

1           49.46 (2) (c) 2. For an individual who is entitled to coverage under Part A of  
2 Medicare, entitled to coverage under Part B of Medicare, meets the eligibility criteria  
3 under sub. (1) (1g)✓ and meets the limitation on income under subd. 6., Medical  
4 Assistance shall include payment of the deductible and coinsurance portions of  
5 Medicare services under 42 USC 1395 to 1395zz that are not paid under 42 USC 1395  
6 to 1395zz, including those Medicare services that are not included in the approved  
7 state plan for services under 42 USC 1396; the monthly premiums payable under 42  
8 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the  
9 late enrollment penalty, if applicable, for premiums under Part A of Medicare.  
10 Payment of coinsurance for a service under Part B of Medicare under 42 USC 1395j  
11 to 1395w and payment of deductibles and coinsurance for inpatient hospital services  
12 under Part A of Medicare may not exceed the allowable charge for the service under  
13 Medical Assistance minus the Medicare payment.

**History:** 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10.

14           3. For an individual who is only entitled to coverage under Part A of Medicare,  
15 meets the eligibility criteria under sub. (1) (1g)✓, and meets the limitation on income  
16 under subd. 6., Medical Assistance shall include payment of the deductible and  
17 coinsurance portions of Medicare services under 42 USC 1395 to 1395i that are not  
18 paid under 42 USC 1395 to 1395i, including those Medicare services that are not  
19 included in the approved state plan for services under 42 USC 1396; the monthly  
20 premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty,  
21 if applicable, for premiums under Part A of Medicare. Payment of deductibles and  
22 coinsurance for inpatient hospital services under Part A of Medicare may not exceed



1 the allowable charge for the service under Medical Assistance minus the Medicare  
2 payment.

**History:** 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10.

3 4. For an individual who is entitled to coverage under Part A of Medicare,  
4 entitled to coverage under Part B of Medicare <sup>e, and</sup> and meets the eligibility criteria for  
5 Medical Assistance under sub. (1) (1g) ✓, but does not meet the limitation on income  
6 under subd. 6., Medical Assistance shall include payment of the deductible and  
7 coinsurance portions of Medicare services under 42 USC 1395 to 1395zz that are not  
8 paid under 42 USC 1395 to 1395zz, including those Medicare services that are not  
9 included in the approved state plan for services under 42 USC 1396. Payment of  
10 coinsurance for a service under Part B of Medicare under 42 USC 1395j to 1395w and  
11 payment <sup>of</sup> for deductibles and coinsurance for inpatient hospital services under Part  
12 A of Medicare may not exceed the allowable charge for the service under Medical  
13 Assistance minus the Medicare payment.

**History:** 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10.

14 5. For an individual who is only entitled to coverage under Part A of Medicare  
15 and meets the eligibility criteria for Medical Assistance under sub. (1) (1g) ✓, but does  
16 not meet the limitation on income under subd. 6., Medical Assistance shall include  
17 payment of the deductible and coinsurance portions of Medicare services under 42  
18 USC 1395 to 1395i that are not paid under 42 USC 1395 to 1395i, including those  
19 Medicare services that are not included in the approved state plan for services under  
20 42 USC 1396. Payment of deductibles and coinsurance for inpatient hospital



1 services under Part A of Medicare may not exceed the allowable charge for the service  
2 under Medical Assistance minus the Medicare payment.

**History:** 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10.

3 5m. For an individual who is only entitled to coverage under Part B of Medicare  
4 and meets the eligibility criteria under sub. (1) (1g), but does not meet the limitation  
5 on income under subd. 6., Medical Assistance shall include payment of the deductible  
6 and coinsurance portions of Medicare services under 42 USC 1395j to 1395w,  
7 including those Medicare services that are not included in the approved state plan  
8 for services under 42 USC 1396. Payment of coinsurance for a service under Part B  
9 of Medicare may not exceed the allowable charge for the service under Medical  
10 Assistance minus the Medicare payment.

**History:** 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10.

11 **SECTION 41. 49.46 (2) (cm) 1.** of the statutes is amended to read:

12 49.46 (2) (cm) 1. Beginning on January 1, 1993, for an individual who is entitled  
13 to coverage under part Part A of medicare Medicare, is entitled to coverage under  
14 part Part B of medicare Medicare, meets the eligibility criteria under sub. (1) (1g) and  
15 meets the limitation on income under subd. 2., ~~medical assistance~~ Medical  
16 Assistance shall pay the monthly premiums under 42 USC 1395r.

**History:** 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10.

17 **SECTION 42. 49.465 (2) (intro.)** of the statutes, as affected by 2011 Wisconsin

18 Act 32, section 1453r, is amended to read:

19 49.465 (2) (intro.) Unless otherwise provided by the department by a policy  
20 created under s. 49.45 (2m) (c), a pregnant woman is eligible for medical assistance  
21 benefits, as provided under sub. (3), during the period beginning on the day on which



1 a qualified provider determines, on the basis of preliminary information, that the  
2 woman's family income does not exceed the highest level for eligibility for benefits  
3 under s. 49.46 (1) (1g) or 49.47 (4) (am) or (c) 1. and ending as follows:

NOTE: NOTE: Sub. (2) (intro.) is amended eff. 1-1-15 by 2011 Wis. Act 10 to read: NOTE:

(2) A pregnant woman is eligible for medical assistance benefits, as provided under sub. (3), during the period beginning on the day on which a qualified provider determines, on the basis of preliminary information, that the woman's family income does not exceed the highest level for eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and ending as follows:

History: 1987 a. 27, 307, 413; 1989 a. 9; 1989 a. 31 ss. 1460p, 2909g, 2909i; 1990 a. 269; 1995 a. 289; 1997 a. 27; 2011 a. 10.

SECTION 43. 49.468 (1) (b) and (c) of the statutes, as affected by 2011 Wisconsin Act 32, are amended to read:

49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage

under Part A of Medicare, entitled to coverage under Part B of Medicare and who does not meet the eligibility criteria for Medical Assistance under s. 49.46 (1) (1g),

49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under

par. (d), Medical Assistance shall pay the deductible and coinsurance portions of

Medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those Medicare services that are not included in the

approved state plan for services under 42 USC 1396; the monthly premiums payable

under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2

(d); and the late enrollment penalty, if applicable, for premiums under Part A of

Medicare. Payment of coinsurance for a service under Part B of Medicare under 42

USC 1395j to 1395w and payment of deductibles and coinsurance for inpatient

hospital services under Part A of Medicare may not exceed the allowable charge for

the service under Medical Assistance minus the Medicare payment.

History: 1989 a. 31, 336; 1991 a. 39, 269; 1993 a. 16; 2001 a. 16; 2007 a. 20.

(c) For an elderly or disabled individual who is only entitled to coverage under

Part A of Medicare and who does not meet the eligibility criteria for Medical

Assistance under s. 49.46 (1) (1g), 49.465, 49.47 (4), or 49.471 but meets the

limitations on income and resources under par. (d), Medical Assistance shall pay the



1 deductible and coinsurance portions of Medicare services under 42 USC 1395 to  
 2 1395i that are not paid under 42 USC 1395 to 1395i, including those Medicare  
 3 services that are not included in the approved state plan for services under 42 USC  
 4 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late  
 5 enrollment penalty for premiums under Part A of Medicare, if applicable. Payment  
 6 of deductibles and ~~coinsurance~~ <sup>coinsurance</sup> for inpatient hospital services under Part A of  
 7 Medicare may not exceed the allowable charge for the service under Medical  
 8 Assistance minus the Medicare payment.

9 History: 1989 a. 31, 336; 1991 a. 39, 269; 1993 a. 16; 2001 a. 16; 2007 a. 20.

**SECTION 44.** 49.468 (1m) (a) and (2) (a) of the statutes are amended to read:

10 49.468 (1m) (a) Beginning on January 1, 1993, for an elderly or disabled  
 11 individual who is entitled to coverage under part Part A of medicare Medicare and  
 12 is entitled to coverage under part Part B of medicare Medicare, does not meet the  
 13 eligibility criteria for ~~medical assistance~~ Medical Assistance under s. 49.46 (1) (1g),  
 14 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under  
 15 par. (b), ~~medical assistance~~ Medical Assistance shall pay the monthly premiums  
 16 under 42 USC 1395r.

17 History: 1989 a. 31, 336; 1991 a. 39, 269; 1993 a. 16; 2001 a. 16; 2007 a. 20.

18 (2) (a) Beginning on January 1, 1991, for a disabled working individual who  
 19 is entitled under P.L. 101-239, section 6012 (a), to coverage under part Part A of  
 20 medicare Medicare and who does not meet the eligibility criteria for ~~medical~~  
 21 ~~assistance~~ Medical Assistance under s. 49.46 (1) (1g), 49.465, 49.47 (4), or 49.471 but  
 22 meets the limitations on income and resources under par. (b), ~~medical assistance~~  
 23 Medical Assistance shall pay the monthly premiums for the coverage under part Part  
A of medicare Medicare, including late enrollment fees, if applicable.

24 History: 1989 a. 31, 336; 1991 a. 39, 269; 1993 a. 16; 2001 a. 16; 2007 a. 20.

**SECTION 45.** 49.47 (4) (am) 1. and 2. of the statutes are amended to read:



1           49.47 (4) (am) 1. A pregnant woman whose family income does not exceed 155%  
 2 of the poverty line for a family the size of the woman's family, except that if a waiver  
 3 under par. (j) or a change in the approved state plan under s. 49.46 (1) (1g) (am) 2.  
 4 is in effect, the income limit is 185% of the poverty line for a family the size of the  
 5 woman's family in each state fiscal year after the 1994-95 state fiscal year.

**History:** 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25, 253; 2007 a. 11, a. 20 ss. 1596 to 1604, 9121 (6) (a); 2009 a. 28, 180; 2011 a. 10.

6           2. A child who is under 6 years of age and whose family income does not exceed  
 7 155% of the poverty line for a family the size of the child's family, except that if a  
 8 waiver under par. (j) or a change in the approved state plan under s. 49.46 (1) (1g)  
 9 (am) 2. is in effect, the income limit is 185% of the poverty line for a family the size  
 10 of the child's family in each state fiscal year after the 1994-95 state fiscal year.

**History:** 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25, 253; 2007 a. 11, a. 20 ss. 1596 to 1604, 9121 (6) (a); 2009 a. 28, 180; 2011 a. 10.

11           **SECTION 46.** 49.47 (4) (j) of the statutes is amended to read:

12           49.47 (4) (j) If the change in the approved state plan under s. 49.46 (1) (1g) (am)  
 13 2. is denied, the department shall request a waiver from the secretary of the federal  
 14 department of health and human services to allow the use of federal matching funds  
 15 to provide medical assistance coverage under par. (am) 1. and 2. to individuals whose  
 16 family incomes do not exceed 185% of the poverty line in each state fiscal year after  
 17 the 1994-95 state fiscal year.

**History:** 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25, 253; 2007 a. 11, a. 20 ss. 1596 to 1604, 9121 (6) (a); 2009 a. 28, 180; 2011 a. 10.

18           **SECTION 47.** 49.471 (3) (a) 1., 2. and 3. of the statutes are amended to read:

19           49.471 (3) (a) 1. Notwithstanding ss. 49.46 (1) (1g), 49.465, 49.47 (4), and  
 20 49.665 (4), if the amendments to the state plan under sub. (2) are approved and a  
 21 waiver under sub. (2) that is substantially consistent with the provisions of this



1 section, excluding sub. (2m), is granted and in effect, an individual described in sub.  
2 (4) (a) or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical  
3 Assistance or BadgerCare health program benefits. The eligibility of an individual  
4 described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be  
5 determined under this section.

History: 2007 a. 20; 2009 a. 28, 180, 219; 2011 a. 10.

6 2. Notwithstanding subd. 1., an individual who is eligible for ~~medical~~  
7 ~~assistance~~ Medical Assistance under s. 49.46 (1) (1g) (a) 3. or 4. may not receive  
8 benefits under this section.

History: 2007 a. 20; 2009 a. 28, 180, 219; 2011 a. 10.

9 3. Notwithstanding subd. 1., an individual described in sub. (4) (a) or (b) or (5)  
10 who is eligible for ~~medical assistance~~ Medical Assistance under s. 49.46 (1) (1g) (a)  
11 5., 6m., 14., 14m., or 15. or (d) or 49.47 (4) (a) or (as) may receive ~~medical assistance~~  
12 Medical Assistance benefits under this section or under s. 49.46 or 49.47.

History: 2007 a. 20; 2009 a. 28, 180, 219; 2011 a. 10.

13 **SECTION 48.** 49.471 (4) (a) 7. of the statutes is amended to read:  
14 49.471 (4) (a) 7. Individuals who qualify for a ~~medical assistance~~ Medical  
15 Assistance eligibility extension under s. 49.46 (1) (1g) (c), (cg), or (co) when their  
16 income increases above the poverty line.

History: 2007 a. 20; 2009 a. 28, 180, 219; 2011 a. 10.

**END INS. 68-4**

**INS. 68-14**

17 **SECTION 49.** 49.473 (2) (a) of the statutes is amended to read:



Handwritten notes: "CPS - remove bars" with an arrow pointing to a circled "1" on line 11.

Handwritten notes: "plain" with checkmarks above "(1g)" on lines 10 and 15.

1 ✓ 49.473 (2) (a) The woman is not eligible for ~~medical assistance~~ ✓ Medical  
2 Assistance under ss. 49.46 (1) (1g) ✓ and (1m), 49.465, 49.468, 49.47, 49.471, and  
3 49.472, and is not eligible for health care coverage under s. 49.665.

History: 2001 a. 16, 104; 2003 a. 33; 2007 a. 20; 2009 a. 2; 2011 a. 10.

END INS. 68-14

INS. 74-4

4 ✓ SECTION 50. 49.49 (7) (d) of the statutes is amended to read:  
5 49.49 (7) (d) A commission's imposition of an assessment described under par.  
6 (b), a member's payment of the assessment as described under par. (c), and  
7 acceptance of the payment by the commission do not constitute conduct prohibited  
8 under sub. (4) 946.91 (6) ✓ or prohibited under s. DHS 106.04 (3), Wis. Adm. Code, in  
9 effect on May 26, 2010. It is the intent of the legislature to create a mechanism  
10 whereby 2 or more political subdivisions may share in the operation, use, and  
11 funding of a nursing home or intermediate care facility without violating 42 USC  
12 1320a-7b (d) or 42 USC 1396a (a) (25) (C).

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.

END INS. 74-4

INS. 92-9

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

History: 1971 c. 334; 1979 c. 221; 1985 a. 29 ss. 1005m, 3200 (23); 1985 a. 315; 1989 a. 31; 1995 a. 27 ss. 2798 to 2801b, 2803, 2804, 3210, 3211, 9126 (19); Stats. 1995 s. 49.84; 1995 a. 289; 2007 a. 20 ss. 1678 to 1680, 9121 (6) (a).

END INS. 92-9

INS. 100-17





1           **SECTION 51.** 59.54 (23) of the statutes is amended to read:

2           **59.54 (23) PUBLIC ASSISTANCE; FALSE REPRESENTATION.** The board may enact and  
3           enforce an ordinance to prohibit conduct that is the same as or similar to conduct that  
4           is prohibited by s. ~~49.95 (1)~~ 49.041 (1m) and provide a forfeiture for a violation of the  
5           ordinance.

**History:** 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35; 2001 a. 16; 2003 a. 193; 2005 a. 90; 2009 a. 42.

**END INS. 100-17**

**INS. 104-10**

6           **SECTION 52.** 76.636 (1) (e) 3. of the statutes is amended to read:

7           **76.636 (1) (e) 3.** A person who is employed in a trial job, as defined in s. 49.141  
8           (1) (n), ~~or in a real work, real pay project position under s. 49.147 (3m).~~

**History:** 2005 a. 259; 2007 a. 20, 97; 2009 a. 180.

**END INS. 104-10**

**INS 105-9**

9           **SECTION 53.** 101.123 (1) (abm) of the statutes is amended to read:

10           **101.123 (1) (abm)** "Child care center" has the meaning given in s. ~~49.136~~ 49.205  
11           (1) (ad).

**History:** 1983 a. 211; 1985 a. 332 s. 253; 1987 a. 161 s. 13m; 1987 a. 403 s. 256; 1989 a. 97, 107, 251, 336; 1991 a. 28, 39, 130; 1993 a. 27, 313; 1995 a. 27 ss. 3661, 9126 (19); 1995 a. 77, 201, 404; 1999 a. 9, 72; 2001 a. 16; 2003 a. 268; 2005 a. 344; 2007 a. 20 s. 9121 (6) (a); 2009 a. 12, 185, 276.

**END INS 105-9**

**INS. 109-22**

12           **SECTION 54.** 149.12 (2) (f) 2. c. of the statutes is amended to read:

13           **149.12 (2) (f) 2. c.** Medical assistance Assistance under s. 49.46 (1) (1g) (a) 15.

**History:** 1979 c. 313; 1983 a. 27, 215; 1985 a. 29, 73; 1987 a. 27, 70, 239; 1989 a. 201 s. 36; 1989 a. 332, 359; 1991 a. 39, 250; 1993 a. 27; 1995 a. 27, 407; 1997 a. 27 ss. 3025f, 4826 to 4831e; Stats. 1997 s. 149.12; 1999 a. 9; 2005 a. 74; 2007 a. 20, 39, 141; 2009 a. 28, 83, 84, 209.

**END INS. 109-22**

**INS. 111-2**



1 ✓ **SECTION 55.** 218.11 (2) (am) 3. of the statutes, as affected by 2011 Wisconsin  
2 Act 32, is amended to read:

3 218.11 (2) (am) 3. The department may not disclose any information received  
4 under subd. 1. to any person except to the department of children and families for  
5 purposes of administering s. ~~49.22~~ 49.811 or to the department of revenue for the sole  
6 purpose of requesting certifications under s. 73.0301.

**History:** 1971 c. 239; 1973 c. 116; Stats. 1973 s. 218.11; 1977 c. 29 ss. 1373, 1654 (7) (a), (e); 1981 c. 45; 1981 c. 347 s. 80 (2); 1983 a. 192; 1989 a. 31; 1991 a. 39, 269; 1993 a. 16; 1997 a. 191, 237; 1999 a. 9, 32, 185, 186; 2001 a. 38; 2007 a. 20.

**END INS. 111-22**

**INS. 112-8**

7 ✓ **SECTION 56.** 227.01 (13) (im) of the statutes is repealed.

8 ✓ **SECTION 57.** 227.43 (1) (by) of the statutes is amended to read:

9 227.43 (1) (by) Assign a hearing examiner to preside over any hearing of a  
10 contested case that is required to be conducted by the department of children and  
11 families under ~~ch. 48 or subch. ss. 49.811 to 49.823~~, subchs. II or III of ch. 49, or ch.  
12 48 and that is not conducted by the secretary of children and families.

**History:** 1977 c. 418; 1981 c. 20 s. 2202 (1) (b); 1983 a. 27; 1985 a. 182 ss. 16 to 18, 29, 31; Stats. 1985 s. 227.43; 1993 a. 16; 1995 a. 370; 1997 a. 3, 27; 1999 a. 9, 31, 185, 186; 2003 a. 118; 2005 a. 465; 2007 a. 20 ss. 2998 to 3001, 9121 (6) (a).

**END INS. 112-8**

**INS. 113-17**

13 ✓ **SECTION 58.** 252.07 (10) of the statutes is amended to read:

14 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and  
15 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are  
16 not eligible for federal medicare benefits, for medical assistance under subch. IV of  
17 ch. 49 or for health care services funded by a relief block grant under ~~subch. II of ch.~~  
18 49 ss. 49.801 to 49.808 may be reimbursed if provided by a facility contracted by the



1 department. If the patient has private health insurance, the state shall pay the  
2 difference between health insurance payments and total charges.

**History:** 1971 c. 158; 1975 c. 383 s. 4; 1975 c. 421; 1981 c. 291; 1993 a. 27 s. 296, 472; Stats. 1993 s. 252.07; 1993 a. 490; 1999 a. 9 ss. 2400rg to 2400rp, 2400ru; 2005 a. 187; 2009 a. 28.

**END INS. 113-17**

**INS 123-22**

3 **SECTION 59.** 767.241 (3) of the statutes is amended to read:  
4 767.241 (3) TO WHOM PAID. The court may order that the amount be paid directly  
5 to the attorney or to the state or the county providing services under s. ~~49.22~~ or 49.19  
6 or 49.811, who may enforce the order in its name.

**History:** 1977 c. 105; 1979 c. 32 s. 50; 1979 c. 352 s. 39; Stats. 1979 s. 767.262; 1983 a. 27; 1993 a. 481, 490; 1995 a. 201, 279, 404; 1997 a. 27, 35, 252; 2005 a. 443 ss. 99, 112; Stats. 2005 s. 767.241.

**END INS. 123-22**

**INS. 129-22**

7 **SECTION 60.** 767.863 (2) of the statutes is amended to read:  
8 767.863 (2) ORDER FOR TESTS. If at the first appearance it appears from a  
9 sufficient petition or affidavit of the child's mother or an alleged father or from sworn  
10 testimony of the child's mother or an alleged father that there is probable cause to  
11 believe that any of the males named has had sexual intercourse with the mother  
12 during a possible time of the child's conception, the court may, or upon the request  
13 of any party shall, order any of the named persons to submit to genetic tests. The  
14 tests shall be conducted in accordance with s. 767.84. The court is not required to  
15 order a person who has undergone a genetic test under s. ~~49.225~~ 49.817 to submit to  
16 another genetic test under this subsection unless a party requests additional tests  
17 under s. 767.84 (2).

**History:** 1979 c. 352; 1983 a. 447 s. 34; Stats. 1983 s. 767.457; 1987 a. 27 ss. 2136t, 2137d, 2137e; Stats. 1987 s. 767.458; 1987 a. 403, 413; 1993 a. 16, 481; 1995 a. 100; 1997 a. 191; 2001 a. 61; 2005 a. 443 ss. 195 to 198, 254; Stats. 2005 s. 767.863.

18 **SECTION 61.** 767.87 (1) (c) of the statutes is amended to read:



1           767.87 (1) (c) Genetic test results under s. ~~49.225~~ 49.817<sup>✓</sup>, 767.84, or 885.23.

History: 1979 c. 352; 1981 c. 20 s. 2202 (20) (m); 1981 c. 359 ss. 13, 17; 1983 a. 447; 1987 a. 413; 1989 a. 31, 122, 212; 1993 a. 395, 481; 1995 a. 27 s. 9126 (19); 1995 a. 77, 100, 275, 289, 404; 1997 a. 27, 105, 191, 252; 1999 a. 185; 2005 a. 443 ss. 207, 258; Stats. 2005 s. 767.87; 2007 a. 20.

**END INS. 129-22**

**INS. 130-9**

2           <sup>✓</sup> **SECTION 62.** 803.03 (2) (a) and (bm) of the statutes are amended to read:

3           803.03 (2) (a) *Joinder of related claims.* A party asserting a claim for  
4           affirmative relief shall join as parties to the action all persons who at the  
5           commencement of the action have claims based upon subrogation to the rights of the  
6           party asserting the principal claim, derivation from the principal claim, or  
7           assignment of part of the principal claim. For purposes of this section, a person's  
8           right to recover for loss of consortium shall be deemed a derivative right. Any public  
9           assistance recipient or any estate of such a recipient asserting a claim against a 3rd  
10          party for which the public assistance provider has a right of subrogation or  
11          assignment under s. ~~49.89~~ 49.037<sup>✓</sup> (2) or (3) shall join the provider as a party to the  
12          claim. Any party asserting a claim based upon subrogation to part of the claim of  
13          another, derivation from the rights or claim of another, or assignment of part of the  
14          rights or claim of another shall join as a party to the action the person to whose rights  
15          the party is subrogated, from whose claim the party derives his or her rights or claim,  
16          or by whose assignment the party acquired his or her rights or claim.

History: Sup. Ct. Order, 67 Wis. 2d 585, 643 (1975); 1975 c. 218; 1979 c. 189, 221; 1983 a. 192; 1985 a. 29; 1989 a. 31; 1995 a. 27; 1997 a. 35; 1999 a. 9; 2001 a. 103; 2005 a. 253; 2007 a. 20 ss. 3752, 9121 (6) (a).

17          (bm) *Joinders because of implication of medical assistance.* If the department  
18          of health services is joined as a party pursuant to par. (a) and s. ~~49.89~~ 49.037<sup>✓</sup> (2)  
19          because of the provision of benefits under subch. IV of ch. 49, the department of  
20          health services need not sign a waiver of the right to participate in order to have its  
21          interests represented by the party that caused the joinder. If the department of



1 health services makes no selection under par. (b), the party causing the joinder shall  
2 represent the interests of the department of health services and the department of  
3 health services shall be bound by the judgment in the action.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 643 (1975); 1975 c. 218; 1979 c. 189, 221; 1983 a. 192; 1985 a. 29; 1989 a. 31; 1995 a. 27; 1997 a. 35; 1999 a. 9; 2001 a. 103; 2005 a. 253; 2007 a. 20 ss. 3752, 9121 (6) (a).

**END INS. 130-9**

**INS. 131-12**

4 **SECTION 63.** 814.03 (3) of the statutes is amended to read:  
5 814.03 (3) Notwithstanding subs. (1) and (2), where the department of health  
6 services or a county is joined as a plaintiff pursuant to ss. ~~49.89~~ 49.037 (2) and 803.03  
7 (2) (a) because of the provision of benefits under subch. IV of ch. 49, the department  
8 of health services or the county shall not be liable for costs to any prevailing  
9 defendant.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 761, 780 (1975); Stats. 1975 s. 814.03; 1987 a. 345; 1993 a. 486, 496; 1997 a. 27; 1999 a. 9; 2007 a. 20 s. 9121 (6) (a).

**END INS. 131-12**

**INS. 131-19**

10 **SECTION 64.** 815.18 (13) (a) of the statutes is amended to read:  
11 815.18 (13) (a) Assistance benefits exempt under s. ~~49.96~~ 49.043.

**History:** 1971 c. 154, 172; 1971 c. 211 s. 126; 1971 c. 229 s. 14; Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); 1975 c. 94 s. 91 (3), (5); 1975 c. 199; 1975 c. 359 s. 51; Stats. 1975 s. 815.18; 1979 c. 110 s. 60 (4); 1979 c. 191, 265, 355; 1985 a. 37; 1989 a. 56, 278, 359; 1991 a. 39, 221; 1993 a. 112, 399, 491; 1995 a. 27, 403; 1997 a. 39; 1999 a. 9, 44; 1999 a. 150 s. 672; 1999 a. 162; 2001 a. 10; 2003 a. 138, 304; 2005 a. 22, 41; 2009 a. 80.

12 **SECTION 65.** 859.07 (2) (a) 2. of the statutes is amended to read:  
13 859.07 (2) (a) 2. The decedent was responsible for any obligation owing to the  
14 state or a county under s. 46.03 (18), 46.10, 48.36, ~~49.32~~ 49.06 (1), 49.345, 301.03 (18),  
15 301.12, or 938.36.

**History:** 1977 c. 73; 1985 a. 29; 1989 a. 31, 96, 359; 1991 a. 39; 1995 a. 27 ss. 7191b to 7191c, 9126 (19); 1995 a. 77; 1997 a. 237; 1999 a. 9; 2001 a. 107; 2007 a. 20 ss. 3768 to 3769, 9121 (6) (a).

**END INS 131-19**

**INS. 141-18**



1 ✓ **SECTION 66.** 995.67 (1) (a) of the statutes is amended to read:

2 995.67 (1) (a) "Domestic abuse" has the meaning given in s. ~~49.165~~ <sup>✓</sup> 49.217 (1)

3 (a).

History: 1991 a. 228; 2005 a. 155 s. 61; Stats. 2005 s. 995.67; 2007 a. 20.

**END INS. 141-18**

**INS. 141-23**

4 **SECTION 67. Initial applicability.**

5 ✓ (1) PUBLIC ASSISTANCE APPLICATIONS. ✓ The treatment of section ✓ 49.006 (1) of the  
6 ✓ statutes first applies to statements made in an application for any aid or benefit  
7 under chapter 49 ✓ of the statutes that is received by the department of health services  
8 or the department of children and families after the effective date of this subsection. ✓

9 → **SECTION 68. Effective dates.** This act takes effect on February 1, 2012, except  
10 as follows:

11 (1) The treatment of sections 49.46 (1) (n) ✓ (by SECTION ~~49.46 (1) (n)~~ ✓) of the  
12 statutes takes effect on January 1, 2015. ✓

autorefa

(end ins 141-23)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

2257/P1ins2  
FFK:...jf

INS 44-2

*was affected by 2011  
Wisconsin Act  
323*

1 SECTION 1. 49.152 (1) of the statutes is amended to read:  
2 49.152 (1) PETITION FOR REVIEW. Any Except as provided in 49.1525, any  
3 individual whose application for any component of Wisconsin works is not acted upon  
4 by the Wisconsin works agency with reasonable promptness after the filing of the  
5 application, as defined by the department by rule, or is denied in whole or in part,  
6 whose benefit is modified or canceled, or who believes that the benefit was calculated  
7 incorrectly or that the employment position in which the individual was placed is  
8 inappropriate, may petition the Wisconsin works agency for a review of such action.  
9 Review is unavailable if the action by the Wisconsin works agency occurred more  
10 than 45 days prior to submission of the petition for review.

*move*

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

*or that providing case management services under s. 49.147(2)(am) in lieu  
of placement in a Wisconsin works  
employment position is inappropriate,*

END INS 44-2

INSERT FFK (to INS. 141-23)

plain text

11  
12 (2) INTENTIONAL PROGRAM VIOLATIONS. The treatment of section 49.151 (2) of the  
13 statutes first applies to acts or omissions that occur after the effective date of this  
14 subsection.  
15 (3) REVIEW OF WISCONSIN SHARES DECISIONS. The treatment of sections 49.152  
16 (1) and 49.1525 of the statutes first applies to applications filed after the effective  
17 date of the subsection.

\*\*\*NOTE: Section 49.1525 requires the department to define reasonable promptness for acting on Wisconsin Shares applications. Would you prefer to have an initial application date based on the promulgation of that rule?



INS FFK  
(to Ins 141-23) 2257/P1ins2  
FFK:...jf

Cont

1 (b) PUBLIC ASSISTANCE FRAUD. The treatment of section 946.93 of the statutes  
2 first applies to acts and omissions that occur after the effective date of this  
3 subsection.

(end of Ins FFK  
(to Ins  
~~141-23~~)



INS 5-19

20.435(4) ~~XXXX~~ (B)

(bn) *Income maintenance*. Biennially, the amounts in the schedule for the administration of the ~~food stamp~~ employment and training program under s. 49.79 (9), for the performance of income maintenance administrative activities on behalf of a county or multicounty consortium under s. ~~49.78~~ (1m) (c), and for payments under s. ~~49.78~~ (8) relating to the administration of the Medical Assistance program under subch. IV of ch. 49, the Badger Care health care program under s. 49.665, and the ~~food stamp~~ program.

supplemental nutrition assistance

49.003

(end ins)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB2257/P1ins3  
FFK:.....

INS 11-14

✓ SECTION 1. 20.437 (2) (s) of the statutes, as affected by 2011 Wisconsin Act 32,  
is amended to read:

20.437 (2) (s) *Economic support — public benefits.* From the utility public  
benefits fund, the amounts in the schedule for the Wisconsin Works program under  
subch. III II of ch. 49 and for any of the purposes under s. 49.175 (1).

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; 2011 a. 32; s. 13.92 (2) (i).

END INS 11-14

INS. 55-16

✓ (7m) The department may contract with or employ a collection agency or other  
person to enforce a support obligation of a parent who is delinquent in making  
support payments and may contract with or employ an attorney to appear in an  
action in state or federal court to enforce such an obligation. To pay for the  
department's administrative costs of implementing this subsection, the department  
may charge a fee to counties, use federal matching funds or funds retained by the  
department under s. ~~49.24~~ 49.821 (2) (c), or use up to 30% of this state's share of a  
collection made under this subsection on behalf of a recipient of aid to families with  
dependent children or a recipient of kinship care payments under s. 48.57 (3m) or  
long-term kinship care payments under s. 48.57 (3n).

History: 1975 c. 82; 1977 c. 26, 29, 203, 418; 1979 c. 196, 221; 1981 c. 20, 93; 1983 a. 27; 1985 a. 29 ss. 861m to 866, 2390 to 2399; 1987 a. 27; 1987 a. 332 s. 64; 1987 a. 399, 403, 413; 1989 a. 31; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 ss. 2128m to 2134, 9126 (19), 9130 (4); 1995 a. 77, 187, 201, 225, 289; 1995 a. 404 ss. 39 to 43, 45, 46, 48, 173, 174; Stats. 1995 s. 49.22; 1997 a. 27, 105, 191, 237; 1999 a. 32; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20 ss. 1467 to 1472, 9121 (6) (a).

END INS. 55-16

INS. 67-21B

✓ SECTION 2. 49.45 (40) of the statutes is amended to read:

49.45 (40) PERIODIC RECORD MATCHES. If the department contracts with the  
department of children and families under s. 49.197 (5), the department shall

cooperate with the department of children and families in matching records of medical assistance recipients under s. ~~49.32~~ 49.06 (7).

**END INS. 67-21B**

**INS 76-19**

✓ **SECTION 3.** 49.78 (4) to (7) of the statutes are renumbered ~~49.003~~ 49.003 (4) to (7).  
✓

**END INS 76-19**

**INS. 102-10**

✓ **SECTION 4.** 71.07 (2dx) (b) 2. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

71.07 (2dx) (b) 2. The amount determined by multiplying the amount determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number of full-time jobs created in a development zone and filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

**History:** 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487; 2007 a. 11, 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 15, 32; s. 13.92 (1) (bm) 2; s. 35.17 correction in (2dr) (a), (5n).

✓ **SECTION 5.** 71.07 (2dx) (b) 3. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

71.07 (2dx) (b) 3. The amount determined by multiplying the amount determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time jobs created in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

**History:** 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135.



183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487; 2007 a. 11, 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 15, 32; s. 13.92 (1) (bm) 2; s. 35.17 correction in (2dr) (a), (5n).

**SECTION 6.** 71.07 (2dx) (b) 4. of the statutes, as affected by 2011 Wisconsin Act

32, is amended to read:

71.07 (2dx) (b) 4. The amount determined by multiplying the amount determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the number of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub. (2dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats., and for which significant capital investment was made and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

**History:** 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487; 2007 a. 11, 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 15, 32; s. 13.92 (1) (bm) 2; s. 35.17 correction in (2dr) (a), (5n).

**SECTION 7.** 71.07 (2dx) (b) 5. of the statutes, as affected by 2011 Wisconsin Act

32, is amended to read:

71.07 (2dx) (b) 5. The amount determined by multiplying the amount determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub. (2dj), in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

**History:** 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487; 2007 a. 11, 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 15, 32; s. 13.92 (1) (bm) 2; s. 35.17 correction in (2dr) (a), (5n).

**END INS. 102-10**

**INS. 102-25**



**SECTION 8.** 71.28 (1dx) (b) 2. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

71.28 (1dx) (b) 2. The amount determined by multiplying the amount determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number of full-time jobs created in a development zone and filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

**History:** 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32; s. 13.92 (1) (bm) 2; s. 35.17 correction in (1dm) (a) 1.

**SECTION 9.** 71.28 (1dx) (b) 3. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

71.28 (1dx) (b) 3. The amount determined by multiplying the amount determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time jobs created in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

**History:** 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32; s. 13.92 (1) (bm) 2; s. 35.17 correction in (1dm) (a) 1.

**SECTION 10.** 71.28 (1dx) (b) 4. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

71.28 (1dx) (b) 4. The amount determined by multiplying the amount determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the number of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,



and for which significant capital investment was made and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats.,<sup>✓</sup> for those jobs.

**History:** 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32; s. 13.92 (1) (bm) 2; s. 35.17 correction in (1dm) (a) 1.

**SECTION 11. 71.28 (1dx) (b) 5. of the statutes, as affected by 2011 Wisconsin Act**

32, is amended to read:

71.28 (1dx) (b) 5. The amount determined by multiplying the amount determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats.,<sup>✓</sup> for those jobs.

**History:** 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32; s. 13.92 (1) (bm) 2; s. 35.17 correction in (1dm) (a) 1.

**END INS. 102-25**

**INS. 103-15**

**SECTION 12. 71.47 (1dx) (b) 2. of the statutes, as affected by 2011 Wisconsin Act**

32, is amended to read:

71.47 (1dx) (b) 2. The amount determined by multiplying the amount determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number of full-time jobs created in a development zone and filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats.,<sup>✓</sup> for those jobs.

**History:** 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32; s. 13.92 (1) (bm) 2.



**SECTION 13.** 71.47 (1dx) (b) 3. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

71.47 (1dx) (b) 3. The amount determined by multiplying the amount determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time jobs created in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

**History:** 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32; s. 13.92(1) (bm) 2.

**SECTION 14.** 71.47 (1dx) (b) 4. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

71.47 (1dx) (b) 4. The amount determined by multiplying the amount determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the number of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats., and for which significant capital investment was made and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

**History:** 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32; s. 13.92(1) (bm) 2.

**SECTION 15.** 71.47 (1dx) (b) 5. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

71.47 (1dx) (b) 5. The amount determined by multiplying the amount determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,



2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and reimbursements paid under s. 49.147 (3m) (c)~~, 2009 stats., for those jobs.

plain

plain

no strike

no strike

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32; s. 13.92 (1) (bm) 2.

**END INS. 103-15**

**INS.104-13**

**SECTION 16.** 76.636 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 32,

is amended to read:

76.636 (2) (b) The amount determined by multiplying the amount determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number of full-time jobs created in a development zone and filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

History: 2005 a. 259; 2007 a. 20, 97; 2009 a. 180; 2011 a. 32.

**SECTION 17.** 76.636 (2) (c) of the statutes, as affected by 2011 Wisconsin Act 32,

is amended to read:

76.636 (2) (c) The amount determined by multiplying the amount determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time jobs created in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

History: 2005 a. 259; 2007 a. 20, 97; 2009 a. 180; 2011 a. 32.

**SECTION 18.** 76.636 (2) (d) of the statutes, as affected by 2011 Wisconsin Act 32,

is amended to read:





76.636 (2) (d) The amount determined by multiplying the amount determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the number of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats., excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats., and for which significant capital investment was made and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats. ✓ for those jobs.

History: 2005 a. 259; 2007 a. 20, 97; 2009 a. 180; 2011 a. 32.

**SECTION 19.** 76.636 (2) (e) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

✓ 76.636 (2) (e) The amount determined by multiplying the amount determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats., excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in a development zone and not filled by a member of a targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats. ✓ for those jobs.

History: 2005 a. 259; 2007 a. 20, 97; 2009 a. 180; 2011 a. 32.

**END INS.104-13**

**INS 104-22**

✓ **SECTION 20.** 85.24 (4) (c) of the statutes is amended to read:

85.24 (4) (c) Any person who willfully discloses or who, under false pretenses, willfully requests or obtains information in violation of par. (a) may be required to forfeit not more than \$500 for each violation. This paragraph does not apply to information disclosed, requested or obtained to the extent necessary to administer



the ride-sharing program or, if requested under s. ~~49.22~~ 49.811<sup>✓</sup> (2m), to the department of children and families or a county child support agency under s. 59.53 (5).

**History:** 1981 c. 20; 1991 a. 39; 1995 a. 423; 1997 a. 191; 2001 a. 16; 2007 a. 20.

**END INS 104-22**

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2257/P1dn

FK:A:jf

date

jcd

To Anne Sappenfield and Anna Henning: ✓

\* Please review s. 946.90 (3) (renumbered from s. 49.141 (7)). It is unclear to me exactly what criminal act or actor is targeted by that subsection. Is it meant to penalize a client who performs work for Wisconsin Works, regardless of whether the client is paid, or a provider for Wisconsin Works who somehow defrauds the program? If it is the latter, it is unclear to me how the provider's actions are a violation of sub. (2). ✓ If it is the former, it is unclear to me why the provision of a service, rather than the receipt of payment, is the triggering event for criminal penalty. (a)

Also, the draft contains a number of embedded questions and comments. I look forward to working with you on finalizing this draft.

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