

1 interests of the child or that the agency primarily responsible for providing services
2 to the child under a court order has made reasonable efforts to prevent the removal
3 of the child from his or her home, while assuring the child's health and safety, but that
4 continued placement of the child in the home would be contrary to the welfare of the
5 child, except that the court is not required to find that the agency has made those
6 reasonable efforts with respect to a parent of the child if any of the circumstances
7 specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent. The court shall make the
8 findings specified in this paragraph on a case-by-case basis based on circumstances
9 specific to the child and shall document or reference the specific information on
10 which those findings are based in the guardianship order. A guardianship order that
11 merely references this paragraph without documenting or referencing that specific
12 information in the order or an amended guardianship order that retroactively
13 corrects an earlier guardianship order that does not comply with this paragraph is
14 not sufficient to comply with this paragraph.

15 *~~0084/3.46~~* SECTION 1023. 48.977 (3r) of the statutes is created to read:

16 48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subject to s. 48.62 (5) (d), if a county
17 department or, in a county having a population of 500,000 or more, the department
18 has determined under s. 48.62 (5) (a) 2. that appointing a guardian under sub. (2) for
19 a child who does not meet the conditions specified under s. 48.62 (5) (a) 1. and
20 providing monthly subsidized guardianship payments to the guardian are in the best
21 interests of the child, the petitioner under sub. (4) (a) shall include in the petition
22 under sub. (4) (b) a statement of that determination and a request for the court to
23 include in the court's findings under sub. (4) (d) a finding confirming that
24 determination. If the court confirms that determination and appoints a guardian for

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1 the child under sub. (2), the county department or department shall provide monthly
2 subsidized guardianship payments to the guardian under s. 48.62 (5).

3 ***-0084/3.47* SECTION 1024.** 48.977 (4) (a) 4. of the statutes is amended to read:

4 48.977 (4) (a) 4. The relative person with whom the child is placed or in whose
5 home placement of the child is recommended as described in sub. (2) (a), if the
6 relative person is nominated as the guardian of the child in the petition.

7 ***-0084/3.48* SECTION 1025.** 48.977 (4) (a) 6. of the statutes is amended to read:

8 48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has
9 been placed pursuant to an order under ch. 938 or the child's placement with the
10 guardian is recommended under ch. 938, a county department under s. 46.215, 46.22,
11 or 46.23.

12 ***-0084/3.49* SECTION 1026.** 48.977 (4) (b) 3. of the statutes is amended to read:

13 48.977 (4) (b) 3. The date on which the child was adjudged in need of protection
14 or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m)
15 or 938.13 (4) and the dates that on which the child has been placed, or continued in
16 a placement, outside of his or her home pursuant to one or more court orders under
17 s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child
18 has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or
19 938.33 (1) in which placement of the child in the home of the person is recommended.

20 ***-0084/3.50* SECTION 1027.** 48.977 (4) (c) 1. g. of the statutes is amended to
21 read:

22 48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose
23 home placement of the child is recommended as described in sub. (2) (a), if the
24 relative person is nominated as the guardian of the child in the petition.

25 ***-0084/3.51* SECTION 1028.** 48.977 (4) (e) of the statutes is amended to read:

1 48.977 (4) (e) *Court report.* The For a child who has been placed, or continued
2 in a placement, outside of his or her home for 6 months or longer, the court shall order
3 the person or agency primarily responsible for providing services to the child under
4 a court order to file with the court a report containing the written summary under
5 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
6 as is reasonably ascertainable. For a child who has been placed, or continued in a
7 placement, outside of his or her home for less than 6 months, the court shall order
8 the person or agency primarily responsible for providing services to the child under
9 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
10 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,
11 and as much information relating to the appointment of a guardian as is reasonably
12 ascertainable. The agency shall file the report at least 48 hours before the date of
13 the dispositional hearing under par. (fm).

14 *–0084/3.52* SECTION 1029. 48.977 (4) (g) 1. of the statutes is amended to read:

15 48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of
16 the child.

17 *–0084/3.53* SECTION 1030. 48.977 (4) (g) 2. of the statutes is amended to read:

18 48.977 (4) (g) 2. The willingness and ability of the relative person to serve as
19 the child's guardian for an extended period of time or until the child attains the age
20 of 18 years.

21 *–0084/3.54* SECTION 1031. 48.977 (4) (h) 1. of the statutes is amended to read:

22 48.977 (4) (h) 1. A disposition dismissing the petition if the court determines
23 that appointment of the relative person as the child's guardian is not in the best
24 interests of the child.

25 *–0084/3.55* SECTION 1032. 48.977 (4) (h) 2. of the statutes is amended to read:

1 48.977 (4) (h) 2. A disposition ordering that the relative person with whom the
2 child has been placed or in whose home placement of the child is recommended as
3 described in sub. (2) (a) be appointed as the child's guardian under sub. (5) (a) or
4 limited guardian under sub. (5) (b), if the court determines that such an appointment
5 is in the best interests of the child.

6 *~~1625/3.2~~* SECTION 1033. 48.982 (4) (a) of the statutes is amended to read:

7 48.982 (4) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (m),
8 and (q), the board shall award grants to organizations in accordance with the plan
9 developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are
10 awarded, no organization may receive a grant or grants totaling more than \$30,000.

11 *~~1625/3.3~~* SECTION 1034. 48.982 (6) (a) of the statutes is amended to read:

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

17 *~~1625/3.4~~* SECTION 1035. 48.982 (7) (a) of the statutes is amended to read:

18 48.982 (7) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), and
19 (q), the board shall award grants to organizations in accordance with the plan
20 developed under sub. (2) (a).

21 *~~0404/4.82~~* SECTION 1036. 49.001 (1) of the statutes is amended to read:

22 49.001 (1) "Child care provider" means a child care provider that is licensed
23 under s. ~~48.65~~ 49.98 (1), certified under s. ~~48.651~~ 49.156, or established or contracted
24 for under s. 120.13 (14).

25 *~~1662/4.3~~* SECTION 1037. 49.134 (2) (a) of the statutes is amended to read:

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 1038. 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. ~~48.65~~ 49.156, or established or contracted for under s.
8 120.13 (14).

9 *~~-0404/4.84~~* SECTION 1039. 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 1040. 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 1041. 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

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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 1042.** 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 1043.** 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) (~~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 1044.** 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) (~~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 1045.** 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 1046. 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 1047. 49.1375 of the statutes is repealed.

13 *~~-0335/2.1~~* SECTION 1048. 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

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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 1049. 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 1050. 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 1051. 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

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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 1052. 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 1053. 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 1054. 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 1055. 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

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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 1056.** 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 1057.** 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 1058.** 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 1059.** 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 1060.** 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 1061.** 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 1062.** 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

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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 1063.** 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 1064.** 49.155 (1g) (c) of the statutes is repealed.

16 ***-1662/4.12* SECTION 1065.** 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 1066. 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 1067. 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 1068. 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 1069. 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 1070.** 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 1071.** 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 1072.** 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 1073.** 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 1074. 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 *~~1662/4.15~~* SECTION 1075. 49.175 (1) (a) of the statutes is amended to read:

8 49.175 (1) (a) *Wisconsin Works benefits*. For Wisconsin Works benefits provided
9 ~~under contracts having a term that begins on January 1, 2002, and ends on~~
10 ~~December 31, 2003, \$33,219,700 in fiscal year 2003-04; and for Wisconsin Works~~
11 ~~benefits provided under contracts having a term that begins on January 1, 2004, and~~
12 ~~ends on December 31, 2005, \$33,219,700, \$59,526,100 in fiscal year 2003-04~~
13 ~~2005-06 and \$66,439,400 \$52,612,800 in fiscal year 2004-05 2006-07.~~

14 *~~1662/4.16~~* SECTION 1076. 49.175 (1) (b) of the statutes is amended to read:

15 49.175 (1) (b) *Wisconsin Works administration*. For administration of
16 Wisconsin Works performed under contracts under s. 49.143 ~~having a term that~~
17 ~~begins on January 1, 2002, and ends on December 31, 2003, \$10,582,800 in fiscal~~
18 ~~year 2003-04; and for administration of Wisconsin Works performed under contracts~~
19 ~~under s. 49.143 having a term that begins on January 1, 2004, and ends on~~
20 ~~December 31, 2005, \$10,582,900, \$20,107,500 in fiscal year 2003-04 2005-06 and~~
21 ~~\$21,165,700 \$19,049,200 in fiscal year 2004-05 2006-07.~~

22 *~~1662/4.17~~* SECTION 1077. 49.175 (1) (c) of the statutes is amended to read:

1 49.175 (1) (c) *Performance bonuses*. For the payment of performance bonuses
2 to Wisconsin Works agencies that have entered into contracts under s. 49.143 having
3 a term that begins on January 1, ~~2002~~ 2004, and that ends on December 31, ~~2003~~
4 2005, \$0 in fiscal year ~~2003-04~~ 2005-06.

5 *~~1662/4.18~~* SECTION 1078. 49.175 (1) (f) of the statutes is amended to read:

6 49.175 (1) (f) *Wisconsin Works ancillary services*. For program services under
7 Wisconsin Works, ~~including transportation assistance for individuals who are~~
8 ~~eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,~~
9 ~~provided under contracts under s. 49.143 having a term that begins on January 1,~~
10 ~~2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003-04; and for~~
11 ~~program services under Wisconsin Works, including transportation assistance for~~
12 ~~individuals who are eligible to receive temporary assistance for needy families under~~
13 ~~42 USC 601 et seq., education and training, mentoring, and other services provided~~
14 ~~under contracts under s. 49.143 having a term that begins on January 1, 2004, and~~
15 ~~ends on December 31, 2005, \$27,803,300, 49,879,200 in fiscal year ~~2003-04~~ 2005-06~~
16 ~~and \$55,606,600 \$44,151,800 in fiscal year ~~2004-05~~ 2006-07.~~

17 *~~1662/4.19~~* SECTION 1079. 49.175 (1) (g) of the statutes is amended to read:

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

21 *~~1662/4.20~~* SECTION 1080. 49.175 (1) (m) of the statutes is amended to read:

22 49.175 (1) (m) *Children first*. For services under the work experience program
23 for noncustodial parents under s. 49.36, ~~\$1,140,000~~ \$1,361,000 in each fiscal year.

24 *~~1526/3.3~~* SECTION 1081. 49.175 (1) (n) of the statutes is repealed.

25 *~~1662/4.21~~* SECTION 1082. 49.175 (1) (p) of the statutes is amended to read:

1 49.175 (1) (p) *Direct child care services*. For direct child care services under s.
2 49.155, \$298,640,600 \$307,282,800 in fiscal year 2003–04 2005–06 and
3 \$308,040,600 \$300,509,900 in fiscal year 2004–05 2006–07.

4 *–1662/4.22* SECTION 1083. 49.175 (1) (q) of the statutes is amended to read:
5 49.175 (1) (q) *Indirect child Child care services state administration*. For
6 indirect child care services state administrative costs under s. ~~49.155 (1g)~~,
7 \$9,559,400 in fiscal year 2003–04 and \$9,626,700 s. 49.155 (1g) (b), \$7,476,400 in
8 each fiscal year 2004–05.

9 *–1662/4.23* SECTION 1084. 49.175 (1) (qm) of the statutes is amended to read:
10 49.175 (1) (qm) *Local pass-through grant program Quality care for quality*
11 *kids*. For the local pass-through grant program under s. 49.137 (4m), \$2,475,100
12 child care quality improvement activities specified in s. 49.155 (1g) (d), \$11,503,500
13 in fiscal year 2003–04 2005–06 and \$2,478,500 \$10,003,500 in fiscal year 2004–05
14 2006–07.

15 *–1662/4.24* SECTION 1085. 49.175 (1) (r) of the statutes is amended to read:
16 49.175 (1) (r) *Early childhood excellence initiative*. For grants under s. 49.1375,
17 \$2,500,000 \$2,250,000 in each fiscal year 2005–06.

18 *–1662/4.25* SECTION 1086. 49.175 (1) (r) of the statutes, as affected by 2005
19 Wisconsin Act (this act), is repealed.

20 *–1662/4.26* SECTION 1087. 49.175 (1) (v) of the statutes is created to read:
21 49.175 (1) (v) *Transportation assistance grants*. For transportation assistance
22 for individuals who are eligible to receive temporary assistance for needy families
23 under 42 USC 601 et seq., \$900,000 in each fiscal year.

24 *–1662/4.27* SECTION 1088. 49.175 (1) (ze) 1. of the statutes is amended to
25 read:

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1 49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the
2 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
3 (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.

4 ***-1662/4.28* SECTION 1089.** 49.175 (1) (ze) 2. of the statutes is amended to
5 read:

6 49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For
7 payments made under s. 49.775 for the support of the dependent children of
8 recipients of supplemental security income, ~~\$26,397,200~~ \$29,973,600 in fiscal year
9 ~~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.

10 ***-1635/3.11* SECTION 1090.** 49.175 (1) (ze) 7. of the statutes is repealed.

11 ***-1635/3.12* SECTION 1091.** 49.175 (1) (ze) 8. of the statutes is repealed.

12 ***-1662/4.29* SECTION 1092.** 49.175 (1) (ze) 10m. of the statutes is amended to
13 read:

14 49.175 (1) (ze) 10m. 'Safety services.' For services provided in counties having
15 a population of 500,000 or more to ensure the safety of children who the department
16 of health and family services determines may remain at home if appropriate services
17 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.

18 ***-1662/4.30* SECTION 1093.** 49.175 (1) (ze) 12. of the statutes is amended to
19 read:

20 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
21 the costs associated with the Milwaukee child welfare information system and the

1 Wisconsin statewide automated child welfare information system, ~~\$1,695,700~~
2 \$1,310,800 in fiscal year 2003–04 ~~2005–06~~ and ~~\$1,741,300~~ \$1,317,700 in fiscal year
3 ~~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.

4 *~~1662/4.31~~* SECTION 1094. 49.175 (1) (zh) of the statutes is amended to read:
5 49.175 (1) (zh) ~~Taxable years 1999 and thereafter~~ Earned income tax credit
6 supplement. For the transfer of moneys from the appropriation account under s.
7 20.445 (3) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned
8 income tax credit, ~~\$57,892,000 in fiscal year 2003–04 and \$59,532,000~~ \$59,532,000
9 in each fiscal year 2004–05.

10 *~~1534/3.3~~* SECTION 1095. 49.175 (1) (zj) of the statutes is repealed.

11 *~~1534/3.4~~* SECTION 1096. 49.175 (1) (zL) of the statutes is renumbered 115.28
12 (35) and amended to read:

13 115.28 (35) English for Southeast Asian children. ~~To~~ Annually pay to the school
14 board of the Wausau school district for English training instruction for 3-year-old,
15 4-year-old and 5-year-old Southeast Asian children, ~~\$100,000 in each fiscal year~~
16 the amount appropriated under s. 20.255 (2) (ce).

17 *~~1625/3.5~~* SECTION 1097. 49.175 (1) (zn) of the statutes is repealed.

18 *~~0490/P2.1~~* SECTION 1098. 49.195 (3m) (b) of the statutes is amended to read:

19 49.195 (3m) (b) The clerk of circuit court shall accept, file, and enter the each
20 warrant under par. (a) and each satisfaction, release, or withdrawal under par. (d),
21 (e), (g), or (h) in the judgment and lien docket without prepayment of any fee, but the
22 clerk of circuit court shall submit a statement of the proper fee semiannually to the
23 department covering the periods from January 1 to June 30 and July 1 to December

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1 31 unless a different billing period is agreed to between the clerk of circuit court and
2 the department. The department shall pay the fees, but shall add the fees provided
3 by s. 814.61 (5) for entering the warrants to the amount of the warrant and shall
4 collect the fees from the person named in the warrant when satisfaction or release
5 is presented for entry.

6 *~~0490/P2.2~~* SECTION 1099. 49.195 (3m) (h) of the statutes is amended to read:

7 49.195 (3m) (h) If the department arranges a payment schedule with the
8 debtor and the debtor complies with the payment schedule, the department shall
9 may issue a notice of withdrawal of the warrant to the clerk of circuit court for the
10 county in which the warrant is filed. ~~The~~ If the department issues a notice of
11 withdrawal of the warrant, the clerk shall void the warrant and the resulting liens.

12 *~~0490/P2.3~~* SECTION 1100. 49.195 (3n) (p) of the statutes is amended to read:

13 49.195 (3n) (p) A levy is effective from the date on which the levy is first served
14 on the 3rd party until the liability out of which the levy arose is satisfied, or until the
15 levy is released ~~or until one year from the date of service~~, whichever occurs first.

16 *~~0490/P2.4~~* SECTION 1101. 49.195 (3n) (t) of the statutes is amended to read:

17 49.195 (3n) (t) Any 3rd party is entitled to a levy fee of \$5 for each levy in any
18 case where in which property is secured through the levy. ~~The~~ If the 3rd party retains
19 the fee, the 3rd party shall increase the levy amount by the amount of the fee and
20 deduct the fee from the proceeds of the levy.

21 *~~0265/3.8~~* SECTION 1102. 49.197 (1m) of the statutes is amended to read:

22 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)
23 (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program to
24 investigate suspected fraudulent activity on the part of recipients of aid to families
25 with dependent children under s. 49.19, on the part of participants in the Wisconsin

1 ~~works~~ Works program under ss. 49.141 to 49.161, and, if the department of health
2 and family services contracts with the department under sub. (5), on the part of
3 recipients of medical assistance under subch. IV ~~and~~, food stamp benefits under the
4 food stamp program under 7 USC 2011 to 2036, supplemental security income
5 payments under s. 49.77, payments for the support of children of supplemental
6 security income recipients under s. 49.775, and health care benefits under the
7 Badger Care health care program under s. 49.665. The department's activities under
8 this subsection may include, but are not limited to, comparisons of information
9 provided to the department by an applicant and information provided by the
10 applicant to other federal, state, and local agencies, development of an advisory
11 welfare investigation prosecution standard, and provision of funds to county
12 departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin ~~works~~ Works
13 agencies to encourage activities to detect fraud. The department shall cooperate
14 with district attorneys regarding fraud prosecutions.

15 *~~0265/3.9~~* SECTION 1103. 49.197 (3) of the statutes is amended to read:

16 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
17 activities to reduce payment errors in Wisconsin ~~works~~ Works under ss. 49.141 to
18 49.161 and, if the department of health and family services contracts with the
19 department under sub. (5), the ~~medical assistance~~ Medical Assistance program
20 under subch. IV ~~and~~, the food stamp program under 7 USC 2011 to 2036, the
21 supplemental security income payments program under s. 49.77, the program
22 providing payments for the support of children of supplemental security income
23 recipients under s. 49.775, and the Badger Care health care program under s. 49.665.

24 *~~0265/3.10~~* SECTION 1104. 49.197 (4) of the statutes is amended to read:

1 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and
2 family services contracts with the department under sub. (5), the department shall
3 provide funds from the appropriation under s. 20.445 (3) (kx) to counties and
4 governing bodies of federally recognized American Indian tribes administering
5 ~~medical assistance~~ Medical Assistance under subch. IV ~~or~~, the food stamp program
6 under 7 USC 2011 to 2036, the supplemental security income payments program
7 under s. 49.77, the program providing payments for the support of children of
8 supplemental security income recipients under s. 49.775, and the Badger Care
9 health care program under s. 49.665 to offset administrative costs of reducing
10 payment errors in those programs.

11 *~~-0265/3.11~~* SECTION 1105. 49.197 (5) of the statutes is amended to read:

12 49.197 (5) ~~CONTRACTS FOR MEDICAL ASSISTANCE AND, FOOD STAMPS, SUPPLEMENTAL~~
13 ~~SECURITY INCOME, AND CARETAKER SUPPLEMENT. The~~ Notwithstanding s. 49.845 (1) and
14 (2), the department of health and family services may contract with the department
15 to investigate suspected fraudulent activity on the part of recipients of medical
16 assistance under subch. IV ~~or recipients of~~, food stamp benefits under the food stamp
17 program under 7 USC 2011 to 2036, supplemental security income payments under
18 s. 49.77, payments for the support of children of supplemental security income
19 recipients under s. 49.775, and health care benefits under the Badger Care health
20 care program under s. 49.665 and to conduct activities to reduce payment errors in
21 the Medical Assistance program under subch. IV, the food stamp program under 7
22 USC 2011 to 2036, the supplemental security income payments program under s.
23 49.77, the program providing payments for the support of children of supplemental
24 security income recipients under s. 49.775, and the Badger Care health care program
25 under s. 49.665, as provided in this section.

1 *–1525/3.1* SECTION 1106. 49.22 (1) of the statutes is amended to read:

2 49.22 (1) There is created a child and spousal support and establishment of
3 paternity and medical liability support liability program in the department. The
4 purpose of this program is to establish paternity when possible, to establish or modify
5 support obligations, to enforce support obligations owed by parents to their children
6 and maintenance obligations owed to spouses or former spouses with whom the
7 children reside in this state or owed in other states if the support order was issued
8 in this state or owed in other states if the parent, spouse, or former spouse resides
9 in this state, to locate persons who are alleged to have taken their child in violation
10 of s. 948.31 or of similar laws in other states, and to locate and value property of any
11 person having a support duty. To accomplish the objectives of this program and of
12 other assistance programs under this chapter, county and state agencies will
13 cooperate with one another to implement a child and spousal support and paternity
14 establishment and medical support liability program in accordance with state and
15 federal laws, regulations, and rules and to assure proper distribution of benefits of
16 all assistance programs authorized under this chapter.

17 *–0474/3.1* SECTION 1107. 49.36 (2) of the statutes is amended to read:

18 49.36 (2) The department may contract with any county, tribal governing body,
19 or Wisconsin works Works agency to administer a work experience and job training
20 program for parents who are not custodial parents and who fail to pay child support
21 or to meet their children's needs for support as a result of unemployment or
22 underemployment. The program may provide the kinds of work experience and job
23 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
24 (3) or (4). The program may also include job search and job orientation activities.

1 The department shall fund the program from the ~~appropriation~~ appropriations
2 under s. 20.445 (3) (dz) and (k).

3 ***-0265/3.12* SECTION 1108.** 49.45 (2) (a) 3m. of the statutes is repealed.

4 ***-1649/7*SECTION 1109.** 49.45 (2) (a) 17. of the statutes is amended to read:

5 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
6 organization, the joint committee on finance, and appropriate standing committees,
7 as determined by the presiding officer of each house, if the appropriation accounts
8 under s. 20.435 (4) (b) and (gp), (r), and (rg) are insufficient to provide the state share
9 of medical assistance.

10 ***-1649/7*SECTION 1110.** 49.45 (2) (a) 17. of the statutes, as affected by 2005
11 Wisconsin Act (this act), is amended to read:

12 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
13 organization, the joint committee on finance and appropriate standing committees,
14 as determined by the presiding officer of each house, if the appropriation accounts
15 under s. 20.435 (4) (b), (gp), and (r), and (rg) are insufficient to provide the state share
16 of medical assistance.

17 ***-1089/5.2* SECTION 1111.** 49.45 (2) (a) 26. of the statutes is created to read:

18 49.45 (2) (a) 26. a. Impose on each health maintenance organization, as defined
19 in s. 609.01 (2), with a contract under sub. (2) (b) 2. to provide health care to recipients
20 of Medical Assistance or Badger Care, for the privilege of doing business in this state,
21 an annual assessment of 6 percent of the health maintenance organization's gross
22 revenues for the current calendar year. The assessment shall be deposited into the
23 Medical Assistance trust fund. Each health maintenance organization subject to
24 this subdivision shall file with the office of the commissioner of insurance annually,
25 by March 1, a statement of the gross revenues for the health maintenance

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

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

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 1112. 49.45 (3) (i) of the statutes is repealed.

15 *-1649/6.35* SECTION 1113. 49.45 (5m) (am) of the statutes is amended to read:

16 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriation accounts
17 under s. 20.435 (4) (b), ~~(gp)~~, (o), and ~~(w)~~ (rm), the department shall distribute not
18 more than \$2,256,000 in each fiscal year, to provide supplemental funds to rural
19 hospitals that, as determined by the department, have high utilization of inpatient
20 services by patients whose care is provided from governmental sources, and to
21 provide supplemental funds to critical access hospitals, except that the department
22 may not distribute funds to a rural hospital or to a critical access hospital to the
23 extent that the distribution would exceed any limitation under 42 USC 1396b (i) (3).

24 *-1649/7* SECTION 1114. 49.45 (6m) (ag) (intro.) of the statutes is amended to
25 read:

1 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
2 subsection made under s. 20.435 (4) (b), (gp), (pa), (o), (r), (rg), (w), or (wm) shall,
3 except as provided in pars. (bg), (bm), and (br), be determined according to a
4 prospective payment system updated annually by the department. The payment
5 system shall implement standards that are necessary and proper for providing
6 patient care and that meet quality and safety standards established under subch. II
7 of ch. 50 and ch. 150. The payment system shall reflect all of the following:

8 *~~1649/7~~*SECTION 1115. 49.45 (6m) (ag) (intro.) of the statutes, as affected by
9 2005 Wisconsin Act ... (this act), is amended to read:

10 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
11 subsection made under s. 20.435 (4) (b), (gp), (pa), (o), (r), ~~(rg)~~, (w), or (wm) shall,
12 except as provided in pars. (bg), (bm), and (br), be determined according to a
13 prospective payment system updated annually by the department. The payment
14 system shall implement standards that are necessary and proper for providing
15 patient care and that meet quality and safety standards established under subch. II
16 of ch. 50 and ch. 150. The payment system shall reflect all of the following:

17 *~~1302/3.1~~* SECTION 1116. 49.45 (6m) (ag) 3m. of the statutes is amended to
18 read:

19 49.45 (6m) (ag) 3m. For each state fiscal year, rates that shall be set by the
20 department based on information from cost reports for costs specified under par. (am)
21 ~~1-bm~~, 4., 5m., and 6. for the most recently completed fiscal year of the facility.

22 *~~1302/3.2~~* SECTION 1117. 49.45 (6m) (ag) 3r. of the statutes is amended to
23 read:

24 49.45 (6m) (ag) 3r. Flat-rate payment for all costs specified under par. (am) 1.
25 a. and 2.

SECTION 1118

1 ***-1302/3.3*** SECTION 1118. 49.45 (6m) (ar) 1. a. of the statutes is amended to
2 read:

3 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
4 allowable direct care costs under par. (am) 1. bm., ~~for facilities that do not primarily~~
5 ~~serve the developmentally disabled, that take into account direct care costs for a~~
6 ~~sample of all of those facilities in this state and separate standards for payment of~~
7 ~~allowable direct care costs, for facilities that primarily serve the developmentally~~
8 ~~disabled, that take into account direct care costs for a sample of all of those facilities~~
9 ~~in this state.~~ The standards shall be adjusted by the department for regional labor
10 cost variations. For facilities in Douglas, Pierce, and St. Croix counties, the
11 department shall perform the adjustment by use of the wage index that is used by
12 the federal department of health and human services for hospital reimbursement
13 under 42 USC 1395 to 1395ggg.

14 ***-1302/3.4*** SECTION 1119. 49.45 (6m) (ar) 1. b. of the statutes is repealed.

15 ***-1302/3.5*** SECTION 1120. 49.45 (6m) (ar) 1. c. of the statutes is amended to
16 read:

17 49.45 (6m) (ar) 1. c. If a facility has an approved program for provision of service
18 to mentally retarded residents, residents dependent upon ventilators, or residents
19 requiring supplemental skilled care due to complex medical conditions, a
20 ~~supplement to the direct care component of the facility rate under subd. 1. b.~~ may be
21 made to that facility according to a method developed by the department.

22 ***-0746/4.1*** SECTION 1121. 49.45 (6t) of the statutes, as affected by 2003
23 Wisconsin Act 318, is repealed.

24 ***-1649/7***SECTION 1122. 49.45 (6v) (b) of the statutes is amended to read:

1 49.45 (6v) (b) The department shall, each year, submit to the joint committee
2 on finance a report for the previous fiscal year, ~~except for the 1997-98 fiscal year,~~ that
3 provides information on the utilization of beds by recipients of medical assistance in
4 facilities and a discussion and detailed projection of the likely balances,
5 expenditures, encumbrances, and carry over of currently appropriated amounts in
6 the appropriation accounts under s. 20.435 (4) (b), (gp), ~~and (o), (r), and (rg).~~

7 *~~1649/7~~**SECTION 1123.** 49.45 (6v) (b) of the statutes, as affected by 2005
8 Wisconsin Act (this act), is amended to read:

9 49.45 (6v) (b) The department shall, each year, submit to the joint committee
10 on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that
11 provides information on the utilization of beds by recipients of medical assistance in
12 facilities and a discussion and detailed projection of the likely balances,
13 expenditures, encumbrances and carry over of currently appropriated amounts in
14 the appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (r), ~~and (rg).~~

15 *~~1649/7~~**SECTION 1124.** 49.45 (6x) (a) of the statutes is amended to read:

16 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriation accounts
17 under s. 20.435 (4) (b), ~~(gp), (o), and (w)~~ (rm), the department shall distribute not
18 more than ~~\$4,748,000~~ \$6,248,000 in each fiscal year, to provide funds to an essential
19 access city hospital, except that the department may not allocate funds to an
20 essential access city hospital to the extent that the allocation would exceed any
21 limitation under 42 USC 1396b (i) (3).

22 *~~1649/7~~**SECTION 1125.** 49.45 (6y) (a) of the statutes is amended to read:

23 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriation accounts
24 under s. 20.435 (4) (b), (gp), (o), (r), (rg), and (w), the department shall distribute
25 funding in each fiscal year to provide supplemental payment to hospitals that enter

1 into a contract under s. 49.02 (2) to provide health care services funded by a relief
2 block grant, as determined by the department, for hospital services that are not in
3 excess of the hospitals' customary charges for the services, as limited under 42 USC
4 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation
5 of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3),
6 the department may distribute funds to hospitals that have not entered into a
7 contract under s. 49.02 (2).

8 *~~1649/7~~*SECTION 1126. 49.45 (6y) (a) of the statutes, as affected by 2005
9 Wisconsin Act (this act), is amended to read:

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

20 *~~1649/7~~*SECTION 1127. 49.45 (6y) (am) of the statutes is amended to read:

21 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriation accounts
22 under s. 20.435 (4) (b), (h), (gp), (o), (r), (rg), and (w), the department shall distribute
23 funding in each fiscal year to provide supplemental payments to hospitals that enter
24 into contracts under s. 49.02 (2) with a county having a population of 500,000 or more
25 to provide health care services funded by a relief block grant, as determined by the

1 department, for hospital services that are not in excess of the hospitals' customary
2 charges for the services, as limited under 42 USC 1396b (i) (3).

3 *~~1649/7~~*SECTION 1128. 49.45 (6y) (am) of the statutes, as affected by 2005
4 Wisconsin Act ... (this act), is amended to read:

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

12 *~~1649/7~~*SECTION 1129. 49.45 (6z) (a) (intro.) of the statutes is amended to
13 read:

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

SECTION 1130

1 ***-1649/7*SECTION 1130.** 49.45 (6z) (a) (intro.) of the statutes, as affected by
2 2005 Wisconsin Act (this act), is amended 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), (~~rg~~), and (w), the department shall
5 distribute funding in each fiscal year to supplement payment for services to hospitals
6 that enter into a contract under s. 49.02 (2) to provide health care services funded
7 by a relief block grant under this chapter, if the department determines that the
8 hospitals serve a disproportionate number of low-income patients with special
9 needs. If no medical relief block grant under this chapter is awarded or if the
10 allocation of funds to such hospitals would exceed any limitation under 42 USC
11 1396b (i) (3), the department may distribute funds to hospitals that have not entered
12 into a contract under s. 49.02 (2). The department may not distribute funds under
13 this subsection to the extent that the distribution would do any of the following:

14 ***-1649/7*SECTION 1131.** 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), (rg), and (w)
16 for 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 ***-1649/7*SECTION 1132.** 49.45 (8) (b) of the statutes, as affected by 2005
21 Wisconsin Act (this act), is amended to read:

22 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b), (gp), (o), (r), (~~rg~~), and (w)
23 for home health services provided by a certified home health agency or independent
24 nurse shall be made at the home health agency's or nurse's usual and customary fee

1 per patient care visit, subject to a maximum allowable fee per patient care visit that
2 is established under par. (c).

3 ***-1649/7*SECTION 1133.** 49.45 (24m) (intro.) of the statutes is amended to
4 read:

5 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
6 From the appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), (rg), and (w),
7 in order to test the feasibility of instituting a system of reimbursement for providers
8 of home health care and personal care services for medical assistance recipients that
9 is based on competitive bidding, the department shall:

10 ***-1649/7*SECTION 1134.** 49.45 (24m) (intro.) of the statutes, as affected by
11 2005 Wisconsin Act (this act), is amended to read:

12 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
13 From the appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), (rg), and (w),
14 in order to test the feasibility of instituting a system of reimbursement for providers
15 of home health care and personal care services for medical assistance recipients that
16 is based on competitive bidding, the department shall:

17 ***-0747/1.2*SECTION 1135.** 49.45 (39) (b) 1. of the statutes is amended to read:

18 49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a
19 cooperative educational service agency elects to provide school medical services and
20 meets all requirements under par. (c), the department shall reimburse the school
21 district or the cooperative educational service agency for 60% of the federal share of
22 allowable charges for the school medical services that it provides and, as specified
23 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
24 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
25 and Hard of Hearing elects to provide school medical services and meets all

1 requirements under par. (c), the department shall reimburse the department of
2 public instruction for 60% of the federal share of allowable charges for the school
3 medical services that the Wisconsin Center for the Blind and Visually Impaired or
4 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
5 provides and, as specified in subd. 2., for allowable administrative costs. A school
6 district, cooperative educational service agency, the Wisconsin Center for the Blind
7 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
8 and Hard of Hearing may submit, and the department shall allow, claims for common
9 carrier transportation costs as a school medical service unless the department
10 receives notice from the federal health care financing administration that, under a
11 change in federal policy, the claims are not allowed. If the department receives the
12 notice, a school district, cooperative educational service agency, the Wisconsin
13 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
14 Program for the Deaf and Hard of Hearing may submit, and the department shall
15 allow, unreimbursed claims for common carrier transportation costs incurred before
16 the date of the change in federal policy. The department shall promulgate rules
17 establishing a methodology for making reimbursements under this paragraph.
18 ~~Except as provided in subd. 1m., all~~ All other expenses for the school medical services
19 provided by a school district or a cooperative educational service agency shall be paid
20 for by the school district or the cooperative educational service agency with funds
21 received from state or local taxes. The school district, the Wisconsin Center for the
22 Blind and Visually Impaired, the Wisconsin Educational Services Program for the
23 Deaf and Hard of Hearing, or the cooperative educational service agency shall
24 comply with all requirements of the federal department of health and human
25 services for receiving federal financial participation.

1 *~~0747/1.3~~* SECTION 1136. 49.45 (39) (b) 1m. of the statutes is repealed.

2 *~~0747/1.4~~* SECTION 1137. 49.45 (39) (b) 2. of the statutes is amended to read:

3 49.45 (39) (b) 2. ‘Payment for school medical services administrative costs.’ The
4 department shall reimburse a school district or a cooperative educational service
5 agency specified under ~~subds. subd. 1. and 1m.~~ and shall reimburse the department
6 of public instruction on behalf of the Wisconsin Center for the Blind and Visually
7 Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of
8 Hearing for 90% of the federal share of allowable administrative costs, using time
9 studies, beginning in fiscal year 1999–2000. A school district or a cooperative
10 educational service agency may submit, and the department of health and family
11 services shall allow, claims for administrative costs incurred during the period that
12 is up to 24 months before the date of the claim, if allowable under federal law.

13 *~~0084/3.59~~* SECTION 1138. 49.46 (1) (a) 5. of the statutes is amended to read:

14 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care,
15 long-term kinship care ~~or~~, treatment foster care, or subsidized guardianship
16 placement under ch. 48 or 938, as determined by the department.

17 *~~0264/2.1~~* SECTION 1139. 49.46 (1) (a) 5m. of the statutes is created to read:

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

21 *~~0264/2.2~~* SECTION 1140. 49.46 (1) (a) 5m. of the statutes, as created by 2005
22 Wisconsin Act (this act), is amended to read:

23 49.46 (1) (a) 5m. Any person who is at least 18 years of age but under 20 21
24 years of age and who, on his or her 18th birthday, was in a foster care or treatment
25 foster care placement under ch. 48 or 938, as determined by the department.

SECTION 1141

1 *~~0311/3.8~~* SECTION 1141. 49.46 (1) (a) 14. of the statutes is amended to read:

2 49.46 (1) (a) 14. Any person who would meet the financial and other eligibility
3 requirements for home or community-based services under s. 46.27 (11) ~~or~~, 46.277,
4 or 46.2785 but for the fact that the person engages in substantial gainful activity
5 under 42 USC 1382c (a) (3), if a waiver under s. 49.45 (38) is in effect or federal law
6 permits federal financial participation for medical assistance coverage of the person
7 and if funding is available for the person under s. 46.27 (11) ~~or~~, 46.277, or 46.2785.

8 *~~0270/1.1~~* SECTION 1142. 49.46 (1) (a) 15. of the statutes is amended to read:

9 49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the
10 income and resource eligibility requirements for the federal ~~supplemental security~~
11 Supplemental Security Income program under 42 USC 1381 to 1383d.

12 *~~0260/2.1~~* SECTION 1143. 49.46 (2) (b) 3. of the statutes is renumbered 49.46
13 (2) (b) 3. a. and amended to read:

14 49.46 (2) (b) 3. a. Transportation by emergency medical vehicle to obtain
15 emergency medical care, ~~transportation by specialized medical vehicle to obtain~~
16 ~~medical care including the unloaded travel of the specialized medical vehicle~~
17 ~~necessary to provide that transportation or, if authorized in advance by the county~~
18 ~~department under s. 46.215 or 46.22, transportation by common carrier or private~~
19 ~~motor vehicle and, if transportation by other means is contraindicated, to obtain~~
20 nonemergency medical care.

21 *~~0260/2.2~~* SECTION 1144. 49.46 (2) (b) 3. b. of the statutes is created to read:

22 49.46 (2) (b) 3. b. To obtain nonemergency medical services, except as provided
23 in subd. 3. a., appropriate transportation that is provided through an entity with
24 which the department has contracted to manage transportation services for the
25 Medical Assistance program.

1 ***-0311/3.9*** SECTION 1145. 49.46 (2) (b) 8. of the statutes is amended to read:
2 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
3 (11), 46.275, 46.277 ~~or~~, 46.278, or 46.2785, under the family care benefit if a waiver
4 is in effect under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin
5 Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).

6 ***-0311/3.10*** SECTION 1146. 49.47 (4) (as) 1. of the statutes is amended to read:
7 49.47 (4) (as) 1. The person would meet the financial and other eligibility
8 requirements for home or community-based services under s. 46.27 (11) ~~or~~, 46.277,
9 or 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1)
10 (c) but for the fact that the person engages in substantial gainful activity under 42
11 USC 1382c (a) (3).

12 ***-0311/3.11***SECTION 1147. 49.47 (4) (as) 3. of the statutes is amended to read:
13 49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11) ~~or~~,
14 46.277, or 46.2785 or under the family care benefit if a waiver is in effect under s.
15 46.281 (1) (c).

16 ***-1649/7***SECTION 1148. 49.472 (6) (a) of the statutes is amended to read:
17 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation account
18 under s. 20.435 (4) (b), (gp), (r), (rg), or (w), the department shall, on the part of an
19 individual who is eligible for medical assistance under sub. (3), pay premiums for or
20 purchase individual coverage offered by the individual's employer if the department
21 determines that paying the premiums for or purchasing the coverage will not be more
22 costly than providing medical assistance.

23 ***-1649/7***SECTION 1149. 49.472 (6) (a) of the statutes, as affected by 2005
24 Wisconsin Act (this act), is amended to read:

SECTION 1149

1 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation account
2 under s. 20.435 (4) (b), (gp), (r), (~~rg~~), or (w), the department shall, on the part of an
3 individual who is eligible for medical assistance under sub. (3), pay premiums for or
4 purchase individual coverage offered by the individual's employer if the department
5 determines that paying the premiums for or purchasing the coverage will not be more
6 costly than providing medical assistance.

7 *~~1649/7~~SECTION 1150. 49.472 (6) (b) of the statutes is amended to read:

8 49.472 (6) (b) If federal financial participation is available, from the
9 appropriation account under s. 20.435 (4) (b), (gp), (r), (rg), or (w), the department
10 may pay medicare Medicare Part A and Part B premiums for individuals who are
11 eligible for ~~medicare~~ Medicare and for medical assistance under sub. (3).

12 *~~1649/7~~SECTION 1151. 49.472 (6) (b) of the statutes, as affected by 2005
13 Wisconsin Act (this act), is amended to read:

14 49.472 (6) (b) If federal financial participation is available, from the
15 appropriation account under s. 20.435 (4) (b), (gp), (r), (~~rg~~), or (w), the department
16 may pay Medicare Part A and Part B premiums for individuals who are eligible for
17 Medicare and for medical assistance under sub. (3).

18 *~~1649/7~~SECTION 1152. 49.473 (5) of the statutes is amended to read:

19 49.473 (5) The department shall audit and pay, from the appropriation
20 accounts under s. 20.435 (4) (b), (gp), ~~and (o)~~, (r), ~~and (rg)~~ allowable charges to a
21 provider who is certified under s. 49.45 (2) (a) 11. for ~~medical assistance~~ Medical
22 Assistance on behalf of a woman who meets the requirements under sub. (2) for all
23 benefits and services specified under s. 49.46 (2).

24 *~~1649/7~~SECTION 1153. 49.473 (5) of the statutes, as affected by 2005
25 Wisconsin Act (this act), is amended to read:

1 49.473 (5) The department shall audit and pay, from the appropriation
2 accounts under s. 20.435 (4) (b), (gp), (o), and (r), ~~and (rg)~~ allowable charges to a
3 provider who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of
4 a woman who meets the requirements under sub. (2) for all benefits and services
5 specified under s. 49.46 (2).

6 *~~1525/3.2~~* **SECTION 1154.** 49.475 (6) of the statutes is created to read:

7 49.475 (6) SHARING INFORMATION. The department of health and family services
8 shall provide to the department of workforce development, for purposes of the
9 medical support liability program under s. 49.22, any information that the
10 department of health and family services receives under this section. The
11 department of workforce development may allow a county child support agency
12 under s. 59.53 (5) or a tribal child support agency access to the information, subject
13 to the use and disclosure restrictions under s. 49.83, and shall consult with the
14 department of health and family services regarding procedures and methods to
15 adequately safeguard the confidentiality of the information provided under this
16 subsection.

17 *~~0879/4.1~~* **SECTION 1155.** 49.497 (title) of the statutes is amended to read:

18 49.497 (title) **Recovery of incorrect ~~medical assistance~~ Medical**
19 **Assistance or Badger Care payments.**

20 *~~0879/4.2~~* **SECTION 1156.** 49.497 (1) of the statutes is renumbered 49.497 (1)

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

22 49.497 (1) (a) (intro.) The department may recover any payment made
23 incorrectly for benefits ~~specified under s. 49.46, 49.468 or 49.47~~ provided under this
24 subchapter or s. 49.665 if the incorrect payment results from any of the following:

SECTION 1156

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

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

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

14 *~~0879/4.3~~* SECTION 1157. 49.497 (1) (a) 3. of the statutes is created to read:

15 49.497 (1) (a) 3. The failure of a Medical Assistance or Badger Care recipient
16 or any other person responsible for giving information on the recipient's behalf to
17 report any change in the recipient's financial or nonfinancial situation or eligibility
18 characteristics that would have affected the recipient's eligibility for benefits or the
19 recipient's cost-sharing requirements.

20 *~~0879/4.4~~* SECTION 1158. 49.497 (1m) of the statutes is created to read:

21 49.497 (1m) (a) If, after notice that an incorrect payment was made, a recipient,
22 or parent of a minor recipient, who is liable for repayment of an incorrect payment
23 fails to repay the incorrect payment or enter into, or comply with, an agreement for
24 repayment, the department may bring an action to enforce the liability or may issue
25 an order to compel payment of the liability. Any person aggrieved by an order issued

1 by the department under this paragraph may appeal the order as a contested case
2 under ch. 227 by filing with the department a request for a hearing within 30 days
3 after the date of the order. The only issue at hearing shall be the determination by
4 the department that the person has not repaid the incorrect payment or entered into,
5 or complied with, an agreement for repayment.

6 (b) If any recipient, or parent of a minor recipient, named in an order to compel
7 payment issued under par. (a) fails to pay the department any amount due under the
8 terms of the order and no contested case to review the order is pending and the time
9 for filing for a contested case review has expired, the department may present a
10 certified copy of the order to the circuit court for any county. The sworn statement
11 of the secretary shall be evidence of the incorrect payment. The circuit court shall,
12 without notice, render judgment in accordance with the order. A judgment rendered
13 under this paragraph shall have the same effect and shall be entered in the judgment
14 and lien docket and may be enforced in the same manner as if the judgment had been
15 rendered in an action tried and determined by the circuit court.

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

18 ***-0879/4.5* SECTION 1159.** 49.497 (2) of the statutes is amended to read:

19 49.497 (2) A county or governing body of a federally recognized American
20 Indian tribe may retain 15% of benefits ~~distributed under s. 49.46, 49.468 or 49.47~~
21 provided under this subchapter or s. 49.665 that are recovered under ~~sub. (1) this~~
22 section due to the efforts of an employee or officer of the county or tribe.

23 ***-0879/4.6* SECTION 1160.** 49.497 (4) of the statutes is created to read:

24 49.497 (4) The department may appear for the state in any and all collection
25 matters under this section, and may commence suit in the name of the department

SECTION 1160

1 to recover an incorrect payment from the recipient to whom or on whose behalf it was
2 made.

3 ***-0879/4.7* SECTION 1161.** 49.497 (5) of the statutes is created to read:

4 49.497 (5) The department may make an agreement with a recipient, or parent
5 of a minor recipient, who is liable under sub. (1), providing for repayment of an
6 incorrect payment at a specified rate or amount.

7 ***-0261/1.4* SECTION 1162.** 49.665 (1) (b) of the statutes is amended to read:

8 49.665 (1) (b) “Child” means a person who is born and who is under the age of
9 19.

10 ***-0261/1.5* SECTION 1163.** 49.665 (1) (g) of the statutes is created to read:

11 49.665 (1) (g) “Unborn child” means a person from the time of conception until
12 it is born alive.

13 ***-0261/1.6* SECTION 1164.** 49.665 (2) (a) of the statutes is renumbered 49.665

14 (2) (a) 1. and amended to read:

15 49.665 (2) (a) 1. The department of health and family services shall request a
16 waiver from the secretary of the federal department of health and human services
17 to permit the department of health and family services to implement, beginning not
18 later than July 1, 1998, or the effective date of the waiver, whichever is later, a health
19 care program under this section. If a waiver that is consistent with all of the
20 provisions of this section, excluding sub. (4) (a) 3m. and (ap) and provisions related
21 to sub. (4) (ap), is granted and in effect, the department of health and family services
22 shall implement the program under this section, subject to subd. 2. The department
23 of health and family services may not implement the program under this section
24 unless a waiver that is consistent with all of the provisions of this section, excluding
25 sub. (4) (a) 3m. and (ap) and provisions related to sub. (4) (ap), is granted and in effect.

1 ***-0261/1.7*** SECTION 1165. 49.665 (2) (a) 2. of the statutes is created to read:
2 49.665 (2) (a) 2. The department may not implement sub. (4) (ap) or provisions
3 related to the coverage under sub. (4) (ap) unless a state plan amendment
4 authorizing the coverage under sub. (4) (ap) is approved by the federal department
5 of health and human services.

6 ***-0261/1.8*** SECTION 1166. 49.665 (3) of the statutes is amended to read:
7 49.665 (3) ADMINISTRATION. The Subject to sub. (2) (a) 2., the department shall
8 administer a program to provide the health services and benefits described in s. 49.46
9 (2) to persons that meet the eligibility requirements specified in sub. (4). The
10 department shall promulgate rules setting forth the application procedures and
11 appeal and grievance procedures. The department may promulgate rules limiting
12 access to the program under this section to defined enrollment periods. The
13 department may also promulgate rules establishing a method by which the
14 department may purchase family coverage offered by the employer of a member of
15 an eligible family or by of a member of -a- an eligible child's household, or family or
16 individual coverage offered by the employer of an eligible unborn child's mother or
17 her spouse, under circumstances in which the department determines that
18 purchasing that coverage would not be more costly than providing the coverage
19 under this section.

20 ***-0261/1.9*** SECTION 1167. 49.665 (4) (ap) of the statutes is created to read:
21 49.665 (4) (ap) An unborn child whose mother is not eligible for health care
22 coverage under par. (a) or (am) or for medical assistance under s. 49.46 or 49.47,
23 except that she may be eligible for benefits under s. 49.45 (27), is eligible for health
24 care coverage under this section, which shall be limited to coverage for prenatal care,
25 if all of the following requirements are met:

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

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

10 a. The unborn child's mother.

11 b. The spouse of the unborn child's mother.

12 c. Members of the unborn child's mother's family.

13 3. The unborn child's mother provides medical verification of her pregnancy,
14 in the manner specified by the department.

15 4. The unborn child and the mother of the unborn child meet all other
16 requirements established by the department by rule except for any of the following:

17 a. The mother is not a U.S. citizen or an alien qualifying for medicaid under 8
18 USC 1612.

19 b. The mother is an inmate of a public institution.

20 c. The mother does not provide a social security number, but only if subd. 4. a.
21 applies.

22 *-0261/1.10* SECTION 1168. 49.665 (4) (at) 3. of the statutes is amended to
23 read:

24 49.665 (4) (at) 3. The department may not adjust the maximum income level
25 of 200% of the poverty line for persons already receiving health care coverage under

1 this section or for applicable persons specified in par. (ap) 1. with respect to an unborn
2 child already receiving health care coverage under this section.

3 ***-0261/1.11* SECTION 1169.** 49.665 (4) (c) of the statutes is amended to read:

4 49.665 (4) (c) No person may be denied health care coverage under this section
5 solely because of a health condition of that person ~~or~~, of any family member of that
6 person, or of the mother of an unborn child.

7 ***-0261/1.12* SECTION 1170.** 49.665 (4) (d) of the statutes is created to read:

8 49.665 (4) (d) An unborn child's eligibility for coverage under par. (ap) shall not
9 begin before the first day of the month in which the unborn child's mother provides
10 the medical verification required under par. (ap) 3.

11 ***-0261/1.13* SECTION 1171.** 49.665 (5) (ag) of the statutes is amended to read:

12 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, ~~or a~~
13 child who does not reside with his or her parent, or the mother of an unborn child,
14 who receives health care coverage under this section shall pay a percentage of the
15 cost of that coverage in accordance with a schedule established by the department
16 by rule. The department may not establish or implement a schedule that requires
17 a family or child to contribute contribution, including the amounts required under
18 par. (am), of more than 5% of the family's or child's income of the family, child, or
19 applicable persons specified in sub. (4) (ap) 1. towards the cost of the health care
20 coverage provided under this section.

21 ***-0261/1.14* SECTION 1172.** 49.665 (5) (am) (intro.) of the statutes is amended
22 to read:

23 49.665 (5) (am) (intro.) Except as provided in pars. (b) and (bm), a child ~~or a~~
24 family member, or the mother of an unborn child, who receives health care coverage
25 under this section shall pay the following cost-sharing amounts:

1 ***-0261/1.15*** SECTION 1173. 49.665 (5) (b) of the statutes is amended to read:

2 49.665 (5) (b) The department may not require a family, or child who does not
3 reside with his or her parent, or applicable persons specified in sub. (4) (ap) 1., with
4 an income below 150% of the poverty line, to contribute to the cost of health care
5 coverage provided under this section.

6 ***-0261/1.16*** SECTION 1174. 49.665 (5) (c) of the statutes is amended to read:

7 49.665 (5) (c) The department may establish by rule requirements for wage
8 withholding as a means of collecting the a family's or an unborn child's mother's
9 share of the cost of the health care coverage under this section.

10 ***-0314/1.1*** SECTION 1175. 49.688 (1) (e) of the statutes is amended to read:

11 49.688 (1) (e) "Program payment rate" means the rate of payment made for the
12 identical drug specified under s. 49.46 (2) (b) 6. h., ~~plus 5%~~, plus a dispensing fee that
13 is equal to the dispensing fee permitted to be charged for prescription drugs for which
14 coverage is provided under s. 49.46 (2) (b) 6. h.

15 ***-0265/3.13*** SECTION 1176. 49.77 (6) of the statutes is created to read:

16 49.77 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer
17 this section and s. 49.775, and may promulgate rules to guide the administration of
18 eligibility determinations and benefits payments.

19 ***-0265/3.14*** SECTION 1177. 49.78 (8) (a) of the statutes is amended to read:

20 49.78 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn)
21 and subject to par. (b), the department shall reimburse each county and tribal
22 governing body that contracts with the department under sub. (2) for reasonable
23 costs of administering the income maintenance programs. The amount of each
24 reimbursement paid under this paragraph shall be calculated using a formula based
25 on workload within the limits of available state and federal funds under s. 20.435 (4)

1 (bn) and (nn) by contract under sub. (2). The amount of reimbursement calculated
2 under this paragraph and par. (b) is in addition to any reimbursement provided to
3 a county or tribal governing body for fraud and error reduction under s. 49.197 (1m)
4 and (4) or 49.845.

5 *~~0878/1.1~~* SECTION 1178. 49.78 (11) of the statutes is created to read:

6 49.78 (11) REQUIREMENT TO PROVIDE INFORMATION. (a) 1. The department, a
7 county department under s. 46.215, 46.22, or 46.23, or a tribal governing body may
8 request from any person in this state information it determines appropriate and
9 necessary for determining or verifying eligibility or benefits for a recipient under any
10 income maintenance program. Unless access to the information is prohibited or
11 restricted by law, or unless the person has good cause, as determined by the
12 department in accordance with federal law and regulations, for refusing to
13 cooperate, the person shall make a good faith effort to provide the information within
14 7 days after receiving a request under this paragraph. The department, county
15 department, or tribal governing body, or employees of any of them, may not disclose
16 information obtained under this subdivision for any purpose not connected with the
17 administration of the income maintenance program for which the information was
18 requested.

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

23 (b) The department, a county department, or a tribal governing body may issue
24 a subpoena, in substantially the form authorized under s. 885.02, to compel the
25 production of financial information or other documentary evidence for determining

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1 or verifying eligibility or benefits for a recipient under any income maintenance
2 program.

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

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

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

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

15 *-1597/1.1* SECTION 1179. 49.785 (2) of the statutes is amended to read:

16 49.785 (2) From the appropriation under s. 20.435 (4) (bn), to the extent that
17 funds are available for this purpose, the department shall reimburse a county or
18 applicable tribal governing body or organization for any amount that the county or
19 applicable tribal governing body or organization is required to pay under sub. (1).
20 From the appropriation under s. 20.435 (4) (bn), the department shall reimburse a
21 county or applicable tribal governing body or organization for cemetery expenses or
22 for funeral and burial expenses for persons described under sub. (1) that the county
23 or applicable tribal governing body or organization is not required to pay under subs.
24 (1) and (1m) only if the department approves the reimbursement due to unusual
25 circumstances and if funds are available for this purpose.