

1           **SECTION 135.** 49.197 (3) of the statutes is amended to read:

2           **49.197 (3) STATE ERROR REDUCTION ACTIVITIES.** The department shall conduct  
3 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161  
4 and, if the department of health services contracts with the department under sub.  
5 (5), the Medical Assistance program under subch. IV, the ~~food stamp~~ supplemental  
6 nutrition assistance program under 7 USC 2011 to 2036, the supplemental security  
7 income payments program under s. 49.77, the program providing payments for the  
8 support of children of supplemental security income recipients under s. 49.775, and  
9 the Badger Care health care program under s. 49.665.

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

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.

10           **SECTION 136.** 49.197 (4) of the statutes, as affected by 2011 Wisconsin Act 32,  
11 is amended to read:

12           **49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION.** If the department of health  
13 services contracts with the department under sub. (5), the department shall provide  
14 funds from the appropriation under s. 20.437 (2) (kx) to counties, multicounty  
15 consortia, as defined in s. 49.78 49.003 (1) (br), and tribal governing bodies of  
16 ~~federally recognized American Indian tribes~~ administering Medical Assistance  
17 under subch. IV, the ~~food stamp~~ supplemental nutrition assistance program under  
18 7 USC 2011 to 2036, the supplemental security income payments program under s.  
19 49.77, the program providing payments for the support of children of supplemental  
20 security income recipients under s. 49.775, and the Badger Care health care program  
21 under s. 49.665 to offset administrative costs of reducing payment errors in those  
22 programs.

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.

23           **SECTION 137.** 49.197 (5) of the statutes is amended to read:

1 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE, ~~FOOD STAMPS~~ SUPPLEMENTAL  
2 NUTRITION ASSISTANCE, SUPPLEMENTAL SECURITY INCOME, AND CARETAKER SUPPLEMENT.

3 Notwithstanding s. ~~49.845~~ 49.019 (1) and (2), the department of health services may  
4 contract with the department to investigate suspected fraudulent activity on the  
5 part of recipients of ~~medical assistance~~ Medical Assistance under subch. IV, ~~food~~  
stamp benefits under the ~~food stamp~~ supplemental nutrition assistance program  
under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77,  
6 payments for the support of children of supplemental security income recipients  
7 under s. 49.775, and health care benefits under the Badger Care health care program  
8 under s. 49.665 and to conduct activities to reduce payment errors in the Medical  
9 Assistance program under subch. IV, the ~~food stamp~~ supplemental nutrition  
10 assistance program under 7 USC 2011 to 2036, the supplemental security income  
11 payments program under s. 49.77, the program providing payments for the support  
12 of children of supplemental security income recipients under s. 49.775, and the  
13 Badger Care health care program under s. 49.665, as provided in this section.

14 SECTION 138. Subchapter III (title) of chapter 49 [precedes 49.203] of the  
15 statutes is repealed and recreated to read:

16 CHAPTER 49

17 SUBCHAPTER III

18 CHILDREN AND FAMILIES; OTHER SUPPORT SERVICES

19 SECTION 139. 49.203 of the statutes is created to read:

20 49.203 **Definitions.** In this subchapter:

21 (1) "Department" means the department of children and families.

22 (2) "Secretary" means the secretary of children and families.

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**SECTION 140.** 49.22 of the statutes is renumbered 49.811, and 49.811 (2m) (a)

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as renumbered, are amended to read:

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49.811 (2m) (a) The department may request from any person in this state

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information it determines appropriate and necessary for the administration of this

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section, ss. 49.141 to 49.161, 49.19, 49.46, 49.468, 49.47, and 49.471 and programs

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carrying out the purposes of 7 USC 2011 to 2029 2036. Unless access to the

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information is prohibited or restricted by law, or unless the person has good cause,

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as determined by the department in accordance with federal law and regulations, for

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refusing to cooperate, the person shall make a good faith effort to provide this

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information within 7 days after receiving a request under this paragraph. Except

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as provided in subs. (2p) and (2r) and subject to sub. (12), the department or the

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county child support agency under s. 59.53 (5) may disclose information obtained

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under this paragraph only in the administration of this section, ss. 49.141 to 49.161,

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49.19, 49.46, 49.47, and 49.471 and programs carrying out the purposes of 7 USC

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2011 to ~~2029~~ 2036. Employees of the department or a county child support agency

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under s. 59.53 (5) are subject to s. ~~49.83~~ 49.013.

\*\*\*\*NOTE: Based on the assumption that "programs carrying out the purposes of 7USC 2011 to 2029" is intended to refer to programs carrying out the purposes of the supplemental nutrition assistance program, I updated the statutory reference to that program.

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**SECTION 141.** 49.225 of the statutes is renumbered 49.817.

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**SECTION 142.** 49.227 of the statutes is renumbered 49.819.

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**SECTION 143.** 49.24 of the statutes is renumbered 49.821, and 49.821 (2) (a) and

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(c) and (3), as renumbered, are amended to read:

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49.821  
(2) (a) The department shall, in consultation with representatives of counties,

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promulgate a rule that specifies the formula according to which the payments under

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sub. (1) and federal child support incentive payments will be distributed to counties.

1 The rule shall provide that the total of state and federal incentive payments per year  
 2 to a county may not exceed the costs per year of the county's child support program  
 3 under s. ~~49.22~~ 49.811.<sup>✓</sup>

4 (c) The department may retain 70% of the amount of federal child support  
 5 incentive payments awarded to the state for each federal fiscal year that exceeds  
 6 \$12,340,000, to be used to pay the costs of the department's activities under ss. ~~49.22~~  
 7 49.811<sup>✓</sup> and ~~49.227~~ 49.819<sup>✓</sup> and costs related to receiving and disbursing support and  
 8 support-related payments.

9 <sup>Bold</sup> (3) A county that receives any state child support incentive payment under sub.  
 10 (1) or any federal child support incentive payment under sub. (2) may use the funds  
 11 only to pay costs under its child support program under s. ~~49.22~~ 49.811.<sup>✓</sup>

12 SECTION 144. ~~49.25~~<sup>✓</sup> of the statutes is renumbered ~~49.823~~.<sup>✓</sup>

13 SECTION 145. 49.26 (title) of the statutes is renumbered 49.198 (title).<sup>✓</sup>

14 SECTION 146. 49.26 (1) (a) to (h) 1s., (hm) and (hr)<sup>✓</sup> of the statutes are  
 15 renumbered 49.198 (1) (a) to (h) 1s., (hm) and (hr),<sup>✓</sup> and 49.198 (1) (c), (d), (g) (intro.),<sup>✓</sup>  
 16 (ge), (h) 1s. b.<sup>✓</sup> and (hr), as renumbered, are amended to read:

17 49.198 (1) (c) A ~~county department or Wisconsin works~~ Works<sup>✓</sup> agency may  
 18 provide services under this subsection directly or may contract with a nonprofit  
 19 agency or a school district to provide the services.

20 (d) A ~~county department or Wisconsin Works~~ agency that provides services  
 21 under this subsection directly shall develop a plan, in coordination with the school  
 22 districts located in whole or in part in the county, describing the assistance that the  
 23 ~~county department or Wisconsin Works~~ agency and school districts will provide to  
 24 individuals receiving services under this subsection, the number of individuals that  
 25 will be served and the estimated cost of the services. The ~~county department or~~

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1 Wisconsin Works agency shall submit the plan to the department and the  
2 department of public instruction by January 15, annually.

3 (ge) An individual fails to meet the school attendance requirement if the  
4 individual is not enrolled in school or was not enrolled in the immediately preceding  
5 semester. The Wisconsin works Works agency or county department shall verify  
6 enrollment.

7 (hr) If an individual subject to the school attendance requirement under par.  
8 (ge) is enrolled in a public school, communications between the school district and  
9 the department, a county department under s. 46.215, 46.22, or 46.23 or a Wisconsin  
10 works Works agency concerning the individual's school attendance may only be made  
11 by a school attendance officer, as defined under s. 118.16 (1) (b).

12 SECTION 147. 49.26 (1) (h) 2. and (2) (a) (title) and of the statutes are repealed.

NOTE: Repeals references to and a definition for "county department" and a provision relating to recipients of aid to families with dependent children in the learnfare statute.

13 SECTION 148. 49.26 (2) (title) of the statutes is repealed.

\*\*\*NOTE: I repealed this title rather than renumbering it because sub. (1) does not have a title.

14 SECTION 149. 49.26 (2) (b) of the statutes is renumbered 49.198 (2) and  
15 amended to read:

16 49.198 (2) ~~County departments or~~ Wisconsin works Works agencies shall  
17 provide case management services to individuals who are subject to the school  
18 attendance requirement under the learnfare program under sub. (1) and their  
19 families to improve the school attendance and achievement of those individuals.

NOTE: Strikes references to county departments in the learnfare statute.

History: 1995 a. 27 ss. 2319 to 2324, 2898g to 2898r, 3101 to 3120b, 3130 (4), 9145 (1); 1995 a. 289; 1997 a. 3, 27, 239; 1999 a. 9; 2007 a. 20; 2009 a. 276, 302.

20 SECTION 150. 49.265 (1) (c) of the statutes is repealed.

NOTE: Repeals a definition for the term "poverty line", which is defined at the beginning of the chapter, in s. 49.001 (5).

1 **SECTION 151.** 49.27<sup>✓</sup> of the statutes is renumbered 49.064<sup>✓</sup>.

\*\*\*\*NOTE: Section 49.275<sup>✓</sup> is not treated in WLC /0106. However, the meaning of that section is limited by the reorganization of the chapter. Section 49.275 provides that the department of children and families may cooperate with the federal government in carrying out federal acts "concerning public assistance under this subchapter..." The substantive meaning of s. 49.275<sup>✓</sup> is altered by this draft due to the renumbering of programs to other subchapters. Please confirm that it is consistent with the committee's intent.

2 **SECTION 152.** 49.29<sup>✓</sup> of the statutes is repealed.

NOTE: Repeals an obsolete section relating to the former aid to families with dependent children program.

3 **SECTION 153.** 49.32 (title) of the statutes is renumbered 49.06 (title).

4 **SECTION 154.** 49.32 (1), (2) and (6) to (12) of the statutes are renumbered 49.06

5 (1), (2) and (6) to (12)<sup>✓</sup>, and 49.06 (1) (a), (6), (7) (b), (c) and (d), (8), (9) (title)<sup>✓</sup> and (a), (b) and (c)<sup>✓</sup>,

6 (10) (a) (intro.) and (10m)<sup>✓</sup> (a) and (b)<sup>✓</sup>, as renumbered, are amended to read:

7 49.06 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department

8 shall establish a uniform system of fees for services provided or purchased under this

9 subchapter ss. 49.811 to 49.823<sup>✓</sup>, subchs. II<sup>✓</sup> and III, and ch. 48 by the department, or

10 a county department under s. 46.215, 46.22, or 46.23 except as provided in s. 49.22

11 49.811<sup>✓</sup> (6) and except when, as determined by the department, a fee is

12 administratively unfeasible or would significantly prevent accomplishing the

13 purpose of the service. A county department under s. 46.215, 46.22, or 46.23 shall

14 apply the fees that it collects under this program to cover the cost of those services.

15 The department shall report to the joint committee on finance no later than March

16 1 of each year on the number of children placed for adoption by the department

17 during the previous year and the costs to the state for services relating to such

18 adoptions.

1           **(6) WELFARE REFORM STUDIES.** The department shall request proposals from  
2 persons in this state for studies of the effectiveness of various program changes,  
3 referred to as welfare reform, to the aid to families with dependent children program,  
4 including the requirement that certain recipients of aid to families with dependent  
5 children with children under age 6 participate in training programs, the learnfare  
6 school attendance requirement under s. ~~49.26~~ 49.198<sup>✓</sup> (1) (g) and the modification of  
7 the earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the  
8 effectiveness of the various efforts, including their cost-effectiveness, in helping  
9 individuals gain independence through the securing of jobs and providing financial  
10 incentives and in identifying barriers to independence.

11           **(7) (b)** The department shall conduct a program to periodically match the  
12 records of recipients of aid to families with dependent children under s. 49.19 and,  
13 if the department of health services contracts with the department under s. 49.197  
14 (5), recipients of ~~medical assistance~~ Medical Assistance<sup>✓</sup> under subch. IV and ~~food~~  
15 ~~stamp~~ benefits under the ~~food stamp~~ supplemental nutrition assistance<sup>✓</sup> program  
16 under 7 USC 2011 to 2036 with the records of recipients under those programs in  
17 other states. If an agreement with the other states can be obtained, matches with  
18 records of states contiguous to this state shall be conducted at least annually.

19           **(c)** The department shall conduct a program to periodically ~~match~~ review the  
20 address records of recipients of aid to families with dependent children under s. 49.19  
21 and, if the department of health services contracts with the department under s.  
22 49.197 (5), recipients of ~~medical assistance~~ Medical Assistance<sup>✓</sup> under subch. IV and  
23 ~~food stamp~~ benefits under the ~~food stamp~~ supplemental nutrition assistance<sup>✓</sup>  
24 program under 7 USC 2011 to 2036 to verify residency and to identify recipients  
25 receiving duplicate or fraudulent payments.

\*\*\*\*NOTE: This paragraph<sup>✓</sup> does not indicate what the department is supposed to match the address records of recipient to.

(d) The department, with assistance from the department of corrections, shall conduct a program to periodically match the records of persons confined in state correctional facilities with the records of recipients of aid to families with dependent children under s. 49.19 and, if the department of health services contracts with the department under s. 49.197 (5), recipients of ~~medical assistance~~<sup>✓</sup> Medical Assistance under subch. IV and ~~food stamp~~ benefits under the ~~food stamp~~<sup>✓</sup> supplemental nutrition assistance program under 7 USC 2011 to 2036 to identify recipients who may be ineligible for benefits.

\*\*\*\*NOTE: 49.32 (7) (b), (c), and (d) were added to update the food stamp language.

(9) (title) ~~MONTHLY REPORTS OF RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN~~ WISCONSIN WORKS PARTICIPANTS.

(a) ~~Each county department under s. 46.215, 46.22, or 46.23 administering aid to families with dependent children shall maintain a monthly report at its office showing the names of all persons receiving aid to families with dependent children together with the amount paid during the preceding month.~~<sup>✓</sup> Each Wisconsin Works agency administering Wisconsin Works under ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names of all persons receiving benefits under s. 49.148 together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in the report of any information (names, amounts of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes under s. 48.645 or 49.19 (10).

(b) The report under par. (a) shall be open to public inspection at all times during regular office hours and may be destroyed after the next succeeding report becomes available. Any person, except any public officer, seeking permission to

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1 inspect such report shall be required to prove his or her identity and to sign a  
2 statement setting forth his or her address and<sup>✓</sup> the reasons for making the request,  
3 and indicating that he or she understands the provisions of par. (c) with respect to  
4 the use of the information obtained. The use of a fictitious name is a violation of this  
5 section. Within 7 days after the record is inspected, or on the next regularly  
6 scheduled communication with that person, whichever is sooner, the ~~county~~  
7 ~~department or Wisconsin works~~<sup>✓</sup> Works agency shall notify each person whose name  
8 and amount of aid was inspected that the record was inspected and of the name and  
9 address of the person making such inspection. ~~County departments under ss. 46.215,~~  
10 ~~46.22 and 46.23 administering aid to families with dependent children and~~  
11 ~~Wisconsin works~~<sup>✓</sup> Works agencies administering Wisconsin works Works<sup>✓</sup> under ss.  
12 49.141 to 49.161<sup>✓</sup> may withhold the right to inspect the name of and amount paid to  
13 recipients from private individuals who are not inspecting this information for  
14 purposes related to public, educational, organizational, governmental, or research  
15 purposes until the person whose record is to be inspected is notified by the ~~county~~  
16 ~~department or Wisconsin works~~<sup>✓</sup> Works agency, but in no case may the ~~county~~  
17 ~~department or Wisconsin works~~<sup>✓</sup> Works agency withhold this information for more  
18 than 5 working days. The ~~county department or Wisconsin works~~<sup>✓</sup> Works agency shall  
19 keep a record of such requests. The record shall indicate the name, address,  
20 employer, and telephone number of the person making the request. If the person  
21 refuses to provide his or her name, address, employer, and telephone number, the  
22 request to inspect this information may be denied.

23 (c) It is unlawful to use any information obtained through access to such report  
24 for political or commercial purposes. The violation of this provision is punishable  
25 upon conviction as provided in s. ~~49.83~~<sup>✓</sup> 49.013<sup>✓</sup>.

1 (10) (a) (intro.) Each county department under s. 46.215, 46.22, or 46.23 may  
2 release the current address of a recipient of ~~food stamps~~<sup>✓</sup> supplemental nutrition  
3 assistance program benefits under s. 49.79<sup>✓</sup> or of aid under s. 49.19, and each  
4 Wisconsin ~~works~~ Works agency may release the current address of a participant in  
5 Wisconsin ~~works~~ Works under ss. 49.141 to 49.161,<sup>✓</sup> to a law enforcement officer if the  
6 officer meets all of the following conditions:

History: 1995 a. 27 ss. 2035 to 2037, 2276d, 2805 to 2809, 2927 to 2930, 3146 to 3149; 1995 a. 289, 361, 370, 404; 1997 a. 27, 35, 237, 252, 283; 2001 a. 16; 2003 a. 33;  
2007 a. 20 ss. 1483 to 1491, 9121 (6) (a), 2009 a. 28.

7 (10m) RELEASE OF ADDRESSES OF RECIPIENTS INVOLVED IN LEGAL PROCEEDINGS. (a)

8 A county department, relief agency under s. ~~49.01~~ 49.801<sup>✓</sup> (3m), or Wisconsin ~~works~~  
9 Works agency shall, upon request, and after providing the notice to the recipient  
10 required by this paragraph, release the current address of a recipient of relief under  
11 s. ~~49.01~~ 49.801<sup>✓</sup> (3), aid to families with dependent children, or benefits under s.  
12 49.148 to a person, the person's attorney, or an employee or agent of that attorney,  
13 if the person is a party to a legal action or proceeding in which the recipient is a party  
14 or a witness, unless the person is a respondent in an action commenced by the  
15 recipient under s. 813.12, 813.122, 813.123, 813.125, or 813.127. If the person is a  
16 respondent in an action commenced by the recipient under s. 813.12, 813.122,  
17 813.123, 813.125,<sup>✓</sup> or 813.127, the county department, relief agency, or Wisconsin  
18 ~~works~~ Works agency may not release the current address of the recipient. No county  
19 department, relief agency, or Wisconsin ~~works~~ Works<sup>✓</sup> agency may release an address  
20 under this paragraph until 21 days after the address has been requested. A person  
21 requesting an address under this paragraph shall be required to prove his or her  
22 identity and his or her participation as a party in a legal action or proceeding in which  
23 the recipient is a party or a witness by presenting a copy of the pleading or a copy of  
24 the subpoena for the witness. The person shall also be required to sign a statement

1 setting forth his or her name, and address and, the reasons for making the request,  
2 and indicating that he or she understands the provisions of par. (b) with respect to  
3 the use of the information obtained. The statement shall be made on a form  
4 prescribed by the department and shall be sworn and notarized. Within 7 days after  
5 an address has been requested under this paragraph, the county department, relief  
6 agency, or Wisconsin works Works agency shall mail to each recipient whose address  
7 has been requested a notification of that fact on a form prescribed by the department.  
8 The form shall also include the date on which the address was requested, the name  
9 and address of the person who requested the disclosure of the address, the reason  
10 that the address was requested, and a statement that the address will be released  
11 to the person who requested the address no sooner than 21 days after the date on  
12 which the request for the address was made. County departments, relief agencies,  
13 and Wisconsin works Works agencies shall keep a record of each request for an  
14 address under this paragraph.

15 (b) No person may use an address obtained under this subsection for a purpose  
16 that is not connected with the legal action or proceeding to which the person  
17 requesting the address is a party. No person may use an address obtained under this  
18 subsection for political or commercial purposes. No person may request an address  
19 under par. (a) using a fictitious name. Any person who violates this paragraph is  
20 subject to the penalties under s. ~~49.83~~ 49.013.

NOTE: Repeals obsolete references to the former aid to families with dependent children program.

21 **SECTION 155.** ~~49.32~~ (3) to (5) of the statutes are repealed.

\*\*\*\*NOTE: I changed (3) to (6) to (3) to (5) because s. 49.32 (6) was treated in the preceding section. Additionally, sub. (5) does not seem to be specific to the former aid to families with dependent children program. Subsection (5) requires that the department produce "a manual describing employment and training and education programs for which recipients of public assistance benefits under this subchapter may qualify." "Public

SECTION 155

assistance benefits under this subchapter” is broader than the former AFDC program. Please confirm that this repeal is consistent with the intent of WLC 0106/1.

NOTE: Repeals obsolete subsections relating to the former aid to families with dependent children program.

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SECTION 156. 49.345 (14) (a), (b) and (g) of the statutes are amended to read:

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(b) Except as provided in par. (c), and subject to par. (cm), liability of a parent specified in sub. (2) or s. ~~49.32~~ <sup>49.06</sup> (1) for the care and maintenance of the parent’s minor child who has been placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical facility such as a group home, foster home, subsidized guardianship home, or residential care center for children and youth shall be determined by the court by using the percentage standard established by the department under s. ~~49.22~~ <sup>49.811</sup> (9) and by applying the percentage standard in the manner established by the department under par. (g).

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SECTION 157. 49.35 (title), (1) (a), (b) and (c) and (2) of the statutes are renumbered 49.062 (title), (1) (a), (b) and (c) and (2).

SECTION 158. 49.35 (1) (bm) of the statutes is repealed.

NOTE: Repeals obsolete paragraph relating to the former aid to families with dependent children program.

SECTION 159. 49.36 (title) of the statutes is renumbered 49.163 (title).

SECTION 160. 49.36 (1) (intro.) and 49.36 (1) (a) of the statutes are consolidated, renumbered 49.163 (1) and amended to read:

49.163 (1) (intro.) In this section: (a) “Custodial,” “custodial parent” means a parent who lives with his or her child for substantial periods of time.

History: 1987 a. 413; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2135 to 2142; 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20.

SECTION 161. 49.36 (1) (b) of the statutes is repealed.

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

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SECTION 162. 49.385 of the statutes is amended to read:

1           **49.385 No action against members of the Menominee Indian tribe in**  
 2 **certain cases.** No action shall be commenced under s. 46.10 or ~~49.08~~ <sup>✓</sup>49.808 or any  
 3 other provision of law for the recovery from assets distributed to members of the  
 4 Menominee Indian tribe and others by the United States pursuant to P.L. 83-399,  
 5 as amended, for the value of relief or old-age assistance under s. 49.20, 1971 stats.,  
 6 as affected by chapter 90, laws of 1973, and the value of maintenance in state  
 7 institutions under ch. 46, furnished prior to termination date as defined in s. 70.057  
 8 (1), 1967 stats., to any legally enrolled member of the Menominee Indian tribe, his  
 9 or her dependents, or lawful distributees of such member under section 3, said P.L.  
 10 83-399, as amended. For purposes of this section, "legally enrolled members of the  
 11 Menominee Indian tribe" shall include only those persons whose names appear on  
 12 "Final Roll-Menominee Indian Tribe of Wisconsin" as proclaimed by the secretary  
 13 of the interior November 26, 1957, and published at pages 9951 et seq. of the federal  
 14 register, Thursday, December 12, 1957.

15           **SECTION 163.** Subchapter ~~IV~~ <sup>✓</sup>(title) of chapter ~~49~~ <sup>✓</sup>[precedes 49.43] of the  
 16 statutes is amended to read:

#### CHAPTER 49

#### SUBCHAPTER IV

#### HEALTH; MEDICAL ASSISTANCE <sup>✓</sup>

20           **SECTION 164.** 49.43 (intro.) of the statutes is amended to read:

21           **49.43 Definitions.** <sup>✓</sup>(intro.) As used in ss. 49.43 to ~~49.497~~ <sup>✓</sup>49.499 unless the  
 22 context indicates otherwise:

23           **SECTION 165.** 49.43 (2r) and (8m) of the statutes, as created by 2011 Wisconsin  
 24 Act 32, are amended to read:

1           49.43 (2r) "County," "county department," and "county department under s.  
2           46.215, 46.22, or 46.23" includes a multicounty consortium in accordance with a  
3           contract under s. ~~49.78~~ 49.003 (2).

4           (8m) "Multicounty consortium" has the meaning given in s. ~~49.78~~ 49.003 (1)  
5           (br).

6           **SECTION 166.** 49.45 (2) (a) 3. ~~and~~ (b) 7. (intro.) and a., (3) (a) and (11) of the  
7           statutes are amended to read:

8           49.45 (2) (a) 3. Determine the eligibility of persons for ~~medical assistance~~  
9           Medical Assistance, rehabilitative, and social services under ss. 49.46, 49.468, 49.47,  
10           and 49.471 and rules and policies adopted by the department and may, under a  
11           contract under s. ~~49.78~~ 49.003 (2), delegate all, or any portion, of this function to the  
12           county department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

13           (b) 7. (intro.) Require, as a condition of certification under par. (a) 11., all  
14           providers of a specific service that is among those enumerated under s. 49.46 (2),  
15           49.47 (6) (a), or 49.471 (11), as specified in this subdivision, to file with the  
16           department a surety bond issued by a surety company licensed to do business in this  
17           state. Providers subject to this subdivision provide those services specified under s.  
18           49.46 (2), 49.47 (6) (a), or 49.471 (11) for which providers have demonstrated  
19           significant potential to violate s. 49.49 ~~(1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),~~  
20           or (4m) (a) or 946.91 (2), (3) (a) or (b), (4), or (5) (a) or (6), to require recovery under  
21           par. (a) 10., or to need additional sanctions under par. (a) 13. The surety bond shall  
22           be payable to the department in an amount that the department determines is  
23           reasonable in view of amounts of former recoveries against providers of the specific  
24           service and the department's costs to pursue those recoveries. The department shall  
25           promulgate rules to implement this subdivision that specify all of the following:

1 a. Services under ~~medical assistance~~ Medical Assistance for which providers  
2 have demonstrated significant potential to violate s. 49.49<sup>✓</sup> (1) (a), (2) (a) or (b), (3),  
3 (3m) (a), (3p)<sup>✓</sup>, (4) (a), or (4m) (a) or 946.91<sup>✓</sup> (2), (3)<sup>✓</sup> (a) or (b), (4)<sup>✓</sup>, (5) (a)<sup>✓</sup>, or (6)<sup>✓</sup>, to require  
4 recovery under par. (a) 10., or to need additional sanctions under par. (a) 13.

5 (3) (a) Reimbursement shall be made to each county department under ss.  
6 46.215, 46.22, and 46.23 for any administrative services performed in the Medical  
7 Assistance program on the basis of s. ~~49.78~~ 49.003<sup>✓</sup> (8). For purposes of  
8 reimbursement under this paragraph, assessments completed under s. 46.27 (6) (a)  
9 are administrative services performed in the Medical Assistance program.

Ins-  
67-9

10 **SECTION 167.** 49.45 (6y) (a)<sup>x</sup> of the statutes, as affected by 2011 Wisconsin Act  
11 32, is amended to read:

12 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriation accounts  
13 under s. 20.435 (4) (b), (gm), (o), and (w), the department may distribute funding in  
14 each fiscal year to provide supplemental payment to hospitals that enter into a  
15 contract under s. ~~49.02~~ 49.803<sup>✓</sup> (2) to provide health care services funded by a relief  
16 block grant, as determined by the department, for hospital services that are not in  
17 excess of the hospitals' customary charges for the services, as limited under 42 USC  
18 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation  
19 of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3),  
20 the department may distribute funds to hospitals that have not entered into a  
21 contract under s. ~~49.02~~ 49.803<sup>✓</sup> (2).

Ins  
67-21A  
67-21B

**History:** 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

SECTION 168

SECTION 168. 49.46 (1) of the statutes, as affected by 2011 Wisconsin Act 10

and 32, is renumbered 49.46 (1g).

SECTION 169. 49.46 (1c) (title) of the statutes is created to read:

49.46 (1c) (title) DEFINITION.

SECTION 170. 49.4715 of the statutes is created to read:

**49.4715 Reimbursement; retroactive eligibility.** If an applicant is determined to be eligible retroactively under s. 49.46 (1) (b), 49.47 (4) (d), or 49.471 and a provider bills the applicant directly for services and benefits rendered during the retroactive period, the provider shall, upon notification of the applicant's retroactive eligibility, submit claims for payment under s. 49.45 for covered services or benefits rendered to the recipient during the retroactive period. Upon receipt of payment under s. 49.45, the provider shall reimburse the recipient or other person who has made prior payment to the provider for services provided to the recipient during the retroactive eligibility period, by the amount of the prior payment made.

\*\*\*NOTE: I created this section using the text of s. 49.49 (3m) (a) 2, rather than renumbering s. 49.49 (3m) (a) 2. so that I could renumber and amend 49.49 (3m) (a) 2. to ch. 946 with the rest of that subsection. This provision outlines how a provider must handle reimbursements for retroactive coverage. As used in proposed s. 946.91, the same language is an exception to prohibited provider charges. Please let me know if this is not consistent with the intent of the committee.

NOTE: Moves a provision requiring a recipient who is eligible retroactively for medical assistance benefits to be reimbursed for any eligible payments made to a provider.

SECTION 171. 49.475 (6) of the statutes is amended to read:

49.475 (6) SHARING INFORMATION. The department of ~~health services~~ shall provide to the department of children and families, for purposes of the medical support liability program under s. 49.22 49.811, any information that the department of ~~health services~~ receives under this section. The department of children and families may allow a county child support agency under s. 59.53 (5) or

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Ins 68-2  
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Ins. 68-4  
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Ins 68-14  
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1 a tribal child support agency access to the information, subject to the use and  
2 disclosure restrictions under s. ~~49.83~~ 49.013, and shall consult with the department  
3 of ~~health services~~ regarding procedures and methods to adequately safeguard the  
4 confidentiality of the information provided under this subsection.

5 **SECTION 172.** ~~49.49 (1) (a) (title) and (intro.)~~ <sup>(title) and</sup> ~~(title) and (intro.)~~ <sup>(intro.)</sup> of the statutes are repealed.

\*\*\*\*NOTE: The title and intro were completely stricken in the WLC draft so I  
repealed the provisions and created 946.91 (2) (intro.) which consists of the underscored  
language that was included in the renumbering of 49.49 (1) (a) (intro.)

6 **SECTION 173.** ~~49.49 (1) (a) 1. to 4.~~ <sup>1. to 4.</sup> of the statutes are renumbered 946.91 (2) (a)  
7 to (d), and ~~946.91 (2) (a) to (d)~~, as renumbered, are amended to read:

8 946.91 (2) (a) ~~Knowingly and willfully make~~ Intentionally makes or ~~cause~~  
9 causes to be made any false statement or representation of a material fact in any  
10 application for any Medical Assistance benefit or payment.

11 (b) ~~Knowingly and willfully make~~ Intentionally makes or ~~cause~~ causes to be  
12 made any false statement or representation of a material fact for use in determining  
13 ~~rights to such~~ eligibility for any Medical Assistance benefit or payment.

14 (c) Having knowledge of the occurrence of any event affecting the initial or  
15 continued ~~right to~~ eligibility for any such Medical Assistance benefit or payment or  
16 the initial or continued ~~right to~~ eligibility for any such benefit or payment of any  
17 other individual in whose behalf he or she has applied for or is receiving such benefit  
18 or payment, ~~conceal~~ conceals or ~~fail~~ fails to disclose such event with an intent to  
19 fraudulently ~~to~~ secure such benefit or payment either in a greater amount or  
20 quantity than is due or when no such benefit or payment is authorized.

21 (d) Having ~~made application~~ applied to receive any such Medical Assistance  
22 benefit or payment for the use and benefit of another and having received it,  
23 knowingly and willfully ~~convert such~~ converts the benefit or payment or any part

1 thereof to a use ~~other than for the use and~~ <sup>✓</sup> that is not for the benefit of such other  
2 person.

3 SECTION 174. 49.49 (1) (b) <sup>✓</sup> of the statutes is repealed.

\*\*\*\*NOTE: Paragraph 49.49 (1) (b) was not treated in WLC 0106/1. I assumed that it should be deleted. Please confirm that this is consistent with the intent of the committee

4 SECTION 175. 49.49 (1) (c) (title) <sup>✓</sup> of the statutes is repealed.

5 SECTION 176. 49.49 (1) (c) <sup>✓</sup> of the statutes is renumbered 49.49 (1d) and  
6 amended to read:

DAMAGES. ← (CS)

7 49.49 (1d) If any person is convicted under ~~this subsection~~ <sup>✓</sup> s. 946.91 (2), the  
8 state shall have a cause of action for relief against such person in an amount 3 times  
9 the amount of actual damages sustained as a result of any excess payments made in  
10 connection with the offense for which the conviction was obtained. Proof by the state  
11 of a conviction under ~~this section~~ <sup>✓</sup> s. 946.91 (2) in a civil action shall be conclusive  
12 regarding the state's right to damages and the only issue in controversy shall be the  
13 amount, if any, of the actual damages sustained. Actual damages shall consist of the  
14 total amount of excess payments, any part of which is paid by state funds. In any  
15 such civil action the state may elect to file a motion in expedition of the action. Upon  
16 receipt of the motion, the presiding judge shall expedite the action.

17 SECTION 177. 49.49 (2) (title) and (2) (a) (title) <sup>✓</sup> of the statutes are repealed.

18 SECTION <sup>auto ref D ✓</sup> (178) 49.49 (2) (a) <sup>✓</sup> of the statutes is renumbered 946.91 (3) (a) and  
19 amended to read:

(a)

20 946.91 (3) Any person who solicits or receives any remuneration, including any  
21 kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, <sup>✓</sup> in cash or in  
22 kind, money, goods, services, or any other thing of value in return for referring an  
23 individual to a person for the furnishing or arranging for the furnishing of any item

1 or service for which payment may be made in whole or in part under a ~~medical~~  
2 ~~assistance~~ Medical Assistance ✓ program, or in return for purchasing, leasing,  
3 ordering, or arranging for or recommending purchasing, leasing, or ordering any  
4 good, facility, service, or item for which payment may be made in whole or in part  
5 under a ~~medical assistance~~ Medical Assistance ✓ program, is guilty of a Class H felony,  
6 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the  
7 person may be fined not more than \$25,000.

8 SECTION 179. 49.49 (2) (b) (title) ✓ of the statutes is repealed.

9 SECTION (180) 49.49 (2) (b) ✓ of the statutes is renumbered ✓ 946.91 (3) (b) and  
10 amended to read: *auto ref E*

11 946.91 (3) (b) Whoever offers or pays ~~any remuneration including any~~  
12 ~~kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in cash or in kind~~  
13 money, goods, services, or any other thing of value ✓ to any person to induce such  
14 person to refer an individual to a person for the furnishing or arranging for the  
15 furnishing of any item or service for which payment may be made in whole or in part  
16 under a ~~medical assistance~~ Medical Assistance ✓ program, or to purchase, lease, order,  
17 or arrange for or recommend purchasing, leasing, or ordering any good, facility,  
18 service or item for which payment may be made in whole or in part under a ~~medical~~  
19 ~~assistance~~ Medical Assistance ✓ program, is guilty of a Class H felony, except that,  
20 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be  
21 fined not more than \$25,000.

22 SECTION 181. 49.49 (2) (c) (title) ✓ of the statutes is repealed.

23 SECTION (182) *auto ref F* 49.49 (2) (c) (intro.), 1. and 2. of the statutes are renumbered ✓  
24 946.91 (3) (c) (intro.), 1. and 2. ✓

SECTION 182

\*\*\*\*NOTE: Section 49.49 (2) (c) was not treated in WLC 0106/1. I assumed that the exception should also move to section 946.91 (3). Please confirm that this is consistent with the intent of the committee.

SECTION 183. 49.49 (3) (title) of the statutes is repealed.

SECTION 184. 49.49 (3) of the statutes, as affected by 2011 Wisconsin Act....(this act), is renumbered 946.91 (4) and amended to read:

946.91 (4) No A person may who knowingly and willfully make makes or cause causes to be made, or induce induces or seek seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that such institution or facility may qualify either upon initial certification or upon recertification as a hospital, skilled nursing facility, intermediate care facility, or home health agency.—A person who violates this subsection is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

SECTION 185. 49.49 (3m) (title) of the statutes is repealed.

SECTION 186. 49.49 (3m) (a) of the statutes is renumbered 946.91 (5) (a), and 946.91 (5) (a) (intro.), 1. and 2., as renumbered, are amended to read:

946.91 (5) (a) (intro.) No A provider may who knowingly impose imposes upon a Medical Assistance recipient charges in addition to payments received for services under ss. 49.45 to 49.471 or knowingly impose imposes direct charges upon a recipient in lieu of obtaining payment under ss. 49.45 to 49.471 except under the following conditions is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000. This subsection does not apply to the following circumstances:

1 1. Benefits or services are not provided under s. 49.46 (2) or 49.471 (11) and the  
2 Medical Assistance recipient is advised of this fact prior to receiving the service.

3 2. If an applicant is determined to be eligible retroactively under s. 49.46 (1)  
4 (1g) (b), 49.47 (4) (d), or 49.471 and a provider bills the applicant directly for services  
5 and benefits rendered during the retroactive period, ~~the provider shall if the~~  
6 provider, upon notification of the applicant's retroactive eligibility, submit claims for  
7 payment under s. 49.45 for covered services or benefits rendered to the recipient  
8 during the retroactive period. ~~Upon receipt of payment under s. 49.45, the provider~~  
9 ~~shall reimburse and reimburses~~ the recipient or other person who has made prior  
10 payment to the provider for services provided to the recipient during the retroactive  
11 eligibility period, by the amount of the prior payment made upon receipt of payment  
12 under 49.45.

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. 3202 (23); 1985 a. 269; 1989 a. 23, 31; 1995 a. 27; 1997 a. 283; 2001 a. 109; 2003 a. 309; 2007 a. 20; 2009 a. 283.

13 **SECTION 187.** 49.49 (3m) (b) of the statutes is repealed.

14 **SECTION 188.** 49.49 (4) (title) of the statutes is repealed.

15 **SECTION 189.** 49.49 (4) (a) and (b) of the statutes are consolidated, renumbered  
16 946.91 (6) and amended to read:

17 946.91 (6) ~~No~~ A person who, in connection with the medical assistance Medical  
18 Assistance program when the cost of the services provided to the patient is paid for  
19 in whole or in part by the state, ~~may knowingly and willfully charge, solicit, accept~~  
20 ~~or receive~~ intentionally charges, solicits, accepts, or receives, in addition to any  
21 amount otherwise required to be paid under a medical assistance Medical Assistance  
22 program, any gift, money, donation, or other consideration, other than a charitable,  
23 religious, or philanthropic contribution from an organization or from a person  
24 unrelated to the patient, as a precondition of admitting a patient to a hospital, skilled

1 nursing facility, or intermediate care facility, or as a requirement for the patient's  
2 continued stay in such a facility. (b) A person who violates this subsection is guilty  
3 of a Class H felony, except that, notwithstanding the maximum fine specified in s.  
4 939.50 (3) (h), the person may be fined not more than \$25,000.

NOTE: SECTIONS ~~189.150, 189.153, 189.155 and 189.157~~ move criminal penalties relating to  
medical assistance to s. 946.91. Also, see SECTION ~~189.158~~.

5 **SECTION 190.** 49.493 (1) (b) of the statutes is amended to read:

6 49.493 (1) (b) "Medical benefits or assistance" means medical benefits under  
7 s. 49.02 49.803 or 253.05 or medical assistance Medical Assistance.

8 **SECTION 191.** 49.496 (4) (a) of the statutes is amended to read:

9 49.496 (4) (a) The department may require a county department under s.  
10 46.215, 46.22, or 46.23 or the a tribal governing body of a federally recognized  
11 ~~American Indian tribe~~ administering medical assistance Medical Assistance to  
12 gather and provide the department with information needed to recover medical  
13 assistance Medical Assistance under this section. Except as provided in par. (b), the  
14 department shall pay to a county department or tribal governing body an amount  
15 equal to 5% of the recovery collected by the department relating to a beneficiary for  
16 whom the county department or tribal governing body made the last determination  
17 of ~~medical assistance~~ Medical Assistance eligibility. A county department or tribal  
18 governing body may use funds received under this paragraph only to pay costs  
19 incurred under this paragraph and, if any amount remains, to pay for improvements  
20 to functions required under s. ~~49.78~~ 49.003 (2). The department may withhold  
21 payments under this paragraph for failure to comply with the department's  
22 requirements under this paragraph. The department shall treat payments made  
23 under this paragraph as costs of administration of the Medical Assistance program.

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auto ref E  
auto ref G  
auto ref D → 179, 180, 182, 184, 186 and 189 ← auto ref I  
auto ref F  
281 ← auto ref J  
auto ref H

1 SECTION 192. 49.498 (1) (j) of the statutes is amended to read:

2 49.498 (1) (j) "~~Physician~~" Notwithstanding the definition in s. 49.43 (9),  
3 "physician" has the meaning given under s. 448.01 (5).

NOTE: Specifies that the general definition of the term "physician" provided in s. 49.43 (9) does not apply to the section related to requirements for skilled nursing facilities.

4 SECTION 193. Subchapter V (title) of chapter 49 [precedes 49.66] of the statutes  
5 is amended to read:

6 CHAPTER 49

7 SUBCHAPTER V

8 HEALTH; OTHER SUPPORT AND MEDICAL PROGRAMS AND RELIEF

9 BLOCK GRANTS

10 SECTION 194. 49.685 (7) (a) 2. and 5. of the statutes are amended to read:

11 49.685 (7) (a) 2. In determining income, only the income of the patient and  
12 persons responsible for the patient's support under s. ~~49.90~~ 49.039 may be  
13 considered.

14 5. In determining net worth, only the net worth of the patient and persons  
15 responsible for the patient's support under s. ~~49.90~~ 49.039 will be considered.

16 SECTION 195. 49.686 (1) (f) of the statutes is repealed.

NOTE: Repeals a definition for the term "residence", which is defined at the beginning of the chapter, in s. 49.001 (6).

17 SECTION 196. 49.688 (1) (b) of the statutes is repealed.

NOTE: Repeals a definition for the term "poverty line", which is defined at the beginning of the chapter, in s. 49.001 (5).

18 SECTION 197. 49.688 (9) (a) of the statutes is amended to read:

19 49.688 (9) (a) The department shall promulgate rules relating to prohibitions  
20 on fraud that are substantially similar to applicable provisions under s. ~~49.49 (1) (a)~~  
21 946.91 (2).

\*\*\*\*NOTE: To PAM: Does it matter that this is now a cross-reference to provisions in the criminal code?

NOTE: Modifies the cross-reference for medical assistance offenses in the senior care program statute.

1

SECTION 198. 49.77 (1) (title) of the statutes is repealed and recreated to read:

2

49.77 (1) (title) DEFINITIONS.

3

SECTION 199. 49.77 (1) of the statutes is renumbered 49.77 (1) (intro.) and

4

amended to read:

~~DEFINITION~~ DEFINITIONS . ← CS

5

49.77 (1) (intro.) In this section "secretary":

6

(m) Notwithstanding ~~49.66~~ (2), "secretary" means the secretary of the U.S.

7

department of health and human services or the secretary of any other federal

8

agency subsequently charged with the administration of federal Title XVI.

History: 1973 c. 90, 147; 1975 c. 39, 199, 224; 1977 c. 29; 1979 c. 34; 1981 c. 20; 1981 c. 314 s. 144; 1983 a. 27; 1985 a. 29, 120, 176; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 56; 1993 a. 16; 1995 a. 27 ss. 2844 to 2849, 3151; Stats. 1995 s. 49.77; 2005 a. 25.

9

SECTION 200. 49.77 (1) (b) of the statutes is created to read:

10

49.77 (1) (b) "Essential person" has the meaning given in s. 49.46 (1c).

11

SECTION 201. 49.78 (title) of the statutes is renumbered 49.003 (title).

12

SECTION 202. 49.78 (1) (title) (intro.) and (b) of the statutes are renumbered

13

49.003 (1) (title) (intro.) and (b).

14

SECTION 203. 49.78 (1) (br), (1m), (1r), (2) (b), (2m) and (2r) of the statutes, as

15

created by 2011 Wisconsin Act 32, are renumbered 49.003 (1) (br), (1m), (1r), (2) (b),

16

(2m) and (2r).

17

SECTION 204. 49.78 (1) (cr) of the statutes is repealed.

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

18

SECTION 205. 49.78 (2) (a), (10) and (11) of the statutes, as affected by 2011

19

Wisconsin Act 32, are renumbered 49.003 (2) (a), (10) and (11).

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as affected by 2011 Wisconsin Act 32,

1 SECTION 206. 49.78 (8) (title) and (b) of the statutes are renumbered 49.003  
2 (title) and (b). (8)

3 SECTION 207. 49.78 (8) (a) of the statutes, as affected by 2011 Wisconsin Act  
4 32, is renumbered 49.003 (8) (a) and is amended to read:

5 49.003 (8) (a) From the appropriations under s. 20.435 (4) (bn) and (nn) and  
6 subject to par. (b), the department shall provide funding to reimburse each  
7 multicounty consortium that contracts with the department under sub. (2) and each  
8 tribal governing body that contracts with the department under sub. (2m) for the  
9 costs of administering the income maintenance programs, including conducting  
10 fraud prevention activities in accordance with the terms of the applicable contract.  
11 The amount of reimbursement calculated under this paragraph and par. (b) is in  
12 addition to any reimbursement provided to a county, multicounty consortium, or  
13 tribal governing body for fraud and error reduction under s. 49.019 or 49.197 or  
14 49.845.

15 SECTION 208. 49.785 (1) (intro.) of the statutes is amended to read:

16 49.785 (1) (intro.) Except as provided in sub. (1m) and subject to s. 49.825  
17 49.009, if any recipient specified in sub. (1c) dies and the estate of the deceased  
18 recipient is insufficient to pay the funeral, burial, and cemetery expenses of the  
19 deceased recipient, the department or county or applicable tribal governing body or  
20 organization responsible for burial of the recipient shall pay, to the person  
21 designated by the department or county department under s. 46.215, 46.22, or 46.23  
22 or applicable tribal governing body or organization responsible for the burial of the  
23 recipient, all of the following:

24 SECTION 209. 49.79 (title) of the statutes is amended to read:

1           **49.79** (title) ~~Food stamp~~ Supplemental nutrition assistance program ✓  
2 **administration.**

3           **SECTION 210.** 49.79 (1) (intro.) of the statutes is amended to read:

4           **49.79 (1) DEFINITIONS.** (intro.) In ~~this section~~ <sup>stet</sup> and ~~ss. 49.793, 49.796,~~ ✓ and  
5 49.797: ✓ <sub>plain</sub>

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

6           **SECTION 211.** 49.79 (1) (c) of the statutes is renumbered 49.79 (1) (fg) and  
7 amended to read:

8           49.79 (1) (fg) "~~Food stamp~~ Supplemental nutrition assistance ✓ program" means  
9 the federal ~~food stamp~~ supplemental nutrition assistance ✓ program under 7 USC  
10 2011 to 2036.

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

11           **SECTION 212.** 49.79 (1) (e) of the statutes, as created by 2011 Wisconsin Act 32,  
12 is amended to read:

13           49.79 (1) (e) "Multicounty consortium" has the meaning given in s. 49.78 <sup>✓</sup> 49.003  
14 (1) (br).

15           **SECTION 213.** 49.79 (2), (5) (a), (6), (7), (8m) <sup>g (a) and (b)</sup> and (9) (a) 2., 3. and 4. <sup>✓</sup> of the  
16 statutes are amended to read:

17           <sup>49.79</sup> (2) **DENIAL OF ELIGIBILITY.** An individual who fails to comply with the work  
18 requirements of the employment and training program under sub. (9) is ineligible to  
19 participate in the ~~food stamp~~ supplemental nutrition assistance ✓ program as  
20 specified under sub. (9) (b).

21           (5) (a) The department shall require an applicant for, or recipient under, the  
22 ~~food stamp~~ supplemental nutrition assistance ✓ program to state in writing whether  
23 the applicant or recipient or any member of the applicant's or recipient's household

1 has been convicted, in any state or federal court of a felony that has as an element  
2 possession, use, or distribution of a controlled substance. The department shall  
3 require an applicant or recipient, or member of the applicant's or recipient's  
4 household to submit to a test for use of a controlled substance as a condition of  
5 continued eligibility if, after August 22, 1996, but not more than 5 years prior to the  
6 date the written statement is made, the applicant or recipient or the member of the  
7 applicant's or recipient's household was convicted in any state or federal court of a  
8 felony that had as an element possession, use, or distribution of a controlled  
9 substance. If the test results are positive with respect to any individual, the  
10 department may not consider the needs of that individual in determining the  
11 household's eligibility for the ~~food stamp~~ supplemental nutrition assistance program  
12 for at least 12 months from the date of the test. The department shall, however,  
13 consider the income and resources of that individual to be available to the household.

14 (6) ~~INELIGIBILITY FOR FUGITIVE FELONS~~. No person is eligible for the ~~food stamp~~  
15 supplemental nutrition assistance program in a month in which that person is a  
16 fugitive felon under 7 USC 2015 (k) (1) or is violating a condition of probation,  
17 extended supervision, or parole imposed by a state or federal court.

18 (7) ~~SIMPLIFIED FOOD STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. The  
19 department shall develop a simplified ~~food stamp~~ supplemental nutrition assistance  
20 program that meets all of the requirements under ~~P.L. 104-193, section 854~~ 42 USC  
21 2035, and shall submit the plan to the secretary of the federal department of  
22 agriculture for approval. If the secretary of the federal department of agriculture  
23 approves the plan, the department shall submit the plan to the secretary of  
24 administration for approval. If the secretary of administration approves the plan,  
25 the department may implement the plan.

① (8m) APPLICANTS FROM CORRECTIONAL INSTITUTIONS (a) The department shall  
2 allow a prisoner who is applying for the ~~food stamp~~ supplemental nutrition  
3 assistance program from a correctional institution in anticipation of being released  
4 from the institution to use the address of the correctional institution as his or her  
5 address on the application.

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

11 (9) (a) 2. The department may not require an individual who is a recipient  
12 under the ~~food stamp~~ supplemental nutrition assistance program and who is the  
13 caretaker of a child under the age of 12 weeks to participate in any employment and  
14 training program under this subsection.

15 3. The department may not require an individual who is a recipient under the  
16 ~~food stamp~~ supplemental nutrition assistance program to participate in any  
17 employment and training program under this subsection if that individual is  
18 enrolled at least half time in a school, as defined in s. ~~49.26~~ 49.198 (1) (a) 2., a training  
19 program, or an institution of higher education.

20 4. The amount of ~~food stamp~~ supplemental nutrition assistance program  
21 benefits paid to a recipient who is a participant in a Wisconsin ~~works~~ Works  
22 employment position under s. 49.147 (4) or (5) shall be calculated based on the  
23 pre-sanction benefit amount received s. 49.148.

24 SECTION 214. 49.79 (3) (title) of the statutes is amended to read:

25 49.79 (3) (title) LIABILITY FOR LOST FOOD COUPONS MISAPPROPRIATED BENEFITS.

✓

✓

1           **SECTION 215.** 49.79 (3) (a) and (c), (4), (8) and (9) (a) 1. of the statutes, as affected  
2 by 2011 Wisconsin Act 32, are amended to read:

3           49.79 (3) (a) A county, multicounty consortium, or ~~federally recognized~~  
4 ~~American Indian tribe~~ tribal governing body ✓ is liable for all food stamp coupons lost,  
5 supplemental nutrition assistance program benefits ✓ ~~misappropriated, or destroyed~~  
6 while under the county's, consortium's, or tribe's direct control, ~~except as provided~~  
7 ~~in par. (b).~~

8           (c) A county, multicounty consortium, or ~~federally recognized American Indian~~  
9 ~~tribe~~ tribal governing body is liable for ~~food stamp coupons mailed~~ supplemental  
10 nutrition assistance program benefits incorrectly transferred to residents of the  
11 county or counties that are in the multicounty consortium or members of the tribe  
12 and ~~lost in the mail due to incorrect information submitted to the department by the~~  
13 county or tribe.

NOTE: Strikes language no longer applicable under the system of electronic benefit transfers.

14           **(4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS.** The department  
15 shall withhold the value of ~~food stamp~~ supplemental nutrition assistance program  
16 benefits losses for which a county, multicounty consortium, or ~~federally recognized~~  
17 ~~American Indian tribe~~ tribal governing body is liable under sub. (3) from the  
18 payment to the county, multicounty consortium, or tribe under income maintenance  
19 contracts under s. ~~49.78~~ 49.003 ✓ and reimburse the federal government from the  
20 funds withheld.

21           **(8) BENEFITS FOR QUALIFIED ALIENS.** The department shall not provide benefits  
22 under this section to a qualified alien <sup>3</sup> except to the extent that federal ~~food stamp~~

1 supplemental nutrition assistance program benefits for qualified aliens are required  
2 by the federal government.

3 (9) (a) 1. The department shall administer an employment and training  
4 program for recipients under the ~~food stamp~~ supplemental nutrition assistance  
5 program and may contract with county departments under ss. 46.215, 46.22, and  
6 46.23, multicounty consortia, and with tribal governing bodies to carry out the administrative functions.

7 The department may contract, or a county department multicounty consortium, or tribal governing body may  
8 subcontract, with a Wisconsin Works agency or another provider to administer the  
9 employment and training program under this subsection. Except as provided in  
10 subds. 2. and 3., the department may require able individuals who are 18 to 60 years  
11 of age who are not participants in a Wisconsin Works employment position to  
12 participate in the employment and training program under this subsection.

13 **SECTION 216.** 49.79 (3) (b) of the statutes is repealed. was affected by 2011 Wisconsin Act 32,

NOTE: Eliminates language no longer applicable under the system of electronic benefit transfers.

14 **SECTION 217.** 49.793 (title) of the statutes is amended to read:

15 **49.793 (title) Recovery of ~~food stamps~~ supplemental nutrition**  
16 **assistance overpayments.**

17 **SECTION 218.** 49.793 (1) and (2) (a) of the statutes, as affected by 2011  
18 Wisconsin Act 32, are amended to read:

19 49.793 (1) The department or a county, a multicounty consortium, as defined  
20 in s. 49.78 (1) (b), or an elected tribal governing body of a federally recognized  
21 American Indian tribe or band acting on behalf of the department, may recover  
22 overpayments that arise from an overissuance of ~~food coupons~~ benefits under the  
23 ~~food stamp~~ supplemental nutrition assistance program administered under s.

plain  
no strike

1 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall the be made in accordance with 7  
2 USC 2022.

\*\*\*\*NOTE: The treatment of this section by the budget is 1-1-2012.

3 49.793 (2) (a) Except as provided in par. (b), a county, a multicounty  
4 consortium, as defined in s. 49.78 (1) (br), or a tribal governing body of a federally  
5 recognized American Indian tribe may retain a portion of the amount of an  
6 overpayment the state is authorized to retain under 7 USC 2025 that is recovered  
7 under sub. (1) due to the efforts of an employee or officer of the county, multicounty  
8 consortium, or tribe. The department shall promulgate a rule establishing the  
9 portion of the amount of the overpayment that the county, multicounty consortium,  
10 or governing body may retain. This paragraph does not apply to recovery of an  
11 overpayment that was made as a result of state, county, multicounty consortium, or  
12 tribal governing body error.

13 History: 2001 a. 16 ss. 1656ty, 1656tym; Stats. 2001 s. 49.793; 2009 a. 15  
14 SECTION 219. 49.795 (title) of the statutes is renumbered 946.92 (title).  
SECTION 220. 49.795 (1) (intro.) and (c) of the statutes are repealed.

NOTE: Repeals a definition for "food stamp program".

15 SECTION 221. 49.795 (1) (a), (b), (d) and (e) (intro.), 3., 4. and 5. of the statutes  
16 are renumbered 946.92 (1), (d), (dm), (fm) and (fr) (intro.) 3., 4. and 5. and 946.92 (1) (d), (dm),  
17 (fm) and (fr) (intro.) and 5., as renumbered, are amended to read:

18 946.92 (1) (d) "Eligible person" means a member of a household certified as  
19 eligible for the food stamp supplemental nutrition assistance program or a person  
20 authorized to represent a certified household under 7 USC 2020 (e) (7).

21 (dm) "Food" means items which may be purchased using food coupons  
22 supplemental nutrition assistance program benefits under 7 USC 2012 (g) and 2016  
23 (b).

NOTE: Strikes a citation to a federal statute that does not relate to the subject matter.

(fm) "Supplier" means a retail grocery store or other person authorized by the federal department of agriculture to accept ~~food coupons~~ supplemental nutrition assistance program benefits in exchange for food under the ~~food stamp~~ supplemental nutrition assistance program.

~~(fr) "Unauthorized person" means a person who is not one of the following:~~

<sup>fr</sup>  
<sup>4(fr)</sup> 5. A person authorized to redeem ~~food coupons~~ supplemental nutrition assistance program benefits under 7 USC 2019.

\*\*\*\*NOTE: I moved these definition to the criminal code with the remainder of s. 49.79. After renumbering s. 49.795 to ch. 946, these terms are not used in ss. 49.79 to 49.797.

NOTE: Renumbers definitions for the terms "eligible person", "food", "supplier", and "unauthorized person" and places them in a provision providing definitions applicable in all 4 sections relating to the supplemental nutrition assistance program.

**SECTION 222.** 49.795 (1) (c) of the statutes is repealed.

**SECTION 223.** 49.795 (1) (cm) of the statutes, as created by 2011 Wisconsin Act 32, is repealed.

**SECTION 224.** 49.795 (1) (e) 1. and 2. of the statutes, as affected by 2011 Wisconsin Act 32, are renumbered <sup>946.92</sup> 49.79 (1) (fm) 1. and 2. and amended to read:

<sup>946.92</sup> 49.79 (1) (fm) 1. An employee or officer of the federal government, the state, a county, a multicounty consortium, or a federally recognized American Indian tribe acting in the course of official duties in connection with the ~~food stamp~~ supplemental nutrition assistance program.

2. A person acting in the course of duties under a contract with the federal government, the state, a county, a multicounty consortium, or a federally recognized American Indian tribe in connection with the ~~food stamp~~ supplemental nutrition assistance program.



auto ref Z

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SECTION 225. 49.795 (2) to (6) of the statutes are renumbered 946.92 (2) (a) to

2

(f) and amended to read: 946.92 (a), (c), (d), (e) and (f) as renumbered, are

3

946.92 (2) (a) No person may misstate or conceal facts in a food stamp

4

supplemental nutrition assistance program application or report of income, assets,

5

or household circumstances with intent to secure or continue to receive food stamp

6

supplemental nutrition assistance program benefits.

7

No person may knowingly issue food coupons supplemental nutrition

8

assistance program benefits to a person who is not an eligible person or knowingly

9

issue food coupons supplemental nutrition assistance program benefits to an eligible

10

person in excess of the amount for which the person's household is eligible.

11

No eligible person may knowingly transfer food coupons supplemental

12

nutrition assistance program benefits except to purchase food from a supplier or

13

knowingly obtain or use food coupons supplemental nutrition assistance program

14

benefits for which the person's household is not eligible.

15

No supplier may knowingly obtain food coupons supplemental nutrition

16

assistance program benefits except as payment for food or knowingly obtain food

17

coupons supplemental nutrition assistance program benefits from a person who is

18

not an eligible person.

19

No unauthorized person may knowingly obtain, possess, transfer, or use

20

food coupons supplemental nutrition assistance program benefits.

\*\*\*\*NOTE: To PAM: Do these paragraphs need an intro?

21

SECTION 226. 49.795 (7) of the statutes is repealed.

22

SECTION 227. 49.795 (8) (a) (intro.) of the statutes is repealed.

23

SECTION 228. 49.795 (8) (a) 1. of the statutes is renumbered 946.92 (3) (a) 1. and

24

amended to read:

1           946.92 (3) (a) 1. ✓ If the value of the ~~food coupons~~ ✓ supplemental nutrition  
2 assistance program benefits does not exceed \$100, a ~~person who violates this section~~  
3 ~~may be fined~~ fine of not more than \$1,000 or ~~imprisoned~~ imprisonment of ✓ not more  
4 than one year in the county jail or both.

5           **SECTION 229.** 49.795 (8) (a) 2. ✗ of the statutes is renumbered 946.92 (3) (a) 2. and  
6 amended to read:

7           946.92 (3) (a) 2. ✓ If the value of the ~~food coupons~~ supplemental nutrition  
8 assistance benefits exceeds \$100, but is less than \$5,000, ~~a person who violates this~~  
9 ~~section is guilty of~~ a Class I felony.

10          **SECTION 230.** 49.795 (8) (b) ✗ of the statutes is renumbered 946.92 (3) (b) and  
11 amended to read:

12           946.92 (3) (b) ✓ For a 2nd or subsequent offense under this section sub. (2), ✓ a  
13 person is subject to the following penalties: ✓

14           1. If the value of the ~~food coupons~~ supplemental nutrition assistance benefits ✓  
15 does not exceed \$100, a ~~person who violates this section may be fined~~ fine of ✓ not more  
16 than \$1,000 or ~~imprisoned~~ imprisonment of ✓ not more than one year in the county jail  
17 or both.

18           2. If the value of the ~~food coupons~~ supplemental nutrition assistance benefits ✓  
19 exceeds \$100, but is less than \$5,000, ~~a person who violates this section is guilty of~~  
20 a Class H felony.

21          **SECTION 231.** 49.795 (8) (c) ✗ of the statutes is renumbered 946.92 (3) (c) and  
22 amended to read:

23           946.92 (3) (c) For any ~~offense under this section~~ violation of sub. (2), ✓ if the value  
24 of the ~~food coupons~~ supplemental nutrition assistance benefits ✓ is \$5,000 or more, a  
25 person who violates this section is guilty of a Class G felony.

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SECTION 232. 49.795 (8) (d) 1. of the statutes is renumbered 946.92 (3) (d) 1, and  
*946.92(3)(d)1. (intro), a. and b., as renumbered, are*  
amended to read:

946.92 (3) (d) 1. *(intro.)* In addition to the penalties applicable under par. (a), (b) or (c),  
the court shall suspend a person who violates this section sub. (2) from participation  
in the food stamp supplemental nutrition assistance program as follows:

a. For a first offense under this section, not less than one year. ~~The court may~~  
~~extend the suspension by and not more than 18 months~~ 2.5 years.

b. For a 2nd offense under this section, not less than 2 years. ~~The court may~~  
~~extend the suspension by and not more than 18 months~~ 3.5 years.

SECTION ~~233~~ *auto rep m* 49.795 (8) (d) 1m. of the statutes is renumbered 946.92 (3) (d) 1m.  
and amended to read:

946.92 (3) (d)  
49.795 (8) (d) 1m. In addition to the penalties applicable under par. (a), (b) or  
(c), a court shall permanently suspend from the food stamp supplemental nutrition  
assistance program a person who has been convicted of an offense under 7 USC 2024  
(b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500  
or more.

SECTION 234. 49.795 (8) (d) 2. of the statutes, as affected by 2011 Wisconsin Act  
32, is renumbered 49.796 (2) and amended to read:

49.796 (2) The A person may apply to the multicounty consortium or ~~the~~  
~~federally recognized American Indian~~ tribal governing body or, if the person is a  
supplier, to the federal department of agriculture for reinstatement of benefits  
following ~~the~~ a period of suspension imposed under s. 946.92, if the suspension is not  
permanent.

\*\*\*\*NOTE: I created a new section *s. 49.796* because this is the only unit of s. 49.795 that  
remained intact and it didn't seem to fit under the title "food stamp offenses."

auto ref n

x

1

SECTION 235. 49.795 (8) (e) and (f) of the statutes are renumbered 946.92 (3)

2 (e) and (f), and 946.92 (3) (e) 1. (intro.) and 2. and (f), as renumbered, are amended  
3 to read:

4 946.92 (3) (e) 1. (intro.) If a court finds that a person ~~traded~~ violated sub. (2)  
5 by trading a controlled substance, as defined in s. 961.01 (4), for ~~food coupons~~  
6 supplemental nutrition assistance program benefits, the court shall suspend the  
7 person from participation in the ~~food stamp~~ supplemental nutrition assistance  
8 program as follows:

9 2. If a court finds that a person ~~traded~~ violated sub. (2) by trading firearms,  
10 ammunition or explosives for ~~food coupons~~ supplemental nutrition assistance  
11 program benefits, the court shall suspend the person permanently from  
12 participation in the ~~food stamp~~ supplemental nutrition assistance program.

13

(a) Notwithstanding par. (d), in addition to the penalties applicable under par.

14

(a), (b) or (c), the court shall suspend from the ~~food stamp~~ supplemental nutrition  
15 assistance program for a period of 10 years a person who violates sub. (2) by  
16 fraudulently misstates misstating or misrepresents misrepresenting his or her  
17 identity or place of residence for the purpose of receiving multiple benefits  
18 simultaneously under the ~~food stamp~~ supplemental nutrition assistance program.

NOTE: SECTIONS ~~225, 228 to 233, and 235~~ move criminal penalties relating to food share  
to s. 946.92. Also, see SECTION 327.

auto ref L  
auto ref 225, 228 to 233, and 235 ← auto ref n  
auto ref p → 382 (auto ref m)

19

SECTION 236. 49.796 (title) of the statutes is created to read:

20

49.796 (title) **Supplemental nutrition assistance reinstatement.**

21

SECTION 237. 49.796 (1) of the statutes is created to read:

22

49.796 (1) In this section:

23

1 ~~H~~(a) ~~(c)~~ "Food" means an item ~~which~~<sup>that</sup> may be purchased using supplemental  
2 nutrition assistance program benefits under 7 USC 2012 (g) and 2016 (b).

3 ~~H~~(b) ~~(m)~~ "Supplier" means a retail grocery store or other person authorized by the  
4 federal department of agriculture to accept supplemental nutrition assistance  
5 program benefits in exchange for food under the supplemental nutrition assistance  
6 program.

7 History: 2001 a. 16 s. 1656tz; Stats. 2001 s. 49.795; 2001 a. 109.  
**SECTION 238.** 49.797 (1) of the statutes is repealed.

\*\*\*\*NOTE: Supplemental nutrition assistance program is defined in ~~49.79~~<sup>S.</sup> (1) for the purpose of this section. While the definitions are technically different, I do not think that there is meant to be a substantive difference.

8 **SECTION 239.** 49.797 (2) (title) of the statutes is amended to read:

9 49.797 (2) (title) DELIVERY OF ~~FOOD STAMPS~~ SUPPLEMENTAL NUTRITION ASSISTANCE  
10 PROGRAM BENEFITS.

11 History: 2001 a. 16 ss. 1656u to 1656ue, 1656uj to 1656ut; Stats. 2001 s. 49.797; 2009 a. 28.  
12 **SECTION 240.** 49.797 (2) (a) of the statutes is renumbered 49.797 (2) and  
13 amended to read:

14 ~~(2)~~<sup>49.797</sup> Notwithstanding s. 46.028 and except as provided in par. (b) and sub. (8),  
15 the ~~The~~ department shall administer a statewide program to deliver ~~food stamp~~  
16 supplemental nutrition assistance program benefits to recipients of ~~food stamp~~  
17 ~~benefits~~ by an electronic benefit transfer system. All suppliers, as defined in s.  
18 49.795 ~~(49.796)~~<sup>SCORE</sup> (1) (d) ~~(1)~~<sup>no strike</sup>, may participate in the delivery of ~~food stamp~~ supplemental  
nutrition assistance program benefits under the electronic benefit transfer system.

19 The department shall explore methods by which nontraditional retailers, such as  
20 farmers' markets, may participate in the delivery of ~~food stamp~~ supplemental  
21 nutrition assistance program benefits under the electronic benefit transfer system.

22 **SECTION 241.** 49.797 (2) (b) of the statutes is repealed.

NOTE: Repeals language providing for an exception to the implementation requirement because implementation of an electronic benefit transfer system is not optional under current law. ✓

1 SECTION 242. 49.797 (8) as affected by 2011 Wisconsin Act 32, of the statutes  
2 is repealed.

NOTE: Repeals subsection to reflect change in federal law requiring distribution of benefits by electronic benefit transfer.

3 SECTION 243. 49.81 of the statutes is renumbered 49.005. ✓

4 SECTION 244. Subchapter VI (title) of chapter 49 [precedes 49.8105] of the  
5 statutes is repealed and recreated to read:

6 CHAPTER 49

7 SUBCHAPTER VI

8 CHILDREN AND FAMILIES; CHILD SUPPORT

9 SECTION 245. 49.8105 of the statutes is created to read:

10 (B) 49.8105 Definitions. In this subchapter:

11 (1) "Department" means the department of children and families. ✓

12 (2) "Secretary" means the secretary of children and families. ✓

13 SECTION 246. 49.82 of the statutes is renumbered 49.007. ✓

14 SECTION 247. 49.825 (title), (1), (2) (title) and (a) to (c), (3) (title), (b) and (c) and  
15 (4) ~~title and (a)~~ to (d) of the statutes are renumbered 49.009 (title), (1), (2) (title) and  
16 (a) to (c), (3) (title), (b) and (c) and (4) (title) and (b) to (d), and 49.009 (1) (c), as  
17 renumbered, is amended to read:

18 49.009 (1) (c) "Income maintenance program" has the meaning given in s. 49.78  
19 49.003 (1) (b). ✓

20 SECTION 248. 49.825 (2) (d), (3) (a) and (4) (intro.) of the statutes, as affected  
21 by 2011 Wisconsin Act 32, are renumbered 49.009 (2) (d), (3) (a) and (4) (intro.). ✓

1 SECTION 249. 49.825 (4) (e) and (5) of the statutes, as created by 2011 Wisconsin  
2 Act 32, are renumbered 49.009 (4) (e) and (5). *as affected by 2011 Wisconsin*  
*Act 10,*

3 SECTION 250. 49.826 of the statutes is renumbered 49.011.

4 SECTION 251. 49.83 of the statutes is renumbered 49.013 and amended to read:

5 **49.013 Limitation on giving information.** Except as provided under ss.  
6 ~~49.25 and 49.32~~ 49.06 (9), (10), and (10m) and 49.823, no person may use or disclose  
7 information concerning applicants and recipients of relief funded by a relief block  
8 grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to  
9 49.161, social services, child and spousal support and establishment of paternity and  
10 medical support liability services under s. ~~49.22~~ 49.811, or supplemental payments  
11 under s. 49.77 for any purpose not connected with the administration of the  
12 programs, except that the department of children and families may disclose such  
13 information to the department of revenue for the sole purpose of administering state  
14 taxes. Any person violating this section may be fined not less than \$25 nor more than  
15 \$500 or imprisoned in the county jail not less than 10 days nor more than one year  
16 or both.

17 SECTION 252. 49.84 of the statutes is renumbered 49.017 and 49.017 (1), (5)  
18 and (6) (c) 1. d. as renumbered, are amended to read:

\*\*\*\*NOTE: WLC 0106/1 treated only subs. (1) and (3) of s. 49.84. Because everything  
around s. 49.84 was moving to subchapter (i), i assumed that it was the intent of the  
committee to move all of s. 49.84 to s. 49.017. If this is incorrect, please let me know. \*

19 49.017 (1) Any person who applies for any ~~public assistance~~ aid or benefit  
20 under this chapter shall execute the application or self-declaration in the presence  
21 of the welfare worker or other person processing the application. This subsection  
22 does not apply to any superintendent of a mental health institute, director of a center  
23 for the developmentally disabled, superintendent of a state treatment facility or

1 superintendent of a state correctional facility who applies for ~~public assistance~~ any  
2 aid or benefit under this chapter on behalf of a patient.

NOTE: Replaces "public assistance" with "benefit under this chapter" because "public assistance" is not defined.

\* NOTE: ← CS  
\*\*\*As an alternative, we could define "public assistance" for the purposes of this section, which would also be useful in ~~par~~ (2) which references "public assistance programs." If we defined "public assistance," we could also move the definition of "department" into a definition section. As a side note, there is a stray reference to "department" in ~~par~~ (5). I believe "the department" in ~~par~~ (5) is intended to refer to either DCF or DHS depending on which program the person is applying for. If we defined "department" for the entire section, we would need to clarify ~~par~~ (5).  
sub. that  
sub. sub.

3 (5) A person applying for Wisconsin ~~works~~ Works under ss. 49.141 to 49.161,  
4 aid to families with dependent children under s. 49.19, ~~medical assistance~~ Medical  
5 Assistance under subch. IV or ~~food stamp~~ supplemental nutrition assistance  
6 program benefits under 7 USC 2011 to ~~2029~~ 2036 shall, as a condition of eligibility,  
7 provide a declaration and other verification of citizenship or satisfactory  
8 immigration status as required by the department by rule or as required in 42 USC  
9 1320b-7 (d).

\*\*\*NOTE: I added s. 49.84 (5) to update the food stamp language.

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929  
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10 SECTION 253. 49.845 of the statutes is renumbered 49.019, and 49.019 (1) and  
11 (2), as renumbered, are amended to read:

12 49.019 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
13 (bn), (kz), (L), and (nn), the department of health services shall establish a program  
14 to investigate suspected fraudulent activity on the part of recipients of ~~medical~~  
15 ~~assistance~~ Medical Assistance under subch. IV, ~~food stamp~~ benefits under the ~~food~~  
16 ~~stamp~~ supplemental nutrition assistance program under 7 USC 2011 to 2036,  
17 supplemental security income payments under s. 49.77, payments for the support of  
18 children of supplemental security income recipients under s. 49.775, and health care  
19 benefits under the Badger Care health care program under s. 49.665 and, if the



1 department of children and families contracts with the department of health services  
 2 under sub. (4), on the part of recipients of aid to families with dependent children  
 3 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to  
 4 49.161. The activities of the department of health services under this subsection may  
 5 include comparisons of information provided to the department by an applicant and  
 6 information provided by the applicant to other federal, state, and local agencies,  
 7 development of an advisory welfare investigation prosecution standard, and  
 8 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to  
 9 Wisconsin Works agencies to encourage activities to detect fraud. The department  
 10 of health services shall cooperate with district attorneys regarding fraud  
 11 prosecutions.

12 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health services shall  
 13 conduct activities to reduce payment errors in the Medical Assistance program under  
 14 subch. IV, the ~~food stamp~~ supplemental nutrition assistance program under 7 USC  
 15 2011 to 2036, the supplemental security income payments program under s. 49.77,  
 16 the program providing payments for the support of children of supplemental security  
 17 income recipients under s. 49.775, and the Badger Care health care program under  
 18 s. 49.665 and, if the department of children and families contracts with the  
 19 department of health services under sub. (4), in Wisconsin Works under ss. 49.141  
 20 to 49.161.

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\*\*\*\*NOTE: I added these paragraphs to update the food stamp language.

History: 2005 a. 25; 2007 a. 20 ss. 1681 to 1684, 9121 (6)(a); 2009 a. 76 ss. 37q to 37r; s. 13.92 (1) (bri) 2.

21 **SECTION 254.** 49.847 (title) and (3) of the statutes are renumbered 49.021 (title)  
 22 and (3).

23 **SECTION 255.** 49.847 (1) and (2) of the statutes, as affected by 2011 Wisconsin  
 24 Act 32, are renumbered 49.021 (1) and (2) and amended to read:

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1 49.021 (1) Subject to ss. 49.497 (1) and 49.793 (1), the department of health  
2 services, or a county, multicounty consortium, as defined in s. ~~49.78~~ 49.003 (1) (br),  
3 or elected tribal governing body of a ~~federally recognized American Indian tribe or~~  
4 ~~band~~ acting on behalf of the department, may recover benefits incorrectly paid under  
5 any of the programs administered by the department under this chapter.

6 (2) The department, county, multicounty consortium, as defined in s. 49.78  
7 49.003 (1) (br), or ~~elected~~ <sup>strike</sup> tribal governing body may recover an overpayment from a family  
8 or individual who continues to receive benefits under any program administered by  
9 the department under this chapter by reducing the family's or individual's benefit  
10 amount. Subject to s. 49.793 (1), the department may by rule specify other methods  
11 for recovering incorrectly paid benefits.

12 SECTION 256. 49.85 of the statutes is renumbered 49.023, and 49.023 (1) and  
13 (2) (a) (intro.) and (3) (a) 1., as renumbered, are amended to read:

14 49.023  
15 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under s.  
16 46.215, 46.22, or 46.23 or a tribal governing body of a ~~federally recognized American~~  
17 ~~Indian tribe or band~~ determines that the department of health services may recover  
18 an amount under s. 49.021, 49.497, or 49.793, or 49.847, or that the department of  
19 children and families may recover an amount under s. 49.161 or 49.195 (3) or collect  
20 an amount under s. 49.147 (6) (cm), the county department or tribal governing body shall  
21 notify the affected department of the determination. If a Wisconsin Works agency  
22 determines that the department of children and families may recover an amount  
23 under s. 49.161 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the  
24 Wisconsin Works agency shall notify the department of children and families of the  
determination.

1           **(2)** (a) (intro.) At least annually, the department of health services shall certify  
2 to the department of revenue the amounts that, based on the notifications received  
3 under sub. (1) and on other information received by the department of health  
4 services, the department of health services has determined that it may recover under  
5 s. ~~49.021~~<sup>✓</sup>, 49.45 (2) (a) 10., 49.497, or 49.793, ~~or 49.847~~<sup>✓</sup>, except that the department  
6 of health services may not certify an amount under this subsection unless all of the  
7 following apply:

8           **(3)** (a) 1. Inform the person that the department of health services intends to  
9 certify to the department of revenue an amount that the department of health  
10 services has determined to be due under s. ~~49.021~~<sup>✓</sup>, 49.45 (2) (a) 10., 49.497<sup>✓</sup>, or 49.793,  
11 ~~or 49.847~~, for setoff from any state tax refund that may be due the person.

12           **SECTION 257.** 49.852 (1c)<sup>✓</sup> of the statutes is repealed.

\*\*\*\*NOTE: I created a definition for "department" for the subchapter.

13           **SECTION 258.** 49.853 (1) (b)<sup>✓</sup> of the statutes is repealed.

\*\*\*\*NOTE: I created a definition for "department" for the subchapter.

14           **SECTION 259.** 49.853 (4) (d)<sup>✓</sup> of the statutes is amended to read:

15           49.853 (4) (d) A financial institution participating in the state matching option  
16 under this subsection, and the employees, agents, officers, and directors of the  
17 financial institution, may use any information that is provided by the department  
18 in requesting additional information under par. (b) only for the purpose of  
19 administering s. ~~49.22~~ 49.811<sup>✓</sup> or for the purpose of providing the additional  
20 information. Any person who violates this paragraph may be fined not less than \$25  
21 nor more than \$500 or imprisoned in the county jail for not less than 10 days nor more  
22 than one year or both.

23           **SECTION 260.** 49.854 (1) (a)<sup>✓</sup> of the statutes is repealed.

\*\*\*\*NOTE: I created a definition for "department" for the subchapter. ✓

1 SECTION 261. 49.855 (6)<sup>x</sup> of the statutes is amended to read:

2 49.855 (6) If the state implements the child and spousal support and  
3 establishment of paternity and medical support liability program under ss. ~~49.22~~  
4 49.811<sup>✓</sup> and 59.53 (5), the state may act under this section in place of the county child  
5 support agency under s. 59.53 (5).

6 SECTION 262. 49.856 (1) (b)<sup>x</sup> of the statutes is repealed.

\*\*\*\*NOTE: I created a definition for "department" for the subchapter. ✓

7 SECTION 263. 49.857 (1) (c)<sup>x</sup> of the statutes is repealed.

as affected by 2011 Wisconsin Act 32,

\*\*\*\*NOTE: I created a definition for "department" for the subchapter.

8 SECTION 264. 49.857 (4)<sup>x</sup> of the statutes, as affected by 2011 Wisconsin Act 32,  
9 is amended to read:

10 49.857 (4) Each licensing agency shall enter into a memorandum of  
11 understanding with the department of ~~children and families~~ under sub. (2) (b) and  
12 shall cooperate with the department of ~~children and families~~ in its administration  
13 of s. ~~49.22~~ 49.811<sup>✓</sup>. The department of safety and professional services shall enter into  
14 a memorandum of understanding with the department of ~~children and families~~ on  
15 behalf of a credentialing board with respect to a credential granted by the  
16 credentialing board.

17 SECTION 265. 49.858 (1) (intro.) and 49.858 (b)<sup>x</sup> of the statutes are consolidated,  
18 renumbered 49.858 (1) and amended to read:

19 49.858 (1) DEFINITION. In this section: (b) ~~Support~~<sup>✓</sup>, "support" has the meaning  
20 given in s. 49.857 (1) (g).

History: 1997 a. 191; 2001 a. 61; 2007 a. 20.

21 SECTION 266. 49.858 (1) (a)<sup>x</sup> of the statutes is repealed.

\*\*\*\*NOTE: I created a definition for "department" for the subchapter. ✓

1           **SECTION 267.** 49.86<sup>X</sup> of the statutes is renumbered 49.035<sup>✓</sup>.

2           **SECTION 268.** 49.89<sup>X</sup> of the statutes is renumbered 49.037<sup>✓</sup>.

      \*\*\*\*NOTE: Section 49.89 is not treated in WLC /0106. It relates to assistance under the chapter. For purposes of this draft, I renumbered it to the general provisions subchapter. Please let me know if this is inconsistent with the intent of the committee.

3           **SECTION 269.** 49.90<sup>X</sup> of the statutes is renumbered 49.039<sup>✓</sup>.

4           **SECTION 270.** 49.95 (title)<sup>✓</sup> of the statutes is renumbered 49.041 (title)<sup>✓</sup>.

5           **SECTION 271.** 49.95 (1) to (10)<sup>X</sup> of the statutes are renumbered 49.041 (1m) to  
6 (10).<sup>✓</sup>

7           **SECTION 272.** 49.95 (11)<sup>X</sup> of the statutes is renumbered 49.041 (1c) (m) and  
8 amended to read:

9           49.041 (1c) (m) "Public assistance" as used in this section<sup>✓</sup> includes relief funded  
10 by a relief block grant and benefits under ss. 49.141 to 49.161.

History: 1971 c. 182; 1977 c. 303; 1981 c. 20; 1981 c. 29 s. 17; 1981 c. 390 s. 252; 1983 a. 368; 1985 a. 29 ss. 1002 to 1004, 3200 (23); 1987 a. 27, 403; 1991 a. 39, 316, 322; 1995 a. 27 ss. 2771 to 2779, 2781 to 2784, 3220; Stats. 1995 s. 49.95; 1995 a. 289; 1997 a. 283; 2001 a. 109.

11           **SECTION 273.** 49.96 of the statutes is renumbered 49.043 and amended to read:

12           **49.043 Assistance grants exempt from levy.** All grants of aid to families  
13 with dependent children, payments made under ss. 48.57 (3m) or (3n), 49.148 (1) (b)  
14 1. or (c) or (1m) or ~~49.149~~ 49.157<sup>✓</sup> to 49.159, payments made for social services, cash  
15 benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77, 49.775<sup>✓</sup>, or  
16 federal Title XVI, are exempt from every tax, and from execution, garnishment,  
17 attachment and every other process and shall be inalienable.

      \*\*\*\*NOTE: The note<sup>(S)</sup> does not make sense to me. By replacing s. 49.149 with s.  
49.157, the treatment of this section reduces the number of sections under which  
payments are exempt. There is no mention of 49.143 (2z)<sup>(S)</sup> in this section. Furthermore,  
there don't seem to be any payments made under 49.143 (2z)<sup>(S)</sup>. Please confirm that this  
section is consistent with the intent of the committee.

      NOTE: Amends the list of payments that are exempt from levy to reflect that  
payments under s. 49.149<sup>(S)</sup> are moved to s. 49.143 (2z) in the bill. Also, exempts payments  
made to custodial parents of supplemental security income payments from taxation,  
execution, garnishment, attachment, and other processes.

History: 1973 c. 147; 1987 a. 27, 399; 1989 a. 278; 1995 a. 27 s. 2940; Stats. 1995 s. 49.96; 1995 a. 201, 289; 1997 a. 27, 35, 105.

18           **SECTION 274.** 50.01 (1g) (b) of the statutes is amended to read: