

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

1 **SECTION 91.** 49.134 of the statutes is renumbered 49.204.

2 **SECTION 92.** 49.136 (title), (1) (intro.), (ad), (am) and (g) to (n) and (2) to (7) of
3 the statutes are renumbered 49.205 (title), (1) (intro.), (ad), (am) and (g) to (n) and
4 (2) to (7).

5 **SECTION 93.** 49.136 (1) (b) of the statutes is repealed.

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

6 **SECTION 94.** 49.137 (title) of the statutes is renumbered 49.207 (title).

7 **SECTION 95.** 49.137 (1) (intro.) and (c) of the statutes are consolidated,
8 renumbered 49.207 (1) and amended to read:

9 49.207 (1) DEFINITIONS. In this section: ~~(e) "Family,~~ "family child care system"
10 means a centralized administrative unit that offers technical assistance and support
11 to a group of child care providers with the goal of improving child care services.

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

12 **SECTION 96.** 49.137 (1) (ab), (am), (bd) and (e) of the statutes are repealed.

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

13 **SECTION 97.** 49.137 (2) to (6) of the statutes are renumbered 49.207 (2) to (6).

14 **SECTION 98.** 49.1375 of the statutes is renumbered 49.209.

15 **SECTION 99.** 49.138 (4) (c) of the statutes is amended to read:

16 49.138 (4) (c) If the administering agency is a Wisconsin ~~works~~ Works agency,
17 the department may review the decision of the Wisconsin ~~works~~ Works agency if,
18 within ~~14~~ 21 days after the date on which the certified copy of the decision of the

1 Wisconsin ~~works~~ Works agency is mailed, the applicant or participant petitions the
2 department for a review of that decision.

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

3 SECTION 100. 49.138 (5) of the statutes is created to read:

4 49.138 (5) (a) The department shall recover an overpayment of benefits paid
5 under sub. (1m) from an individual who receives benefits under sub. (1m). The value
6 of the benefit for recovery under this paragraph may not exceed the amount that the
7 department paid in emergency assistance with respect to that particular recipient
8 while the recipient was ineligible to receive emergency assistance.

9 (b) The department shall recover assistance paid under sub. (1m) to a person
10 in the form of a voucher or other payment method for the purpose of providing
11 housing or a service to a recipient of assistance under sub. (1m) in the amount of
12 assistance paid by the voucher or other payment method that the person does not use
13 as required by the department.

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

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

16 SECTION 101. 49.139 of the statutes is renumbered 49.175 (1) (im) and amended
17 to read:

18 49.175 (1) (im) *Emergency shelter funding.* ~~From the appropriation account~~
19 ~~under s. 20.437 (2) (f), the department shall provide \$50,000 annually, beginning on~~
20 ~~October 1, 2009, to~~ For the Emergency Shelter of the Fox Valley to provide services
21 to homeless individuals and families, \$50,000 in each fiscal year.

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

1 **SECTION 102.** 49.141 (7) (a) of the statutes is renumbered 946.90 (3) and
2 amended to read:

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

7 **SECTION 103.** 49.141 (7) (b) of the statutes is repealed.

8 **SECTION 104.** 49.141 (7) (c) (intro.) of the statutes is amended to read:

9 49.141 (7) (c) (intro.) Except as provided in par. (d), in addition to the penalties
10 applicable under ~~par. (a) or (b) s. 946.90 (2) or (3)~~, a person shall be suspended from
11 participating in Wisconsin works Works for a period of 10 years, beginning on the
12 date of conviction, if the person is convicted in a federal or state court for any of the
13 following:

14 **SECTION 105.** 49.141 (7) (c) 3. of the statutes is amended to read:

15 49.141 (7) (c) 3. Fraudulently misstating or misrepresenting his or her identity
16 or place of residence for the purpose of receiving simultaneously in this state and at
17 least one other state benefits under the federal food stamp supplemental assistance
18 nutrition program under 7 USC 2011 to 2029.

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

19 **SECTION 106.** 49.141 (8) of the statutes is amended to read:

20 49.141 (8) DAMAGES. If a person is convicted under ~~sub. (6) s. 946.90 (2) or (3)~~,
21 the state has a cause of action for relief against the person in an amount equal to 3
22 times the amount of actual damages sustained as a result of any excess payments
23 made in connection with the offense for which the conviction was obtained. Proof by

1 the state of a conviction under ~~sub. (6)~~ s. 946.90 (2) or (3) is conclusive proof in a civil
2 action of the state's right to damages and the only issue in controversy shall be the
3 amount, if any, of the actual damages sustained. Actual damages consist of the total
4 amount of excess payments, any part of which is paid with state funds. In a civil
5 action under this subsection, the state may elect to file a motion in expedition of the
6 action. Upon receipt of the motion, the presiding judge shall expedite the action.

7 **SECTION 107.** 49.141 (9) (title) of the statutes is repealed.

8 **SECTION 108.** 49.141 (9) (a) to (c) of the statutes are renumbered 946.90 (4) (a)
9 to (c), and 946.90 (4) (a) and (b), as renumbered, are amended to read:

10 946.90 (4) (a) Whoever solicits or receives ~~any remuneration in cash or in-kind~~
11 money, goods, services, or any other thing of value, in return for referring an
12 individual to a person for the furnishing or arranging for the furnishing of any item
13 or service for which payment may be made in whole or in part under Wisconsin ~~works~~
14 Works, or in return for purchasing, leasing, ordering, or arranging for or
15 recommending purchasing, leasing, or ordering any good, facility, service, or item for
16 which payment may be made in whole or in part under Wisconsin ~~works~~ Works, is
17 guilty of a Class H felony, except that, notwithstanding the maximum fine specified
18 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

19 (b) Whoever offers or pays ~~any remuneration in cash or in-kind~~ money, goods,
20 services, or any other thing of value to any person to induce the person to refer an
21 individual to a person for the furnishing or arranging for the furnishing of any item
22 or service for which payment may be made in whole or in part under Wisconsin ~~works~~
23 Works, or to purchase, lease, order, or arrange for or recommend purchasing, leasing,
24 or ordering any good, facility, service or item for which payment may be made in
25 whole or in part under any provision of Wisconsin ~~works~~ Works, is guilty of a Class

1 H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)
2 (h), the person may be fined not more than \$25,000.

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

3 **SECTION 109.** 49.141 (10) (title) and (b) of the statutes are repealed.

4 **SECTION 110.** 49.141 (10) (a) of the statutes is renumbered 946.90 (6) and
5 amended to read:

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

NOTE: Move criminal penalties relating to Wisconsin Works fraud to proposed s.
946.90. Chapter 946, stats., contains crimes against government and its administration.
Also, see SECTIONS 462 to 464.

15 **SECTION 111.** 49.143 (2) (b) of the statutes is amended to read:

16 49.143 (2) (b) Establish a children's services network. The children's services
17 network shall provide make available information about community resources
18 available to the dependent children in a Wisconsin works Works group, including
19 charitable food and clothing centers; subsidized and low-income housing;
20 transportation subsidies; the state supplemental food program for women, infants
21 and children under s. 253.06; and child care programs. In a county having a

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

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

7 SECTION 112. 49.143 (2) (d) of the statutes is amended to read:

8 49.143 (2) (d) If the Wisconsin ~~works~~ Works agency is not a county department
9 under s. 46.215, [✓]46.22[↗] or 46.23 or tribal governing body, cooperate with the county
10 department or tribal governing body to ensure that services delivered under
11 Wisconsin ~~works~~ Works, the ~~food stamp~~ supplemental nutrition assistance program
12 and ~~medical assistance~~ Medical Assistance are coordinated with the county or tribal
13 governing body in a manner that most effectively serves the recipients of those
14 services.

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

15 SECTION 113. 49.143 (2) (h) of the statutes is created to read:

16 49.143 (2) (h) Prohibit persons who contract with the Wisconsin Works agency
17 from imposing on a participant charges that are in addition to payments received by
18 the person for services under Wisconsin Works or ^{from} imposing direct charges [✓] upon a
19 participant in lieu of obtaining payment under Wisconsin Works.

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

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

20 SECTION 114. 49.143 (3g) (a) 1. of the statutes is amended to read:

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

4 **SECTION 115.** 49.145 (2) (j) of the statutes is amended to read:

5 49.145 (2) (j) ~~On the last day of the month, the~~ The individual is not
6 participating in a strike.

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

7 **SECTION 116.** 49.145 (2) (s) of the statutes is amended to read:

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

1 participating in Wisconsin Works. The department shall pay the federal share of
2 support assigned under this paragraph as required under federal law or waiver.

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

3 **SECTION 117.** 49.145 (3m) (title) of the statutes is created to read:

4 49.145 (3m) (title) PARTICIPANT WITH DRUG CONVICTION.

5 **SECTION 118.** 49.1452 of the statutes is renumbered 49.813.

6 **SECTION 119.** 49.1455 of the statutes is repealed.

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

7 **SECTION 120.** 49.147 (1) (intro.) of the statutes is repealed.

8 **SECTION 121.** 49.147 (1) (c) of the statutes is renumbered 49.141 (1) (o) and
9 amended to read:

10 49.141 (1) (o) "Unsubsidized employment" means employment for which the
11 Wisconsin works Works agency provides no wage subsidy to the employer including
12 self-employment and entrepreneurial activities.

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

13 **SECTION 122.** 49.147 (3m) of the statutes is repealed.

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

14 **SECTION 123.** 49.147 (4) (as) of the statutes, as affected by 2011 Wisconsin Act
15 32, is amended to read:

16 49.147 (4) (as) *Required hours.* Except as provided in ~~pars. (at) and par.~~ (av)
17 and sub. (5m), a Wisconsin Works agency shall require a participant placed in a
18 community service job program to work in a community service job for the number
19 of hours determined by the Wisconsin Works agency to be appropriate for the
20 participant at the time of application or review and may require a participant to

1 participate in education or training activities for not more than 10 hours per week,
2 except that the Wisconsin Works agency may not require a participant under this
3 subsection to spend more than 40 hours per week in combined activities under this
4 subsection.

5 SECTION 124. 49.147 (4) (at) and (5) (bt) of the statutes are repealed.

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****NOTE: Please review the NOTE, below. It seems to me that this repeal does more than the NOTE implies.

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

6 SECTION 125. 49.147 (5) (bs) of the statutes, as affected by 2011 Wisconsin Act
7 32, section 1357f, is amended to read:

8 49.147 (5) (bs) *Required hours.* Except as provided in ~~par. (bt)~~ and sub. (5m),
9 a Wisconsin Works agency may require a participant placed in a transitional
10 placement to participate in education or training activities for not more than 12
11 hours per week and to engage in activities under par. (b) 1., but may not require a
12 participant under this subsection to spend more than 40 hours per week in combined
13 activities under this subsection.

14 SECTION 126. 49.147 (5m) (a) (intro.) of the statutes is amended to read:

15 49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except
16 as provided in par. (bL), a participant under sub. (4) or (5) may participate in ~~a~~
17 technical college an education program provided by a technical college established
18 under ch. 38 as part of a community service job placement or transitional placement
19 if all of the following requirements are met:

NOTE: Clarifies reference to technical college education.

20 SECTION 127. 49.147 (6) (cm) 1. of the statutes is amended to read:

1 49.147 (6) (cm) 1. The department may, in the manner provided in s. ~~49.85~~
2 49.023, collect job access loan repayments that are delinquent under the terms of a
3 repayment agreement. The department shall credit all delinquent repayments
4 collected by the department of revenue as a setoff under s. 71.93 to the appropriation
5 account under s. 20.437 (2) (jL). Use of the process under s. ~~49.85~~ 49.023 does not
6 preclude the department from collecting delinquent repayments through other legal
7 means.

8 **SECTION 128.** 49.1473 of the statutes is renumbered 49.143 (2b), and 49.143
9 (2b) (a) 2., as renumbered, is amended to read:

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

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

13 **SECTION 129.** 49.148 (1) (b) 1. of the statutes, as affected by 2011 Wisconsin Act
14 32, is amended to read:

15 49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a
16 community service job under s. 49.147 (4), a monthly grant of \$653, paid by the
17 Wisconsin Works agency. For every hour that the participant misses work or
18 education or training activities without good cause, the grant amount shall be
19 reduced by \$5. Good cause shall be determined by the financial and employment
20 planner in accordance with rules promulgated by the department. Good cause shall
21 include required court appearances for a victim of domestic abuse. If a participant
22 in a community service job under s. 49.147 (4) is required to work fewer than 30 hours
23 per week because the participant has unsubsidized employment, ~~as defined in s.~~

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1 49.147 (1) (e) 49.141 (1) (o) the grant amount under this paragraph shall equal the
2 amount specified under subd. 1m. minus \$5 for each hour that the participant misses
3 work or education or training activities without good cause.

4 SECTION 130. 49.148 (1m) (a) 1. of the statutes, as affected by 2011 Wisconsin
5 Act 32, is amended to read:

6 49.148 (1m) (a) 1. A custodial parent of a child 8 weeks old or less who meets
7 the eligibility requirements under s. 49.145 (2) and (3), unless another adult member
8 of the custodial parent's Wisconsin Works group is participating in, or is eligible to
9 participate in, a Wisconsin Works employment position or is employed in
10 unsubsidized employment, ~~as defined in s. 49.147 (1) (e)~~ 49.141 (1) (o).

11 SECTION 131. 49.148 (4) (title) of the statutes is repealed.

12 SECTION 132. 49.148 (4) (a) to (c) of the statutes, as affected by 2011 Wisconsin
13 Act 32, are renumbered 49.145 (3m) (a) to (c).

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

14 SECTION 133. 49.149 (intro.), (1) and (3) of the statutes are consolidated,
15 renumbered 49.143 (2z) and amended to read:

16 49.143 (2z) ~~WISCONSIN WORKS; EDUCATION~~ EDUCATION AND TRAINING. A Wisconsin
17 ~~works~~ Works agency shall ~~do all of the following:~~ (1) ~~Establish~~ establish a referral
18 relationship with other employment and training programs for participants to make
19 use of varied education and training opportunities available through integrated job
20 centers, as defined by the department by rule. (3) ~~Encourage, and encourage~~
21 employers to make training sites available on the business site for participants.

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

22 SECTION 134. 49.15 (3) (a) of the statutes is amended to read:

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(1) (o)

49.15 (3) (a) Unsubsidized employment, ~~as defined in s. 49.147 (1) (e)~~ *49.141*

3 SECTION 135. 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and
4 amended to read:

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

****NOTE: Please confirm that this paragraph is consistent with the committee's intent. Specifically, the use of the term "intentional program violation."

15 SECTION 136. 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes are created to
16 read:

- 17 49.151 (2) (a) 1. For a first intentional program violation, for 6 months.
- 18 2. For a 2nd intentional program violation, for one year.
- 19 3. For a 3rd intentional program violation, permanently.

20 (b) An individual who is denied benefits under par. (a) may request a review
21 of the determination *following the procedure* under s. 49.152 or, if the denial is based upon a violation of s.
22 49.155, may request a contested case hearing under ch. 227 by filing a request for a
23 hearing with the department within 30 days after the date of the denial.

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

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

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

1 **SECTION 137.** 49.152 (title) of the statutes is amended to read:

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

3 **SECTION 138.** 49.152 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
4 is amended to read:

5 49.152 (1) PETITION FOR REVIEW. ~~Any~~ Except as provided in 49.1525, any
6 individual whose application for any component of Wisconsin Works is not acted
7 upon by the Wisconsin Works agency with reasonable promptness after the filing of
8 the application, as defined by the department by rule, or is denied in whole or in part,
9 whose benefit is modified or canceled, or who believes that the benefit was calculated
10 incorrectly, that the employment position in which the individual was placed is
11 inappropriate, or that providing case management services under s. 49.147 (2) (am)
12 in lieu of placement in a Wisconsin Works employment position is inappropriate, may
13 petition the Wisconsin Works agency for a review of such action. Review is
14 unavailable if the action by the Wisconsin Works agency occurred more than 45 days
15 prior to submission of the petition for review.

16 **SECTION 139.** 49.1525 of the statutes is created to read:

17 **49.1525 Review of Wisconsin Shares decisions. (1) PETITION FOR REVIEW.**
18 Any individual whose application for a child care subsidy under s. 49.155 is not acted
19 upon with reasonable promptness after the filing of the application, as defined by the
20 department by rule, or is denied in whole or in part, whose benefit is modified or

1 canceled, or who believes that the benefit was calculated incorrectly, or ^{✓ 2 → any} a child care
2 provider who is refused payment under s. 49.155 (7) or assessed a penalty under s.
3 49.155 (7m), may petition the department for a review of such action. Review is
4 unavailable if the action occurred more than 45 days prior to submission of the
5 petition for review.

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

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

13 1. Withdraws the petition in writing.

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

17 (b) The petitioner may request a review of the department's decision under ch.
18 227 within 21 days of the date on which the decision of the department is mailed.

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

1 which the benefit was first improperly modified, canceled, refused, or incorrectly
2 calculated.

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****NOTE: Please review par. (b) and confirm that it is consistent with the committee's intent.

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

3 **SECTION 140.** 49.153 of the statutes, as affected by 2011 Wisconsin Act 32, is
4 renumbered 49.1517.

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

5 **SECTION 141.** 49.155 (1) (ag) and (d) of the statutes are repealed.

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

6 **SECTION 142.** 49.155 (1) (ah) and (c) of the statutes are amended to read:

7 49.155 (1) (ah) "County department or agency" means a county department
8 under s. 46.215, 46.22, or 46.23, the unit, as defined in s. ~~49.825~~ 49.009 (1) (e), or a
9 Wisconsin Works agency, child care resource and referral agency, or other agency.

10 (c) ~~Notwithstanding s. 49.141 (1) (j),~~ "Parent" means a custodial parent,
11 guardian, foster parent, legal custodian, or a person acting in the place of a parent.

12 **SECTION 143.** 49.155 (1g) (bc), (d) and (e) of the statutes are amended to read:

13 49.155 (1g) (bc) Grants under s. ~~49.134~~ 49.204 (2) for child care resource and
14 referral services, in the amount of at least \$1,298,600 per fiscal year.

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

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

17 **SECTION 144.** 49.155 (1m) (intro.), (a) 1., 1m. (intro.) and 3m. of the statutes are
18 amended to read:

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

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

9 1m. (intro.) Obtain a high school diploma or participate in a course of study
10 meeting the standards established by the state superintendent of public instruction
11 for the granting of a declaration of equivalency of high school graduation, if the
12 individual is not subject to the school attendance requirement under s. ~~49.26~~ 49.198
13 (1) (ge) and at least one of the following conditions is met:

14 3m. Participate in a job search or work experience component of the ~~food stamp~~
15 supplemental nutrition assistance employment and training program under s. 49.79
16 (9).

17 **SECTION 145.** 49.155 (3g) (a) (intro.) and (b) of the statutes are amended to read:

18 49.155 (3g) (a) (intro.) The department may contract with the Milwaukee
19 County enrollment services unit, as provided in s. ~~49.825~~ 49.009 (2) (b), to do any of
20 the following:

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

24 **SECTION 146.** 49.155 (6m) (a) and (b) of the statutes are amended to read:

1 49.155 (6m) (a) Maintain ~~a~~ an accurate written record of the daily hours of
2 attendance of each child for whom the provider is providing care under this section,
3 including the actual arrival and departure times for each child.

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

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

8 **SECTION 147.** 49.155 (7) (b) 4. of the statutes is renumbered 49.155 (7) (c) and
9 amended to read:

10 49.155 (7) (c) The department or a county department under s. 46.215, 46.22,
11 or 46.23 may refuse to pay a child care provider for child care provided under this
12 section if the department or county department reasonably suspects that the person
13 has violated any provision under the program under this section or any rule
14 promulgated under this section. Within 30 working days of the initial refusal of
15 payment under this paragraph, the department shall either initiate an action to
16 withhold payments under sub. (7m) or resume payments to the child care provider.

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

17 **SECTION 148.** 49.159 (2) of the statutes is amended to read:

18 49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.
19 A custodial parent who is under the age of 18 is eligible, regardless of that
20 individual's or that individual's parent's income or assets, to meet with a financial
21 and employment planner. The financial and employment planner may provide the

1 individual with information regarding Wisconsin ~~works~~ Works eligibility, available
2 child care services, employment and financial planning, family planning services, as
3 defined in s. 253.07 (1) (b), community resources, eligibility for ~~food stamps~~ benefits
4 under the supplemental nutrition assistance program, and other food and nutrition
5 programs.

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

6 **SECTION 149.** 49.161 (1) of the statutes is amended to read:

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

*Insert
53-15
(Move to
P. 53
line 15)*

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

14 **SECTION 150.** 49.1635 of the statutes is renumbered 49.215.

15 **SECTION 151.** 49.165 of the statutes, as affected by 2011 Wisconsin Act 32, is
16 renumbered 49.217.

17 **SECTION 152.** 49.167 of the statutes is renumbered 49.219.

18 **SECTION 153.** 49.169 of the statutes is renumbered 49.221.

19 **SECTION 154.** 49.173 (3) (a) 2. of the statutes is amended to read:

20 49.173 (3) (a) 2. ~~Food stamp~~ Supplemental nutrition assistance employment
21 and training.

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

1 **SECTION 155.** 49.175 (1) (intro.) of the statutes, as affected by 2011 Wisconsin
2 Act 32, is amended to read:

3 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
4 the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (f), (k), (kx), (L),
5 (mc), (md), (me), and (s), the department shall allocate the following amounts for the
6 following purposes:

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

7 **SECTION 156.** 49.175 (1) (m) of the statutes is amended to read:

8 49.175 (1) (m) *Children first.* For services under the work experience program
9 for noncustodial parents under s. ~~49.36~~ 49.163, \$1,140,000 in each fiscal year.

10 **SECTION 157.** 49.19 (4) (h) 1. b. of the statutes is amended to read:

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

1 to accrue after aid under this section is discontinued for the recipient may be
2 considered assigned to this state.

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

3 **SECTION 158.** 49.19 (5) (a) 1m., (16) and (17) of the statutes are repealed.

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

4 **SECTION 159.** 49.195 (title) of the statutes is amended to read:

5 **49.195 (title) ~~Recovery of Action to recoup aid to families with~~**
6 **dependent children and, Wisconsin works Works benefits.**

NOTE: Modifies title to distinguish from recovery of overpayments.

7 **SECTION 160.** 49.195 (3) of the statutes is renumbered 49.195 (3) (a) and
8 amended to read:

9 49.195 (3) (a) A county, tribal governing body, Wisconsin works Works agency,
10 or the department shall determine whether an overpayment has been made under
11 s. 49.19, 49.148, 49.155[✓] or 49.157² and, if so, the amount of the overpayment. The
12 county, tribal governing body, Wisconsin works Works agency, or department shall
13 provide notice of the overpayment to the liable person. The department shall give
14 that person an opportunity for a review following the procedure specified under s.
15 49.152 or 49.1525, if the person received the overpayment under s. ~~ss.~~ 49.141 to
16 49.161, and for a hearing under ch. 227. Notwithstanding s. ~~49.96~~ 49.043, the
17 department shall promptly recover all overpayments made under s. 49.19, 49.148,
18 [✓] 49.155² or 49.157² that have not already been received under s. 49.161 or ~~49.19 (17)~~
19 and shall promulgate rules establishing policies and procedures to administer this
20 subsection. The rules shall include notification procedures similar to those
21 established for child support collections.

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

1 **SECTION 161.** 49.195 (3) (b) of the statutes is created to read:

2 49.195 (3) (b) Notwithstanding par. (a), the department shall waive recovery
3 of an overpayment paid to a child care provider under s. 49.155 if the overpayment
4 is a result of the child care provider's reasonable reliance on incorrect information ✓
5 ^{provided} given by the county department or an agency with which the department contracts
6 under s. 49.155 (1m) regarding the child care provider's eligibility for payment or an
7 individual's eligibility to receive a child care subsidy under s. 49.155.

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

8 **SECTION 162.** 49.195 (3m) (f) of the statutes is amended to read:

9 49.195 (3m) (f) Notwithstanding s. ~~49.96~~ 49.043, at any time after the filing of
10 a warrant, the department may commence and maintain a garnishee action as
11 provided by ch. 812 or may use the remedy of attachment as provided by ch. 811 for
12 actions to enforce a judgment. The place of trial of such an action may be either in
13 Dane County or the county where the debtor resides and may not be changed from
14 the county in which that action is commenced, except upon consent of the parties.

15 **SECTION 163.** 49.195 (3n) (q) 2. of the statutes is amended to read:

16 49.195 (3n) (q) 2. The first \$1,000 of an account in a depository institution is
17 exempt from any levy to recover a ~~benefit overpayment~~ debt.

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

18 **SECTION 164.** 49.197 (1m) of the statutes, as affected by 2011 Wisconsin Act 32,
19 is amended to read:

20 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)
21 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program

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

18 **SECTION 165.** 49.197 (2) (a) 3. of the statutes, as affected by 2011 Wisconsin Act
 19 32, is repealed.

NOTE: Repeals a definition for the term "tribal governing body," which is created
 in SECTION 70 of the bill.

20 **SECTION 166.** 49.197 (3) of the statutes is amended to read:

21 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
 22 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161
 23 and, if the department of health services contracts with the department under sub.

1 (5), the Medical Assistance program under subch. IV, the ~~food stamp~~ supplemental
2 nutrition assistance program under 7 USC 2011 to 2036, the supplemental security
3 income payments program under s. 49.77, the program providing payments for the
4 support of children of supplemental security income recipients under s. 49.775, and
5 the Badger Care health care program under s. 49.665.

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

6 **SECTION 167.** 49.197 (4) of the statutes, as affected by 2011 Wisconsin Act 32,
7 is amended to read:

8 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health
9 services contracts with the department under sub. (5), the department shall provide
10 funds from the appropriation under s. 20.437 (2) (kx) to counties, multicounty
11 consortia, as defined in s. 49.78 49.003 (1) (br), and tribal governing bodies of
12 ~~federally recognized American Indian tribes~~ administering Medical Assistance
13 under subch. IV, the ~~food stamp~~ supplemental nutrition assistance program under
14 7 USC 2011 to 2036, the supplemental security income payments program under s.
15 49.77, the program providing payments for the support of children of supplemental
16 security income recipients under s. 49.775, and the Badger Care health care program
17 under s. 49.665 to offset administrative costs of reducing payment errors in those
18 programs.

19 **SECTION 168.** 49.197 (5) of the statutes is amended to read:

20 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE, ~~FOOD STAMPS~~ SUPPLEMENTAL
21 NUTRITION ASSISTANCE, SUPPLEMENTAL SECURITY INCOME, AND CARETAKER SUPPLEMENT.
22 Notwithstanding s. 49.845 49.019 (1) and (2), the department of health services may
23 contract with the department to investigate suspected fraudulent activity on the
24 part of recipients of ~~medical assistance~~ ^{plain} Medical Assistance under subch. IV, ~~food~~

1 ~~stamp~~ benefits under the ~~food-stamp~~ supplemental nutrition assistance program
2 under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77,
3 payments for the support of children of supplemental security income recipients
4 under s. 49.775, and health care benefits under the Badger Care health care program
5 under s. 49.665 and to conduct activities to reduce payment errors in the Medical
6 Assistance program under subch. IV, the ~~food-stamp~~ supplemental nutrition
7 assistance program under 7 USC 2011 to 2036, the supplemental security income
8 payments program under s. 49.77, the program providing payments for the support
9 of children of supplemental security income recipients under s. 49.775, and the
10 Badger Care health care program under s. 49.665, as provided in this section.

11 **SECTION 169.** Subchapter III (title) of chapter 49 [precedes 49.203] of the
12 statutes is repealed and recreated to read:

13 **CHAPTER 49**

14 **SUBCHAPTER III**

15 **CHILDREN AND FAMILIES; OTHER**

16 **SUPPORT SERVICES**

17 **SECTION 170.** 49.203 of the statutes is created to read:

18 **49.203 Definitions.** In this subchapter:

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

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

21 **SECTION 171.** 49.22 of the statutes is renumbered 49.811, and 49.811 (2m) (a)
22 and (7m), as renumbered, are amended to read:

23 49.811 (2m) (a) The department may request from any person in this state
24 information it determines appropriate and necessary for the administration of this
25 section, ss. 49.141 to 49.161, 49.19, 49.46, 49.468, 49.47, and 49.471 and programs

1 carrying out the purposes of 7 USC 2011 to ~~2029~~ 2036. Unless access to the
2 information is prohibited or restricted by law, or unless the person has good cause,
3 as determined by the department in accordance with federal law and regulations, for
4 refusing to cooperate, the person shall make a good faith effort to provide this
5 information within 7 days after receiving a request under this paragraph. Except
6 as provided in subs. (2p) and (2r) and subject to sub. (12), the department or the
7 county child support agency under s. 59.53 (5) may disclose information obtained
8 under this paragraph only in the administration of this section, ss. 49.141 to 49.161,
9 49.19, 49.46, 49.47, and 49.471 and programs carrying out the purposes of 7 USC
10 2011 to ~~2029~~ 2036. Employees of the department or a county child support agency
11 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.

12 **(7m)** The department may contract with or employ a collection agency or other
13 person to enforce a support obligation of a parent who is delinquent in making
14 support payments and may contract with or employ an attorney to appear in an
15 action in state or federal court to enforce such an obligation. To pay for the
16 department's administrative costs of implementing this subsection, the department
17 may charge a fee to counties, use federal matching funds or funds retained by the
18 department under s. ~~49.24~~ 49.821 (2) (c), or use up to 30% of this state's share of a
19 collection made under this subsection on behalf of a recipient of aid to families with
20 dependent children or a recipient of kinship care payments under s. 48.57 (3m) or
21 long-term kinship care payments under s. 48.57 (3n).

22 **SECTION 172.** 49.225 of the statutes is renumbered 49.817.

23 **SECTION 173.** 49.227 of the statutes is renumbered 49.819.

1 **SECTION 174.** 49.24 of the statutes is renumbered 49.821, and 49.821 (2) (a) and
2 (c) and (3), as renumbered, are amended to read:

3 49.821 (2) (a) The department shall, in consultation with representatives of
4 counties, promulgate a rule that specifies the formula according to which the
5 payments under sub. (1) and federal child support incentive payments will be
6 distributed to counties. The rule shall provide that the total of state and federal
7 incentive payments per year to a county may not exceed the costs per year of the
8 county's child support program under s. ~~49.22~~ 49.811.

9 (c) The department may retain 70% of the amount of federal child support
10 incentive payments awarded to the state for each federal fiscal year that exceeds
11 \$12,340,000, to be used to pay the costs of the department's activities under ss. ~~49.22~~
12 49.811 and ~~49.227~~ 49.819 and costs related to receiving and disbursing support and
13 support-related payments.

14 **(3)** A county that receives any state child support incentive payment under sub.
15 (1) or any federal child support incentive payment under sub. (2) may use the funds
16 only to pay costs under its child support program under s. ~~49.22~~ 49.811.

17 **SECTION 175.** 49.25 of the statutes is renumbered 49.823.

18 **SECTION 176.** 49.26 (title) of the statutes is renumbered 49.198 (title).

19 **SECTION 177.** 49.26 (1) (a) to (h) 1s., (hm) and (hr) of the statutes are
20 renumbered 49.198 (1) (a) to (h) 1s., (hm) and (hr), and 49.198 (1) (c), (d), (g) (intro.),
21 (ge), (h) 1s. b. and (hr), as renumbered, are amended to read:

22 49.198 (1) (c) A ~~county department or Wisconsin works~~ Works agency may
23 provide services under this subsection directly or may contract with a nonprofit
24 agency or a school district to provide the services.

1 (d) A ~~county department or~~ Wisconsin Works agency that provides services
2 under this subsection directly shall develop a plan, in coordination with the school
3 districts located in whole or in part in the county, describing the assistance that the
4 ~~county department or~~ Wisconsin Works agency and school districts will provide to
5 individuals receiving services under this subsection, the number of individuals that
6 will be served and the estimated cost of the services. The ~~county department or~~
7 Wisconsin Works agency shall submit the plan to the department and the
8 department of public instruction by January 15, annually.

9 (g) (intro.) An individual who is a dependent child in a Wisconsin Works group
10 that includes a participant under s. 49.147 (3), ~~(3m)~~, (4), or (5) or who is a recipient
11 of aid under s. 49.19 is subject to the school attendance requirement under par. (ge)
12 if all of the following apply:

13 (ge) An individual fails to meet the school attendance requirement if the
14 individual is not enrolled in school or was not enrolled in the immediately preceding
15 semester. The Wisconsin ~~works~~ Works agency ~~or county department~~ shall verify
16 enrollment.

17 (h) 1s. b. An individual who is a dependent child in a Wisconsin Works group
18 that includes a participant under s. 49.147 (3), ~~(3m)~~, (4), or (5) and who fails to meet
19 the school attendance requirement under par. (ge) is subject to a monthly sanction.

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

25 **SECTION 178.** 49.26 (1) (h) 2. and (2) (title) and (a) of the statutes are repealed.

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

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.

1 **SECTION 179.** 49.26 (2) (b) of the statutes is renumbered 49.198 (2) and
2 amended to read:

3 49.198 (2) ~~County departments or Wisconsin works~~ Works agencies shall
4 provide case management services to individuals who are subject to the school
5 attendance requirement under the learnfare program under sub. (1) and their
6 families to improve the school attendance and achievement of those individuals.

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

7 **SECTION 180.** 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).

8 **SECTION 181.** 49.27 of the statutes is renumbered 49.064.

****NOTE: Section 49.275 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 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.

9 **SECTION 182.** 49.29 of the statutes is repealed.

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

10 **SECTION 183.** 49.32 (title) of the statutes is renumbered 49.06 (title).

11 **SECTION 184.** 49.32 (1), (2) and (6) to (12) of the statutes are renumbered 49.06
12 (1), (2) and (6) to (12), and 49.06 (1) (a), (6), (7) (b), (c) and (d), (8), (9) (title), (a), (b)
13 and (c), (10) (a) (intro.) and (10m) (a) and (b), as renumbered, are amended to read:

14 49.06 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department
15 shall establish a uniform system of fees for services provided or purchased under ~~this~~
16 ~~subchapter ss. 49.811 to 49.823, subchs. II and III,~~ and ch. 48 by the department, or

1 a county department under s. 46.215, 46.22, or 46.23 except as provided in s. ~~49.22~~
2 49.811 (6) and except when, as determined by the department, a fee is
3 administratively unfeasible or would significantly prevent accomplishing the
4 purpose of the service. A county department under s. 46.215, 46.22, or 46.23 shall
5 apply the fees that it collects under this program to cover the cost of those services.
6 The department shall report to the joint committee on finance no later than March
7 1 of each year on the number of children placed for adoption by the department
8 during the previous year and the costs to the state for services relating to such
9 adoptions.

10 (6) WELFARE REFORM STUDIES. The department shall request proposals from
11 persons in this state for studies of the effectiveness of various program changes,
12 referred to as welfare reform, to the aid to families with dependent children program,
13 including the requirement that certain recipients of aid to families with dependent
14 children with children under age 6 participate in training programs, the learnfare
15 school attendance requirement under s. ~~49.26~~ 49.198 (1) (g) and the modification of
16 the earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the
17 effectiveness of the various efforts, including their cost-effectiveness, in helping
18 individuals gain independence through the securing of jobs and providing financial
19 incentives and in identifying barriers to independence.

20 (7) (b) The department shall conduct a program to periodically match the
21 records of recipients of aid to families with dependent children under s. 49.19 and,
22 if the department of health services contracts with the department under s. 49.197
23 (5), recipients of ^{Plan 7} ~~medical assistance~~ Medical Assistance under subch. IV and ~~food~~
24 ~~stamp~~ benefits under the ~~food stamp~~ supplemental nutrition assistance program
25 under 7 USC 2011 to 2036 with the records of recipients under those programs in

1 other states. If an agreement with the other states can be obtained, matches with
2 records of states contiguous to this state shall be conducted at least annually.

3 (c) The department shall conduct a program to periodically ~~match~~ review the
4 address records of recipients of aid to families with dependent children under s. 49.19
5 and, if the department of health services contracts with the department under s.
6 49.197 (5), recipients of ~~medical assistance~~ ^{plan} Medical Assistance under subch. IV and
7 ~~food stamp~~ benefits under the ~~food stamp~~ supplemental nutrition assistance
8 program under 7 USC 2011 to 2036 to verify residency and to identify recipients
9 receiving duplicate or fraudulent payments.

*
*
****NOTE: This paragraph does not indicate ^{to} what the department is supposed to
match the address records of recipient ^{to}.

10 (d) The department, with assistance from the department of corrections, shall
11 conduct a program to periodically match the records of persons confined in state
12 correctional facilities with the records of recipients of aid to families with dependent
13 children under s. 49.19 and, if the department of health services contracts with the
14 department under s. 49.197 (5), recipients of ~~medical assistance~~ ^{plan} Medical Assistance
15 under subch. IV and ~~food stamp~~ benefits under the ~~food stamp~~ supplemental
16 nutrition assistance program under 7 USC 2011 to 2036 to identify recipients who
17 may be ineligible for benefits.

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

18 (8) PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall make a
19 periodic check of the amounts earned by recipients of aid to families with dependent
20 children under s. 49.19 and by participants under Wisconsin ~~works~~ Works under ss.
21 49.141 to 49.161 through a check of the amounts credited to the recipient's social
22 security number. The department shall make an investigation into any discrepancy
23 between the amounts credited to a social security number and amounts reported as

1 income on the declaration application and take appropriate action under s. 49.95
2 49.041 when warranted. The department shall use the state wage reporting system
3 under 1985 Wisconsin Act 17, section 65 (1), when the system is implemented, to
4 make periodic earnings checks.

5 (9) (title) ~~MONTHLY REPORTS OF RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT~~
6 ~~CHILDREN~~ WISCONSIN WORKS PARTICIPANTS. (a) ~~Each county department under s.~~
7 ~~46.215, 46.22, or 46.23 administering aid to families with dependent children shall~~
8 ~~maintain a monthly report at its office showing the names of all persons receiving~~
9 ~~aid to families with dependent children together with the amount paid during the~~
10 ~~preceding month.~~ Each Wisconsin Works agency administering Wisconsin Works
11 under ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the
12 names of all persons receiving benefits under s. 49.148 together with the amount
13 paid during the preceding month. Nothing in this paragraph shall be construed to
14 authorize or require the disclosure in the report of any information (names, amounts
15 of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children
16 in foster homes under s. 48.645 or 49.19 (10).

17 (b) The report under par. (a) shall be open to public inspection at all times
18 during regular office hours and may be destroyed after the next succeeding report
19 becomes available. Any person, except any public officer, seeking permission to
20 inspect such report shall be required to prove his or her identity and to sign a
21 statement setting forth his or her address and, the reasons for making the request,
22 and indicating that he or she understands the provisions of par. (c) with respect to
23 the use of the information obtained. The use of a fictitious name is a violation of this
24 section. Within 7 days after the record is inspected, or on the next regularly
25 scheduled communication with that person, whichever is sooner, the county

1 ~~department or Wisconsin works~~ Works agency shall notify each person whose name
2 and amount of aid was inspected that the record was inspected and of the name and
3 address of the person making such inspection. ~~County departments under ss. 46.215,~~
4 ~~46.22 and 46.23 administering aid to families with dependent children and~~
5 Wisconsin works Works agencies administering Wisconsin works Works under ss.
6 49.141 to 49.161 may withhold the right to inspect the name of and amount paid to
7 recipients from private individuals who are not inspecting this information for
8 purposes related to public, educational, organizational, governmental, or research
9 purposes until the person whose record is to be inspected is notified by the ~~county~~
10 ~~department or Wisconsin works~~ Works agency, but in no case may the ~~county~~
11 ~~department or Wisconsin works~~ Works agency withhold this information for more
12 than 5 working days. The ~~county department or Wisconsin works~~ Works agency shall
13 keep a record of such requests. The record shall indicate the name, address,
14 employer, and telephone number of the person making the request. If the person
15 refuses to provide his or her name, address, employer, and telephone number, the
16 request to inspect this information may be denied.

17 (c) It is unlawful to use any information obtained through access to such report
18 for political or commercial purposes. The violation of this provision is punishable
19 upon conviction as provided in s. ~~49.83~~ 49.013.

20 **(10)** (a) (intro.) Each county department under s. 46.215, 46.22, or 46.23 may
21 release the current address of a recipient of ~~food stamps~~ supplemental nutrition
22 assistance program benefits under s. 49.79 or of aid under s. 49.19, and each
23 Wisconsin works Works agency may release the current address of a participant in
24 Wisconsin works Works under ss. 49.141 to 49.161, to a law enforcement officer if the
25 officer meets all of the following conditions:

1 (10m) (a) A county department, relief agency under s. ~~49.01~~ 49.801 (3m), or
2 Wisconsin ~~works~~ Works agency shall, upon request, and after providing the notice
3 to the recipient required by this paragraph, release the current address of a recipient
4 of relief under s. ~~49.01~~ 49.801 (3), aid to families with dependent children, or benefits
5 under s. 49.148 to a person, the person's attorney, or an employee or agent of that
6 attorney, if the person is a party to a legal action or proceeding in which the recipient
7 is a party or a witness, unless the person is a respondent in an action commenced by
8 the recipient under s. 813.12, 813.122, 813.123, 813.125, or 813.127. If the person
9 is a respondent in an action commenced by the recipient under s. 813.12, 813.122,
10 813.123, 813.125, or 813.127, the county department, relief agency, or Wisconsin
11 ~~works~~ Works agency may not release the current address of the recipient. No county
12 department, relief agency, or Wisconsin ~~works~~ Works agency may release an address
13 under this paragraph until 21 days after the address has been requested. A person
14 requesting an address under this paragraph shall be required to prove his or her
15 identity and his or her participation as a party in a legal action or proceeding in which
16 the recipient is a party or a witness by presenting a copy of the pleading or a copy of
17 the subpoena for the witness. The person shall also be required to sign a statement
18 setting forth his or her name, and address ^{plausibly} and the reasons for making the request,
19 and indicating that he or she understands the provisions of par. (b) with respect to
20 the use of the information obtained. The statement shall be made on a form
21 prescribed by the department and shall be sworn and notarized. Within 7 days after
22 an address has been requested under this paragraph, the county department, relief
23 agency, or Wisconsin ~~works~~ Works agency shall mail to each recipient whose address
24 has been requested a notification of that fact on a form prescribed by the department.
25 The form shall also include the date on which the address was requested, the name

1 and address of the person who requested the disclosure of the address, the reason
2 that the address was requested, and a statement that the address will be released
3 to the person who requested the address no sooner than 21 days after the date on
4 which the request for the address was made. County departments, relief agencies,
5 and Wisconsin ~~works~~ Works agencies shall keep a record of each request for an
6 address under this paragraph.

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

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

13 **SECTION 185.** 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 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.

14 **SECTION 186.** 49.325 (1) (a) of the statutes is amended to read:

15 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
16 submit its final budget for services directly provided or purchased under ss. 49.811
17 to 49.823, this subchapter or subch. II, or ch. 48 to the department by December 31
18 annually.

1 **SECTION 187.** 49.325 (2) of the statutes is amended to read:

2 49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
3 budget for services directly provided or purchased under ss. 49.811 to 49.823, this
4 subchapter or subch. II, or ch. 48 to the county executive or county administrator or
5 the county board, the county departments listed in sub. (1) shall assess needs and
6 inventory resources and services, using an open public participation process.

7 **SECTION 188.** 49.325 (2g) (a) of the statutes is amended to read:

8 49.325 (2g) (a) The department shall annually submit to the county board of
9 supervisors in a county with a single-county department or the county boards of
10 supervisors in counties with a multicounty department a proposed written contract
11 containing the allocation of funds for services directly provided or purchased under
12 ss. 49.811 to 49.823, this subchapter or subch. II, or ch. 48 and such administrative
13 requirements as necessary. The contract as approved may contain conditions of
14 participation consistent with federal and state law. The contract may also include
15 provisions necessary to ensure uniform cost accounting of services. Any changes to
16 the proposed contract shall be mutually agreed upon. The county board of
17 supervisors in a county with a single-county department or the county boards of
18 supervisors in counties with a multicounty department shall approve the contract
19 before January 1 of the year in which it takes effect unless the department grants
20 an extension. The county board of supervisors in a county with a single-county
21 department or the county boards of supervisors in counties with a multicounty
22 department may designate an agent to approve addenda to any contract after the
23 contract has been approved.

24 **SECTION 189.** 49.325 (2r) (a) 1. of the statutes is amended to read:

1 49.325 (2r) (a) 1. For services under ss. 49.811 to 49.823, this subchapter or
2 subch. II, or ch. 48 that duplicate or are inconsistent with services being provided or
3 purchased by the department or other county departments receiving grants-in-aid
4 or reimbursement from the department.

5 **SECTION 190.** 49.325 (2r) (a) 2. of the statutes is amended to read:

6 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
7 regulations, in which case the department may also arrange for provision of services
8 under ss. 49.811 to 49.823, this subchapter or subch. II, or ch. 48 by an alternate
9 agency. The department may not arrange for provision of services by an alternate
10 agency unless the joint committee on finance or a review body designated by the
11 committee reviews and approves the department's determination.

12 **SECTION 191.** 49.34 (1) of the statutes is amended to read:

13 49.34 (1) All services under ss. 49.811 to 49.823, this subchapter and subch. II,
14 and ch. 48 purchased by the department or by a county department under s. 46.215,
15 46.22, or 46.23 shall be authorized and contracted for under the standards
16 established under this section. The department may require the county departments
17 to submit the contracts to the department for review and approval. For purchases
18 of \$10,000 or less the requirement for a written contract may be waived by the
19 department. No contract is required for care provided by foster homes that are
20 required to be licensed under s. 48.62. When the department directly contracts for
21 services, it shall follow the procedures in this section in addition to meeting
22 purchasing requirements established in s. 16.75.

23 **SECTION 192.** 49.34 (2) of the statutes is amended to read:

24 49.34 (2) All services purchased under ss. 49.811 to 49.823, this subchapter and
25 subch. II, and ch. 48 shall meet standards established by the department and other

1 requirements specified by the purchaser in the contract. Based on these standards
2 the department shall establish standards for cost accounting and management
3 information systems that shall monitor the utilization of the services, and document
4 the specific services in meeting the service plan for the client and the objective of the
5 service.

6 **SECTION 193.** 49.34 (4) (e) of the statutes is amended to read:

7 49.34 (4) (e) Charge a uniform schedule of fees as specified under s. ~~49.32~~ 49.06
8 (1) unless waived by the purchaser with the approval of the department. Whenever
9 providers recover funds attributed to the client, such funds shall offset the amount
10 paid under the contract.

11 **SECTION 194.** 49.345 (2) of the statutes is amended to read:

12 49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including but
13 not limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m), receiving care,
14 maintenance, services, and supplies provided by any institution in this state, in
15 which the state is chargeable with all or part of the person's care, maintenance,
16 services, and supplies, and the person's property and estate, including the
17 homestead, and the spouse of the person, and the spouse's property and estate,
18 including the homestead, and, in the case of a minor child, the parents of the person,
19 and their property and estates, including their homestead, and, in the case of a
20 foreign child described in s. 48.839 (1) who became dependent on public funds for his
21 or her primary support before an order granting his or her adoption, the resident of
22 this state appointed guardian of the child by a foreign court who brought the child
23 into this state for the purpose of adoption, and his or her property and estate,
24 including his or her homestead, shall be liable for the cost of the care, maintenance,
25 services, and supplies in accordance with the fee schedule established by the

1 department under s. ~~49.32~~ 49.06 (1). If a spouse, widow, or minor, or an incapacitated
2 person may be lawfully dependent upon the property for his or her support, the court
3 shall release all or such part of the property and estate from the charges that may
4 be necessary to provide for the person. The department shall make every reasonable
5 effort to notify the liable persons as soon as possible after the beginning of the
6 maintenance, but the notice or the receipt thereof is not a condition of liability.

7 **SECTION 195.** 49.345 (14) (a), (b) and (g) of the statutes are amended to read:

8 49.345 (14) (a) Except as provided in pars. (b) and (c), liability of a person
9 specified in sub. (2) or s. ~~49.32~~ 49.06 (1) for care and maintenance of persons under
10 18 years of age in residential, nonmedical facilities such as group homes, foster
11 homes, subsidized guardianship homes, and residential care centers for children and
12 youth is determined in accordance with the cost-based fee established under s. ~~49.32~~
13 49.06 (1). The department shall bill the liable person up to any amount of liability
14 not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party benefits,
15 subject to rules that include formulas governing ability to pay established by the
16 department under s. ~~49.32~~ 49.06 (1). Any liability of the person not payable by any
17 other person terminates when the person reaches age 18, unless the liable person has
18 prevented payment by any act or omission.

19 (b) Except as provided in par. (c), and subject to par. (cm), liability of a parent
20 specified in sub. (2) or s. ~~49.32~~ 49.06 (1) for the care and maintenance of the parent's
21 minor child who has been placed by a court order under s. 48.355 or 48.357 in a
22 residential, nonmedical facility such as a group home, foster home, subsidized
23 guardianship home, or residential care center for children and youth shall be
24 determined by the court by using the percentage standard established by the

1 department under s. ~~49.22~~ 49.811 (9) and by applying the percentage standard in the
2 manner established by the department under par. (g).

3 (g) For purposes of determining child support under par. (b), the department
4 shall promulgate rules related to the application of the standard established by the
5 department under s. ~~49.22~~ 49.811 (9) to a child support obligation for the care and
6 maintenance of a child who is placed by a court order under s. 48.355 or 48.357 in a
7 residential, nonmedical facility. The rules shall take into account the needs of any
8 person, including dependent children other than the child, whom either parent is
9 legally obligated to support.

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10 **SECTION 196.** 49.35 (title), (1) (a), (b) and (c) and (2) of the statutes are
11 renumbered 49.062 (title), (1) (a), (b) and (c) and (2).

12 **SECTION 197.** 49.35 (1) (bm) of the statutes is repealed.

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

13 **SECTION 198.** 49.36 (title) of the statutes is renumbered 49.163 (title).

14 **SECTION 199.** 49.36 (1) (intro.) and 49.36 (1) (a) of the statutes are consolidated,
15 renumbered 49.163 (1) and amended to read:

16 49.163 (1) In this section: (a) ~~“Custodial,”~~ “custodial parent” means a parent
17 who lives with his or her child for substantial periods of time.

18 **SECTION 200.** 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.

19 **SECTION 201.** 49.36 (2) to (7) of the statutes are renumbered 49.163 (2) to (7),
20 and 49.163 (2), as renumbered, is amended to read:

21 49.163 (2) The department may contract with any county, tribal governing
22 body, or Wisconsin Works agency to administer a work experience and job training

1 program for parents who are not custodial parents and who fail to pay child support
2 or to meet their children's needs for support as a result of unemployment or
3 underemployment. The program may provide the kinds of work experience and job
4 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
5 (3), (~~3m~~), or (4). The program may also include job search and job orientation
6 activities. The department shall fund the program from the appropriations under
7 s. 20.437 (2) (dz) and (k).

8 **SECTION 202.** 49.385 of the statutes is amended to read:

9 **49.385 No action against members of the Menominee Indian tribe in**
10 **certain cases.** No action shall be commenced under s. 46.10 or 49.08 49.808 or any
11 other provision of law for the recovery from assets distributed to members of the
12 Menominee Indian tribe and others by the United States pursuant to P.L. 83-399,
13 as amended, for the value of relief or old-age assistance under s. 49.20, 1971 stats.,
14 as affected by chapter 90, laws of 1973, and the value of maintenance in state
15 institutions under ch. 46, furnished prior to termination date as defined in s. 70.057
16 (1), 1967 stats., to any legally enrolled member of the Menominee Indian tribe, his
17 or her dependents, or lawful distributees of such member under section 3, said P.L.
18 83-399, as amended. For purposes of this section, "legally enrolled members of the
19 Menominee Indian tribe" shall include only those persons whose names appear on
20 "Final Roll-Menominee Indian Tribe of Wisconsin" as proclaimed by the secretary
21 of the interior November 26, 1957, and published at pages 9951 et seq. of the federal
22 register, Thursday, December 12, 1957.

23 **SECTION 203.** Subchapter IV (title) of chapter 49 [precedes 49.43] of the
24 statutes is amended to read:

25 **CHAPTER 49**

1

SUBCHAPTER IV

✓₂

HEALTH; MEDICAL ASSISTANCE

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SECTION 204. 49.43 (intro.) of the statutes is amended to read:

49.43 Definitions. (intro.) As used in ss. ~~49.43 to 49.497~~ 49.499 unless the context indicates otherwise:

SECTION 205. 49.43 (2r) and (8m) of the statutes, as created by 2011 Wisconsin Act 32, are amended to read:

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

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

SECTION 206. 49.45 (2) (a) 3. and (b) 7. (intro.) and a., (3) (a) and (11) of the statutes are amended to read:

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

(b) 7. (intro.) Require, as a condition of certification under par. (a) 11., all providers of a specific service that is among those enumerated under s. 49.46 (2), 49.47 (6) (a), or 49.471 (11), as specified in this subdivision, to file with the department a surety bond issued by a surety company licensed to do business in this state. Providers subject to this subdivision provide those services specified under s. 49.46 (2), 49.47 (6) (a), or 49.471 (11) for which providers have demonstrated

1 significant potential to violate s. 49.49 ~~(1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),~~
2 or ~~(4m) (a) or 946.91 (2), (3) (a) or (b), (4), or (5) (a) or (6),~~ to require recovery under
3 par. (a) 10., or to need additional sanctions under par. (a) 13. The surety bond shall
4 be payable to the department in an amount that the department determines is
5 reasonable in view of amounts of former recoveries against providers of the specific
6 service and the department's costs to pursue those recoveries. The department shall
7 promulgate rules to implement this subdivision that specify all of the following:

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

12 (3) (a) Reimbursement shall be made to each county department under ss.
13 46.215, 46.22, and 46.23 for any administrative services performed in the Medical
14 Assistance program on the basis of s. 49.78 49.003 (8). For purposes of
15 reimbursement under this paragraph, assessments completed under s. 46.27 (6) (a)
16 are administrative services performed in the Medical Assistance program.

17 (11) PENALTY. Any person who receives or assists another in receiving
18 assistance under this section, to which the recipient is not entitled, shall be subject
19 to the penalties under s. ~~49.95~~ 49.041.

20 **SECTION 207.** 49.45 (6y) (a) of the statutes, as affected by 2011 Wisconsin Act
21 32, is amended to read:

22 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriation accounts
23 under s. 20.435 (4) (b), (gm), (o), and (w), the department may distribute funding in
24 each fiscal year to provide supplemental payment to hospitals that enter into a
25 contract under s. ~~49.02~~ 49.803 (2) to provide health care services funded by a relief

1 block grant, as determined by the department, for hospital services that are not in
2 excess of the hospitals' customary charges for the services, as limited under 42 USC
3 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation
4 of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3),
5 the department may distribute funds to hospitals that have not entered into a
6 contract under s. ~~49.02~~ 49.803 (2).

7 **SECTION 208.** 49.45 (38) of the statutes is amended to read:

8 49.45 (38) HOME OR COMMUNITY-BASED SERVICES FOR DISABLED WORKERS. The
9 department shall request a waiver from the secretary of the federal department of
10 health and human services to authorize federal financial participation for medical
11 assistance coverage of persons described in ss. 49.46 ~~(1)~~ (1g) (a) 14. and 49.47 (4) (as).

12 **SECTION 209.** 49.45 (40) of the statutes is amended to read:

13 49.45 (40) PERIODIC RECORD MATCHES. If the department contracts with the
14 department of children and families under s. 49.197 (5), the department shall
15 cooperate with the department of children and families in matching records of
16 medical assistance recipients under s. ~~49.32~~ 49.06 (7).

17 **SECTION 210.** 49.46 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
18 is renumbered 49.46 (1g).

19 **SECTION 211.** 49.46 (1g) (n) of the statutes, as affected by 2011 Wisconsin Acts
20 32, section 1453f, and ... (this act), is repealed.

21 **SECTION 212.** 49.46 (2) (a) 6., (be) and (bm) of the statutes are amended to read:

22 49.46 (2) (a) 6. Premiums, deductibles and coinsurance and other cost-sharing
23 obligations for items and services otherwise paid under this subsection that are
24 required for enrollment in a group health plan, as specified in sub. ~~(1)~~ (1g) (m), except
25 that, if enrollment in the group health plan requires enrollment of family members

1 who are not eligible under this subsection, the department shall pay, if it is
2 cost-effective, for an ineligible family member only the premium that is required for
3 enrollment in the group health plan.

4 (be) Benefits for an individual eligible under sub. ~~(1)~~ (1g) (a) 9. are limited to
5 those services under par. (a) or (b) that are related to pregnancy, including
6 postpartum services and family planning services, as defined in s. 253.07 (1) (b), or
7 related to other conditions which may complicate pregnancy.

8 (bm) Benefits for an individual who is eligible for medical assistance only under
9 sub. ~~(1)~~ (1g) (a) 15. are limited to those services related to tuberculosis that are
10 described in 42 USC 1396a (z) (2).

11 **SECTION 213.** 49.46 (2) (c) 2., 3., 4., 5. and 5m. of the statutes, as affected by 2011
12 Wisconsin Act 32, are amended to read:

13 49.46 **(2)** (c) 2. For an individual who is entitled to coverage under Part A of
14 Medicare, entitled to coverage under Part B of Medicare, meets the eligibility criteria
15 under sub. ~~(1)~~ (1g) and meets the limitation on income under subd. 6., Medical
16 Assistance shall include payment of the deductible and coinsurance portions of
17 Medicare services under 42 USC 1395 to 1395zz that are not paid under 42 USC 1395
18 to 1395zz, including those Medicare services that are not included in the approved
19 state plan for services under 42 USC 1396; the monthly premiums payable under 42
20 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the
21 late enrollment penalty, if applicable, for premiums under Part A of Medicare.
22 Payment of coinsurance for a service under Part B of Medicare under 42 USC 1395j
23 to 1395w and payment of deductibles and coinsurance for inpatient hospital services
24 under Part A of Medicare may not exceed the allowable charge for the service under
25 Medical Assistance minus the Medicare payment.