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1 (b) *Explanation of confidentiality requirements.* An organization that receives
2 a grant under sub. (2) shall provide or designate an individual or entity to provide
3 an explanation of the confidentiality requirements under par. (a) to each individual
4 who is offered home visitation services under sub. (3) (a) by the organization.

5 (5) NOTIFICATION OF PARENT PRIOR TO MAKING ABUSE OR NEGLECT REPORT. If a
6 person who is providing home visitation services under sub. (3) (a) determines that
7 he or she is required or permitted to make a report under s. 48.981 (2) about a child
8 in a family to which the person is providing those services, the person shall, prior to
9 making the report under s. 48.981 (2), make a reasonable effort to notify the child's
10 parent that a report under s. 48.981 (2) will be made and to encourage the parent to
11 contact a county department under s. 46.22 or 46.23 or, in a county having a
12 population of 500,000 or more, the department to request assistance. The
13 notification requirements under this subsection do not affect the reporting
14 requirements under s. 48.981 (2).

15 (6) INFORMATIONAL MATERIALS. Any informational materials about the home
16 visitation services provided under sub. (3) (a) that are distributed to a person who
17 is offered or who is receiving those services shall state the sources of funding for the
18 services.

19 SECTION 1383. 48.985 (1) of the statutes is amended to read:

20 48.985 (1) FEDERAL PROGRAM OPERATIONS. From the appropriation under s.
21 ~~20.435 (3)~~ 20.437 (1) (n), the department shall expend not more than \$273,700 in each
22 fiscal year of the moneys received under 42 USC 620 to 626 for the department's
23 expenses in connection with administering the expenditure of funds received under
24 42 USC 620 to 626 and for child abuse and neglect and unborn child abuse
25 independent investigations.

1 **SECTION 1384.** 48.985 (2) of the statutes is amended to read:

2 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the
3 appropriation under s. ~~20.435 (7)~~ 20.437 (1) (o), the department shall distribute not
4 more than ~~\$3,809,600~~ \$3,554,300 in each fiscal year of the moneys received under
5 42 USC 620 to 626 to county departments under ss. ~~46.215, 46.22, and 46.23~~ for the
6 provision or purchase of child welfare projects and services, for services to children
7 and families, for services to the expectant mothers of unborn children, and for
8 family-based child welfare services.

9 **SECTION 1385.** 48.985 (4) of the statutes is amended to read:

10 48.985 (4) RUNAWAY SERVICES. From the appropriation under s. ~~20.435 (3)~~
11 20.437 (1) (na) for runaway services, not more than \$458,600 in each fiscal year.

12 **SECTION 1386.** 48.985 (5) of the statutes is repealed.

13 **SECTION 1387.** 48.989 (1) (a) of the statutes is amended to read:

14 48.989 (1) (a) "Appropriate authority in the receiving state" means the
15 department of ~~health and family services~~.

16 **SECTION 1388.** 48.989 (1) (b) of the statutes is amended to read:

17 48.989 (1) (b) "Appropriate public authorities" means the department of ~~health~~
18 ~~and family services~~, which shall receive and act with reference to notices required
19 by s. 48.988 (3).

20 **SECTION 1389.** Chapter 49 (title) of the statutes is amended to read:

21 **CHAPTER 49**

22 **PUBLIC ASSISTANCE AND**

23 **CHILDREN AND FAMILY SERVICES**

24 **SECTION 1390.** 49.001 (9) of the statutes is amended to read:

SECTION 1395

1 49.11 (1) "Department" means the department of workforce development
2 children and families.

3 SECTION 1396. 49.11 (2) of the statutes is amended to read:

4 49.11 (2) "Secretary" means the secretary of workforce development children
5 and families.

6 SECTION 1397. 49.13 (title) of the statutes is renumbered 49.79 (9) (title).

7 SECTION 1398. 49.13 (1) of the statutes is repealed.

8 SECTION 1399. 49.13 (2) (a) of the statutes is renumbered 49.79 (9) (a) 1. and
9 amended to read:

10 49.79 (9) (a) 1. The department shall ~~contract with the department of health~~
11 ~~and family services as provided under s. 49.79 (10) to administer an employment and~~
12 training program for recipients under the food stamp program and may contract
13 under s. 49.78 with county departments under ss. 46.215, 46.22, and 46.23, and with
14 tribal governing bodies to carry out the administrative functions. The department
15 may contract, or a county department or tribal governing body may subcontract, with
16 a Wisconsin ~~works~~ Works agency or another provider to administer the employment
17 and training program under this subsection. Except as provided in ~~pars. (b) and (bm)~~
18 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
19 of age who are not participants in a Wisconsin ~~works~~ Works employment position to
20 participate in the employment and training program under this subsection.

21 SECTION 1400. 49.13 (2) (b) of the statutes is renumbered 49.79 (9) (a) 2. and
22 amended to read:

23 49.79 (9) (a) 2. The department may not require an individual who is a recipient
24 under the food stamp program and who is the caretaker of a child ~~who is~~ under the

1 age of 12 weeks to participate in any employment and training program under par.
2 (a) this subsection.

3 **SECTION 1401.** 49.13 (2) (bm) of the statutes is renumbered 49.79 (9) (a) 3. and
4 amended to read:

5 49.79 (9) (a) 3. The department may not require an individual who is a recipient
6 under the food stamp program to participate in any employment and training
7 program under ~~par.~~ (a) this subsection if that individual is enrolled at least half time
8 in a school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of
9 higher education.

10 **SECTION 1402.** 49.13 (2) (cm) of the statutes is renumbered 49.79 (9) (a) 4.

11 **SECTION 1403.** 49.13 (2) (d) of the statutes is renumbered 49.79 (9) (a) 5. and
12 amended to read:

13 49.79 (9) (a) 5. A participant in an employment and training program under
14 this section subsection administered by the department is an employee of the
15 department for purposes of worker's compensation coverage, except to the extent
16 that the person for whom the participant is performing work provides worker's
17 compensation coverage. A participant in an employment and training program
18 under ~~this section~~ subsection administered by a Wisconsin works Works agency or
19 another provider is an employee of the Wisconsin works Works agency or other
20 provider for purposes of worker's compensation coverage, except to the extent that
21 the person for whom the participant is performing work provides worker's
22 compensation coverage.

23 **SECTION 1404.** 49.13 (3) (intro.) of the statutes is renumbered 49.79 (9) (b)
24 (intro.) and amended to read:

1 49.79 (9) (b) (intro.) An individual who fails to comply with the work
2 requirements under ~~sub. (2) par.~~ (a) without good cause is ineligible to participate in
3 the food stamp program ~~under s. 49.79~~ as follows:

4 **SECTION 1405.** 49.13 (3) (a) of the statutes is renumbered 49.79 (9) (b) 1. and
5 amended to read:

6 49.79 (9) (b) 1. For the first occurrence of noncompliance, one month, or until
7 the person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever
8 is later.

9 **SECTION 1406.** 49.13 (3) (b) of the statutes is renumbered 49.79 (9) (b) 2. and
10 amended to read:

11 49.79 (9) (b) 2. For the 2nd occurrence of noncompliance, 3 months, or until the
12 person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever is
13 later.

14 **SECTION 1407.** 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and
15 amended to read:

16 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
17 months, or until the person complies with the work requirements under ~~sub. (2) par.~~
18 (a), whichever is later.

19 **SECTION 1408.** 49.138 (1m) (intro.) of the statutes is amended to read:

20 49.138 (1m) (intro.) The department shall implement a program of emergency
21 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or
22 impending homelessness, or energy crisis. The department shall establish the
23 maximum amount of aid to be granted, except for cases of energy crisis, per family
24 member based on the funding available under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md).
25 The department need not establish the maximum amount by rule under ch. 227. The

1 department shall publish the maximum amount and annual changes to it in the
2 Wisconsin administrative register. Emergency assistance provided to needy persons
3 under this section may only be provided to a needy person once in a 12-month period.
4 Emergency assistance provided to needy persons under this section in cases of
5 homelessness or impending homelessness may be used only to obtain or retain a
6 permanent living accommodation. For the purposes of this section, a family is
7 considered to be homeless, or to be facing impending homelessness, if any of the
8 following applies:

9 **SECTION 1409.** 49.143 (2) (b) of the statutes is amended to read:

10 49.143 (2) (b) Establish a children's services network. The children's services
11 network shall provide information about community resources available to the
12 dependent children in a Wisconsin works group, including charitable food and
13 clothing centers; subsidized and low-income housing; transportation subsidies; the
14 state supplemental food program for women, infants and children under s. ~~253.06~~
15 49.17; and child care programs. In a county having a population of 500,000 or more,
16 a children's services network shall, in addition, provide a forum for those persons
17 who are interested in the delivery of child welfare services and other services to
18 children and families in the geographical area under sub. (6) served by that
19 children's services network to communicate with and make recommendations to the
20 providers of those services in that geographical area with respect to the delivery of
21 those services in that area.

22 **SECTION 1410.** 49.147 (3m) of the statutes is created to read:

23 49.147 (3m) REAL WORK, REAL PAY PILOT PROJECT. (a) *Administration and*
24 *evaluation.* Except as provided in par. (d), the department shall conduct and

1 evaluate a real work, real pay pilot project from January 1, 2008, to December 31,
2 2009.

3 (b) *Eligibility and project limits.* 1. Except as specifically provided in this
4 subsection, all general and nonfinancial eligibility requirements under s. 49.145
5 apply to participants under this subsection, and all requirements under sub. (3), as
6 they apply to Wisconsin Works agencies, employers, and participants, apply to
7 Wisconsin Works agencies, employers, and participants under this subsection.

8 2. The project shall be limited to 500 individuals and shall be conducted in at
9 least one of the geographical areas established by the department under s. 49.143 (6)
10 that is in Milwaukee County and in at least 2 of those geographical areas that are
11 not in Milwaukee County.

12 (c) *Employer subsidies and reimbursements.* The Wisconsin Works agency
13 shall pay an employer that employs a participant under this subsection a monthly
14 wage subsidy that does not exceed the federal minimum wage for no more than 30
15 hours of work per week. Worksite training activities prescribed by the employer that
16 are consistent with training provided to other employees at the worksite are
17 considered work for purposes of calculating the wage subsidy under this paragraph.
18 In addition to the wage subsidy, the Wisconsin Works agency shall reimburse the
19 employer for up to 100 percent of all of the following costs that are attributable to
20 employment of the participant:

- 21 1. Federal social security taxes.
- 22 2. State and federal unemployment contributions or taxes, if any.
- 23 3. Worker's compensation insurance premiums, if any.

24 (d) *Time-limited participation and payment extension.* An individual may
25 participate in the project under this subsection for a maximum of 6 months, with an

1 opportunity for an extension of up to 3 months. Notwithstanding the ending date for
2 the project, payments under par. (c) for any participant who is accepted into the
3 project before December 31, 2009, shall be made until the participant completes his
4 or her 6-month participation period or any extension to it already commenced before
5 that date.

6 (e) *Mentors and stipends.* The Wisconsin Works agency and employer of a
7 participant under this subsection shall work together to find a mentor for the
8 participant at the participant's work site. The Wisconsin Works agency shall pay
9 each mentor a monthly stipend of \$50.

10 (f) *Employer effort to retain, refer, or evaluate participant.* An employer that
11 employs a participant under this subsection and receives a wage subsidy shall agree
12 to make a good faith effort to retain the participant as a permanent unsubsidized
13 employee after the wage subsidy ends if the participant successfully completes
14 participation in the project under this subsection. An employer shall also agree that,
15 if the employer does not retain a participant as a permanent unsubsidized employee,
16 the employer will serve as an employment reference for the participant or provide
17 to the Wisconsin Works agency a written performance evaluation of the participant,
18 including recommendations for improvements.

19 **SECTION 1411.** 49.147 (6) (c) of the statutes is amended to read:

20 49.147 (6) (c) *Distribution and administration.* From the appropriation under
21 s. 20.445 (3) 20.437 (2) (jL), the department shall distribute funds for job access loans
22 to a Wisconsin Works agency, which shall administer the loans in accordance with
23 rules promulgated by the department.

24 **SECTION 1412.** 49.147 (6) (cm) 1. of the statutes is amended to read:

SECTION 1412

1 49.147 (6) (cm) 1. The department of workforce development may, in the
2 manner provided in s. 49.85, collect job access loan repayments that are delinquent
3 under the terms of a repayment agreement. The department of workforce
4 development shall credit all delinquent repayments collected by the department of
5 revenue as a setoff under s. 71.93 to the appropriation account under s. 20.445 (3)
6 20.437 (2) (jL). Use of the process under s. 49.85 does not preclude the department
7 of workforce development from collecting delinquent repayments through other
8 legal means.

9 SECTION 1413. 49.148 (1m) (title) of the statutes is amended to read:

10 49.148 (1m) (title) CUSTODIAL PARENT OF INFANT, UNMARRIED, PREGNANT WOMAN.

11 SECTION 1414. 49.148 (1m) (a) (intro.) of the statutes is created to read:

12 49.148 (1m) (a) (intro.) Any of the following may receive a monthly grant of
13 \$673:

14 SECTION 1415. 49.148 (1m) (a) of the statutes is renumbered 49.148 (1m) (a)
15 1. and amended to read:

16 49.148 (1m) (a) 1. ~~A~~ An individual who meets the eligibility requirements
17 under s. 49.145 (2) and (3) and who is a custodial parent of a child who is 12 26 weeks
18 old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may
19 receive a monthly grant of \$673, unless another adult member of the custodial
20 parent's Wisconsin works Works group is participating in, or is eligible to participate
21 in, a Wisconsin works Works employment position or is employed in unsubsidized
22 employment, as defined in s. 49.147 (1) (c).

23 (bm) A Wisconsin works Works agency may not require a participant under this
24 subsection to participate in any employment positions. Receipt of a grant under this
25 subsection does not constitute participation in a Wisconsin works employment

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

5 **SECTION 1416.** 49.148 (1m) (a) 2. of the statutes is created to read:

6 49.148 (1m) (a) 2. An unmarried woman who would be eligible under s. 49.145
7 except that she is not a custodial parent of a dependent child and who is in the 3rd
8 trimester of a pregnancy that is medically verified and that is shown by medical
9 documentation to be at risk and to render the woman unable to participate in the
10 workforce.

11 **SECTION 1417.** 49.148 (1m) (b) of the statutes is renumbered 49.148 (1m) (c) 1.
12 and amended to read:

13 49.148 (1m) (c) 1. Receipt of a grant under this subsection by a participant
14 under par. (a) 1. constitutes participation in a Wisconsin works Works employment
15 position for purposes of the time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4)
16 (b), or (5) (b) 2. if the child is born to the participant more than 10 months after the
17 date that the participant was first determined to be eligible for assistance under s.
18 49.19 or for a Wisconsin works employment position unless the child was conceived
19 as a result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the
20 mother did not indicate a freely given agreement to have sexual intercourse or in
21 violation of s. 948.02 or 948.025 or of incest in violation of s. 944.06 or 948.06 and that
22 incest or sexual assault has been reported to a physician and to law enforcement
23 authorities.

24 **SECTION 1418.** 49.148 (1m) (c) (intro.) of the statutes is created to read:

SECTION 1418

1 49.148 (1m) (c) (intro.) For purposes of the time limits under ss. 49.145 (2) (n)
2 and 49.147 (3) (c), (4) (b), and (5) (b) 2., all of the following apply:

3 **SECTION 1419.** 49.148 (1m) (c) 2. of the statutes is created to read:

4 49.148 (1m) (c) 2. Receipt of a grant under this subsection by a participant
5 under par. (a) 2. does not constitute participation in a Wisconsin Works employment
6 position.

7 **SECTION 1420.** 49.155 (1g) (b) of the statutes is amended to read:

8 49.155 (1g) (b) From the appropriations under s. 20.445 (3) 20.437 (2) (cm),
9 (kx), and (mc), distribute \$5,488,500 in each fiscal year for grants under s. 49.134 (2)
10 for child day care resource and referral services, for grants under s. 49.137 (4m), for
11 a child care scholarship and bonus program, for administration of the department's
12 office of child care and for the department's share of the costs for the Child Care
13 Information Center operated by the division for libraries, technology, and
14 community learning in the department of public instruction.

15 **SECTION 1421.** 49.155 (1g) (c) of the statutes is amended to read:

16 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),
17 transfer \$4,438,200 \$5,236,800 in fiscal year 2005-06 2007-08 and \$4,440,500
18 \$5,245,500 in fiscal year 2006-07 2008-09 to the appropriation account under s.
19 20.435 (3) (kx).

20 **SECTION 1422.** 49.155 (1g) (c) of the statutes, as affected by 2007 Wisconsin Act
21 (this act), is amended to read:

22 49.155 (1g) (c) From the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)
23 (mc), transfer \$5,236,800 in fiscal year 2007-08 and \$5,245,500 in fiscal year
24 2008-09 to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (kx).

25 **SECTION 1423.** 49.155 (1g) (d) of the statutes is amended to read:

1 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), 2005 stats.,
2 distribute \$3,378,500 in fiscal year 2005-06 and \$3,378,500 in fiscal year 2006-07
3 for grants under s. 49.134 (2) for child day care resource and referral services, for
4 contracts under s. 49.137 (4) for training and technical assistance, for grants under
5 s. 49.137 (4m), and for a child care scholarship and bonus program.

6 **SECTION 1424.** 49.155 (1m) (intro.) of the statutes is amended to read:

7 49.155 (1m) ELIGIBILITY. (intro.) A Wisconsin works Works agency shall
8 determine eligibility for a child care subsidy under this section. Under this section,
9 subject to any waiting list placement under sub. (2), an individual may receive a
10 subsidy for child care for a child who has not attained the age of 13 or, if the child is
11 disabled, who has not attained the age of 19, if the individual meets all of the
12 following conditions:

13 **SECTION 1425.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

14 49.155 (1m) (a) 3m. Participate in a job search or work experience component
15 of the food stamp employment and training program under s. ~~49.13~~ 49.79 (9).

16 **SECTION 1426.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

17 49.155 (1m) (c) 1. (intro.) Except as provided in subds. 1g., and 1h., 1m., 2., and
18 3., the gross income of the individual's family is at or below 185% of the poverty line
19 for a family the size of the individual's family or, for an individual who is already
20 receiving a child care subsidy under this section on the effective date of this
21 subdivision [revisor inserts date], the gross income of the individual's family is at
22 or below 200% of the poverty line for a family the size of the individual's family. In
23 calculating the gross income of the family, the Wisconsin works Works agency shall
24 include income described under s. 49.145 (3) (b) 1. and 3., except that, in calculating

1 farm and self-employment income, the Wisconsin ~~works~~ Works agency shall include
2 the sum of the following:

3 **SECTION 1427.** 49.155 (1m) (c) 1c. of the statutes is created to read:

4 49.155 (1m) (c) 1c. Except as provided in subds. 1g. and 1h., for an individual
5 who, on or after the effective date of this subdivision [revisor inserts date], applies
6 for a child care subsidy under this section or reapplies for a child care subsidy under
7 this section after losing eligibility, the gross income of the individual's family when
8 the individual applies or reapplies is at or below 175 percent of the poverty line for
9 a family the size of the individual's family and, after the individual is already
10 receiving a child care subsidy under this section, the gross income of the individual's
11 family is at or below 190 percent of the poverty line for a family the size of the
12 individual's family. The Wisconsin Works agency shall calculate the gross income of
13 the family in the same manner as gross income is calculated under subd. 1.

14 **SECTION 1428.** 49.155 (1m) (c) 1m. of the statutes is repealed.

15 **SECTION 1429.** 49.155 (1m) (c) 2. of the statutes is repealed.

16 **SECTION 1430.** 49.155 (1m) (c) 3. of the statutes is repealed.

17 **SECTION 1431.** 49.155 (2) of the statutes is created to read:

18 49.155 (2) WAITING LIST. (a) If the department determines that projected child
19 care subsidies under this section will likely exceed the amount of funding allocated
20 for child care subsidies under s. 49.175 (1) (p), the department may implement a
21 prioritized waiting list system for applicants who are otherwise eligible for a child
22 care subsidy under sub. (1m). Under the system, an applicant on the waiting list
23 would not receive a child care subsidy until funding became sufficient.

1 (b) Notwithstanding par. (a), an applicant for a child care subsidy who is
2 eligible under sub. (1m) and who is participating in a work component of Wisconsin
3 Works under s. 49.147 may not be placed on a waiting list.

4 **SECTION 1432.** 49.155 (3) (a) of the statutes is amended to read:

5 49.155 (3) (a) ~~A~~ Subject to any waiting list placement under sub. (2), a
6 Wisconsin works Works agency shall refer an individual who has been determined
7 eligible under sub. (1m) to a county department under s. 46.215, 46.22, or 46.23 for
8 child care assistance.

9 **SECTION 1433.** 49.159 (4) of the statutes is amended to read:

10 49.159 (4) PREGNANT WOMEN. A pregnant woman whose pregnancy is medically
11 verified, who would be eligible under s. 49.145 except that she is not a custodial
12 parent of a dependent child, and who does not satisfy the requirements under s.
13 49.148 (1m) (a) 2. is eligible for employment training and job search assistance
14 services provided by the Wisconsin works Works agency.

15 **SECTION 1434.** 49.1635 (1) of the statutes is amended to read:

16 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
17 from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (md) the department may
18 distribute funds to the Wisconsin Trust Account Foundation in an amount up to the
19 amount received by the foundation from private donations, but not to exceed
20 \$100,000 in a fiscal year. Except as provided in sub. (4), funds distributed under this
21 subsection may be used only for the provision of legal services to individuals who are
22 eligible for temporary assistance for needy families under 42 USC 601 et seq. and
23 whose incomes are at or below 200% of the poverty line.

24 **SECTION 1435.** 49.175 (1) (intro.) of the statutes is amended to read:

SECTION 1435

1 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
2 the limits of the appropriations under s. ~~20.445 (3)~~ 20.437 (2) (a), (cm), (dz), (k), (kx),
3 (L), (mc), (md), (me), and (s), the department shall allocate the following amounts for
4 the following purposes:

5 **SECTION 1436.** 49.175 (1) (a) of the statutes is amended to read:

6 49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits,
7 ~~\$59,184,700~~ \$48,276,900 in fiscal year ~~2005-06~~ 2007-08 and ~~\$51,930,000~~
8 \$51,003,200 in fiscal year ~~2006-07~~ 2008-09.

9 **SECTION 1437.** 49.175 (1) (b) of the statutes is amended to read:

10 49.175 (1) (b) *Wisconsin Works administration.* For administration of
11 Wisconsin Works performed under contracts under s. 49.143, ~~\$18,999,900~~
12 \$13,201,100 in fiscal year ~~2005-06~~ 2007-08 and ~~\$16,834,100~~ \$13,201,100 in fiscal
13 year ~~2006-07~~ 2008-09.

14 **SECTION 1438.** 49.175 (1) (c) of the statutes is repealed.

15 **SECTION 1439.** 49.175 (1) (f) of the statutes is amended to read:

16 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under
17 Wisconsin Works provided under contracts under s. 49.143, ~~\$49,534,800~~ \$38,604,400
18 in fiscal year ~~2005-06~~ 2007-08 and ~~\$43,463,000~~ \$40,066,300 in fiscal year ~~2006-07~~
19 2008-09.

20 **SECTION 1440.** 49.175 (1) (g) of the statutes is amended to read:

21 49.175 (1) (g) *State administration of public assistance programs.* For state
22 administration of public assistance programs, ~~\$16,060,000~~ \$17,577,500 in each
23 fiscal year ~~2007-08~~ 2007-08 and ~~\$17,807,000~~ \$17,807,000 in fiscal year ~~2008-09~~.

24 **SECTION 1441.** 49.175 (1) (i) of the statutes is amended to read:

1 49.175 (1)(i) *Emergency assistance*. For emergency assistance under s. 49.138,
2 \$4,500,000 \$8,900,000 in each fiscal year 2007-08 and \$9,400,000 in fiscal year
3 2008-09.

4 **SECTION 1442.** 49.175 (1) (p) of the statutes is amended to read:

5 49.175 (1) (p) *Direct child care services*. For direct child care services under s.
6 49.155, \$310,332,100 \$314,888,400 in fiscal year 2005-06 2007-08 and
7 \$313,432,100 \$315,821,900 in fiscal year 2006-07 2008-09.

8 **SECTION 1443.** 49.175 (1) (q) of the statutes is amended to read:

9 49.175 (1) (q) *Indirect child care services*. For indirect child care services under
10 s. 49.155 (1g), \$9,926,700 \$7,081,900 in fiscal year 2005-06 2007-08 and \$9,929,000
11 \$6,480,200 in fiscal year 2006-07 2008-09.

12 **SECTION 1444.** 49.175 (1) (qm) of the statutes is amended to read:

13 49.175 (1) (qm) *Quality care for quality kids*. For the child care quality
14 improvement activities specified in s. 49.155 (1g) (d), \$3,378,500 \$4,578,500 in each
15 fiscal year.

16 **SECTION 1445.** 49.175 (1) (r) of the statutes is repealed.

17 **SECTION 1446.** 49.175 (1) (s) of the statutes is created to read:

18 49.175 (1) (s) *Grants to Educare Center of Milwaukee*. For grants to the
19 Educare Center of Milwaukee, \$750,000 in each fiscal year.

20 **SECTION 1447.** 49.175 (1) (z) of the statutes is amended to read:

21 49.175 (1) (z) *Grants to the Boys and Girls Clubs of America*. For grants to the
22 Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs that
23 improve social, academic, and employment skills of youth who are eligible to receive
24 temporary assistance for needy families under 42 USC 601 et seq., \$300,000
25 \$350,000 in each fiscal year.

1 **SECTION 1448.** 49.175 (1) (ze) (title) of the statutes is amended to read:

2 49.175 (1) (ze) (title) *Programs administered by the department of health and*
3 *family services relating to children and families.*

4 **SECTION 1449.** 49.175 (1) (ze) 1. of the statutes is amended to read:

5 49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the
6 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
7 (3p), ~~\$23,034,200 in fiscal year 2005-06 and \$22,686,300~~ \$23,655,000 in each fiscal
8 year 2006-07.

9 **SECTION 1450.** 49.175 (1) (ze) 2. of the statutes is amended to read:

10 49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For
11 payments made under s. 49.775 for the support of the dependent children of
12 recipients of supplemental security income, ~~\$30,444,000~~ \$30,272,400 in fiscal year
13 2005-06 ~~2007-08~~ and ~~\$30,394,000~~ \$30,272,400 in fiscal year 2006-07 ~~2008-09~~.

14 **SECTION 1451.** 49.175 (1) (ze) 10m. of the statutes is amended to read:

15 49.175 (1) (ze) 10m. 'Safety and out-of-home placement services.' For services
16 provided in counties having a population of 500,000 or more to ensure the safety of
17 children who the department of health and family services determines may remain
18 at home if appropriate services are provided, ~~\$5,707,200~~ and for ongoing services
19 provided in those counties to families with children placed in out-of-home care,
20 \$5,631,300 in each fiscal year.

21 **SECTION 1452.** 49.175 (1) (ze) 10m. of the statutes, as affected by 2007
22 Wisconsin Act (this act), is amended to read:

23 49.175 (1) (ze) 10m. 'Safety and out-of-home placement services.' For services
24 provided in counties having a population of 500,000 or more to ensure the safety of
25 children who the department of health and family services determines may remain

1 at home if appropriate services are provided, and for ongoing services provided in
2 those counties to families with children placed in out-of-home care, \$5,631,300 in
3 each fiscal year.

4 **SECTION 1453.** 49.175 (1) (ze) 12. of the statutes is amended to read:

5 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
6 the costs associated with the Milwaukee child welfare information system and the
7 Wisconsin statewide automated child welfare information system, \$1,310,800
8 \$1,510,500 in fiscal year 2005-06 2007-08 and \$1,317,700 \$1,532,100 in fiscal year
9 2006-07 2008-09.

10 **SECTION 1454.** 49.175 (1) (zh) of the statutes is amended to read:

11 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
12 moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation
13 account under s. 20.835 (2) (kf) for the earned income tax credit, \$55,232,000
14 \$30,616,700 in each fiscal year 2007-08 and \$25,004,300 in fiscal year 2008-09.

15 **SECTION 1455.** 49.175 (1) (zh) of the statutes, as affected by 2007 Wisconsin Act
16 (this act), is amended to read:

17 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
18 moneys from the appropriation account under s. 20.445 (3) 20.437 (2) (md) to the
19 appropriation account under s. 20.835 (2) (kf) for the earned income tax credit,
20 \$30,616,700 in fiscal year 2007-08 and \$25,004,300 in fiscal year 2008-09.

21 **SECTION 1456.** 49.175 (2) (c) of the statutes is amended to read:

22 49.175 (2) (c) If the amounts of federal block grant moneys that are required
23 to be credited to the appropriation accounts under s. 20.445 (3) 20.437 (2) (mc) and
24 (md) are less than the amounts appropriated under s. 20.445 (3) 20.437 (2) (mc) and
25 (md), the department shall submit a plan to the secretary of administration for

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1 reducing the amounts of moneys allocated under sub. (1). If the secretary of
2 administration approves the plan, the amounts of moneys required to be allocated
3 under sub. (1) may be reduced as proposed by the department and the department
4 shall allocate the moneys as specified in the plan.

5 **SECTION 1457.** 49.177 of the statutes is created to read:

6 **49.177 Boys and Girls Clubs programs in 1st class cities.** From the
7 appropriation account under s. 20.445 (3) (kb), the department shall provide grants
8 to the Boys and Girls Clubs of Greater Milwaukee to fund programs that improve the
9 social, academic, and employment skills of youths who reside in 1st class cities.

10 **SECTION 1458.** 49.177 of the statutes, as created by 2007 Wisconsin Act (this
11 act), is amended to read:

12 **49.177 Boys and Girls Clubs programs in 1st class cities.** From the
13 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (kb), the department shall
14 provide grants to the Boys and Girls Clubs of Greater Milwaukee to fund programs
15 that improve the social, academic, and employment skills of youths who reside in 1st
16 class cities.

17 **SECTION 1459.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

18 **49.19 (1) (a) 2. b.** Is living in a foster home or treatment foster home licensed
19 under s. 48.62 if a license is required under that section, in a foster home or treatment
20 foster home located within the boundaries of a federally recognized American Indian
21 reservation in this state and licensed by the tribal governing body of the reservation,
22 in a group home licensed under s. 48.625, or in a residential care center for children
23 and youth licensed under s. 48.60, and has been placed in the foster home, treatment
24 foster home, group home, or center by a county department under s. 46.215, 46.22,
25 or 46.23, by the department of health and family services, by the department of

1 corrections, or by a federally recognized American Indian tribal governing body in
2 this state under an agreement with a county department.

3 **SECTION 1460.** 49.19 (10) (a) of the statutes is amended to read:

4 49.19 (10) (a) Aid under this section may also be granted to a nonrelative who
5 cares for a child dependent upon the public for proper support in a foster home or
6 treatment foster home having a license under s. 48.62, in a foster home or treatment
7 foster home located within the boundaries of a federally recognized American Indian
8 reservation in this state and licensed by the tribal governing body of the reservation
9 or in a group home licensed under s. 48.625, regardless of the cause or prospective
10 period of dependency. The state shall reimburse counties pursuant to the procedure
11 under s. ~~46.495~~ 48.569 (2) and the percentage rate of participation set forth in s.
12 ~~46.495~~ 48.569 (1) (d) for aid granted under this subsection except that if the child does
13 not have legal settlement in the granting county, state reimbursement shall be at
14 100%. The county department under s. 46.215 or 46.22 shall determine the legal
15 settlement of the child. A child under one year of age shall be eligible for aid under
16 this subsection irrespective of any other residence requirement for eligibility within
17 this section.

18 **SECTION 1461.** 49.19 (10) (d) of the statutes is amended to read:

19 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
20 treatment foster home, group home, or residential care center for children and youth
21 by the state when the child is in the custody or guardianship of the state, when the
22 child is a ward of an American Indian tribal court in this state and the placement is
23 made under an agreement between the department and the tribal governing body,
24 or when the child was part of the state's direct service case load and was removed
25 from the home of a relative specified in sub. (1) (a) as a result of a judicial

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1 determination that continuance in the home of a relative would be contrary to the
2 child's welfare for any reason and the child is placed by the department of health and
3 family services or the department of corrections.

4 SECTION 1462. 49.19 (11) (a) 1. a. of the statutes is amended to read:

5 49.19 (11) (a) 1. a. Except as provided in subs. (11m) and (11s), monthly
6 payments made under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md) to persons or to families
7 with dependent children shall be based on family size and shall be at 80% of the total
8 of the allowances under subs. 2. and 4. plus the following standards of assistance
9 beginning on September 1, 1987:

Figure 49.19 (11) (a) 1. a.:

<u>FAMILY SIZE</u>	<u>AREA I</u>	<u>AREA II</u>
1	\$ 311	\$ 301
2	550	533
3	647	626
4	772	749
5	886	861
6	958	929
7	1,037	1,007
8	1,099	1,068
9	1,151	1,117
10	1,179	1,143

10 SECTION 1463. 49.19 (11s) (d) of the statutes is amended to read:

11 49.19 (11s) (d) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (a), the
12 department may award grants to county departments under ss. 46.215, 46.22 and
13 46.23 for providing education services relating to family planning, as defined in s.
14 253.07 (1) (a), to persons who are subject to par. (b).

15 SECTION 1464. 49.195 (3r) of the statutes is amended to read:

16 49.195 (3r) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (L) the
17 department may contract with or employ a collection agency or other person to

1 enforce a repayment obligation of a person who is found liable under sub. (3) who is
2 delinquent in making repayments.

3 **SECTION 1465.** 49.197 (1m) of the statutes is amended to read:

4 **49.197 (1m) FRAUD INVESTIGATION.** From the appropriations under s. 20.445 (3)
5 20.437 (2) (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program
6 to investigate suspected fraudulent activity on the part of recipients of aid to families
7 with dependent children under s. 49.19, on the part of participants in the Wisconsin
8 Works program under ss. 49.141 to 49.161, and, if the department of health and
9 family services contracts with the department under sub. (5), on the part of recipients
10 of medical assistance under subch. IV, food stamp benefits under the food stamp
11 program under 7 USC 2011 to 2036, supplemental security income payments under
12 s. 49.77, payments for the support of children of supplemental security income
13 recipients under s. 49.775, and health care benefits under the Badger Care health
14 care program under s. 49.665. The department's activities under this subsection may
15 include, but are not limited to, comparisons of information provided to the
16 department by an applicant and information provided by the applicant to other
17 federal, state, and local agencies, development of an advisory welfare investigation
18 prosecution standard, and provision of funds to county departments under ss.
19 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to
20 detect fraud. The department shall cooperate with district attorneys regarding
21 fraud prosecutions.

22 **SECTION 1466.** 49.197 (4) of the statutes is amended to read:

23 **49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION.** If the department of health and
24 family services contracts with the department under sub. (5), the department shall
25 provide funds from the appropriation under s. 20.445 (3) 20.437 (2) (kx) to counties

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1 and governing bodies of federally recognized American Indian tribes administering
2 Medical Assistance under subch. IV, the food stamp program under 7 USC 2011 to
3 2036, the supplemental security income payments program under s. 49.77, the
4 program providing payments for the support of children of supplemental security
5 income recipients under s. 49.775, and the Badger Care health care program under
6 s. 49.665 to offset administrative costs of reducing payment errors in those programs.

7 **SECTION 1467.** 49.22 (2m) (a) of the statutes is amended to read:

8 49.22 (2m) (a) The department may request from any person in this state
9 information it determines appropriate and necessary for the administration of this
10 section, ss. 49.141 to 49.161, 49.19, 49.46, 49.468 and, 49.47, and 49.471 and
11 programs carrying out the purposes of 7 USC 2011 to 2029. Unless access to the
12 information is prohibited or restricted by law, or unless the person has good cause,
13 as determined by the department in accordance with federal law and regulations, for
14 refusing to cooperate, the person shall make a good faith effort to provide this
15 information within 7 days after receiving a request under this paragraph. Except
16 as provided in subs. (2p) and (2r) and subject to sub. (12), the department or the
17 county child support agency under s. 59.53 (5) may disclose information obtained
18 under this paragraph only in the administration of this section, ss. 49.141 to 49.161,
19 49.19, 49.46 and, 49.47, and 49.471 and programs carrying out the purposes of 7 USC
20 2011 to 2029. Employees of the department or a county child support agency under
21 s. 59.53 (5) are subject to s. 49.83.

22 **SECTION 1468.** 49.22 (2m) (b) of the statutes is amended to read:

23 49.22 (2m) (b) The department or county child support agency under s. 59.53
24 (5) may issue a subpoena, in substantially the form authorized under s. 885.02, to
25 compel the production of financial information and other documentary evidence in

1 the administration of this section, ss. 49.145, 49.19, 49.46 and, 49.47, and 49.471 and
2 programs carrying out the purposes of 7 USC 2011 to 2029.

3 **SECTION 1469.** 49.22 (2m) (c) 3. of the statutes is amended to read:

4 49.22 (2m) (c) 3. Any other action taken in good faith to comply with this section
5 or a subpoena described in par. (bc) or to comply with a request for information or
6 access to records from the department or a county child support agency under s. 59.53
7 (5) in the administration of this section, ss. 49.145, 49.19, 49.46 and, 49.47, and
8 49.471 and programs carrying out the purposes of 7 USC 2011 to 2029.

9 **SECTION 1470.** 49.22 (6) of the statutes is amended to read:

10 49.22 (6) The department shall establish, pursuant to federal and state laws,
11 rules and regulations, a uniform system of fees for services provided under this
12 section to individuals not receiving aid under s. ~~46.261~~ 48.645, 49.19, or 49.47;
13 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
14 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term
15 kinship care payments under s. 48.57 (3n). The system of fees may take into account
16 an individual's ability to pay. Any fee paid and collected under this subsection may
17 be retained by the county providing the service except for the fee specified in 42 USC
18 653 (e) (2) for federal parent locator services.

19 **SECTION 1471.** 49.22 (6) of the statutes, as affected by 2007 Wisconsin Act
20 (this act), is amended to read:

21 49.22 (6) The department shall establish, pursuant to federal and state laws,
22 rules and regulations, a uniform system of fees for services provided under this
23 section to individuals not receiving aid under s. ~~48.645~~, 49.19 or, 49.47, or 49.471;
24 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
25 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term

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1 kinship care payments under s. 48.57 (3n). The system of fees may take into account
2 an individual's ability to pay. Any fee paid and collected under this subsection may
3 be retained by the county providing the service except for the fee specified in 42 USC
4 653 (e) (2) for federal parent locator services.

5 **SECTION 1472.** 49.22 (7) of the statutes is amended to read:

6 **49.22 (7)** The department may represent the state in any action to establish
7 paternity or to establish or enforce a support or maintenance obligation. The
8 department may delegate its authority to represent the state in any action to
9 establish paternity or to establish or enforce a support or maintenance obligation
10 under this section to an attorney responsible for support enforcement under s. 59.53
11 (6) (a) pursuant to a contract entered into under s. 59.53 (5). The department shall
12 ensure that any such contract is for an amount reasonable and necessary to assure
13 quality service. The department may, by such a contract, authorize a county to
14 contract with any attorney, collection agency or other person to collect unpaid child
15 support or maintenance. If a county fails to fully implement the programs under s.
16 59.53 (5), the department may implement them and may contract with any
17 appropriate person to obtain necessary services. The department shall establish a
18 formula for disbursing funds appropriated under s. ~~20.445 (3)~~ 20.437 (2) (md) to carry
19 out a contract under this subsection.

20 **SECTION 1473.** 49.24 (1) of the statutes is amended to read:

21 **49.24 (1)** From the appropriation under s. 20.445 (3) ~~(k)~~ (b), the department
22 shall provide child support incentive payments to counties. Total payments In fiscal
23 year 2007-08, amounts allocated by the department under this subsection may not
24 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
25 with fiscal year 2008-09, amounts allocated under this subsection may not exceed

1 ~~\$5,690,000~~ \$5,500,000 per fiscal year, plus any amounts not obligated in the prior
2 fiscal year.

3 **SECTION 1474.** 49.24 (1) of the statutes, as affected by 2007 Wisconsin Act
4 (this act), is amended to read:

5 49.24 (1) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (b), the
6 department shall provide child support incentive payments to counties. In fiscal
7 year 2007-08, amounts allocated by the department under this subsection may not
8 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
9 with fiscal year 2008-09, amounts allocated under this subsection may not exceed
10 \$5,500,000 per fiscal year, plus any amounts not obligated in the prior fiscal year.

11 **SECTION 1475.** 49.24 (2) (b) (intro.) of the statutes is amended to read:

12 49.24 (2) (b) (intro.) Subject to the ~~incentive payments limit specified in par.~~
13 (a), the department shall distribute to counties, in accordance with the formula
14 established under par. (a), all of the following:

15 **SECTION 1476.** 49.24 (2) (d) of the statutes is repealed.

16 **SECTION 1477.** 49.26 (1) (d) of the statutes is amended to read:

17 49.26 (1) (d) A county department or Wisconsin ~~works~~ Works agency that
18 provides services under this subsection directly shall develop a plan, in coordination
19 with the school districts located in whole or in part in the county, describing the
20 assistance that the county department or Wisconsin ~~works~~ Works agency and school
21 districts will provide to individuals receiving services under this subsection, the
22 number of individuals that will be served and the estimated cost of the services. The
23 county department or Wisconsin ~~works~~ Works agency shall submit the plan to the
24 department of ~~workforce~~ development and the department of public instruction by
25 January 15, annually.

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1 **SECTION 1478.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

2 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
3 ~~works~~ Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5)
4 or who is a recipient of aid under s. 49.19 is subject to the school attendance
5 requirement under par. (ge) if all of the following apply:

6 **SECTION 1479.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

7 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin ~~works~~
8 Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5) and who
9 fails to meet the school attendance requirement under par. (ge) is subject to a
10 monthly sanction.

11 **SECTION 1480.** 49.27 of the statutes is created to read:

12 **49.27 Legal actions.** The department may sue and be sued.

13 **SECTION 1481.** 49.273 of the statutes is created to read:

14 **49.273 Research, investigations.** The secretary shall plan for and establish
15 within the department a program of research designed to determine the
16 effectiveness of the treatment, curative, and rehabilitative programs of the various
17 divisions of the department. The secretary may inquire into any matter affecting
18 children and families, hold hearings, subpoena witnesses and make
19 recommendations on those matters to the appropriate public or private agencies.

20 **SECTION 1482.** 49.275 of the statutes is amended to read:

21 **49.275 Cooperation with federal government.** The department may
22 cooperate with the federal government in carrying out federal acts concerning public
23 assistance under this subchapter and child welfare under ch. 48 and in other matters
24 of mutual concern under this subchapter pertaining to public welfare and under ch.
25 48 pertaining to child welfare.

1 **SECTION 1483.** 49.32 (1) (a) of the statutes is amended to read:

2 49.32 (1) (a) The Except as provided in s. 49.345 (14) (b) and (c), the department
3 shall establish a uniform system of fees for services provided or purchased under this
4 subchapter and ch. 48 by the department, or a county department under s. 46.215,
5 46.22, or 46.23, except as provided in s. 49.22 (6) and except where when, as
6 determined by the department, a fee is administratively unfeasible or would
7 significantly prevent accomplishing the purpose of the service. A county department
8 under s. 46.215, 46.22 or 46.23 shall apply the fees which that it collects under this
9 program to cover the cost of such those services.

10 **SECTION 1484.** 49.32 (1) (am) of the statutes is created to read:

11 49.32 (1) (am) Paragraph (a) does not prevent the department from charging
12 and collecting the cost of adoptive placement investigations and child care as
13 authorized under s. 48.837 (7).

14 **SECTION 1485.** 49.32 (1) (b) of the statutes is amended to read:

15 49.32 (1) (b) Any Except as provided in s. 49.345 (14) (b) and (c), any person
16 receiving services provided or purchased under par. (a) or the spouse of the person
17 and, in the case of a minor, the parents of the person, and, in the case of a foreign child
18 described in s. 48.839 (1) who became dependent on public funds for his or her
19 primary support before an order granting his or her adoption, the resident of this
20 state appointed guardian of the child by a foreign court who brought the child into
21 this state for the purpose of adoption, shall be liable for the services in the amount
22 of the fee established under par. (a).

23 **SECTION 1486.** 49.32 (1) (c) of the statutes is amended to read:

24 49.32 (1) (c) The department shall make collections from the person who in the
25 opinion of the department is best able to pay, giving due regard to the present needs

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1 of the person or of his or her lawful dependents. The department may bring an action
2 in the name of the department to enforce the liability established under par. (b). This
3 paragraph does not apply to the recovery of fees for the care and services specified
4 under s. 49.345.

5 **SECTION 1487.** 49.32 (2) (d) of the statutes is created to read:

6 49.32 (2) (d) The department shall disburse from state or federal funds or both
7 the entire amount and charge the county for its share under s. 48.569.

8 **SECTION 1488.** 49.32 (9) (a) of the statutes is amended to read:

9 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
10 administering aid to families with dependent children shall maintain a monthly
11 report at its office showing the names of all persons receiving aid to families with
12 dependent children together with the amount paid during the preceding month.
13 Each Wisconsin works Works agency administering Wisconsin works Works under
14 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names
15 of all persons receiving benefits under s. 49.148 together with the amount paid
16 during the preceding month. Nothing in this paragraph shall be construed to
17 authorize or require the disclosure in the report of any information (names, amounts
18 of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children
19 in foster homes or treatment foster homes under s. ~~46.261~~ 48.645 or 49.19 (10).

20 **SECTION 1489.** 49.32 (11) of the statutes is renumbered 103.005 (21) and
21 amended to read:

22 103.005 (21) ~~COMMUNITY ACTION AGENCIES.~~ The department shall distribute all
23 of the funds under s. 20.445 (3) (1) (cr) to community action agencies and
24 organizations, including any of the 11 federally recognized tribal governing bodies
25 in this state and limited-purpose agencies, in proportion to the share of funds

1 actually allocated to these entities under 42 USC 1315 and from other federal and
2 private foundation sources that provide funds for job creation and development for
3 individuals with low incomes.

4 **SECTION 1490.** 49.32 (11m) of the statutes is created to read:

5 49.32 (11m) CONSOLIDATION OF ALLOCATED TRIBAL FUNDS. The department may
6 consolidate funds appropriated under s. 20.437 that are authorized or required to be
7 allocated to federally recognized American Indian tribes or bands into a single
8 distribution for each tribe or band in each fiscal year.

9 **SECTION 1491.** 49.32 (12) of the statutes is amended to read:

10 49.32 (12) ADMINISTRATIVE HEARINGS AND APPEALS. Any hearing under s. 227.42
11 granted by the department under this subchapter or ch. 48 may be conducted before
12 the division of hearings and appeals in the department of administration.

13 **SECTION 1492.** 49.325 (1) (a) of the statutes is amended to read:

14 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
15 submit its final budget for services directly provided or purchased under this
16 subchapter or ch. 48 to the department by December 31 annually.

17 **SECTION 1493.** 49.325 (2) of the statutes is amended to read:

18 49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
19 budget for services directly provided or purchased under this subchapter or ch. 48
20 to the county executive or county administrator or the county board, the county
21 departments listed in sub. (1) shall assess needs and inventory resources and
22 services, using an open public participation process.

23 **SECTION 1494.** 49.325 (2g) (a) of the statutes is amended to read:

24 49.325 (2g) (a) The department shall annually submit to the county board of
25 supervisors in a county with a single-county department or the county boards of

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1 supervisors in counties with a multicounty department a proposed written contract
2 containing the allocation of funds for services directly provided or purchased under
3 this subchapter or ch. 48 and such administrative requirements as necessary. The
4 contract as approved may contain conditions of participation consistent with federal
5 and state law. The contract may also include provisions necessary to ensure uniform
6 cost accounting of services. Any changes to the proposed contract shall be mutually
7 agreed upon. The county board of supervisors in a county with a single-county
8 department or the county boards of supervisors in counties with a multicounty
9 department shall approve the contract before January 1 of the year in which it takes
10 effect unless the department grants an extension. The county board of supervisors
11 in a county with a single-county department or the county boards of supervisors in
12 counties with a multicounty department may designate an agent to approve addenda
13 to any contract after the contract has been approved.

14 **SECTION 1495.** 49.325 (2g) (c) of the statutes is amended to read:

15 49.325 (2g) (c) The joint committee on finance may require the department to
16 submit contracts between county departments under ss. 46.215, 46.22, and 46.23
17 and providers of services under this subchapter or ch. 48 to the committee for review
18 and approval.

19 **SECTION 1496.** 49.325 (2r) (a) 1. of the statutes is amended to read:

20 49.325 (2r) (a) 1. For services under this subchapter ~~which~~ or ch. 48 that
21 duplicate or are inconsistent with services being provided or purchased by the
22 department or other county departments receiving grants-in-aid or reimbursement
23 from the department.

24 **SECTION 1497.** 49.325 (2r) (a) 2. of the statutes is amended to read:

1 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
2 regulations, in which case the department may also arrange for provision of services
3 under this subchapter or ch. 48 by an alternate agency. The department may not
4 arrange for provision of services by an alternate agency unless the joint committee
5 on finance or a review body designated by the committee reviews and approves the
6 department's determination.

7 **SECTION 1498.** 49.325 (3) (a) of the statutes is amended to read:

8 49.325 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the
9 county board of supervisors of each county or the county boards of supervisors of 2
10 or more counties jointly shall establish a citizen advisory committee to the county
11 departments under ss. 46.215, 46.22 and 46.23. The citizen advisory committee shall
12 advise in the formulation of the budget under sub. (1). Membership on the committee
13 shall be determined by the county board of supervisors in a county with a
14 single-county committee or by the county boards of supervisors in counties with a
15 multicounty committee and shall include representatives of those persons receiving
16 services, providers of services and citizens. A majority of the members of the
17 committee shall be citizens and consumers of services. At least one member of the
18 committee shall be chosen from the governing or administrative board of the
19 community action agency serving the county or counties under s. 49.265, if any. The
20 committee's membership may not consist of more than 25% county supervisors, nor
21 of more than 20% services providers. The chairperson of the committee shall be
22 appointed by the county board of supervisors establishing it. In the case of a
23 multicounty committee, the chairperson shall be nominated by the committee and
24 approved by the county boards of supervisors establishing it. The county board of
25 supervisors in a county with a single-county committee or the county boards of

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1 supervisors in counties with a multicounty committee may designate an agent to
2 determine the membership of the committee and to appoint the committee
3 chairperson or approve the nominee.

4 **SECTION 1499.** 49.34 (1) of the statutes is amended to read:

5 49.34 (1) All services under this subchapter and ch. 48 purchased by the
6 department or by a county department under s. 46.215, 46.22, or 46.23 shall be
7 authorized and contracted for under the standards established under this section.
8 The department may require the county departments to submit the contracts to the
9 department for review and approval. For purchases of \$10,000 or less the
10 requirement for a written contract may be waived by the department. No contract
11 is required for care provided by foster homes or treatment foster homes that are
12 required to be licensed under s. 48.62. When the department directly contracts for
13 services, it shall follow the procedures in this section in addition to meeting
14 purchasing requirements established in s. 16.75.

15 **SECTION 1500.** 49.34 (2) of the statutes is amended to read:

16 49.34 (2) All services purchased under this subchapter and ch. 48 shall meet
17 standards established by the department and other requirements specified by the
18 purchaser in the contract. Based on these standards the department shall establish
19 standards for cost accounting and management information systems that shall
20 monitor the utilization of the services, and document the specific services in meeting
21 the service plan for the client and the objective of the service.

22 **SECTION 1501.** 49.34 (4) (a) of the statutes is amended to read:

23 49.34 (4) (a) Except as provided in this subsection, maintain a uniform double
24 entry accounting system and a management information system which are
25 compatible with cost accounting and control systems prescribed by the department.

1 The department shall establish a simplified double-entry bookkeeping system for
2 use by family-operated group homes. Each purchaser shall determine whether a
3 family-operated group home from which it purchases services shall use the
4 double-entry accounting system or the simplified system and shall include this
5 determination in the purchase of service contract. In this paragraph,
6 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for
7 which the licensee is one or more individuals who operate not more than one group
8 home.

9 **SECTION 1502.** 49.34 (4) (c) of the statutes is amended to read:

10 49.34 (4) (c) Unless waived by the department, biennially, or annually if
11 required under federal law, provide the purchaser with a certified financial and
12 compliance audit report if the care and services purchased exceed \$25,000. The audit
13 shall follow standards that the department prescribes. A purchaser may waive the
14 requirements of this paragraph for any family-operated group home, as defined in
15 par. (a), from which it purchases services.

16 **SECTION 1503.** 49.34 (5m) (a) 1. of the statutes is amended to read:

17 49.34 (5m) (a) 1. “Provider” means a nonstock corporation organized under ch.
18 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), and that contracts
19 under this section to provide client services on the basis of a unit rate per client
20 service or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 that
21 contracts under this section to provide client services on the basis of a unit rate per
22 client service.

23 **SECTION 1504.** 49.34 (5m) (b) 1. of the statutes is amended to read:

24 49.34 (5m) (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a
25 contract for the provision of a rate-based service exceeds allowable costs incurred in

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1 the contract period, the provider may retain from the surplus generated by that
2 rate-based service up to 5% of the contract amount. A provider that retains a surplus
3 under this subdivision shall use that retained surplus to cover a deficit between
4 revenue and allowable costs incurred in any preceding or future contract period for
5 the same rate-based service that generated the surplus or to address the
6 programmatic needs of clients served by the same rate-based service that generated
7 the surplus.

8 **SECTION 1505.** 49.34 (5m) (b) 2. of the statutes is amended to read:

9 49.34 (5m) (b) 2. Subject to subd. 3. and par. (em), a provider may accumulate
10 funds from more than one contract period under this paragraph, except that, if at the
11 end of a contract period the amount accumulated from all contract periods for a
12 rate-based service exceeds 10% of the amount of all current contracts for that
13 rate-based service, the provider shall, at the request of a purchaser, return to that
14 purchaser the purchaser's proportional share of that excess and use any of that
15 excess that is not returned to a purchaser to reduce the provider's unit rate per client
16 for that rate-based service in the next contract period. If a provider has held for 4
17 consecutive contract periods an accumulated reserve for a rate-based service that
18 is equal to or exceeds 10% of the amount of all current contracts for that rate-based
19 service, the provider shall apply 50% of that accumulated amount to reducing its unit
20 rate per client for that rate-based service in the next contract period.

21 **SECTION 1506.** 49.34 (5m) (em) of the statutes is created to read:

22 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under
23 s. 46.215, 51.42, or 51.437 providing client services in a county having a population
24 of 500,000 or more or a nonstock, nonprofit corporation providing client services in
25 such a county may not retain a surplus under par. (b) 1. or accumulate funds under

1 par. (b) 2. from revenues that are used to meet the maintenance-of-effort
2 requirement under the federal temporary assistance for needy families program
3 under 42 USC 601 to 619.

4 SECTION 1507. 49.345 of the statutes is created to read:

5 **49.345 Cost of care and maintenance; liability; collection and**
6 **deportation counsel; collections; court actions; recovery. (1)** Liability and
7 the collection and enforcement of such liability for the care, maintenance, services,
8 and supplies specified in this section are governed exclusively by this section, except
9 in cases of child support ordered by a court under s. 48.355 (2) (b) 4., 48.357 (5m) (a),
10 or 48.363 (2) or ch. 767.

11 (2) Except as provided in sub. (14) (b) and (c), any person, including but not
12 limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m), receiving care,
13 maintenance, services, and supplies provided by any institution in this state, in
14 which the state is chargeable with all or part of the person's care, maintenance,
15 services, and supplies, and the person's property and estate, including the
16 homestead, and the spouse of the person, and the spouse's property and estate,
17 including the homestead, and, in the case of a minor child, the parents of the person,
18 and their property and estates, including their homestead, and, in the case of a
19 foreign child described in s. 48.839 (1) who became dependent on public funds for his
20 or her primary support before an order granting his or her adoption, the resident of
21 this state appointed guardian of the child by a foreign court who brought the child
22 into this state for the purpose of adoption, and his or her property and estate,
23 including his or her homestead, shall be liable for the cost of the care, maintenance,
24 services, and supplies in accordance with the fee schedule established by the
25 department under s. 49.32 (1). If a spouse, widow, or minor, or an incapacitated

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1 person may be lawfully dependent upon the property for his or her support, the court
2 shall release all or such part of the property and estate from the charges that may
3 be necessary to provide for the person. The department shall make every reasonable
4 effort to notify the liable persons as soon as possible after the beginning of the
5 maintenance, but the notice or the receipt thereof is not a condition of liability.

6 (3) After investigation of the liable persons' ability to pay, the department shall
7 make collection from the person who in the opinion of the department under all of
8 the circumstances is best able to pay, giving due regard to relationship and the
9 present needs of the person or of the lawful dependents. However, the liability of
10 relatives for maintenance shall be in the following order: first, the spouse of the
11 person; then, in the case of a minor, the parent or parents.

12 (4) (a) If a person liable under sub. (2) fails to make payment or enter into or
13 comply with an agreement for payment, the department may bring an action to
14 enforce the liability or may issue an order to compel payment of the liability. Any
15 person aggrieved by an order issued by the department under this paragraph may
16 appeal the order as a contested case under ch. 227 by filing with the department a
17 request for a hearing within 30 days after the date of the order.

18 (b) If judgment is rendered in an action brought under par. (a) for any balance
19 that is 90 or more days past due, interest at the rate of 12 percent per year shall be
20 computed by the clerk and added to the liable person's costs. That interest shall
21 begin on the date on which payment was due and shall end on the day before the date
22 of any interest that is computed under s. 814.04 (4).

23 (c) If the department issues an order to compel payment under par. (a), interest
24 at the rate of 12 percent per year shall be computed by the department and added

1 at the time of payment to the person's liability. That interest shall begin on the date
2 on which payment was due and shall end on the day before the date of final payment.

3 (5) If any person named in an order to compel payment issued under sub. (4)
4 (a) fails to pay the department any amount due under the terms of the order, and no
5 contested case to review the order is pending, and the time for filing for a contested
6 case review has expired, the department may present a certified copy of the order to
7 the circuit court for any county. The circuit court shall, without notice, render
8 judgment in accordance with the order. A judgment rendered under this subsection
9 shall have the same effect and shall be entered in the judgment and lien docket and
10 may be enforced in the same manner as if the judgment had been rendered in an
11 action tried and determined by the circuit court.

12 (6) The sworn statement of the collection and deportation counsel, or of the
13 secretary, shall be evidence of the fee and of the care and services received by the
14 person.

15 (7) The department shall administer and enforce this section. It shall appoint
16 an attorney to be designated "collection and deportation counsel" and other
17 necessary assistants. The department may delegate to the collection and
18 deportation counsel such other powers and duties as it considers advisable. The
19 collection and deportation counsel or any of the assistants may administer oaths,
20 take affidavits and testimony, examine public records, and subpoena witnesses and
21 the production of books, papers, records, and documents material to any matter of
22 proceeding relating to payments for the cost of maintenance. The department shall
23 encourage agreements or settlements with the liable person, having due regard to
24 ability to pay and the present needs of lawful dependents.

25 (8) The department may do any of the following:

1 (a) Appear for the state in any and all collection and deportation matters
2 arising in the several courts, and may commence suit in the name of the department
3 to recover the cost of maintenance against the person liable therefor.

4 (b) Determine whether any person is subject to deportation, and on behalf of
5 this state enter into reciprocal agreements with other states for deportation and
6 importation of persons who are public charges, upon such terms as will protect the
7 state's interests and promote mutual amicable relations with other states.

8 (c) From time to time investigate the financial condition and needs of persons
9 liable under sub. (2), their present ability to maintain themselves, the persons legally
10 dependent upon them for support, the protection of the property and investments
11 from which they derive their living and their care and protection, for the purpose of
12 ascertaining the person's ability to make payment in whole or in part.

13 (d) After due regard to the case and to a spouse and minor children who are
14 lawfully dependent on the property for support, compromise or waive any portion of
15 any claim of the state or county for which a person specified under sub. (2) is liable,
16 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other
17 3rd party.

18 (e) Make an agreement with a person who is liable under sub. (2), or who may
19 be willing to assume the cost of maintenance of any person, providing for the
20 payment of such costs at a specified rate or amount.

21 (f) Make adjustment and settlement with the several counties for their proper
22 share of all moneys collected.

23 (g) Pay quarterly from the appropriation under s. 20.437 (1) (gg) the collection
24 moneys due county departments under ss. 46.22 and 46.23. Payments shall be made
25 as soon after the close of each quarter as is practicable.

1 **(9)** Any person who willfully testifies falsely as to any material matter in an
2 investigation or proceeding under this section shall be guilty of perjury. Banks,
3 employers, insurers, savings banks, savings and loan associations, brokers, and
4 fiduciaries, upon request of the department, shall furnish in writing and duly
5 certified, full information regarding the property, earnings, or income or any funds
6 deposited to the credit of or owing to any person liable under sub. (2). That certified
7 statement shall be admissible in evidence in any action or proceeding to compel
8 payment under this section, and shall be evidence of the facts stated in the certified
9 statement, if a copy of the statement is served upon the party sought to be charged
10 not less than 3 days before the hearing.

11 **(10)** The department shall make all reasonable and proper efforts to collect all
12 claims for maintenance, to keep payments current, and periodically to review all
13 unpaid claims.

14 **(11)** (a) Except as provided in par. (b), in any action to recover from a person
15 liable under this section, the statute of limitations may be pleaded in defense.

16 (b) If a person who is liable under this section is deceased, a claim may be filed
17 against the decedent's estate and the statute of limitations specified in s. 859.02 shall
18 be exclusively applicable. This paragraph applies to liability incurred on or after
19 July 20, 1985.

20 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in
21 sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in
22 residential, nonmedical facilities such as group homes, foster homes, treatment
23 foster homes, subsidized guardianship homes, and residential care centers for
24 children and youth is determined in accordance with the cost-based fee established
25 under s. 49.32 (1). The department shall bill the liable person up to any amount of

1 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party
2 benefits, subject to rules that include formulas governing ability to pay established
3 by the department under s. 49.32 (1). Any liability of the person not payable by any
4 other person terminates when the person reaches age 18, unless the liable person has
5 prevented payment by any act or omission.

6 (b) Except as provided in par. (c), and subject to par. (cm), liability of a parent
7 specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the parent's minor
8 child who has been placed by a court order under s. 48.355 or 48.357 in a residential,
9 nonmedical facility such as a group home, foster home, treatment foster home,
10 subsidized guardianship home, or residential care center for children and youth
11 shall be determined by the court by using the percentage standard established by the
12 department under s. 49.22 (9) and by applying the percentage standard in the
13 manner established by the department under par. (g).

14 (c) Upon request by a parent, the court may modify the amount of child support
15 payments determined under par. (b), subject to par. (cm), if, after considering the
16 following factors, the court finds by the greater weight of the credible evidence that
17 the use of the percentage standard is unfair to the child or to either of the parents:

- 18 1. The needs of the child.
- 19 2. The physical, mental, and emotional health needs of the child, including any
20 costs for the child's health insurance provided by a parent.
- 21 3. The standard of living and circumstances of the parents, including the needs
22 of each parent to support himself or herself at a level equal to or greater than that
23 established under 42 USC 9902 (2).
- 24 4. The financial resources of the parents.

1 5. The earning capacity of each parent, based on each parent's education,
2 training, and work experience and based on the availability of work in or near the
3 parent's community.

4 6. The need and capacity of the child for education, including higher education.

5 7. The age of the child.

6 8. The financial resources and the earning ability of the child.

7 9. The needs of any person, including dependent children other than the child,
8 whom either parent is legally obligated to support.

9 10. The best interests of the child, including, but not limited to, the impact on
10 the child of expenditures by the family for improvement of any conditions in the home
11 that would facilitate the reunification of the child with the child's family, if
12 appropriate, and the importance of a placement that is the least restrictive of the
13 rights of the child and the parents and the most appropriate for meeting the needs
14 of the child and the family.

15 11. Any other factors that the court in each case determines are relevant.

16 (cm) 1. Except as provided in subd. 2., if a parent who is required to pay child
17 support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the
18 child for whom support is ordered, the amount of the child support payments
19 determined under par. (b) or (c) may not exceed the amount of the adoption assistance
20 maintenance payments under s. 48.975 (3) (a). If an agreement under s. 48.975 (4)
21 is in effect that provides for a payment of \$0 under s. 48.975 (3) (a), the payment of
22 \$0 shall be considered to be an adoption assistance maintenance payment for
23 purposes of this subdivision.

24 2. Subdivision 1. does not apply if, after considering the factors under par. (c)
25 1. to 11., the court finds by the greater weight of the credible evidence that limiting

1 the amount of the child support payments to the amount of the adoption assistance
2 maintenance payments under s. 48.975 (3) (a) is unfair to the child or to either of the
3 parents.

4 (d) If the court finds under par. (c) that use of the percentage standard is unfair
5 to the minor child or either of the parents, the court shall state in writing or on the
6 record the amount of support that would be required by using the percentage
7 standard, the amount by which the court's order deviates from that amount, its
8 reasons for finding that use of the percentage standard is unfair to the child or the
9 parent, its reasons for the amount of the modification, and the basis for the
10 modification.

11 (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), or 48.363 (2)
12 for support determined under this subsection constitutes an assignment of all
13 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or
14 108, and other money due or to be due in the future to the county department under
15 s. 46.22 or 46.23 in the county where the order was entered or to the department,
16 depending upon the placement of the child as specified by rules promulgated under
17 subd. 5. The assignment shall be for an amount sufficient to ensure payment under
18 the order.

19 2. Except as provided in subd. 3., for each payment made under the assignment,
20 the person from whom the payer under the order receives money shall receive an
21 amount equal to the person's necessary disbursements, not to exceed \$3, which shall
22 be deducted from the money to be paid to the payer.

23 3. Benefits under ch. 108 may be assigned and withheld only in the manner
24 provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 shall be for
25 an amount certain. When money is to be withheld from these benefits, no fee may

1 be deducted from the amount withheld and no fine may be levied for failure to
2 withhold the money.

3 4. No employer may use an assignment under this paragraph as a basis for the
4 denial of employment to a person, the discharge of an employee, or any disciplinary
5 action against an employee. An employer who denies employment or discharges or
6 disciplines an employee in violation of this subdivision may be fined not more than
7 \$500 and may be required to make full restitution to the aggrieved person, including
8 reinstatement and back pay. Except as provided in this subdivision, restitution shall
9 be in accordance with s. 973.20. An aggrieved person may apply to the district
10 attorney or to the department of workforce development for enforcement of this
11 subdivision.

12 5. The department shall promulgate rules for the operation and
13 implementation of assignments under this paragraph.

14 (f) If the amount of the child support determined under this subsection is
15 greater than the cost for the care and maintenance of the minor child in the
16 residential, nonmedical facility, the assignee under par. (e) 1. shall expend or
17 otherwise dispose of any funds that are collected in excess of the cost of such care and
18 maintenance in a manner that the assignee determines will serve the best interests
19 of the minor child.

20 (16) The department shall delegate to county departments under ss. 46.22 and
21 46.23 or the local providers of care and services meeting the standards established
22 by the department under s. 49.34 the responsibilities vested in the department under
23 this section for collection of fees for services other than those provided at state
24 facilities, if the county departments or providers meet the conditions that the
25 department determines are appropriate. The department may delegate to county

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1 departments under ss. 46.22 and 46.23 the responsibilities vested in the department
2 under this section for collection of fees for services provided at the state facilities if
3 the necessary conditions are met.

4 **SECTION 1508.** 49.35 (1) (a) of the statutes is amended to read:

5 49.35 (1) (a) The department shall supervise the administration of programs
6 under this subchapter and ch. 48. The department shall submit to the federal
7 authorities state plans for the administration of programs under this subchapter and
8 ch. 48 in such form and containing such information as the federal authorities
9 require, and shall comply with all requirements prescribed to ensure their
10 correctness.

11 **SECTION 1509.** 49.35 (1) (b) of the statutes is amended to read:

12 49.35 (1) (b) All records of the department and all county records relating to
13 programs under this subchapter and ch. 48 and aid under s. 49.18, 1971 stats., s.
14 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,
15 shall be open to inspection at all reasonable hours by authorized representatives of
16 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county
17 records relating to the administration of the services and public assistance specified
18 in this paragraph shall be open to inspection at all reasonable hours by authorized
19 representatives of the department.

20 **SECTION 1510.** 49.35 (2) of the statutes is amended to read:

21 49.35 (2) The county administration of all laws relating to programs under this
22 subchapter and ch. 48 shall be vested in the officers and agencies designated in the
23 statutes.

24 **SECTION 1511.** 49.36 (2) of the statutes is amended to read:

1 49.36 (2) The department may contract with any county, tribal governing body,
2 or Wisconsin Works agency to administer a work experience and job training
3 program for parents who are not custodial parents and who fail to pay child support
4 or to meet their children's needs for support as a result of unemployment or
5 underemployment. The program may provide the kinds of work experience and job
6 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
7 (3), (3m), or (4). The program may also include job search and job orientation
8 activities. The department shall fund the program from the appropriations under
9 s. 20.445 (3) (dz) and (k).

10 **SECTION 1512.** 49.36 (2) of the statutes, as affected by 2007 Wisconsin Act ...

11 (this act), is amended to read:

12 49.36 (2) The department may contract with any county, tribal governing body,
13 or Wisconsin Works agency to administer a work experience and job training
14 program for parents who are not custodial parents and who fail to pay child support
15 or to meet their children's needs for support as a result of unemployment or
16 underemployment. The program may provide the kinds of work experience and job
17 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
18 (3), (3m), or (4). The program may also include job search and job orientation
19 activities. The department shall fund the program from the appropriations under
20 s. ~~20.445 (3)~~ 20.437 (2) (dz) and (k).

21 **SECTION 1513.** 49.45 (2) (a) 1. of the statutes is amended to read:

22 49.45 (2) (a) 1. Exercise responsibility relating to fiscal matters, the eligibility
23 for benefits under standards set forth in ss. 49.46 to 49.47 49.471, and general
24 supervision of the medical assistance program.

25 **SECTION 1514.** 49.45 (2) (a) 3. of the statutes is amended to read:

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1 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
2 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47, and 49.471 and
3 rules and policies adopted by the department and may, under a contract under s.
4 49.78 (2), delegate all, or any portion, of this function to the county department under
5 s. 46.215, 46.22, or 46.23 or a tribal governing body.

6 **SECTION 1515.** 49.45 (2) (a) 17. of the statutes is amended to read:

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

12 **SECTION 1516.** 49.45 (2) (b) 3. of the statutes is amended to read:

13 49.45 (2) (b) 3. Audit all claims filed by any contractor making the payment of
14 benefits paid under ss. 49.46 to 49.47 49.471 and make proper fiscal adjustments.

15 **SECTION 1517.** 49.45 (2) (b) 7. (intro.) of the statutes is amended to read:

16 49.45 (2) (b) 7. (intro.) Require, as a condition of certification under par. (a) 11.,
17 all providers of a specific service that is among those enumerated under s. 49.46 (2)
18 ~~or, 49.47 (6) (a), or 49.471 (11)~~, as specified in this subdivision, to file with the
19 department a surety bond issued by a surety company licensed to do business in this
20 state. Providers subject to this subdivision provide those services specified under s.
21 49.46 (2) ~~or, 49.47 (6) (a), or 49.471 (11)~~ for which providers have demonstrated
22 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),
23 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions
24 under par. (a) 13. The surety bond shall be payable to the department in an amount
25 that the department determines is reasonable in view of amounts of former

1 recoveries against providers of the specific service and the department's costs to
2 pursue those recoveries. The department shall promulgate rules to implement this
3 subdivision that specify all of the following:

4 **SECTION 1518.** 49.45 (3) (ag) of the statutes is amended to read:

5 49.45 (3) (ag) Reimbursement shall be made to each entity contracted with
6 under s. ~~46.281 (1) (e)~~ 46.283 (2) for functional screens screenings performed by the
7 entity.

8 **SECTION 1519.** 49.45 (3) (b) 1. of the statutes is amended to read:

9 49.45 (3) (b) 1. The contractor, if any, administering benefits or providing
10 prepaid health care under s. 49.46, 49.465, 49.468 ~~or~~, 49.47, or 49.471 shall be
11 entitled to payment from the department for benefits so paid or prepaid health care
12 so provided or made available when a certification of eligibility is properly on file
13 with the contractor in addition to the payment of administrative expense incurred
14 pursuant to the contract and as provided in sub. (2) (a) 4., but the contractor shall
15 not be reimbursed for benefits erroneously paid where no certification is on file.

16 **SECTION 1520.** 49.45 (3) (b) 2. of the statutes is amended to read:

17 49.45 (3) (b) 2. The contractor, if any, insuring benefits under s. 49.46, 49.465,
18 49.468 ~~or~~, 49.47, or 49.471 shall be entitled to receive a premium, in an amount and
19 on terms agreed, for such benefits for the persons eligible to receive them and for its
20 services as insurer.

21 **SECTION 1521.** 49.45 (3) (dm) of the statutes is amended to read:

22 49.45 (3) (dm) After distribution of computer software has been made under
23 1993 Wisconsin Act 16, section 9126 (13h), no payment may be made for home health
24 care services provided to persons who are enrolled in the federal medicare program
25 and are recipients of medical assistance under s. 49.46 ~~or~~, 49.47, or 49.471 unless the

SECTION 1521

1 provider of the services has in use the computer software to maximize payments
2 under the federal medicare program under 42 USC 1395.

3 **SECTION 1522.** 49.45 (3) (f) 2. of the statutes is amended to read:

4 49.45 (3) (f) 2. The department may deny any provider claim for reimbursement
5 which cannot be verified under subd. 1. or may recover the value of any payment
6 made to a provider which cannot be so verified. The measure of recovery will be the
7 full value of any claim if it is determined upon audit that actual provision of the
8 service cannot be verified from the provider's records or that the service provided was
9 not included in s. 49.46 (2) or 49.471 (11). In cases of mathematical inaccuracies in
10 computations or statements of claims, the measure of recovery will be limited to the
11 amount of the error.

12 **SECTION 1523.** 49.45 (3) (L) 2. of the statutes is amended to read:

13 49.45 (3) (L) 2. The department may not pay a provider for a designated health
14 service that is authorized under this section or s. 49.46 or, 49.47, or 49.471, that is
15 provided as the result of a referral made to the provider by a physician and that,
16 under 42 USC 1396b (s), if made on behalf of a beneficiary of medicare under the
17 requirements of 42 USC 1395nn, as amended to August 10, 1993, would result in the
18 denial of payment for the service under 42 USC 1395nn.

19 **SECTION 1524.** 49.45 (3) (m) of the statutes is amended to read:

20 49.45 (3) (m) To be certified under sub. (2) (a) 11. to provide transportation by
21 specialized medical vehicle, a person must have at least one human service vehicle,
22 as defined in s. 340.01 (23g), that satisfies the requirements imposed under s. 110.05
23 for a vehicle that is used to transport a person in a wheelchair. If a certified provider
24 uses 2 or more vehicles to provide transportation by specialized medical vehicle, at
25 least 2 of the vehicles must be human service vehicles that satisfy the requirements