

2011 DRAFTING REQUEST

Bill

Received: **06/20/2011**

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - JLC**

By/Representing: **Anna Henning**

May Contact:

Drafter: **fknepp**

Subject: **Public Assistance - food stamps**
Public Assistance - med. assist.

Addl. Drafters:

Extra Copies: **Pam Kahler**

Submit via email: **YES**

Requester's email: **anna.henning@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Public assistance program integrity committee draft

Instructions:

See attached WLC: 0106/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	fknepp 08/04/2011	jdyer 09/16/2011	jfrantze 09/20/2011	_____	ggodwin 09/20/2011		S&L Crime
	fknepp 09/27/2011	jdyer 09/28/2011	jfrantze 09/29/2011	_____	mbarman 09/29/2011		
				_____	mbarman 09/29/2011		
/P2	fknepp 11/03/2011	jdyer 11/18/2011	lparisi 12/02/2011	_____	lparisi 12/02/2011		S&L Crime

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/1	fknepp 01/06/2012	jdye 01/09/2012	jmurphy 01/12/2012	_____	sbasford 01/12/2012	mbarman 01/18/2012	S&L Crime

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P2 11/18 jld ymp 12-2-11

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Please convert WLC 0106/1 to a /P1 *

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/P1	fknepp	PI jld 9/16	To dc Conv. 6/20				

FE Sent For:

9/16/11
9/28
<END>

1 **AN ACT** *to repeal* 49.01 (1m), (8j) and (8p), 49.133, 49.136 (1) (b), 49.137 (1) (am),
2 (1) (bd) and (1) (k), 49.141 (7) (b), 49.141 (10) (b), 49.1455, 49.147 (3m), 49.147
3 (4) (at) and (5) (bt), 49.155 (1) (ag) and (1) (d), 49.19 (5) (a) 1m. and (17), 49.197
4 (2) (a) 2., 49.26 (1) (h) 2. and (2) (a), 49.265 (1) (c), 49.29, 49.32 (3) to (6), 49.35
5 (1) (bm), 49.36 (1) (b), 49.49 (3m) (b), 49.686 (1) (f), 49.688 (1) (b), 49.78 (1) (cr),
6 49.795 (1) (c), 49.795 (7), 49.795 (8) (a) (intro.), 49.797 (2) (b) and 49.797 (8); *to*
7 **renumber** 49.001 (1m), 49.001 (4), 49.001 (5m), 49.002, 49.01, 49.08, 49.09, 49.11,
8 49.114, 49.1375, 49.1452, 49.1473, 49.153, 49.155, 49.1635, 49.165, 49.167,
9 49.169, 49.195 (3), 49.225, 49.227, 49.25, 49.27, 49.35, 49.36, 49.46 (1), 49.49 (3m)
10 (a) 2., 49.49 (3m) (a) 3., 49.78, 49.81, 49.82, 49.826, 49.845, 49.847, 49.86, 49.90
11 and 49.96; *to renumber and amend* 49.015, 49.02, 49.025, 49.027, 49.029, 49.031,
12 49.134, 49.137, 49.139, 49.141 (7) (a), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10)
13 (a), 49.147 (1), 49.148 (4), 49.149, 49.151 (2), 49.155 (7) (b) 4., 49.22, 49.24, 49.26,
14 49.32, 49.49 (1), 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (a) (intro.) and 1.,
15 49.49 (4), 49.795 (1) (a), (b), (d) and (e), 49.795 (2), (2m), (3), (4), (5), and (6),
16 49.795 (8) (a) 1., 49.795 (8) (a) 2., 49.795 (8) (b) (intro.) 1. and 2., 49.795 (8) (c),
17 49.795 (8) (d) 1., 49.795 (8) (d) 1m., 49.795 (8) (d) 2., 49.795 (8) (e) and (f), 49.825,
18 49.83, 49.84 (1) and 49.85; *to amend* 5.05 (5s) (c), 6.47 (1) (ag), 7.08 (10), 19.55 (2)
19 (d), 20.435 (4) (bm), (bn), (bt), (kb), (L), (nn) and (np), 20.437 (1) (cd), (hh), (2) (a),
20 (bc), (cm), (dz), (e), (f), (ja), (jL), (k), (L), (n), (nL) and (qm), 20.545 (1) (i), 29.024
21 (2g) (c), 29.229 (5m) (b), 40.02 (25) (b) 2c., 40.22 (2) (m), 40.62 (2), 46.03 (7) (bm),
22 46.10 (14) (b), 46.21 (2m) (c) and (5) (b), 46.215 (1) (intro.), (j), (p), (1m) and (1p),

1 46.215 (1) (intro.), 46.22 (1) (b) 1. d., 2. fm., (d), (dm), (dp), (2) (b) and (m) and
2 (3m) (a), 46.23 (3) (e) and (ed), 46.27 (7) (am), 46.28 (1) (f), 46.284 (7) (b), 46.2895
3 (10), 46.495 (1) (am), 48.30 (6) (b), 48.31 (7) (b), 48.357 (5m) (a), 48.36 (1) (b),
4 48.363 (1) (c), 48.47 (7g), 48.62 (2), 48.651 (1) (intro.), (a), (b) and (2c) (a), 48.659,
5 48.66 (2m) (c) and (cm), 48.685 (5) (br) 5., 48.981 (8) (a) and (d) 1., 48.988 (11),
6 48.989 (2), 49.001 (5p), 49.01 (2), 49.136 (2) (a), 49.138 (4) (c), 49.141 (1) (s),
7 49.141 (7) (c) (intro.), 49.141 (8), 49.143 (2) (b), 49.143 (2) (em), 49.143 (3g) (a) 1.,
8 49.145 (2) (j), 49.145 (2) (s), 49.147 (5m) (a) (intro.), 49.147 (6) (cm) 1., 49.152
9 (title), 49.155 (1) (ah), (1g) (bc), (d), (e), (1m) (a) 1., 1m. (intro.), (3g) (a) (intro.)
10 and (b), 49.155 (6m) (a) and (b), 49.161 (1), 49.175 (1) (intro.), 49.175 (1) (m), (p),
11 (q) and (qm), 49.19 (4) (h) 1. b., 49.195 (title), 49.195 (1) and (3), 49.195 (3) and
12 (3m) (f), 49.195 (3n) (q) 2., 49.197 (2) (b), (cm) and (5), 49.24 (2) (c), 49.345 (14)
13 (b), 49.385, 49.43 (intro.), 49.45 (2) (a) 3. and (b) 7. (intro.) and a., (3) (a) and (6y)
14 (a) and (am), 49.475 (6), 49.49 (1) (c), 49.493 (1) (b), 49.496 (4) (a), 49.498 (1) (j),
15 49.685 (7) (a) 2. and 5., 49.688 (3) (d), 49.688 (9) (a), 49.77 (1), 49.78 (8) (a),
16 49.785 (1) (intro.), 49.79 (title) and (1) (c), 49.79 (1) (intro.), 49.79 (2), (3), (4), (5)
17 (a), (6), (7), (8), (8m), and (9), 49.79 (9) (a) 3., 49.793 (1), 49.795 (1) (title), 49.797
18 (1) and (2), 49.825 (2) (a) 3. and (b), 49.826 (2) (a) (intro.) and 4., 49.84 (3), 49.853
19 (4) (d), 49.855 (6), 49.857 (4), 49.96, 50.01 (1g) (b), 51.42 (3) (e), 51.437 (4r) (b),
20 59.22 (2) (c) 2., 59.40 (2) (p), 59.53 (5) (a) and (6) (b), 63.03 (2) (r), 69.03 (14),
21 69.15 (3) (b) 3., 69.20 (3) (f), 71.07 (2dx) (a) 5., 71.28 (1dx) (a) 5., 71.47 (1dx) (a)
22 5., 71.78 (4) (g), 71.93 (1) (a) 3. and 4., 73.0301 (2) (c) 2., 76.636 (1) (e) 4., 77.61
23 (5) (b) 11., 85.24 (4) (b), 101.02 (21) (b), 102.17 (1) (cg) 3., 102.33 (2) (b) 5., 103.05
24 (1) and (4) (a), 103.275 (2) (bg) 3., 103.34 (10) (a) 4., 103.91 (2) (b) 3., 103.92 (1)

1 (b) 3., 104.07 (4) (c), 105.06 (1m) (c), 106.54 (9), 111.322 (2m) (bm), 111.70 (3m)
2 and (3p), 118.15 (5) (b) 1., 118.19 (1r) (a) and (10) (g), 119.82 (1m) (c), 134.43
3 (3m), 169.34 (2), 218.0114 (20) (c) and (21e) (a), 218.12 (2) (am) 2., 218.21 (2m)
4 (b), 218.31 (1m) (b), 218.41 (2) (am) 2., 218.51 (3) (am) 2., 230.13 (3) (a), 230.44
5 (1) (h) and (i), 252.06 (10) (b) 4., 291.15 (2) (d), 301.12 (14) (b) and (g), 301.45 (7)
6 (a), 302.372 (2) (b), 341.51 (4g) (b), 342.06 (1) (eg), 343.14 (2j), 343.305 (6) (e) 3.
7 b., 343.50 (8) (b), 343.61 (2) (b), 343.62 (2) (b), 349.19, 440.03 (11m) (c), 440.43
8 (5), 440.44 (10), 440.92 (6) (d), 461.02 (9) (bm) 3., 560.70 (4m), 562.05 (8m) (a),
9 563.28 (2), 628.095 (4) (a), 632.69 (2) (c), 633.14 (2c) (a), 751.15 (2), 767.127 (4),
10 767.205 (2) (a) 1. and 2. and (b) 1. and 2., 767.215 (1) (b) and (2m) (a) 2., 767.225
11 (1n) (b) 1., 767.241 (1) (b), 767.407 (1) (c) 1., 767.407 (1) (c) 2., 767.511 (1g) and
12 (1j), 767.521 (intro.), 767.55 (2) (am) (intro.) and 1m. and (c), 767.553 (1) (a) and
13 (b), 767.59 (1f) (b) 4. and (c) 1. and (2) (a), 767.80 (1) (j), (5) (b) and (7), 767.813
14 (6), 767.83 (3), 767.84 (1) (a), (1m), and (5) (b), 767.85 (2), 767.853 (2), 767.87 (6)
15 (a) and (b), 767.893 (2) (b) 2., 802.10 (1), 813.12 (5) (b), 814.61 (13), 859.15,
16 885.01 (5), 895.45 (1) (a), 938.30 (6) (b), 938.31 (7) (b), 938.357 (5m) (a), 938.36
17 (1) (b), 938.363 (1) (c), 948.22 (1) (a), (b) and (c) and (4) (b), 948.45 (2), 973.055
18 (3), 977.06 (4) (bm), 978.05 (4m) and 978.06 (6); and *to create* 20.435 (1) (r),
19 49.001 (4) and (7m), 49.006 (1), 49.143 (2) (h), 49.151 (2) (a) 1., 2., 3. and (b),
20 49.1525, 49.161 (2m), 49.195 (3) (b), 49.46 (1c), 49.4715 (title), 49.82 (3) (d), 49.95
21 (12), 946.90 (title) and (1), 946.90 (2), 946.91 (title), (1), and (5) (b), 946.92 (3) (a)
22 (intro.), 946.93, subchapter I (title) of chapter 49 [precedes 49.001 to 49.043],
23 subchapter II (title) of chapter 49 [precedes 49.05 to 49.20], subchapter III (title) of
24 chapter 49 [precedes 49.201 to 49.385], subchapter IV (title) of chapter 49 [precedes

1 49.43 to 49.499], subchapter V (title) of chapter 49 [precedes 49.66 to 49.808] and
2 subchapter VI (title) of chapter 49 [precedes 49.811 to 49.858] of the statutes;
3 **relating to:** reorganization of ch. 49 and changes affecting public assistance
4 programs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on Public Assistance Program Integrity.

The draft reorganizes many of the provisions of ch. 49, relating to public assistance and children and family services, into the following 6 subchapters:

Subchapter I – General Provisions.

Subchapter II – Children and Families; Wisconsin Works, Aid to Families, and Child Care Subsidy.

Subchapter III – Children and Families; Other Support Services.

Subchapter IV – Health; Medical Assistance.

Subchapter V – Health; Other Support and Medical Programs and Relief Block Grants.

Subchapter VI – Children and Families; Child Support.

The draft reorganizes current definitions within ch. 49 to remove duplication and place definitions in the sections in which they are used or at the beginning of the chapter if they are used throughout the chapter. Terms defined in the section providing general chapter definitions, s. 49.001, are retained there only if they are used throughout the chapter. If terms appear in only one or 2 sections in the chapter, the draft moves them to ensure that they are located in the subchapters or sections in which the terms are used.

The draft creates a new definition for the term “intentional program violation”, which is not currently defined in the chapter. Under current law, if a court finds or it is determined after an administrative hearing that a person has intentionally violated, on 3 separate occasions, any statute or rules governing the Wisconsin works program, a Wisconsin works agency may permanently deny the individual Wisconsin works

benefits. The draft clarifies that a Wisconsin works agency determines whether a person has intentionally violated a provision of the Wisconsin works program and includes emergency assistance in the list of programs to which the provision applies; creates sanctions for first and 2nd violations; and provides an opportunity for a person to have a determination of each intentional program violation reviewed.

The draft requires the Department of Children and Families (DCF) to recover overpayments made under the emergency assistance for families with needy children program. Under the draft, the amount recovered may not exceed the amount of emergency assistance paid. The draft requires DCF to promulgate rules to implement the provision.

The draft moves several provisions of ch. 49 that are offenses with criminal penalties to ch. 946 of the criminal code, relating to crimes against government and its administration. The draft creates 4 new criminal offenses in ch. 946: Wisconsin works fraud, medical assistance fraud, food stamp fraud, and public assistance fraud.

This draft requires DCF to waive recovery of incorrect payments to a child care provider if the child care provider provided services in reliance on incorrect information provided to the child care by a county department or an agency with which DCF contracts.

The draft renumbers and amends s. 49.155 (7) (b) 4., stats., to make temporary the suspension of payments to child care providers based solely on reasonable suspicion of a program violation. Under current law, DCF is authorized to suspend payments to child care providers based on the department's reasonable suspicion that the provider has violated any provision of s. 49.155, stats., relating to the Wisconsin Shares program. It does not specify the length of time that the department may suspend payments on that basis. A separate section of the statutes, s. 49.155 (7m), provides authority for withholding payments from a child care provider pursuant to a finding that the provider submitted false, misleading, or irregular information to the department or failed to comply with the terms of the program. The draft preserves the department's authority to suspend payments based on reasonable suspicion that a violation has occurred but requires the department to either rescind the suspension of payments or initiate an action for permanent suspension of payments within 30 working days after an initial suspension on the basis of reasonable suspicion.

Under current law, s. 49.95, stats., which contains general public assistance offenses and penalties, provides that any person who makes any statement in a written application for aid under ch. 49, stats., is considered to have made an admission as to the existence, correctness, or

validity of any fact stated. This admission may be used in an enforcement action under ch. 49, stats. The draft includes similar language in a separate provision of ch. 49, stats. [s. 49.006 (1).] Under the draft, an employee who accepts an application for aid or a benefit has the authority to administer an oath to the applicant that the information given is true and correct to the best of the applicant's knowledge. The draft also requires the DCF and the Department of Health Services (DHS) to promulgate rules requiring that information provided by an applicant for any aid or benefit under ch. 49, stats., must be sworn to or otherwise affirmed as being true and correct to the best of the applicant's knowledge.

Under current law, a child care provider who provides care for children who are eligible for the Wisconsin Shares child care subsidy program must maintain attendance records. Specifically, the child care provider must maintain a written record of the daily hours of attendance of each child for whom the provider is providing care under Wisconsin Shares, including the actual arrival and departure times for each child. In addition, such a provider must retain these records for each child for at least 3 years after the child's last day of attendance, regardless of whether the child care provider is still receiving or eligible to receive payments under Wisconsin Shares. This draft requires a provider to maintain an accurate written record of the daily hours of attendance for each child for whom the provider is providing care under Wisconsin Shares. In addition, under the draft, the attendance records must be kept on the child care premises.

The draft requires the DHS, in consultation with DCF, to provide training related to program integrity to county and Wisconsin works agency employees who administer programs under ch. 49, stats.

The draft amends s. 49.96, stats., to add payments made to custodial parents of supplemental security income recipients to the list of payments and benefits that are exempt from taxation, execution, garnishment, attachment, and other processes.

1 **SECTION 1.** 5.05 (5s) (c) of the statutes is amended to read:

2 5.05 (5s) (c) The board shall provide information from investigation and hearing
3 records that pertains to the location of individuals and assets of individuals as requested under
4 s. ~~49.22~~ 49.811 (2m) by the department of children and families or by a county child support
5 agency under s. 59.53 (5).

1 **SECTION 2.** 6.47 (1) (ag) of the statutes is amended to read:

2 6.47 (1) (ag) "Domestic abuse victim service provider" means an organization that is
3 certified by the department of children and families as eligible to receive grants under s.
4 ~~49.165~~ 49.217 (2) and whose name is included on the list provided by the board under s. 7.08
5 (10).

6 **SECTION 3.** 7.08 (10) of the statutes is amended to read:

7 7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to each
8 municipal clerk, on a continuous basis, the names and addresses of organizations that are
9 certified under s. ~~49.165~~ 49.811 (4) or 165.93 (4) to provide services to victims of domestic
10 abuse or sexual assault.

11 **SECTION 4.** 19.55 (2) (d) of the statutes is amended to read:

12 19.55 (2) (d) Records of the social security number of any individual who files an
13 application for licensure as a lobbyist under s. 13.63 or who registers as a principal under s.
14 13.64, except to the department of children and families for purposes of administration of s.
15 ~~49.22~~ 49.811 or to the department of revenue for purposes of administration of s. 73.0301.

16 **SECTION 5.** 20.435 (4) (bm), (bn), (bt), (kb), (L), (nn) and (np) of the statutes are
17 amended to read:

18 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care administration;*
19 *contract costs, insurer reports, and resource centers.* Biennially, the amounts in the schedule
20 to provide a portion of the state share of administrative contract costs for the Medical
21 Assistance program under subch. IV of ch. 49 and the Badger Care health care program under
22 s. 49.665 and to provide the state share of administrative costs for the food stamp program
23 under s. 49.79, other than payments to counties and tribal governing bodies under s. ~~49.78~~
24 49.003 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd

1 parties for their costs under s. 49.475, for costs associated with outreach activities, for state
2 administration of state supplemental grants to supplemental security income recipients under
3 s. 49.77, to administer the pharmacy benefits purchasing pool under s. 146.45, and for services
4 of resource centers under s. 46.283. No state positions may be funded in the department of
5 health services from this appropriation, except positions for the performance of duties under
6 a contract in effect before January 1, 1987, related to the administration of the Medical
7 Assistance program between the subunit of the department primarily responsible for
8 administering the Medical Assistance program and another subunit of the department. Total
9 administrative funding authorized for the program under s. 49.665 may not exceed 10% of the
10 amounts budgeted under pars. (p) and (x).

11 (bn) *Income maintenance.* Biennially, the amounts in the schedule for funeral expenses
12 under s. 49.785, for administration of the food stamp employment and training program under
13 s. 49.79 (9), for the performance of income maintenance administrative activities on behalf
14 of a local entity, as defined in s. 30.77 (3) (dm) 1. b., and for payments under s. ~~49.78~~ 49.003
15 (8) relating to the administration of the Medical Assistance program under subch. IV of ch.
16 49, the Badger Care health care program under s. 49.665, the food stamp program, and the
17 cemetery, funeral, and burial expenses program under s. 49.785.

18 (bt) *Relief block grants to counties.* The amounts in the schedule for relief block grants
19 to counties under ss. ~~49.025~~ 49.804 and ~~49.027~~ 49.805 for relief or health care services
20 provided before July 1, 2009.

21 (kb) *Relief block grants to tribal governing bodies.* The amounts in the schedule for
22 relief block grants under s. ~~49.029~~ 49.806 to tribal governing bodies. All moneys transferred
23 from the appropriation account under s. 20.505 (8) (hm) 18. shall be credited to this

1 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June
2 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

3 (L) *Fraud and error reduction.* All moneys received as the state's share of the recovery
4 of overpayments and incorrect payments under ss. 49.497 (1) and (1m), 49.793 (2) (a), and
5 ~~49.847~~ 49.021, all moneys received from counties and tribal governing bodies as a result of
6 any error reduction activities under ss. 49.197 and 49.845, and all moneys credited to this
7 appropriation account under ss. 49.497 (2) (b), 49.793 (2) (b), and ~~49.847~~ 49.021 (3) (b), for
8 any contracts under s. 49.197 (5), for any activities to reduce error and fraud under s. ~~49.845~~
9 49.019, to pay federal sanctions under the food stamp program, and for food stamp
10 reinvestment activities under reinvestment agreements with the federal department of
11 agriculture that are designed to improve the food stamp program.

12 (nn) *Federal aid; income maintenance.* All moneys received from the federal
13 government for the costs of contracting for the administration of the Medical Assistance
14 program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665
15 and the food stamp program, other than moneys received under par. (pa), for payments under
16 s. ~~49.78~~ 49.003 (8).

17 (np) *Federal supplemental funding for food stamp administration.* The amounts in the
18 schedule from moneys received from the federal government under P.L. 111-5 for
19 administration of the supplemental nutrition assistance program, for administration of the
20 food stamp program as provided in s. ~~49.78~~ 49.003 (8) (c).

21 **SECTION 6.** 20.437 (1) (cd), (hh), (2) (a), (bc), (cm), (dz), (e), (f), (ja), (jL), (k), (L), (n),
22 (nL) and (qm) of the statutes are amended to read:

23 20.437 (1) (cd) *Domestic abuse grants.* The amounts in the schedule for the purposes
24 of s. ~~49.165~~ 49.217. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may

1 transfer funds between fiscal years under this paragraph. All funds allocated by the
2 department under s. ~~49.165~~ 49.217 (2) but not encumbered by December 31 of each year lapse
3 to the general fund on the next January 1 unless transferred to the next calendar year by the
4 joint committee on finance.

5 (hh) *Domestic abuse surcharge grants.* All moneys received from the domestic abuse
6 surcharge on court fines, as authorized under s. 971.37 (1m) (c) 1. or 973.055, to provide grants
7 to domestic abuse services organizations under s. ~~49.165~~ 49.217.

8 (2) (a) *General program operations.* The amounts in the schedule for general program
9 operations relating to economic support, including field services, administrative services and
10 services related to identifying maintenance-of-effort funds, for costs associated with
11 receiving and disbursing support and support-related payments, including any contract costs,
12 and for administering the program under s. ~~49.22~~ 49.811 and all other purposes specified in
13 s. ~~49.22~~ 49.811. No moneys may be expended under this paragraph for the program under,
14 or any other purpose specified in, s. 49.22 49.811 unless moneys appropriated under par. (ja)
15 are insufficient for the purposes specified under that paragraph.

16 (bc) *Child support local assistance.* As a continuing appropriation, the amounts in the
17 schedule to be distributed as child support incentive payments as provided in s. ~~49.24~~ 49.821
18 (1) (a). If federal legislation provides for the matching of federal funds for federal child
19 support incentive payments at a rate of 66 percent or more, no moneys may be encumbered
20 under or expended from this appropriation while the federal legislation is in effect.

21 (cm) *Wisconsin works child care.* The amounts in the schedule for paying child care
22 subsidies under s. ~~49.155~~ 49.199.

23 (dz) *Temporary Assistance for Needy Families programs; maintenance of effort.* The
24 amounts in the schedule, less the amounts withheld under s. 49.143 (3), for administration and

1 benefit payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program
2 under s. ~~49.26~~ 49.198, and the work experience program for noncustodial parents under s.
3 49.36; for payments to local governments, organizations, tribal governing bodies, and
4 Wisconsin Works agencies; and for emergency assistance for families with needy children
5 under s. 49.138. Payments may be made from this appropriation account for any contracts
6 under s. ~~49.845~~ 49.019 (4) and for any fraud investigation and error reduction activities under
7 s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match federal funds
8 received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
9 may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3)
10 and 20.002 (1), the department of health services shall credit to this appropriation account
11 funds for the purposes of this appropriation that the department transfers from the
12 appropriation account under s. 20.435 (5) (bc). All funds allocated by the department but not
13 encumbered by December 31 of each year lapse to the general fund on the next January 1
14 unless transferred to the next calendar year by the joint committee on finance.

15 (e) *Incentive payments for identifying children with health insurance.* The amounts in
16 the schedule for incentive payments under s. ~~49.25~~ 49.823.

17 (f) *Emergency Shelter of the Fox Valley.* The amounts in the schedule to provide the
18 funding to the Emergency Shelter of the Fox Valley under s. ~~49.139~~ 49.175 (1) (im).

19 (ja) *Child support state operations — fees and reimbursements.* All moneys received
20 from fees charged under s. ~~49.22~~ 49.811 (8), from fees ordered or otherwise owed under s.
21 767.57 (1e) (a), from fees collected under ss. 49.854 (11) (b) and 767.57 (1e) (b) 1m. and (c),
22 from reimbursements under s. 108.13 (4) (f), from fees charged and incentive payments and
23 collections retained under s. ~~49.22~~ 49.811 (7m), and under s. 49.855 (4) from the department
24 of revenue or the department of administration that were withheld by the department of

1 revenue or the internal revenue service for unpaid fees ordered or otherwise owed under s.
2 767.57 (1e) (a), for costs associated with receiving and disbursing support and support-related
3 payments, including any contract costs, and for administering the program under s. ~~49.22~~
4 49.811 and all other purposes specified in s. ~~49.22~~ 49.811.

5 (jL) *Job access loan repayments.* All moneys received from repayments of loans made
6 under s. 49.147 (6), and from the department of revenue under s. 71.93 for delinquent job
7 access loan repayments certified under s. ~~49.85~~ 49.023, for making loans under s. 49.147 (6)
8 and for administrative costs associated with collecting delinquent job access loan repayments.

9 (k) *Child support transfers.* All moneys transferred from the appropriation account
10 under par. (r), to be expended under the Wisconsin Works program under subch. III of ch. 49
11 and under the work experience program for noncustodial parents under s. ~~49.36~~ 49.165, to be
12 distributed as child support incentive payments as provided in s. ~~49.24~~ 49.821, for costs
13 associated with receiving and disbursing support and support-related payments, including
14 any contract costs, for administering the program under s. ~~49.22~~ 49.811 and all other purposes
15 specified in s. ~~49.22~~ 49.811, and for the support of dependent children in accordance with
16 applicable federal and state statutes, federal regulations, and state rules.

17 (L) *Public assistance overpayment recovery, fraud investigation, and error reduction.*
18 All moneys received as the state's share of the recovery of overpayments and incorrect
19 payments under s. 49.191 (3) (c), 1997 stats., and s. 49.195, 1997 stats., for any contracts under
20 s. ~~49.845~~ 49.019 (4), for any activities under s. 49.197 (1m) to investigate fraud relating to the
21 Aid to Families with Dependent Children program and the Wisconsin Works program, for any
22 activities under s. 49.197 (3) to reduce payment errors in the Wisconsin Works program, and
23 for costs associated with collection of public assistance overpayments.

1 (n) *Child support state operations; federal funds.* All federal child support incentive
2 payments retained under s. ~~49.24~~ 49.821 (2) (c), and all other moneys received from the
3 federal government for activities related to child support, including federal funds for any
4 purpose under s. ~~49.22~~ 49.811 or ~~49.227~~ 49.819 and for the federal share of any costs
5 associated with receiving and disbursing support and support-related payments, and for the
6 state administration of those activities, to be expended for such purposes.

7 (nL) *Child support local assistance; federal funds.* All moneys received from the
8 federal government or any of its agencies for continuing programs, except for federal child
9 support incentive payments retained by the department under s. ~~49.24~~ 49.821 (2) (c), to be
10 expended as local assistance for the purposes specified.

11 (qm) *Child support state operations and reimbursement for claims and expenses;*
12 *unclaimed payments.* From the support collections trust fund, a sum sufficient equal to the
13 amounts credited under s. 20.912 (1) to the support collections trust fund and the amounts not
14 distributable under par. (r) for administering the program under s. ~~49.22~~ 49.811 and all other
15 purposes specified in s. ~~49.22~~ 49.811 and for reimbursing the state treasurer under s. 177.265.

16 **SECTION 7.** 20.545 (1) (i) of the statutes is amended to read:

17 20.545 (1) (i) *Services to nonstate governmental units.* The amounts in the schedule
18 for the purpose of funding personnel services to nonstate governmental units under s. 230.05
19 (8), including services provided under ss. ~~49.78~~ 49.003 (5) and 59.26 (8) (a). All moneys
20 received from the sale of these services shall be credited to this appropriation account.

21 **SECTION 8.** 29.024 (2g) (c) of the statutes is amended to read:

22 29.024 (2g) (c) *Disclosure of social security numbers.* The department of natural
23 resources may not disclose any social security numbers received under par. (a) to any person

1 except to the department of children and families for the sole purpose of administering s. ~~49.22~~
2 49.811.

3 **SECTION 9.** 29.229 (5m) (b) of the statutes is amended to read:

4 29.229 (5m) (b) The band is requested to enact tribal laws or ordinances that require
5 each person who has a social security number, as a condition of being issued an approval under
6 this section, to provide to the band his or her social security number, tribal laws or ordinances
7 that require each person who does not have a social security number, as a condition of being
8 issued an approval under this section, to provide to the band a statement made or subscribed
9 under oath or affirmation on a form prescribed by the department of children and families that
10 the person does not have a social security number, and tribal laws or ordinances that prohibit
11 the disclosure of that number by the band to any other person except to the department of
12 children and families for the purpose of administering s. ~~49.22~~ 49.811.

13 **SECTION 10.** 40.02 (25) (b) 2c. of the statutes is amended to read:

14 40.02 (25) (b) 2c. A state employee described in s. ~~49.825~~ 49.009 (4) or ~~49.826~~ 49.011
15 (4).

16 **SECTION 11.** 40.22 (2) (m) of the statutes is amended to read:

17 40.22 (2) (m) Notwithstanding sub. (3m), the employee was formerly employed by
18 Milwaukee County, is a state employee described in s. ~~49.825~~ 49.009 (4) or ~~49.826~~ (4), and
19 elects to remain a covered employee under the retirement system established under chapter
20 201, laws of 1937, pursuant to s. ~~49.825~~ 49.009 (4) (c) or ~~49.826~~ 49.011 (4) (c). This paragraph
21 shall not apply if the employee remains a state employee, but is no longer performing services
22 for the Milwaukee County enrollment services unit under s. ~~49.825~~ 49.009 or the child care
23 provider services unit under s. ~~49.826~~ 49.011.

24 **SECTION 12.** 40.62 (2) of the statutes is amended to read:

1 40.62 (2) Sick leave accumulation shall be determined in accordance with rules of the
2 department, any collective bargaining agreement under subch. I, V, or VI of ch. 111, and ss.
3 13.121 (4), 36.30, ~~49.825~~ 49.009 (4) (d), ~~49.826~~ 49.011 (4) (d), 230.35 (2), 233.10, 757.02 (5)
4 and 978.12 (3).

5 **SECTION 13.** 46.03 (7) (bm) of the statutes is amended to read:

6 46.03 (7) (bm) Maintain a file containing records of artificial inseminations under s.
7 891.40 and statements acknowledging paternity under s. 69.15 (3) (b). The department may
8 release those records and statements only upon an order of the court except that the department
9 may use nonidentifying information concerning artificial inseminations for the purpose of
10 compiling statistics, and statements acknowledging paternity shall be released without a court
11 order to the department of children and families or a county child support agency under s.
12 59.53 (5) upon the request of that department or county child support agency pursuant to the
13 program responsibilities under s. ~~49.22~~ 49.811 or to any other person with a direct and tangible
14 interest in the statement.

15 **SECTION 14.** 46.10 (14) (b) of the statutes is amended to read:

16 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent
17 specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the parent's minor child
18 who has been placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical
19 facility such as a group home, foster home, treatment foster home, subsidized guardianship
20 home, or residential care center for children and youth shall be determined by the court by
21 using the percentage standard established by the department of children and families under
22 s. ~~49.22~~ 49.811 (9) and by applying the percentage standard in the manner established by the
23 department under par. (g).

24 **SECTION 15.** 46.21 (2m) (c) and (5) (b) of the statutes are amended to read:

1 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78 (2)
2 (a), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), and 253.07
3 (3) (c), a subunit of a county department of human services or tribal agency acting under this
4 subsection may exchange confidential information about a client, without the informed
5 consent of the client, with any other subunit of the same county department of human services
6 or tribal agency, with a resource center, a care management organization, or a long-term care
7 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which
8 referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person
9 providing services to the client under a purchase of services contract with the county
10 department of human services or tribal agency or with a resource center, a care management
11 organization, or a long-term care district, if necessary to enable an employee or service
12 provider to perform his or her duties, or to enable the county department of human services
13 or tribal agency to coordinate the delivery of services to the client. An agency that releases
14 information under this paragraph shall document that a request for information was received
15 and what information was provided.

16 (5) (b) Sections 46.10, ~~49.08~~ 49.808, 49.345, ~~49.90~~ 49.039, and 301.12 govern the
17 support and maintenance of persons in any of the institutions specified in sub. (2) (a).

18 **SECTION 16.** 46.215 (1) (intro.), (j), (p), (1m) and (1p) of the statutes are amended to
19 read:

20 46.215 (1) **CREATION; POWERS AND DUTIES.** (intro.) In a county with a population of
21 500,000 or more the administration of welfare services, other than child welfare services
22 under s. 48.48 (17) administered by the department and except as provided in ss. 49.155 (3g),
23 ~~49.825~~ 49.009, and ~~49.826~~ 49.011, is vested in a county department of social services under
24 the jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference

1 in any law to a county department of social services under this section applies to a county
2 department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and
3 duties of the county department of social services. Except as provided in ss. 49.155 (3g),
4 ~~49.825~~ 49.009, and ~~49.826~~ 49.011, the county department of social services shall have the
5 following functions, duties, and powers, and such other welfare functions as may be delegated
6 to it:

7 (j) To make payments in such manner as the department of children and families may
8 determine for training of recipients, former recipients, and potential recipients of aid in
9 programs established under s. 49.193, 1997 stats., and s. ~~49.26~~ 49.198 (1).

10 (p) To administer the child care program under s. ~~49.155~~ 49.199, if the department of
11 children and families contracts with the county department of social services to do so.

12 **(1m) EXCHANGE OF INFORMATION; LONG-TERM CARE.** Notwithstanding ss. 46.2895 (9),
13 48.78 (2) (a), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
14 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social services or tribal
15 agency acting under this section may exchange confidential information about a client,
16 without the informed consent of the client, with any other subunit of the same county
17 department of social services or tribal agency, with a resource center, a care management
18 organization, or a long-term care district, with an elder-adult-at-risk agency, an adult-at-risk
19 agency, or any agency to which referral for investigation is made under s. 46.90 (5) (a) 1. or
20 55.043 (1r) (a) 1g., or with a person providing services to the client under a purchase of
21 services contract with the county department of social services or tribal agency or with a
22 resource center, a care management organization, or a long-term care district, if necessary to
23 enable an employee or service provider to perform his or her duties, or to enable the county
24 department of social services or tribal agency to coordinate the delivery of services to the

1 client. An agency that releases information under this subsection shall document that a request
2 for information was received and what information was provided.

3 **(1p)** EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE INFORMATION
4 SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7),
5 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07
6 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department under this section may
7 enter the content of any record kept or information received by that county department into
8 the statewide automated child welfare information system established under s. 48.47 (7g).

9 **SECTION 17.** 46.215 (1) (intro.) of the statutes is amended to read:

10 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population of
11 500,000 or more the administration of welfare services, other than child welfare services
12 under s. 48.48 (17) administered by the department and except as provided in ss. ~~49.155~~
13 49.199 (3g), 49.825, and 49.826, is vested in a county department of social services under the
14 jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in
15 any law to a county department of social services under this section applies to a county
16 department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and
17 duties of the county department of social services. Except as provided in ss. ~~49.155~~ 49.199
18 (3g), 49.825, and 49.826, the county department of social services shall have the following
19 functions, duties, and powers, and such other welfare functions as may be delegated to it:

20 **SECTION 18.** 46.22 (1) (b) 1. d., 2. fm., (d), (dm), (dp), (2) (b) and (m) and (3m) (a) of
21 the statutes are amended to read:

22 46.22 (1) (b) 1. d. To submit a final budget in accordance with s. 46.031 (1) for services
23 authorized in this section, except for the administration of and cost of aid granted under ss.
24 ~~49.02~~ 49.803, 49.19 and 49.45 to 49.471.

1 2. fm. To administer the child care program under s. ~~49.155~~ 49.199, if the department
2 of children and families contracts with the county department of social services to do so.

3 (d) *Merit system; records.* The county department of social services is subject to s.
4 49.78 (4) to (7). The county department of social services and all county officers and
5 employees performing any duties in connection with the administration of aid to families with
6 dependent children shall observe all rules promulgated by the department of children and
7 families under s. ~~49.78~~ 49.003 (4) and shall keep records and furnish reports as the department
8 of children and families requires in relation to their performance of such duties.

9 (dm) *Exchange of information; long-term care.* Notwithstanding ss. 46.2895 (9), 48.78
10 (2) (a), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07
11 (3) (c), and 938.78 (2) (a), a subunit of a county department of social services or tribal agency
12 acting under this subsection may exchange confidential information about a client, without
13 the informed consent of the client, with any other subunit of the same county department of
14 social services or tribal agency, with a resource center, a care management organization, or
15 a long-term care district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any
16 agency to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)
17 1g., or with a person providing services to the client under a purchase of services contract with
18 the county department of social services or tribal agency or with a resource center, a care
19 management organization, or a long-term care district, if necessary to enable an employee or
20 service provider to perform his or her duties, or to enable the county department of social
21 services or tribal agency to coordinate the delivery of services to the client. An agency that
22 releases information under this paragraph shall document that a request for information was
23 received and what information was provided.

1 (dp) *Exchange of information; statewide automated child welfare information system.*

2 Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4),
3 ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c),
4 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department under this section may enter
5 the content of any record kept or information received by that county department into the
6 statewide automated child welfare information system established under s. 48.47 (7g).

7 (2) (b) Appoint the county social services director under sub. (3) subject to s. ~~49.78~~
8 49.003 (4) to (7) and the rules promulgated thereunder and subject to the approval of the
9 county board of supervisors in a county with a single-county department of social services
10 or the county boards of supervisors in counties with a multicounty department of social
11 services.

12 (m) Notwithstanding sub. (3m), the employee was formerly employed by Milwaukee
13 County, is a state employee described in s. ~~49.825~~ 49.009 (4) or ~~49.826~~ 49.011 (4), and elects
14 to remain a covered employee under the retirement system established under chapter 201, laws
15 of 1937, pursuant to s. ~~49.825~~ 49.009 (4) (c) or ~~49.826~~ 49.011 (4) (c). This paragraph shall
16 not apply if the employee remains a state employee, but is no longer performing services for
17 the Milwaukee County enrollment services unit under s. ~~49.825~~ 49.009 or the child care
18 provider services unit under s. ~~49.826~~ 49.011.

19 (3m) (a) In any county with a county executive or a county administrator that has
20 established a single-county department of social services, the county executive or county
21 administrator, subject to s. ~~49.78~~ 49.003 (4) to (7) and the rules promulgated thereunder, shall
22 appoint and supervise the county social services director. The appointment is subject to the
23 confirmation of the county board of supervisors unless the county board of supervisors, by

1 ordinance, elects to waive confirmation or unless the appointment is made under a civil service
2 system competitive examination procedure established under s. 59.52 (8) or ch. 63.

3 **SECTION 19.** 46.23 (3) (e) and (ed) of the statutes are amended to read:

4 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss. 46.2895
5 (9), 48.78 (2) (a), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
6 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of human services or tribal
7 agency acting under this section may exchange confidential information about a client,
8 without the informed consent of the client, with any other subunit of the same county
9 department of human services or tribal agency, with a resource center, a care management
10 organization, or a long-term care district, with an elder-adult-at-risk agency, an adult-at-risk
11 agency, or any agency to which referral for investigation is made under s. 46.90 (5) (a) 1. or
12 55.043 (1r) (a) 1g., or with a person providing services to the client under a purchase of
13 services contract with the county department of human services or tribal agency or with a
14 resource center, a care management organization, or a long-term care district, if necessary to
15 enable an employee or service provider to perform his or her duties, or to enable the county
16 department of human services or tribal agency to coordinate the delivery of services to the
17 client. An agency that releases information under this paragraph shall document that a request
18 for information was received and what information was provided.

19 (ed) *Exchange of information; statewide automated child welfare information system.*
20 Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4),
21 ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c),
22 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department under this section may enter
23 the content of any record kept or information received by that county department into the
24 statewide automated child welfare information system established under s. 48.47 (7g).

1 **SECTION 20.** 46.27 (7) (am) of the statutes is amended to read:

2 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department shall
3 allocate funds to each county or private nonprofit agency with which the department contracts
4 to pay assessment and case plan costs under sub. (6) not otherwise paid by fee or under s. 49.45
5 or ~~49.78~~ 49.003 (2). The department shall reimburse counties for the cost of assessing persons
6 eligible for medical assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a) as part of the
7 administrative services of medical assistance, payable under s. 49.45 (3) (a). Counties may
8 use unspent funds allocated under this paragraph to pay the cost of long-term community
9 support services and for a risk reserve under par. (fr).

10 **SECTION 21.** 46.28 (1) (f) of the statutes is amended to read:

11 46.28 (1) (f) "Victim of domestic abuse" means an individual who has encountered
12 domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a).

13 **SECTION 22.** 46.284 (7) (b) of the statutes is amended to read:

14 46.284 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45
15 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a care management
16 organization acting under this section may exchange confidential information about a client,
17 as defined in s. 46.287 (1), without the informed consent of the client, under s. 46.21 (2m) (c),
18 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.2895 (10), 51.42 (3) (e) or 51.437
19 (4r) (b) in the county of the care management organization, if necessary to enable the care
20 management organization to perform its duties or to coordinate the delivery of services to the
21 client.

22 **SECTION 23.** 46.2895 (10) of the statutes is amended to read:

23 46.2895 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss. 48.78 (2)
24 (a), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)

1 (c) and 938.78 (2) (a), a long-term care district acting under this section may exchange
2 confidential information about a client, as defined in s. 46.287 (1), without the informed
3 consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e),
4 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the jurisdiction of the long-term care
5 district, if necessary to enable the long-term care district to perform its duties or to coordinate
6 the delivery of services to the client.

7 **SECTION 24.** 46.495 (1) (am) of the statutes is amended to read:

8 46.495 (1) (am) The department shall reimburse each county from the appropriations
9 under s. 20.435 (7) (b) and (o) for social services as approved by the department under ss.
10 46.215 (1), (2) (c) 1., and (3) and 46.22 (1) (b) 1. d. and (e) 3. a. except that no reimbursement
11 may be made for the administration of or aid granted under s. ~~49.02~~ 49.803.

12 **SECTION 25.** 48.30 (6) (b) of the statutes is amended to read:

13 48.30 (6) (b) If it appears to the court that disposition of the case may include placement
14 of the child outside the child's home, the court shall order the child's parent to provide a
15 statement of income, assets, debts, and living expenses to the court or the designated agency
16 under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as
17 otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent
18 ordered to provide a statement of income, assets, debts, and living expenses a document setting
19 forth the percentage standard established by the department under s. ~~49.22~~ 49.811 (9) and the
20 manner of its application established by the department under s. 49.345 (14) (g) and listing
21 the factors that a court may consider under s. 49.345 (14) (c).

22 **SECTION 26.** 48.31 (7) (b) of the statutes is amended to read:

23 48.31 (7) (b) If it appears to the court that disposition of the case may include placement
24 of the child outside the child's home, the court shall order the child's parent to provide a

1 statement of income, assets, debts, and living expenses to the court or the designated agency
2 under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as
3 otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent
4 ordered to provide a statement of income, assets, debts, and living expenses a document setting
5 forth the percentage standard established by the department under s. ~~49.22~~ 49.811 (9) and the
6 manner of its application established by the department under s. 49.345 (14) (g) and listing
7 the factors that a court may consider under s. 49.345 (14) (c).

8 **SECTION 27.** 48.357 (5m) (a) of the statutes is amended to read:

9 48.357 (5m) (a) If a proposed change in placement changes a child's placement from
10 a placement in the child's home to a placement outside the child's home, the court shall order
11 the child's parent to provide a statement of income, assets, debts and living expenses to the
12 court or the person or agency primarily responsible for implementing the dispositional order
13 by a date specified by the court. The clerk of court shall provide, without charge, to any parent
14 ordered to provide a statement of income, assets, debts, and living expenses a document setting
15 forth the percentage standard established by the department under s. ~~49.22~~ 49.811 (9) and the
16 manner of its application established by the department under s. 49.345 (14) (g) and listing
17 the factors that a court may consider under s. 49.345 (14) (c). If the child is placed outside
18 the child's home, the court shall determine the liability of the parent in the manner provided
19 in s. 49.345 (14).

20 **SECTION 28.** 48.36 (1) (b) of the statutes is amended to read:

21 48.36 (1) (b) In determining the amount of support under par. (a), the court may consider
22 all relevant financial information or other information relevant to the parent's earning
23 capacity, including information reported under s. ~~49.22~~ 49.811 (2m) to the department or the
24 county child support agency under s. 59.53 (5). If the court has insufficient information with

1 which to determine the amount of support, the court shall order the child's parent to furnish
2 a statement of income, assets, debts, and living expenses, if the parent has not already done
3 so, to the court within 10 days after the court's order transferring custody or designating an
4 alternative placement is entered or at such other time as ordered by the court.

5 **SECTION 29.** 48.363 (1) (c) of the statutes is amended to read:

6 48.363 (1) (c) If the proposed revision is for a change in the amount of child support
7 to be paid by a parent, the court shall order the child's parent to provide a statement of income,
8 assets, debts and living expenses to the court and the person or agency primarily responsible
9 for implementing the dispositional order by a date specified by the court. The clerk of court
10 shall provide, without charge, to any parent ordered to provide a statement of income, assets,
11 debts, and living expenses a document setting forth the percentage standard established by the
12 department under s. ~~49.22~~ 49.811 (9) and the manner of its application established by the
13 department under s. 49.345 (14) (g) and listing the factors that a court may consider under s.
14 49.345 (14) (c).

15 **SECTION 30.** 48.47 (7g) of the statutes is amended to read:

16 48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish a
17 statewide automated child welfare information system. Notwithstanding ss. 46.2895 (9),
18 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a),
19 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2)
20 (a), the department may enter the content of any record kept or information received by the
21 department into the statewide automated child welfare information system, and a county
22 department under s. 46.215, 46.22, or 46.23, the department, or any other organization that has
23 entered into an information sharing and access agreement with the department or any of those
24 county departments and that has been approved for access to the statewide automated child

1 welfare information system by the department may have access to information that is
2 maintained in that system, if necessary to enable the county department, department, or
3 organization to perform its duties under this chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to
4 679b or to coordinate the delivery of services under this chapter, ch. 46, 51, 55, or 938, or 42
5 USC 670 to 679b. The department may also transfer information that is maintained in the
6 system to a court under s. 48.396 (3) (b), and the court and the director of state courts may allow
7 access to that information as provided in s. 48.396 (3) (c) 2.

8 **SECTION 31.** 48.62 (2) of the statutes is amended to read:

9 48.62 (2) A relative or a guardian of a child who provides care and maintenance for the
10 child is not required to obtain the license specified in this section. The department, county
11 department, or licensed child welfare agency as provided in s. 48.75 may issue a license to
12 operate a foster home or a treatment foster home to a relative who has no duty of support under
13 s. ~~49.90~~ 49.039 (1) (a) and who requests a license to operate a foster home or treatment foster
14 home for a specific child who is either placed by court order or who is the subject of a voluntary
15 placement agreement under s. 48.63. The department, a county department, or a licensed child
16 welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978, ch. 54,
17 or ch. 880, 2003 stats., license the guardian's home as a foster home or treatment foster home
18 for the guardian's minor ward who is living in the home and who is placed in the home by court
19 order. Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978,
20 ch. 54, or ch. 880, 2003 stats., who are licensed to operate foster homes or treatment foster
21 homes are subject to the department's licensing rules.

22 **SECTION 32.** 48.651 (1) (intro.), (a), (b) and (2c) (a) of the statutes are amended to read:

23 48.651 (1) (intro.) No person, other than a child care center licensed under s. 48.65 or
24 established or contracted for under s. 120.13 (14), may receive reimbursement for providing

1 child care services for an individual who is determined eligible for a child care subsidy under
2 s. 49.155 unless the person is certified, according to the standards adopted by the department
3 under s. ~~49.155~~ 49.199 (1d), by the department in a county having a population of 500,000 or
4 more, a county department, or an agency with which the department contracts under sub. (2).
5 To be certified under this section, a person must meet the minimum requirements for
6 certification established by the department under s. ~~49.155~~ 49.199 (1d), meet the requirements
7 specified in s. 48.685, and pay the fee specified in sub. (2). The department in a county having
8 a population of 500,000 or more, a county department, or an agency contracted with under sub.
9 (2) shall certify the following categories of child care providers:

10 (a) Level I certified family child care providers, as established by the department under
11 s. ~~49.155~~ 49.199 (1d). No provider may be certified under this paragraph if the provider is a
12 relative of all of the children for whom the provider provides care.

13 (b) Level II certified family child care providers, as established by the department under
14 s. ~~49.155~~ 49.199 (1d).

15 (2c) (a) Reimburse a county having a population of 500,000 or more for all approved,
16 allowable certification costs, as provided in s. ~~49.826~~ 49.011 (2) (c).

17 **SECTION 33.** 48.659 of the statutes is amended to read:

18 **48.659 Child care quality rating system.** The department shall provide a child care
19 quality rating system that rates the quality of the child care provided by a child care provider
20 licensed under s. 48.65 that receives reimbursement under s. ~~49.155~~ 49.199 for the child care
21 provided or that volunteers for rating under this section. The department shall make the rating
22 information provided under that system available to the parents, guardians, and legal
23 custodians of children who are recipients, or prospective recipients, of care and supervision

1 from a child care provider that is rated under this section, including making that information
2 available on the department's Internet site.

3 **SECTION 34.** 48.66 (2m) (c) and (cm) of the statutes are amended to read:

4 48.66 (2m) (c) The subunit of the department that obtains a social security number or
5 a federal employer identification number under par. (a) 1. may not disclose that information
6 to any person except to the department of revenue for the sole purpose of requesting
7 certifications under s. 73.0301 or on the request of the subunit of the department that
8 administers the child and spousal support program under s. ~~49.22~~ 49.811 (2m).

9 (cm) The department of corrections may not disclose any information obtained under
10 par. (am) 1. to any person except on the request of the department under s. ~~49.22~~ 49.811 (2m).

11 **SECTION 35.** 48.685 (5) (br) 5. of the statutes is amended to read:

12 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in the
13 Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of a child care
14 subsidy under s. ~~49.155~~ 49.199, or as a recipient of aid to families with dependent children
15 under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps benefits under the
16 food stamp program under 7 USC 2011 to 2036, supplemental security income payments
17 under s. 49.77, payments for the support of children of supplemental security income
18 recipients under s. 49.775, or health care benefits under the Badger Care health care program
19 under s. 49.665.

20 **SECTION 36.** 48.981 (8) (a) and (d) 1. of the statutes are amended to read:

21 48.981 (8) (a) The department, the county departments, and a licensed child welfare
22 agency under contract with the department in a county having a population of 500,000 or more
23 to the extent feasible shall conduct continuing education and training programs for staff of the
24 department, the county departments, licensed child welfare agencies under contract with the

1 department or a county department, law enforcement agencies, and the tribal social services
2 departments, persons and officials required to report, the general public, and others as
3 appropriate. The programs shall be designed to encourage reporting of child abuse and neglect
4 and of unborn child abuse, to encourage self-reporting and voluntary acceptance of services
5 and to improve communication, cooperation, and coordination in the identification,
6 prevention, and treatment of child abuse and neglect and of unborn child abuse. Programs
7 provided for staff of the department, county departments, and licensed child welfare agencies
8 under contract with county departments or the department whose responsibilities include the
9 investigation or treatment of child abuse or neglect shall also be designed to provide
10 information on means of recognizing and appropriately responding to domestic abuse, as
11 defined in s. ~~49.165~~ 49.217 (1) (a). The department, the county departments, and a licensed
12 child welfare agency under contract with the department in a county having a population of
13 500,000 or more shall develop public information programs about child abuse and neglect and
14 about unborn child abuse.

15 (d) 1. Each agency staff member and supervisor whose responsibilities include
16 investigation or treatment of child abuse and neglect or of unborn child abuse shall
17 successfully complete training in child abuse and neglect protective services and in unborn
18 child abuse protective services approved by the department. The training shall include
19 information on means of recognizing and appropriately responding to domestic abuse, as
20 defined in s. ~~49.165~~ 49.217 (1) (a). The department shall monitor compliance with this
21 subdivision according to rules promulgated by the department.

22 **SECTION 37.** 48.988 (11) of the statutes is amended to read:

23 48.988 (11) Financial responsibility for any child placed under the interstate compact
24 on the placement of children shall be determined in accordance with sub. (5) in the first

1 instance. However, in the event of partial or complete default of performance thereunder, the
2 provisions of s. ~~49.90~~ 49.039, ch. 769, or any other applicable state law fixing responsibility
3 for the support of children also may be invoked.

4 **SECTION 38.** 48.989 (2) of the statutes is amended to read:

5 48.989 (2) FINANCIAL RESPONSIBILITY. Financial responsibility for any child placed
6 under the provisions of the interstate compact on the placement of children shall be determined
7 in accordance with ss. 48.60 (4) (b) and 48.988 (5). In the event of partial or complete default
8 of performance under the compact, the provisions of s. ~~49.90~~ 49.039, ch. 769, or any other
9 applicable state law fixing responsibility for the support of children may also be invoked.

10 **SECTION 39.** 49.001 (1m) of the statutes is renumbered 49.46 (1).

NOTE: Renumbers a general chapter definition for the term “essential person” to place it in one of 2 sections where the term appears.

11 **SECTION 40.** 49.001 (4) of the statutes is renumbered 49.08 (1) (a).

NOTE: Renumbers a definition for the term “municipality”, which appears in only 2 sections within ch. 49.

12 **SECTION 41.** 49.001 (4) and (7m) of the statutes are created to read:

13 49.001 (4) “Intentional program violation” means, with regard to the programs in this
14 chapter, intentionally making a false or misleading statement, intentionally misrepresenting
15 or withholding facts, or committing any act that constitutes a violation of state or federal law
16 for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or
17 trafficking benefits under this chapter.

18 (7m) “Tribal governing body” means an elected tribal governing body of a federally
19 recognized American Indian tribe or band.

NOTE: Creates a definition for “intentional program violation” and creates a single definition of “tribal governing body” for ch. 49.

20 **SECTION 42.** 49.001 (5m) of the statutes is renumbered 49.79 (1) (cm).

NOTE: Renumbers a definition for the term “prisoner”, which only appears in provisions related to the supplemental nutrition assistance program.

1 **SECTION 43.** 49.001 (5p) of the statutes is amended to read:

2 49.001 (**5p**) “Relief block grant” means a block grant awarded to a county or tribal
3 governing body under s. ~~49.025, 49.027 or 49.029~~ 49.804, 49.805, or 49.806.

4 **SECTION 44.** 49.002 of the statutes is renumbered 49.80.

5 **SECTION 45.** 49.006 (1) of the statutes is created to read:

6 49.006 (**1**) **AFFIRMATION OF STATEMENTS IN APPLICATIONS.** (**1**) Any person who makes
7 any statement in a written application for any aid or benefit provided under this chapter shall
8 be considered to have made an admission as to the existence, correctness, or validity of any
9 fact stated. Such a statement shall be considered to be prima facie evidence against the person
10 making it in any complaint, information, or indictment, and in any action brought for
11 enforcement of any provision of this chapter.

12 (**2**) Any employee of a county department, a Wisconsin works agency, the department
13 of health services, or the department of children and families accepting an application for any
14 aid or benefit under this chapter shall have the authority to administer an oath to the applicant
15 that the information given is true and correct to the best of the applicant’s knowledge.

16 (**3**) The department of children and families and the department of health services shall
17 promulgate rules requiring information provided by an applicant for any aid or benefit under
18 this chapter to be sworn to or otherwise affirmed as being true and correct to the best of the
19 applicant’s knowledge. The rules shall be submitted to the legislative council staff under s.
20 227.15 (1) of the statutes no later than the first day of the 3rd month beginning after the
21 effective date of this subsection.

NOTE: Provides that a statement made in a written application for any aid or benefit under ch. 49, stats., is considered to be an admission as to the existence, correctness, or validity of any fact stated. In addition, this SECTION provides that an employee who accepts an application for aid or a benefit has the authority to administer an oath to the applicant. Finally, this section requires DCF and DHS to promulgate rules requiring statements on aid and benefit applications to be sworn to or otherwise affirmed to be true and correct.

1 **SECTION 46.** 49.01 of the statutes is renumbered 49.801.

2 **SECTION 47.** 49.01 (1m), (8j) and (8p) of the statutes are repealed.

NOTE: Repeals definitions for the terms “department”, “secretary”, and “tribal governing body”. The terms “department” and “secretary” will be defined at the beginning of the subchapter. The term “tribal governing body” is created in SECTION 41 of the draft.

3 **SECTION 48.** 49.01 (2) of the statutes is amended to read:

4 49.01 (2) “Dependent person” means an individual who is eligible for relief under s.
5 ~~49.015~~ 49.802.

6 **SECTION 49.** 49.015 of the statutes is renumbered 49.802, and 49.802 (1) (c) and (3) (b),
7 as renumbered, are amended to read:

8 **49.802** (1) (c) The individual qualifies under written criteria of dependency under s.
9 ~~49.02~~ 49.803 (1) (b) established by the relief agency in that county or on that tax-free land.

10 **(3) (b)** A relief agency may waive the requirement under sub. (2) or (2m) in case of
11 unusual misfortune or hardship. Each waiver shall be reported to the department. The
12 department may make a determination as to the appropriateness of the waiver under rules
13 promulgated by the department under s. ~~49.02~~ 49.803 (7m) (d).

14 **SECTION 50.** 49.02 of the statutes is renumbered 49.803, and 49.803 (1) (c) 4. and (7m)
15 (b) and (d), as renumbered, are amended to read:

16 **(1) (c) 4.** In the case of a county submitting a plan for a relief block grant under s. ~~49.027~~
17 49.805, whether the county will provide services other than health care services and, if such

1 services are offered, how the county will determine what services will be provided to a
2 dependent person.

3 (7m) (b) Procedures for appealing eligibility determinations under s. ~~49.015~~ 49.802.

4 These procedures shall provide for notice, fair hearing and review.

5 (d) Standards for a waiver of any eligibility requirement under s. ~~49.015~~ 49.802.

6 **SECTION 51.** 49.025 of the statutes is renumbered 49.804, and 49.804 (2) (a) (intro.) and
7 (b), as renumbered, is amended to read:

8 49.804 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a year, the
9 department shall pay to the county, in accordance with s. ~~49.031~~ 49.807, from the
10 appropriation under s. 20.435 (4) (bt), an amount for that year determined as follows:

11 (b) In calculating the total amount expended by the county under par. (a), the department
12 may exclude any amount expended as a result of a waiver determined to be inappropriate
13 under rules promulgated by the department under s. ~~49.02~~ 49.803 (7m) (d).

14 **SECTION 52.** 49.027 of the statutes is renumbered 49.805, 49.805 (2) (a) (intro.) and (b),
15 as renumbered, are amended to read:

16 49.805 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a year, the
17 department shall pay to the county, in accordance with s. ~~49.031~~ 49.807 and subject to par. (c),
18 from the appropriation under s. 20.435 (4) (bt), an amount for that year determined as follows:

19 (b) In calculating the total costs incurred by the county under par. (a) 2., the department
20 may exclude any amount expended as relief by the county in that year as a result of a waiver
21 determined by the department to be inappropriate under rules promulgated by the department
22 under s. ~~49.02~~ 49.803 (7m) (d).

23 **SECTION 53.** 49.029 of the statutes is renumbered 49.806, 49.806 (3), as renumbered,
24 is amended to read:

1 **(3) USE OF RELIEF BLOCK GRANT FUNDS.** A tribal governing body may use moneys
2 received as a relief block grant only for the purpose of providing health care services to
3 dependent persons. Notwithstanding s. ~~49.04~~ 49.801 (2g), health care services may include
4 treatment services for alcohol and other drug abuse and mental health services.

5 **SECTION 54.** 49.031 of the statutes is renumbered 49.807, 49.807 (1) as renumbered,
6 is amended to read:

7 **49.807 (1) FILING OF RELIEF BLOCK GRANT REPORT.** Each county that is eligible for a relief
8 block grant under s. ~~49.02~~ 49.803 (1) in a year shall prepare a report, in accordance with rules
9 promulgated by the department under s. ~~49.02~~ 49.803 (7m) (c), detailing the costs incurred
10 for relief provided to dependent persons in that year. The report shall be filed with the
11 department by March 1 of the year immediately following the year in which the costs were
12 incurred.

13 **SECTION 55.** 49.08 of the statutes is renumbered 49.808.

14 **SECTION 56.** 49.09 of the statutes is renumbered 49.08 (1) (b).

15 **SECTION 57.** 49.11 of the statutes is renumbered 49.05.

16 **SECTION 58.** 49.114 of the statutes is renumbered 49.066.

17 **SECTION 59.** 49.133 of the statutes is repealed.

NOTE: Repeals a provision relating to refusal to pay child care providers
 under Wisconsin Shares because the same provisions are contained in s.
 49.155 (7).

18 **SECTION 60.** 49.134 of the statutes is renumbered 49.204, 49.204 (2) (a), as renumbered,
19 is amended to read:

20 **49.204 (2) (a)** From the allocation under s. ~~49.155~~ 49.199 (1g), the department shall
21 make grants to local agencies to fund child care resource and referral services provided by

1 those local agencies. The department shall provide an allocation formula to determine the
2 amount of a grant awarded under this section.

NOTE: Repeals a definition of "child care provider" that duplicates the
definition provided in s. 49.001 (1).

3 **SECTION 61.** 49.136 (1) (b) of the statutes is repealed.

4 **SECTION 62.** 49.136 (2) (a) of the statutes is amended to read:

5 49.136 (2) (a) From the allocation under s. ~~49.155~~ 49.199 (1g), the department may
6 award grants for the start-up or expansion of child care services.

7 **SECTION 63.** 49.137 of the statutes is renumbered 49.207, 49.207 (1) (bd) and (e), (2)
8 (a), (3) (a), (4) (intro.), and (4m), as renumbered, are amended to read:

9 **49.205 (1) (bd)** "Family child care center" has the meaning given in s. ~~49.136~~ 49.205
10 (1) (j).

11 (e) "Group child care center" has the meaning given in s. ~~49.136~~ 49.205.

12 (2) (a) From the allocation under s. ~~49.155~~ 49.199 (1g), the department may award
13 grants to child care providers that meet the quality of care standards established under s.
14 ~~49.155~~ 49.199 (1d) (b) to improve the retention of skilled and experienced child care staff.
15 In awarding grants under this subsection, the department shall consider the applying child care
16 provider's total enrollment of children and average enrollment of children who receive or are
17 eligible for publicly funded care from the child care provider.

18 (3) (a) From the allocation under s. ~~49.155~~ 49.199 (1g), the department may award
19 grants to child care providers for assistance in meeting the quality of care standards established
20 under s. ~~49.155~~ 49.199 (1d) (b).

21 (4) (intro.) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. From the allocation under
22 s. ~~49.155~~ 49.199 (1g), the department may contract with one or more agencies for the

1 provision of training and technical assistance to improve the quality of child care provided in
2 this state. The training and technical assistance activities contracted for under this subsection
3 may include any of the following activities:

4 **(4m) LOCAL PASS-THROUGH GRANT PROGRAM.** From the allocation under s. ~~49.155~~
5 49.199 (1g), the department shall award grants to local governments and tribal governing
6 bodies for programs to improve the quality of child care. The department shall promulgate
7 rules to administer the grant program, including rules that specify the eligibility criteria and
8 procedures for awarding the grants.

9 **SECTION 64.** 49.137 (1) (am), (1) (bd) and (1) (k) of the statutes are repealed.

NOTE: Repeals definitions for the terms “child care provider”, “family child care center”, and “group child care center”. The term “child care provider” is defined at the beginning of the chapter, in s. 49.001 (1). The terms “family child care center” and “group child care center” are not used in s. 49.137. In another section in which those terms do appear (s. 49.136), separate definitions are provided.

10 **SECTION 65.** 49.1375 of the statutes is renumbered 49.209.

11 **SECTION 66.** 49.138 (4) (c) of the statutes is amended to read:

12 49.138 (4) (c) If the administering agency is a Wisconsin works agency, the department
13 may review the decision of the Wisconsin works agency if, within ~~14~~ 21 days after the date
14 on which the certified copy of the decision of the Wisconsin works agency is mailed, the
15 applicant or participant petitions the department for a review of that decision.

NOTE: Changes the time period for departmental review of a Wisconsin works agency decision regarding emergency assistance from 14 days to 21 days to be consistent with other reviews under the Wisconsin works program.

16 **SECTION 67.** 49.139 of the statutes is renumbered 49.175 (1) (im) and amended to read:

17 49.175 (1) (im) **Emergency shelter funding.** ~~From the appropriation account under~~
18 ~~s. 20.437 (2) (f), the department shall provide \$50,000 annually, beginning on October 1,~~

1 2009, to For the Emergency Shelter of the Fox Valley to provide services to homeless
2 individuals and families \$50,000 in each fiscal year.

NOTE: Moves emergency shelter funding to the section on public assistance and local assistance allocations.

3 SECTION 68. 49.141 (1) (s) of the statutes is amended to read:

4 49.141 (1) (s) "Wisconsin works group" means an individual who is a custodial parent,
5 all dependent children with respect to whom the individual is a custodial parent and all
6 dependent children with respect to whom the individual's dependent child is a custodial
7 parent. "Wisconsin works group" includes any nonmarital coparent or any spouse of the
8 individual who resides in the same household as the individual and any dependent children
9 with respect to whom the spouse or nonmarital coparent is a custodial parent. "Wisconsin
10 works group" does not include any person who is receiving benefits under s. ~~49.027~~ 49.805
11 (3) (b).

12 SECTION 69. 49.141 (7) (a) of the statutes is renumbered 946.90 (3) and amended to
13 read:

14 946.90 (3) ~~A person who is convicted of violating sub. (6) in connection with the~~
15 Whoever violates sub. (2) by furnishing by that person of items or services for which payment
16 is or may be made under Wisconsin works is guilty of a Class H felony.

17 SECTION 70. 49.141 (7) (b) of the statutes is repealed.

18 SECTION 71. 49.141 (7) (c) (intro.) of the statutes is amended to read:

19 49.141 (7) (c) (intro.) Except as provided in par. (d), in addition to the penalties
20 applicable under ~~par. (a) or (b) s. 946.90 (2) or (3),~~ a person shall be suspended from
21 participating in Wisconsin works for a period of 10 years, beginning on the date of conviction,
22 if the person is convicted in a federal or state court for any of the following:

1 **SECTION 72.** 49.141 (8) of the statutes is amended to read:

2 49.141 (8) DAMAGES. If a person is convicted under ~~sub. (6)~~ s. 946.90 (2) or (3), the
3 state has a cause of action for relief against the person in an amount equal to 3 times the amount
4 of actual damages sustained as a result of any excess payments made in connection with the
5 offense for which the conviction was obtained. Proof by the state of a conviction under sub.
6 (6) is conclusive proof in a civil action of the state's right to damages and the only issue in
7 controversy shall be the amount, if any, of the actual damages sustained. Actual damages
8 consist of the total amount of excess payments, any part of which is paid with state funds. In
9 a civil action under this subsection, the state may elect to file a motion in expedition of the
10 action. Upon receipt of the motion, the presiding judge shall expedite the action.

11 **SECTION 73.** 49.141 (9) (a) of the statutes is renumbered 946.90 (4) and amended to
12 read:

13 946.90 (4) Whoever solicits or receives ~~any remuneration in cash or in-kind~~ money,
14 goods, services, or any other thing of value, in return for referring an individual to a person
15 for the furnishing or arranging for the furnishing of any item or service for which payment may
16 be made in whole or in part under Wisconsin works, or in return for purchasing, leasing,
17 ordering, or arranging for or recommending purchasing, leasing, or ordering any good,
18 facility, service, or item for which payment may be made in whole or in part under Wisconsin
19 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
20 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

21 **SECTION 74.** 49.141 (9) (b) of the statutes is renumbered 946.90 (5) and amended to
22 read:

23 946.90 (5) Whoever offers or pays ~~any remuneration in cash or in-kind~~ money, goods,
24 services, or any other thing of value to any person to induce the person to refer an individual

1 to a person for the furnishing or arranging for the furnishing of any item or service for which
2 payment may be made in whole or in part under Wisconsin works, or to purchase, lease, order,
3 or arrange for or recommend purchasing, leasing, or ordering any good, facility, service or
4 item for which payment may be made in whole or in part under any provision of Wisconsin
5 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
6 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

7 **SECTION 75.** 49.141 (10) (a) of the statutes is renumbered 946.90 (6) and amended to
8 read:

9 946.90 (6) A provider ~~may not~~ who knowingly ~~impose~~ imposes upon a recipient
10 Wisconsin works participant charges in addition to payments received for services under
11 Wisconsin works or knowingly ~~impose~~ imposes direct charges upon a recipient in lieu of
12 obtaining payment under Wisconsin works unless is guilty of a Class H felony, except that,
13 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not
14 more than \$25,000. This subsection does not apply if benefits or services are not provided
15 under Wisconsin works and the recipient Wisconsin works participant is advised of this fact
16 prior to receiving the service.

17 **SECTION 76.** 49.141 (10) (b) of the statutes is repealed.

NOTE: SECTIONS 69 to 75 move criminal penalties relating to Wisconsin
works fraud to s. 946.90. Chapter 946 contains crimes against
government and its administration. Also, see SECTIONS 318 and 319.

18 **SECTION 77.** 49.143 (2) (b) of the statutes is amended to read:

19 49.143 (2) (b) Establish a children's services network. The children's services network
20 shall ~~provide~~ make available information about community resources available to the
21 dependent children in a Wisconsin works group, including charitable food and clothing
22 centers; subsidized and low-income housing; transportation subsidies; the state supplemental

1 food program for women, infants and children under s. 253.06; and child care programs. In
2 a county having a population of 500,000 or more, a children's services network shall, in
3 addition, provide a forum for those persons who are interested in the delivery of child welfare
4 services and other services to children and families in the geographical area under sub. (6)
5 served by that children's services network to communicate with and make recommendations
6 to the providers of those services in that geographical area with respect to the delivery of those
7 services in that area.

NOTE: Modifies language relating to a Wisconsin works agency's children's services network to require it to make available information about community resources; instead of provide such information.

8 **SECTION 78.** 49.143 (2) (em) of the statutes is amended to read:

9 49.143 (2) (em) Determine eligibility for and administer child care assistance under s.
10 ~~49.155~~ 49.199, if the department contracts with the Wisconsin Works agency to do so.

11 **SECTION 79.** 49.143 (2) (h) of the statutes is created to read:

12 49.143 (2) (h) Prohibit persons who contract with the Wisconsin works agency from
13 imposing charges for services under Wisconsin works or imposing direct charges upon a
14 participant in lieu of obtaining payment under Wisconsin works.

NOTE: Adds a contract requirement for Wisconsin works agencies. Under current law and in this draft, this conduct is also the basis for criminal liability.

15 **SECTION 80.** 49.143 (3g) (a) 1. of the statutes is amended to read:

16 49.143 (3g) (a) 1. The placement of participants in Wisconsin works employment
17 positions into unsubsidized employment, as defined in s. 49.147 (1) (e) 49.141 (1) (o).

18 **SECTION 81.** 49.145 (2) (j) of the statutes is amended to read:

19 49.145 (2) (j) ~~On the last day of the month, the~~ The individual is not participating in a
20 strike.

NOTE: Modifies a non-financial eligibility criterion for Wisconsin works.

1 **SECTION 82.** 49.145 (2) (s) of the statutes is amended to read:

2 49.145 (2) (s) The individual assigns to the state any right of the individual or of any
3 dependent child of the individual to support or maintenance from any other person accruing
4 during the time that any assistance, as defined in 45 CFR 260.31, under Wisconsin Works is
5 paid to the individual. If a minor who is a beneficiary of any assistance under Wisconsin
6 Works is also the beneficiary of support under a judgment or order that includes support for
7 one or more children not receiving that assistance, any support payment made under the
8 judgment or order is assigned to the state during the period that the minor is a beneficiary of
9 that assistance in the amount that is the proportionate share of the minor receiving the
10 assistance, except as otherwise ordered by the court on the motion of a party. Amounts
11 assigned to the state under this paragraph remain assigned to the state until the amount due to
12 the federal government has been recovered. No amount of support that begins to accrue after
13 the individual ceases to receive assistance under Wisconsin Works may be considered
14 assigned to this state. ~~Except as provided in s. 49.1455, 75~~ Seventy-five percent of all money
15 that is received by the department in a month under an assignment to the state under this
16 paragraph for an individual applying for or participating in Wisconsin Works shall be paid to
17 the individual applying for or participating in Wisconsin Works. The department shall pay the
18 federal share of support assigned under this paragraph as required under federal law or waiver.

NOTE: Deletes reference to a statute that is repealed in the draft.

19 **SECTION 83.** 49.1452 of the statutes is renumbered 49.813.

20 **SECTION 84.** 49.1455 of the statutes is repealed.

NOTE: Repeals the statute creating the child support demonstration project because the project no longer exists.

1 **SECTION 85.** 49.147 (1) of the statutes is renumbered 49.141 (1) (o) and amended to
2 read:

3 49.141 (1) (o) ~~DEFINITIONS. In this section:~~

4 (o) "Unsubsidized employment" means employment for which the Wisconsin works
5 agency provides no wage subsidy to the employer including self-employment and
6 entrepreneurial activities.

NOTE: Renumbers a definition for the term "unsubsidized employment",
 and places it in s. 49.141, which provides definitions applicable to
 multiple sections related to the Wisconsin works program.

7 **SECTION 86.** 49.147 (3m) of the statutes is repealed.

NOTE: Repeals the real work, real pay pilot project which no longer
 exists.

8 **SECTION 87.** 49.147 (4) (at) and (5) (bt) of the statutes are repealed.

NOTE: Repeals language related to motivational training for participants
 in community service jobs or transitional placements, and the maximum
 hours of such training, because current law contains general hours of
 participation requirements for all activities under Wisconsin works.

9 **SECTION 88.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

10 49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except as
11 provided in par. (bL), a participant under sub. (4) or (5) may participate in a ~~technical college~~
12 an education program provided by a technical college established under ch. 38 as part of a
13 community service job placement or transitional placement if all of the following
14 requirements are met:

NOTE: Clarifies reference to technical college education.

15 **SECTION 89.** 49.147 (6) (cm) 1. of the statutes is amended to read:

16 49.147 (6) (cm) 1. The department may, in the manner provided in s. 49.85, collect job
17 access loan repayments that are delinquent under the terms of a repayment agreement. The

1 department shall credit all delinquent repayments collected by the department of revenue as
2 a of under s. 71.93 to the appropriation account under s. 20.437 (2) (jL). Use of the process
3 under s. ~~49.85~~ 49.023 does not preclude the department from collecting delinquent
4 repayments through other legal means.

5 **SECTION 90.** 49.1473 of the statutes is renumbered 49.143 (2b).

NOTE: Moves domestic abuse screening and training requirements for
Wisconsin works agencies to the section on Wisconsin works contracts.

6 **SECTION 91.** 49.148 (4) of the statutes is renumbered 49.145 (3m) and, as renumbered,
7 49.145 (3m) (title) is amended to read:

8 49.145 (3m) ~~DRUG TESTING PARTICIPANT WITH DRUG CONVICTION.~~

NOTE: Moves requirements for drug test under Wisconsin works to the
section regarding participant eligibility criteria.

9 **SECTION 92.** 49.149 of the statutes is renumbered 49.143 (2z) and amended to read:

10 49.143 (2z) ~~Wisconsin works; education~~ **Education and training.** A Wisconsin
11 works agency shall ~~do all of the following:~~

12 ~~(1) Establish~~ Establish a referral relationship with other employment and training
13 programs for participants to make use of varied education and training opportunities available
14 through integrated job centers, as defined by the department by rule.

15 ~~(3) Encourage~~ Encourage employers to make training sites available on the business
16 site for participants.

NOTE: Moves education and training requirements for Wisconsin works
agencies to the section on Wisconsin works contracts.

17 **SECTION 93.** 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and, as
18 renumbered, is amended to read:

19 49.151 (2) INTENTIONAL PROGRAM VIOLATIONS. (a) ~~If a court finds or it is determined~~
20 ~~after an administrative hearing that an individual who is a member of a Wisconsin works group~~

1 applying for or receiving benefits under ss. 49.138 or 49.141 to 49.161, for the purpose of
2 establishing or maintaining eligibility for those benefits or for the purpose of increasing the
3 value of those benefits, has intentionally violated, ~~on 3 separate occasions,~~ any provision in
4 ss. 49.138 or 49.141 to 49.161 or any rule promulgated under those sections, the Wisconsin
5 works agency or the department may permanently deny benefits under ss. 49.138 or 49.141
6 to 49.161 to the individual. as follows:

7 **SECTION 94.** 49.151 (2) (a) 1., 2., 3. and (b) of the statutes are created to read:

8 49.151 (2) (a) 1. For the first intentional program violation, for 6 months.

9 2. For a second intentional program violation, for one year.

10 3. For a third intentional program violation, permanently.

11 (b) An individual who is aggrieved by a determination under par. (a) may request a
12 review of the determination under s. 49.152 or, if the determination is based upon a violation
13 of s. 49.155, may request a contested case hearing under ch. 227 by filing with the department
14 a request for a hearing within 30 days after the date of the determination.

NOTE: Clarifies that a Wisconsin works agency determines whether a person has intentionally violated a provision of the Wisconsin works program. The draft also applies this provision to the emergency assistance program.

Under the draft, as under current law, a person who commits 3 intentional program violations may be permanently denied benefits. Additionally, under the draft, a person may be denied benefits for 6 months for one intentional program violation and one year for a second intentional program violation.

Under the draft, each determination of a violation may be reviewed.

15 **SECTION 95.** 49.152 (title) of the statutes is amended to read:

16 **49.152 (title) Review of Wisconsin works agency decisions.**

17 **SECTION 96.** 49.1525 of the statutes is created to read:

1 **49.1525 Review of Wisconsin shares decisions. (1) PETITION FOR REVIEW.** Any
2 individual whose application for a child care subsidy under s. 49.155 is not acted upon with
3 reasonable promptness after the filing of the application, as defined by the department by rule,
4 or is denied in whole or in part, whose benefit is modified or canceled, or who believes that
5 the benefit was calculated incorrectly, or a child care provider who is refused payment under
6 s. 49.155 (7) or assessed a penalty under s. 49.155 (7m), may petition the department for a
7 review of such action. Review is unavailable if the action occurred more than 45 days prior
8 to submission of the petition for review.

9 (2) REVIEW. (a) Upon a timely petition under sub. (1), the department shall give the
10 applicant, participant, or child care provider reasonable notice and opportunity for a review.
11 The department shall render its decision as soon as possible after the review and shall send by
12 1st class mail a certified copy of its decision to the last-known address of the applicant or
13 participant. The department shall deny a petition for a review or shall refuse to grant relief
14 if the petitioner does any of the following:

15 1. Withdraws the petition in writing.

16 2. Abandons the petition. Abandonment occurs if the petitioner fails to appear in person
17 or by representative at a scheduled review without good cause, as defined by the department
18 by rule.

19 (b) The petitioner may request a review of the department's decision under ch. 227
20 within 21 days of the date on which the decision of the department is mailed.

21 (3) REMEDIES. If, following review under sub. (2), the department determines that a
22 participant's child care subsidy benefit was improperly modified, canceled, or refused, or was
23 calculated incorrectly, the department shall restore the benefit to the level determined to be

1 appropriate by the department retroactive to the date on which the benefit was first improperly
2 modified or canceled or incorrectly calculated.

NOTE: Creates a new section governing the review of department decisions related to the Wisconsin Shares program.

3 **SECTION 97.** 49.153 of the statutes is renumbered 49.1517.

NOTE: Moves provisions relating to notice before taking certain actions by a Wisconsin works agency so that it precedes the section relating to review of agency decisions.

4 **SECTION 98.** 49.155 of the statutes is renumbered 49.199.

5 **SECTION 99.** 49.155 (1) (ag) and (1) (d) of the statutes are repealed.

NOTE: Repeals definitions for the terms “child care provider” and “tribal governing body”. The term “child care provider” is defined at the beginning of the chapter, in s. 49.001 (1). The term “tribal governing body” is created in SECTION 41 of the draft.

6 **SECTION 100.** 49.155 (1) (ah), (1g) (bc), (d), (e), (1m) (a) 1., 1m. (intro.), (3g) (a) (intro.)

7 and (b) of the statutes are amended to read:

8 49.155 (1) (ah) “County department or agency” means a county department under s.
9 46.215, 46.22, or 46.23, the unit, as defined in s. ~~49.825~~ 49.009 (1) (e), or a Wisconsin Works
10 agency, child care resource and referral agency, or other agency.

11 (1g) (bc) Grants under s. ~~49.134~~ 49.204 (2) for child care resource and referral services,
12 in the amount of at least \$1,298,600 per fiscal year.

13 (d) Grants under s. ~~49.137~~ 49.207 (4m).

14 (e) Contracts under s. ~~49.137~~ 49.207 (4) for training and technical assistance.

15 (1m) (a) 1. Meet the school attendance requirement under s. ~~49.26~~ 49.198 (1) (ge).

16 1m. (intro.) Obtain a high school diploma or participate in a course of study meeting
17 the standards established by the state superintendent of public instruction for the granting of
18 a declaration of equivalency of high school graduation, if the individual is not subject to the

1 school attendance requirement under s. ~~49.26~~ 49.198 (1) (ge) and at least one of the following
2 conditions is met:

3 (3g) (a) (intro.) The department may contract with the Milwaukee County enrollment
4 services unit, as provided in s. ~~49.825~~ 49.009 (2) (b), to do any of the following:

5 (b) The department may establish a child care provider services unit, as provided in s.
6 ~~49.826~~ 49.011, to perform the provider services functions specified in s. ~~49.826~~ 49.011 (2) (a).

7 **SECTION 101.** 49.155 (6m) (a) and (b) of the statutes are amended to read:

8 49.155 (6m) (a) Maintain a an accurate written record of the daily hours of attendance
9 of each child for whom the provider is providing care under this section, including the actual
10 arrival and departure times for each child.

11 (6m) (b) Retain on the premises of the child care provider the written daily attendance
12 records under par. (a) for each child for at least 3 years after the child's last day of attendance,
13 regardless of whether the child care provider is still receiving or eligible to receive payments
14 under this section.

NOTE: Requires a child care provider participating in the Wisconsin
Shares child care subsidy program to maintain written daily attendance
records that are accurate and to retain these records on the premises of
the child care provider.

15 **SECTION 102.** 49.155 (7) (b) 4. of the statutes is renumbered 49.155 (7) (c) and amended
16 to read:

17 49.155 (7) (c) The department or the county department under s. 46.125, 46.22, or 46.23
18 may refuse to pay a child care provider for child care provided under this section if the
19 department or county department reasonably suspects that the person has violated any
20 provision under the program under this section or any rule promulgated under this section.
21 Within 30 working days of the initial refusal of payment under this paragraph, the department

1 shall either initiate an action to withhold payments under subsection (7m) or resume payments
2 to the child care provider.

NOTE: Specifies that DCF may suspend Wisconsin Shares payments based upon a reasonable suspicion of a program violation, but must either initiate an action to suspend payments within 30 days or resume payment after 30 days.

3 **SECTION 103.** 49.161 (1) of the statutes is amended to read:

4 49.161 (1) TRIAL JOBS OVERPAYMENTS. Notwithstanding s. ~~49.96~~ 49.043, the department
5 shall recover an overpayment of benefits paid under s. 49.148 (1) (a) from an individual who
6 receives benefits paid under s. 49.148 (1) (a). The value of the benefit liable for recovery under
7 this subsection may not exceed the amount that the department paid in wage subsidies with
8 respect to that participant while the participant was ineligible to participate. The department
9 shall promulgate rules establishing policies and procedures for administering this subsection.

10 **SECTION 104.** 49.161 (2m) of the statutes is created to read:

11 49.161 (2m) EMERGENCY ASSISTANCE. (a) The department shall recover an overpayment
12 of benefits paid under s. 49.138 (1m) from an individual who receives benefits under s. 49.138
13 (1m). The value of the benefit for recovery under this paragraph may not exceed the amount
14 that the department paid in emergency assistance with respect to that particular recipient while
15 the recipient was ineligible to receive emergency assistance.

16 (b) The department shall recover assistance paid under s. 49.138 (1m) to a person in the
17 form of a voucher or other payment method for the purpose of providing housing or a service
18 to a recipient of assistance under s. 49.138 (1m) in the amount of assistance paid by the voucher
19 or other payment method that the person does not use as required by the department.

20 (c) The department shall promulgate rules establishing policies and procedures for
21 administering this subsection.

NOTE: Requires DCF to recover overpayments of assistance under the emergency assistance for families with needy children program paid to a recipient or another person to provide housing or another service to an emergency assistance recipient. Under the draft, DCF must promulgate rules relating to the administration of these provisions.

1 **SECTION 105.** 49.1635 of the statutes is renumbered 49.215.

2 **SECTION 106.** 49.165 of the statutes is renumbered 49.217.

3 **SECTION 107.** 49.167 of the statutes is renumbered 49.219.

4 **SECTION 108.** 49.169 of the statutes is renumbered 49.221.

5 **SECTION 109.** 49.175 (1) (intro.) of the statutes is amended to read:

6 49.175 (1) **ALLOCATION OF FUNDS.** (intro.) Except as provided in sub. (2), within the
7 limits of the appropriations under s. 20.437 (2) (a), (cm), (cr), (dz), (f), (k), (kx), (L), (mc),
8 (md), (me), (mf), and (s), the department shall allocate the following amounts for the
9 following purposes:

NOTE: Adds a reference to the appropriation for emergency shelter
 funding.

10 **SECTION 110.** 49.175 (1) (m), (p), (q) and (qm) of the statutes are amended to read:

11 49.175 (1) (m) *Children first.* For services under the work experience program for
12 noncustodial parents under s. ~~49.36~~ 49.165, \$1,140,000 in each fiscal year.

13 (p) *Direct child care services.* For direct child care services under s. ~~49.155~~ 49.199,
14 \$384,987,600 in fiscal year 2009–10 and \$402,496,800 in fiscal year 2010–11.

15 (q) *Child care state administration and child care licensing activities.* For
16 administration of child care programs under s. ~~49.155~~ 49.199 and the allocation under s.
17 ~~49.155~~ 49.199 (1g) (c) for child care licensing activities, \$8,534,700 in fiscal year 2009–10
18 and \$8,889,700 in fiscal year 2010–11.

1 (qm) *Quality care for quality kids*. For the child care quality improvement activities
2 specified in s. 49.155 ~~49.199~~ (1g), \$5,384,600 in fiscal year 2009–10 and \$5,384,600 in fiscal
3 year 2010–11.

4 **SECTION 111.** 49.19 (4) (h) 1. b. of the statutes is amended to read:

5 49.19 (4) (h) 1. b. ~~Except as provided under sub. (5) (a) 1m., when~~ When any person
6 applies for or receives aid under this section, any right of the parent or any dependent child
7 to support or maintenance from any other person, including any right to unpaid amounts
8 accrued at the time of application and any right to amounts accruing during the time aid is paid
9 under this section, is assigned to the state. If a minor who is a beneficiary of aid under this
10 section is also the beneficiary of support under a judgment or order that includes support for
11 one or more children not receiving aid under this section, any support payment made under
12 the judgment or order is assigned to the state in the amount that is the proportionate share of
13 the minor receiving aid under this section, except as otherwise ordered by the court on the
14 motion of a party. Amounts assigned to the state under this subd. 1. b. remain assigned to the
15 state until that amount of aid paid that represents the amount due as support or maintenance
16 has been recovered. No amount of support that begins to accrue after aid under this section
17 is discontinued for the recipient may be considered assigned to this state.

NOTE: Deletes references to a provision that is repealed by the draft.

18 **SECTION 112.** 49.19 (5) (a) 1m. and (17) of the statutes are repealed.

NOTE: Repeals obsolete provisions in the aid to families with dependent
children section.

19 **SECTION 113.** 49.195 (title) of the statutes is amended to read:

20 **49.195 (title) Recovery of Action to recoup aid to families with dependent children**
21 **and Wisconsin works benefits.**

NOTE: Modifies title to distinguish from recovery of overpayments.