



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2257/P1

TUESDAY
By 9-20
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: reorganization of chapter 49 of the statutes and changes affecting public assistance programs, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill. ✓

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted. ✓

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

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

The bill reorganizes many of the provisions of ch. 49, stats., 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 bill reorganizes current definitions within ch. 49, stats., 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, stats., are retained there only if they are used throughout the chapter. If terms appear in only one or 2 sections in the chapter, the bill moves them to ensure that they are located in the subchapters or sections in which the terms are used.

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

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

This bill 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 bill rennumbers 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 DCF may suspend payments on that basis. A separate section of the statutes, s. 49.155 (7m), stats., provides authority for withholding payments from a child care provider pursuant to a finding that the provider submitted false, misleading, or irregular information to DCF or failed to comply with the terms of the program. The bill preserves DCF's authority to suspend payments based on reasonable suspicion that a violation has occurred but requires DCF 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

DCF's

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 bill includes similar language in proposed s. 49.006 (1). Under the bill, 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 bill 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.

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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 bill 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 bill, the attendance records must be kept on the child care premises.

The bill requires 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 bill 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
3 hearing records that pertains to the location of individuals and assets of individuals
4 as requested under s. ~~49.22~~ 49.811 (2m) by the department of children and families
5 or by a county child support agency under s. 59.53 (5).

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

7 6.47 (1) (ag) "Domestic abuse victim service provider" means an organization
8 that is certified by the department of children and families as eligible to receive
9 grants under s. ~~49.165~~ 49.217 (2) and whose name is included on the list provided by
10 the board under s. 7.08 (10).

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

1 7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to
 2 each municipal clerk, on a continuous basis, the names and addresses of
 3 organizations that are certified under s. ~~49.165~~ [✓]49.217 (4) or 165.93 (4) to provide
 4 services to victims of domestic abuse or sexual assault.

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5 **SECTION 4.** 16.27 (5) (c) and (e) of the statutes are amended to read:

6 16.27 (5) (c) A household entirely composed of persons receiving aid to families
 7 with dependent children under s. 49.19, ~~food stamps~~ [✓]supplemental nutrition
 8 assistance program benefits under 7 USC 2011 to 2036, or supplemental security
 9 income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.77.

10 (e) A household that is not eligible under par. (c) that includes at least one
 11 person who is eligible for ~~food stamps~~ [✓]supplemental nutrition assistance program
 12 benefits under 7 USC 2011 to 2036, excluding any household in an institution, as
 13 defined by the department of health services by rule. Notwithstanding sub. (6), a
 14 household under this paragraph shall be eligible for a heating assistance benefit of
 15 not more than \$1.

****NOTE: I added this section to update food stamp language. ✓

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; ~~1987 a. 27~~ [✓]1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; ~~2003 a. 321 s. 11~~ [✓]2003 a. 327 s. 5; 2005 a. 25, 344; 2009 a. 11, 28.

16 **SECTION 5.** 19.55 (2) (d) of the statutes is amended to read:

17 19.55 (2) (d) Records of the social security number of any individual who files
 18 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal
 19 under s. 13.64, except to the department of children and families for purposes of
 20 administration of s. ~~49.22~~ [✓]49.811 or to the department of revenue for purposes of
 21 administration of s. 73.0301.

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22 **SECTION 6.** 20.435 (4) (bm) ~~(bn) and (nn)~~ ^{is} of the statutes, as affected by 2011
 Wisconsin Act 32, ~~are~~ ^{is} amended to read:

1 20.435 (4) (bm) *Medical Assistance, food-stamps[✓] supplemental nutrition*
 2 *assistance program, and Badger Care administration; contract costs, insurer reports,*
 3 *and resource centers.* Biennially, the amounts in the schedule to provide a portion
 4 of the state share of administrative contract costs for the [✓]Medical Assistance
 5 program under subch. [✓]IV of ch. 49 and the Badger Care health care program under
 6 s. 49.665 and to provide the state share of administrative costs for the ~~food stamp~~
 7 supplemental nutrition assistance[✓] program under s. 49.79, other than payments
 8 under s. 49.78 49.003[✓](8), to develop and implement a registry of recipient
 9 immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs
 10 associated with outreach activities, for state administration of state supplemental
 11 grants to supplemental security income recipients under s. 49.77, to administer the
 12 pharmacy benefits purchasing pool under s. 146.45, and for services of resource
 13 centers under s. 46.283. No state positions may be funded in the department of
 14 health services from this appropriation, except positions for the performance of
 15 duties under a contract in effect before January 1, 1987, related to the administration
 16 of the Medical Assistance program between the subunit of the department primarily
 17 responsible for administering the Medical Assistance program and another subunit
 18 of the department. Total administrative funding authorized for the program under
 19 s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).

move → ~~20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule for the
 administration of the ~~food stamp~~ supplemental nutrition assistance[✓] employment
 and training program under s. 49.79 (9), for the performance of income maintenance
 administrative activities on behalf of a county or multicounty consortium under s.
 49.78 49.003[✓] (1m) (c), and for payments under s. 49.78 49.003[✓] (8) relating to the
 administration of the ~~Medical Assistance program under subch. IV[✓] of ch. 49, the~~~~

SECTION #. 20.435(4)(bn) of the statutes, as affected by 2011
 Wisconsin Act 32, section 640m, is amended to read:
 INSERT 5-19

INSERT J (move to p.7)

SECTION #. 20.435 (4)(m)* of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

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1 Badger Care health care program under s. 49.665, the food stamp supplemental
2 nutrition assistance program, and the cemetery, funeral and burial expenses
3 program under s. 49.765.

INSERT J (move to p.7)
cont

4 20.435(4)(m) Federal aid; income maintenance. All moneys received from the federal
5 government for the costs of contracting for the administration of the Medical
6 Assistance program under subch. IV of ch. 49 and the Badger Care health care
7 program under s. 49.665 and the food stamp supplemental assistance nutrition
8 program, other than moneys received under par. (pa), for costs to administer income
9 maintenance programs, as defined in s. 49.78 49.003(1) (b). (end ins J)

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

10 SECTION 7. 20.435 (4) (gr) of the statutes, as created by 2011 Wisconsin Act 32,
11 is amended to read:
12 20.435 (4) (gr) Income maintenance; county payments. All moneys received
13 from counties under s. 49.78 49.003(1m) (d) for administering income maintenance
14 program under s. 49.78 49.003(1m) (c).

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15 SECTION 8. 20.435 (4) (im), (kb) and (L) of the statutes are amended to read:
16 (kb) Relief block grants to tribal governing bodies. The amounts in the schedule
17 for relief block grants under s. 49.029 49.806 to tribal governing bodies. All moneys
18 transferred from the appropriation account under s. 20.505 (8) (hm) 18. shall be
19 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
20 unencumbered balance on June 30 of each year shall revert to the appropriation
21 account under s. 20.505 (8) (hm).

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

***NOTE: I amended these sections to update the food stamp language.

INSERT J (from previous page)

SECTION 9. 20.437 (1) (b), (cd), (gg), (hh) ~~and (i)~~ of the statutes are amended to

13 read:

14 20.437 (1) (cd) *Domestic abuse grants.* The amounts in the schedule for the
 15 purposes of s. 49.165 ^{49.217}. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
 16 department may transfer funds between fiscal years under this paragraph. All funds
 17 allocated by the department under s. 49.165 ^{49.217} (2) but not encumbered by
 18 December 31 of each year lapse to the general fund on the next January 1 unless
 19 transferred to the next calendar year by the joint committee on finance.

20 (hh) *Domestic abuse surcharge grants.* All moneys received from the domestic
 21 abuse surcharge on court fines, as authorized under s. 971.37 (1m) (c) 1. or 973.055,
 22 to provide grants to domestic abuse services organizations under s. 49.165 ^{49.217}.

SECTION 10. 20.437 (2) (a), (bc), (dz), (e), (f), (ja), (jL), (k), (L), (n), (nL) and (qm)

of the statutes are amended to read:

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1 20.437 (2) (a) *General program operations.* The amounts in the schedule for
2 general program operations relating to economic support, including field services,
3 administrative services,[✓] and services related to identifying maintenance-of-effort
4 funds, for costs associated with receiving and disbursing support and
5 support-related payments, including any contract costs, and for administering the
6 program under s. ~~49.22~~ 49.811[✓] and all other purposes specified in s. ~~49.22~~ 49.811.
7 No moneys may be expended under this paragraph for the program under, or any
8 other purpose specified in, s. ~~49.22~~ 49.811[✓] unless moneys appropriated under par. (ja)
9 are insufficient for the purposes specified under that paragraph.

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

16 (dz) *Temporary Assistance for Needy Families programs; maintenance of effort.*
17 The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for
18 administration and benefit payments under Wisconsin Works under ss. 49.141 to
19 49.161, the learnfare program under s. ~~49.26~~ 49.198[✓], and the work experience
20 program for noncustodial parents under s. ~~49.36~~ 49.163[✓]; for payments to local
21 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
22 and for emergency assistance for families with needy children under s. 49.138.
23 Payments may be made from this appropriation account for any contracts under s.
24 ~~49.845~~ 49.019[✓] (4) and for any fraud investigation and error reduction activities under
25 s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match

1 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
2 (1), the department may transfer funds between fiscal years under this paragraph.
3 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
4 shall credit to this appropriation account funds for the purposes of this appropriation
5 that the department transfers from the appropriation account under s. 20.435 (5)
6 (bc). All funds allocated by the department but not encumbered by December 31 of
7 each year lapse to the general fund on the next January 1 unless transferred to the
8 next calendar year by the joint committee on finance.

9 (e) *Incentive payments for identifying children with health insurance.* The
10 amounts in the schedule for incentive payments under s. ~~49.25~~ [✓] 49.823.

11 (f) *Emergency Shelter of the Fox Valley.* The amounts in the schedule to provide
12 the funding to the Emergency Shelter of the Fox Valley under s. ~~49.139~~ [✓] 49.175 (1)
13 (im).

14 (ja) *Child support state operations — fees and reimbursements.* All moneys
15 received from fees charged under s. ~~49.22~~ [✓] 49.811 (8), from fees ordered or otherwise
16 owed under s. 767.57 (1e) (a), from fees collected under ss. 49.854 (11) (b) and 767.57
17 (1e) (b) 1m. and (c), from reimbursements under s. 108.13 (4) (f), from fees charged
18 and incentive payments and collections retained under s. ~~49.22~~ [✓] 49.811 (7m), and
19 under s. 49.855 (4) from the department of revenue or the department of
20 administration that were withheld by the department of revenue or the internal
21 revenue service for unpaid fees ordered or otherwise owed under s. 767.57 (1e) (a),
22 for costs associated with receiving and disbursing support and support-related
23 payments, including any contract costs, and for administering the program under s.
24 ~~49.22~~ [✓] 49.811 and all other purposes specified in s. ~~49.22~~ [✓] 49.811.

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

6 (k) *Child support transfers.* All moneys transferred from the appropriation
7 account under par. (r), to be expended under the Wisconsin Works program under
8 subch. III[✓]II of ch. 49 and under the work experience program for noncustodial
9 parents under s. ~~49.36~~ 49.163[✓], to be distributed as child support incentive payments
10 as provided in s. ~~49.24~~ 49.821[✓], for costs associated with receiving and disbursing
11 support and support-related payments, including any contract costs, for
12 administering the program under s. ~~49.22~~ 49.811[✓] and all other purposes specified in
13 s. ~~49.22~~ 49.811[✓], and for the support of dependent children in accordance with
14 applicable federal and state statutes, federal regulations, and state rules.

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

23 (n) *Child support state operations; federal funds.* All federal child support
24 incentive payments retained under s. ~~49.24~~ 49.821[✓] (2) (c), and all other moneys
25 received from the federal government for activities related to child support,

1 including federal funds for any purpose under s. ~~49.22~~ 49.811 or ~~49.227~~ 49.819 and
 2 for the federal share of any costs associated with receiving and disbursing support
 3 and support-related payments, and for the state administration of those activities,
 4 to be expended for such purposes.

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

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

15 **SECTION 11.** 20.545 (1) (i) of the statutes is amended to read:

16 20.545 (1) (i) *Services to nonstate governmental units.* The amounts in the
 17 schedule for the purpose of funding personnel services to nonstate governmental
 18 units under s. 230.05 (8), including services provided under ss. 49.78 49.003 (5) and
 19 59.26 (8) (a). All moneys received from the sale of these services shall be credited to
 20 this appropriation account.

21 **SECTION 12.** 29.024 (2g) (c) of the statutes is amended to read:

22 29.024 (2g) (c) *Disclosure of social security numbers.* The department of
 23 natural resources may not disclose any social security numbers received under par.
 24 (a) to any person except to the department of children and families for the sole
 25 purpose of administering s. ~~49.22~~ 49.811.

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1 **SECTION 13.** 29.229 (5m) (b) of the statutes is amended to read:

2 29.229 (5m) (b) The band is requested to enact tribal laws or ordinances that
3 require each person who has a social security number, as a condition of being issued
4 an approval under this section, to provide to the band his or her social security
5 number, tribal laws or ordinances that require each person who does not have a social
6 security number, as a condition of being issued an approval under this section, to
7 provide to the band a statement made or subscribed under oath or affirmation on a
8 form prescribed by the department of children and families that the person does not
9 have a social security number, and tribal laws or ordinances that prohibit the
10 disclosure of that number by the band to any other person except to the department
11 of children and families for the purpose of administering s. ~~49.22~~ 49.811.

12 **SECTION 14.** 40.02 (25) (b) 2c. of the statutes, as affected by 2011 Wisconsin Act
13 32, is amended to read:

14 40.02 (25) (b) 2c. A state employee described in s. ~~49.825~~ 49.009 (4) or (5) or
15 ~~49.826~~ 49.011 (4).

16 **SECTION 15.** 40.22 (2) (m) of the statutes, as affected by 2011 Wisconsin Act 32,
17 is amended to read:

18 40.22 (2) (m) Notwithstanding sub. (3m), the employee was formerly employed
19 by Milwaukee County, is a state employee described in s. ~~49.825~~ 49.009 (4) or (5) or
20 ~~49.826~~ 49.011 (4), and is a covered employee under the retirement system established under
21 chapter 201, laws of 1937, pursuant to s. ~~49.825~~ 49.009 (4) (c) or (5) (c) or ~~49.826~~
22 49.011 (4) (c).

23 **SECTION 16.** 40.62 (2) of the statutes, as affected by 2011 Wisconsin Acts 10 and
24 32, is amended to read:

This paragraph shall not apply if the employee remains a state employee, but is no longer performing services for the Milwaukee County enrollment services unit under s. ~~49.825~~ 49.009 or the child care provider services unit under s. ~~49.826~~ 49.011.

1 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
 2 of the department, any collective bargaining agreement under subch. V of ch. 111,
 3 and ss. 13.121 (4), 36.30, ~~49.825~~ 49.009 (4) (d) ~~61~~ (5) (d), ~~49.826~~ 49.011 (4) (d), 230.35
 4 (2), 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

5 **SECTION 17.** 46.03 (7) (bm), ^x(18) (a) and (20) (a) of the statutes are amended to
 6 read:

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

17 **SECTION 18.** 46.10 (14) (b) and (g) of the statutes are amended to read:

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

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1 **SECTION 19.** 46.21 (2m) (c) and (5) (b) of the statutes are amended to read:

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

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

21 **SECTION 20.** 46.215 (1) (intro.) of the statutes, as affected by 2011 Wisconsin
22 Act 32, is amended to read:

23 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population
24 of 500,000 or more the administration of welfare services, other than child welfare
25 services under s. 48.48 (17) administered by the department and except as provided

1 in ss. 49.003 (1r), 49.009, 49.011, and 49.155 (3g), 49.78 (1r), 49.825, and 49.826, is
 2 vested in a county department of social services under the jurisdiction of the county
 3 board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any law to a county
 4 department of social services under this section applies to a county department
 5 under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties
 6 of the county department of social services. Except as provided in ss. 49.003 (1r),
 7 49.009, 49.011, and 49.155 (3g), 49.78 (1r), 49.825, and 49.826, the county
 8 department of social services shall have the following functions, duties, and powers,
 9 and such other welfare functions as may be delegated to it:

History: 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2005 a. 25, 264, 388, 406; 2007 a. 20 ss. 848 to 856, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 15, 28, 180, 334.

10 **SECTION 21.** 46.215 (1) (j) and (k), (1m) and (1p) of the statutes are amended

11 to read:

12 46.215 (1) (j) To make payments in such manner as the department of children
 13 and families may determine for training of recipients, former recipients, and
 14 potential recipients of aid in programs established under s. 49.193, 1997 stats., and
 15 s. ~~49.26~~ 49.198 (1).

16 (k) Certify eligibility for and issue ~~food coupons~~ benefits to needy households
 17 in conformity with the federal ~~food stamp act of 1964~~ supplemental nutrition
 18 assistance program under 7 USC 2011 to 2036, as amended, and, in addition, the
 19 county department of social services may certify eligibility for and distribute surplus
 20 commodities and food stuffs.

****NOTE: I added this paragraph to update the food stamp language.

21 **(1m) EXCHANGE OF INFORMATION; LONG-TERM CARE.** Notwithstanding ss. 46.2895
 22 (9), 48.78 (2) (a), 49.013, 49.45 (4), ~~49.83~~, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
 23 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social

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

15 (1p) EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE
 16 INFORMATION SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78
 17 (2) (a), 48.981 (7), 49.013, 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
 18 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2) (a), a county
 19 department under this section may enter the content of any record kept or
 20 information received by that county department into the statewide automated child
 21 welfare information system established under s. 48.47 (7g).

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22 SECTION 22. 46.22 (1) (b) 2. d. of the statutes, as affected by 2011 Wisconsin Act
 23 32, is amended to read:

1 46.22 (1) (b) 2. d. To certify eligibility for and issue ~~food coupons~~ supplemental
 2 nutrition assistance program benefits to needy households in conformity with 7 USC
 3 2011 to 2036, subject to s. ~~49.78~~ 49.003.

4 **SECTION 23.** 46.22 (1) (b) 2. e. ✓ and g. ✓, (d) ✓, (dm) ✓, (dp) ✓ and (e) 3. a. ✓ and b. ✓ of the
 5 statutes are amended to read:

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

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

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1 department of social services or tribal agency to coordinate the delivery of services
 2 to the client. An agency that releases information under this paragraph shall
 3 document that a request for information was received and what information was
 4 provided.

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

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12 ~~49.22~~ ⁶ (2) (b) Appoint the county social services director under sub. (3) subject
 13 to s. ~~49.78~~ 49.003 (4) to (7) and the rules promulgated thereunder and subject to the
 14 approval of the county board of supervisors in a county with a single-county
 15 department of social services or the county boards of supervisors in counties with a
 16 multicounty department of social services.

ADVERT

~~17 (m) ^{49.22(2)} 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~~
 19 49.011 (4), and elects to remain a covered employee under the retirement system
 20 established under chapter 201, laws of 1937, pursuant to s. ~~49.825~~ 49.009 (4) (c) or
 21 ~~49.826~~ 49.011 (4) (c). This paragraph shall not apply if the employee remains a state
 22 employee, but is no longer performing services for the Milwaukee County enrollment
 23 services unit under s. ~~49.825~~ 49.009 or the child care provider services unit under s.
 24 ~~49.826~~ 49.011.~~

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1 (3m) (a) In any county with a county executive or a county administrator that
2 has established a single-county department of social services, the county executive
3 or county administrator, subject to s. 49.78 49.003 (4) to (7) and the rules
4 promulgated thereunder, shall appoint and supervise the county social services
5 director. The appointment is subject to the confirmation of the county board of
6 supervisors unless the county board of supervisors, by ordinance, elects to waive
7 confirmation or unless the appointment is made under a civil service system
8 competitive examination procedure established under s. 59.52 (8) or ch. 63.

9 **SECTION 24.** 46.23 (3) (e) and (ed) of the statutes are amended to read:

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

1 paragraph shall document that a request for information was received and what
2 information was provided.

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

10 **SECTION 25.** 46.27 (7) (am) of the statutes, as affected by 2011 Wisconsin Act
11 32, is amended to read:

12 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
13 shall allocate funds to each county or private nonprofit agency with which the
14 department contracts to pay assessment and case plan costs under sub. (6) not
15 otherwise paid by fee or under s. 49.003 (2) or 49.45 or ~~49.78 (2)~~. The department
16 shall reimburse multicounty consortia for the cost of assessing persons eligible for
17 ~~medical assistance~~ Medical Assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a)
18 as part of the administrative services of ~~medical assistance~~ Medical Assistance,
19 payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this
20 paragraph to pay the cost of long-term community support services and for a risk
21 reserve under par. (fr).

22 **SECTION 26.** 46.28 (1) (f) of the statutes is amended to read:

23 46.28 (1) (f) "Victim of domestic abuse" means an individual who has
24 encountered domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a).

25 **SECTION 27.** 46.283 (3) (k) of the statutes is amended to read:

1 46.283 (3) (k) A determination of eligibility for state supplemental payments
 2 under s. 49.77, ~~medical assistance~~ Medical Assistance ✓ under s. 49.46, 49.468, 49.47,
 3 or 49.471, or the federal ~~food stamp~~ supplemental nutrition assistance ✓ program
 4 under 7 USC 2011 to ~~2029~~ 2036.

****NOTE: I added this paragraph to update the food stamp language.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 204, 386, 388; 2007 a. 20 ss. 969, 971 to 973, 976, 978 to 991; 2009 a. 2, 28, 180, 247, 249.

5 **SECTION 28.** 46.284 (7) (b) of the statutes is amended to read:

6 46.284 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.013, ✓ 49.45 (4), 49.83, ✓ 51.30,
 7 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a care
 8 management organization acting under this section may exchange confidential
 9 information about a client, as defined in s. 46.287 (1), without the informed consent
 10 of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283
 11 (7), 46.2895 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of the care management
 12 organization, if necessary to enable the care management organization to perform
 13 its duties or to coordinate the delivery of services to the client.

14 **SECTION 29.** 46.2895 (10) ✓ of the statutes is amended to read:

15 46.2895 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss. 48.78
 16 (2) (a), 49.013, ✓ 49.45 (4), ✓ 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
 17 253.07 (3) (c) and 938.78 (2) (a), a long-term care district acting under this section
 18 may exchange confidential information about a client, as defined in s. 46.287 (1),
 19 without the informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22
 20 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the
 21 jurisdiction of the long-term care district, if necessary to enable the long-term care
 22 district to perform its duties or to coordinate the delivery of services to the client.

23 **SECTION 30.** 48.30 (6) (b) of the statutes is amended to read:

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

11 **SECTION 31.** [✓]48.31 (7) (b) of the statutes is amended to read:

12 48.31 (7) (b) If it appears to the court that disposition of the case may include
13 placement of the child outside the child's home, the court shall order the child's
14 parent to provide a statement of income, assets, debts, and living expenses to the
15 court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled
16 date of the dispositional hearing or as otherwise ordered by the court. The clerk of
17 court shall provide, without charge, to any parent ordered to provide a statement of
18 income, assets, debts, and living expenses a document setting forth the percentage
19 standard established by the department under s. ~~49.22~~ 49.811[✓](9) and the manner
20 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 32.** [✓]48.357 (5m) (a) of the statutes is amended to read:

23 48.357 (5m) (a) If a proposed change in placement changes a child's placement
24 from a placement in the child's home to a placement outside the child's home, the
25 court shall order the child's parent to provide a statement of income, assets, debts

1 and living expenses to the court or the person or agency primarily responsible for
2 implementing the dispositional order by a date specified by the court. The clerk of
3 court shall provide, without charge, to any parent ordered to provide a statement of
4 income, assets, debts, and living expenses a document setting forth the percentage
5 standard established by the department under s. ~~49.22~~ [✓]49.811 (9) and the manner
6 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). If the child is placed
8 outside the child's home, the court shall determine the liability of the parent in the
9 manner provided in s. 49.345 (14).

10 **SECTION 33.** 48.36 (1) (b) [✓] of the statutes is amended to read:

11 48.36 (1) (b) In determining the amount of support under par. (a), the court may
12 consider all relevant financial information or other information relevant to the
13 parent's earning capacity, including information reported under s. ~~49.22~~ [✓]49.811 (2m)
14 to the department or the county child support agency under s. 59.53 (5). If the court
15 has insufficient information with which to determine the amount of support, the
16 court shall order the child's parent to furnish a statement of income, assets, debts,
17 and living expenses, if the parent has not already done so, to the court within 10 days
18 after the court's order transferring custody or designating an alternative placement
19 is entered or at such other time as ordered by the court.

20 **SECTION 34.** 48.363 (1) (c) of the statutes is amended to read:

21 48.363 (1) (c) If the proposed revision is for a change in the amount of child
22 support to be paid by a parent, the court shall order the child's parent to provide a
23 statement of income, assets, debts and living expenses to the court and the person
24 or agency primarily responsible for implementing the dispositional order by a date
25 specified by the court. The clerk of court shall provide, without charge, to any parent

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1 ordered to provide a statement of income, assets, debts, and living expenses a
2 document setting forth the percentage standard established by the department
3 under s. ~~49.22~~ 49.811[✓](9) and the manner of its application established by the
4 department under s. 49.345 (14) (g) and listing the factors that a court may consider
5 under s. 49.345 (14) (c).

6 **SECTION 35.** 48.47 (7g)[✓] of the statutes is amended to read:

7 48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish
8 a statewide automated child welfare information system. Notwithstanding ss.
9 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.013[✓], 49.45 (4)[✓], 49.83,
10 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1)
11 (a) and (2), and 938.78 (2) (a), the department may enter the content of any record
12 kept or information received by the department into the statewide automated child
13 welfare information system, and a county department under s. 46.215, 46.22, or
14 46.23, the department, or any other organization that has entered into an
15 information sharing and access agreement with the department or any of those
16 county departments and that has been approved for access to the statewide
17 automated child welfare information system by the department may have access to
18 information that is maintained in that system, if necessary to enable the county
19 department, department, or organization to perform its duties under this chapter,
20 ch. 46, 51, 55, or 938, or 42 USC 670 to 679b or to coordinate the delivery of services
21 under this chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to 679b. The department
22 may also transfer information that is maintained in the system to a court under s.
23 48.396 (3) (b), and the court and the director of state courts may allow access to that
24 information as provided in s. 48.396 (3) (c) 2.

25 **SECTION 36.** 48.62 (2)[✓] of the statutes is amended to read:

1 48.62 (2) A relative or a guardian of a child who provides care and maintenance
 2 for the child is not required to obtain the license specified in this section. The
 3 department, county department, or licensed child welfare agency as provided in s.
 4 48.75 may issue a license to operate a foster home to a relative who has no duty of
 5 support under s. ~~49.90~~[✓] 49.039 (1) (a) and who requests a license to operate a foster
 6 home for a specific child who is either placed by court order or who is the subject of
 7 a voluntary placement agreement under s. 48.63. The department, a county
 8 department, or a licensed child welfare agency may, at the request of a guardian
 9 appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., license the
 10 guardian's home as a foster home for the guardian's minor ward who is living in the
 11 home and who is placed in the home by court order. Relatives with no duty of support
 12 and guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats.,
 13 who are licensed to operate foster homes are subject to the department's licensing
 14 rules.

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. ~~32~~[✓] 32 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67;
 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; ~~1999~~[✓] 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; 2009 a. 28, 71.

15 **SECTION 37.** 48.651 (2c) (a) of the statutes ~~are~~^{is} amended to read:

16 48.651 (2c) (a) Reimburse a county having a population of 500,000 or more for
 17 all approved, allowable certification costs, as provided in s. ~~49.826~~[✓] 49.011 (2) (c).

18 **SECTION 38.** 48.66 (2m) (c) ~~and~~[✓] (cm) of the statutes are amended to read:

19 48.66 (2m) (c) The subunit of the department that obtains a social security
 20 number or a federal employer identification number under par. (a) 1. may not
 21 disclose that information to any person except to the department of revenue for the
 22 sole purpose of requesting certifications under s. 73.0301 or on the request of the
 23 subunit of the department that administers the child and spousal support program
 24 under s. ~~49.22~~[✓] 49.811 (2m).

1 (cm) The department of corrections may not disclose any information obtained
 2 under par. (am) 1. to any person except on the request of the department under s.
 3 ~~49.22~~ 49.811 (2m).

4 **SECTION 39.** 48.685 (5) (br) 5. of the statutes is amended to read:

5 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in
 6 the Wisconsin Works program under ss. 49.141 to 49.161, ~~including or~~ as a recipient
 7 of a child care subsidy under s. 49.155, ~~or as a recipient of aid to families with~~
 8 dependent children under s. 49.19, ~~medical assistance~~ Medical Assistance ✓
 9 subch. IV of ch. 49, ~~food stamps~~ ^{strike plain} benefits under the ~~food stamp~~ ✓ supplemental
 10 nutrition assistance program under 7 USC 2011 to 2036, supplemental security
 11 income payments under s. 49.77, payments for the support of children of
 12 supplemental security income recipients under s. 49.775, or health care benefits
 13 under the Badger Care health care program under s. 49.665.

14 **SECTION 40.** 48.981 (8) (a) and (d) 1. of the statutes are amended to read:

15 48.981 (8) (a) The department, the county departments, and a licensed child
 16 welfare agency under contract with the department in a county having a population
 17 of 500,000 or more to the extent feasible shall conduct continuing education and
 18 training programs for staff of the department, the county departments, licensed
 19 child welfare agencies under contract with the department or a county department,
 20 law enforcement agencies, and the tribal social services departments, persons and
 21 officials required to report, the general public, and others as appropriate. The
 22 programs shall be designed to encourage reporting of child abuse and neglect and of
 23 unborn child abuse, to encourage self-reporting and voluntary acceptance of services
 24 and to improve communication, cooperation, and coordination in the identification,
 25 prevention, and treatment of child abuse and neglect and of unborn child abuse.

1 Programs provided for staff of the department, county departments, and licensed
2 child welfare agencies under contract with county departments or the department
3 whose responsibilities include the investigation or treatment of child abuse or
4 neglect shall also be designed to provide information on means of recognizing and
5 appropriately responding to domestic abuse, as defined in s. ~~49.165~~ [✓] 49.217 (1) (a).

6 The department, the county departments, and a licensed child welfare agency under
7 contract with the department in a county having a population of 500,000 or more
8 shall develop public information programs about child abuse and neglect and about
9 unborn child abuse.

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

17 **SECTION 41.** ~~48.988~~ [✓] (11) of the statutes is amended to read:

18 48.988 (11) Financial responsibility for any child placed under the interstate
19 compact on the placement of children shall be determined in accordance with sub.
20 (5) in the first instance. However, in the event of partial or complete default of
21 performance thereunder, the provisions of s. ~~49.90~~ [✓] 49.039, [✓] ch. 769, or any other
22 applicable state law fixing responsibility for the support of children also may be
23 invoked.

24 **SECTION 42.** ~~48.989~~ [✓] (2) of the statutes is amended to read:

1 48.989 (2) FINANCIAL RESPONSIBILITY. Financial responsibility for any child
 2 placed under the provisions of the interstate compact on the placement of children
 3 shall be determined in accordance with ss. 48.60 (4) (b) and 48.988 (5). In the event
 4 of partial or complete default of performance under the compact, the provisions of s.
 5 ~~49.90~~ 49.039, ch. 769, or any other applicable state law fixing responsibility for the
 6 support of children may also be invoked.

7 **SECTION 43.** Subchapter I (title) of chapter 49 [precedes 49.001] is repealed and
 8 recreated to read:

of the statutes

CHAPTER 49

SUBCHAPTER I

GENERAL PROVISIONS

12 **SECTION 44.** 49.001 (1m) of the statutes is renumbered 49.46 (1c) and amended
 13 to read:

49.46

14 **49.001 (1c)** “Essential In this section, “essential person” means any person
 15 defined as an essential person under federal Title XVI.

DEFINITION. ← **CS**

History: 1995 a. 27 ss. 2639, 2644, 2654 to 2666, 3083; 1995 a. 289; 1997 a. 3; 2005 a. 264, 387; 2007 a. 20, 45; 2009 a. 28.

***NOTE: WLC 0106 created the same definition as s. 49.46 (1c). I eliminated the created section and amended this section.

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

16 **SECTION 45.** 49.001 (4) of the statutes is renumbered 49.808 (1) and amended
 17 to read:

18 49.808 (1) “Municipality” In this section, “municipality” means any town, city
 19 or village.

History: 1995 a. 27 ss. 2639, 2644, 2654 to 2666, 3083; 1995 a. 289; 1997 a. 3; 2005 a. 264, 387; 2007 a. 20, 45; 2009 a. 28.

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

20 **SECTION 46.** 49.001 (4m) and (7m) of the statutes are created to read:

auto ref k

1 49.001 (4m) "Intentional program violation" means with regard to the
 2 programs in this chapter, intentionally making a false or misleading statement,
 3 intentionally misrepresenting or withholding facts, or committing any act that
 4 constitutes a violation of state or federal law for the purpose of using, presenting,
 5 transferring, acquiring, receiving, possessing, or trafficking benefits under this
 6 chapter.

7 (7m) "Tribal governing body" means an elected tribal governing body of a
 8 federally 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, stats.

9 SECTION 47. 49.001 (5m) of the statutes is renumbered 49.79(1) (em).

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

10 SECTION 48. 49.001 (5p) of the statutes, as affected by 2009 Wisconsin Act 28,
 11 is amended to read:

12 49.001 (5p) "Relief block grant" means a block grant awarded to a county or
 13 tribal governing body under s. 49.025, 2009 stats., 49.027, 2009 stats., or 49.029
 14 49.806.

plain -> (S.)

15 SECTION 49. 49.003 (1) (am) of the statutes is created to read:

16 49.003 (1) (am) "Department" means the department of health services.

****NOTE: This section was renumbered from a subchapter that had a general definition for department.

17 SECTION 50. 49.006 of the statutes is created to read:

18 49.006 Affirmation of statements in applications (1) A person who makes
 19 a statement in a written application for any aid or benefit provided under this
 20 chapter shall be considered to have made an admission as to the existence,
 21 correctness, or validity of any fact stated. Such a statement shall be considered to

1 be prima facie evidence against the person making it in any complaint, information,
2 or indictment, and in any action brought for enforcement of any provision of this
3 chapter. ✓

4 (2) An employee of a county department, a Wisconsin Works ✓ agency, the
5 department of health services, ✓ or the department of children and families ✓ who
6 accepts an application for any aid or benefit under this chapter ✓ shall have the
7 authority to administer an oath to the applicant that the information given is true
8 and correct to the best of the applicant's knowledge. ✓

9 (3) The department of children and families ✓ and ✓ the department of health
10 services shall promulgate rules requiring information provided by an applicant for
11 any aid or benefit under this chapter to be sworn to or otherwise affirmed as being
12 true and correct to the best of the applicant's knowledge.

****NOTE: Do both ✓ departments have the authority to promulgate rules for any aid
or benefit under ch. 49 ✓ or should each department's authority be limited to the aid or
benefits administered by that department? ✓ As drafted, both departments could *
promulgate conflicting rules over the same program. Alternatively, one department
could be authorized to promulgate rules, in consultation with the other department.

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, proposed s. 49.006 (2) provides that
an employee who accepts an application for aid or a benefit has the authority to
administer an oath to the applicant. Finally, proposed s. 49.006 (3) ✓ 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.

13 SECTION 51. 49.007 (3) ✓ of the statutes is created to read:

14 49.007 (3) FRAUD PREVENTION TRAINING. The ✓ department of health services, in
15 consultation with the department of children and families ✓, shall provide training to
16 county and Wisconsin Works ✓ agency employees relating to fraud prevention and
17 investigation, error reduction, and related activities. The department ✓ shall
18 promulgate rules specifying the frequency and content of the training. ✓

of health service

****NOTE: WLC 0106 created s. 49.82 (3) (d) and renumbered s. 49.82 to s. 49.007. I assumed that the created section was intended to be s. 49.007 (3). If this is incorrect, please let me know the intended location of the created section.

NOTE: Requires DHS in consultation with DCF to provide training to agency employees relating to fraud prevention and investigation and error reduction.

1 **SECTION 52.** 49.01 (intro.) of the statutes is renumbered 49.801 (intro.) and
2 amended to read:

3 **49.801 Definitions.** (intro.) As used in this subchapter ss. 49.801 to 49.808:

History: 1973 c. 147, 333; 1979 c. 34; 1981 c. 20; 1983 a. 27; 1983 a. 189 ss. 35 to 37, 329 (19); 1985 a. 29 ss. 932 to 935, 996, 997, 3200 (23); 1985 a. 176; 1989 a. 359; 1991 a. 316; 1993 a. 99 s. 72; 1993 a. 446; 1995 a. 18; 1995 a. 27 ss. 2648 to 2668, 2753, 9125 (19); 2007 a. 30 s. 9121 (6) (a); 2009 a. 28.

4 **SECTION 53.** 49.01 (1g), (2), (2g), (3) and (8L) of the statutes are renumbered
5 49.801 (1g), (2), (2g), (3) and (8L) and 49.801 (2), as renumbered, is amended to read:

6 49.801 (2) "Dependent person" means an individual who is eligible for relief
7 under s. 49.015 49.802.

8 **SECTION 54.** 49.01 (1m) and (8p) of the statutes are repealed.

NOTE: Repeals definitions for the terms "department", and "tribal governing body". The term "department" will be defined at the beginning of the subchapter. The term "tribal governing body" is defined in proposed s. 49.001 (7m).

9 **SECTION 55.** 49.01 (3m) of the statutes, as affected by 2009 Wisconsin Act 28,
10 is renumbered 49.801 (3m).

11 **SECTION 56.** 49.015 (title), (1) (intro.) and (am), (1m), (2), (2m) and (3) (b) of the
12 statutes are renumbered 49.802 (title), (1) (intro.) and (am), (1m), (2), (2m) and (3)
13 (b), and 49.802 (3) (b), as renumbered, is amended to read:

14 49.802 (3) (b) A relief agency may waive the requirement under sub. (2) or (2m)
15 in case of unusual misfortune or hardship. Each waiver shall be reported to the
16 department. The department may make a determination as to the appropriateness
17 of the waiver under rules promulgated by the department under s. 49.02 49.803 (7m)
18 (d).

(title) and

1

SECTION 57. 49.015 (1) (a) and (c) and (3) (a) of the statutes, as affected by 2009

2

Wisconsin Act 28, are renumbered 49.802 (1) (a) and (c) and (3) (a), and 49.802 (1)

3

(c), as renumbered, is amended to read:

(title) and

4

49.802 (1) (c) The individual qualifies under written criteria of dependency

5

under s. ~~49.02~~ 49.803 (1) (b) established by the relief agency on that tax-free land.

6

SECTION 58. 49.02 (title) and (5) to (11) of the statutes are renumbered 49.803

7

(title) and (5) to (11), and 49.803 (7m) (b) and (d), as renumbered, are amended to

8

read:

9

49.803 (7m) (b) Procedures for appealing eligibility determinations under s.

10

~~49.015~~ 49.802. These procedures shall provide for notice, fair hearing and review.

11

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

12

49.802.

13

SECTION 59. 49.02 (1), (1e) and (2) of the statutes, as affected by 2009 Wisconsin

14

Act 28, are renumbered 49.803 (1), (1e) and (2).

15

SECTION 60. 49.029 of the statutes is renumbered 49.806, and 49.806 (3), as

16

renumbered, is amended to read:

17

49.806 (3) USE OF RELIEF BLOCK GRANT FUNDS. A tribal governing body may use

18

moneys received as a relief block grant only for the purpose of providing health care

19

services to dependent persons. Notwithstanding s. ~~49.01~~ 49.801 (2g), health care

20

services may include treatment services for alcohol and other drug abuse and mental

21

health services.

22

SECTION 61. 49.041 (1c) (intro.) and (h) of the statutes are created to read:

23

49.041 (1c) (intro.) In this section:

24

(h) "Municipality" means a town, city, or village.

****NOTE: Rather than create another paragraph with definitional material, I renumbered sub. (1) to (1m) and created a definitions subsection in (1c). The other definition is renumbered from 49.95 (11).
sub. ✓
s. ✓

1 SECTION 62. Subchapter II (title) of chapter 49 [precedes 49.05] of the statutes
2 is repealed and recreated to read:

3 CHAPTER 49

4 SUBCHAPTER II

5 CHILDREN AND FAMILIES; WISCONSIN WORKS, AID TO FAMILIES, AND
6 CHILD CARE SUBSIDY

7 SECTION 63. 49.08 of the statutes is renumbered 49.808 (2). ✓

8 SECTION 64. 49.11 of the statutes is renumbered 49.05. ✓

9 SECTION 65. 49.114 of the statutes is renumbered 49.066. ✓

10 SECTION 66. 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), stats.

11 SECTION 67. 49.134 of the statutes is renumbered 49.204. ✓

12 SECTION 68. 49.136 (title), (1) (intro.), (ad), (am) and (g) to (n) and (2) to (7) of
13 the statutes are renumbered 49.205 (title), (1) (intro.), (ad), (am) and (g) to (n) and
14 (2) to (7). ✓

15 SECTION 69. 49.136 (1) (b) of the statutes is repealed. ✓

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

16 SECTION 70. 49.137 (title) of the statutes is renumbered 49.207 (title). ✓

17 SECTION 71. 49.137 (1) (intro.) and (c) of the statutes are consolidated,
18 renumbered 49.207 (1) and amended to read:

19 49.207 (1) DEFINITIONS. In this section: (e) "Family, family child care system"
20 means a centralized administrative unit that offers technical assistance and support
21 to a group of child care providers with the goal of improving child care services.

****NOTE: WLC 0106/1 amends and repeals s. 49.137 (1) (bd) and does not treat s. 49.137 (1) (c). The terms "child care center," "family child care center" and "group child care center" are not used in this section and "child care provider" is defined in s. 49.001., therefore there is only one definition left for this section.

History: 1991 a. 275; 1993 a. 16; 1995 a. 27, 289; 1995 a. 404 ss. 142 to 161; Stats. 1995 s. 49.137; 1997 ^x s. 252; 2001 a. 16; 2005 a. 25; 2007 a. 20; 2009 a. 185.

1 SECTION 72. 49.137 (1) (ab), (am), (bd) and (e) 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.

UPS - check component

2 SECTION 73. 49.137 (2) to (6) ^x of the statutes are renumbered 49.207 (2) to (6)

3 and 49.207 (2) (a), (3) (a), (4) (intro.), and (4m). ^e

4 SECTION 74. 49.1375 ^x of the statutes is renumbered 49.209. [✓]

5 SECTION 75. 49.138 (4) (c) of the statutes is amended to read:

6 49.138 (4) (c) If the administering agency is a Wisconsin works Works [✓] agency,
7 the department may review the decision of the Wisconsin works Works [✓] agency if,
8 within 14 21 days after the date on which the certified copy of the decision of the
9 Wisconsin works Works agency is mailed, the applicant or participant petitions the
10 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.

11 SECTION 76. 49.138 (5) ^x of the statutes is created to read:

12 49.138 (5) (a) The department [✓] shall recover an overpayment of benefits paid
13 under s. 49.138 ^{e sub.} (1m) from an individual who receives benefits under s. 49.138 ^{e sub.} (1m).

14 The value of the benefit for recovery under this paragraph [✓] may not exceed the
15 amount that the department paid in emergency assistance with respect to that
16 particular recipient while the recipient was ineligible to receive emergency
17 assistance.

1 (b) The department shall recover assistance paid under s. 49.138 ^{sub.} (1m) to a
 2 person in the form of a voucher or other payment method for the purpose of providing
 3 housing or a service to a recipient of assistance under s. 49.138 ^{sub.} (1m) in the amount
 4 of assistance paid by the voucher or other payment method that the person does not
 5 use as required by the department.

6 (c) The [✓]department shall [✓]promulgate rules establishing policies and
 7 procedures for administering this subsection. [✓]

****NOTE: WLC /0106 placed this provision in s. 49.161 which deals with overpayments for Wisconsin Works. Because emergency assistance is not an aid or a benefit under Wisconsin Works, I moved the language to this section. Please let me know if you have any concerns regarding this relocation.

8 **SECTION 77.** 49.139 [✓] of the statutes is renumbered 49.175 (1) [✓] (im) and amended
 9 to read:

10 49.175 (1) (im) *Emergency shelter funding.* [✓] ~~From the appropriation account~~
 11 ~~under s. 20.437 (2) (f), the department shall provide \$50,000 annually, beginning on~~
 12 ~~October 1, 2009, to~~ For the Emergency Shelter of the Fox Valley to provide services
 13 to homeless individuals and families, \$50,000 in each fiscal year. [✓]

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

14 **SECTION 78.** 49.141 (7) (a) [✓] of the statutes is renumbered [✓] 946.90 (3) and
 15 amended to read:

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

20 **SECTION 79.** 49.141 (7) (b) of the statutes is repealed. [✓]

21 **SECTION 80.** 49.141 (7) (c) (intro.) of the statutes is amended to read:

1 49.141 (7) (c) (intro.) Except as provided in par. (d), in addition to the penalties
 2 applicable under ~~par. (a) or (b) s. 946.90 (2) or (3)~~[✓], a person shall be suspended from
 3 participating in Wisconsin ~~works~~[✓] Works for a period of 10 years, beginning on the
 4 date of conviction, if the person is convicted in a federal or state court for any of the
 5 following:

6 **SECTION 81.** 49.141 (7) (c) 3. of the statutes is amended to read:

7 49.141 (7) (c) 3. Fraudulently misstating or misrepresenting his or her identity
 8 or place of residence for the purpose of receiving simultaneously in this state and at
 9 least one other state benefits under the federal ~~food stamp~~[✓] supplemental assistance
 10 nutrition program under 7 USC 2011 to 2029.

****NOTE: I added this provision to update the food stamp language.

History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. ~~106~~[✓]; 109; 2003 a. 173; 2005 a. 443 s. 265; 2009 a. 28.

11 **SECTION 82.** 49.141 (8) of the statutes is amended to read:

12 49.141 (8) DAMAGES. If a person is convicted under ~~sub. (6) s. 946.90 (2) or (3)~~[✓],
 13 the state has a cause of action for relief against the person in an amount equal to 3
 14 times the amount of actual damages sustained as a result of any excess payments
 15 made in connection with the offense for which the conviction was obtained. Proof by
 16 the state of a conviction under ~~sub. (6) s. 946.90 (2) or (3)~~[✓] is conclusive proof in a civil
 17 action of the state's right to damages and the only issue in controversy shall be the
 18 amount, if any, of the actual damages sustained. Actual damages consist of the total
 19 amount of excess payments, any part of which is paid with state funds. In a civil
 20 action under this subsection, the state may elect to file a motion in expedition of the
 21 action. Upon receipt of the motion, the presiding judge shall expedite the action.

22 **SECTION 83.** 49.141 (9) (title) of the statutes is repealed.

23 **SECTION 84.** 49.141 (9) (a) to (c) of the statutes ~~is~~^{are} renumbered 946.90 (4) (a) to
 24 (c), and 946.90 (4) (a) and (b)[✓], as renumbered, are amended to read:

1 946.90 (4) (a) Whoever solicits or receives ~~any remuneration in cash or in-kind~~
2 money, goods, services, or any other thing of value,[✓] in return for referring an
3 individual to a person for the furnishing or arranging for the furnishing of any item
4 or service for which payment may be made in whole or in part under Wisconsin ~~works~~
5 Works,[✓] or in return for purchasing, leasing, ordering, or arranging for or
6 recommending purchasing, leasing, or ordering any good, facility, service, or item for
7 which payment may be made in whole or in part under Wisconsin ~~works~~ Works,[✓] is
8 guilty of a Class H felony, except that, notwithstanding the maximum fine specified
9 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

10 (b)[✓] Whoever offers or pays ~~any remuneration in cash or in-kind~~ money, goods,
11 services, or any other thing of value[✓] to any person to induce the person to refer an
12 individual to a person for the furnishing or arranging for the furnishing of any item
13 or service for which payment may be made in whole or in part under Wisconsin ~~works~~
14 Works,[✓] or to purchase, lease, order, or arrange for or recommend purchasing, leasing,
15 or ordering any good, facility, service or item for which payment may be made in
16 whole or in part under any provision of Wisconsin ~~works~~ Works,[✓] is guilty of a Class
17 H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)
18 (h), the person may be fined not more than \$25,000.

 ****NOTE: Section 49.141 (9) (c) was not treated in WLC /0106. I assumed that the
exceptions were intended to accompany the rest of s. 49.141(9) to the criminal code.
Therefore, I renumbered all of s. 49.141 (9) to s. 946.90 (4)[✓] Please let me know if this is
not consistent with the intent of the committee.

19 **SECTION 85.** 49.141 (10) (title) and (b) of the statutes are repealed.[✓]

20 **SECTION 86.** 49.141 (10) (a) of the statutes is renumbered [✓]946.90 (6) and
21 amended to read:

22 946.90 (6)[✓] A provider ~~may not~~ who knowingly impose imposes upon a recipient
23 participant in Wisconsin Works charges that are in addition to payments received by

1 the provider for services under Wisconsin works Works or knowingly ~~impose~~ imposes
 2 direct charges upon a ~~recipient~~ participant in Wisconsin Works in lieu of obtaining
 3 payment under Wisconsin works ~~unless~~ Works is guilty of a Class H felony, except
 4 that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may
 5 be fined not more than \$25,000. This subsection does not apply if benefits or services
 6 are not provided under Wisconsin works Works and the recipient Wisconsin Works
 7 participant is advised of this fact prior to receiving the service.

NOTE: Move criminal penalties relating to Wisconsin Works fraud to proposed s.
 946.90 Chapter 946, stats., contains crimes against government and its administration.
 * Also, see SECTIONS ~~938.01 and 939.01~~ 378 to 380 ~~MAJOR~~ auto ref C
 auto ref B

8 **SECTION 87.** 49.143 (2) (b) of the statutes is amended to read:

9 49.143 (2) (b) Establish a children's services network. The children's services
 10 network shall ~~provide~~ make available information about community resources
 11 available to the dependent children in a Wisconsin works Works group, including
 12 charitable food and clothing centers; subsidized and low-income housing;
 13 transportation subsidies; the state supplemental food program for women, infants
 14 and children under s. 253.06; and child care programs. In a county having a
 15 population of 500,000 or more, a children's services network shall, in addition,
 16 provide a forum for those persons who are interested in the delivery of child welfare
 17 services and other services to children and families in the geographical area under
 18 sub. (6) served by that children's services network to communicate with and make
 19 recommendations to the providers of those services in that geographical area with
 20 respect to the delivery of those 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 requiring it to provide such information.

21 **SECTION 88.** 49.143 (2) (d) of the statutes is amended to read:

1 49.143 (2) (d) If the Wisconsin ~~works~~ Works agency is not a county department
 2 under s. 46.215, 46.22 or 46.23 or tribal governing body, cooperate with the county
 3 department or tribal governing body to ensure that services delivered under
 4 Wisconsin ~~works~~ Works, the ~~food stamp~~ supplemental nutrition assistance program
 5 and ~~medical assistance~~ Medical Assistance are coordinated with the county or tribal
 6 governing body in a manner that most effectively serves the recipients of those
 7 services.

****NOTE: I added this section to update the food stamp language.

History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16; 2005 a. 25; 2007 a. 20; 2009 a. 28, 333.

SECTION 89. 49.143 (2) (h) of the statutes is created to read:

8
 9
 10 49.143 (2) (h) Prohibit persons who contract with the Wisconsin ~~works~~ Works
 11 agency from imposing on a participant charges that are in addition to payments
 12 received by the person for services under Wisconsin ~~works~~ Works or imposing direct
 13 charges upon a participant in lieu of obtaining payment under Wisconsin ~~works~~ Works.

****NOTE: I added language to mirror the language in proposed s. 946.90 (6).

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

SECTION 90. 49.143 (3g) (a) 1. of the statutes is amended to read:

14
 15 49.143 (3g) (a) 1. The placement of participants in Wisconsin ~~works~~ Works
 16 employment positions into unsubsidized employment, as defined in s. 49.147 (1) (e)
 17 49.141 (1) (o).

SECTION 91. 49.145 (2) (j) of the statutes is amended to read:

18
 19 49.145 (2) (j) ~~On the last day of the month, the~~ The individual is not
 20 participating in a strike.

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

SECTION 92. 49.145 (2) (s) of the statutes is amended to read:

NO SCORING
 PLAIN

PLAIN

NO SCORING

1 49.145 (2) (s) The individual assigns to the state any right of the individual or
2 of any dependent child of the individual to support or maintenance from any other
3 person accruing during the time that any assistance, as defined in 45 CFR 260.31,
4 under Wisconsin Works is paid to the individual. If a minor who is a beneficiary of
5 any assistance under Wisconsin Works is also the beneficiary of support under a
6 judgment or order that includes support for one or more children not receiving that
7 assistance, any support payment made under the judgment or order is assigned to
8 the state during the period that the minor is a beneficiary of that assistance in the
9 amount that is the proportionate share of the minor receiving the assistance, except
10 as otherwise ordered by the court on the motion of a party. Amounts assigned to the
11 state under this paragraph remain assigned to the state until the amount due to the
12 federal government has been recovered. No amount of support that begins to accrue
13 after the individual ceases to receive assistance under Wisconsin Works may be
14 considered assigned to this state. ~~Except as provided in s. 49.1455, 75~~ Seventy-five
15 percent of all money that is received by the department in a month under an
16 assignment to the state under this paragraph for an individual applying for or
17 participating in Wisconsin Works shall be paid to the individual applying for or
18 participating in Wisconsin Works. The department shall pay the federal share of
19 support assigned under this paragraph as required under federal law or waiver.

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

20 **SECTION 93.** 49.145 (3m) (title) ~~of~~ [✓] of the statutes is created to read:

21 49.145 (3m) (title) PARTICIPANT WITH DRUG CONVICTION. ✓

22 **SECTION 94.** 49.1452 ~~of~~ [✓] of the statutes is renumbered 49.813. ✓

23 **SECTION 95.** 49.1455 ~~of~~ [✓] of the statutes is repealed. ✓

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

1

SECTION 96. 49.147 (1) (title) and (intro.) of the statutes are repealed.

2

SECTION 97. 49.147 (1) (c) of the statutes is renumbered 49.141 (1) (o) and

3

amended to read:

4

49.141 (1) (o) "Unsubsidized employment" means employment for which the

5

Wisconsin works Works agency provides no wage subsidy to the employer including

6

self-employment and entrepreneurial activities.

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

7

SECTION 98. 49.147 (3m) of the statutes is repealed.

Ins 4-7

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

8

SECTION 99. 49.147 (4) (at) and (5) (bt) of the statutes are repealed.

***NOTE: TO PAM: Do you think this note is accurate? It seems to me that this repeal does more than the note implies.

please review the note, below

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.

Ins 4-8

9

SECTION 100. 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

11

as provided in par. (bL), a participant under sub. (4) or (5) may participate in

12

technical college an education program provided by a technical college established

13

under ch. 38 as part of a community service job placement or transitional placement

14

if all of the following requirements are met:

NOTE: Clarifies reference to technical college education.

15

SECTION 101. 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

17

49.023, collect job access loan repayments that are delinquent under the terms of a

strikes

SECTION 101

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

6 **SECTION 102.** 49.147^x3 of the statutes is renumbered 49.143 (2b), and 49.143 (2b)
7 (a) 2., as renumbered, is amended to read:

8 49.143 (2b) (a) 2. Each Wisconsin ~~works~~ [✓]Works agency shall establish
9 procedures, in accordance with the rules promulgated by the department under par.
10 (a) subd. 1.[✓], for screening victims of domestic abuse.

History: 2001 a. 16.

NOTE: Moves domestic abuse screening and training requirements for [✓]Wisconsin Works agencies to the section on Wisconsin Works contracts.

Ins. 42-10
11

12 **SECTION 103.** 49.148 (4) (a) to (c)[✓] of the statutes, as affected by 2011 Wisconsin Act 32, ^{care}~~s~~ renumbered 49.145 (3m) (a) to (c).[✓]

NOTE: Moves requirements for drug test under Wisconsin [✓]Works to the section regarding participant eligibility criteria.

13 **SECTION 104.** 49.149 (intro.)[✓], (1) and (3) of the statutes are consolidated,
14 renumbered 49.143 (2z)[✓] and amended to read:

15 49.143 (2z) ~~Wisconsin works; education~~ ^{CS} ~~Education and training.~~ ^{NO I} A
16 Wisconsin ~~works~~ [✓]Works agency shall ~~do all of the following:~~ ^{CS} (1) ^{NO I} ~~Establish~~ ^{CS} establish
17 a referral relationship with other employment and training programs for
18 participants to make use of varied education and training opportunities available
19 through integrated job centers, as defined by the department by rule. ~~(3)~~ [✓] Encourage,
20 and encourage employers to make training sites available on the business site for
21 participants.[✓]

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

TAS
43-1

1 SECTION 105. 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and
2 amended to read:

3 49.151 (2) (a) (intro.) If ^{plain} court finds or it is determined after an administrative ^{strike}
4 hearing ~~that~~ ^{Wisconsin Works agency determines} that an individual who is a member of a Wisconsin works group applying for
5 or receiving benefits under s. 49.138 or ss. 49.141 to 49.161, for the purpose of
6 establishing or maintaining eligibility for those benefits or for the purpose of
7 increasing the value of those benefits, has ~~intentionally violated~~ ^{strike} on 3 separate
8 occasions, ~~any provision in s. 49.138 or ss. 49.141 to 49.161 or any rule promulgated~~ ^{committed an intentional program violation related to}
9 under those sections, the Wisconsin works Works agency or the department may
10 permanently deny benefits under s. 49.138 or ss. 49.141 to 49.161 to the individual.

11 ~~as follows:~~ ^{NOTE: (ES)} Please confirm that this paragraph is consistent with the
12 ~~Committee's intent; specifically, the use of the term "intentional program violation."~~

13 SECTION 106. 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes are created to
14 read:

- 15 49.151 (2) (a) 1. For a first intentional program violation, for 6 months.
- 16 2. For a ^{2nd} ~~second~~ intentional program violation, for one year.
- 17 3. For a ^{3rd} ~~third~~ intentional program violation, permanently.
- 18 (b) An individual who is denied benefits under par. (a) may request a review
of the determination under s. 49.152

****NOTE: I removed language relating to a denial based on a violation of the Wisconsin Shares section because, as renumbered, Wisconsin Share does not fall between ss. 49.141 and 49.161. If you would like this section to apply to Wisconsin Shares, I can add a cross reference or duplicate similar language in the Wisconsin Share section.

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

Under the bill, as under current law, a person who commits 3 intentional program violations may be permanently denied benefits. Additionally, under the bill, 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 bill, each determination of a violation may be reviewed.

or, if the denial is based upon a violation of s. 49.155, may request a contested case hearing under ch. 227 by filing a request for a hearing with the department within 30 days after the date of the denial.

1 SECTION 107. 49.152 (title) of the statutes is amended to read:

2 49.152 (title) **Review of Wisconsin Works agency decisions.**

3 SECTION 108. 49.1525 of the statutes is created to read:

4 49.1525 **Review of Wisconsin Shares decisions.** (1) PETITION FOR REVIEW.

5 Any individual whose application for a child care subsidy under s. 49.155 is not acted
6 upon with reasonable promptness after the filing of the application, as defined by the
7 department by rule, or is denied in whole or in part, whose benefit is modified or
8 canceled, or who believes that the benefit was calculated incorrectly, or a child care
9 provider who is refused payment under s. 49.155 (7) or assessed a penalty under s.
10 49.155 (7m), may petition the department for a review of such action. Review is
11 unavailable if the action occurred more than 45 days prior to submission of the
12 petition for review.

Do you want a deadline by which the department must promulgate a rule under this section?

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

- 20 1. Withdraws the petition in writing.
- 21 2. Abandons the petition. Abandonment occurs if the petitioner fails to appear
22 in person or by representative at a scheduled review without good cause, as defined
23 by the department by rule.

24 (b) The petitioner may request a review of the department's decision under ch.
25 227 within 21 days of the date on which the decision of the department is mailed.

INS
44-2
2nd insert

CS
NOTE

①

SECTION 113. 49.155 (1m) (intro.), (a) 1., 1m. and 3m. of the statutes are amended to read:

49.155 (1m) ELIGIBILITY. (intro.) Except as provided in s. ~~49.155~~ sub. (3g), the department shall contract with a county department or agency to determine the eligibility of individuals residing in a particular geographic region or who are members of a particular Indian tribal unit for child care subsidies under this section. Under this section, an individual may receive a subsidy for child care for a child who has not attained the age of 13 or, if the child is disabled, who has not attained the age of 19, if the individual meets all of the following conditions:

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185.

(a) 1. Meet the school attendance requirement under s. ~~49.26~~ 49.198 (1) (g).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185.

1m. (intro.) Obtain a high school diploma or participate in a course of study meeting the standards established by the state superintendent of public instruction for the granting of a declaration of equivalency of high school graduation, if the individual is not subject to the school attendance requirement under s. ~~49.26~~ 49.198 (1) (g) and at least one of the following conditions is met:

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185.

3m. Participate in a job search or work experience component of the ~~food stamp~~ supplemental nutrition assistance employment and training program under s. 49.79 (9).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185.

SECTION 114. 49.155 (3g) (a) (intro.) and (b) of the statutes are amended to read:

49.155 (3g) (a) (intro.) The department may contract with the Milwaukee County enrollment services unit, as provided in s. ~~49.825~~ 49.009 (2) (b), to do any of the following:

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

4 **SECTION 115.** 49.155 (6m) (a) and (b) of the statutes are amended to read:

5 49.155 (6m) (a) Maintain ~~a~~ an accurate written record of the daily hours of
6 attendance of each child for whom the provider is providing care under this section,
7 including the actual arrival and departure times for each child.

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

12 **SECTION 116.** 49.155 (7) (b) 4. of the statutes is renumbered 49.155 (7) (c) and
13 amended to read:

14 49.155 (7) (c) The department or a county department under s. ~~46.125~~ 46.22,
15 or 46.23 may refuse to pay a child care provider for child care provided under this
16 section if the department or county department reasonably suspects that the person
17 has violated any provision under the program under this section or any rule
18 promulgated under this section. Within 30 working days of the initial refusal of
19 payment under this paragraph, the department shall either initiate an action to
20 withhold payments under sub. (7m) or resume payments 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.

21 **SECTION 117.** 49.159 (2) of the statutes is amended to read:

1 **49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.**

2 A custodial parent who is under the age of 18 is eligible, regardless of that
3 individual's or that individual's parent's income or assets, to meet with a financial
4 and employment planner. The financial and employment planner may provide the
5 individual with information regarding Wisconsin ~~works~~ Works eligibility, available
6 child care services, employment and financial planning, family planning services, as
7 defined in s. 253.07 (1) (b), community resources, eligibility for ~~food stamps~~ benefits
8 under the supplemental nutrition assistance program, and other food and nutrition
9 programs.

 ***NOTE: I added this section to update the food stamp language.

History: 1995 a. 289; 1997 a. 27; 2009 a. 28.

10 **SECTION 118.** 49.161 (1) of the statutes is amended to read:

11 **49.161 (1) TRIAL JOBS OVERPAYMENTS.** Notwithstanding s. ~~49.96~~ 49.043, the
12 department shall recover an overpayment of benefits paid under s. 49.148 (1) (a) from
13 an individual who receives benefits paid under s. 49.148 (1) (a). The value of the
14 benefit liable for recovery under this subsection may not exceed the amount that the
15 department paid in wage subsidies with respect to that participant while the
16 participant was ineligible to participate. The department shall promulgate rules
17 establishing policies and procedures for administrating 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
bill, DCF must promulgate rules relating to the administration of these provisions.

18 **SECTION 119.** 49.163~~5~~ of the statutes is renumbered 49.215[✓].

19 **SECTION 120.** 49.165 of the statutes, as affected by 2011 Wisconsin Act 32[✓], is
20 renumbered 49.217[✓].

21 **SECTION 121.** 49.167 ~~of the statutes~~ is renumbered 49.219[✓].

1 **SECTION 122.** 49.169[✓] of the statutes is renumbered 49.221.

2 **SECTION 123.** 49.173 (3) (a) 2.[✓] of the statutes is amended to read:

3 49.173 (3) (a) 2. ~~Food stamp~~ Supplemental nutrition assistance[✓] employment
4 and training.

****NOTE: I added this section to update the food stamp language.

History: 1999 a. 9; 2001 a. 16.

5 **SECTION 124.** 49.175 (1) (intro.)[✓] of the statutes, as affected by 2009 Wisconsin^{ga}
6 Act 28 and 2011 Wisconsin Act 32, is amended to read:

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

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

11 **SECTION 125.** 49.175 (1) (m)[✓] of the statutes is amended to read:

12 49.175 (1) (m) *Children first.* For services under the work experience program
13 for noncustodial parents under s. ~~49.36~~[✓] 49.163, \$1,140,000 in each fiscal year.

14 **SECTION 126.** 49.19 (4) (h) 1. b.[✓] of the statutes is amended to read:

15 49.19 (4) (h) 1. b. ~~Except as provided under sub. (5) (a) 1m.,~~[✓] when When any
16 person applies for or receives aid under this section, any right of the parent or any
17 dependent child to support or maintenance from any other person, including any
18 right to unpaid amounts accrued at the time of application and any right to amounts
19 accruing during the time aid is paid under this section, is assigned to the state. If
20 a minor who is a beneficiary of aid under this section is also the beneficiary of support
21 under a judgment or order that includes support for one or more children not
22 receiving aid under this section, any support payment made under the judgment or
23 order is assigned to the state in the amount that is the proportionate share of the

1 minor receiving aid under this section, except as otherwise ordered by the court on
2 the motion of a party. Amounts assigned to the state under this subd. 1. b. remain
3 assigned to the state until that amount of aid paid that represents the amount due
4 as support or maintenance has been recovered. No amount of support that begins
5 to accrue after aid under this section is discontinued for the recipient may be
6 considered assigned to this state.

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

7 **SECTION 127.** 49.19 (5) (a) 1m., (16) and (17) of the statutes are repealed.

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

8 **SECTION 128.** 49.195 (title) of the statutes is amended to read:

9 **49.195** (title) **Recovery of Action to recoup aid to families with**
10 **dependent children and, Wisconsin works Works benefits.**

NOTE: Modifies title to distinguish from recovery of overpayments.

11 **SECTION 129.** 49.195 (3) of the statutes is renumbered 49.195 (3) (a) and
12 amended to read:

13 49.195 (3) (a) A county, tribal governing body, Wisconsin works Works agency,
14 or the department shall determine whether an overpayment has been made under
15 s. 49.19, 49.148, 49.155 or 49.157 and, if so, the amount of the overpayment. The
16 county, tribal governing body, Wisconsin works Works agency, or department shall
17 provide notice of the overpayment to the liable person. The department shall give
18 that person an opportunity for a review following the procedure specified under s.
19 49.152 or 49.1525, if the person received the overpayment under s. ss. 49.141 to
20 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96 49.043, the
21 department shall promptly recover all overpayments made under s. 49.19, 49.148,
22 49.155 or 49.157 that have not already been received under s. 49.161 or ~~49.19~~ (17)

1 and shall promulgate rules establishing policies and procedures to administer this
2 subsection. The rules shall include notification procedures similar to those
3 established for child support collections.

✓ NOTE: Adds a reference to the provision created in this bill relating to review of
Wisconsin Shares decisions.

4 **SECTION 130.** 49.195 (3) (b) of the statutes is created to read:

5 49.195 (3) (b) Notwithstanding ^{par.} sub. (a), the department shall waive recovery
6 of an overpayment paid to a child care provider under s. 49.155[✓] if the overpayment
7 is a result of the child care provider's reasonable reliance on incorrect information
8 given by the county department or an agency with which the department contracts
9 under s. 49.155 (1m)[✓] regarding the child care provider's eligibility for payment or an
10 individual's eligibility to receive a child care subsidy under s. 49.155[✓].

NOTE: Requires DCF to waive recovery of incorrect payments to a child care
provider if the child care provider provided services in reasonable reliance on information
provided to the child care provider.

11 **SECTION 131.** 49.195 (3m) (f) of the statutes is amended to read:

12 ^{49.195} (3m) (f) Notwithstanding s. ~~49.96~~ 49.043[✓], at any time after the filing of a
13 warrant, the department may commence and maintain a garnishee action as
14 provided by ch. 812 or may use the remedy of attachment as provided by ch. 811 for
15 actions to enforce a judgment. The place of trial of such an action may be either in
16 Dane County or the county where the debtor resides and may not be changed from
17 the county in which that action is commenced, except upon consent of the parties.

18 **SECTION 132.** 49.195 (3n) (q) 2.[✓] of the statutes is amended to read:

19 49.195 (3n) (q) 2. The first \$1,000 of an account in a depository institution is
20 exempt from any levy to recover a ~~benefit overpayment~~ debt[✓].

NOTE: Replaces "benefit overpayment" with the defined term "debt" in the section
relating to recovery of aid to families with dependent children and Wisconsin Works
benefits.

1 **SECTION 133.** 49.197 (1m) of the statutes[✓], as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 **49.197 (1m) FRAUD INVESTIGATION.** From the appropriations under s. 20.437 (2)
4 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program
5 to investigate suspected fraudulent activity on the part of recipients of aid to families
6 with dependent children under s. 49.19, on the part of participants in the Wisconsin
7 Works program under ss. 49.141 to 49.161, and, if the department of health services
8 contracts with the department under sub. (5), on the part of recipients of ~~medical~~
9 ~~assistance~~ Medical Assistance[✓] under subch. IV, ~~food stamp~~[✓] benefits under the ~~food~~
10 ~~stamp~~ supplemental nutrition assistance[✓] program under 7 USC 2011 to 2036,
11 supplemental security income payments under s. 49.77, payments for the support of
12 children of supplemental security income recipients under s. 49.775, and health care
13 benefits under the Badger Care health care program under s. 49.665. The
14 department's activities under this subsection may include, but are not limited to,
15 comparisons of information provided to the department by an applicant and
16 information provided by the applicant to other federal, state, and local agencies,
17 development of an advisory welfare investigation prosecution standard, and
18 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 or
19 multicounty consortia, as defined in s. ~~49.78~~ 49.003[✓] (1) (br), and to Wisconsin Works
20 agencies to encourage activities to detect fraud. The department shall cooperate
21 with district attorneys regarding fraud prosecutions.

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009
a. 28, 76.

22 **SECTION 134.** 49.197 (2) (a) 3. of the statutes, as affected by 2011 Wisconsin Act[✓]
23 32, is repealed.

NOTE: Repeals a definition for the term "tribal governing body" which is created
in SECTION of the bill.

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