

1 **SECTION 1611.** 49.475 (1) (ag) of the statutes is created to read:

2 49.475 (1) (ag) "Covered entity" means any of the following that is not an
3 insurer:

4 1. A nonprofit hospital, as defined in s. 46.21 (2) (m).

5 2. An employer, as defined in s. 101.01 (4), labor union, or other group of persons
6 organized in this state if the employer, labor union, or other group provides
7 prescription drug coverage to covered individuals who reside or are employed in this
8 state.

9 3. A comprehensive or limited health care benefits program administered by
10 the state that provides prescription drug coverage.

11 **SECTION 1612.** 49.475 (1) (am) of the statutes is created to read:

12 49.475 (1) (am) "Covered individual" means an individual who is a member,
13 participant, enrollee, policyholder, certificate holder, contract holder, or beneficiary
14 of a covered entity, or a dependent of the individual, and who receives prescription
15 drug coverage from or through the covered entity.

16 **SECTION 1613.** 49.475 (1) (c) of the statutes is created to read:

17 49.475 (1) (c) "Pharmacy benefits management" means the procurement of
18 prescription drugs at a negotiated rate for dispensation in this state to covered
19 individuals; the administration or management of prescription drug benefits
20 provided by a covered entity for the benefit of covered individuals; or any of the
21 following services provided in the administration of pharmacy benefits:

22 1. Dispensation of prescription drugs by mail.

23 2. Claims processing, retail network management, and payment of claims to
24 pharmacies for prescription drugs dispensed to covered individuals.

25 3. Clinical formulary development and management services.

- 1 4. Rebate contracting and administration.
- 2 5. Conduct of patient compliance, therapeutic intervention, generic
- 3 substitution, and disease management programs.

4 **SECTION 1614.** 49.475 (1) (d) of the statutes is created to read:

5 49.475 (1) (d) "Pharmacy benefits manager" means a person that performs

6 pharmacy benefits management functions.

7 **SECTION 1615.** 49.475 (1) (e) of the statutes is created to read:

8 49.475 (1) (e) "Recipient" means an individual or his or her spouse or dependent

9 who has been or is one of the following:

- 10 1. A recipient of medical assistance or of a program administered under medical
- 11 assistance under a waiver of federal Medicaid laws.
- 12 2. An enrollee of family care.
- 13 3. A recipient of the Badger Care health care program.
- 14 4. An individual who receives benefits under s. 49.68, 49.683, or 49.685.
- 15 5. A participant in the program of prescription drug assistance for elderly
- 16 persons under s. 49.688.
- 17 6. A woman who receives services that are reimbursed under s. 255.06.

18 **SECTION 1616.** 49.475 (1) (f) of the statutes is created to read:

19 49.475 (1) (f) "Third party" means an entity that by statute, rule, or contract

20 is responsible for payment of a claim for a health care item or service. "Third party"

21 includes all of the following:

- 22 1. An insurer.
- 23 2. An employee benefit plan described in 29 USC 1003 (a) that is not exempt
- 24 under 29 USC 1003 (b) and is not a multiple employer welfare arrangement.
- 25 3. A service benefit plan, as specified in 42 USC 1396a (25) (I).

1 4. A pharmacy benefits manager.

2 **SECTION 1617.** 49.475 (2) of the statutes is repealed and recreated to read:

3 49.475 (2) REQUIREMENTS OF 3RD PARTIES. As a condition of doing business in this
4 state, a 3rd party shall do all of the following:

5 (a) Upon the department's request and in the manner prescribed by the
6 department, provide information to the department necessary for the department to
7 ascertain all of the following with respect to a recipient:

8 1. Whether the recipient is being or has been provided coverage or a benefit or
9 service by a 3rd party.

10 2. If subd. 1. applies, the nature and period of time of any coverage, benefit, or
11 service provided, including the name, address, and identifying number of any
12 applicable coverage plan.

13 (b) Accept assignment to the department of a right of a recipient to receive
14 3rd-party payment for an item or service for which payment under medical
15 assistance has been made and accept the department's right to recover any
16 3rd-party payment made for which assignment has not been accepted.

17 (c) Respond to an inquiry by the department concerning a claim for payment
18 of a health care item or service if the department submits the inquiry less than 36
19 months after the date on which the health care item or service was provided.

20 (d) If all of the following apply, agree not to deny a claim submitted by the
21 department under par. (b) solely because of the claim's submission date, the type or
22 format of the claim form, or failure by a recipient to present proper documentation
23 at the time of delivery of the service, benefit, or item that is the basis of the claim:

24 1. The department submits the claim less than 36 months after the date on
25 which the health care item or service was provided.

1 2. Action by the department to enforce the department's rights under this
2 section with respect to the claim is commenced less than 72 months after the
3 department submits the claim.

4 **SECTION 1618.** 49.475 (3) (intro.) of the statutes is amended to read:

5 49.475 (3) WRITTEN AGREEMENT. (intro.) Upon requesting an insurer a 3rd party
6 to provide the information under sub. (2) (a), the department and the 3rd party shall
7 enter into a written agreement ~~with the insurer~~ that satisfies all of the following:

8 **SECTION 1619.** 49.475 (3) (a) of the statutes is amended to read:

9 49.475 (3) (a) Identifies ~~in detail~~ the detailed format of the information to be
10 disclosed provided to the department.

11 **SECTION 1620.** 49.475 (3) (c) of the statutes is amended to read:

12 49.475 (3) (c) Specifies how the insurer's 3rd party's reimbursable costs under
13 sub. (5) will be determined and specifies the manner of payment.

14 **SECTION 1621.** 49.475 (4) (a) of the statutes is amended to read:

15 49.475 (4) (a) ~~An insurer~~ A 3rd party shall provide the information requested
16 under sub. (2) (a) within 180 days after receiving the department's request if it is the
17 first time that the department has requested the insurer 3rd party to disclose
18 information under this section.

19 **SECTION 1622.** 49.475 (4) (b) of the statutes is amended to read:

20 49.475 (4) (b) ~~An insurer~~ A 3rd party shall provide the information requested
21 under sub. (2) (a) within 30 days after receiving the department's request if the
22 department has previously requested the insurer 3rd party to disclose information
23 under this section.

24 **SECTION 1623.** 49.475 (4) (d) of the statutes is created to read:

1 49.475 (4) (d) If a 3rd party other than an insurer fails to comply with par. (a)
2 or (b), the department may so notify the attorney general.

3 **SECTION 1624.** 49.475 (5) of the statutes is amended to read:

4 49.475 (5) From the appropriations under s. 20.435 (4) (bm) and (pa), the
5 department shall reimburse ~~an insurer~~ A 3rd party that provides information under
6 ~~this section~~ sub. (2) (a) for the ~~insurer's~~ 3rd party's reasonable costs incurred in
7 providing the requested information, including its reasonable costs, if any, to develop
8 and operate automated systems specifically for the disclosure of the information
9 ~~under this section.~~

10 **SECTION 1625.** 49.475 (6) of the statutes is created to read:

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

21 **SECTION 1626.** 49.475 (6) of the statutes, as created by 2007 Wisconsin Act
22 (this act), is amended to read:

23 49.475 (6) SHARING INFORMATION. The department of health and family services
24 shall provide to the department of ~~workforce development~~ children and families, for
25 purposes of the medical support liability program under s. 49.22, any information

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

8 **SECTION 1627.** 49.48 (1m) of the statutes is amended to read:

9 49.48 (1m) If an individual who applies for or to renew a certification under
10 sub. (1) does not have a social security number, the individual, as a condition of
11 obtaining the certification, shall submit a statement made or subscribed under oath
12 or affirmation to the department that the applicant does not have a social security
13 number. The form of the statement shall be prescribed by the department of
14 ~~workforce development~~ children and families. A certification issued or renewed in
15 reliance upon a false statement submitted under this subsection is invalid.

16 **SECTION 1628.** 49.48 (2) of the statutes is amended to read:

17 49.48 (2) The department of ~~health and family services~~ may not disclose any
18 information received under sub. (1) to any person except to the department of
19 ~~workforce development~~ children and families for the purpose of making
20 certifications required under s. 49.857.

21 **SECTION 1629.** 49.48 (3) of the statutes is amended to read:

22 49.48 (3) The department of ~~health and family services~~ shall deny an
23 application for the issuance or renewal of a certification specified in sub. (1), shall
24 suspend a certification specified in sub. (1) or may, under a memorandum of
25 understanding under s. 49.857 (2), restrict a certification specified in sub. (1) if the

1 department of ~~workforce development~~ children and families certifies under s. 49.857
2 that the applicant for or holder of the certificate is delinquent in the payment of
3 court-ordered payments of child or family support, maintenance, birth expenses,
4 medical expenses or other expenses related to the support of a child or former spouse
5 or fails to comply, after appropriate notice, with a subpoena or warrant issued by the
6 department of ~~workforce development~~ children and families or a county child
7 support agency under s. 59.53 (5) and related to paternity or child support
8 proceedings.

9 **SECTION 1629m.** 49.485 of the statutes is created to read:

10 **49.485 False claims.** Whoever knowingly presents or causes to be presented
11 to any officer, employee, or agent of this state a false claim for medical assistance
12 shall forfeit not less than \$5,000 nor more than \$10,000, plus 3 times the amount of
13 the damages that were sustained by the state or would have been sustained by the
14 state, whichever is greater, as a result of the false claim. The attorney general may
15 bring an action on behalf of the state to recover any forfeiture incurred under this
16 section.

17 **SECTION 1630.** 49.49 (3m) (a) (intro.) of the statutes is amended to read:

18 49.49 (3m) (a) (intro.) No provider may knowingly impose upon a recipient
19 charges in addition to payments received for services under ss. 49.45 to 49.47 49.471
20 or knowingly impose direct charges upon a recipient in lieu of obtaining payment
21 under ss. 49.45 to 49.47 49.471 except under the following conditions:

22 **SECTION 1631.** 49.49 (3m) (a) 1. of the statutes is amended to read:

23 49.49 (3m) (a) 1. Benefits or services are not provided under s. 49.46 (2) or
24 49.471 (11) and the recipient is advised of this fact prior to receiving the service.

25 **SECTION 1632.** 49.49 (3m) (a) 2. of the statutes is amended to read:

1 49.49 (3m) (a) 2. If an applicant is determined to be eligible retroactively under
2 s. 49.46 (1) (b) or 49.47 (4) (d) and a provider bills the applicant directly for services
3 and benefits rendered during the retroactive period, the provider shall, upon
4 notification of the applicant's retroactive eligibility, submit claims for
5 reimbursement payment under s. 49.45 for covered services or benefits rendered to
6 the recipient during the retroactive period. Upon receipt of payment under s. 49.45,
7 the provider shall reimburse the applicant recipient or other person who has made
8 prior payment to the provider. ~~No provider may be required to reimburse the~~
9 ~~applicant or other person in excess of the amount reimbursed under s. 49.45 for~~
10 ~~services provided to the recipient during the retroactive eligibility period, by the~~
11 ~~amount of the prior payment made.~~

12 SECTION 1633. 49.49 (3m) (a) 2. of the statutes, as affected by 2007 Wisconsin
13 Act (this act), is amended to read:

14 49.49 (3m) (a) 2. If an applicant is determined to be eligible retroactively under
15 s. 49.46 (1) (b) or, 49.47 (4) (d), or 49.471 and a provider bills the applicant directly
16 for services and benefits rendered during the retroactive period, the provider shall,
17 upon notification of the applicant's retroactive eligibility, submit claims for payment
18 under s. 49.45 for covered services or benefits rendered to the recipient during the
19 retroactive period. Upon receipt of payment under s. 49.45, the provider shall
20 reimburse the recipient or other person who has made prior payment to the provider
21 for services provided to the recipient during the retroactive eligibility period, by the
22 amount of the prior payment made.

23 SECTION 1634. 49.49 (3m) (a) 3. of the statutes is amended to read:

24 49.49 (3m) (a) 3. Benefits or services for which recipient copayment,
25 coinsurance, or deductible is required under s. 49.45 (18), not to exceed maximum

1 amounts allowable under 42 CFR 447.53 to 447.58, or for which recipient copayment
2 or coinsurance is required under s. 49.471 (11).

3 **SECTION 1634r.** 49.496 (3) (a) (intro.) of the statutes is amended to read:

4 49.496 (3) (a) (intro.) Except as provided in par. (b), the department shall file
5 a claim against the estate of a recipient for all of the following, subject to the exclusion
6 of any amounts under the Long-Term Care Partnership Program established under
7 s. 49.45 (31), unless already recovered by the department under this section:

8 **SECTION 1635.** 49.497 (title) of the statutes is amended to read:

9 **49.497 (title) Recovery of incorrect Medical Assistance or Badger Care**
10 **payments and of unpaid employer penalties.**

11 **SECTION 1636.** 49.497 (1r) of the statutes is created to read:

12 49.497 (1r) (a) The department may recover any penalty assessment not paid
13 under s. 49.471 (9) (c) from the employer against which the penalty was assessed.
14 If, after notice that payment of a penalty is overdue, the employer who is liable fails
15 to pay the penalty amount, or enter into or comply with an agreement for payment,
16 the department may bring an action to enforce the liability or may issue an order to
17 compel payment of the liability. Any person aggrieved by an order issued by the
18 department under this paragraph may appeal the order as a contested case under
19 ch. 227 by filing with the department a request for a hearing within 30 days after the
20 date of the order. The only issue at the hearing shall be the determination by the
21 department that the person has not paid the penalty or entered into, or complied
22 with, an agreement for payment.

23 (b) If any employer named in an order to compel payment issued under par. (a)
24 fails to pay the department any amount due under the terms of the order and no
25 contested case to review the order is pending and the time for filing for a contested

1 case review has expired, the department may present a certified copy of the order to
2 the circuit court for any county. The sworn statement of the secretary shall be
3 evidence of the failure to pay the penalty. The circuit court shall, without notice,
4 render judgment in accordance with the order. A judgment rendered under this
5 paragraph shall have the same effect and shall be entered in the judgment and lien
6 docket and may be enforced in the same manner as if the judgment had been
7 rendered in an action tried and determined by the circuit court.

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

10 **SECTION 1637.** 49.497 (4) of the statutes is amended to read:

11 49.497 (4) The department may appear for the state in any and all collection
12 matters under this section, and may commence suit in the name of the department
13 to recover an incorrect payment from the recipient to whom or on whose behalf it was
14 made or to recover an unpaid penalty from the employer against which the penalty
15 was assessed.

16 **SECTION 1638.** 49.665 (4) (ap) 2. of the statutes is repealed.

17 **SECTION 1639.** 49.665 (4) (at) 1. a. of the statutes is amended to read:

18 49.665 (4) (at) 1. a. Except as provided in subd. 1. b., the department shall
19 establish a lower maximum income level for the initial eligibility determination if
20 funding under s. 20.435 (4) ~~(be)~~, (jz), (p), and (x), and (xd) is insufficient to
21 accommodate the projected enrollment levels for the health care program under this
22 section. The adjustment may not be greater than necessary to ensure sufficient
23 funding.

24 **SECTION 1640.** 49.665 (4) (at) 1. cm. of the statutes is amended to read:

1 49.665 (4) (at) 1. cm. Notwithstanding s. 20.001 (3) (b), if, after reviewing the
2 plan submitted under subd. 1. b., the joint committee on finance determines that the
3 amounts appropriated under s. 20.435 (4) ~~(be)~~, (jz), (p), ~~and (x)~~, and (xd) are
4 insufficient to accommodate the projected enrollment levels, the committee may
5 transfer appropriated moneys from the general purpose revenue appropriation
6 account of any state agency, as defined in s. 20.001 (1), other than a sum sufficient
7 appropriation account, to the appropriation account under s. 20.435 (4) ~~(be)~~ (b) to
8 supplement the health care program under this section if the committee finds that
9 the transfer will eliminate unnecessary duplication of functions, result in more
10 efficient and effective methods for performing programs, or more effectively carry out
11 legislative intent, and that legislative intent will not be changed by the transfer.

12 **SECTION 1641.** 49.665 (4) (at) 2. of the statutes is amended to read:

13 49.665 (4) (at) 2. If, after the department has established a lower maximum
14 income level under subd. 1., projections indicate that funding under s. 20.435 (4) ~~(be)~~,
15 (jz), (p), ~~and (x)~~, and (xd) is sufficient to raise the level, the department shall, by state
16 plan amendment, raise the maximum income level for initial eligibility, but not to
17 exceed 185% of the poverty line.

18 **SECTION 1641d.** 49.665 (4g) of the statutes is created to read:

19 49.665 (4g) DISEASE MANAGEMENT PROGRAM. Based on the health conditions
20 identified by the physical health risk assessments, if performed under sub. (4m), the
21 department shall develop and implement, for individuals who are eligible under sub.
22 (4), disease management programs that are similar to that developed and followed
23 by the Marshfield Clinic in this state under the Physician Group Practice
24 Demonstration Program authorized under 42 USC 1315 (e) and (f). These programs
25 shall have at least the following characteristics:

1 (a) The use of information science to improve health care delivery by
2 summarizing a patient's health status and providing reminders for preventive
3 measures.

4 (b) Educating health care providers on health care process improvement by
5 developing best practice models.

6 (c) The improvement and expansion of care management programs to assist in
7 standardization of best practices, patient education, support systems, and
8 information gathering.

9 (d) Establishment of a system of provider compensation that is aligned with
10 clinical quality, practice management, and cost of care.

11 (e) Focus on patient care interventions for certain chronic conditions, to reduce
12 hospital admissions.

13 **SECTION 1641e.** 49.665 (4m) of the statutes is created to read:

14 49.665 (4m) PHYSICAL HEALTH RISK ASSESSMENT. The department shall
15 encourage each individual who is determined on or after the effective date of this
16 subsection [revisor inserts date], to be eligible under sub. (4) to receive a physical
17 health risk assessment as part of the first physical examination the individual
18 receives under Badger Care.

19 **SECTION 1642.** 49.665 (5m) of the statutes is repealed and recreated to read:

20 49.665 (5m) INFORMATION ABOUT BADGER CARE RECIPIENTS. The department
21 shall obtain and share information about Badger Care health care program
22 recipients as provided in s. 49.475.

23 **SECTION 1644.** 49.665 (7) (a) 1. of the statutes is amended to read:

24 49.665 (7) (a) 1. Notwithstanding sub. (4) (a) 3m. and ~~(ap) 2.~~, the department
25 shall mail information verification forms to the employers of the individuals required

1 to provide the verifications under sub. (4) (a) 3m. and (ap) 2. to obtain the information
2 specified.

3 **SECTION 1646.** 49.686 (6) of the statutes is created to read:

4 49.686 (6) HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM. (a) Subject
5 to par. (b), the department shall conduct a 3-year pilot program, to begin on January
6 1, 2008, under which the department may pay premiums for coverage under the
7 Health Insurance Risk-Sharing Plan under subch. II of ch. 149, and pay copayments
8 under that plan for prescription drugs for which reimbursement may be provided
9 under sub. (2), for individuals who satisfy all of the following:

- 10 1. The individuals are eligible for reimbursement under this section.
- 11 2. The individuals are currently taking antiretroviral drugs.
- 12 3. The individuals do not have health insurance coverage.
- 13 4. The individuals are not eligible for premium subsidies under s. 252.16 or
14 252.17 because they are not on unpaid medical leave, are not unable to continue
15 employment, and have not had to reduce their employment hours because of an
16 illness or medical condition arising from or related to HIV.

17 (b) The pilot program shall be open to a minimum of 100 participants, with
18 more participants if the department determines that it is cost-effective.

19 (c) The department may promulgate rules for the administration of the pilot
20 program. Notwithstanding s. 227.24 (3), rules under this paragraph may be
21 promulgated as emergency rules under s. 227.24 without a finding of emergency.

22 **SECTION 1650.** 49.687 (6) of the statutes is created to read:

23 49.687 (6) The department shall obtain and share information about
24 individuals who receive benefits under s. 49.68, 49.683, or 49.685 as provided in s.
25 49.475.

1 **SECTION 1651.** 49.688 (5) (a) (intro.) of the statutes is amended to read:

2 49.688 (5) (a) (intro.) Beginning on September 1, 2002, except as provided in
3 sub. (7) (b), as a condition of participation by a pharmacy or pharmacist in the
4 program under s. 49.45, 49.46, ~~or 49.47,~~ or 49.471, the pharmacy or pharmacist may
5 not charge a person who presents a valid prescription order and a card indicating
6 that he or she meets eligibility requirements under sub. (2) an amount for a
7 prescription drug under the order that exceeds the following:

8 **SECTION 1655.** 49.688 (8m) of the statutes is repealed and recreated to read:

9 49.688 (8m) The department shall obtain and share information about
10 participants in the program under this section as provided in s. 49.475.

11 **SECTION 1656.** 49.775 (2) (bm) of the statutes is amended to read:

12 49.775 (2) (bm) The custodial parent assigns to the state any right of the
13 custodial parent or of the dependent child to support from any other person. No
14 amount of support that begins to accrue after the individual ceases to receive
15 payments under this section may be considered assigned to the state. Any money
16 that is received by the department of ~~workforce development~~ children and families
17 under an assignment to the state under this paragraph and that is not the federal
18 share of support shall be paid to the custodial parent. The department of ~~workforce~~
19 ~~development~~ children and families shall pay the federal share of support assigned
20 under this paragraph as required under federal law or waiver.

21 **SECTION 1657.** 49.78 (4) of the statutes is amended to read:

22 49.78 (4) **RULES; MERIT SYSTEM.** The department of ~~workforce development~~
23 children and families shall promulgate rules for the efficient administration of aid
24 to families with dependent children in agreement with the requirement for federal
25 aid, including the establishment and maintenance of personnel standards on a merit

1 basis. The provisions of this section relating to personnel standards on a merit basis
2 supersede any inconsistent provisions of any law relating to county personnel. This
3 subsection shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

4 **SECTION 1658.** 49.78 (5) of the statutes is amended to read:

5 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
6 qualifications of applicants in any county department administering aid to families
7 with dependent children shall be given by the administrator of the division of merit
8 recruitment and selection in the office of state employment relations. The office of
9 state employment relations shall be reimbursed for actual expenditures incurred in
10 the performance of its functions under this section from the appropriations available
11 to the department of ~~health and family services~~ children and families for
12 administrative expenditures.

13 **SECTION 1659.** 49.78 (7) of the statutes is amended to read:

14 49.78 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under
15 sub. (4), the department of ~~workforce development~~ children and families where
16 requested by the county shall delegate to that county, without restriction because of
17 enumeration, any or all of the authority of the department of ~~workforce~~
18 ~~development's authority~~ children and families under sub. (4) to establish and
19 maintain personnel standards including salary levels.

20 **SECTION 1660.** 49.785 (1) (intro.) of the statutes is amended to read:

21 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient of benefits
22 ~~under s. 49.148, 49.46 or 49.77, or under 42 USC 1381 to 1385 in effect on~~
23 May 8, 1980, specified in sub. (1c) dies and the estate of the deceased recipient is
24 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
25 recipient, the county or applicable tribal governing body or organization responsible

1 for burial of the recipient shall pay, to the person designated by the county
2 department under s. 46.215, 46.22, or 46.23 or applicable tribal governing body or
3 organization responsible for the burial of the recipient, all of the following:

4 **SECTION 1661.** 49.785 (1c) of the statutes is created to read:

5 49.785 (1c) All of the following are eligible recipients under this section:

6 (a) A recipient of benefits under s. 49.148, 49.46, or 49.77, or under 42 USC 1381
7 to 1385 in effect on May 8, 1980.

8 (b) A recipient of benefits under s. 49.471 who is any of the following:

9 1. A pregnant woman or a child under 6 years of age with a family income not
10 exceeding 185 percent of the poverty line at the time of death.

11 2. A child at least 6 years of age but less than 19 years of age with a family
12 income not exceeding 100 percent of the poverty line at the time of death.

13 3. A parent or caretaker relative with a family income not exceeding 50 percent
14 of the poverty line at the time of death.

15 **SECTION 1662.** 49.79 (1) (b) of the statutes is repealed.

16 **SECTION 1663.** 49.79 (1) (d) of the statutes is repealed.

17 **SECTION 1664.** 49.79 (1) (e) of the statutes is repealed.

18 **SECTION 1665.** 49.79 (1) (g) of the statutes is created to read:

19 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
20 in s. 49.141 (1) (r).

21 **SECTION 1666.** 49.79 (2) (a) of the statutes is repealed.

22 **SECTION 1667.** 49.79 (2) (b) of the statutes is renumbered 49.79 (2) and
23 amended to read:

1 49.79 (2) An individual who fails to comply with the work requirements of the
2 employment and training program under ~~s. 49.13 (2) (a) sub. (9)~~ is ineligible to
3 participate in the food stamp program as specified under ~~s. 49.13 (3) sub. (9) (b)~~.

4 **SECTION 1667f.** 49.79 (8m) of the statutes is created to read:

5 49.79 (8m) APPLICANTS FROM CORRECTIONAL INSTITUTIONS. (a) The department
6 shall allow a prisoner who is applying for the food stamp program from a correctional
7 institution in anticipation of being released from the institution to use the address
8 of the correctional institution as his or her address on the application.

9 (b) The department shall allow an employee of a correctional institution who
10 has been authorized by a prisoner of the institution to act on his or her behalf in
11 matters related to the food stamp program to receive and conduct telephone calls on
12 behalf of the prisoner in matters related to the food stamp program.

13 **SECTION 1669.** 49.79 (10) of the statutes is repealed.

14 **SECTION 1670.** 49.81 (intro.) of the statutes is amended to read:

15 **49.81 Public assistance recipients' bill of rights.** (intro.) The department
16 of health and family services, the department of ~~workforce development~~ children and
17 families, and all public assistance and relief-granting agencies shall respect rights
18 for recipients of public assistance. The rights shall include all rights guaranteed by
19 the U.S. constitution and the constitution of this state, and in addition shall include:

20 **SECTION 1671.** 49.81 (4) of the statutes is amended to read:

21 49.81 (4) The right to a speedy determination of the recipient's status or
22 eligibility for public assistance, to notice of any proposed change in such status or
23 eligibility, and, in the case of assistance granted under s. 49.19, 49.46, 49.468 ~~or~~
24 49.47, or 49.471, to a speedy appeals process for resolving contested determinations.

25 **SECTION 1672.** 49.82 (1) of the statutes is amended to read:

1 ~~49.82 (1) DEPARTMENTS TO ADVISE COUNTIES.~~ The department of health and
2 family services and the department of ~~workforce development~~ children and families
3 shall advise all county officers charged with the administration of requirements
4 relating to public assistance programs under this chapter and shall render all
5 possible assistance in securing compliance therewith, including the preparation of
6 necessary forms and reports. The department of health and family services and the
7 department of ~~workforce development~~ children and families shall also publish any
8 information that those departments consider advisable to acquaint persons entitled
9 to public assistance, and the public generally, with the laws governing public
10 assistance under this chapter.

11 **SECTION 1673.** 49.82 (2) of the statutes is renumbered 49.82 (2) (a) and
12 amended to read:

13 49.82 (2) (a) ~~Proof shall be provided~~ Except as provided in par. (b), for each
14 person included in an application for public assistance under this chapter, ~~except for~~
15 ~~a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42~~
16 ~~USC 1396a (e) (4) or an unborn child who is eligible for coverage under the Badger~~
17 ~~Care health care program under s. 49.665 (4) (ap),~~ proof shall be provided of his or
18 her social security number or that an application for a social security number has
19 been made.

20 **SECTION 1674.** 49.82 (2) (b) of the statutes is created to read:

21 49.82 (2) (b) Paragraph (a) does not apply to any of the following:

22 1. A child who is eligible for medical assistance under s. 49.46 or 49.47 because
23 of 42 USC 1396a (e) (4).

24 2. An unborn child who is eligible for coverage under the Badger Care health
25 care program under s. 49.665 (4) (ap).

1 3. A person who is applying for medical assistance under subch. IV, coverage
2 under the Badger Care health care program under s. 49.665, or coverage under the
3 program for prescription drug assistance for elderly persons under s. 49.688 and who
4 refuses to obtain a social security number because of well-established religious
5 objections, as defined in 42 CFR 435.910 (h) (2).

6 **SECTION 1675.** 49.82 (2) (b) 1. of the statutes, as created by 2007 Wisconsin Act
7 (this act), is amended to read:

8 49.82 (2) (b) 1. A child who is eligible for medical assistance under s. 49.46 or,
9 49.47, or 49.471 because of 42 USC 1396a (e) (4).

10 **SECTION 1676.** 49.82 (2) (b) 2. of the statutes, as created by 2007 Wisconsin Act
11 (this act), is amended to read:

12 49.82 (2) (b) 2. An unborn child who is eligible for coverage under s. 49.471 or
13 the Badger Care health care program under s. 49.665 (4) (ap).

14 **SECTION 1677.** 49.83 of the statutes is amended to read:

15 **49.83 Limitation on giving information.** Except as provided under s. 49.32
16 (9), (10), and (10m), no person may use or disclose information concerning applicants
17 and recipients of relief funded by a relief block grant, aid to families with dependent
18 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and
19 spousal support and establishment of paternity and medical support liability
20 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not
21 connected with the administration of the programs, except that the department of
22 ~~workforce development~~ children and families may disclose such information to the
23 department of revenue for the sole purpose of administering state taxes. Any person
24 violating this section may be fined not less than \$25 nor more than \$500 or
25 imprisoned in the county jail not less than 10 days nor more than one year or both.

1 **SECTION 1678.** 49.84 (6) of the statutes is created to read:

2 49.84 (6) (a) In this subsection, "department" means the department of health
3 and family services.

4 (b) 1. Notwithstanding any other eligibility requirements for the programs
5 specified in par. (c), unless excepted by par. (c) an applicant for or recipient under any
6 of those programs who declares himself or herself to be a citizen or national of the
7 United States shall provide, as a further condition of eligibility, satisfactory
8 documentary evidence, as provided in par. (d), that he or she is a citizen or national
9 of the United States.

10 2. An applicant shall provide the documentation at the time of application. If
11 a recipient was not required to provide documentation at the time he or she applied,
12 the recipient shall provide the documentation the first time his or her eligibility is
13 reviewed or redetermined after the effective date of this subdivision [revisor
14 inserts date]. An applicant or recipient shall be granted a reasonable time, as
15 determined by the department, to submit the documentation before his or her
16 eligibility is denied or terminated.

17 (c) The requirement to provide satisfactory documentary evidence under par.
18 (b) applies to applicants for and recipients under all of the following:

19 1. The Medical Assistance program under subch. IV, except for any of the
20 following:

21 a. An applicant or recipient who is entitled to benefits under or enrolled in any
22 part of Medicare under 42 USC 1395 et seq., as amended.

23 b. An applicant or recipient who is receiving supplemental security income
24 under 42 USC 1381 to 1383c.

25 c. A person who is eligible for medical assistance under s. 49.45 (27).

1 d. A child who is receiving medical assistance under s. 49.46 (1) (a) 13. or 49.47
2 (4) (am) 3.

3 e. A pregnant woman who is receiving medical assistance under s. 49.465.

4 2. The Badger Care health care program under s. 49.665, except for an unborn
5 child under s. 49.665 (4) (ap).

6 3. The part of the prescription drug assistance for elderly persons program
7 under s. 49.688 that is supported by a Medical Assistance waiver under 42 USC 1315
8 (a), as authorized under s. 49.688 (11).

9 (d) Satisfactory documentary evidence that an applicant or a recipient is a
10 citizen or national of the United States consists of the documents or other forms of
11 evidence specified in 42 CFR 435.407.

12 **SECTION 1679.** 49.84 (6) (c) 1. d. of the statutes, as created by 2007 Wisconsin
13 Act (this act), is amended to read:

14 49.84 (6) (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1)
15 (a) 13. ~~or, 49.47 (4) (am) 3., or 49.471 (4) (a) 2. or (b) 2. or an unborn child receiving~~
16 prenatal care under s. 49.471.

17 **SECTION 1680.** 49.84 (6) (c) 1. e. of the statutes, as created by 2007 Wisconsin
18 Act (this act), is amended to read:

19 49.84 (6) (c) 1. e. A pregnant woman who is receiving medical assistance under
20 s. 49.465 or a child or pregnant woman who is receiving medical assistance under s.
21 49.471 (5) (b) 1. or 2.

22 **SECTION 1681.** 49.845 (1) of the statutes is amended to read:

23 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
24 (bn), (kz), (L), and (nn), the department of health and family services shall establish
25 a program to investigate suspected fraudulent activity on the part of recipients of

1 medical assistance under subch. IV, food stamp benefits under the food stamp
2 program under 7 USC 2011 to 2036, supplemental security income payments under
3 s. 49.77, payments for the support of children of supplemental security income
4 recipients under s. 49.775, and health care benefits under the Badger Care health
5 care program under s. 49.665 and, if the department of ~~workforce development~~
6 children and families contracts with the department of health and family services
7 under sub. (4), on the part of recipients of aid to families with dependent children
8 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to
9 49.161. The activities of the department of health and family services under this
10 subsection may include comparisons of information provided to the department by
11 an applicant and information provided by the applicant to other federal, state, and
12 local agencies, development of an advisory welfare investigation prosecution
13 standard, and provision of funds to county departments under ss. 46.215, 46.22, and
14 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The
15 department of health and family services shall cooperate with district attorneys
16 regarding fraud prosecutions.

17 **SECTION 1682.** 49.845 (2) of the statutes is amended to read:

18 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and
19 family services shall conduct activities to reduce payment errors in the Medical
20 Assistance program under subch. IV, the food stamp program under 7 USC 2011 to
21 2036, the supplemental security income payments program under s. 49.77, the
22 program providing payments for the support of children of supplemental security
23 income recipients under s. 49.775, and the Badger Care health care program under
24 s. 49.665 and, if the department of ~~workforce development~~ children and families

1 contracts with the department of health and family services under sub. (4), in
2 Wisconsin Works under ss. 49.141 to 49.161.

3 **SECTION 1683.** 49.845 (3) of the statutes is amended to read:

4 49.845 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of
5 ~~workforce development children and families~~ contracts with the department of
6 health and family services under sub. (4), the department of health and family
7 services shall provide funds from the appropriation under s. 20.435 (4) (kz) to
8 Wisconsin Works agencies to offset the administrative costs of reducing payment
9 errors in Wisconsin Works under ss. 49.141 to 49.161.

10 **SECTION 1684.** 49.845 (4) of the statutes is amended to read:

11 49.845 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m)
12 and (3), the department of ~~workforce development children and families~~ may
13 contract with the department of health and family services to investigate suspected
14 fraudulent activity on the part of recipients of aid to families with dependent
15 children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to
16 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under
17 ss. 49.141 to 49.161, as provided in this section.

18 **SECTION 1685.** 49.85 (1) of the statutes is amended to read:

19 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
20 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
21 Indian tribe or band determines that the department of health and family services
22 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department
23 of ~~workforce development children and families~~ may recover an amount under s.
24 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county
25 department or governing body shall notify the affected department of the

1 determination. If a Wisconsin Works agency determines that the department of
2 ~~workforce development~~ children and families may recover an amount under s. 49.161
3 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works
4 agency shall notify the department of ~~workforce development~~ children and families
5 of the determination.

6 **SECTION 1686.** 49.85 (2) (b) of the statutes is amended to read:

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

17 **SECTION 1687.** 49.85 (3) (b) (intro.) of the statutes is amended to read:

18 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
19 department of ~~workforce development~~ children and families shall send a notice to the
20 last-known address of the person from whom that department intends to recover or
21 collect the amount. The notice shall do all of the following:

22 **SECTION 1688.** 49.85 (3) (b) 1. of the statutes is amended to read:

23 49.85 (3) (b) 1. Inform the person that the department of ~~workforce~~
24 ~~development~~ children and families intends to certify to the department of revenue
25 an amount that the department of ~~workforce development~~ children and families has

SECTION 1688

1 determined to be due under s. 49.161 or 49.195 (3) or to be delinquent under a
2 repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax
3 refund that may be due the person.

4 **SECTION 1689.** 49.85 (3) (b) 2. of the statutes is amended to read:

5 49.85 (3) (b) 2. Inform the person that he or she may appeal the determination
6 of the department of ~~workforce development~~ children and families to certify the
7 amount by requesting a hearing under sub. (4) within 30 days after the date of the
8 letter and inform the person of the manner in which he or she may request a hearing.

9 **SECTION 1690.** 49.85 (3) (b) 3. of the statutes is amended to read:

10 49.85 (3) (b) 3. Inform the person that, if the determination of the department
11 of ~~workforce development~~ children and families is appealed, that department will
12 not certify the amount to the department of revenue while the determination of the
13 department of ~~workforce development~~ children and families is under appeal.

14 **SECTION 1691.** 49.85 (3) (b) 4. of the statutes is amended to read:

15 49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is
16 requested to appeal the determination of the department of ~~workforce development~~
17 children and families, the person may be precluded from challenging any subsequent
18 setoff of the certified amount by the department of revenue, except on the grounds
19 that the certified amount has been partially or fully paid or otherwise discharged,
20 since the date of the notice.

21 **SECTION 1692.** 49.85 (3) (b) 5. of the statutes is amended to read:

22 49.85 (3) (b) 5. Request that the person inform the department of ~~workforce~~
23 ~~development~~ children and families if a bankruptcy stay is in effect with respect to the
24 person or if the claim has been discharged in bankruptcy.

25 **SECTION 1693.** 49.85 (4) (b) of the statutes is amended to read:

1 49.85 (4) (b) If a person has requested a hearing under this subsection, the
2 department of ~~workforce development~~ children and families shall hold a contested
3 case hearing under s. 227.44, except that the department of ~~workforce development~~
4 children and families may limit the scope of the hearing to exclude issues that were
5 presented at a prior hearing or that could have been presented at a prior opportunity
6 for hearing.

7 **SECTION 1694.** 49.85 (5) of the statutes is amended to read:

8 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
9 of revenue shall constitute a lien, equal to the amount certified, on any state tax
10 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
11 of revenue as a setoff under s. 71.93. Certification of an amount under this section
12 does not prohibit the department of health and family services or the department of
13 ~~workforce development~~ children and families from attempting to recover or collect
14 the amount through other legal means. The department of health and family
15 services or the department of ~~workforce development~~ children and families shall
16 promptly notify the department of revenue upon recovery or collection of any amount
17 previously certified under this section.

18 **SECTION 1695.** 49.852 (1) of the statutes is renumbered 49.852 (1m) and
19 amended to read:

20 49.852 (1m) The department of ~~workforce development~~ may direct the
21 department of employee trust funds, the retirement system of any 1st class city, any
22 retirement system established under chapter 201, laws of 1937, or the administrator
23 of any other pension plan to withhold the amount specified in the statewide support
24 lien docket under s. 49.854 (2) (b) from any lump sum payment from a pension plan
25 that may be paid a delinquent support obligor, except that the department of

1 ~~workforce development~~ may not direct that an amount be withheld under this
2 subsection unless it has met the notice requirements under sub. (2) and unless the
3 amount specified has either not been appealed or is no longer under appeal under s.
4 49.854.

5 **SECTION 1696.** 49.852 (1c) of the statutes is created to read:

6 49.852 (1c) In this section, "department" means the department of children
7 and families.

8 **SECTION 1697.** 49.852 (2) (intro.) of the statutes is amended to read:

9 49.852 (2) (intro.) The department of ~~workforce development~~ shall send a
10 notice to the last-known address of the person from whom the department intends
11 to recover the amount specified in the statewide support lien docket under s. 49.854
12 (2) (b). The notice shall do all of the following:

13 **SECTION 1698.** 49.852 (2) (c) of the statutes is amended to read:

14 49.852 (2) (c) Request that the person inform the department of ~~workforce~~
15 ~~development~~ or the appropriate county child support agency under s. 59.53 (5) if a
16 bankruptcy stay is in effect with respect to the person.

17 **SECTION 1699.** 49.852 (3) of the statutes is amended to read:

18 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the
19 hearing shall be conducted before the circuit court that rendered the initial order to
20 pay support. The court shall schedule a hearing within 10 business days after
21 receiving a request for a hearing. A circuit court commissioner may conduct the
22 hearing. If the court determines that the person owes the amount specified in the
23 statewide support lien docket under s. 49.854 (2) (b), the department of ~~workforce~~
24 ~~development~~ may direct the department of employee trust funds, the retirement
25 system of any 1st class city, any retirement system established under chapter 201,

1 laws of 1937, or the administrator of any other pension plan, whichever is
2 appropriate, to withhold the amount from any lump sum payment from a pension
3 plan that may be paid the person. If the court determines that the person does not
4 owe the amount specified in the statewide support lien docket under s. 49.854 (2) (b),
5 the department of workforce development may not direct the department of
6 employee trust funds, the retirement system of any 1st class city, any retirement
7 system established under chapter 201, laws of 1937, or the administrator of any
8 other pension plan, whichever is appropriate, to withhold the amount from any lump
9 sum payment from a pension plan that may be paid the person.

10 **SECTION 1700.** 49.852 (4) (a) of the statutes is amended to read:

11 49.852 (4) (a) If the department of workforce development directs the
12 department of employee trust funds, the retirement system of any 1st class city, any
13 retirement system established under chapter 201, laws of 1937, or the administrator
14 of any other pension plan to withhold the amount specified in the statewide support
15 lien docket under s. 49.854 (2) (b), this directive shall constitute a lien, equal to the
16 amount specified in the statewide support lien docket, on any lump sum payment
17 from a pension plan that may be paid the person.

18 **SECTION 1701.** 49.852 (4) (b) of the statutes is amended to read:

19 49.852 (4) (b) If the department of workforce development directs the
20 department of employee trust funds, the retirement system of any 1st class city, any
21 retirement system established under chapter 201, laws of 1937, or the administrator
22 of any other pension plan to withhold the amount specified in the statewide support
23 lien docket under s. 49.854 (2) (b), the department of employee trust funds, the
24 retirement system of any 1st class city, any retirement system established under
25 chapter 201, laws of 1937, or the administrator of any other pension plan shall deduct

SECTION 1701

1 from any lump sum payment that may be paid the person the amount specified in
2 the statewide support lien docket, less any amount specified under par. (d). If the
3 amount specified in the statewide support lien docket under s. 49.854 (2) (b), less any
4 amount specified under par. (d), exceeds the lump sum payment, the department of
5 employee trust funds, the retirement system of any 1st class city, any retirement
6 system established under chapter 201, laws of 1937, or the administrator of any
7 other pension plan shall deduct the entire lump sum payment, less any withholdings
8 otherwise required by law. The amount deducted under this paragraph shall be
9 remitted to the department of ~~workforce development~~.

10 **SECTION 1702.** 49.852 (4) (c) of the statutes is amended to read:

11 49.852 (4) (c) A directive to the department of employee trust funds, the
12 retirement system of any 1st class city, any retirement system established under
13 chapter 201, laws of 1937, or the administrator of any other pension plan to withhold
14 the amount specified in the statewide support lien docket under s. 49.854 (2) (b)
15 under this section does not prohibit the department of ~~workforce development~~ from
16 attempting to recover the amount through other legal means.

17 **SECTION 1703.** 49.852 (4) (d) of the statutes is amended to read:

18 49.852 (4) (d) The department of ~~workforce development~~ shall promptly notify
19 the department of employee trust funds, the retirement system of any 1st class city,
20 any retirement system established under chapter 201, laws of 1937, or the
21 administrator of any other pension plan upon recovery of any amount previously
22 specified in the statewide support lien docket under s. 49.854 (2) (b).

23 **SECTION 1704.** 49.853 (1) (b) of the statutes is amended to read:

24 49.853 (1) (b) "Department" means the department of ~~workforce development~~
25 children and families.

1 **SECTION 1705.** 49.854 (1) (a) of the statutes is amended to read:

2 49.854 (1) (a) "Department" means the department of workforce development
3 children and families.

4 **SECTION 1706.** 49.854 (5) (a) 3. of the statutes is created to read:

5 49.854 (5) (a) 3. "Lien" means a lien under this section or a lien in favor of
6 another state based on a support obligation, including a lien placed under s. 769.305
7 (2) (g).

8 **SECTION 1707.** 49.854 (5) (b) of the statutes is amended to read:

9 49.854 (5) (b) *Notice to the financial institution.* To enforce a lien under this
10 section by levying against an account at a financial institution, the department shall
11 send a notice of levy to the financial institution instructing the financial institution
12 to prohibit the closing of or withdrawals from one or more accounts that the obligor
13 owns in whole or in part, up to a total amount that is sufficient to pay the support
14 owed, financial institution fees under par. (e), and estimated levy fees and costs
15 under sub. (11), until further notice from the department or a court. The financial
16 institution shall comply with the notice of levy and shall hold the amount specified
17 in the notice until the financial institution receives further instructions from the
18 department or a court.

19 **SECTION 1708.** 49.854 (5) (c) of the statutes is created to read:

20 49.854 (5) (c) *Liens in favor of other states.* Notwithstanding par. (b), if a lien
21 under par. (b) is in favor of another state, the notice sent by the department to the
22 financial institution may consist of the request from the other state to enforce the
23 lien, a certification by the department that any necessary due process requirements
24 were met in the other state, a request that the financial institution honor the request
25 from the other state by sending the amount specified in the request directly to the

1 other state, and the address to which the financial institution shall send the funds.
2 Notice and hearing requirements under pars. (d) and (f) do not apply to a lien in favor
3 of another state.

4 **SECTION 1709.** 49.854 (5) (e) of the statutes is amended to read:

5 49.854 (5) (e) *Financial institution fees.* A financial institution may continue
6 to collect fees, under the terms of the account agreement, on accounts frozen under
7 this subsection. In addition to the levy fee authorized under sub. (11) (a), a financial
8 institution may collect any early withdrawal penalty incurred under the terms of an
9 account as a result of the levy. Financial institution fees authorized under this
10 paragraph may be charged to the account immediately prior to the remittance of the
11 amount to the department or the other state and may be charged even if the amounts
12 in the obligor's accounts are insufficient to pay the total amount of support owed and
13 the department's levy costs under sub. (11) (b).

14 **SECTION 1710.** 49.854 (11) (b) of the statutes is amended to read:

15 49.854 (11) (b) *The department.* The department may assess a collection fee
16 to recover the department's costs incurred in levying against property under this
17 section. The department shall determine its costs to be paid in all cases of levy. The
18 obligor is liable to the department for the amount of the collection fee authorized
19 under this paragraph. Fees collected under this paragraph shall be credited to the
20 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja).

21 **SECTION 1711.** 49.855 (1) of the statutes is amended to read:

22 49.855 (1) If a person obligated to pay child support, family support,
23 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is
24 delinquent in making any of those payments, or owes an outstanding amount that
25 has been ordered by the court for past support, medical expenses, or birth expenses,

1 upon application under s. 59.53 (5) the department of ~~workforce development~~
2 children and families shall certify the delinquent payment or outstanding amount
3 to the department of revenue and, at least annually, shall provide to the department
4 of revenue any certifications of delinquencies or outstanding amounts that it receives
5 from another state because the obligor resides in this state.

6 **SECTION 1712.** 49.855 (2r) of the statutes is created to read:

7 49.855 (2r) At least annually, the department of children and families shall
8 certify to the department of revenue any obligation owed to that department under
9 s. 49.345 if the obligation is rendered to a judgment.

10 **SECTION 1713.** 49.855 (3) of the statutes is amended to read:

11 49.855 (3) Receipt of a certification by the department of revenue shall
12 constitute a lien, equal to the amount certified, on any state tax refunds or credits
13 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
14 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
15 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
16 obligor that the state intends to reduce any state tax refund or credit due the obligor
17 by the amount the obligor is delinquent under the support, maintenance, or receiving
18 and disbursing fee order or obligation, by the outstanding amount for past support,
19 medical expenses, or birth expenses under the court order, or by the amount due
20 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20
21 days the obligor may request a hearing before the circuit court rendering the order
22 under which the obligation arose. Within 10 days after receiving a request for
23 hearing under this subsection, the court shall set the matter for hearing. Pending
24 further order by the court or a circuit court commissioner, the department of
25 ~~workforce development~~ children and families or its designee, whichever is

1 appropriate, is prohibited from disbursing the obligor's state tax refund or credit.
2 A circuit court commissioner may conduct the hearing. The sole issues at that
3 hearing shall be whether the obligor owes the amount certified and, if not and it is
4 a support or maintenance order, whether the money withheld from a tax refund or
5 credit shall be paid to the obligor or held for future support or maintenance, except
6 that the obligor's ability to pay shall also be an issue at the hearing if the obligation
7 relates to an order under s. ~~767.51 (3) (e) 1. or 767.62 (4) (d) 1. s. 767.89 (3) (e) 1. or~~
8 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that
9 the obligor's income was at or below the poverty line established under 42 USC 9902
10 (2).

11 **SECTION 1714.** 49.855 (4) (a) of the statutes is amended to read:

12 49.855 (4) (a) The department of revenue shall send the portion of any state tax
13 refunds or credits withheld for delinquent child or family support or maintenance or
14 past support, medical expenses, or birth expenses to the department of ~~workforce~~
15 development children and families or its designee for deposit in the support
16 collections trust fund under s. 25.68 and shall send the portion of any state tax
17 refunds or credits withheld for delinquent receiving and disbursing fees to the
18 department of ~~workforce development children and families~~ children and families or its designee for
19 deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja). The
20 department of ~~workforce development children and families~~ children and families shall make a settlement
21 at least annually with the department of revenue. The settlement shall state the
22 amounts certified, the amounts deducted from tax refunds and credits, and the
23 administrative costs incurred by the department of revenue.

24 **SECTION 1715.** 49.855 (4) (b) of the statutes is amended to read:

1 49.855 (4) (b) The department of administration shall send the portion of any
2 federal tax refunds or credits received from the internal revenue service that was
3 withheld for delinquent child or family support or maintenance or past support,
4 medical expenses, or birth expenses to the department of ~~workforce development~~
5 children and families or its designee for deposit in the support collections trust fund
6 under s. 25.68 and shall send the portion of any federal tax refunds or credits received
7 from the internal revenue service that was withheld for delinquent receiving and
8 disbursing fees to the department of ~~workforce development~~ children and families
9 or its designee for deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)
10 (ja).

11 **SECTION 1716.** 49.855 (4m) (b) of the statutes is amended to read:

12 49.855 (4m) (b) The department of revenue may provide a certification that it
13 receives under sub. (1), (2m), ~~or (2p)~~, or (2r) to the department of administration.
14 Upon receipt of the certification, the department of administration shall determine
15 whether the obligor is a vendor or is receiving any other payments from this state,
16 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
17 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
18 determines that the obligor is a vendor or is receiving payments from this state,
19 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
20 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
21 certified from those payments and shall notify the obligor that the state intends to
22 reduce any payments due the obligor by the amount the obligor is delinquent under
23 the support, maintenance, or receiving and disbursing fee order or obligation, by the
24 outstanding amount for past support, medical expenses, or birth expenses under the
25 court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The

1 notice shall provide that within 20 days after receipt of the notice the obligor may
2 request a hearing before the circuit court rendering the order under which the
3 obligation arose. An obligor may, within 20 days after receiving notice, request a
4 hearing under this paragraph. Within 10 days after receiving a request for hearing
5 under this paragraph, the court shall set the matter for hearing. A circuit court
6 commissioner may conduct the hearing. Pending further order by the court or circuit
7 court commissioner, the department of ~~workforce development~~ children and families
8 or its designee, whichever is appropriate, may not disburse the payments withheld
9 from the obligor. The sole issues at the hearing are whether the obligor owes the
10 amount certified and, if not and it is a support or maintenance order, whether the
11 money withheld shall be paid to the obligor or held for future support or
12 maintenance, except that the obligor's ability to pay is also an issue at the hearing
13 if the obligation relates to an order under s. ~~767.51 (3) (e) 1. or 767.62 (4) (d) 1. s.~~
14 ~~767.89 (3) (e) 1. or 767.805 (4) (d) 1. or 767.89 (3) (e) 1.~~ and the order specifies that
15 the court found that the obligor's income was at or below the poverty line established
16 under 42 USC 9902 (2).

17 **SECTION 1717.** 49.855 (4m) (c) of the statutes is amended to read:

18 49.855 (4m) (c) Except as provided by order of the court after hearing under
19 par. (b), the department of administration shall continue withholding until the
20 amount certified is recovered in full. The department of administration shall
21 transfer the amounts withheld under this paragraph to the department of ~~workforce~~
22 ~~development~~ children and families or its designee, the department of health and
23 family services, or the department of corrections, whichever is appropriate. The
24 department of ~~workforce development~~ children and families or its designee shall
25 deposit amounts withheld for delinquent child or family support, maintenance, or

1 receiving and disbursing fees or past support, medical expenses, or birth expenses
2 in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (kp).

3 **SECTION 1718.** 49.855 (5) of the statutes is amended to read:

4 49.855 (5) Certification of an obligation to the department of revenue does not
5 deprive any party of the right to collect the obligation or to prosecute the obligor. The
6 department of ~~workforce development~~ children and families or its designee shall
7 immediately notify the department of revenue of any collection of an obligation that
8 has been certified to the department of revenue.

9 **SECTION 1719.** 49.856 (1) (b) of the statutes is amended to read:

10 49.856 (1) (b) "Department" means the department of ~~workforce development~~
11 children and families.

12 **SECTION 1720.** 49.857 (1) (cf) of the statutes is created to read:

13 49.857 (1) (cf) "Department" means the department of children and families.

14 **SECTION 1721.** 49.857 (1) (f) of the statutes is amended to read:

15 49.857 (1) (f) "Subpoena or warrant" means a subpoena or warrant issued by
16 the department of ~~workforce development~~ or a child support agency and relating to
17 paternity or support proceedings.

18 **SECTION 1722.** 49.857 (2) (a) of the statutes is amended to read:

19 49.857 (2) (a) The department of ~~workforce development~~ shall establish a
20 system, in accordance with federal law, under which a licensing authority is
21 requested, and a licensing agency or credentialing board is required, to restrict,
22 limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or
23 revalidate a license in a timely manner upon certification by and in cooperation with
24 the department of ~~workforce development~~, if the individual holding or applying for

1 the license is delinquent in making court-ordered payments of support or fails to
2 comply, after appropriate notice, with a subpoena or warrant.

3 **SECTION 1723.** 49.857 (2) (b) (intro.) of the statutes is amended to read:

4 49.857 (2) (b) (intro.) Under the system, the department of ~~workforce~~
5 development shall enter into a memorandum of understanding with a licensing
6 authority, if the licensing authority agrees, and with a licensing agency. A
7 memorandum of understanding under this paragraph shall address at least all of the
8 following:

9 **SECTION 1724.** 49.857 (2) (b) 2. (intro.) of the statutes is amended to read:

10 49.857 (2) (b) 2. (intro.) Procedures that the department of ~~workforce~~
11 development shall use for doing all of the following:

12 **SECTION 1725.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

13 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
14 delinquency in support or a failure to comply with a subpoena or warrant. The
15 memorandum of understanding with the department of regulation and licensing
16 shall include procedures for the department of regulation and licensing to notify a
17 credentialing board that a certification of delinquency in support or failure to comply
18 with a subpoena or warrant has been made by the department of ~~workforce~~
19 development children and families with respect to an individual who holds or applied
20 for a credential granted by the credentialing board.

21 **SECTION 1726.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

22 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of
23 ~~workforce development~~ children and families notifies the licensing authority or
24 licensing agency that an individual who was delinquent in making court-ordered
25 payments of support has paid the delinquent support or made satisfactory

1 alternative payment arrangements or that an individual who failed to comply with
2 a subpoena or warrant has satisfied the requirements under the subpoena or
3 warrant. The memorandum of understanding with the department of regulation
4 and licensing shall include procedures for the department of regulation and licensing
5 to direct a credentialing board to grant or reinstate a credential if the department
6 of ~~workforce development~~ children and families notifies the department of
7 regulation and licensing that an individual who holds or applied for a credential
8 granted by the credentialing board has paid the delinquent support or made
9 satisfactory alternative payment arrangements or that an individual who failed to
10 comply with a subpoena or warrant has satisfied the requirements under the
11 subpoena or warrant.

12 **SECTION 1727.** 49.857 (2) (b) 5. of the statutes is amended to read:

13 49.857 (2) (b) 5. Procedures for safeguarding the confidentiality of information
14 about an individual, including social security numbers obtained by the department
15 of ~~workforce development~~, the licensing authority, the licensing agency, or a
16 credentialing board.

17 **SECTION 1728.** 49.857 (3) (a) (intro.) of the statutes is amended to read:

18 49.857 (3) (a) (intro.) Before the department of ~~workforce development~~ certifies
19 to a licensing authority or a licensing agency under the system established under
20 sub. (2) that an individual is delinquent in making court-ordered payments of
21 support, the department of ~~workforce development~~ or a child support agency shall
22 provide notice to the individual by regular mail. The notice shall inform the
23 individual of all of the following:

24 **SECTION 1729.** 49.857 (3) (a) 4. of the statutes is amended to read:

1 49.857 (3) (a) 4. That the certification will not be made if the individual pays
2 the delinquent amount in full or makes satisfactory alternative payment
3 arrangements with the department of ~~workforce development~~ or a child support
4 agency. The notice shall inform the individual of how he or she may pay the
5 delinquent amount or make satisfactory alternative payment arrangements.

6 **SECTION 1730.** 49.857 (3) (ac) 1. of the statutes is amended to read:

7 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,
8 the court shall schedule a hearing within 10 business days after receiving the
9 request. A circuit court commissioner may conduct the hearing. The only issues at
10 the hearing shall be whether the individual is delinquent in making court-ordered
11 payments of support and whether any alternative payment arrangement offered by
12 the department of ~~workforce development~~ or the county child support agency is
13 reasonable.

14 **SECTION 1731.** 49.857 (3) (ac) 2. of the statutes is amended to read:

15 49.857 (3) (ac) 2. If at a hearing under subd. 1. the court or circuit court
16 commissioner finds that the individual does not owe delinquent support, or if within
17 20 business days after receiving a notice under par. (a) the individual pays the
18 delinquent amount in full or makes satisfactory alternative payment arrangements,
19 the department of ~~workforce development~~ may not place the individual's name on a
20 certification list.

21 **SECTION 1732.** 49.857 (3) (ac) 3. of the statutes is amended to read:

22 49.857 (3) (ac) 3. If at a hearing under subd. 1. the court or circuit court
23 commissioner makes a written determination that alternative payment
24 arrangements proposed by the department of ~~workforce development~~ or a child
25 support agency are not reasonable, the court or circuit court commissioner may order

1 for the individual an alternative payment arrangement. If the court or circuit court
2 commissioner orders an alternative payment arrangement, the department of
3 ~~workforce development~~ may not place the individual's name on a certification list.

4 **SECTION 1733.** 49.857 (3) (am) (intro.) of the statutes is amended to read:

5 49.857 (3) (am) (intro.) If an individual, after receiving notice under par. (a),
6 does not timely request a hearing or pay the delinquent amount of support or make
7 satisfactory alternative payment arrangements, the department of ~~workforce~~
8 ~~development~~ shall place the individual's name on a certification list. Thereafter, the
9 department of ~~workforce development~~ or a child support agency shall provide a 2nd
10 notice to the individual by regular mail that informs the individual of all of the
11 following:

12 **SECTION 1734.** 49.857 (3) (am) 4. of the statutes is amended to read:

13 49.857 (3) (am) 4. That the certification will not be made if the individual pays
14 the delinquent amount in full or makes satisfactory alternative payment
15 arrangements with the department of ~~workforce development~~ or a child support
16 agency. The notice shall inform the individual of how he or she may pay the
17 delinquent amount or make satisfactory alternative payment arrangements.

18 **SECTION 1735.** 49.857 (3) (ar) 1. of the statutes is amended to read:

19 49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,
20 the court shall schedule a hearing within 10 business days after receiving the
21 request. A circuit court commissioner may conduct the hearing. The only issues at
22 the hearing shall be whether the individual is delinquent in making court-ordered
23 payments of support and whether any alternative payment arrangement offered by
24 the department of ~~workforce development~~ or the county child support agency is
25 reasonable.

1 **SECTION 1736.** 49.857 (3) (ar) 2. of the statutes is amended to read:

2 49.857 (3) (ar) 2. If at a hearing under subd. 1. the court or circuit court
3 commissioner finds that the individual does not owe delinquent support, or if within
4 20 business days after receiving a notice under par. (am) the individual pays the
5 delinquent amount in full or makes satisfactory alternative payment arrangements,
6 the department of ~~workforce development~~ shall remove the individual's name from
7 the certification list.

8 **SECTION 1737.** 49.857 (3) (ar) 3. of the statutes is amended to read:

9 49.857 (3) (ar) 3. If at a hearing under subd. 1. the court or circuit court
10 commissioner makes a written determination that alternative payment
11 arrangements proposed by the department of ~~workforce development~~ or a child
12 support agency are not reasonable, the court or circuit court commissioner may order
13 for the individual an alternative payment arrangement. If the court or circuit court
14 commissioner orders an alternative payment arrangement, the department of
15 ~~workforce development~~ may not place the individual's name on a certification list.

16 **SECTION 1738.** 49.857 (3) (b) (intro.) of the statutes is amended to read:

17 49.857 (3) (b) (intro.) Any subpoena or warrant shall include notice to the
18 individual of the effect that a failure to comply with the subpoena or warrant may
19 have on any license that the individual holds or for which the individual applies. If
20 the individual fails to comply, before the department of ~~workforce development~~
21 certifies to a licensing authority or a licensing agency under the system established
22 under sub. (2) that an individual has failed to comply with a subpoena or warrant,
23 the department of ~~workforce development~~ or a child support agency shall provide
24 notice to the individual by regular mail. The notice shall inform the individual of all
25 of the following: