ~~(r)~~ (q), the board shall administer any statewide project for which it has accepted
6 money under sub. (2m) (c).

7 **SECTION 1656.** 48.982 (6) (a) of the statutes is amended to read:

8 48.982 (6) (a) From the appropriations under s. 20.433 (1) ~~(b)~~, (h), (i), (k), (ma),
9 and (q), the board shall award grants to organizations in accordance with the
10 request-for-proposal procedures developed under sub. (2) (a). No organization may
11 receive a grant or grants under this subsection totaling more than \$150,000 in any
12 year.

13 **SECTION 1656h.** 48.985 (5) of the statutes is created to read:

14 48.985 (5) MILWAUKEE CHILD WELFARE AIDS. Of the amounts received under 42
15 USC 620 to 626 and credited to the appropriation account under s. 20.435 (3) (nL),
16 the department shall transfer \$58,600 in fiscal year 2001–02 and \$66,800 in fiscal
17 year 2002–03 to the appropriation account under s. 20.435 (3) (kw) and shall expend
18 those moneys to provide services to children and families under s. 48.48 (17).

19 **SECTION 1656d.** 49.027 (2) (a) (intro.) of the statutes is amended to read:

20 49.027 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a
21 year, the department shall pay to the county, in accordance with s. 49.031 and subject
22 to par. (c), from the appropriation under s. 20.435 (4) (bt), an amount for that year
23 determined as follows:

24 **SECTION 1656dd.** 49.027 (2) (a) 1. of the statutes is repealed.

25 **SECTION 1656dg.** 49.027 (2) (a) 3. of the statutes is repealed.

1 **SECTION 1656di.** 49.027 (2) (a) 4. of the statutes is amended to read:

2 49.027 (2) (a) 4. From the amount determined under subd. ~~3.~~ 2., the department
3 shall subtract amounts paid to hospitals in that county under s. 49.45 (6y) and (6z)
4 for that calendar year.

5 **SECTION 1656dL.** 49.027 (2) (c) of the statutes is created to read:

6 49.027 (2) (c) If sufficient funds are not available to pay all of the relief block
7 grants calculated under par. (a), the department shall prorate the available funds
8 among the eligible counties in proportion to the amounts calculated under par. (a).

9 **SECTION 1656sy.** 49.124 (title) of the statutes is renumbered 49.79 (title).

10 **SECTION 1656ta.** 49.124 (1) (intro.) of the statutes is renumbered 49.79 (1)
11 (intro.).

12 **SECTION 1656tb.** 49.124 (1) (ag) of the statutes is renumbered 49.79 (1) (a).

13 **SECTION 1656tc.** 49.124 (1) (am) of the statutes is renumbered 49.79 (1) (b).

14 **SECTION 1656td.** 49.124 (1) (b) of the statutes is renumbered 49.79 (1) (c).

15 **SECTION 1656tf.** 49.124 (1) (c) of the statutes is renumbered 49.79 (1) (d).

16 **SECTION 1656tg.** 49.124 (1) (d) of the statutes is renumbered 49.79 (1) (e).

17 **SECTION 1656th.** 49.124 (1) (df) of the statutes is renumbered 49.79 (1) (f).

18 **SECTION 1656ti.** 49.124 (1) (e) of the statutes is renumbered 49.13 (1) (b).

19 **SECTION 1656tj.** 49.124 (1g) (title) of the statutes is renumbered 49.79 (2)
20 (title).

21 **SECTION 1656tjk.** 49.124 (1g) of the statutes is renumbered 49.79 (2) (a), and
22 49.79 (2) (a) 1. and 5. (intro.), as renumbered, are amended to read:

23 49.79 (2) (a) 1. The individual is a custodial parent of a child who is under the
24 age of 18 and who has an absent parent, or the individual lives with and exercises
25 parental control over a child who is under the age of 18 and who has an absent parent,

1 and the individual does not fully cooperate in good faith with efforts directed at
2 establishing the paternity of the child, if necessary, establishing or enforcing a
3 support order, if appropriate, or obtaining other payments or property, if any, to
4 which that individual or the child may have rights. This ~~paragraph~~ subdivision does
5 not apply if the individual has good cause for refusing to cooperate, as determined
6 by the department in accordance with federal law and regulations.

7 5. (intro.) The individual is obligated by court order to provide child support
8 payments and is delinquent in making those court-ordered payments. This
9 ~~paragraph~~ subdivision does not apply if any of the following applies:

10 **SECTION 1656tjm.** 49.124 (1m) (title) of the statutes is renumbered 49.13
11 (title).

12 **SECTION 1656tjn.** 49.124 (1m) (a) of the statutes is renumbered 49.13 (2) (a)
13 and amended to read:

14 49.13 (2) (a) The department shall contract with the department of health and
15 family services as provided under s. 49.79 (10) to administer an employment and
16 training program for recipients under the food stamp program. The department may
17 contract subcontract with a Wisconsin works agency to administer the employment
18 and training program under this subsection. Except as provided in pars. (b) and
19 (bm), the department may require able individuals who are 18 to 60 years of age who
20 are not participants in a Wisconsin works employment position to participate in the
21 employment and training program under this subsection.

22 **SECTION 1656tk.** 49.124 (1m) (b) to (d) of the statutes are renumbered 49.13
23 (2) (b) to (d).

24 **SECTION 1656tL.** 49.124 (1n) (intro.) of the statutes is renumbered 49.13 (3)
25 (intro.) and amended to read:

1 49.13 (3) ~~INELIGIBILITY FOR NONCOMPLIANCE WITH WORK REQUIREMENTS.~~ (intro.)

2 An individual who fails to comply with the work requirements under sub. ~~(1m)~~ (2)
3 (a) without good cause is ineligible to participate in the food stamp program under
4 ~~this section s. 49.79~~ as follows:

5 **SECTION 1656tm.** 49.124 (1n) (a) of the statutes is renumbered 49.13 (3) (a) and
6 amended to read:

7 49.13 (3) (a) For the first occurrence of noncompliance, one month, or until the
8 person complies with the work requirements under sub. ~~(1m)~~ (2) (a), whichever is
9 later.

10 **SECTION 1656tn.** 49.124 (1n) (b) of the statutes is renumbered 49.13 (3) (b) and
11 amended to read:

12 49.13 (3) (b) For the 2nd occurrence of noncompliance, 3 months, or until the
13 person complies with the work requirements under sub. ~~(1m)~~ (2) (a), whichever is
14 later.

15 **SECTION 1656tp.** 49.124 (1n) (c) of the statutes is renumbered 49.13 (3) (c) and
16 amended to read:

17 49.13 (3) (c) For the 3rd and subsequent occurrences of noncompliance, 6
18 months, or until the person complies with the work requirements under sub. ~~(1m)~~
19 (2) (a), whichever is later.

20 **SECTION 1656tq.** 49.124 (1p) of the statutes is repealed.

21 **SECTION 1656tr.** 49.124 (2) of the statutes, as affected by 2001 Wisconsin Act
22 ... (this act), is renumbered 49.79 (3).

23 **SECTION 1656trg.** 49.124 (2) (a) of the statutes is amended to read:

24 49.124 (2) (a) A county, or federally recognized American Indian tribe ~~or~~
25 Wisconsin works agency is liable for all food stamp coupons lost, misappropriated,

1 or destroyed while under the county's, or tribe's ~~or Wisconsin works agency's~~ direct
2 control, except as provided in par. (b).

3 **SECTION 1656trm.** 49.124 (2) (b) of the statutes is amended to read:

4 49.124 (2) (b) A county, or federally recognized American Indian tribe ~~or~~
5 ~~Wisconsin works agency~~ is not liable for food stamp coupons lost in natural disasters
6 if it provides evidence acceptable to the department that the coupons were destroyed
7 and not redeemed.

8 **SECTION 1656trs.** 49.124 (2) (c) of the statutes is amended to read:

9 49.124 (2) (c) A county, or federally recognized American Indian tribe ~~or~~
10 ~~Wisconsin works agency~~ is liable for food stamp coupons mailed to residents of the
11 county, or members of the tribe ~~or participants in the Wisconsin works program~~ and
12 lost in the mail due to incorrect information submitted to the department by the
13 county, or tribe ~~or Wisconsin works agency~~.

14 **SECTION 1656ts.** 49.124 (3) of the statutes is renumbered 49.79 (4) and
15 amended to read:

16 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
17 department shall withhold the value of food stamp losses for which a county or
18 federally recognized American Indian tribe is liable under sub. (2) (3) from the
19 payment to the county or tribe under s. 20.445 (3) (dz) and (nL) income maintenance
20 contracts under s. 49.33 and reimburse the federal government from the funds
21 withheld.

22 **SECTION 1656tt.** 49.124 (4) of the statutes is repealed.

23 **SECTION 1656tu.** 49.124 (5) of the statutes is renumbered 49.79 (5).

24 **SECTION 1656tv.** 49.124 (6) of the statutes is renumbered 49.79 (6).

25 **SECTION 1656tw.** 49.124 (7) of the statutes is renumbered 49.79 (7).

1 **SECTION 1656tx.** 49.124 (8) of the statutes is renumbered 49.79 (8) and
2 amended to read:

3 49.79 (8) ~~BENEFITS FOR QUALIFIED ALIENS. Not later than June 15, 1998, the~~
4 ~~department shall submit a plan to the secretary of the federal department of~~
5 ~~agriculture to provide benefits under this section to a qualified alien who is ineligible~~
6 ~~for benefits under this section solely because of the application of 8 USC 1612 or 1613.~~
7 ~~If the secretary of the federal department of agriculture approves the plan, the~~ The
8 department shall provide benefits under this section beginning on ~~August 1, 1998,~~
9 ~~or on the day that the plan is approved, whichever is later,~~ to a qualified alien who
10 is otherwise eligible for ~~benefits under this section~~ ineligible for benefits under this
11 section solely because of the application of 9 USC 1612 or 1613 according to a plan
12 approved by the federal department of agriculture. This subsection does not apply
13 to the extent that federal food stamp benefits for qualified aliens are restored by the
14 federal government.

15 **SECTION 1656ty.** 49.125 of the statutes, as affected by 2001 Wisconsin Act ...
16 (this act), is renumbered 49.793.

17 **SECTION 1656tym.** 49.125 (1) of the statutes is amended to read:

18 49.125 (1) The department, or a county, or an elected governing body of a
19 federally recognized American Indian tribe or band ~~or a Wisconsin works agency~~
20 acting on behalf of the department, may recover overpayments that arise from an
21 overissuance of food coupons under the food stamp program administered under s.
22 46.215 (1) (k), or 46.22 (1) (b) 2. d. ~~or 49.143 (2) (e).~~ Recovery shall be made in
23 accordance with 7 USC 2022.

24 **SECTION 1656tz.** 49.127 of the statutes is renumbered 49.795.

25 **SECTION 1656u.** 49.129 (title) of the statutes is renumbered 49.797 (title).

1 **SECTION 1656ua.** 49.129 (1) of the statutes is renumbered 49.797 (1).

2 **SECTION 1656ub.** 49.129 (2) (title) of the statutes is renumbered 49.797 (2)
3 (title).

4 **SECTION 1656uc.** 49.129 (2) (a) of the statutes is repealed.

5 **SECTION 1656ud.** 49.129 (2) (b) 1. of the statutes is renumbered 49.797 (2) (a)
6 and amended to read:

7 49.797 (2) (a) Except as provided in ~~subd. 2, par. (b)~~ and sub. (8), if the necessary
8 authorization under ~~par. (a)~~ is granted, the department shall begin to implement, no
9 later than July 1, 1999, a administer a statewide program to deliver food stamp
10 benefits to recipients of food stamp benefits by an electronic benefit transfer system
11 and ~~shall implement the program statewide no later than April 1, 2000.~~ All
12 suppliers, as defined in s. ~~49.127 (1) (d)~~ 49.795 (1) (d), may participate in the delivery
13 of food stamp benefits under the electronic benefit transfer system. The department
14 shall explore methods by which nontraditional retailers, such as farmers' markets,
15 may participate in the delivery of food stamp benefits under the electronic benefit
16 transfer system.

17 **SECTION 1656ue.** 49.129 (2) (b) 2. of the statutes is renumbered 49.797 (2) (b).

18 **SECTION 1656uf.** 49.129 (3) (title) of the statutes is repealed.

19 **SECTION 1656ug.** 49.129 (3) (a) of the statutes is renumbered 49.131 (1) and
20 amended to read:

21 49.131 (1) The department shall request any necessary authorization from the
22 appropriate federal agency to deliver benefits that are administered by the
23 department, ~~other than food stamp benefits~~, to recipients of benefits by an electronic
24 benefit transfer system.

1 **SECTION 1656uh.** 49.129 (3) (b) of the statutes is renumbered 49.131 (2) and
2 amended to read:

3 49.131 (2) If the necessary authorization under ~~par. (a)~~ sub. (1) is granted, and
4 except as provided in sub. ~~(8)~~ (3), the department may implement a program to
5 deliver by an electronic benefit transfer system any benefit that is administered by
6 the department and that the department designates by rule.

7 **SECTION 1656uj.** 49.129 (4) (intro.) of the statutes is renumbered 49.797 (4)
8 (intro.) and amended to read:

9 49.797 (4) ~~DUTIES; IMPLEMENTATION.~~ (intro.) In ~~implementing~~ administering a
10 program to deliver benefits by an electronic benefit transfer system, the department
11 shall do all of the following:

12 **SECTION 1656uk.** 49.129 (4) (a) of the statutes is renumbered 49.797 (4) (a).

13 **SECTION 1656ul.** 49.129 (4) (b) of the statutes is renumbered 49.797 (4) (b).

14 **SECTION 1656um.** 49.129 (4) (c) of the statutes is renumbered 49.797 (4) (c).

15 **SECTION 1656un.** 49.129 (4) (d) of the statutes is renumbered 49.797 (4) (d).

16 **SECTION 1656up.** 49.129 (5) of the statutes is renumbered 49.797 (5).

17 **SECTION 1656uq.** 49.129 (5m) of the statutes is repealed.

18 **SECTION 1656ur.** 49.129 (6) of the statutes is renumbered 49.797 (6).

19 **SECTION 1656us.** 49.129 (7) of the statutes is renumbered 49.797 (7).

20 **SECTION 1656ut.** 49.129 (8) of the statutes is renumbered 49.797 (8).

21 **SECTION 1656uu.** 49.13 (1) (intro.) and (a) of the statutes are created to read:

22 49.13 (1) (intro.) In this section:

23 (a) “Food stamp program” means the federal food stamp program under 7 USC
24 2011 to 2036.

25 **SECTION 1656uv.** 49.131 (title) of the statutes is created to read:

1 **49.131 (title) Electronic transfer of benefits.**

2 **SECTION 1656uw.** 49.131 (3) of the statutes is created to read:

3 49.131 (3) The department may not require a county or tribal governing body
4 to participate in an electronic benefit transfer system under this section if the costs
5 to the county or tribal governing body would be greater than the costs that the county
6 or tribal governing body would incur in delivering the benefits through a system that
7 is not an electronic benefit transfer system.

8 **SECTION 1657.** 49.137 (4m) of the statutes is created to read:

9 49.137 (4m) **LOCAL PASS-THROUGH GRANT PROGRAM.** The department shall award
10 grants to local governments and tribal governing bodies for programs to improve the
11 quality of child care. The department shall promulgate rules to administer the grant
12 program, including rules that specify the eligibility criteria and procedures for
13 awarding the grants.

14 **SECTION 1657g.** 49.143 (1) (a) of the statutes is repealed and recreated to read:

15 49.143 (1) (a) Except as provided in par. (ar), the department may do any of the
16 following:

17 1. Award a contract, on the basis of a competitive process approved by the
18 secretary of administration, to any person to administer Wisconsin works in a
19 geographical area determined by the department under sub. (6). The competitive
20 process shall include cost and prior experience criteria.

21 2. Contract with a Wisconsin works agency to administer Wisconsin works if
22 that agency has met the performance standards established by the department
23 under sub. (3), during the immediately preceding contract period.

24 **SECTION 1657j.** 49.143 (1) (ag) of the statutes is created to read:

1 49.143 (1) (ag) A contract entered into under par. (a) 2. shall be for a term of
2 at least 2 years. A Wisconsin works agency may elect not to enter into a contract
3 under par. (a) 2. if the Wisconsin works agency informs the department by the date
4 established by the department that the Wisconsin works agency has made that
5 election. A Wisconsin works agency that has not met the performance standards
6 established by the department under sub. (3) may apply for a contract under the
7 competitive process established under par. (a) 1.

8 **SECTION 1657m.** 49.143 (1) (am) of the statutes is repealed.

9 **SECTION 1657p.** 49.143 (1) (ar) of the statutes is created to read:

10 49.143 (1) (ar) If the department changes the geographical areas for which a
11 Wisconsin works agency administers Wisconsin works as provided under sub. (6), the
12 department shall award contracts on the basis of the competitive process established
13 by the department under par. (a) 1. regardless of whether a Wisconsin works agency
14 has met the performance standards established by the department under sub. (3)
15 and is eligible to contract with the department under par. (a) 2.

16 **SECTION 1657r.** 49.143 (1) (ay) of the statutes is amended to read:

17 49.143 (1) (ay) A county or tribal governing body that enters into a contract
18 under par. (a) ~~or (am)~~ but elects not to compete for a subsequent contract under par.
19 (a) 1. shall provide the notice required under this paragraph at least 6 months prior
20 to the expiration of its contract under par. (a) ~~or (am)~~ 1. A county or tribal governing
21 body that elects not to enter into a contract under par. ~~(am)~~ 1. (a) 2. or to compete for
22 a contract under par. ~~(am)~~ 2. (ag) shall provide the notice required under this
23 paragraph by the date established by the department, by rule, under par. ~~(am)~~ 1. (ag).
24 The notice shall be provided to all employees of the county or tribal governing body
25 who may be laid off as a result of the county's or tribal governing body's election not

1 to enter into or compete for a contract and to the certified or recognized collective
2 bargaining representatives of such employees, if any. The notice shall inform the
3 employees and the representatives that the county or tribal governing body is
4 making the election not to enter into or compete for a contract; that the employees
5 may be laid off as a result of that election; that the employees may wish to consider
6 forming a private agency to bid on the contract under par. (a) 1; that the employees
7 may obtain information from the department on the competitive process under par.
8 (a) 1, and the contract requirements under this section; and that the employees may
9 obtain information from the department on steps that the employees might take to
10 organize themselves to form a private agency for the purposes of competing for a
11 contract under par. (a) 1. The department shall provide the information specified in
12 this paragraph upon the request of any employee or collective bargaining
13 representative described in this paragraph.

14 **SECTION 1657u.** 49.143 (1) (b) of the statutes is amended to read:

15 49.143 (1) (b) If no acceptable provider in a geographical area is selected under
16 par. (a) ~~or (am)~~, the department shall administer Wisconsin works in that
17 geographical area.

18 **SECTION 1659g.** 49.143 (2) (a) 9. of the statutes is repealed.

19 **SECTION 1660b.** 49.143 (2) (e) of the statutes is repealed.

20 **SECTION 1660d.** 49.143 (2g) of the statutes is created to read:

21 49.143 (2g) CONTRACT PROHIBITIONS. (a) Each contract under sub. (1) shall
22 prohibit a Wisconsin works agency from using funding that is allocated under the
23 contract to pay Wisconsin works benefits under s. 49.148 for any of the following:

- 24 1. Costs of providing direct services to Wisconsin works participants.
- 25 2. Costs of administering Wisconsin works.

1 (b) No Wisconsin works agency may expend moneys that are provided under
2 a contract under sub. (1) to conduct public relations activities unless the public
3 relations activities are directly related to providing community outreach and
4 informing participants about the services available under Wisconsin works.

5 **SECTION 1660e.** 49.143 (4m) of the statutes is created to read:

6 49.143 (4m) OVERSIGHT OF WISCONSIN WORKS AGENCIES. The department shall
7 do all of the following with respect to Wisconsin works agencies that are located in
8 counties that have a population of 500,000 or more:

9 (a) Monitor each agency's compliance with contracts that are entered into
10 under sub. (1).

11 (b) Provide technical assistance to each agency.

12 (c) Assist in coordinating among the agencies the services that are offered to
13 Wisconsin works participants.

14 **SECTION 1660g.** 49.143 (6) of the statutes is amended to read:

15 49.143 (6) GEOGRAPHICAL AREAS. The department shall determine the
16 geographical area for which a Wisconsin works agency will administer Wisconsin
17 works. Beginning on the effective date of this subsection [revisor inserts date],
18 the department may not change the number or the boundaries of the geographical
19 areas that have been established under this subsection unless the department first
20 consults with a county department that is created under s. 46.21 (2m) (a) and holds
21 at least one public hearing in each of the geographical areas that would be affected
22 by the proposed change. Except for federally recognized American Indian
23 reservations and in counties with a population of 500,000 or more, no geographical
24 area may be smaller than one county. A geographical area may include more than
25 one county. The department need not establish the geographical areas by rule.

1 **SECTION 1660hb.** 49.145 (3) (b) 1. of the statutes is amended to read:

2 49.145 (3) (b) 1. All earned and unearned income of the individual, except any
3 amount received under section 32 of the ~~internal revenue code~~ Internal Revenue
4 Code, as defined in s. 71.01 (6), any amount received under s. 71.07 (9e), any payment
5 made by an employer under section 3507 of the ~~internal revenue code~~ Internal
6 Revenue Code, as defined in s. 71.01 (6), any student financial aid received under any
7 federal or state program, any scholarship used for tuition and books, and any
8 assistance received under s. 49.148. In determining the earned and unearned
9 income of the individual, the Wisconsin works agency may not include income earned
10 by a dependent child of the individual.

11 **SECTION 1660jk.** 49.147 (4) (am) of the statutes is amended to read:

12 49.147 (4) (am) *Education or training activities.* A participant under this
13 subsection may be required to participate in education and training activities
14 assigned as part of an employability plan developed by the Wisconsin works agency.
15 The department shall establish by rule permissible education and training under
16 this paragraph, which shall include a course of study meeting the standards
17 established under s. 115.29 (4) for the granting of a declaration of equivalency of high
18 school graduation, technical college courses, ~~employer-sponsored training~~, and
19 educational courses that provide an employment skill. Permissible education under
20 this paragraph shall also include English as a 2nd language courses that the
21 Wisconsin works agency determines would facilitate an individual's efforts to obtain
22 employment and adult basic education courses that the Wisconsin works agency
23 determines would facilitate an individual's efforts to obtain employment.

24 **SECTION 1660jv.** 49.147 (5) (bm) of the statutes is amended to read:

1 49.147 (5) (bm) *Education or training activities.* A participant under this
2 subsection may be required to participate in education and training activities
3 assigned as part of an employability plan developed by the Wisconsin works agency.
4 The department shall establish by rule permissible education and training under
5 this paragraph, which shall include a course of study meeting the standards
6 established under s. 115.29 (4) for the granting of a declaration of equivalency of high
7 school graduation, technical college courses, employer-sponsored training, and
8 educational courses that provide an employment skill. Permissible education under
9 this paragraph shall also include English as a 2nd language courses that the
10 Wisconsin works agency determines would facilitate an individual's efforts to obtain
11 employment and adult basic education courses that the Wisconsin works agency
12 determines would facilitate an individual's efforts to obtain employment.

13 **SECTION 1660p.** 49.1473 of the statutes is created to read:

14 **49.1473 Wisconsin works; domestic abuse screening and training. (1)**

15 (a) The department shall promulgate rules for screening victims of domestic abuse
16 and for the training of Wisconsin works agency employees in domestic abuse issues.
17 The rules shall allow an individual to voluntarily and confidentially disclose that he
18 or she is or has been a victim of domestic abuse or is at risk of further domestic abuse.
19 The rules shall also specify the evidence that is sufficient to establish that an
20 individual is or has been a victim of domestic abuse or is at risk of further domestic
21 abuse.

22 (b) Each Wisconsin works agency shall establish procedures, in accordance
23 with the rules promulgated by the department under par. (a), for screening victims
24 of domestic abuse.

1 (2) If a Wisconsin works agency employee identifies an individual as a past or
2 present victim of domestic abuse or determines that the individual is at risk of
3 domestic abuse or if the individual identifies himself or herself as a past or present
4 victim of domestic abuse or as an individual who is at risk of further abuse, the
5 Wisconsin works agency shall provide the individual with information on
6 community-based domestic abuse services, including information on shelters or
7 programs for battered individuals, sexual assault provider services, medical
8 services, sexual assault nurse examiners services, domestic violence and sexual
9 assault hotlines, legal and medical counseling and advocacy, mental health care,
10 counseling, and support groups. The Wisconsin works agency shall provide the
11 information to the individual orally and in writing in accordance with guidelines
12 developed by the department. The Wisconsin works agency shall also provide
13 referrals for community-based counseling and supportive service providers to the
14 individual if the individual elects to receive the services.

15 **SECTION 1660xa.** 49.155 (1) (d) of the statutes is created to read:

16 49.155 (1) (d) “Tribal governing body” means an elected governing body of a
17 federally recognized American Indian tribe.

18 **SECTION 1660y.** 49.155 (1d) (a) of the statutes is amended to read:

19 49.155 (1d) (a) The department shall promulgate rules establishing standards
20 for the certification of child care providers under s. 48.651. In establishing the
21 requirements for certification under this paragraph of a child care provider who
22 provides care and supervision for children under one year of age, the department
23 shall include a requirement that all providers and all employees and volunteers of
24 a provider who provide care and supervision for children receive, before the date on
25 which the provider is certified or the employment or volunteer work commences,

1 whichever is applicable, training in the most current medically accepted methods of
2 preventing sudden infant death syndrome. In establishing the requirements for
3 certification as a Level II certified family day care provider, the department may not
4 include ~~a~~ any other requirement for training for providers.

5 **SECTION 1661b.** 49.155 (1g) (b) of the statutes is amended to read:

6 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
7 ~~\$8,012,500~~ \$44,955,200 in fiscal year ~~1999–2000~~ 2001–02 and ~~\$7,412,500~~
8 \$27,977,500 in fiscal year ~~2000–01~~ 2002–03 for the purposes of providing technical
9 assistance for child care providers ~~and of, for~~ administering the child care program
10 under this section and for grants under s. 49.136 (2) for the start–up and expansion
11 of child day care services, and for child day care start–up and expansion planning,
12 for grants under s. 49.134 (2) for child day care resource and referral services, for
13 grants under s. 49.137 (3) to assist child care providers in meeting the quality of care
14 standards established under sub. (1d), and for a system of rates or a program of
15 grants, as provided under sub. (1d), to reimburse for reimbursement of child care
16 providers that meet those quality of care standards and, for grants under s. 49.137
17 (2) and (4m), for a child care scholarship and bonus program, for safe child care
18 activities, for administration of the department’s office of child care, and for contracts
19 under s. 49.137 (4) to improve the quality of child day care services in this state.

20 **SECTION 1662.** 49.155 (1g) (c) of the statutes is amended to read:

21 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
22 ~~\$3,596,900~~ \$4,549,500 in fiscal year ~~1999–2000~~ 2001–02 and ~~\$3,745,200~~ \$4,733,700
23 in fiscal year ~~2000–01~~ 2002–03 to the appropriation under s. 20.435 (3) (kx), ~~and~~
24 ~~transfer \$20,700 in fiscal year 1999–2000 and \$27,700 in fiscal year 2000–01 to the~~

1 ~~appropriation under s. 20.435 (8) (kx), for the purpose of day care center licensing~~
2 ~~under s. 48.65.~~

3 **SECTION 1663j.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

4 49.155 (1m) (a) 3m. Participate in a job search or work experience component
5 of the food stamp employment and training program under s. ~~49.124 (1m)~~ 49.13.

6 **SECTION 1664.** 49.155 (1m) (bm) of the statutes is amended to read:

7 49.155 (1m) (bm) If the individual is providing care for a child under a court
8 order and is receiving payments on behalf of the child under s. 48.57 (3m) ~~or (3n)~~, or
9 if the individual is a foster parent or treatment foster parent, and child care is needed
10 for that child, the individual meets the requirement under s. 49.145 (2) (c).

11 **SECTION 1665.** 49.155 (1m) (c) (intro.) of the statutes is repealed.

12 **SECTION 1666.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

13 49.155 (1m) (c) 1. (intro.) ~~The Except as provided in subds. 1g., 1h., 1m., 2., and~~
14 ~~3., the~~ gross income of the individual's family is at or below 185% of the poverty line
15 for a family the size of the individual's family or, for an individual who is already
16 receiving a child care subsidy under this section, the gross income of the individual's
17 family is at or below 200% of the poverty line for a family the size of the individual's
18 family. In calculating the gross income of the family, the Wisconsin works agency
19 shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in
20 calculating farm and self-employment income, the Wisconsin works agency shall
21 include the sum of the following:

22 **SECTION 1667.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

23 49.155 (1m) (c) 1g. ~~The If the~~ individual is a foster parent of the child ~~and~~, the
24 child's biological or adoptive family has a gross income that is at or below 200% of the
25 poverty line. In calculating the gross income of the child's biological or adoptive

1 family, the Wisconsin works agency shall include income described under s. 49.145
2 (3) (b) 1. and 3.

3 **SECTION 1668.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

4 49.155 (1m) (c) 1h. ~~The~~ If the individual is a relative of the child, is providing
5 care for the child under a court order, and is receiving payments under s. 48.57 (3m)
6 or (3n) on behalf of the child ~~and~~, the child's biological or adoptive family has a gross
7 income that is at or below 200% of the poverty line. In calculating the gross income
8 of the child's biological or adoptive family, the Wisconsin works agency shall include
9 income described under s. 49.145 (3) (b) 1. and 3.

10 **SECTION 1669.** 49.155 (1m) (c) 1m. of the statutes is amended to read:

11 49.155 (1m) (c) 1m. ~~The~~ If the individual was eligible under s. 49.132 (4) (a),
12 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
13 stats., on September 30, 1997, but lost aid solely because of the application of s.
14 49.132 (6), 1995 stats., ~~and~~ the gross income of the individual's family is at or below
15 200% of the poverty line for a family the size of the individual's family. This
16 subdivision does not apply to an individual whose family's gross income at any time
17 on or after September 30, 1997, is more than 200% of the poverty line for a family the
18 size of the individual's family.

19 **SECTION 1670.** 49.155 (1m) (c) 2. of the statutes is amended to read:

20 49.155 (1m) (c) 2. ~~The~~ If the individual was eligible under s. 49.132 (4) (am),
21 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
22 stats., on or after May 10, 1996, but lost eligibility solely because of increased
23 income, ~~and~~ the gross income of the individual's family is at or below 200% of the
24 poverty line for a family the size of the individual's family. This subdivision does not

1 apply to an individual whose family's gross income increased to more than 200% of
2 the poverty line for a family the size of the individual's family.

3 **SECTION 1671.** 49.155 (1m) (c) 3. of the statutes is amended to read:

4 49.155 (1m) (c) 3. The If the individual was eligible for a child care subsidy
5 under s. 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care
6 subsidy on or after May 10, 1996, but lost the subsidy solely because of increased
7 income, ~~and~~ the gross income of the individual's family is at or below 200% of the
8 poverty line for a family the size of the individual's family. This subdivision does not
9 apply to an individual whose family's gross income increased to more than 200% of
10 the poverty line for a family the size of the individual's family.

11 **SECTION 1674.** 49.155 (3m) (title) of the statutes is amended to read:

12 49.155 (3m) (title) DISTRIBUTION OF CHILD CARE FUNDS ~~TO COUNTIES AND CERTAIN~~
13 ~~CHILD CARE PROVIDERS.~~

14 **SECTION 1675.** 49.155 (3m) (a) of the statutes is amended to read:

15 49.155 (3m) (a) The department shall reimburse child care providers or shall
16 distribute funds to county departments under s. 46.215, 46.22 or 46.23 or tribal
17 governing bodies for child care services provided under this section and to private
18 nonprofit agencies that provide child care for children of migrant workers. The
19 department may reimburse a Wisconsin works agency for child care that the
20 Wisconsin works agency provides to the children of Wisconsin works participants
21 and applicants.

22 **SECTION 1676.** 49.155 (3m) (d) of the statutes is amended to read:

23 49.155 (3m) (d) No funds distributed under par. (a) may be used to provide for
24 child care services that are provided for a child by a ~~person~~ child care provider who

1 is the parent of the child or who resides with the child, unless the county determines
2 that the care is necessary because of a special health condition of the child.

3 **SECTION 1676n.** 49.173 (title) of the statutes is amended to read:

4 **49.173 (title) Workforce attachment and advancement program.**

5 **SECTION 1678.** 49.175 (1) (intro.) of the statutes is amended to read:

6 49.175 (1) ALLOCATION OF FUNDS. (intro.) ~~Within~~ Except as provided in sub. (2),
7 within the limits of the appropriations under s. 20.445 (3) (a), ~~(br)~~, (cm), (dc), (dz), (e),
8 ~~(em)~~, (jL), (k), (L), ~~(Lm)~~, (mc), (md), (nL), (pm), and (ps), the department shall allocate
9 the following amounts for the following purposes:

10 **SECTION 1679b.** 49.175 (1) (a) of the statutes is repealed and recreated to read:

11 49.175 (1) (a) *Wisconsin works benefits.* For Wisconsin works benefits provided
12 under contracts having a term that begins on January 1, 2000, and ends on
13 December 31, 2001, \$24,654,800 in fiscal year 2001–02; and for Wisconsin works
14 benefits provided under contracts having a term that begins on January 1, 2002, and
15 ends on December 31, 2003, \$24,654,800 in fiscal year 2001–02 and \$49,309,600 in
16 fiscal year 2002–03.

17 **SECTION 1680b.** 49.175 (1) (b) of the statutes is repealed and recreated to read:

18 49.175 (1) (b) *Wisconsin works administration and ancillary services.* For
19 administration of Wisconsin works and program services under Wisconsin works
20 performed under contracts under s. 49.143 having a term that begins on
21 January 1, 2000, and ends on December 31, 2001, \$63,269,900 in fiscal year
22 2001–02; and for administration of Wisconsin works and program services under
23 Wisconsin works performed under contracts under s. 49.143 having a term that
24 begins on January 1, 2002, and ends on December 31, 2003, \$49,610,800 in fiscal
25 year 2001–02 and \$99,221,600 in fiscal year 2002–03.

1 **SECTION 1681b.** 49.175 (1) (c) of the statutes is amended to read:

2 49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses
3 to Wisconsin works agencies that have entered into contracts under s. 49.143 having
4 a term that begins on January 1, 2000, and that ends on December 31, 2001,
5 ~~\$3,706,300 in fiscal year 1999–2000 and \$7,413,100~~ \$12,820,800 in fiscal year
6 ~~2000–01~~ 2001–02.

7 **SECTION 1682bc.** 49.175 (1) (d) of the statutes is repealed and recreated to read:

8 49.175 (1) (d) *Community reinvestment.* 1. ‘Contracts for 1997 to 1999’. For
9 the payment of community reinvestment funds that are earned as part of contracts
10 entered into under s. 49.143 having a term that begins on September 1, 1997, and
11 ends on December 31, 1999, \$20,849,000 in fiscal year 2001–02.

12 2. ‘Contracts for 2000 and 2001.’ For the payment of community reinvestment
13 funds that are earned as part of contracts entered into under s. 49.143 having a term
14 that begins on January 1, 2000, and ends on December 31, 2001, \$2,769,900 in fiscal
15 year 2001–02 and \$5,539,700 in fiscal year 2002–03.

16 **SECTION 1682cd.** 49.175 (1) (d) 1. of the statutes, as affected by 2001 Wisconsin
17 Act (this act), is repealed.

18 **SECTION 1682ce.** 49.175 (1) (d) 2. (title) of the statutes, as affected by 2001
19 Wisconsin Act (this act), is repealed.

20 **SECTION 1682cf.** 49.175 (1) (d) 2. of the statutes, as affected by 2001 Wisconsin
21 Act (this act), is renumbered 49.175 (1) (d).

22 **SECTION 1683b.** 49.175 (1) (e) of the statutes is amended to read:

23 49.175 (1) (e) ~~*Initial contracts*~~ *Contracts for 2000 and 2001.* For contracts
24 under s. 49.143 having a term that begins on January 1, 2000, and ends on

1 December 31, ~~1999, \$245,171,800~~ 2001, \$20,136,800 in fiscal year ~~1999-2000~~
2 2001-02.

3 **SECTION 1684b.** 49.175 (1) (f) of the statutes is repealed.

4 **SECTION 1685b.** 49.175 (1) (g) of the statutes is amended to read:

5 49.175 (1) (g) *State administration of public assistance programs.* For state
6 administration of public assistance programs, ~~\$31,831,000~~ \$24,680,700 in fiscal
7 year ~~1999-2000~~ 2001-02 and ~~\$31,783,200~~ \$24,693,200 in fiscal year ~~2000-01~~
8 2002-03. ↖ check
△

9 **SECTION 1686a.** 49.175 (1) (h) of the statutes is amended to read:

10 49.175 (1) (h) *Food stamps for legal immigrants.* For food stamp benefits to
11 qualified aliens under s. 49.124 (8), ~~\$420,000~~ \$745,000 in each fiscal year 2001-02.

12 **SECTION 1686b.** 49.175 (1) (h) of the statutes, as affected by 2001 Wisconsin Act
13 (this act), is amended to read:

14 49.175 (1) (h) *Food stamps for legal immigrants.* For food stamp benefits to
15 qualified aliens under s. ~~49.124~~ 49.79 (8), \$745,000 in fiscal year 2001-02.

16 **SECTION 1687b.** 49.175 (1) (j) of the statutes is amended to read:

17 49.175 (1) (j) *Funeral expenses.* For funeral expenses under s. 49.30,
18 ~~\$3,300,000~~ \$4,550,200 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$3,925,100~~ \$4,550,200
19 in fiscal year ~~2000-01~~ 2002-03.

20 **SECTION 1689m.** 49.175 (1) (o) of the statutes is repealed.

21 **SECTION 1690b.** 49.175 (1) (p) of the statutes is amended to read:

22 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
23 49.155, ~~\$159,560,000~~ \$274,500,000 in fiscal year ~~1999-2000~~ 2001-02 and
24 ~~\$181,050,000~~ \$305,550,000 in fiscal year ~~2000-01~~ 2002-03.

25 **SECTION 1691b.** 49.175 (1) (q) of the statutes is amended to read:

1 49.175 (1) (q) *Indirect child care services*. For indirect child care services under
2 s. 49.155 (1g), ~~\$11,812,300~~ \$24,293,900 in fiscal year 1999-2000 2001-02 and
3 ~~\$11,367,600~~ \$15,458,000 in fiscal year ~~2000-01~~ 2002-03.

4 **SECTION 1692b.** 49.175 (1) (qm) of the statutes is created to read:

5 49.175 (1) (qm) *Local pass-through grant program*. For the local pass-through
6 grant program under s. 49.137 (4m), \$25,210,800 in fiscal year 2001-02 and
7 \$17,253,200 in fiscal year 2002-03.

8 **SECTION 1692m.** 49.175 (1) (r) of the statutes is amended to read:

9 49.175 (1) (r) *Early childhood excellence initiative*. For grants under s. 49.1375,
10 \$7,500,000 in each \$11,395,900 in fiscal year 2001-02 and \$2,750,000 in fiscal year
11 2002-03.

12 **SECTION 1693b.** 49.175 (1) (s) of the statutes is repealed.

13 **SECTION 1694b.** 49.175 (1) (t) of the statutes is repealed.

14 **SECTION 1695b.** 49.175 (1) (u) of the statutes is amended to read:

15 49.175 (1) (u) *Workforce attachment and advancement program*. For services
16 specified under s. 49.173, ~~\$9,700,000~~ \$9,641,000 in fiscal year 1999-2000 2001-02
17 and \$10,000,000 ^{check A} \$7,842,200 in fiscal year 2000-01. ~~The department may not~~
18 ~~distribute moneys allocated under this paragraph unless the joint committee on~~
19 ~~finance approves the distribution~~ 2002-03.

20 **SECTION 1696b.** 49.175 (1) (v) of the statutes is amended to read:

21 49.175 (1) (v) *Transportation assistance*. For transportation assistance under
22 s. 49.157, ~~\$200,000 in fiscal year 1999-2000 and \$2,000,000~~ year 2000-01.

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23 **SECTION 1697b.** 49.175 (1) (w) of the statutes is repealed.

24 **SECTION 1698b.** 49.175 (1) (x) of the statutes is repealed.

25 **SECTION 1699b.** 49.175 (1) (y) of the statutes is amended to read:

1 49.175 (1) (y) *Literacy initiative*. For literacy grants under s. 49.169 and
2 literacy services administered by the governor's office, ~~\$1,454,100 in each~~ \$1,425,800
3 in fiscal year 2001–02 and \$800,000 in fiscal year 2002–03.

4 **SECTION 1700b.** 49.175 (1) (z) of the statutes is amended to read:

5 49.175 (1) (z) *Community youth grant*. For a competitive grant program
6 administered by the department to fund programs that improve social, academic,
7 and employment skills of youth who are eligible to receive temporary assistance for
8 needy families under 42 USC 601 et seq., ~~\$7,500,000 in each~~ \$7,579,700 in fiscal year
9 2001–02 and \$500,000 fiscal year 2002–03.

10 **SECTION 1701b.** 49.175 (1) (zb) of the statutes is repealed.

11 **SECTION 1702b.** 49.175 (1) (zc) of the statutes is repealed.

12 **SECTION 1703b.** 49.175 (1) (zd) of the statutes is amended to read:

13 49.175 (1) (zd) *Alcohol and other drug abuse*. For grants made under s. 49.167
14 to organizations that provide community-based alcohol and other drug abuse
15 treatment to individuals who are eligible for temporary assistance for needy families
16 under 42 USC 601 et. seq., ~~\$1,000,000 in each~~ \$500,000 in fiscal year 2001–02.

17 **SECTION 1704b.** 49.175 (1) (ze) 1. of the statutes is amended to read:

18 49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the
19 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
20 (3p), ~~\$24,530,100 in~~ \$24,852,600 in each fiscal year ~~1999–2000 and \$26,164,100 in~~
21 fiscal year 2000–01.

22 **SECTION 1705b.** 49.175 (1) (ze) 2. of the statutes is amended to read:

23 49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For
24 payments made under s. 49.775 for the support of the dependent children of

1 recipients of supplemental security income, ~~\$13,745,200~~ \$20,145,000 in fiscal year
2 ~~1999-2000~~ 2001-02 and ~~\$17,930,000~~ \$19,796,000 in fiscal year ~~2000-01~~ 2002-03.

3 **SECTION 1706b.** 49.175 (1) (ze) 3. of the statutes is repealed.

4 **SECTION 1706m.** 49.175 (1) (ze) 5. of the statutes is repealed.

5 **SECTION 1707b.** 49.175 (1) (ze) 7. of the statutes is amended to read:

6 49.175 (1) (ze) 7. 'Adolescent services and pregnancy prevention programs.'
7 For adolescent services and pregnancy prevention programs under ss. 46.93, 46.99,
8 and 46.995, ~~\$1,808,300~~ \$1,816,500 in each fiscal year.

9 **SECTION 1708b.** 49.175 (1) (ze) 8. of the statutes is amended to read:

10 49.175 (1) (ze) 8. 'Domestic abuse services grants.' For the domestic abuse
11 services grants under s. 46.95 (2), ~~\$975,000 in fiscal year 1999-2000~~ and \$1,000,000
12 in each fiscal year thereafter.

13 **SECTION 1709b.** 49.175 (1) (ze) 10. of the statutes is repealed.

14 **SECTION 1709d.** 49.175 (1) (ze) 10m. of the statutes is created to read:

15 49.175 (1) (ze) 10m. 'Safety services.' For services provided in counties having
16 a population of 500,000 or more to ensure the safety of children who the department
17 of health and family services determines may remain at home if appropriate services
18 are provided, \$7,094,100 in each fiscal year.

19 **SECTION 1709f.** 49.175 (1) (ze) 11. of the statutes is created to read:

20 49.175 (1) (ze) 11. 'Prevention services.' For services to prevent child abuse or
21 neglect in counties having a population of 500,000 or more, \$1,489,600 in each fiscal
22 year.

23 **SECTION 1710b.** 49.175 (1) (zf) of the statutes is amended to read:

1 49.175 (1) (zf) *Badger Challenge*. For the Badger Challenge program under s.
2 21.25, ~~\$33,300 in fiscal year 1999–2000 and \$83,200 in~~ \$93,400 in fiscal year
3 ~~2000–01~~ 2002–03.

4 **SECTION 1711b.** 49.175 (1) (zh) of the statutes is amended to read:

5 49.175 (1) (zh) **EARNED INCOME TAX CREDIT.** For the transfer of moneys from the
6 appropriation account under s. 20.445 (3) (md) to the appropriation account under
7 s. 20.835 (2) (kf) for the earned income tax credit, ~~\$51,000,000~~ \$51,244,500 in fiscal
8 year ~~1999–2000~~ 2001–02 and ~~\$54,000,000~~ \$52,200,000 in fiscal year ~~2000–01~~
9 2002–03.

10 **SECTION 1714.** 49.175 (1) (zm) of the statutes is repealed.

11 **SECTION 1714d.** 49.175 (1) (zo) of the statutes is created to read:

12 49.175 (1) (zo) *After-school care program*. For the transfer of moneys to the
13 department of public instruction for the after-school care grant program under 2001
14 Wisconsin Act (this act), section 9140 (6w), \$150,000 in fiscal year 2002–03.

15 **SECTION 1715.** 49.175 (2) (title) of the statutes is amended to read:

16 49.175 (2) (title) ~~REDISTRIBUTION~~ REALLOCATION OF FUNDS.

17 **SECTION 1716m.** 49.175 (2) of the statutes is renumbered 49.175 (2) (a) (intro.)
18 and amended to read:

19 49.175 (2) (a) (intro.) The department may redistribute reallocate funds that
20 are allocated for a purpose specified under any under a paragraph under sub. (1) to
21 be used for any other purpose specified in any other a paragraph under sub. (1) if the
22 all of the following requirements are met:

23 3. If the department proposes to reallocate not more than 5% of the total
24 amount allocated for a purpose specified under a paragraph under sub. (1), the
25 secretary of administration approves the redistribution reallocation.

1 **SECTION 1716o.** 49.175 (2) (a) 1. of the statutes is created to read:

2 49.175 (2) (a) 1. The purpose for which the funds are reallocated is authorized
3 by the appropriation from which the funds are derived.

4 **SECTION 1716q.** 49.175 (2) (a) 2. of the statutes is created to read:

5 49.175 (2) (a) 2. The funds are reallocated for expenditure in the same fiscal
6 year for which they were allocated under sub. (1).

7 **SECTION 1716s.** 49.175 (2) (a) 4. of the statutes is created to read:

8 49.175 (2) (a) 4. If the department proposes to reallocate more than 5% of the
9 total amount allocated for a purpose specified under a paragraph under sub. (1), the
10 secretary of administration approves the reallocation, and the joint committee on
11 finance approves the reallocation as specified under par. (b).

12 **SECTION 1716v.** 49.175 (2) (b) of the statutes is created to read:

13 49.175 (2) (b) If the department proposes to reallocate more than 5% of the total
14 amount allocated for a purpose specified under a paragraph under sub. (1), and the
15 secretary of administration has approved the reallocation under par. (a) 4., the
16 secretary shall submit the proposal to the joint committee on finance for review. If
17 the cochairpersons of the joint committee on finance do not notify the secretary
18 within 14 working days after the date on which the proposal is submitted that the
19 committee intends to schedule a meeting to review the proposal, the funds may be
20 reallocated as proposed by the department. If, within 14 working days after the date
21 on which the proposal is submitted, the cochairpersons of the committee notify the
22 secretary that the committee intends to schedule a meeting to review the proposal,
23 the funds may be reallocated only upon approval by the committee.

24 **SECTION 1717g.** 49.175 (2) (c) of the statutes is created to read:

1 49.175 (2) (c) If the amounts of federal block grant moneys that are required
2 to be credited to the appropriation accounts under s. 20.445 (3) (mc) and (md) are less
3 than the amounts appropriated under s. 20.445 (3) (mc) and (md), the department
4 shall submit a plan to the secretary of administration for reducing the amounts of
5 moneys allocated under sub. (1). If the secretary of administration approves the
6 plan, the amounts of moneys required to be allocated under sub. (1) may be reduced
7 as proposed by the department and the department shall allocate the moneys as
8 specified in the plan.

9 **SECTION 1718.** 49.175 (3) of the statutes is created to read:

10 49.175 (3) REPORT ON EXPENDITURES. By November 1 of each fiscal year, the
11 department shall submit a report to the secretary of administration and the
12 cochairpersons of the joint committee on finance on the expenditures made from the
13 appropriation accounts under s. 20.445 (3) (a), (cm), (dc), (dz), (e), (jL), (k), (L), (mc),
14 (md), (nL), (pm), and (ps) in the previous fiscal year for the purposes specified in sub.
15 (1).

16 **SECTION 1718x.** 49.185 of the statutes is repealed.

17 **SECTION 1723m.** 49.197 (1m) of the statutes is amended to read:

18 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)
19 (dz), ~~(kx)~~, (L), (md), (n), and (nL), the department shall establish a program to
20 investigate suspected fraudulent activity on the part of recipients of ~~medical~~
21 ~~assistance under subch. IV~~, aid to families with dependent children under s. 49.19
22 ~~and the food stamp program under 7 USC 2011 to 2036 and~~, on the part of
23 participants in the Wisconsin works program under ss. 49.141 to 49.161, and, if the
24 department of health and family services contracts with the department under sub.
25 (5), on the part of recipients of medical assistance under subch. IV and food stamp

1 benefits under the food stamp program under 7 USC 2011 to 2036. The department's
2 activities under this subsection may include, but are not limited to, comparisons of
3 information provided to the department by an applicant and information provided
4 by the applicant to other federal, state, and local agencies, development of an
5 advisory welfare investigation prosecution standard, and provision of funds to
6 county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin works
7 agencies to encourage activities to detect fraud. The department shall cooperate
8 with district attorneys regarding fraud prosecutions.

9 **SECTION 1724g.** 49.197 (3) of the statutes is amended to read:

10 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
11 activities to reduce payment errors in medical assistance under subch. IV, Wisconsin
12 works under ss. 49.141 to 49.161, aid to families with dependent children under s.
13 49.19 and the food stamp program under 7 USC 2011 to 2029. ~~The department shall~~
14 ~~fund the activities under this section from the appropriation under s. 20.445 (3) (L).~~

15 **SECTION 1724m.** 49.197 (3) of the statutes, as affected by 2001 Wisconsin Act
16 (this act), is amended to read:

17 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
18 activities to reduce payment errors in ~~medical assistance under subch. IV,~~ Wisconsin
19 works under ss. 49.141 to 49.161, ~~aid to families with dependent children under s.~~
20 ~~49.19 and the food stamp program under 7 USC 2011 to 2029~~ and, if the department
21 of health and family services contracts with the department under sub. (5), the
22 medical assistance program under subch. IV and the food stamp program under 7
23 USC 2011 to 2036.

24 **SECTION 1725ag.** 49.197 (4) of the statutes is amended to read:

1 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide
 2 funds from the appropriations under s. 20.445 (3) (dz), and (L) ~~and (Lm)~~ and federal
 3 matching funds from the appropriations under s. 20.445 (3) ~~(md)~~, (n) and (nL) to
 4 counties and governing bodies of federally recognized American Indian tribes
 5 administering medical assistance under subch. IV, ~~aid to families with dependent~~
 6 ~~children under s. 49.197~~ administrative costs of reducing payment errors in those
 7 programs.

Or the food stamp program under 7 USC 2011 to 2036 to offset

8 **SECTION 1725am.** 49.197 (4) of the statutes, as affected by 2001 Wisconsin Act
 9 (this act), is amended to read:

10 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. ~~The~~ If the department of
 11 health and family services contracts with the department under sub. (5), the
 12 department shall provide funds from the ~~appropriations~~ appropriation under s.
 13 20.445 (3) ~~(dz) and (L) and federal matching funds from the appropriations under s.~~
 14 20.445 (3) ~~(n) and (nL)~~ (kx) to counties and governing bodies of federally recognized
 15 American Indian tribes administering medical assistance under subch. IV ~~or the food~~
 16 ~~stamp program under 7 USC 2011 to 2036~~ to offset administrative costs of reducing
 17 payment errors in those programs.

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18 **SECTION 1725b.** 49.197 (5) of the statutes is created to read:
 19 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE AND FOOD STAMPS. The
 20 department of health and family services may contract with the department to
 21 investigate suspected fraudulent activity on the part of recipients of medical
 22 assistance under subch. IV or recipients of food stamp benefits under the food stamp
 23 program under 7 USC 2011 to 2036 as provided in this section.

24 **SECTION 1725c.** 49.22 (6) of the statutes is amended to read:

1 49.22 (6) The department shall establish, pursuant to federal and state laws,
2 rules and regulations, a uniform system of fees for services provided under this
3 section to individuals not receiving aid under s. 46.261, 49.19 or 49.47; benefits under
4 s. 49.124, 49.148 ~~or~~, 49.155, or 49.79; foster care maintenance payments under 42
5 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term kinship
6 care payments under s. 48.57 (3n). The system of fees may take into account an
7 individual's ability to pay. Any fee paid and collected under this subsection may be
8 retained by the county providing the service except for the fee specified in 42 USC
9 653 (e) (2) for federal parent locator services.

10 **SECTION 1726.** 49.30 (2) of the statutes is amended to read:

11 49.30 (2) From the ~~appropriation~~ appropriations under s. 20.445 (3) (dz) and
12 (md), the department shall reimburse a county or applicable tribal governing body
13 or organization for any amount that the county or applicable tribal governing body
14 or organization is required to pay under sub. (1). From the ~~appropriation~~
15 appropriations under s. 20.445 (3) (dz) and (md), the department shall reimburse a
16 county or applicable tribal governing body or organization for cemetery expenses or
17 for funeral and burial expenses for persons described under sub. (1) that the county
18 or applicable tribal governing body or organization is not required to pay under subs.
19 (1) and (1m) only if the department approves the reimbursement due to unusual
20 circumstances.

21 **SECTION 1727.** 49.32 (2) (d) of the statutes is amended to read:

22 49.32 (2) (d) The department shall disburse from state or federal funds or both
23 the entire amount and charge the county for its share under s. 49.33 (8) and (9).

24 **SECTION 1728m.** 49.32 (7) (b) of the statutes is amended to read:

1 49.32 (7) (b) The department shall conduct a program to periodically match the
2 records of recipients of ~~medical assistance under s. 49.16, 49.468 or 49.47~~, aid to
3 families with dependent children under s. 49.19 and ~~the food stamp program under~~
4 ~~7 USC 2011 to 2029~~ and, if the department of health and family services contracts
5 with the department under s. 49.197 (5), recipients of medical assistance under
6 subch. IV and food stamp benefits under the food stamp program under 7 USC 2011
7 to 2036 with the records of recipients under those programs in other states. If an
8 agreement with the other states can be obtained, matches with records of states
9 contiguous to this state shall be conducted at least annually.

10 **SECTION 1729m.** 49.32 (7) (c) of the statutes is amended to read:

11 49.32 (7) (c) The department shall conduct a program to periodically match the
12 address records of recipients of ~~medical assistance under s. 49.16, 49.468 or 49.47~~,
13 aid to families with dependent children under s. 49.19 and ~~the food stamp program~~
14 ~~under 7 USC 2011 to 2029~~ and, if the department of health and family services
15 contracts with the department under s. 49.197 (5), recipients of medical assistance
16 under subch. IV and food stamp benefits under the food stamp program under 7 USC
17 2011 to 2036 to verify residency and to identify recipients receiving duplicate or
18 fraudulent payments.

19 **SECTION 1730b.** 49.32 (7) (d) of the statutes is amended to read:

20 49.32 (7) (d) The department, with assistance from the department of
21 corrections, shall conduct a program to periodically match the records of persons
22 confined in state correctional facilities with the records of recipients of ~~medical~~
23 ~~assistance under s. 49.16, 49.468 or 49.47~~, aid to families with dependent children
24 under s. 49.19 and ~~the food stamp program under 7 USC 2011 to 2029~~ and, if the
25 department of health and family services contracts with the department under s.

1 49.197 (5), recipients of medical assistance under subch. IV and food stamp benefits
2 under the food stamp program under 7 USC 2011 to 2036 to identify recipients who
3 may be ineligible for benefits.

4 **SECTION 1730f.** 49.32 (10) (a) (intro.) of the statutes is amended to read:

5 49.32 (10) (a) (intro.) Each county department under s. 46.215, 46.22, or 46.23
6 may release the current address of a recipient of food stamps or of aid under s. 49.19,
7 and each Wisconsin works agency may release the current address of a participant
8 in Wisconsin works under ss. 49.141 to 49.161 ~~or, if administering the food stamp~~
9 ~~program, of a food stamp recipient,~~ to a law enforcement officer if the officer meets
10 all of the following conditions:

11 **SECTION 1731g.** 49.33 (1) (b) of the statutes is amended to read:

12 49.33 (1) (b) “Income maintenance program” means ~~aid to families with~~
13 ~~dependent children under s. 49.19, Wisconsin works under ss. 49.141 to 49.161, the~~
14 medical assistance program under subch. IV of ch. 49, the badger care health care
15 program under s. 49.665, the child care program under s. 49.155, or the food stamp
16 program under 7 USC 2011 to ~~2029~~ 2036.

17 **SECTION 1731gc.** 49.33 (1) (b) of the statutes, as affected by 2001 Wisconsin Act
18 (this act), is amended to read:

19 49.33 (1) (b) “Income maintenance program” means the medical assistance
20 program under subch. IV of ch. 49, the badger care health care program under s.
21 49.665, ~~the child care program under s. 49.155,~~ or the food stamp program under 7
22 USC 2011 to 2036.

23 **SECTION 1731m.** 49.33 (1) (c) of the statutes is repealed.

24 **SECTION 1731t.** 49.33 (1) (cr) of the statutes is created to read:

1 49.33 (1) (cr) “Tribal governing body” means an elected governing body of a
2 federally recognized American Indian tribe.

3 **SECTION 1732b.** 49.33 (2) of the statutes is repealed and recreated to read:

4 49.33 (2) CONTRACTS. (a) Annually, the department and the department of
5 health and family services shall, jointly, contract with county departments under ss.
6 46.215, 46.22, and 46.23, and may, jointly, contract with tribal governing bodies, to
7 reimburse the county departments and tribal governing bodies for the reasonable
8 cost of administering the medical assistance program under subch. IV and the
9 badger care health care program under s. 49.665.

10 (b) Annually, the department shall contract with county departments under ss.
11 46.215, 46.22, and 46.23, and may, jointly, contract with tribal governing bodies, to
12 reimburse the county departments and tribal governing bodies for the reasonable
13 cost of administering income maintenance programs, other than the medical
14 assistance program under subch. IV and the badger care health care program under
15 s. 49.665.

16 **SECTION 1732c.** 49.33 (2) of the statutes, as affected by 2001 Wisconsin Act ...
17 (this act), is repealed and recreated to read:

18 49.33 (2) CONTRACTS. Annually, the department of health and family services
19 shall contract with county departments under ss. 46.215, 46.22, and 46.23, and may
20 contract with tribal governing bodies, to reimburse the county departments and
21 tribal governing bodies for the reasonable cost of administering income maintenance
22 programs.

23 **SECTION 1737.** 49.33 (8) (a) of the statutes is amended to read:

24 49.33 (8) (a) The From the appropriation accounts under ss. 20.445 (3) (dz),
25 (kx), (md), and (nL) and subject to par. (b), the department shall reimburse each

1 county and tribal governing body that contracts with the department and the
2 department of health and family services under sub. (2) (a) for reasonable costs of
3 income maintenance relating to the administration of the programs under this
4 subchapter and subch. IV according to administering the medical assistance
5 program under subch. IV and the badger care health care program under s. 49.665
6 and that contracts with the department under sub. (2) (b) for the reasonable costs of
7 administering income maintenance programs other than the medical assistance
8 program under subch. IV and the badger care health care program under s. 49.665.
9 The amount of each reimbursement paid under this paragraph shall be calculated
10 using a formula based on workload within the limits of available state and federal
11 funds under s. 20.445 (3) (dz), (kx), (md), and (nL) by contract under s. 49.33 (2). The
12 amount of reimbursement calculated under this paragraph and par. (b) is in addition
13 to any reimbursement provided to a county or tribal governing body for fraud and
14 error reduction under s. 49.197 (1m) and (4).

15 **SECTION 1737c.** 49.33 (8) (a) of the statutes, as affected by 2001 Wisconsin Act
16 (this act), is amended to read:

17 49.33 (8) (a) From the appropriation accounts under ~~ss. 20.445 (3) (dz), (kx),~~
18 ~~(md), and (nL)~~ s. 20.435 (4) (bn) and (nn) and subject to par. (b), the department of
19 health and family services shall reimburse each county and tribal governing body
20 that contracts with the department ~~and the department of health and family services~~
21 under sub. (2) ~~(a)~~ for reasonable costs of administering the ~~medical assistance~~
22 ~~program under subch. IV and the badger care health care program under s. 49.665~~
23 ~~and that contracts with the department under sub. (2) (b) for the reasonable costs of~~
24 ~~administering income maintenance programs other than the medical assistance~~
25 ~~program under subch. IV and the badger care health care program under s. 49.665.~~

1 The amount of each reimbursement paid under this paragraph shall be calculated
2 using a formula based on workload within the limits of available state and federal
3 funds under s. ~~20.445 (3) (dz), (lx), (md), and (nL)~~ 20.435 (4) (bn) and (nn) by contract
4 under s. 49.33 (2). The amount of reimbursement calculated under this paragraph
5 and par. (b) is in addition to any reimbursement provided to a county or tribal
6 governing body for fraud and error reduction under s. 49.197 (1m) and (4).

7 **SECTION 1738.** 49.33 (8) (b) of the statutes is amended to read:

8 49.33 (8) (b) The department may adjust the amounts determined under par.
9 (a) for workload changes and computer network activities performed by ~~counties a~~
10 county or tribal governing body and may reduce the amount of any reimbursement
11 if federal reimbursement is withheld due to audits, quality control samples, or
12 program reviews.

13 **SECTION 1739.** 49.33 (9) of the statutes is repealed.

14 **SECTION 1740.** 49.33 (10) (a) of the statutes is amended to read:

15 49.33 (10) (a) ~~The~~ Each county treasurer and ~~each~~ director of a county
16 department under s. 46.215, 46.22, or 46.23 and each tribal governing body shall
17 certify monthly under oath to the department in such manner as the department
18 prescribes the claim of the county for state reimbursement under ~~subs. sub. (8) and~~
19 ~~(9) and (a).~~ The department shall review each claim of reimbursement and, if the
20 department approves such the claim it, the department shall certify to the
21 department of administration for reimbursement to the county for amounts due
22 ~~under these subsections sub. (8) (a) and~~ payment claimed to be made to the counties
23 monthly. The department may make advance payments prior to the beginning of
24 each month equal to one-twelfth of the contracted amount.

1 **SECTION 1740am.** 49.33 (10) (a) of the statutes, as affected by 2001 Wisconsin
2 Act (this act), is amended to read:

3 **49.33 (10) (a)** Each county treasurer and director of a county department under
4 s. 46.215, 46.22, or 46.23 and each tribal governing body shall certify monthly under
5 oath to the department of health and family services in such manner as the
6 department of health and family services prescribes the claim of the county for state
7 reimbursement under sub. (8) (a). The department of health and family services
8 shall review each claim of reimbursement and, if the department of health and
9 family services approves the claim, the department of health and family services
10 shall certify to the department of administration for reimbursement to the county for
11 amounts due under sub. (8) (a) and payment claimed to be made to the counties
12 monthly. The department of health and family services may make advance
13 payments prior to the beginning of each month equal to one-twelfth of the contracted
14 amount.

15 **SECTION 1740bg.** 49.33 (10) (b) of the statutes is amended to read:

16 **49.33 (10) (b)** To facilitate prompt reimbursement the certificate of the
17 department may be based on the certified statements of the county officers or tribal
18 governing body executives filed under par. (a). Funds recovered from audit
19 adjustments from a prior fiscal year may be included in subsequent certifications
20 only to pay counties owed funds as a result of any audit adjustment. By September
21 30 annually, the department shall submit a report to the appropriate standing
22 committees under s. 13.172 (3) on funds recovered and paid out during the previous
23 calendar year as a result of audit adjustments.

24 **SECTION 1740bq.** 49.33 (10) (b) of the statutes, as affected by 2001 Wisconsin
25 Act (this act), is amended to read:

1 49.33 (10) (b) To facilitate prompt reimbursement the certificate of the
2 department of health and family services may be based on the certified statements
3 of the county officers or tribal governing body executives filed under par. (a). Funds
4 recovered from audit adjustments from a prior fiscal year may be included in
5 subsequent certifications only to pay counties owed funds as a result of any audit
6 adjustment. By September 30 annually, the department of health and family
7 services shall submit a report to the appropriate standing committees under s.
8 13.172 (3) on funds recovered and paid out during the previous calendar year as a
9 result of audit adjustments.

10 **SECTION 1741.** 49.36 (1) of the statutes is renumbered 49.36 (1) (intro.) and
11 amended to read:

12 49.36 (1) (intro.) In this section, ~~“custodial;~~

13 (a) “Custodial parent” means a parent who lives with his or her child for
14 substantial periods of time.

15 **SECTION 1742.** 49.36 (1) (b) of the statutes is created to read:

16 49.36 (1) (b) “Tribal governing body” means an elected tribal governing body
17 of a federally recognized American Indian tribe or band.

18 **SECTION 1743.** 49.36 (2) of the statutes is amended to read:

19 49.36 (2) The department may contract with any county, tribal governing body,
20 or Wisconsin works agency to administer a work experience and job training program
21 for parents who are not custodial parents and who fail to pay child support or to meet
22 their children’s needs for support as a result of unemployment or underemployment.
23 The program may provide the kinds of work experience and job training services
24 available from the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The

1 program may also include job search and job orientation activities. The department
2 shall fund the program from the appropriation under s. 20.415 (3) (dz).

3 **SECTION 1744.** 49.36 (4) of the statutes is amended to read:

4 49.36 (4) When a person completes 16 weeks of participation in a program
5 under this section, the county, tribal governing body, or Wisconsin works agency
6 operating the program shall inform the clerk of courts, by affidavit, of that
7 completion.

8 **SECTION 1745.** 49.36 (5) of the statutes is amended to read:

9 49.36 (5) A person participating in work experience as part of the program
10 under this section is considered an employee of the county, tribal governing body, or
11 Wisconsin works agency administering the program under this section for purposes
12 of worker's compensation benefits only.

13 **SECTION 1746.** 49.36 (6) of the statutes is amended to read:

14 49.36 (6) A county, tribal governing body, or Wisconsin works agency
15 administering the program under this section shall reimburse a person for
16 reasonable transportation costs incurred because of participation in a program
17 under this section up to a maximum of \$25 per month.

18 **SECTION 1747.** 49.36 (7) of the statutes is amended to read:

19 49.36 (7) The department shall pay a county, tribal governing body, or
20 Wisconsin works agency not more than \$400 for each person who participates in the
21 program under this section in the region in which the county, tribal governing body,
22 or Wisconsin works agency administers the program under this section. The county,
23 tribal governing body, or Wisconsin works agency shall pay any additional costs of
24 the program.

25 **SECTION 1748.** 49.43 (8) of the statutes is amended to read:

1 49.43 (8) “Medical assistance” means any services or items under ss. 49.45 to
2 49.472 49.473, except s. 49.472 (6), and under ss. 49.49 to 49.497, or any payment or
3 reimbursement made for such services or items.

4 **SECTION 1749.** 49.45 (2) (a) 3. of the statutes is amended to read:

5 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
6 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
7 policies adopted by the department and ~~may shall, under a contract under s. 49.33~~
8 (2) (a), designate this function to the county department under s. 46.215, 46.22, or
9 46.23 or, ~~to the extent permitted by federal law or a waiver from federal secretary of~~
10 ~~health and human services to a Wisconsin works agency~~ a tribal governing body.

11 **SECTION 1750.** 49.45 (2) (a) 3m. of the statutes is created to read:

12 49.45 (2) (a) 3m. If the department does not contract with the department of
13 workforce development under s. 49.197 (5), establish a program to investigate
14 suspected fraudulent activity on the part of recipients of medical assistance and
15 establish a program to reduce errors in the payments of medical assistance.

16 **SECTION 1750w.** 49.45 (2) (a) 24. of the statutes is created to read:

17 49.45 (2) (a) 24. Promulgate rules that require that the written plan of care for
18 persons receiving personal care services under medical assistance be reviewed by a
19 registered nurse at least every 60 days. The rules shall provide that the written plan
20 of care shall designate intervals for visits to the recipient’s home by a registered
21 nurse as part of the review of the plan of care. The designated intervals for visits
22 shall be based on the individual recipient’s needs, and each recipient shall be visited
23 in his or her home by a registered nurse at least once in every 12-month period. The
24 rules shall also provide that a visit to the recipient is also required if, in the course

1 of the nurse's review of the plan of care, there is evidence that a change in the
2 recipient's condition has occurred that may warrant a change in the plan of care.

3 **SECTION 1750d.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45 (2) (a) 10.
4 a. and amended to read:

5 49.45 (2) (a) 10. a. After reasonable notice and opportunity for hearing, recover
6 money improperly or erroneously paid, or overpayments to a provider either by
7 offsetting or adjusting amounts owed the provider under the program, crediting
8 against a provider's future claims for reimbursement for other services or items
9 furnished by the provider under the program, or by requiring the provider to make
10 direct payment to the department or its fiscal intermediary.

11 **SECTION 1750f.** 49.45 (2) (a) 10. b. of the statutes is created to read:

12 49.45 (2) (a) 10. b. Establish a deadline for payment of a recovery imposed
13 under this subdivision and, if a provider fails to pay all of the amount to be recovered
14 by the deadline, require payment, by the provider, of interest on any delinquent
15 amount at the rate of 1% per month or fraction of a month from the date of the
16 overpayment.

17 **SECTION 1750g.** 49.45 (2) (a) 10. c. of the statutes is created to read:

18 49.45 (2) (a) 10. c. Promulgate rules to implement this subdivision.

19 **SECTION 1750h.** 49.45 (2) (a) 11. of the statutes is renumbered 49.45 (2) (a) 11.
20 a. and amended to read:

21 49.45 (2) (a) 11. a. Establish criteria for the certification of eligible providers
22 of services under Title XIX of the social security act medical assistance and, except
23 as provided in par. (b) 6m. and s. 49.48, and subject to par. (b) 7. and 8., certify such
24 eligible providers who meet the criteria.

25 **SECTION 1750i.** 49.45 (2) (a) 11. b. of the statutes is created to read:

1 49.45 (2) (a) 11. b. Promulgate rules to implement this subdivision.

2 SECTION 1750j. 49.45 (2) (a) 12. of the statutes is renumbered 49.45 (2) (a) 12.

3 a. and amended to read:

4 49.45 (2) (a) 12. a. ~~Decertify or suspend under this subdivision~~ a provider from
5 or restrict a provider's participation in the medical assistance program, if after
6 giving reasonable notice and opportunity for hearing, the department finds that the
7 provider has violated a federal statute or regulation or a state law statute or
8 administrative rule and ~~such violations are by law the violation is by statute,~~
9 regulation, or rule grounds for decertification or ~~suspension~~ restriction. The
10 department shall suspend the provider pending the hearing under this subdivision
11 if the department includes in its decertification notice findings that the provider's
12 continued participation in the medical assistance program pending hearing is likely
13 to lead to the irretrievable loss of public funds and is unnecessary to provide
14 adequate access to services to medical assistance recipients. As soon as practicable
15 after the hearing, the department shall issue a written decision. No payment may
16 be made under the medical assistance program with respect to any service or item
17 furnished by the provider subsequent to decertification or during the period of
18 suspension.

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SECTION 1750k. 49.45 (2) (a) 12. b. of the statutes is created to read:

21 49.45 (2) (a) 12. b. Promulgate rules to implement this subdivision.

22 SECTION 1750L. 49.45 (2) (b) 6m. of the statutes is created to read:

23 49.45 (2) (b) 6m. Limit the number of providers of particular services that may
24 be certified under par. (a) 11. or the amount of resources, including employees and
25 equipment, that a certified provider may use to provide particular services to medical

1 assistance recipients, if the department finds that existing certified providers and
2 resources provide services that are adequate in quality and amount to meet the need
3 of medical assistance recipients for the particular services; and if the department
4 finds that the potential for medical assistance fraud or abuse exists if additional
5 providers are certified or additional resources are used by certified providers. The
6 department shall promulgate rules to implement this subdivision.

7 **SECTION 1750n.** 49.45 (2) (b) 7. of the statutes is created to read:

8 49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all
9 providers of a specific service that is among those enumerated under s. 49.46 (2) or
10 49.47 (6) (a), as specified in this subdivision, to file with the department a surety bond
11 issued by a surety company licensed to do business in this state. Providers subject
12 to this subdivision provide those services specified under s. 49.46 (2) or 49.47 (6) (a)
13 for which providers have demonstrated significant potential to violate s. 49.49 (1) (a),
14 (2) (a) or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a), to require recovery under par. (a)
15 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 for which providers have demonstrated
21 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),
22 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions
23 under par. (a) 13.

24 b. The amount or amounts of the surety bonds.

1 c. Terms of the surety bond, including amounts, if any, without interest to be
2 refunded to the provider upon withdrawal or decertification from the medical
3 assistance program.

4 **SECTION 1750p.** 49.45 (2) (b) 8. of the statutes is created to read:

5 49.45 (2) (b) 8. Require a person who takes over the operation, as defined in sub.
6 (21) (ag), of a provider, to first obtain certification under par. (a) 11. for the operation
7 of the provider, regardless of whether the person is currently certified. The
8 department may withhold the certification required under this subdivision until any
9 outstanding repayment under sub. (21) is made. The department shall promulgate
10 rules to implement this subdivision.

11 **SECTION 1750r.** 49.45 (2) (b) 9. of the statutes is created to read:

12 49.45 (2) (b) 9. After providing reasonable notice and opportunity for a hearing,
13 charge an assessment to a provider that repeatedly has been subject to recoveries
14 under par. (a) 10. a. because of the provider's failure to follow identical or similar
15 billing procedures or to follow other identical or similar program requirements. The
16 assessment shall be used to defray in part the costs of audits and investigations by
17 the department under sub. (3) (g) and may not exceed \$1,000 or 200% of the amount
18 of any such repeated recovery made, whichever is greater. The provider shall pay the
19 assessment to the department within 10 days after receipt of notice of the assessment
20 or the final decision after administrative hearing, whichever is later. The
21 department may recover any part of an assessment not timely paid by offsetting the
22 assessment against any medical assistance payment owed to the provider and may
23 refer any such unpaid assessments not collected in this manner to the attorney
24 general, who may proceed with collection under this subdivision. Failure to timely
25 pay in any manner an assessment charged under this subdivision, other than an

1 assessment that is offset against any medical assistance payment owed to the
2 provider, is grounds for decertification under subd. 12. A provider's payment of an
3 assessment does not relieve the provider of any other legal liability incurred in
4 connection with the recovery for which the assessment is charged, but is not evidence
5 of violation of a statute or rule. The department shall credit all assessments received
6 under this subdivision to the appropriation account under s. 20.435 (4) (iL). The
7 department shall promulgate rules to implement this subdivision.

8 **SECTION 1750t.** 49.45 (3) (g) of the statutes is renumbered 49.45 (3) (g) 1. and
9 amended to read:

10 49.45 (3) (g) 1. The secretary may ~~appoint~~ authorize personnel to audit or
11 investigate and report to the department on any matter involving violations or
12 complaints alleging violations of ~~laws~~ statutes, regulations, or rules applicable to
13 ~~Title XIX of the federal social security act or~~ the medical assistance program and to
14 perform such investigations or audits as are required to verify the actual provision
15 of services or items available under the medical assistance program and the
16 appropriateness and accuracy of claims for reimbursement submitted by providers
17 participating in the program. Department employees ~~appointed~~ authorized by the
18 secretary under this paragraph shall be issued, and shall possess at all times ~~during~~
19 ~~which~~ while they are performing their investigatory or audit functions under this
20 section, identification, signed by the secretary ~~which~~, that specifically designates the
21 bearer as possessing the authorization to conduct medical assistance investigations
22 or audits. ~~Pursuant to~~ Under the request of a designated person and upon
23 presentation of ~~that~~ the person's authorization, providers and medical assistance
24 recipients shall accord ~~such~~ the person access to any provider personnel, records,
25 books, recipient medical records, or documents or other information needed. Under

1 the written request of a designated person and upon presentation of the person's
2 authorization, providers and recipients shall accord the person access to any needed
3 patient health care records of a recipient. Authorized employees shall have authority
4 to may hold hearings, administer oaths, take testimony, and perform all other duties
5 necessary to bring ~~such~~ the matter before the department for final adjudication and
6 determination.

7 **SECTION 1750td.** 49.45 (3) (g) 2. of the statutes is created to read:

8 49.45 (3) (g) 2. The department shall promulgate rules to implement this
9 paragraph.

10 **SECTION 1750v.** 49.45 (3) (h) 1. of the statutes is repealed.

11 **SECTION 1750vm.** 49.45 (3) (h) 1n. of the statutes is created to read:

12 49.45 (3) (h) 1n. The department shall promulgate rules to implement this
13 paragraph.

14 **SECTION 1750x.** 49.45 (3) (h) 2. of the statutes is repealed.

15 **SECTION 1750z.** 49.45 (3) (h) 3. of the statutes is renumbered 49.45 (3) (h) 1m.
16 and amended to read:

17 49.45 (3) (h) 1m. The failure or refusal of a person to ~~purge himself or herself~~
18 ~~of contempt found under s. 885.12 and perform the act as required by law shall~~
19 ~~constitute provider to accord department auditors or investigators access as required~~
20 under par. (g) to any provider personnel, records, books, patient health care records
21 of medical assistance recipients, or documents or other information requested
22 constitutes grounds for decertification or suspension of that person the provider from
23 participation in the medical assistance program ~~and no.~~ No payment may be made
24 for services rendered by that person ~~subsequent to the provider following~~

1 decertification ~~or~~, during the period of suspension, or during any period of provider
2 failure or refusal to accord access as required under par. (g).

3 **SECTION 1765.** 49.45 (5m) (am) of the statutes is amended to read:

4 49.45 **(5m)** (am) Notwithstanding sub. (3) (e), from the appropriations under
5 s. 20.435 (4) (b) ~~and~~, (o), ~~and~~ (w), the department shall distribute not more than
6 \$2,256,000 in each fiscal year, to provide supplemental funds to rural hospitals that,
7 as determined by the department, have high utilization of inpatient services by
8 patients whose care is provided from governmental sources, and to provide
9 supplemental funds to critical access hospitals, except that the department may not
10 distribute funds to a rural hospital or to a critical access hospital to the extent that
11 the distribution would exceed any limitation under 42 USC 1396b (i) (3).

12 **SECTION 1766.** 49.45 (5r) of the statutes is repealed.

13 **SECTION 1767.** 49.45 (6b) of the statutes is amended to read:

14 49.45 **(6b)** CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
15 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
16 services provided by the centers for the developmentally disabled. Reimbursement
17 to the centers for the developmentally disabled shall be reduced following each
18 placement made under s. 46.275 that involves a relocation from a center for the
19 developmentally disabled, by ~~\$184~~ \$200 per day, beginning in fiscal year ~~1999–2000~~
20 2001–02, and by ~~\$190~~ \$225 per day, beginning in fiscal year ~~2000–01~~ 2002–03.

21 **SECTION 1768.** 49.45 (6m) (ag) (intro.) of the statutes is amended 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), (pa) ~~or~~, (o), (w), or (wm) shall, except as
24 provided in pars. (bg), (bm), and (br), be determined according to a prospective
25 payment system updated annually by the department. The payment system shall

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

4 **SECTION 1771.** 49.45 (6t) (intro.) of the statutes is amended to read:

5 49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING
6 DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 (4) (o), for
7 reduction of operating deficits, as defined under criteria developed by the
8 department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42
9 or by a local health department, as defined in s. 250.01 (4), for services provided
10 under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k. and L., and Lm., 9. and, 15., and 18.,
11 for case management services under s. 49.46 (2) (b) 12. and for mental health day
12 treatment services for minors provided under the authorization under 42 USC 1396d
13 (r) (5), the department shall allocate up to ~~\$4,500,000~~ moneys in each fiscal year to
14 these county departments, or local health departments as determined by the
15 department, and shall perform all of the following:

16 **SECTION 1772.** 49.45 (6t) (intro.) of the statutes, as affected by 2001 Wisconsin
17 Act ... (this act), is repealed and recreated to read:

18 49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING
19 DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 (4) (o), for
20 reduction of operating deficits, as defined under criteria developed by the
21 department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42
22 or by a local health department, as defined in s. 250.01 (4), for services provided
23 under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., L., and Lm., 9., and 15., for case
24 management services under s. 49.46 (2) (b) 12. and for mental health day treatment
25 services for minors provided under the authorization under 42 USC 1396d (r) (5), the

1 department shall allocate moneys in each fiscal year to these county departments,
2 or local health departments as determined by the department, and shall perform all
3 of the following:

4 **SECTION 1773.** 49.45 (6t) (a) of the statutes is amended to read:

5 49.45 (6t) (a) For the reduction of operating deficits incurred by the county
6 departments or local health departments, estimate the availability of federal
7 medicaid funds that may be matched to county, city, town, or village funds that are
8 expended for costs in excess of reimbursement for services provided under s. 49.46
9 (2) (a) 4. d. and (b) 6. f., fm., j., k. ~~and~~, L., and Lm., 9. ~~and~~, 15., and 18., for case
10 management services under s. 49.46 (2) (b) 12. and for mental health day treatment
11 services for ~~minor~~ minors provided under the authorization under 42 USC 1396d (r)
12 (5).

13 **SECTION 1774.** 49.45 (6t) (a) of the statutes, as affected by 2001 Wisconsin Act
14 (this act), is repealed and recreated to read:

15 49.45 (6t) (a) For the reduction of operating deficits incurred by the county
16 departments or local health departments, estimate the availability of federal
17 medicaid funds that may be matched to county, city, town, or village funds that are
18 expended for costs in excess of reimbursement for services provided under s. 49.46
19 (2) (a) 4. d. and (b) 6. f., fm., j., k., L., and Lm., 9., and 15., for case management
20 services under s. 49.46 (2) (b) 12. and for mental health day treatment services for
21 minors provided under the authorization under 42 USC 1396d (r) (5).

22 **SECTION 1775.** 49.45 (6u) of the statutes, as affected by 2001 Wisconsin Act
23 (this act), is renumbered 49.45 (6u) (am), and 49.45 (6u) (am) (intro.) and 2. (intro.)
24 and b., 3., 4., 5. and 6., as renumbered, are amended to read:

1 49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), in state fiscal years in
2 which less than \$115,200,000 in federal financial participation relating to facilities
3 is received under 42 CFR 433.51, from the appropriation appropriations under s.
4 20.435 (4) (o) ^{delete phrase} , (w), and (wm), for reduction of operating deficits, as defined under
5 ~~criteria developed the methodology used by the department in December, 2000,~~
6 incurred by a facility that is established under s. 49.70 (1) or that is owned and
7 operated by a city, village, or town, the department may not distribute to these
8 facilities more than \$40,100,000 \$37,100,000 in each fiscal year, as determined by
9 the department. The total amount that a county certifies under this subsection may
10 not exceed 100% of otherwise-unreimbursed care. In distributing funds under this
11 subsection, the department shall perform all of the following:

12 2. (intro.) Based on the amount estimated available under ~~par. (a)~~ subd. 1.,
13 develop a method to distribute this allocation to the individual facilities that have
14 incurred operating deficits that shall include:

15 b. Agreement by the county in which is located the facility established under
16 s. 49.70 (1) and agreement by the city, village, or town that owns and operates the
17 facility that the applicable county, city, village, or town shall provide funds to match
18 federal medical assistance matching funds under this ~~subsection~~ paragraph.

19 3. Distribute the allocation under the distribution method that is developed,
20 unless a county has failed to comply with ~~par. (b) 2m~~ subd. 2. bm.

21 4. If the federal department of health and human services approves for state
22 expenditure in a fiscal year amounts under s. 20.435 (4) (o) and (w) that result in a
23 lesser allocation amount than that allocated under this ~~subsection~~ paragraph,
24 allocate not more than the lesser amount so approved by the federal department of
25 health and human services.

1 5. If the federal department of health and human services approves for state
2 expenditure in a fiscal year amounts under s. 20.435 (4) (o) and (w) that result in a
3 lesser allocation amount than that allocated under ~~this subsection~~ paragraph,
4 submit a revision of the method developed under ~~par. (b)~~ subd. 2. for approval by the
5 joint committee on finance in that state fiscal year.

6 6. If the federal department of health and human services disallows use of the
7 allocation of matching federal medical assistance funds distributed under ~~par. (e)~~
8 subd. 3., apply the requirements under sub. (6m) (br).

9 **SECTION 1776.** 49.45 (6u) (intro.) of the statutes is amended to read:

10 49.45 (6u) SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.)
11 Notwithstanding sub. (6m), from the appropriation under s. 20.435 (4) (o), for
12 reduction of operating deficits, as defined under criteria developed by the
13 department, incurred by a facility, ~~as defined under sub. (6m) (a) 3.~~, that is
14 established under s. 49.70 (1) or that is owned and operated by a city, village or town,
15 the department may not distribute to these facilities more than ~~\$38,600,000~~
16 \$40,100,000 in each fiscal year, as determined by the department, ~~except that the~~
17 ~~department shall also distribute for this same purpose from the appropriation under~~
18 ~~s. 20.435 (4) (o) any additional federal medical assistance moneys that were not~~
19 ~~anticipated before enactment of the biennial budget act or other legislation affecting~~
20 ~~s. 20.435 (4) (o).~~ The total amount that a county certifies under this subsection may
21 not exceed 100% of otherwise-unreimbursed care. In distributing funds under this
22 subsection, the department shall perform all of the following:

23 **SECTION 1777.** 49.45 (6u) (ag) of the statutes is created to read:

24 49.45 (6u) (ag) In this subsection, “facility” has the meaning given in sub. (6m)

25 (a) 3.

1 **SECTION 1778.** 49.45 (6u) (bm) of the statutes is created to read:

2 49.45 (6u) (bm) In state fiscal years in which \$115,200,000 or more in federal
3 financial participation relating to facilities is received under 42 CFR 433.51, from the
4 appropriations under s. 20.435 (4) (o) and (w), for reduction of operating deficits, as
5 defined under criteria developed by the department, incurred by a facility that is
6 established under s. 49.70 (1) or that is owned and operated by a city, village, or town,
7 the department may not distribute to these facilities more than \$77,100,000 in each
8 fiscal year, as determined by the department under a methodology as specified in the
9 state plan for services under 42 USC 1396.

10 **SECTION 1778d.** 49.45 (6v) (b) of the statutes is amended to read:

11 49.45 (6v) (b) The Beginning on October 1, 2003, and annually thereafter, the
12 department shall, each year, submit to the joint committee on finance a report for the
13 previous fiscal year, except for the 1997–98 fiscal year, that provides information on
14 the utilization of beds by recipients of medical assistance in facilities and a
15 discussion and detailed projection of the likely balances, expenditures,
16 encumbrances and carry over of currently appropriated amounts in the
17 appropriation accounts under s. 20.435 (4) (b) and (e) for the immediately prior 2
18 consecutive fiscal years.

19 **SECTION 1778h.** 49.45 (6v) (c) of the statutes is amended to read:

20 49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds
21 by recipients of medical assistance in facilities is ~~less than estimates for that~~
22 ~~utilization reflected in the intentions of the joint committee on finance, legislature~~
23 ~~and governor, as expressed by them in the budget determinations, the department~~
24 ~~shall include a proposal to transfer moneys from the appropriation under s. 20.435~~
25 ~~(4) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose of increasing~~

1 ~~funding for the community options program under s. 46.27. The amount proposed~~
2 ~~for transfer may not reduce the balance in the appropriation account under s. 20.435~~
3 ~~(4) (b) below an amount necessary to ensure that that appropriation account will end~~
4 ~~the current fiscal year or the current fiscal biennium with a positive balance. The~~
5 ~~secretary shall transfer the amount identified under the proposal decreased during~~
6 ~~the most recently completed fiscal year from the utilization of beds by recipients of~~
7 ~~medical assistance in facilities in the next most recently completed fiscal year, the~~
8 ~~department shall multiply the difference between the number of days of care~~
9 ~~provided to the recipients in the facilities in each of those prior 2 consecutive fiscal~~
10 ~~years by the average daily costs of care in the facilities for the most recently~~
11 ~~completed fiscal year. The average daily costs of care shall be calculated by dividing~~
12 ~~the total of medical assistance expenditures for care in facilities for the most recently~~
13 ~~completed fiscal year by the total number of days of care provided in facilities in that~~
14 ~~fiscal year.~~

15 **SECTION 1778p.** 49.45 (6v) (d) of the statutes is created to read:

16 49.45 (6v) (d) If par. (c) applies and if the amount calculated under par. (c) is
17 positive, the department's report under par. (b) shall include a proposal to transfer
18 an amount equal to the portion of the amount calculated under par. (c) that is the
19 state share of medical assistance expenditures from the appropriation account under
20 s. 20.435 (4) (b) to the appropriation account under s. 20.435 (7) (bd) for the purpose
21 of increasing funding for the long-term support community options program under
22 s. 46.27. If the cochairpersons of the joint committee on finance do not notify the
23 secretary within 14 working days after the date on which the department submits
24 the proposal that the committee has scheduled a meeting for the purpose of
25 reviewing the proposal, the secretary shall transfer the amount identified under the

1 proposal. If, within 14 working days after the date on which the department submits
2 the proposal, the cochairpersons of the joint committee on finance notify the
3 secretary that the committee has scheduled a meeting for the purpose of reviewing
4 the proposal, the secretary may transfer moneys from the appropriation account
5 under s. 20.435 (4) (b) to the appropriation account under s. 20.435 (7) (bd) only as
6 approved by the committee.

7 **SECTION 1778r.** 49.45 (6v) (e) of the statutes is created to read:

8 49.45 (6v) (e) Of the amount required to be transferred by the secretary under
9 par. (d), 40% shall be expended for services as specified under s. 46.27 (7) and 60%
10 shall be expended for services as specified under s. 46.27 (11).

11 **SECTION 1779.** 49.45 (6x) (a) of the statutes is amended to read:

12 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations under s.
13 20.435 (4) (b) ~~and, (o), and (w)~~, the department shall distribute not more than
14 \$4,748,000 in each fiscal year, to provide funds to an essential access city hospital,
15 except that the department may not allocate funds to an essential access city hospital
16 to the extent that the allocation would exceed any limitation under 42 USC 1396b
17 (i) (3).

18 **SECTION 1780.** 49.45 (6y) (a) of the statutes is amended to read:

19 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations under s.
20 20.435 (4) (b) ~~and, (o), and (w)~~, the department shall distribute funding in each fiscal
21 year to provide supplemental payment to hospitals that enter into a contract under
22 s. 49.02 (2) to provide health care services funded by a relief block grant, as
23 determined by the department, for hospital services that are not in excess of the
24 hospitals' customary charges for the services, as limited under 42 USC 1396b (i) (3).
25 If no relief block grant is awarded under this chapter or if the allocation of funds to

1 such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the
2 department may distribute funds to hospitals that have not entered into a contract
3 under s. 49.02 (2).

4 **SECTION 1781.** 49.45 (6y) (am) of the statutes is amended to read:

5 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriations under s.
6 20.435 (4) (b), (h) ~~and, (o), and (w)~~, the department shall distribute funding in each
7 fiscal year to provide supplemental payments to hospitals that enter into contracts
8 under s. 49.02 (2) with a county having a population of 500,000 or more to provide
9 health care services funded by a relief block grant, as determined by the department,
10 for hospital services that are not in excess of the hospitals' customary charges for the
11 services, as limited under 42 USC 1396b (i) (3).

12 **SECTION 1782.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

13 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations
14 under s. 20.435 (4) (b) ~~and, (o), and (w)~~, the department shall distribute funding in
15 each fiscal year to supplement payment for services to hospitals that enter into a
16 contract under s. 49.02 (2) to provide health care services funded by a relief block
17 grant under this chapter, if the department determines that the hospitals serve a
18 disproportionate number of low-income patients with special needs. If no medical
19 relief block grant under this chapter is awarded or if the allocation of funds to such
20 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department
21 may distribute funds to hospitals that have not entered into a contract under s. 49.02
22 (2). The department may not distribute funds under this subsection to the extent
23 that the distribution would do any of the following:

24 **SECTION 1783.** 49.45 (8) (b) of the statutes is amended to read:

1 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b) ~~and, (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 **SECTION 1786g.** 49.45 (21) (title) of the statutes is amended to read:

7 49.45 (21) (title) ~~TRANSFER OF BUSINESS, LIABILITY FOR~~ TAKING OVER PROVIDER'S
8 OPERATION; REPAYMENTS REQUIRED.

9 **SECTION 1786h.** 49.45 (21) (a) of the statutes is renumbered 49.45 (21) (ar) and
10 amended to read:

11 49.45 (21) (ar) ~~If any provider~~ Before a person may take over the operation of
12 a provider that is liable for repayment of improper or erroneous payments or
13 overpayments under ss. 49.43 to 49.497 ~~sells or otherwise transfers ownership of his~~
14 ~~or her business or all or substantially all of the assets of the business, the transferor~~
15 ~~and transferee are each liable for the repayment. Prior to final transfer, the~~
16 ~~transferee is responsible for contacting the department and ascertaining if the~~
17 ~~transferor, full repayment shall be made. Upon request, the department shall notify~~
18 ~~the provider or the person that intends to take over the operation of the provider as~~
19 ~~to whether the provider is liable under this paragraph.~~

20 **SECTION 1786i.** 49.45 (21) (ag) of the statutes is created to read:

21 49.45 (21) (ag) In this subsection, "take over the operation" means obtain, with
22 respect to an aspect of a provider's business for which the provider has filed claims
23 for medical assistance reimbursement, any of the following:

24 1. Ownership of the provider's business or all or substantially all of the assets
25 of the business.

1 2. Majority control over decisions.

2 3. The right to any profits or income.

3 4. The right to contact and offer services to patients, clients, or residents served
4 by the provider.

5 5. An agreement that the provider will not compete with the person at all or
6 with respect to a patient, client, resident, service, geographical area, or other part
7 of the provider's business.

8 6. The right to perform services that are substantially similar to services
9 performed by the provider at the same location as those performed by the provider.

10 7. The right to use any distinctive name or symbol by which the provider is
11 known in connection with services to be provided by the person.

12 **SECTION 1786j.** 49.45 (21) (b) of the statutes is amended to read:

13 49.45 (21) (b) ~~If a transfer occurs~~ If, notwithstanding the prohibition under par.
14 (ar), a person takes over the operation of a provider and the applicable amount under
15 par. (a) (ar) has not been repaid, the department may, in addition to withholding
16 certification as authorized under sub. (2) (b) 8., proceed against ~~either the transferor~~
17 ~~or the transferee~~ the provider or the person. Within 30 days after ~~receiving the~~
18 certified provider receives notice from the department, the ~~transferor or the~~
19 ~~transferee shall pay the amount~~ shall be repaid in full. ~~Upon failure to comply~~ If the
20 amount is not repaid in full, the department may bring an action to compel payment.
21 ~~If a transferor fails to pay within 90 days after receiving notice from the department,~~
22 ~~the department,~~ may proceed under sub. (2) (a) 12., or may do both.

23 **SECTION 1786k.** 49.45 (21) (e) of the statutes is created to read:

24 49.45 (21) (e) The department shall promulgate rules to implement this
25 subsection.

1 **SECTION 1787m.** 49.45 (22) of the statutes is amended to read:

2 49.45 (22) (a) If the department contracts with health maintenance
3 organizations for the provision of medical assistance it shall give special
4 consideration to health maintenance organizations that provide or that contract to
5 provide comprehensive, specialized health care services to pregnant teenagers.

6 (b) If the department contracts with health maintenance organizations for the
7 provision of medical assistance, the department shall determine which medical
8 assistance recipients who have attained the age of 2 but have not attained the age
9 of 6 and who are at risk for lead poisoning have not received lead screening from those
10 health maintenance organizations. The department shall report annually to the
11 appropriate standing committees of the legislature under s. 13.172 (3) on the
12 percentage of medical assistance recipients under the age of 2 who received a lead
13 screening test in that year provided by a health maintenance organization compared
14 with the percentage that the department set as a goal for that year.

15 **SECTION 1787mg.** 49.45 (22) (c) of the statutes is created to read:

16 49.45 (22) (c) If the department contracts with health maintenance
17 organizations for the provision of medical assistance, each contract shall require a
18 health maintenance organization to contract with at least the number of primary
19 care providers, within a radius of 30 miles from the boundary of the area the health
20 maintenance organization serves, that is sufficient to ensure that each medical
21 assistance recipient who is eligible for medical assistance under s. 49.46 (1) (a) 1., 1g.,
22 1m., 6., 9., 10., 11., 12., or 13. or 49.47 (4) (ag) 1. or 2. will be able to adequately access
23 the health care services offered by the health maintenance organization. The
24 department shall determine the number of primary care providers with whom each
25 health maintenance organization is required to contract.

1 **SECTION 1788.** 49.45 (24m) (intro.) of the statutes is amended to read:

2 **49.45 (24m)** HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)

3 From the appropriations under s. 20.435 (4) (b) ~~and (o)~~, and (w), in order to test the
4 feasibility of instituting a system of reimbursement for providers of home health care
5 and personal care services for medical assistance recipients that is based on
6 competitive bidding, the department shall:

7 **SECTION 1789.** 49.45 (30m) of the statutes is amended to read:

8 **49.45 (30m)** CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED. A county shall
9 provide the portion of the services under s. 51.06 ~~(1)~~ (1m) (d) to individuals who are
10 eligible for medical assistance that is not provided by the federal government.

11 **SECTION 1789b.** 49.45 (39) (a) 1. of the statutes is amended to read:

12 **49.45 (39) (a) 1.** “School” means a public school described under s. 115.01 (1),
13 a charter school, as defined in s. 115.001 (1), the Wisconsin Center for the Blind and
14 Visually Impaired, or the Wisconsin ~~School~~ Educational Services Program for the
15 Deaf and Hard of Hearing. It includes school-operated early childhood programs for
16 developmentally delayed and disabled 4-year-old and 5-year-old children.

17 **SECTION 1789c.** 49.45 (39) (am) of the statutes is amended to read:

18 **49.45 (39) (am)** *Plan amendment.* No later than September 30, 1995, the
19 department shall submit to the federal department of health and human services an
20 amendment to the state medical assistance plan to permit the application of pars. (b)
21 and (c). If the amendment to the state plan is approved, school districts, cooperative
22 educational service agencies, and the department of public instruction on behalf of
23 the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin ~~School~~
24 Educational Services Program for the Deaf and Hard of Hearing claim
25 reimbursement under pars. (b) and (c). Paragraphs (b) and (c) do not apply unless

1 the amendment to the state plan is approved and in effect. The department shall
2 submit to the federal department of health and human services an amendment to the
3 state plan if necessary to permit the application of pars. (b) and (c) to the Wisconsin
4 Center for the Blind and Visually Impaired and the Wisconsin ~~School~~ Educational
5 Services Program for the Deaf and Hard of Hearing.

6 **SECTION 1789d.** 49.45 (39) (b) of the statutes is amended to read:

7 49.45 (39) (b) *School medical services.* 1. 'Payment for school medical services.'

8 If a school district or a cooperative educational service agency elects to provide school
9 medical services and meets all requirements under par. (c), the department shall
10 reimburse the school district or the cooperative educational service agency for 60%
11 of the federal share of allowable charges for the school medical services that it
12 provides and, as specified in subd. 2., for allowable administrative costs. If the
13 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin ~~School~~
14 Educational Services Program for the Deaf and Hard of Hearing elects to provide
15 school medical services and meets all requirements under par. (c), the department
16 shall reimburse the department of public instruction for 60% of the federal share of
17 allowable charges for the school medical services that the Wisconsin Center for the
18 Blind and Visually Impaired or the Wisconsin ~~School~~ Educational Services Program
19 for the Deaf and Hard of Hearing provides and, as specified in subd. 2., for allowable
20 administrative costs. A school district, cooperative educational service agency, the
21 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin ~~School~~
22 Educational Services Program for the Deaf and Hard of Hearing may submit, and
23 the department shall allow, claims for common carrier transportation costs as a
24 school medical service unless the department receives notice from the federal health
25 care financing administration that, under a change in federal policy, the claims are

1 not allowed. If the department receives the notice, a school district, cooperative
2 educational service agency, the Wisconsin Center for the Blind and Visually
3 Impaired, or the Wisconsin School Educational Services Program for the Deaf and
4 Hard of Hearing may submit, and the department shall allow, unreimbursed claims
5 for common carrier transportation costs incurred before the date of the change in
6 federal policy. The department shall promulgate rules establishing a methodology
7 for making reimbursements under this paragraph. All other expenses for the school
8 medical services provided by a school district or a cooperative educational service
9 agency shall be paid for by the school district or the cooperative educational service
10 agency with funds received from state or local taxes. The school district, the
11 Wisconsin Center for the Blind and Visually Impaired, the Wisconsin School
12 Educational Services Program for the Deaf and Hard of Hearing, or the cooperative
13 educational service agency shall comply with all requirements of the federal
14 department of health and human services for receiving federal financial
15 participation.

16 2. 'Payment for school medical services administrative costs.' The department
17 shall reimburse a school district or a cooperative educational service agency specified
18 under subd. 1. and shall reimburse the department of public instruction on behalf
19 of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School
20 Educational Services Program for the Deaf and Hard of Hearing for 90% of the
21 federal share of allowable administrative costs, using time studies, beginning in
22 fiscal year 1999–2000. A school district or a cooperative ~~education~~ educational
23 service agency may submit, and the department of health and family services shall
24 allow, claims for administrative costs incurred during the period that is up to 24
25 months before the date of the claim, if allowable under federal law.