

1           49.134 (2) (a) From the allocation under s. 49.155 (1g) (b) (d), the department  
2 shall make grants to local agencies to fund child care resource and referral services  
3 provided by those local agencies. The department shall provide an allocation formula  
4 to determine the amount of a grant awarded under this section.

      \*\*\*NOTE: This is reconciled s. 49.134 (2) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

5           \*~~-0404/4.83~~\* SECTION 1022. 49.136 (1) (b) of the statutes is amended to read:  
6           49.136 (1) (b) “Child care provider” means a provider licensed under s. ~~48.65~~  
7 49.98, certified under s. ~~48.651~~ 49.156, or established or contracted for under s.  
8 120.13 (14).

9           \*~~-0404/4.84~~\* SECTION 1023. 49.136 (1) (e) of the statutes is amended to read:  
10          49.136 (1) (e) “Day care program” means a program established and provided  
11 by a school board under s. 120.13 (14) or purchased by a school board from a provider  
12 licensed under s. ~~48.65~~ 49.98, which combines care for a child who resides with a  
13 student parent who is a parent of that child with parenting education and experience  
14 for that student parent.

15          \*~~-1662/4.4~~\* SECTION 1024. 49.136 (2) (a) of the statutes is amended to read:  
16          49.136 (2) (a) From the allocation under s. 49.155 (1g) (b) (d), the department  
17 shall may award grants for the start-up or expansion of child care services.

      \*\*\*NOTE: This is reconciled s. 49.136 (2) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

18          \*~~-1662/4.5~~\* SECTION 1025. 49.136 (2) (b) of the statutes is amended to read:  
19          49.136 (2) (b) The If the department awards grants under this section, the  
20 department shall attempt to award the grants ~~under this section~~ to head start  
21 agencies designated under 42 USC 9836, employers that provide or wish to provide  
22 child care services for their employees, family day care centers, group day care

1 centers and day care programs for the children of student parents, organizations that  
2 provide child care for sick children, and child care providers that employ participants  
3 or former participants in a Wisconsin ~~works~~ Works employment position under s.  
4 49.147 (3) to (5).

5 **\*-0404/4.85\* SECTION 1026.** 49.137 (1) (a) of the statutes is amended to read:

6 49.137 (1) (a) “Child care provider” means a provider licensed under s. 48.65  
7 49.98, certified under s. ~~48.651~~ 49.156, or established or contracted for under s.  
8 120.13 (14).

9 **\*-1662/4.6\* SECTION 1027.** 49.137 (2) (a) of the statutes is amended to read:

10 49.137 (2) (a) From the allocation under s. 49.155 (1g) ~~(b)~~ (d), the department  
11 may award grants to child care providers that meet the quality of care standards  
12 established under s. 49.155 (1d) (b) to improve the retention of skilled and  
13 experienced child care staff. In awarding grants under this subsection, the  
14 department shall consider the applying child care provider’s total enrollment of  
15 children and average enrollment of children who receive or are eligible for publicly  
16 funded care from the child care provider.

\*\*\*\*NOTE: This is reconciled s. 49.137 (2) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

17 **\*-1662/4.7\* SECTION 1028.** 49.137 (3) (a) of the statutes is amended to read:

18 49.137 (3) (a) From the allocation under s. 49.155 (1g) ~~(b)~~ (d), the department  
19 may award grants to child care providers for assistance in meeting the quality of care  
20 standards established under s. 49.155 (1d) (b).

\*\*\*\*NOTE: This is reconciled s. 49.137 (3) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

21 **\*-1662/4.8\* SECTION 1029.** 49.137 (4) (intro.) of the statutes is amended to  
22 read:

1           49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the  
2 allocation under s. 49.155 (1g) (b) (d), the department may contract with one or more  
3 agencies for the provision of training and technical assistance to improve the quality  
4 of child care provided in this state. The training and technical assistance activities  
5 contracted for under this subsection may include any of the following activities:

      \*\*\*\*NOTE: This is reconciled s. 49.137 (4) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0404 and LRB-1662.

6           \*-1662/4.9\* SECTION 1030. 49.137 (4m) of the statutes is amended to read:

7           49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The From the allocation  
8 under s. 49.155 (1g) (d), the department shall award grants to local governments and  
9 tribal governing bodies for programs to improve the quality of child care. The  
10 department shall promulgate rules to administer the grant program, including rules  
11 that specify the eligibility criteria and procedures for awarding the grants.

12           \*-1662/4.10\* SECTION 1031. 49.1375 of the statutes is repealed.

13           \*-0335/2.1\* SECTION 1032. 49.147 (3) (d) of the statutes is created to read:

14           49.147 (3) (d) *Trial jobs plus pilot project.* The department shall design and,  
15 from January 1, 2006, to June 30, 2007, conduct a pilot project for a trial jobs plus  
16 program that includes the following features:

17           1. The project is limited to 1,000 participants and is conducted in at least one  
18 of the geographical areas established by the department under s. 49.143 (6) that is  
19 in Milwaukee County and in at least 2 of those geographical areas that are not in  
20 Milwaukee County.

21           2. Except as otherwise provided in this paragraph, all provisions of the statutes  
22 that apply to the trial job program or a trial job under this subsection apply to the

1 pilot project or a trial job plus under this paragraph, including eligibility  
2 requirements.

3 3. An employer that employs a participant under this paragraph and receives  
4 a wage subsidy shall agree to make a good faith effort to retain the participant as a  
5 permanent unsubsidized employee after the wage subsidy ends if the participant  
6 successfully completes participation in the trial job plus. An employer shall also  
7 agree that, if the employer does not retain a participant as a permanent unsubsidized  
8 employee, the employer will serve as an employment reference for the participant or  
9 provide to the Wisconsin Works agency or intermediary under subd. 4. a written  
10 performance evaluation of the participant, including recommendations for  
11 improvements.

12 4. The Wisconsin Works agency may contract with an intermediary that acts  
13 as any of the following:

- 14 a. A placement agency.  
15 b. An employer of record of a participant under this paragraph.  
16 c. A provider of supportive services, including coaching, mentoring, counseling,  
17 or job placement services.

18 5. Subject to subd. 3., the Wisconsin Works agency or intermediary under subd.  
19 4. pays an employer that employs a participant under this paragraph a monthly  
20 wage subsidy that does not exceed the federal minimum wage for no more than 30  
21 hours of work per week. In addition, the Wisconsin Works agency or intermediary  
22 reimburses the employer for up to 100 percent of all of the following costs that are  
23 attributable to employment of the participant:

- 24 a. Federal social security taxes.  
25 b. State and federal unemployment contributions or taxes, if any.

1 c. Worker's compensation insurance premiums, if any.

2 6. Training activities prescribed by the employer under par. (am) consistent  
3 with training provided to other employees at the worksite are considered work for  
4 purposes of calculating the wage subsidy.

5 7. Participation by an individual in a trial job plus is limited to 6 months with  
6 a possible extension of up to 3 months.

7 8. Notwithstanding the ending date for the project, for any participant who is  
8 accepted into the program before June 30, 2007, payments under subd. 5. shall be  
9 made until the participant completes his or her participation in the trial job plus.

10 **\*-1526/3.2\* SECTION 1033.** 49.147 (6) (c) of the statutes is amended to read:

11 49.147 (6) (c) *Distribution and administration.* From the appropriations  
12 appropriation under s. 20.445 (3) ~~(dz)~~, (jL), ~~and (md)~~, the department shall distribute  
13 funds for job access loans to a Wisconsin Works agency, which shall administer the  
14 loans in accordance with rules promulgated by the department.

15 **\*-0334/2.1\* SECTION 1034.** 49.148 (1m) (title) of the statutes is amended to  
16 read:

17 49.148 (1m) (title) CUSTODIAL PARENT OF INFANT; UNMARRIED, PREGNANT WOMAN.

18 **\*-0334/2.2\* SECTION 1035.** 49.148 (1m) (a) of the statutes is amended to read:

19 49.148 (1m) (a) A custodial parent of a child who is 12 weeks old or less and  
20 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a  
21 monthly grant of \$673 unless another adult member of the custodial parent's  
22 Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin  
23 works employment position or is employed in unsubsidized employment, as defined  
24 in s. 49.147 (1) (c). A Wisconsin works agency may not require a participant under  
25 this subsection to participate in any employment positions. Receipt of a grant under

1 this subsection does not constitute participation in a Wisconsin works employment  
2 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c) or (d)  
3 7, (4) (b) or (5) (b) 2. if the child is born to the participant not more than 10 months  
4 after the date that the participant was first determined to be eligible for assistance  
5 under s. 49.19 or for a Wisconsin works employment position.

6 \*~~0334/2.3~~ SECTION 1036. 49.148 (1m) (a) of the statutes, as affected by 2005  
7 Wisconsin Act ... (this act), is renumbered 49.148 (1m) (a) (intro.) and amended to  
8 read:

9 49.148 (1m) (a) (intro.) ~~A~~ Any of the following may receive a monthly grant  
10 of \$673:

11 1. An individual who meets the eligibility requirements under s. 49.145 (2) and  
12 (3) and who is a custodial parent of a child who is 12 26 weeks old or less and who  
13 meets the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly  
14 grant of \$673, unless another adult member of the custodial parent's Wisconsin  
15 works Works group is participating in, or is eligible to participate in, a Wisconsin  
16 works Works employment position or is employed in unsubsidized employment, as  
17 defined in s. 49.147 (1) (c).

18 (am) A Wisconsin works Works agency may not require a participant under this  
19 subsection par. (a) 1. who is a custodial parent of a child who is 12 weeks old or less  
20 or a participant under par. (a) 2. to participate in any Wisconsin Works employment  
21 positions. Receipt of a grant under this subsection does not constitute participation  
22 in a Wisconsin works employment position for purposes of the time limits under s.  
23 49.145 (2) (n) or 49.147 (3) (c) or (d) 7, (4) (b), or (5) (b) 2. if the child is born to the  
24 participant not more than 10 months after the date that the participant was first

1 ~~determined to be eligible for assistance under s. 49.19 or for a Wisconsin works~~  
2 ~~employment position.~~

\*\*\*NOTE: This is reconciled s. 49.148 (1m) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0333, LRB-0334, and LRB-0335.

3 **\*-0334/2.4\* SECTION 1037.** 49.148 (1m) (a) 2. of the statutes is created to read:  
4 49.148 (1m) (a) 2. An unmarried woman who would be eligible under s. 49.145  
5 except that she is not a custodial parent of a dependent child and who is in the 3rd  
6 trimester of a pregnancy that is medically verified and shown by medical  
7 documentation to be at risk and that renders the woman unable to participate in the  
8 workforce.

9 **\*-0334/2.6\* SECTION 1038.** 49.148 (1m) (b) of the statutes is amended to read:  
10 49.148 (1m) (b) Receipt of a grant under this subsection constitutes  
11 participation in a Wisconsin works employment position for purposes of the time  
12 limits under ss. 49.145 (2) (n) and 49.147 (3) (c) or (d) 7., (4) (b) or (5) (b) 2. if the child  
13 is born to the participant more than 10 months after the date that the participant  
14 was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin  
15 works employment position unless the child was conceived as a result of a sexual  
16 assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not indicate  
17 a freely given agreement to have sexual intercourse or of incest in violation of s.  
18 944.06 or 948.06 and that incest or sexual assault has been reported to a physician  
19 and to law enforcement authorities.

20 **\*-0334/2.7\* SECTION 1039.** 49.148 (1m) (b) of the statutes, as affected by 2005  
21 Wisconsin Act .... (this act), is renumbered 49.148 (1m) (b) 1. and amended to read:  
22 49.148 (1m) (b) 1. Receipt of a grant under this subsection by a participant  
23 under par. (a) 1. constitutes participation in a Wisconsin works Works employment

1 position for purposes of the time limits under ss. ~~49.145 (2) (n) and 49.147 (3) (c) or~~  
2 ~~(d) 7., (4) (b), or (5) (b) 2.~~ if the child is born to the participant more than 10 months  
3 after the date that the participant was first determined to be eligible for assistance  
4 under s. ~~49.19~~ or for a Wisconsin works employment position unless the child was  
5 conceived as a result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in  
6 which the mother did not indicate a freely given agreement to have sexual  
7 intercourse or of incest in violation of s. 944.06 or 948.06 and that incest or sexual  
8 assault has been reported to a physician and to law enforcement authorities.

\*\*\*\*NOTE: This is reconciled s. 49.148 (1m) (b). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0333, LRB-0334, and LRB-0335.

9 \*~~0334/2.5~~\* SECTION 1040. 49.148 (1m) (b) (intro.) of the statutes is created to  
10 read:

11 49.148 (1m) (b) (intro.) For purposes of the time limits under s. 49.145 (2) (n)  
12 or 49.147 (3) (c) or (d) 7., (4) (b), or (5) (b) 2., all of the following apply:

\*\*\*\*NOTE: This is reconciled s. 49.148 (1m) (b) (intro.). This SECTION has been  
affected by drafts with the following LRB numbers: LRB-0334 and LRB-0335.

13 \*~~0334/2.8~~\* SECTION 1041. 49.148 (1m) (b) 2. of the statutes is created to read:  
14 49.148 (1m) (b) 2. Receipt of a grant under this subsection by a participant  
15 under par. (a) 2. does not constitute participation in a Wisconsin Works employment  
16 position.

17 \*~~0404/4.86~~\* SECTION 1042. 49.155 (1) (ag) of the statutes is amended to read:  
18 49.155 (1) (ag) "Child care provider" means a provider licensed under s. 48.65  
19 ~~49.98~~, certified under s. ~~48.651~~ 49.156, or established or contracted for under s.  
20 120.13 (14).

21 \*~~0404/4.87~~\* SECTION 1043. 49.155 (1) (am) of the statutes is amended to read:

1           49.155 (1) (am) “Level I certified family day care provider” means a day care  
2 provider certified under s. ~~48.651~~ 49.156 (1) (a).

3           \*~~0404/4.88~~\* SECTION 1044. 49.155 (1) (b) of the statutes is amended to read:

4           49.155 (1) (b) “Level II certified family day care provider” means a day care  
5 provider certified under s. ~~48.651~~ 49.156 (1) (b).

6           \*~~0404/4.89~~\* SECTION 1045. 49.155 (1d) (a) of the statutes is amended to read:

7           49.155 (1d) (a) The department shall promulgate rules establishing standards  
8 for the certification of child care providers under s. ~~48.651~~ 49.156. In establishing  
9 the requirements for certification under this paragraph of a child care provider who  
10 provides care and supervision for children under one year of age, the department  
11 shall include a requirement that all providers and all employees and volunteers of  
12 a provider who provide care and supervision for children receive, before the date on  
13 which the provider is certified or the employment or volunteer work commences,  
14 whichever is applicable, training in the most current medically accepted methods of  
15 preventing sudden infant death syndrome. In establishing the requirements for  
16 certification as a Level II certified family day care provider, the department may not  
17 include any other requirement for training for providers.

18           \*~~0404/4.90~~\* SECTION 1046. 49.155 (1d) (b) of the statutes is amended to read:

19           49.155 (1d) (b) The department shall promulgate rules to establish quality of  
20 care standards for child care providers that are higher than the quality of care  
21 standards required for licensure under s. ~~48.65~~ 49.98 or for certification under s.  
22 ~~48.651~~ 49.156. The standards established by rules promulgated under this  
23 paragraph shall consist of the standards provided for the accreditation of day care  
24 centers by the ~~national association for the education of young children~~ National  
25 Association for the Education of Young Children or any other comparable standards

1 that the department may establish, including standards regarding the turnover of  
2 child care provider staff and the training and benefits provided for child care  
3 provider staff.

4 **\*-1662/4.11\* SECTION 1047.** 49.155 (1g) (b) of the statutes is amended to read:

5 49.155 (1g) (b) From the ~~appropriation~~ appropriations under s. 20.445 (3) (cm),  
6 (jm), (kx), and (mc), distribute \$7,593,500 in ~~fiscal year 2003-04~~ and \$7,597,300  
7 \$7,476,400 in each fiscal year 2004-05 for administering the child care program  
8 under this section, for grants under s. 49.134 (2) for child day care resource and  
9 referral services, for grants under s. 49.137 (4m), for a child care scholarship and  
10 bonus program, and for administration of the department's office of child care, for the  
11 department's share of the costs for the Child Care Information Center operated by  
12 the division for libraries, technology, and community learning in the department of  
13 public instruction, and for the licensing and regulation of day care facilities under  
14 s. 49.98.

\*\*\*\*NOTE: This is reconciled s. 49.155 (1g) (b). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0404 and LRB-1662.

15 **\*-0404/4.91\* SECTION 1048.** 49.155 (1g) (c) of the statutes is repealed.

16 **\*-1662/4.12\* SECTION 1049.** 49.155 (1g) (d) of the statutes is created to read:

17 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), distribute  
18 \$11,503,500 in fiscal year 2005-06 and \$10,003,500 in fiscal year 2006-07 for grants  
19 under s. 49.134 (2) for child day care resource and referral services, for contracts  
20 under s. 49.137 (4) for training and technical assistance, for grants under s. 49.137  
21 (4m), for a child care scholarship and bonus program, and for a quality ratings  
22 system under s. 49.982 (5).

1           \*~~0084/3.56~~\* SECTION 1050. 49.155 (1m) (a) 1m. b. of the statutes is amended  
2 to read:

3           49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years  
4 and the individual resides with his or her custodial parent or with a kinship care  
5 relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57  
6 (3n) or is in a foster home or treatment foster home licensed under s. 48.62, a  
7 subsidized guardianship home under s. 48.62 (5), a group home, or an independent  
8 living arrangement supervised by an adult.

9           \*~~0335/2.2~~\* SECTION 1051. 49.155 (1m) (a) 3. of the statutes is amended to  
10 read:

11           49.155 (1m) (a) 3. Work in a Wisconsin works Works employment position,  
12 including participation in job search, orientation, and training activities under s.  
13 49.147 (2) (a) and in education or training activities under s. 49.147 (3) (am) or (d),  
14 (4) (am), or (5) (bm).

15           \*~~0084/3.57~~\* SECTION 1052. 49.155 (1m) (bm) of the statutes is amended to  
16 read:

17           49.155 (1m) (bm) If the individual is providing care for a child under a court  
18 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or  
19 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child  
20 care is needed for that child, the individual meets the requirement under s. 49.145  
21 (2) (c).

22           \*~~0084/3.58~~\* SECTION 1053. 49.155 (1m) (c) 1g. of the statutes is amended to  
23 read:

24           49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized  
25 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or

1 adoptive family has a gross income that is at or below 200% of the poverty line. In  
2 calculating the gross income of the child's biological or adoptive family, the Wisconsin  
3 works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

4 \*~~0404/4.92~~\* SECTION 1054. 49.155 (3) (b) 5. of the statutes is amended to read:

5 49.155 (3) (b) 5. Certify child care providers under s. ~~48.651~~ 49.156.

6 \*~~0404/4.93~~\* SECTION 1055. 49.155 (4) of the statutes is amended to read:

7 49.155 (4) CHOICE OF PROVIDER. An eligible individual shall choose whether the  
8 child care will be provided by a day care center licensed under s. ~~48.65~~ 49.98, a Level  
9 I certified family day care provider, a Level II certified family day care provider, or  
10 a day care program provided or contracted for by a school board under s. 120.13 (14).

11 \*~~1522/2.1~~\* SECTION 1056. 49.155 (6) (e) of the statutes is created to read:

12 49.155 (6) (e) The department may establish a tiered reimbursement system  
13 under which the department reimburses a child care provider for child care services  
14 provided under this section at a rate that is based on the child care provider's quality  
15 rating under the rating system established under s. 48.982 (5). Notwithstanding  
16 pars. (a), (b), and (c), the rate at which a child care provider is reimbursed under a  
17 system established under this paragraph may exceed the maximum reimbursement  
18 rate established under par. (a), (b), or (c).

19 \*~~0334/2.9~~\* SECTION 1057. 49.159 (4) of the statutes is amended to read:

20 49.159 (4) PREGNANT WOMEN. A pregnant woman whose pregnancy is medically  
21 verified, who would be eligible under s. 49.145 except that she is not a custodial  
22 parent of a dependent child, and who does not satisfy the requirements under s.  
23 49.148 (1m) (a) 2. is eligible for employment training and job search assistance  
24 services provided by the Wisconsin ~~works~~ Works agency.

1           \***-1662/4.13\*** SECTION 1058. 49.175 (1) (intro.) of the statutes is amended to  
2 read:

3           49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within  
4 the limits of the appropriations under s. 20.445 (3) (a), (cm), (dz), ~~(jL)~~, (jm), (k), (kx),  
5 (L), (mc), (md), ~~(nL)~~, and (me), (s), and (t), the department shall allocate the following  
6 amounts for the following purposes:

\*\*\*\*NOTE: This is reconciled s. 49.175 (1) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0604, -1526, and -1662. ↓

7           \***-1662/4.14\*** SECTION 1059. 49.175 (1) (intro.) of the statutes, as affected by  
8 2005 Wisconsin Act .... (this act), is amended to read:

9           49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within  
10 the limits of the appropriations under s. 20.445 (3) (a), (cm), (dz), ~~(jm)~~, (k), (kx), (L),  
11 (mc), (md), (me), (s), and (t), the department shall allocate the following amounts for  
12 the following purposes:

\*\*\*\*NOTE: This is second reconciled s. 49.175 (1) (intro.). This SECTION has been  
affected by drafts with the following LRB numbers: LRB-0604, -1526, -1662, and -1787.

13           \***-1662/4.15\*** SECTION 1060. 49.175 (1) (a) of the statutes is amended to read:

14           49.175 (1) (a) *Wisconsin Works benefits*. For Wisconsin Works benefits provided  
15 ~~under contracts having a term that begins on January 1, 2002, and ends on~~  
16 ~~December 31, 2003, \$33,219,700 in fiscal year 2003-04; and for Wisconsin Works~~  
17 ~~benefits provided under contracts having a term that begins on January 1, 2004, and~~  
18 ~~ends on December 31, 2005, \$33,219,700, \$59,526,100 in fiscal year 2003-04~~  
19 ~~2005-06 and \$66,439,400 \$52,612,800 in fiscal year 2004-05 2006-07.~~

20           \***-1662/4.16\*** SECTION 1061. 49.175 (1) (b) of the statutes is amended to read:

21           49.175 (1) (b) *Wisconsin Works administration*. For administration of  
22 Wisconsin Works performed under contracts under s. 49.143 having a term that

1 begins on January 1, 2002, and ends on December 31, 2003, \$10,582,800 in fiscal  
2 year 2003-04; and for administration of Wisconsin Works performed under contracts  
3 under s. 49.143 having a term that begins on January 1, 2004, and ends on  
4 December 31, 2005, \$10,582,900, \$20,107,500 in fiscal year 2003-04 2005-06 and  
5 \$21,165,700 \$19,049,200 in fiscal year 2004-05 2006-07.

6 \*~~1662/4.17~~\* SECTION 1062. 49.175 (1) (c) of the statutes is amended to read:

7 49.175 (1) (c) *Performance bonuses*. For the payment of performance bonuses  
8 to Wisconsin Works agencies that have entered into contracts under s. 49.143 having  
9 a term that begins on January 1, 2002 2004, and that ends on December 31, 2003  
10 2005, \$0 in fiscal year 2003-04 2005-06.

11 \*~~1662/4.18~~\* SECTION 1063. 49.175 (1) (f) of the statutes is amended to read:

12 49.175 (1) (f) *Wisconsin Works ancillary services*. For program services under  
13 Wisconsin Works, ~~including transportation assistance for individuals who are~~  
14 ~~eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,~~  
15 ~~provided under contracts under s. 49.143 having a term that begins on January 1,~~  
16 ~~2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003-04; and for~~  
17 ~~program services under Wisconsin Works, including transportation assistance for~~  
18 ~~individuals who are eligible to receive temporary assistance for needy families under~~  
19 ~~42 USC 601 et seq., education and training, mentoring, and other services provided~~  
20 ~~under contracts under s. 49.143 having a term that begins on January 1, 2004, and~~  
21 ~~ends on December 31, 2005, \$27,803,300, 49,879,200 in fiscal year 2003-04 2005-06~~  
22 ~~and \$55,606,600 \$44,151,800 in fiscal year 2004-05 2006-07.~~

23 \*~~1662/4.19~~\* SECTION 1064. 49.175 (1) (g) of the statutes is amended to read:

1           49.175 (1) (g) *State administration of public assistance programs.* For state  
2 administration of public assistance programs, ~~\$18,484,600~~ \$17,004,500 in each  
3 fiscal year.

4           \*~~1662/4.20~~\* SECTION 1065. 49.175 (1) (m) of the statutes is amended to read:

5           49.175 (1) (m) *Children first.* For services under the work experience program  
6 for noncustodial parents under s. 49.36, ~~\$1,140,000~~ \$1,361,000 in each fiscal year.

7           \*~~1526/3.3~~\* SECTION 1066. 49.175 (1) (n) of the statutes is repealed.

8           \*~~1662/4.21~~\* SECTION 1067. 49.175 (1) (p) of the statutes is amended to read:

9           49.175 (1) (p) *Direct child care services.* For direct child care services under s.  
10 49.155, ~~\$298,640,600~~ \$307,282,800 in fiscal year ~~2003-04~~ 2005-06 and  
11 ~~\$308,040,600~~ \$300,509,900 in fiscal year ~~2004-05~~ 2006-07.

12           \*~~1662/4.22~~\* SECTION 1068. 49.175 (1) (q) of the statutes is amended to read:

13           49.175 (1) (q) *Indirect child Child care services state administration.* For  
14 ~~indirect child care services~~ state administrative costs under s. ~~49.155 (1g),~~  
15 ~~\$9,559,400 in fiscal year 2003-04 and \$9,626,700~~ s. 49.155 (1g) (b), \$7,476,400 in  
16 each fiscal year ~~2004-05~~.

17           \*~~1662/4.23~~\* SECTION 1069. 49.175 (1) (qm) of the statutes is amended to read:

18           49.175 (1) (qm) *Local pass-through grant program Quality care for quality*  
19 *kids.* For the ~~local pass-through grant program~~ under s. 49.137 (4m), ~~\$2,475,100~~  
20 child care quality improvement activities specified in s. 49.155 (1g) (d), \$11,503,500  
21 in fiscal year ~~2003-04~~ 2005-06 and ~~\$2,478,500~~ \$10,003,500 in fiscal year ~~2004-05~~  
22 2006-07.

23           \*~~1662/4.24~~\* SECTION 1070. 49.175 (1) (r) of the statutes is amended to read:

24           49.175 (1) (r) *Early childhood excellence initiative.* For grants under s. 49.1375,  
25 ~~\$2,500,000~~ \$2,250,000 in each fiscal year ~~2005-06~~.

1           \***-1662/4.25\*** SECTION 1071. 49.175 (1) (r) of the statutes, as affected by 2005  
2 Wisconsin Act .... (this act), is repealed.

3           \***-1662/4.26\*** SECTION 1072. 49.175 (1) (v) of the statutes is created to read:  
4           49.175 (1) (v) *Transportation assistance grants.* For transportation assistance  
5 for individuals who are eligible to receive temporary assistance for needy families  
6 under 42 USC 601 et seq., \$900,000 in each fiscal year.

7           \***-1662/4.27\*** SECTION 1073. 49.175 (1) (ze) 1. of the statutes is amended to  
8 read:

9           49.175 (1) (ze) 1. ‘Kinship care and long-term kinship care assistance.’ For the  
10 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and  
11 (3p), ~~\$24,122,200~~ \$23,748,400 in each fiscal year.

      \*\*\*NOTE: This is reconciled s. 49.175 (1) (ze) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0277 and -1662.

12           \***-1662/4.28\*** SECTION 1074. 49.175 (1) (ze) 2. of the statutes is amended to  
13 read:

14           49.175 (1) (ze) 2. ‘Children of recipients of supplemental security income.’ For  
15 payments made under s. 49.775 for the support of the dependent children of  
16 recipients of supplemental security income, ~~\$26,397,200~~ \$29,973,600 in fiscal year  
17 ~~2003-04 2005-06~~ and ~~\$29,175,100~~ \$28,893,300 in fiscal year ~~2004-05 2006-07~~.

      \*\*\*NOTE: This is reconciled s. 49.175 (1) (ze) 2. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0277 and -1662.

18           \***-1635/3.11\*** SECTION 1075. 49.175 (1) (ze) 7. of the statutes is repealed.

19           \***-1635/3.12\*** SECTION 1076. 49.175 (1) (ze) 8. of the statutes is repealed.

20           \***-1662/4.29\*** SECTION 1077. 49.175 (1) (ze) 10m. of the statutes is amended to  
21 read:

1           49.175 (1) (ze) 10m. 'Safety services.' For services provided in counties having  
2 a population of 500,000 or more to ensure the safety of children who the department  
3 of health and family services determines may remain at home if appropriate services  
4 are provided, ~~\$7,045,500~~ \$7,323,600 in each fiscal year.

      \*\*\*NOTE: This is reconciled s. 49.175 (1) (ze) 10m. This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0277 and -1662.

5           \*~~-1662/4.30~~\* SECTION 1078. 49.175 (1) (ze) 12. of the statutes is amended to  
6 read:

7           49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For  
8 the costs associated with the Milwaukee child welfare information system and the  
9 Wisconsin statewide automated child welfare information system, ~~\$1,695,700~~  
10 \$1,310,800 in fiscal year 2003-04 ~~2005-06~~ and ~~\$1,741,300~~ \$1,317,700 in fiscal year  
11 ~~2004-05~~ 2006-07.

      \*\*\*NOTE: This is reconciled s. 49.175 (1) (ze) 12. This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0277 and -1662.

12           \*~~-1662/4.31~~\* SECTION 1079. 49.175 (1) (zh) of the statutes is amended to read:  
13 49.175 (1) (zh) ~~Taxable years 1999 and thereafter~~ Earned income tax credit  
14 supplement. For the transfer of moneys from the appropriation account under s.  
15 20.445 (3) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned  
16 income tax credit, ~~\$57,892,000 in fiscal year 2003-04 and \$59,532,000~~ \$59,532,000  
17 in each fiscal year 2004-05.

18           \*~~-1534/3.3~~\* SECTION 1080. 49.175 (1) (zj) of the statutes is repealed.

19           \*~~-1534/3.4~~\* SECTION 1081. 49.175 (1) (zL) of the statutes is renumbered 115.28  
20 (35) and amended to read:

21           115.28 (35) English for Southeast Asian children. ~~To~~ Annually pay to the school  
22 board of the Wausau school district for English ~~training~~ instruction for 3-year-old,

1 4-year-old and 5-year-old Southeast Asian children, ~~\$100,000 in each fiscal year~~  
2 the amount appropriated under s. 20.255 (2) (ce).

3 \*~~1625/3.5~~\* SECTION 1082. 49.175 (1) (zn) of the statutes is repealed.

4 \*~~0490/P2.1~~\* SECTION 1083. 49.195 (3m) (b) of the statutes is amended to read:

5 49.195 (3m) (b) The clerk of circuit court shall accept, file, and enter ~~the~~ each  
6 warrant under par. (a) and each satisfaction, release, or withdrawal under par. (d),  
7 (e), (g), or (h) in the judgment and lien docket without prepayment of any fee, but the  
8 clerk of circuit court shall submit a statement of the proper fee semiannually to the  
9 department covering the periods from January 1 to June 30 and July 1 to December  
10 31 unless a different billing period is agreed to between the clerk of circuit court and  
11 the department. The department shall pay the fees, but shall add the fees provided  
12 by s. 814.61 (5) for entering the warrants to the amount of the warrant and shall  
13 collect the fees from the person named in the warrant when satisfaction or release  
14 is presented for entry.

15 \*~~0490/P2.2~~\* SECTION 1084. 49.195 (3m) (h) of the statutes is amended to read:

16 49.195 (3m) (h) If the department arranges a payment schedule with the  
17 debtor and the debtor complies with the payment schedule, the department shall  
18 may issue a notice of withdrawal of the warrant to the clerk of circuit court for the  
19 county in which the warrant is filed. ~~The~~ If the department issues a notice of  
20 withdrawal of the warrant, the clerk shall void the warrant and the resulting liens.

21 \*~~0490/P2.3~~\* SECTION 1085. 49.195 (3n) (p) of the statutes is amended to read:

22 49.195 (3n) (p) A levy is effective from the date on which the levy is first served  
23 on the 3rd party until the liability out of which the levy arose is satisfied, or until the  
24 levy is released ~~or until one year from the date of service~~, whichever occurs first.

25 \*~~0490/P2.4~~\* SECTION 1086. 49.195 (3n) (t) of the statutes is amended to read:

1           49.195 (3n) (t) Any 3rd party is entitled to a levy fee of \$5 for each levy in any  
2 case where in which property is secured through the levy. ~~The~~ If the 3rd party retains  
3 the fee, the 3rd party shall increase the levy amount by the amount of the fee and  
4 deduct the fee from the proceeds of the levy.

5           \*~~0265/3.8~~\* SECTION 1087. 49.197 (1m) of the statutes is amended to read:

6           49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)  
7 (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program to  
8 investigate suspected fraudulent activity on the part of recipients of aid to families  
9 with dependent children under s. 49.19, on the part of participants in the Wisconsin  
10 works Works program under ss. 49.141 to 49.161, and, if the department of health  
11 and family services contracts with the department under sub. (5), on the part of  
12 recipients of medical assistance under subch. IV and, food stamp benefits under the  
13 food stamp program under 7 USC 2011 to 2036, supplemental security income  
14 payments under s. 49.77, payments for the support of children of supplemental  
15 security income recipients under s. 49.775, and health care benefits under the  
16 Badger Care health care program under s. 49.665. The department's activities under  
17 this subsection may include, but are not limited to, comparisons of information  
18 provided to the department by an applicant and information provided by the  
19 applicant to other federal, state, and local agencies, development of an advisory  
20 welfare investigation prosecution standard, and provision of funds to county  
21 departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin works Works  
22 agencies to encourage activities to detect fraud. The department shall cooperate  
23 with district attorneys regarding fraud prosecutions.

24           \*~~0265/3.9~~\* SECTION 1088. 49.197 (3) of the statutes is amended to read:

1           49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct  
2 activities to reduce payment errors in Wisconsin works Works under ss. 49.141 to  
3 49.161 and, if the department of health and family services contracts with the  
4 department under sub. (5), the ~~medical assistance~~ Medical Assistance program  
5 under subch. IV and, the food stamp program under 7 USC 2011 to 2036, the  
6 supplemental security income payments program under s. 49.77, the program  
7 providing payments for the support of children of supplemental security income  
8 recipients under s. 49.775, and the Badger Care health care program under s. 49.665.

9           \*~~0265/3.10~~\* SECTION 1089. 49.197 (4) of the statutes is amended to read:

10           49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and  
11 family services contracts with the department under sub. (5), the department shall  
12 provide funds from the appropriation under s. 20.445 (3) (kx) to counties and  
13 governing bodies of federally recognized American Indian tribes administering  
14 ~~medical assistance~~ Medical Assistance under subch. IV ~~or~~, the food stamp program  
15 under 7 USC 2011 to 2036, the supplemental security income payments program  
16 under s. 49.77, the program providing payments for the support of children of  
17 supplemental security income recipients under s. 49.775, and the Badger Care  
18 health care program under s. 49.665 to offset administrative costs of reducing  
19 payment errors in those programs.

20           \*~~0265/3.11~~\* SECTION 1090. 49.197 (5) of the statutes is amended to read:

21           49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE AND, FOOD STAMPS, SUPPLEMENTAL  
22 SECURITY INCOME, AND CARETAKER SUPPLEMENT. The Notwithstanding s. 49.845 (1) and  
23 (2), the department of health and family services may contract with the department  
24 to investigate suspected fraudulent activity on the part of recipients of medical  
25 assistance under subch. IV ~~or recipients of~~, food stamp benefits under the food stamp

1 program under 7 USC 2011 to 2036, supplemental security income payments under  
2 s. 49.77, payments for the support of children of supplemental security income  
3 recipients under s. 49.775, and health care benefits under the Badger Care health  
4 care program under s. 49.665 and to conduct activities to reduce payment errors in  
5 the Medical Assistance program under subch. IV, the food stamp program under 7  
6 USC 2011 to 2036, the supplemental security income payments program under s.  
7 49.77, the program providing payments for the support of children of supplemental  
8 security income recipients under s. 49.775, and the Badger Care health care program  
9 under s. 49.665, as provided in this section.

10 \*~~1525/3.1~~\* SECTION 1091. 49.22 (1) of the statutes is amended to read:

11 49.22 (1) There is created a child and spousal support and establishment of  
12 paternity and medical ~~liability~~ support liability program in the department. The  
13 purpose of this program is to establish paternity when possible, to establish or modify  
14 support obligations, to enforce support obligations owed by parents to their children  
15 and maintenance obligations owed to spouses or former spouses with whom the  
16 children reside in this state or owed in other states if the support order was issued  
17 in this state or owed in other states if the parent, spouse, or former spouse resides  
18 in this state, to locate persons who are alleged to have taken their child in violation  
19 of s. 948.31 or of similar laws in other states, and to locate and value property of any  
20 person having a support duty. To accomplish the objectives of this program and of  
21 other assistance programs under this chapter, county and state agencies will  
22 cooperate with one another to implement a child and spousal support and paternity  
23 establishment and medical support liability program in accordance with state and  
24 federal laws, regulations, and rules and to assure proper distribution of benefits of  
25 all assistance programs authorized under this chapter.

1           \*-0474/3.1\* SECTION 1092. 49.36 (2) of the statutes is amended to read:

2           49.36 (2) The department may contract with any county, tribal governing body,  
3 or Wisconsin works Works agency to administer a work experience and job training  
4 program for parents who are not custodial parents and who fail to pay child support  
5 or to meet their children's needs for support as a result of unemployment or  
6 underemployment. The program may provide the kinds of work experience and job  
7 training services available from the program under s. 49.193, 1997 stats., or s. 49.147  
8 (3) or (4). The program may also include job search and job orientation activities.  
9 The department shall fund the program from the ~~appropriation~~ appropriations  
10 under s. 20.445 (3) (dz) and (k).

11           \*-0265/3.12\* SECTION 1093. 49.45 (2) (a) 3m. of the statutes is repealed.

12           \*-1649/6.34\* SECTION 1094. 49.45 (2) (a) 17. of the statutes is amended to read:

13           49.45 (2) (a) 17. Notify the governor, the joint committee on legislative  
14 organization, the joint committee on finance, and appropriate standing committees,  
15 as determined by the presiding officer of each house, if the appropriation accounts  
16 under s. 20.435 (4) (b) ~~and, (gp), and (r)~~ are insufficient to provide the state share of  
17 ~~medical assistance.~~

18           \*-1089/5.2\* SECTION 1095. 49.45 (2) (a) 26. of the statutes is created to read:

19           49.45 (2) (a) 26. a. Impose on each health maintenance organization, as defined  
20 in s. 609.01 (2), with a contract under sub. (2) (b) 2. to provide health care to recipients  
21 of Medical Assistance or Badger Care, for the privilege of doing business in this state,  
22 an annual assessment of 6 percent of the health maintenance organization's gross  
23 revenues for the current calendar year. The assessment shall be deposited into the  
24 Medical Assistance trust fund. Each health maintenance organization subject to  
25 this subdivision shall file with the office of the commissioner of insurance annually,

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1 by March 1, a statement of the gross revenues for the health maintenance  
2 organization for the immediately preceding calendar year. If a health maintenance  
3 organization fails to file such a report by March 1, the department may withhold  
4 payment under this section until the report is filed. The department shall determine  
5 the amount of each health maintenance organization's assessment, based on the  
6 statement that the health maintenance organization files with the office of the  
7 commissioner of insurance. Each health maintenance organization shall pay  
8 one-fourth of the total assessment quarterly. For 2007 and every year thereafter, on  
9 March 31 payment is due based on estimated gross revenues for the health  
10 maintenance organization for the period January 1 to March 31 of that year, and the  
11 department may adjust the payment amount to ensure that payments made for the  
12 previous calendar year equaled an assessment of 6 percent of the health  
13 maintenance organization's actual gross revenues for the immediately preceding  
14 calendar year; on June 30 payment is due based on actual gross revenues for the  
15 health maintenance organization for the period January 1 to March 31 of that year;  
16 on September 30 payment is due based on actual gross revenues for the health  
17 maintenance organization for the period April 1 to June 30 of that year; and on  
18 December 31 payment is due based on actual gross revenues for the health  
19 maintenance organization for the period July 1 to September 30 of that year.

20 b. Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to  
21 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under  
22 subch. III of ch. 77, apply to the assessment under this subdivision, except that the  
23 amount of any assessment collected under subd. 26. a. shall be deposited into the  
24 Medical Assistance trust fund.

SECTION 1095

1 c. The department shall levy, enforce, and collect the assessment under this  
2 subdivision and shall develop and distribute forms necessary for levying and  
3 collection.

4 d. The department shall establish procedures and requirements for levying the  
5 assessment under this subdivision.

6 e. An affected health maintenance organization may contest an action by the  
7 department of health and family services under this subdivision by submitting a  
8 written request for a hearing to the division of hearings and appeals in the  
9 department of administration within 30 days after the date of the action by the  
10 department of health and family services.

11 f. Any order or determination made by the division of hearing and appeals in  
12 the department of administration under a hearing as specified in subd. 26. e. is  
13 subject to judicial review as prescribed under ch. 227.

14 \*-0124/1.1\* SECTION 1096. 49.45 (3) (i) of the statutes is repealed.

15 \*-1649/6.35\* SECTION 1097. 49.45 (5m) (am) of the statutes is amended to  
16 read:

17 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriation accounts  
18 under s. 20.435 (4) (b), (gp), (o), and (w) (rm), the department shall distribute not  
19 more than \$2,256,000 in each fiscal year, to provide supplemental funds to rural  
20 hospitals that, as determined by the department, have high utilization of inpatient  
21 services by patients whose care is provided from governmental sources, and to  
22 provide supplemental funds to critical access hospitals, except that the department  
23 may not distribute funds to a rural hospital or to a critical access hospital to the  
24 extent that the distribution would exceed any limitation under 42 USC 1396b (i) (3).

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1           \*~~1649/6.36~~\* SECTION 1098. 49.45 (6m) (ag) (intro.) of the statutes is amended  
2 to read:

3           49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this  
4 subsection made under s. 20.435 (4) (b), (gp), (pa), (o), (r), (w), or (wm) shall, except  
5 as provided in pars. (bg), (bm), and (br), be determined according to a prospective  
6 payment system updated annually by the department. The payment system shall  
7 implement standards that are necessary and proper for providing patient care and  
8 that meet quality and safety standards established under subch. II of ch. 50 and ch.

9           150. The payment system shall reflect all of the following:

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10           \*~~1302/3.1~~\* SECTION 1099. 49.45 (6m) (ag) 3m. of the statutes is amended to  
11 read:

12           49.45 (6m) (ag) 3m. For each state fiscal year, rates that shall be set by the  
13 department based on information from cost reports for costs specified under par. (am)  
14 1. ~~bm.~~, 4., 5m., and 6. for the most recently completed fiscal year of the facility.

15           \*~~1302/3.2~~\* SECTION 1100. 49.45 (6m) (ag) 3r. of the statutes is amended to  
16 read:

17           49.45 (6m) (ag) 3r. Flat-rate payment for all costs specified under par. (am) 1.  
18 a. and 2.

19           \*~~1302/3.3~~\* SECTION 1101. 49.45 (6m) (ar) 1. a. of the statutes is amended to  
20 read:

21           49.45 (6m) (ar) 1. a. The department shall establish standards for payment of  
22 allowable direct care costs under par. (am) 1. ~~bm., for facilities that do not primarily~~  
23 ~~serve the developmentally disabled,~~ that take into account direct care costs for a  
24 sample of all of those facilities in this state and ~~separate standards for payment of~~  
25 ~~allowable direct care costs, for facilities that primarily serve the developmentally~~

1 disabled, that take into account direct care costs for a sample of all of those facilities  
2 in this state. The standards shall be adjusted by the department for regional labor  
3 cost variations. For facilities in Douglas, Pierce, and St. Croix counties, the  
4 department shall perform the adjustment by use of the wage index that is used by  
5 the federal department of health and human services for hospital reimbursement  
6 under 42 USC 1395 to 1395ggg.

7 ~~\*-1302/3.4\*~~ SECTION 1102. 49.45 (6m) (ar) 1. b. of the statutes is repealed.

8 ~~\*-1302/3.5\*~~ SECTION 1103. 49.45 (6m) (ar) 1. c. of the statutes is amended to  
9 read:

10 49.45 (6m) (ar) 1. c. If a facility has an approved program for provision of service  
11 to mentally retarded residents, residents dependent upon ventilators, or residents  
12 requiring supplemental skilled care due to complex medical conditions, a  
13 supplement to the direct care component of the facility rate under subd. 1. b. may be  
14 made to that facility according to a method developed by the department.

15 ~~\*-0746/4.1\*~~ SECTION 1104. 49.45 (6t) of the statutes, as affected by 2003  
16 Wisconsin Act 318, is repealed.

17 ~~\*-1649/6.37\*~~ SECTION 1105. 49.45 (6v) (b) of the statutes is amended to read:  
18 49.45 (6v) (b) The department shall, each year, submit to the joint committee  
19 on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that  
20 provides information on the utilization of beds by recipients of medical assistance in  
21 facilities and a discussion and detailed projection of the likely balances,  
22 expenditures, encumbrances, and carry over of currently appropriated amounts in  
23 the appropriation accounts under s. 20.435 (4) (b), (gp), and (o), and (r).

24 ~~\*-1649/6.38\*~~ SECTION 1106. 49.45 (6x) (a) of the statutes is amended to read:

1 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriation accounts  
2 under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w) (rm), the department shall distribute not  
3 more than ~~\$4,748,000~~ \$6,248,000 in each fiscal year, to provide funds to an essential  
4 access city hospital, except that the department may not allocate funds to an  
5 essential access city hospital to the extent that the allocation would exceed any  
6 limitation under 42 USC 1396b (i) (3).

7 \*~~1649/6.39~~\* SECTION 1107. 49.45 (6y) (a) of the statutes is amended to read:

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

18 \*~~1649/6.40~~\* SECTION 1108. 49.45 (6y) (am) of the statutes is amended to read:

19 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriation accounts  
20 under s. 20.435 (4) (b), (h), (gp), (o), (r), and (w), the department shall distribute  
21 funding in each fiscal year to provide supplemental payments to hospitals that enter  
22 into contracts under s. 49.02 (2) with a county having a population of 500,000 or more  
23 to provide health care services funded by a relief block grant, as determined by the  
24 department, for hospital services that are not in excess of the hospitals' customary  
25 charges for the services, as limited under 42 USC 1396b (i) (3).

## SECTION 1109

1       \*~~1649/6.41~~\* SECTION 1109. 49.45 (6z) (a) (intro.) of the statutes is amended  
2 to read:

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

14       \*~~1649/6.42~~\* SECTION 1110. 49.45 (8) (b) of the statutes is amended to read:

15       49.45 ~~(8)~~ (b) Reimbursement under s. 20.435 (4) (b), (gp), (o), (r), and (w) for  
16 home health services provided by a certified home health agency or independent  
17 nurse shall be made at the home health agency's or nurse's usual and customary fee  
18 per patient care visit, subject to a maximum allowable fee per patient care visit that  
19 is established under par. (c).

20       \*~~1649/6.43~~\* SECTION 1111. 49.45 (24m) (intro.) of the statutes is amended to  
21 read:

22       49.45 ~~(24m)~~ HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)  
23 From the appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), and (w), in order  
24 to test the feasibility of instituting a system of reimbursement for providers of home

1 ~~health care and personal care services for medical assistance recipients that is based~~  
2 ~~on competitive bidding, the department shall.~~

3 ~~INSERT 329-2 DAY~~ \*-0747/1.2\* SECTION 1112. 49.45 (39) (b) 1. of the statutes is amended to read:

4 49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a  
5 cooperative educational service agency elects to provide school medical services and  
6 meets all requirements under par. (c), the department shall reimburse the school  
7 district or the cooperative educational service agency for 60% of the federal share of  
8 allowable charges for the school medical services that it provides and, as specified  
9 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind  
10 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf  
11 and Hard of Hearing elects to provide school medical services and meets all  
12 requirements under par. (c), the department shall reimburse the department of  
13 public instruction for 60% of the federal share of allowable charges for the school  
14 medical services that the Wisconsin Center for the Blind and Visually Impaired or  
15 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing  
16 provides and, as specified in subd. 2., for allowable administrative costs. A school  
17 district, cooperative educational service agency, the Wisconsin Center for the Blind  
18 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf  
19 and Hard of Hearing may submit, and the department shall allow, claims for common  
20 carrier transportation costs as a school medical service unless the department  
21 receives notice from the federal health care financing administration that, under a  
22 change in federal policy, the claims are not allowed. If the department receives the  
23 notice, a school district, cooperative educational service agency, the Wisconsin  
24 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services  
25 Program for the Deaf and Hard of Hearing may submit, and the department shall

## SECTION 1112

1 allow, unreimbursed claims for common carrier transportation costs incurred before  
2 the date of the change in federal policy. The department shall promulgate rules  
3 establishing a methodology for making reimbursements under this paragraph.  
4 ~~Except as provided in subd. 1m., all~~ All other expenses for the school medical services  
5 provided by a school district or a cooperative educational service agency shall be paid  
6 for by the school district or the cooperative educational service agency with funds  
7 received from state or local taxes. The school district, the Wisconsin Center for the  
8 Blind and Visually Impaired, the Wisconsin Educational Services Program for the  
9 Deaf and Hard of Hearing, or the cooperative educational service agency shall  
10 comply with all requirements of the federal department of health and human  
11 services for receiving federal financial participation.

12 \*~~-0747/1.3~~\* SECTION 1113. 49.45 (39) (b) 1m. of the statutes is repealed.

13 \*~~-0747/1.4~~\* SECTION 1114. 49.45 (39) (b) 2. of the statutes is amended to read:

14 49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The  
15 department shall reimburse a school district or a cooperative educational service  
16 agency specified under ~~subds. subd. 1. and 1m.~~ and shall reimburse the department  
17 of public instruction on behalf of the Wisconsin Center for the Blind and Visually  
18 Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of  
19 Hearing for 90% of the federal share of allowable administrative costs, using time  
20 studies, beginning in fiscal year 1999–2000. A school district or a cooperative  
21 educational service agency may submit, and the department of health and family  
22 services shall allow, claims for administrative costs incurred during the period that  
23 is up to 24 months before the date of the claim, if allowable under federal law.

24 \*~~-0084/3.59~~\* SECTION 1115. 49.46 (1) (a) 5. of the statutes is amended to read:

1 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care,  
2 long-term kinship care ~~or~~, treatment foster care, or subsidized guardianship  
3 placement under ch. 48 or 938, as determined by the department.

4 \*-0264/2.1\* SECTION 1116. 49.46 (1) (a) 5m. of the statutes is created to read:

5 49.46 (1) (a) 5m. Any person who is at least 18 years of age but under 20 years  
6 of age and who, on his or her 18th birthday <sup>5</sup> was in a foster care or treatment foster  
7 care placement under ch. 48 or 938, as determined by the department.

8 \*-0264/2.2\* SECTION 1117. 49.46 (1) (a) 5m. of the statutes, as created by 2005  
9 Wisconsin Act .... (this act), is amended to read:

10 49.46 (1) (a) 5m. Any person who is at least 18 years of age but under 20 21  
11 years of age and who, on his or her 18th birthday <sup>5</sup> was in a foster care or treatment  
12 foster care placement under ch. 48 or 938, as determined by the department.

13 \*-0311/3.8\* SECTION 1118. 49.46 (1) (a) 14. of the statutes is amended to read:

14 49.46 (1) (a) 14. Any person who would meet the financial and other eligibility  
15 requirements for home or community-based services under s. 46.27 (11) ~~or~~, 46.277,  
16 or 46.2785 but for the fact that the person engages in substantial gainful activity  
17 under 42 USC 1382c (a) (3), if a waiver under s. 49.45 (38) is in effect or federal law  
18 permits federal financial participation for medical assistance coverage of the person  
19 and if funding is available for the person under s. 46.27 (11) ~~or~~, 46.277, or 46.2785.

20 \*-0270/1.1\* SECTION 1119. 49.46 (1) (a) 15. of the statutes is amended to read:

21 49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the  
22 income and resource eligibility requirements for the federal supplemental security  
23 Supplemental Security Income program under 42 USC 1381 to 1383d.

24 \*-0260/2.1\* SECTION 1120. 49.46 (2) (b) 3. of the statutes is renumbered 49.46

25 (2) (b) 3. a. and amended to read:

1           49.46 (2) (b) 3. a. Transportation by emergency medical vehicle to obtain  
2 emergency medical care, ~~transportation by specialized medical vehicle to obtain~~  
3 ~~medical care including the unloaded travel of the specialized medical vehicle~~  
4 ~~necessary to provide that transportation or, if authorized in advance by the county~~  
5 ~~department under s. 46.215 or 46.22, transportation by common carrier or private~~  
6 ~~motor vehicle and, if transportation by other means is contraindicated, to obtain~~  
7 nonemergency medical care.

8           \***-0260/2.2\*** SECTION 1121. 49.46 (2) (b) 3. b. of the statutes is created to read:

9           49.46 (2) (b) 3. b. To obtain nonemergency medical services, except as provided  
10 in subd. 3. a., appropriate transportation that is provided through an entity with  
11 which the department has contracted to manage transportation services for the  
12 Medical Assistance program.

13           \***-0311/3.9\*** SECTION 1122. 49.46 (2) (b) 8. of the statutes is amended to read:

14           49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27  
15 (11), 46.275, 46.277 ~~or~~, 46.278, or 46.2785, under the family care benefit if a waiver  
16 is in effect under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin  
17 Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).

18           \***-0311/3.10\*** SECTION 1123. 49.47 (4) (as) 1. of the statutes is amended to read:

19           49.47 (4) (as) 1. The person would meet the financial and other eligibility  
20 requirements for home or community-based services under s. 46.27 (11) ~~or~~, 46.277,  
21 or 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1)  
22 (c) but for the fact that the person engages in substantial gainful activity under 42  
23 USC 1382c (a) (3).

24           \***-0311/3.11\*** SECTION 1124. 49.47 (4) (as) 3. of the statutes is amended to read:

1 49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11) or,  
2 46.277, or 46.2785 or under the family care benefit if a waiver is in effect under s.  
3 46.281 (1) (c).

4 ~~\*-1649/6.44\* SECTION 1125. 49.472 (6) (a) of the statutes is amended to read:  
5 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation account  
6 under s. 20.435 (4) (b), (gp), (r), or (w), the department shall, on the part of an  
7 individual who is eligible for medical assistance under sub. (3), pay premiums for or  
8 purchase individual coverage offered by the individual's employer if the department  
9 determines that paying the premiums for or purchasing the coverage will not be more  
10 costly than providing medical assistance.~~

11 ~~\*-1649/6.45\* SECTION 1126. 49.472 (6) (b) of the statutes is amended to read:  
12 49.472 (6) (b) If federal financial participation is available, from the  
13 appropriation account under s. 20.435 (4) (b), (gp), (r), or (w), the department may  
14 pay ~~medicare~~ Medicare Part A and Part B premiums for individuals who are eligible  
15 for ~~medicare~~ Medicare and for medical assistance under sub. (3).~~

16 ~~\*-1649/6.46\* SECTION 1127. 49.473 (5) of the statutes is amended to read:  
17 49.473 (5) The department shall audit and pay, from the appropriation  
18 accounts under s. 20.435 (4) (b), (gp), and (o), and (r) allowable charges to a provider  
19 who is certified under s. 49.45 (2) (a) 11. for ~~medical assistance~~ Medical Assistance  
20 on behalf of a woman who meets the requirements under sub. (2) for all benefits and  
21 services specified under s. 49.46 (2).~~

↓  
22 INSERT 333-21 DAK

22 \*-1525/3.2\* SECTION 1128. 49.475 (6) of the statutes is created to read:  
23 49.475 (6) SHARING INFORMATION. The department of health and family services  
24 shall provide to the department of workforce development, for purposes of the  
25 medical support liability program under s. 49.22, any information that the

1 department of health and family services receives under this section. The  
2 department of workforce development may allow a county child support agency  
3 under s. 59.53 (5) or a tribal child support agency access to the information, subject  
4 to the use and disclosure restrictions under s. 49.83, and shall consult with the  
5 department of health and family services regarding procedures and methods to  
6 adequately safeguard the confidentiality of the information provided under this  
7 subsection.

8 \*~~0879/4.1~~\* SECTION 1129. 49.497 (title) of the statutes is amended to read:

9 49.497 (title) **Recovery of incorrect ~~medical assistance~~ Medical**  
10 **Assistance or Badger Care payments.**

11 \*~~0879/4.2~~\* SECTION 1130. 49.497 (1) of the statutes is renumbered 49.497 (1)

12 (a) (intro.) and amended to read:

13 49.497 (1) (a) (intro.) The department may recover any payment made  
14 incorrectly for benefits ~~specified under s. 49.46, 49.468 or 49.47~~ provided under this  
15 subchapter or s. 49.665 if the incorrect payment results from any of the following:

16 1. A misstatement or omission of fact by a person supplying information in an  
17 application for benefits under s. 49.46, 49.468 or 49.47 this subchapter or s. 49.665.

18 2. ~~The department may also recover if a medical assistance~~ failure of a Medical  
19 Assistance or Badger Care recipient or any other person responsible for giving  
20 information on the recipient's behalf ~~fails to report the receipt of income or assets in~~  
21 an amount that would have affected the recipient's eligibility for benefits.

22 (b) The department's right of recovery is against any ~~medical assistance~~  
23 Medical Assistance or Badger Care recipient to whom or on whose behalf the  
24 incorrect payment was made. The extent of recovery is limited to the amount of the  
25 benefits incorrectly granted. The county department under s. 46.215 or 46.22 or the

1 governing body of a federally recognized American Indian tribe administering  
2 ~~medical assistance~~ Medical Assistance or Badger Care shall begin recovery actions  
3 on behalf of the department according to rules promulgated by the department.

4 \*~~0879/4.3~~\* SECTION 1131. 49.497 (1) (a) 3. of the statutes is created to read:

5 49.497 (1) (a) 3. The failure of a Medical Assistance or Badger Care recipient  
6 or any other person responsible for giving information on the recipient's behalf to  
7 report any change in the recipient's financial or nonfinancial situation or eligibility  
8 characteristics that would have affected the recipient's eligibility for benefits or the  
9 recipient's cost-sharing requirements.

10 \*~~0879/4.4~~\* SECTION 1132. 49.497 (1m) of the statutes is created to read:

11 49.497 (1m) (a) If, after notice that an incorrect payment was made, a recipient,  
12 or parent of a minor recipient, who is liable for repayment of an incorrect payment  
13 fails to repay the incorrect payment or enter into, or comply with, an agreement for  
14 repayment, the department may bring an action to enforce the liability or may issue  
15 an order to compel payment of the liability. Any person aggrieved by an order issued  
16 by the department under this paragraph may appeal the order as a contested case  
17 under ch. 227 by filing with the department a request for a hearing within 30 days  
18 after the date of the order. The only issue at hearing shall be the determination by  
19 the department that the person has not repaid the incorrect payment or entered into,  
20 or complied with, an agreement for repayment.

21 (b) If any recipient, or parent of a minor recipient, named in an order to compel  
22 payment issued under par. (a) fails to pay the department any amount due under the  
23 terms of the order and no contested case to review the order is pending and the time  
24 for filing for a contested case review has expired, the department may present a  
25 certified copy of the order to the circuit court for any county. The sworn statement

1 of the secretary shall be evidence of the incorrect payment. The circuit court shall,  
2 without notice, render judgment in accordance with the order. A judgment rendered  
3 under this paragraph shall have the same effect and shall be entered in the judgment  
4 and lien docket and may be enforced in the same manner as if the judgment had been  
5 rendered in an action tried and determined by the circuit court.

6 (c) The recovery procedure under this subsection is in addition to any other  
7 recovery procedure authorized by law.

8 **\*-0879/4.5\* SECTION 1133.** 49.497 (2) of the statutes is amended to read:

9 49.497 (2) A county or governing body of a federally recognized American  
10 Indian tribe may retain 15% of benefits ~~distributed under s. 49.46, 49.468 or 49.47~~  
11 provided under this subchapter or s. 49.665 that are recovered under sub. (1) this  
12 section due to the efforts of an employee or officer of the county or tribe.

13 **\*-0879/4.6\* SECTION 1134.** 49.497 (4) of the statutes is created to read:

14 49.497 (4) The department may appear for the state in any and all collection  
15 matters under this section, and may commence suit in the name of the department  
16 to recover an incorrect payment from the recipient to whom or on whose behalf it was  
17 made.

18 **\*-0879/4.7\* SECTION 1135.** 49.497 (5) of the statutes is created to read:

19 49.497 (5) The department may make an agreement with a recipient, or parent  
20 of a minor recipient, who is liable under sub. (1), providing for repayment of an  
21 incorrect payment at a specified rate or amount.

22 **\*-0261/1.4\* SECTION 1136.** 49.665 (1) (b) of the statutes is amended to read:

23 49.665 (1) (b) “Child” means a person who is born and who is under the age of  
24 19.

25 **\*-0261/1.5\* SECTION 1137.** 49.665 (1) (g) of the statutes is created to read:

1           49.665 (1) (g) “Unborn child” means a person from the time of conception until  
2 it is born alive.

3           \*–0261/1.6\* SECTION 1138. 49.665 (2) (a) of the statutes is renumbered 49.665  
4 (2) (a) 1. and amended to read:

5           49.665 (2) (a) 1. The department of health and family services shall request a  
6 waiver from the secretary of the federal department of health and human services  
7 to permit the department of health and family services to implement, beginning not  
8 later than July 1, 1998, or the effective date of the waiver, whichever is later, a health  
9 care program under this section. If a waiver that is consistent with all of the  
10 provisions of this section, excluding sub. (4) (a) 3m. and (ap) and provisions related  
11 to sub. (4) (ap), is granted and in effect, the department of health and family services  
12 shall implement the program under this section, subject to subd. 2. The department  
13 of health and family services may not implement the program under this section  
14 unless a waiver that is consistent with all of the provisions of this section, excluding  
15 sub. (4) (a) 3m. and (ap) and provisions related to sub. (4) (ap), is granted and in effect.

16           \*–0261/1.7\* SECTION 1139. 49.665 (2) (a) 2. of the statutes is created to read:

17           49.665 (2) (a) 2. The department may not implement sub. (4) (ap) or provisions  
18 related to the coverage under sub. (4) (ap) unless a state plan amendment  
19 authorizing the coverage under sub. (4) (ap) is approved by the federal department  
20 of health and human services.

21           \*–0261/1.8\* SECTION 1140. 49.665 (3) of the statutes is amended to read:

22           49.665 (3) ADMINISTRATION. The Subject to sub. (2) (a) 2., the department shall  
23 administer a program to provide the health services and benefits described in s. 49.46  
24 (2) to persons that meet the eligibility requirements specified in sub. (4). The  
25 department shall promulgate rules setting forth the application procedures and

## SECTION 1140

1 appeal and grievance procedures. The department may promulgate rules limiting  
2 access to the program under this section to defined enrollment periods. The  
3 department may also promulgate rules establishing a method by which the  
4 department may purchase family coverage offered by the employer of a member of  
5 an eligible family or ~~by~~ of a member of -a- an eligible child's household, or family or  
6 individual coverage offered by the employer of an eligible unborn child's mother or  
7 her spouse, under circumstances in which the department determines that  
8 purchasing that coverage would not be more costly than providing the coverage  
9 under this section.

10 \*~~0261/1.9~~\* SECTION 1141. 49.665 (4) (ap) of the statutes is created to read:

11 49.665 (4) (ap) An unborn child whose mother is not eligible for health care  
12 coverage under par. (a) or (am) or for medical assistance under s. 49.46 or 49.47,  
13 except that she may be eligible for benefits under s. 49.45 (27), is eligible for health  
14 care coverage under this section, which shall be limited to coverage for prenatal care,  
15 if all of the following requirements are met:

16 1. The income of the unborn child's mother, mother and her spouse, or mother  
17 and her family, whichever is applicable, does not exceed 185 percent of the poverty  
18 line, except as provided in par. (at) and except that, if an unborn child is already  
19 receiving health care coverage under this section, the applicable specified person or  
20 persons may have an income that does not exceed 200 percent of the poverty line.  
21 The department shall establish by rule the criteria to be used to determine income.

22 2. Each of the following applicable persons who is employed provides  
23 verification from his or her employer, in the manner specified by the department, of  
24 his or her earnings:

25 a. The unborn child's mother.

- 1           b. The spouse of the unborn child's mother.
- 2           c. Members of the unborn child's mother's family.
- 3           3. The unborn child's mother provides medical verification of her pregnancy,
- 4 in the manner specified by the department.
- 5           4. The unborn child and the mother of the unborn child meet all other
- 6 requirements established by the department by rule except for any of the following:
- 7           a. The mother is not a U.S. citizen or an alien qualifying for medicaid under 8
- 8 USC 1612.
- 9           b. The mother is an inmate of a public institution.
- 10          c. The mother does not provide a social security number, but only if subd. 4. a.
- 11 applies.

12           \***-0261/1.10\*** SECTION 1142. 49.665 (4) (at) 3. of the statutes is amended to

13 read:

14           49.665 (4) (at) 3. The department may not adjust the maximum income level

15 of 200% of the poverty line for persons already receiving health care coverage under

16 this section or for applicable persons specified in par. (ap) 1. with respect to an unborn

17 child already receiving health care coverage under this section.

18           \***-0261/1.11\*** SECTION 1143. 49.665 (4) (c) of the statutes is amended to read:

19           49.665 (4) (c) No person may be denied health care coverage under this section

20 solely because of a health condition of that person ~~or~~, of any family member of that

21 person, or of the mother of an unborn child.

22           \***-0261/1.12\*** SECTION 1144. 49.665 (4) (d) of the statutes is created to read:

23           49.665 (4) (d) An unborn child's eligibility for coverage under par. (ap) shall not

24 begin before the first day of the month in which the unborn child's mother provides

25 the medical verification required under par. (ap) 3.

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1           \*~~0261/1.13~~\* SECTION 1145. 49.665 (5) (ag) of the statutes is amended to read:

2           49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, ~~or a~~  
3 child who does not reside with his or her parent, or the mother of an unborn child,  
4 who receives health care coverage under this section shall pay a percentage of the  
5 cost of that coverage in accordance with a schedule established by the department  
6 by rule. The department may not establish or implement a schedule that requires  
7 a ~~family or child to contribute~~ contribution, including the amounts required under  
8 par. (am), of more than 5% of the family's or child's income of the family, child, or  
9 applicable persons specified in sub. (4) (ap) 1. towards the cost of the health care  
10 coverage provided under this section.

11           \*~~0261/1.14~~\* SECTION 1146. 49.665 (5) (am) (intro.) of the statutes is amended  
12 to read:

13           49.665 (5) (am) (intro.) Except as provided in pars. (b) and (bm), a child ~~or a~~  
14 family member, or the mother of an unborn child, who receives health care coverage  
15 under this section shall pay the following cost-sharing amounts:

16           \*~~0261/1.15~~\* SECTION 1147. 49.665 (5) (b) of the statutes is amended to read:

17           49.665 (5) (b) The department may not require a family, ~~or child~~ who does not  
18 reside with his or her parent, or applicable persons specified in sub. (4) (ap) 1., with  
19 an income below 150% of the poverty line, to contribute to the cost of health care  
20 coverage provided under this section.

21           \*~~0261/1.16~~\* SECTION 1148. 49.665 (5) (c) of the statutes is amended to read:

22           49.665 (5) (c) The department may establish by rule requirements for wage  
23 withholding as a means of collecting ~~the a family's or an unborn child's mother's~~  
24 share of the cost of the health care coverage under this section.

25           \*~~0314/1.1~~\* SECTION 1149. 49.688 (1) (e) of the statutes is amended to read:

1           49.688 (1) (e) "Program payment rate" means the rate of payment made for the  
2 identical drug specified under s. 49.46 (2) (b) 6. h., ~~plus 5%~~, plus a dispensing fee that  
3 is equal to the dispensing fee permitted to be charged for prescription drugs for which  
4 coverage is provided under s. 49.46 (2) (b) 6. h.

5           \*~~0265/3.13~~\* SECTION 1150. 49.77 (6) of the statutes is created to read:

6           49.77 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer  
7 this section and s. 49.775, and may promulgate rules to guide the administration of  
8 eligibility determinations and benefits payments.

9           \*~~0265/3.14~~\* SECTION 1151. 49.78 (8) (a) of the statutes is amended to read:

10          49.78 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn)  
11 and subject to par. (b), the department shall reimburse each county and tribal  
12 governing body that contracts with the department under sub. (2) for reasonable  
13 costs of administering the income maintenance programs. The amount of each  
14 reimbursement paid under this paragraph shall be calculated using a formula based  
15 on workload within the limits of available state and federal funds under s. 20.435 (4)  
16 (bn) and (nn) by contract under sub. (2). The amount of reimbursement calculated  
17 under this paragraph and par. (b) is in addition to any reimbursement provided to  
18 a county or tribal governing body for fraud and error reduction under s. 49.197 (~~1m~~)  
19 and ~~(4)~~ or 49.845.

20          \*~~0878/1.1~~\* SECTION 1152. 49.78 (11) of the statutes is created to read:

21          49.78 (11) REQUIREMENT TO PROVIDE INFORMATION. (a) 1. The department, a  
22 county department under s. 46.215, 46.22, or 46.23, or a tribal governing body may  
23 request from any person in this state information it determines appropriate and  
24 necessary for determining or verifying eligibility or benefits for a recipient under any  
25 income maintenance program. Unless access to the information is prohibited or

1 restricted by law, or unless the person has good cause, as determined by the  
2 department in accordance with federal law and regulations, for refusing to  
3 cooperate, the person shall make a good faith effort to provide the information within  
4 7 days after receiving a request under this paragraph. The department, county  
5 department, or tribal governing body, or employees of any of them, may not disclose  
6 information obtained under this subdivision for any purpose not connected with the  
7 administration of the income maintenance program for which the information was  
8 requested.

9 2. In conjunction with any request for information under subd. 1., including a  
10 request made by subpoena under par. (b), the department, county department, or  
11 tribal governing body shall advise the person of the time by which the information  
12 must be provided.

13 (b) The department, a county department, or a tribal governing body may issue  
14 a subpoena, in substantially the form authorized under s. 885.02, to compel the  
15 production of financial information or other documentary evidence for determining  
16 or verifying eligibility or benefits for a recipient under any income maintenance  
17 program.

18 (c) A person is not liable to any person for any of the following:

19 1. Allowing access to financial or other records by the department, a county  
20 department, or a tribal governing body in response to a request under par. (a) or a  
21 subpoena described in par. (b).

22 2. Disclosing information from financial or other records to the department, a  
23 county department, or a tribal governing body in response to a request under par. (a)  
24 or a subpoena described in par. (b).

1           3. Any other action taken in good faith to comply with this subsection or a  
2 subpoena described in par. (b) or to comply with a request for information or access  
3 to records from the department, a county department, or a tribal governing body for  
4 determining or verifying eligibility or benefits for a recipient under any income  
5 maintenance program.

6           \*-1597/1.1\* SECTION 1153. 49.785 (2) of the statutes is amended to read:

7           49.785 (2) From the appropriation under s. 20.435 (4) (bn), to the extent that  
8 funds are available for this purpose, the department shall reimburse a county or  
9 applicable tribal governing body or organization for any amount that the county or  
10 applicable tribal governing body or organization is required to pay under sub. (1).  
11 From the appropriation under s. 20.435 (4) (bn), the department shall reimburse a  
12 county or applicable tribal governing body or organization for cemetery expenses or  
13 for funeral and burial expenses for persons described under sub. (1) that the county  
14 or applicable tribal governing body or organization is not required to pay under subs.  
15 (1) and (1m) only if the department approves the reimbursement due to unusual  
16 circumstances and if funds are available for this purpose.

17           \*-0265/3.15\* SECTION 1154. 49.79 (9) of the statutes is repealed.

18           \*-0261/1.17\* SECTION 1155. 49.82 (2) of the statutes is amended to read:

19           49.82 (2) ELIGIBILITY VERIFICATION. Proof shall be provided for each person  
20 included in an application for public assistance under this chapter, except for a child  
21 who is eligible for medical assistance under s. 49.46 or 49.47 because of 42 USC 1396a  
22 (e) (4) or an unborn child who is eligible for coverage under the Badger Care health  
23 care program under s. 49.665 (4) (ap), of his or her social security number or that an  
24 application for a social security number has been made.

25           \*-0299/2.1\* SECTION 1156. 49.83 of the statutes is amended to read:

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

\*\*\*NOTE: This is reconciled s. 49.83. This SECTION has been affected by drafts with  
the following LRB numbers: 0299/1 and 1525/2.

12           \***-0265/3.16\*** SECTION 1157. 49.845 of the statutes is created to read:

13           **49.845 Fraud investigation and error reduction.** (1) FRAUD  
14 INVESTIGATION. From the appropriations under s. 20.435 (4) (bn), (kz), (L), and (nn),  
15 the department of health and family services shall establish a program to investigate  
16 suspected fraudulent activity on the part of recipients of medical assistance under  
17 subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to  
18 2036, supplemental security income payments under s. 49.77, payments for the  
19 support of children of supplemental security income recipients under s. 49.775, and  
20 health care benefits under the Badger Care health care program under s. 49.665 and,  
21 if the department of workforce development contracts with the department of health  
22 and family services under sub. (4), on the part of recipients of aid to families with  
23 dependent children under s. 49.19 and participants in the Wisconsin Works program

1 under ss. 49.141 to 49.161. The activities of the department of health and family  
2 services under this subsection may include comparisons of information provided to  
3 the department by an applicant and information provided by the applicant to other  
4 federal, state, and local agencies, development of an advisory welfare investigation  
5 prosecution standard, and provision of funds to county departments under ss.  
6 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to  
7 detect fraud. The department of health and family services shall cooperate with  
8 district attorneys regarding fraud prosecutions.

9 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and family  
10 services shall conduct activities to reduce payment errors in the Medical Assistance  
11 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the  
12 supplemental security income payments program under s. 49.77, the program  
13 providing payments for the support of children of supplemental security income  
14 recipients under s. 49.775, and the Badger Care health care program under s. 49.665  
15 and, if the department of workforce development contracts with the department of  
16 health and family services under sub. (4), in Wisconsin Works under ss. 49.141 to  
17 49.161.

18 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of workforce  
19 development contracts with the department of health and family services under sub.  
20 (4), the department of health and family services shall provide funds from the  
21 appropriation under s. 20.435 (4) (kz) to Wisconsin Works agencies to offset the  
22 administrative costs of reducing payment errors in Wisconsin Works under ss.  
23 49.141 to 49.161.

24 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m) and (3),  
25 the department of workforce development may contract with the department of

1 health and family services to investigate suspected fraudulent activity on the part  
2 of recipients of aid to families with dependent children under s. 49.19 and  
3 participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities  
4 to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161, as provided  
5 in this section.

6 \*–0265/3.17\* SECTION 1158. 49.847 of the statutes is created to read:

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

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

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

22 \*–0265/3.18\* SECTION 1159. 49.85 (1) of the statutes is amended to read:

23 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under  
24 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American  
25 Indian tribe or band determines that the department of health and family services

1 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department  
2 of workforce development may recover an amount under s. 49.161, or 49.195 (3), or  
3 49.793, or collect an amount under s. 49.147 (6) (cm), the county department or  
4 governing body shall notify the affected department of the determination. If a  
5 Wisconsin ~~works~~ Works agency determines that the department of workforce  
6 development may recover an amount under s. 49.161 or 49.195 (3), or collect an  
7 amount under s. 49.147 (6) (cm), the Wisconsin ~~works~~ Works agency shall notify the  
8 department of workforce development of the determination.

9 \*~~0879/4.8~~\* SECTION 1160. 49.85 (2) (a) of the statutes is renumbered 49.85 (2)  
10 (a) (intro.) and amended to read:

11 49.85 (2) (a) (intro.) At least annually, the department of health and family  
12 services shall certify to the department of revenue the amounts that, based on the  
13 notifications received under sub. (1) and on other information received by the  
14 department of health and family services, the department of health and family  
15 services has determined that it may recover under s. 49.45 (2) (a) 10. ~~or~~, 49.497,  
16 49.793, or 49.847, except that the department of health and family services may not  
17 certify an amount under this subsection unless it all of the following apply:

18 1. The department has met the notice requirements under sub. (3) ~~and unless~~  
19 ~~its~~.

20 2. The department's determination has either not been appealed or is no longer  
21 under appeal.

22 \*~~0879/4.9~~\* SECTION 1161. 49.85 (2) (a) 3. of the statutes is created to read:

23 49.85 (2) (a) 3. If the determination relates to recovery of an amount under s.  
24 49.497, the determination was rendered to a judgment under s. 49.497 (1m) (b).

**SECTION 1161**

\*\*\*\*NOTE: This is reconciled s. 49.85 (2). This SECTION has been affected by drafts with the following LRB numbers: LRB-0265 and LRB-0879.

1           \*~~0265/3.19~~\* **SECTION 1162.** 49.85 (2) (b) of the statutes is amended to read:

2           49.85 (2) (b) At least annually, the department of workforce development shall  
3 certify to the department of revenue the amounts that, based on the notifications  
4 received under sub. (1) and on other information received by the department of  
5 workforce development, the department of workforce development has determined  
6 that it may recover under ss. 49.161, and 49.195 (3), ~~and 49.793~~, and collect under  
7 s. 49.147 (6) (cm), except that the department of workforce development may not  
8 certify an amount under this subsection unless it has met the notice requirements  
9 under sub. (3) and unless its determination has either not been appealed or is no  
10 longer under appeal.

11           \*~~0265/3.20~~\* **SECTION 1163.** 49.85 (3) (a) 1. of the statutes is amended to read:

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

17           \*~~0265/3.21~~\* **SECTION 1164.** 49.85 (3) (b) 1. of the statutes is amended to read:

18           49.85 (3) (b) 1. Inform the person that the department of workforce  
19 development intends to certify to the department of revenue an amount that the  
20 department of workforce development has determined to be due under s. 49.161, or  
21 49.195 (3), ~~or 49.793~~, or to be delinquent under a repayment agreement for a loan  
22 under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

23           \*~~1525/3.3~~\* **SECTION 1165.** 49.855 (6) of the statutes is amended to read:

1           49.855 (6) If the state implements the child and spousal support and  
2           establishment of paternity and medical support liability program under ss. 49.22  
3           and 59.53 (5), the state may act under this section in place of the county child support  
4           agency under s. 59.53 (5).

5           \*~~0404/4.94~~\* SECTION 1166. 49.857 (1) (d) 3m. of the statutes is created to read:

6           49.857 (1) (d) 3m. A license issued under s. 49.984 (1).

7           \*~~0347/2.2~~\* SECTION 1167. 49.857 (1) (d) 4. of the statutes is amended to read:

8           49.857 (1) (d) 4. A certification, license, training permit, registration, approval  
9           or certificate issued under s. 49.45 (2) (a) 11., 146.50 (5) (a) or (b), (6g) (a) or (8) (a),  
10          ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3)  
11          or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).

12          \*~~0404/4.95~~\* SECTION 1168. 49.97 of the statutes is created to read:

13          **49.97 Definition.** In this subchapter, “department” means the department of  
14          workforce development.

15          \*~~0404/4.96~~\* SECTION 1169. 49.982 (title) of the statutes is created to read:

16          **49.982 (title) Information for day care providers and parents.**

17          \*~~1522/2.2~~\* SECTION 1170. 49.982 (5) of the statutes is created to read:

18          49.982 (5) The department shall provide a child care quality rating system that  
19          rates the quality of the child care provided by a child care provider that is licensed  
20          under s. 49.98, certified under s. 49.156, or established or contracted for under s.  
21          120.13 (14). The department shall make the rating information provided under that  
22          system available to the parents, guardians, and legal custodians of children who are  
23          recipients, or prospective recipients, of care and supervision from a child care  
24          provider that is licensed under s. 49.98, certified under s. 49.156, or established or

1 contracted for under s. 120.13 (14), including making that information available on  
2 the department's Internet site.

3 \*~~0404/4.97~~\* SECTION 1171. 49.984 of the statutes is created to read:

4 **49.984 Licensing duties of the department.** (1) Except as provided in s.  
5 49.992 (6) and (7), the department shall license and supervise day care centers as  
6 required by s. 49.98. A license issued under this subsection is valid until revoked or  
7 suspended. No license issued under this subsection is transferable.

8 (2) The department shall prescribe an application form to be used by all  
9 applicants for licenses to operate a day care center. In prescribing that form, the  
10 department shall require an applicant for a license to operate a day care center who  
11 is an individual, other than an individual who does not have a social security number  
12 and who submits a statement made or subscribed under oath or affirmation as  
13 required under sub. (3) (a) 2., to provide his or her social security number, and an  
14 applicant for a license to operate a day care center who is not an individual to provide  
15 the applicant's federal employer identification number.

16 (3) (a) 1. Except as provided in subd. 2., when initially applying for or applying  
17 to continue a license issued under sub. (1) to operate a day care center, an applicant  
18 who is an individual shall provide the department with the applicant's social security  
19 number, and an applicant who is not an individual shall provide the department with  
20 the applicant's federal employer identification number.

21 2. If an applicant who is an individual does not have a social security number,  
22 the applicant shall submit a statement made or subscribed under oath or affirmation  
23 to the department that the applicant does not have a social security number. The  
24 department shall prescribe the form of the statement. A license issued in reliance  
25 upon a false statement submitted under this subdivision is invalid.