

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

12           4. For an individual who is entitled to coverage under Part A of Medicare,  
13 entitled to coverage under Part B of Medicare, and meets the eligibility criteria for  
14 Medical Assistance under sub. (1) (1g), but does not meet the limitation on income  
15 under subd. 6., Medical Assistance shall include payment of the deductible and  
16 coinsurance portions of Medicare services under 42 USC 1395 to 1395zz that are not  
17 paid under 42 USC 1395 to 1395zz, including those Medicare services that are not  
18 included in the approved state plan for services under 42 USC 1396. Payment of  
19 coinsurance for a service under Part B of Medicare under 42 USC 1395j to 1395w and  
20 payment of deductibles and coinsurance for inpatient hospital services under Part  
21 A of Medicare may not exceed the allowable charge for the service under Medical  
22 Assistance minus the Medicare payment.

23           5. For an individual who is only entitled to coverage under Part A of Medicare  
24 and meets the eligibility criteria for Medical Assistance under sub. (1) (1g), but does  
25 not meet the limitation on income under subd. 6., Medical Assistance shall include

1 payment of the deductible and coinsurance portions of Medicare services under 42  
2 USC 1395 to 1395i that are not paid under 42 USC 1395 to 1395i, including those  
3 Medicare services that are not included in the approved state plan for services under  
4 42 USC 1396. Payment of deductibles and coinsurance for inpatient hospital  
5 services under Part A of Medicare may not exceed the allowable charge for the service  
6 under Medical Assistance minus the Medicare payment.

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

15 **SECTION 214.** 49.46 (2) (cm) 1. of the statutes is amended to read:

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

21 **SECTION 215.** 49.465 (2) (intro.) of the statutes, as affected by 2011 Wisconsin  
22 Act 32, section 1453r, is amended to read:

23 49.465 (2) (intro.) Unless otherwise provided by the department by a policy  
24 created under s. 49.45 (2m) (c), a pregnant woman is eligible for medical assistance  
25 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:

4 **SECTION 216.** 49.468 (1) (b) and (c) of the statutes, as affected by 2011 Wisconsin  
5 Act 32, are amended to read:

6 49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage  
7 under Part A of Medicare, entitled to coverage under Part B of Medicare, and who  
8 does not meet the eligibility criteria for Medical Assistance under s. 49.46 ~~(1)~~ (1g),  
9 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under  
10 par. (d), Medical Assistance shall pay the deductible and coinsurance portions of  
11 Medicare services under 42 USC 1395 to 1395zz that are not paid under 42 USC 1395  
12 to 1395zz, including those Medicare services that are not included in the approved  
13 state plan for services under 42 USC 1396; the monthly premiums payable under 42  
14 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the  
15 late enrollment penalty, if applicable, for premiums under Part A of Medicare.  
16 Payment of coinsurance for a service under Part B of Medicare under 42 USC 1395j  
17 to 1395w and payment of deductibles and coinsurance for inpatient hospital services  
18 under Part A of Medicare may not exceed the allowable charge for the service under  
19 Medical Assistance minus the Medicare payment.

20 (c) For an elderly or disabled individual who is only entitled to coverage under  
21 Part A of Medicare and who does not meet the eligibility criteria for Medical  
22 Assistance under s. 49.46 ~~(1)~~ (1g), 49.465, 49.47 (4), or 49.471 but meets the  
23 limitations on income and resources under par. (d), Medical Assistance shall pay the  
24 deductible and coinsurance portions of Medicare services under 42 USC 1395 to  
25 1395i that are not paid under 42 USC 1395 to 1395i, including those Medicare

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

7 **SECTION 217.** 49.468 (1m) (a) and (2) (a) of the statutes are amended to read:

8 49.468 (1m) (a) Beginning on January 1, 1993, for an elderly or disabled  
9 individual who is entitled to coverage under ~~part~~ Part A of medicare Medicare and  
10 is entitled to coverage under ~~part~~ Part B of medicare Medicare, does not meet the  
11 eligibility criteria for ~~medical assistance~~ Medical Assistance under s. 49.46 (1) (1g),  
12 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under  
13 par. (b), ~~medical assistance~~ Medical Assistance shall pay the monthly premiums  
14 under 42 USC 1395r.

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

22 **SECTION 218.** 49.47 (4) (am) 1. and 2. of the statutes are amended to read:

23 49.47 (4) (am) 1. A pregnant woman whose family income does not exceed 155%  
24 of the poverty line for a family the size of the woman's family, except that if a waiver  
25 under par. (j) or a change in the approved state plan under s. 49.46 (1) (1g) (am) 2.

1 is in effect, the income limit is 185% of the poverty line for a family the size of the  
2 woman's family in each state fiscal year after the 1994-95 state fiscal year.

3 2. A child who is under 6 years of age and whose family income does not exceed  
4 155% of the poverty line for a family the size of the child's family, except that if a  
5 waiver under par. (j) or a change in the approved state plan under s. 49.46 ~~(1)~~ (1g)  
6 (am) 2. is in effect, the income limit is 185% of the poverty line for a family the size  
7 of the child's family in each state fiscal year after the 1994-95 state fiscal year.

8 **SECTION 219.** 49.47 (4) (j) of the statutes is amended to read:

9 49.47 (4) (j) If the change in the approved state plan under s. 49.46 ~~(1)~~ (1g) (am)  
10 2. is denied, the department shall request a waiver from the secretary of the federal  
11 department of health and human services to allow the use of federal matching funds  
12 to provide medical assistance coverage under par. (am) 1. and 2. to individuals whose  
13 family incomes do not exceed 185% of the poverty line in each state fiscal year after  
14 the 1994-95 state fiscal year.

15 **SECTION 220.** 49.471 (3) (a) 1., 2. and 3. of the statutes are amended to read:

16 49.471 (3) (a) 1. Notwithstanding ss. 49.46 ~~(1)~~ (1g), 49.465, 49.47 (4), and  
17 49.665 (4), if the amendments to the state plan under sub. (2) are approved and a  
18 waiver under sub. (2) that is substantially consistent with the provisions of this  
19 section, excluding sub. (2m), is granted and in effect, an individual described in sub.  
20 (4) (a) or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical  
21 Assistance or BadgerCare health program benefits. The eligibility of an individual  
22 described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be  
23 determined under this section.

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

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

8           **SECTION 221.** 49.471 (4) (a) 7. of the statutes is amended to read:

9           49.471 (4) (a) 7. Individuals who qualify for a ~~medical assistance~~ Medical  
10          Assistance eligibility extension under s. 49.46 ~~(1) (1g)~~ (c), (cg), or (co) when their  
11          income increases above the poverty line.

12          **SECTION 222.** 49.4715 of the statutes is created to read:

13          **49.4715 Reimbursement; retroactive eligibility.** If an applicant is  
14          determined to be eligible retroactively under s. 49.46 (1g) (b), 49.47 (4) (d), or 49.471  
15          and a provider bills the applicant directly for services and benefits rendered during  
16          the retroactive period, the provider shall, upon notification of the applicant's  
17          retroactive eligibility, submit claims for payment under s. 49.45 for covered services  
18          or benefits rendered to the recipient during the retroactive period. Upon receipt of  
19          payment under s. 49.45, the provider shall reimburse the recipient or other person  
20          who has made prior payment to the provider for services provided to the recipient  
21          during the retroactive eligibility period, by the amount of the prior payment made.

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

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106-22

(Move to  
p. 106 line 22)

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

1 SECTION 223. 49.473 (2) (a) of the statutes is amended to read:

2 49.473 (2) (a) The woman is not eligible for ~~medical assistance~~ Medical  
3 Assistance under ss. 49.46 (1) (1g) and (1m), 49.465, 49.468, 49.47, 49.471, and  
4 49.472, and is not eligible for health care coverage under s. 49.665.

5 SECTION 224. 49.475 (6) of the statutes is amended to read:

6 49.475 (6) SHARING INFORMATION. The department ~~of health services~~ <sup>plain</sup> shall  
7 provide to the department of children and families, for purposes of the medical  
8 support liability program under s. ~~49.22~~ 49.811, any information that the  
9 department ~~of health services~~ <sup>plain</sup> receives under this section. The department of  
10 children and families may allow a county child support agency under s. 59.53 (5) or  
11 a tribal child support agency access to the information, subject to the use and  
12 disclosure restrictions under s. ~~49.83~~ 49.013, and shall consult with the department  
13 of ~~health services~~ <sup>plain</sup> regarding procedures and methods to adequately safeguard the  
14 confidentiality of the information provided under this subsection.

15 SECTION 225. 49.49 (1) (title) and (a) (intro.) of the statutes are repealed.

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

16 SECTION 226. 49.49 (1) (a) 1. to 4. of the statutes are renumbered 946.91 (2) (a)  
17 to (d) and amended to read:

18 946.91 (2) (a) ~~Knowingly and willfully make~~ Intentionally makes or cause  
19 causes to be made any false statement or representation of a material fact in any  
20 application for any Medical Assistance benefit or payment.

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

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

11          (d) Having ~~made application~~ applied to receive any such Medical Assistance  
12          benefit or payment for the use and benefit of another and having received it,  
13          knowingly and willfully ~~convert such~~ converts the benefit or payment or any part  
14          thereof to a use ~~other than for the use and~~ that is not for the benefit of such other  
15          person.

16          **SECTION 227.** 49.49 (1) (b) of the statutes is repealed.

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

17          **SECTION 228.** 49.49 (1) (c) of the statutes is renumbered 49.49 (1d) and  
18          amended to read:

19          **49.49 (1d) DAMAGES.** If any person is convicted under ~~this subsection~~ s. 946.91  
20          (2), the state shall have a cause of action for relief against such person in an amount  
21          3 times the amount of actual damages sustained as a result of any excess payments  
22          made in connection with the offense for which the conviction was obtained. Proof by  
23          the state of a conviction under ~~this section~~ s. 946.91 (2) in a civil action shall be



1 conclusive regarding the state's right to damages and the only issue in controversy  
2 shall be the amount, if any, of the actual damages sustained. Actual damages shall  
3 consist of the total amount of excess payments, any part of which is paid by state  
4 funds. In any such civil action the state may elect to file a motion in expedition of  
5 the action. Upon receipt of the motion, the presiding judge shall expedite the action.

6 **SECTION 229.** 49.49 (2) (title) and (2) (a) (title) of the statutes are repealed.

7 **SECTION 230.** 49.49 (2) (a) of the statutes is renumbered 946.91 (3) (a) and  
8 amended to read:

9 946.91 (3) (a) Any person who solicits or receives ~~any remuneration, including~~  
10 ~~any kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in cash or~~  
11 ~~in kind, 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 a medical  
14 assistance Medical Assistance program, or in return for purchasing, leasing,  
15 ordering, or arranging for or recommending purchasing, leasing, or ordering any  
16 good, facility, service, or item for which payment may be made in whole or in part  
17 under a ~~medical assistance~~ Medical Assistance program, is guilty of a Class H felony,  
18 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the  
19 person may be fined not more than \$25,000.

20 **SECTION 231.** 49.49 (2) (b) (title) of the statutes is repealed.

21 **SECTION 232.** 49.49 (2) (b) of the statutes is renumbered 946.91 (3) (b) and  
22 amended to read:

23 946.91 (3) (b) Whoever offers or pays ~~any remuneration including any~~  
24 ~~kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in cash or in kind~~  
25 money, goods, services, or any other thing of value to any person to induce such

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

9 **SECTION 233.** 49.49 (2) (c) (title) of the statutes is repealed.

10 **SECTION 234.** 49.49 (2) (c) (intro.), 1. and 2. of the statutes are renumbered  
11 946.91 (3) (c) (intro.), 1. and 2.

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

12 **SECTION 235.** 49.49 (3) (title) of the statutes is repealed.

13 **SECTION 236.** 49.49 (3) of the statutes is renumbered 946.91 (4) and amended  
14 to read:

15 946.91 (4) ~~No~~ A person may ~~who~~ knowingly and willfully ~~make~~ makes or ~~cause~~  
16 causes to be made, or ~~induce~~ induces or ~~seek~~ seeks to induce the making of, any false  
17 statement or representation of a material fact with respect to the conditions or  
18 operation of any institution or facility in order that such institution or facility may  
19 qualify either upon initial certification or upon recertification as a hospital, skilled  
20 nursing facility, intermediate care facility, or home health agency. ~~A person who~~  
21 ~~violates this subsection~~ is guilty of a Class H felony, except that, notwithstanding the  
22 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
23 \$25,000.

1 SECTION 237. 49.49 (3m) (title) of the statutes is repealed.

2 SECTION 238. 49.49 (3m) (a) of the statutes is renumbered 946.91 (5) (a), and  
3 946.91 (5) (a) (intro.), 1. and 2., as renumbered, are amended to read:

4 946.91 (5) (a) (intro.) No A provider may ~~who~~ knowingly ~~impose~~ imposes upon  
5 a Medical Assistance recipient charges in addition to payments received for services  
6 under ss. 49.45 to 49.471 or knowingly ~~impose~~ imposes direct charges upon a  
7 recipient in lieu of obtaining payment under ss. 49.45 to 49.471 ~~except under the~~  
8 ~~following conditions~~ is guilty of a Class H felony, except that, notwithstanding the  
9 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
10 \$25,000. This subsection does not apply to the following circumstances:

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

13 2. If an applicant is determined to be eligible retroactively under s. 49.46 (1)  
14 (1g) (b), 49.47 (4) (d), or 49.471 and a provider bills the applicant directly for services  
15 and benefits rendered during the retroactive period, ~~the provider shall if the~~  
16 provider, upon notification of the applicant's retroactive eligibility, submit claims for  
17 payment under s. 49.45 for covered services or benefits rendered to the recipient  
18 during the retroactive period. ~~Upon receipt of payment under s. 49.45, the provider~~  
19 ~~shall reimburse and reimburses~~ the recipient or other person who has made prior  
20 payment to the provider for services provided to the recipient during the retroactive  
21 eligibility period, by the amount of the prior payment made upon receipt of payment  
22 under 49.45.

23 SECTION 239. 49.49 (3m) (b) of the statutes is repealed.

24 SECTION 240. 49.49 (4) (title) of the statutes is repealed.

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↑  
(from p. 102)

1           **SECTION 241.** 49.49 (4) (a) and (b) of the statutes are consolidated, renumbered  
2           946.91 (6) and amended to read:

3           946.91 (6) ~~No~~ A person who, in connection with the ~~medical assistance~~ Medical  
4           Assistance program when the cost of the services provided to the patient is paid for  
5           in whole or in part by the state, ~~may knowingly and willfully charge, solicit, accept~~  
6           ~~or receive~~ intentionally charges, solicits, accepts, or receives, in addition to any  
7           amount otherwise required to be paid under a ~~medical assistance~~ Medical Assistance  
8           program, any gift, money, donation, or other consideration, other than a charitable,  
9           religious, or philanthropic contribution from an organization or from a person  
10          unrelated to the patient, as a precondition of admitting a patient to a hospital, skilled  
11          nursing facility, or intermediate care facility, or as a requirement for the patient's  
12          continued stay in such a facility. ~~(b) A person who violates this subsection is guilty~~  
13          of a Class H felony, except that, notwithstanding the maximum fine specified in s.  
14          939.50 (3) (h), the person may be fined not more than \$25,000.

\* NOTE: SECTIONS 230, 232, 234, 236, 238, and 241 move criminal penalties relating  
to medical assistance to s. ~~946.91~~ <sup>946</sup>91. Also, see SECTION 465.

15          **SECTION 242.** 49.49 (7) (d) of the statutes is amended to read:  
16          49.49 (7) (d) A commission's imposition of an assessment described under par.  
17          (b), a member's payment of the assessment as described under par. (c), and  
18          acceptance of the payment by the commission do not constitute conduct prohibited  
19          under ~~sub. (4)~~ 946.91 (6) or prohibited under s. DHS 106.04 (3), Wis. Adm. Code, in  
20          effect on May 26, 2010. It is the intent of the legislature to create a mechanism  
21          whereby 2 or more political subdivisions may share in the operation, use, and  
22          funding of a nursing home or intermediate care facility without violating 42 USC  
23          1320a-7b (d) or 42 USC 1396a (a) (25) (C).

1 SECTION 243. 49.493 (1) (b) of the statutes is amended to read:

2 49.493 (1) (b) "Medical benefits or assistance" means medical benefits under

3 s. ~~49.02~~ 49.803 or 253.05 or <sup>plain</sup> ~~medical assistance~~ Medical Assistance

4 SECTION 244. 49.496 (4) (a) of the statutes is amended to read:

5 49.496 (4) (a) The department may require a county department under s.

6 46.215, 46.22, or 46.23 or the a tribal governing body of a federally recognized

7 ~~American Indian tribe~~ administering ~~medical assistance~~ Medical Assistance to

8 gather and provide the department with information needed to recover <sup>plain</sup> ~~medical~~

9 <sup>plain</sup> ~~assistance~~ Medical Assistance under this section. Except as provided in par. (b), the

10 department shall pay to a county department or tribal governing body an amount

11 equal to 5% of the recovery collected by the department relating to a beneficiary for

12 whom the county department or tribal governing body made the last determination

13 of ~~medical assistance~~ Medical Assistance eligibility. A county department or tribal

14 governing body may use funds received under this paragraph only to pay costs

15 incurred under this paragraph and, if any amount remains, to pay for improvements

16 to functions required under s. ~~49.78~~ 49.003 (2). The department may withhold

17 payments under this paragraph for failure to comply with the department's

18 requirements under this paragraph. The department shall treat payments made

19 under this paragraph as costs of administration of the Medical Assistance program.

20 SECTION 245. 49.498 (1) (j) of the statutes is amended to read:

21 49.498 (1) (j) "Physician" Notwithstanding the definition in s. 49.43 (9),

22 "physician" has the meaning given under s. 448.01 (5).

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

(CS) → ~~NOTE~~ NOTE: I did not include the proposed amendment to s. 49.498 (1) (j) because the definitions for this subchapter do not apply if the contexts indicate otherwise.

1           **SECTION 246.** Subchapter V (title) of chapter 49 [precedes 49.66] of the statutes  
2 is amended to read:

3                                   **CHAPTER 49**

4                                   **SUBCHAPTER V**

5                                   **HEALTH; OTHER SUPPORT AND MEDICAL**

6                                   **BLOCK GRANTS**

7           **SECTION 247.** 49.685 (7) (a) 2. and 5. of the statutes are amended to read:

8           49.685 (7) (a) 2. In determining income, only the income of the patient and  
9 persons responsible for the patient's support under s. ~~49.90~~ 49.039 may be  
10 considered.

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

13           **SECTION 248.** 49.686 (1) (f) of the statutes is repealed.

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

14           **SECTION 249.** 49.688 (1) (b) of the statutes is repealed.

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

15           **SECTION 250.** 49.688 (9) (a) of the statutes is amended to read:

16           49.688 (9) (a) The department shall promulgate rules relating to prohibitions  
17 on fraud that are substantially similar to applicable provisions under s. ~~49.49 (1) (a)~~  
18 946.91 (2).

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

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

19           **SECTION 251.** 49.77 (1) of the statutes is renumbered 49.77 (1) (intro.) and  
20 amended to read:

1           49.77 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section “~~secretary~~”:

2           (m) Notwithstanding s. 49.66 (2), “secretary” means the secretary of the U.S.  
3 department of health and human services or the secretary of any other federal  
4 agency subsequently charged with the administration of federal Title XVI.

5           **SECTION 252.** 49.77 (1) (b) of the statutes is created to read:

6           49.77 (1) (b) “Essential person” has the meaning given in s. 49.46 (1c).

7           **SECTION 253.** 49.78 (title) of the statutes is renumbered 49.003 (title).

8           **SECTION 254.** 49.78 (1) (intro.) and (b) of the statutes are renumbered 49.003  
9 (1) (intro.) and (b).

10           **SECTION 255.** 49.78 (1) (br), (1m), (1r), (2) (b), (2m) and (2r) of the statutes, as  
11 created by 2011 Wisconsin Act 32, are renumbered 49.003 (1) (br), (1m), (1r), (2) (b),  
12 (2m) and (2r).

13           **SECTION 256.** 49.78 (1) (cr) of the statutes is repealed.

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

14           **SECTION 257.** 49.78 (2) (title) and (a), (10) and (11) of the statutes, as affected  
15 by 2011 Wisconsin Act 32, are renumbered 49.003 (2) (title) and (a), (10) and (11).

16           **SECTION 258.** 49.78 (4) to (7) of the statutes are renumbered 49.003 (4) to (7).

17           **SECTION 259.** 49.78 (8) (title) and (b) of the statutes, as affected by 2011  
18 Wisconsin Act 32, are renumbered 49.003 (8) (title) and (b).

19           **SECTION 260.** 49.78 (8) (a) of the statutes, as affected by 2011 Wisconsin Act 32,  
20 is renumbered 49.003 (8) (a) and amended to read:

21           49.003 (8) (a) From the appropriations under s. 20.435 (4) (bn) and (nn) and  
22 subject to par. (b), the department shall provide funding to reimburse each  
23 multicounty consortium that contracts with the department under sub. (2) and each

1 tribal governing body that contracts with the department under sub. (2m) for the  
2 costs of administering the income maintenance programs, including conducting  
3 fraud prevention activities, in accordance with the terms of the applicable contract.  
4 The amount of reimbursement calculated under this paragraph and par. (b) is in  
5 addition to any reimbursement provided to a county, multicounty consortium, or  
6 tribal governing body for fraud and error reduction under s. 49.019 or 49.197 or  
7 49.845.

8 **SECTION 261.** 49.785 (1) (intro.) of the statutes is amended to read:

9 49.785 (1) (intro.) Except as provided in sub. (1m) and subject to s. 49.825  
10 49.009, if any recipient specified in sub. (1c) dies and the estate of the deceased  
11 recipient is insufficient to pay the funeral, burial, and cemetery expenses of the  
12 deceased recipient, the department or county or applicable tribal governing body or  
13 organization responsible for burial of the recipient shall pay, to the person  
14 designated by the department or county department under s. 46.215, 46.22, or 46.23  
15 or applicable tribal governing body or organization responsible for the burial of the  
16 recipient, all of the following:

17 **SECTION 262.** 49.79 (title) of the statutes is amended to read:

18 **49.79 (title) ~~Food stamp~~ Supplemental nutrition assistance program**  
19 **administration.**

20 **SECTION 263.** 49.79 (1) (intro.) of the statutes is amended to read:

21 49.79 (1) DEFINITIONS. (intro.) In this section and ss. 49.793, 49.796, and  
22 49.797:

23 **SECTION 264.** 49.79 (1) (c) of the statutes is renumbered 49.79 (1) (fg) and  
24 amended to read:



1           49.79 (1) (fg) "~~Food stamp~~ Supplemental nutrition assistance program" means  
2 the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC  
3 2011 to 2036.

4           **SECTION 265.** 49.79 (1) (e) of the statutes, as created by 2011 Wisconsin Act 32,  
5 is amended to read:

6           49.79 (1) (e) "Multicounty consortium" has the meaning given in s. ~~49.78~~ 49.003  
7 (1) (br).

8           **SECTION 266.** 49.79 (2), (5) (a), (6), (7), (8m) (a) and (b) and (9) (a) 2., 3. and 4.  
9 of the statutes are amended to read:

10           49.79 (2) DENIAL OF ELIGIBILITY. An individual who fails to comply with the work  
11 requirements of the employment and training program under sub. (9) is ineligible to  
12 participate in the ~~food stamp~~ supplemental nutrition assistance program as  
13 specified under sub. (9) (b).

14           (5) (a) The department shall require an applicant for, or recipient under, the  
15 ~~food stamp~~ supplemental nutrition assistance program to state in writing whether  
16 the applicant or recipient or any member of the applicant's or recipient's household  
17 has been convicted, in any state or federal court of a felony that has as an element  
18 possession, use, or distribution of a controlled substance. The department shall  
19 require an applicant or recipient, or member of the applicant's or recipient's  
20 household to submit to a test for use of a controlled substance as a condition of  
21 continued eligibility if, after August 22, 1996, but not more than 5 years prior to the  
22 date the written statement is made, the applicant or recipient or the member of the  
23 applicant's or recipient's household was convicted in any state or federal court of a  
24 felony that had as an element possession, use, or distribution of a controlled  
25 substance. If the test results are positive with respect to any individual, the

1 department may not consider the needs of that individual in determining the  
2 household's eligibility for the ~~food stamp~~ supplemental nutrition assistance program  
3 for at least 12 months from the date of the test. The department shall, however,  
4 consider the income and resources of that individual to be available to the household.

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

9 (7) SIMPLIFIED ~~FOOD STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. The  
10 department shall develop a simplified ~~food stamp~~ supplemental nutrition assistance  
11 program that meets all of the requirements under P.L. 104-193, section 854 42 USC  
12 2035, and shall submit the plan to the secretary of the federal department of  
13 agriculture for approval. If the secretary of the federal department of agriculture  
14 approves the plan, the department shall submit the plan to the secretary of  
15 administration for approval. If the secretary of administration approves the plan,  
16 the department may implement the plan.

17 (8m) (a) The department shall allow a prisoner who is applying for the ~~food~~  
18 ~~stamp~~ supplemental nutrition assistance program from a correctional institution in  
19 anticipation of being released from the institution to use the address of the  
20 correctional institution as his or her address on the application.

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

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

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

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

14           **SECTION 267.** 49.79 (3) (title) of the statutes is amended to read:

15           49.79 (3) (title) ~~LIABILITY FOR LOST FOOD COUPONS~~ MISAPPROPRIATED BENEFITS.

16           **SECTION 268.** 49.79 (3) (a) and (c), (4), (8) and (9) (a) 1. of the statutes, as affected  
17 by 2011 Wisconsin Act 32, are amended to read:

18           49.79 (3) (a) A county, multicounty consortium, or ~~federally recognized~~  
19 ~~American Indian tribe~~ tribal governing body is liable for all ~~food stamp coupons lost,~~  
20 supplemental nutrition assistance program benefits misappropriated, ~~or destroyed~~  
21 while under the county's, consortium's, or tribe's direct control, ~~except as provided~~  
22 ~~in par. (b).~~

23           (c) A county, multicounty consortium, or ~~federally recognized American Indian~~  
24 ~~tribe~~ tribal governing body is liable for ~~food stamp coupons mailed~~ supplemental  
25 nutrition assistance program benefits incorrectly transferred to residents of the

1 county or counties that are in the multicounty consortium or members of the tribe  
2 ~~and lost in the mail~~ due to incorrect information submitted to the department by the  
3 county or tribe.

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

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

11 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall not provide benefits  
12 under this section to a qualified alien, except to the extent that federal ~~food stamp~~  
13 supplemental nutrition assistance program benefits for qualified aliens are required  
14 by the federal government.

15 (9) (a) 1. The department shall administer an employment and training  
16 program for recipients under the ~~food stamp~~ supplemental nutrition assistance  
17 program and may contract with county departments under ss. 46.215, 46.22, and  
18 46.23, multicounty consortia, and with tribal governing bodies to carry out the  
19 administrative functions. The department may contract, or a county department,  
20 multicounty consortium, or tribal governing body may subcontract, with a Wisconsin  
21 Works agency or another provider to administer the employment and training  
22 program under this subsection. Except as provided in subds. 2. and 3., the  
23 department may require able individuals who are 18 to 60 years of age who are not

1 participants in a Wisconsin Works employment position to participate in the  
2 employment and training program under this subsection.

3 **SECTION 269.** 49.79 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 32,  
4 is repealed.

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

5 **SECTION 270.** 49.793 (title) of the statutes is amended to read:

6 **49.793 (title) Recovery of food stamps supplemental nutrition**  
7 **assistance overpayments.**

8 **SECTION 271.** 49.793 (1) and (2) (a) of the statutes, as affected by 2011  
9 Wisconsin Act 32, are amended to read:

10 49.793 (1) The department or a county, a multicounty consortium, as defined  
11 in s. 49.78 (1) (br), or an elected tribal governing body of a federally recognized  
12 American Indian tribe or band acting on behalf of the department, may recover  
13 overpayments that arise from an overissuance of food coupons benefits under the  
14 food stamp supplemental nutrition assistance program administered under s.  
15 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall the be made in accordance with 7  
16 USC 2022.

17 (2) (a) Except as provided in par. (b), a county, a multicounty consortium, as  
18 defined in s. 49.78 (1) (br), or a tribal governing body of a federally recognized  
19 American Indian tribe may retain a portion of the amount of an overpayment the  
20 state is authorized to retain under 7 USC 2025 that is recovered under sub. (1) due  
21 to the efforts of an employee or officer of the county, multicounty consortium, or tribe.  
22 The department shall promulgate a rule establishing the portion of the amount of the  
23 overpayment that the county, multicounty consortium, or governing body may

1 retain. This paragraph does not apply to recovery of an overpayment that was made  
2 as a result of state, county, multicounty consortium, or tribal governing body error.

3 **SECTION 272.** 49.795 (title) and (1) (intro.) of the statutes are renumbered  
4 946.92 (title) and (1) (intro.).

5 **SECTION 273.** 49.795 (1) (a), (b), (d) and (e) (intro.), 3., 4. and 5. of the statutes  
6 are renumbered 946.92 (1) (d), (dm), (fm) and (fr) (intro.) 3., 4. and 5., and 946.92 (1)  
7 (d), (dm), (fm) and (fr) 5., as renumbered, are amended to read:

8 946.92 (1) (d) "Eligible person" means a member of a household certified as  
9 eligible for the ~~food stamp~~ supplemental nutrition assistance program or a person  
10 authorized to represent a certified household under 7 USC 2020 (e) (7).

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

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

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

18 (fr) 5. A person authorized to redeem ~~food coupons~~ supplemental nutrition  
19 assistance program benefits under 7 USC 2019.

→ ✓ <sup>5</sup>NOTE: I moved these definition<sup>A</sup> to the criminal code with the remainder of s.  
49.79. After renumbering s. 49.795 to ch. 946, these terms are not used in ss. 49.79 to  
49.797.

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

20 **SECTION 274.** 49.795 (1) (c) of the statutes is repealed.

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

1           **SECTION 275.** 49.795 (1) (cm) of the statutes, as created by 2011 Wisconsin Act  
2 32, is repealed.

3           **SECTION 276.** 49.795 (1) (e) 1. and 2. of the statutes, as affected by 2011  
4 Wisconsin Act 32, are renumbered 946.92 (1) (fm) 1. and 2. and amended to read:

5           946.92 (1) (fm) 1. An employee or officer of the federal government, the state,  
6 a county, a multicounty consortium, or a federally recognized American Indian tribe  
7 acting in the course of official duties in connection with the ~~food stamp~~ supplemental  
8 nutrition assistance program.

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

13           **SECTION 277.** 49.795 (2) to (6) of the statutes are renumbered 946.92 (2) (a) to  
14 (f), and 946.92<sup>(2)</sup> (a), (c), (d), (e) and (f), as renumbered, are amended to read:

15           946.92 (2) (a) No person may misstate or conceal facts in a ~~food stamp~~  
16 supplemental nutrition assistance program application or report of income, assets,  
17 or household circumstances with intent to secure or continue to receive ~~food stamp~~  
18 supplemental nutrition assistance program benefits.

19           (c) No person may knowingly issue ~~food coupons~~ supplemental nutrition  
20 assistance program benefits to a person who is not an eligible person or knowingly  
21 issue ~~food coupons~~ supplemental nutrition assistance program benefits to an eligible  
22 person in excess of the amount for which the person's household is eligible.

23           (d) No eligible person may knowingly transfer ~~food coupons~~ supplemental  
24 nutrition assistance program benefits except to purchase food from a supplier or

1 knowingly obtain or use ~~food coupons~~ supplemental nutrition assistance program  
2 benefits for which the person's household is not eligible.

3 (e) No supplier may knowingly obtain ~~food coupons~~ supplemental nutrition  
4 assistance program benefits except as payment for food or knowingly obtain ~~food~~  
5 ~~coupons~~ supplemental nutrition assistance program benefits from a person who is  
6 not an eligible person.

7 (f) No unauthorized person may knowingly obtain, possess, transfer, or use ~~food~~  
8 ~~coupons~~ supplemental nutrition assistance program benefits.

9 **SECTION 278.** 49.795 (7) of the statutes is repealed.

10 **SECTION 279.** 49.795 (8) (a) (intro.) of the statutes is repealed.

11 **SECTION 280.** 49.795 (8) (a) 1. of the statutes is renumbered 946.92 (3) (a) 1. and  
12 amended to read:

13 946.92 (3) (a) 1. If the value of the ~~food coupons~~ supplemental nutrition  
14 assistance program benefits does not exceed \$100, a person who violates this section  
15 ~~may be fined~~ fine of not more than \$1,000 or ~~imprisoned~~ imprisonment of not more  
16 than one year in the county jail or both.

17 **SECTION 281.** 49.795 (8) (a) 2. of the statutes is renumbered 946.92 (3) (a) 2. and  
18 amended to read:

19 946.92 (3) (a) 2. If the value of the ~~food coupons~~ supplemental nutrition  
20 assistance benefits exceeds \$100, but is less than \$5,000, ~~a person who violates this~~  
21 ~~section is guilty of~~ a Class I felony.

22 **SECTION 282.** 49.795 (8) (b) of the statutes is renumbered 946.92 (3) (b) and  
23 amended to read:

24 946.92 (3) (b) For a 2nd or subsequent offense under ~~this section~~ sub. (2), a  
25 person is subject to the following penalties:



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

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

8           **SECTION 283.** 49.795 (8) (c) of the statutes is renumbered 946.92 (3) (c) and  
9 amended to read:

10           946.92 (3) (c) For any ~~offense under this section~~ violation of sub.(2), if the value  
11 of the ~~food coupons~~ supplemental nutrition assistance benefits is \$5,000 or more, a  
12 person who violates this section is guilty of a Class G felony.

13           **SECTION 284.** 49.795 (8) (d) 1. of the statutes is renumbered 946.92 (3) (d) 1.,  
14 and 946.92 (3) (d) 1. (intro.), a. and b., as renumbered, are amended to read:

15           946.92 (3) (d) 1. (intro.) In addition to the penalties applicable under par. (a),  
16 (b) or (c), the court shall suspend a person who violates ~~this section~~ sub. (2) from  
17 participation in the ~~food stamp~~ supplemental nutrition assistance program as  
18 follows:

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

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

23           **SECTION 285.** 49.795 (8) (d) 1m. of the statutes is renumbered 946.92 (3) (d) 1m.  
24 and amended to read:

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

6           **SECTION 286.** 49.795 (8) (d) 2. of the statutes, as affected by 2011 Wisconsin Act  
7 32, is renumbered 49.796 (2) and amended to read:

8           49.796 (2) ~~The~~ A person may apply to the multicounty consortium or ~~the~~  
9 ~~federally recognized American Indian~~ tribal governing body or, if the person is a  
10 supplier, to the federal department of agriculture for reinstatement of benefits  
11 following ~~the~~ a period of suspension imposed under s. 946.92, if the suspension is not  
12 permanent.

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

13           **SECTION 287.** 49.795 (8) (e) and (f) of the statutes are renumbered 946.92 (3)  
14 (e) and (f), and 946.92 (3) (e) 1. (intro.) and 2. and (f), as renumbered, are amended  
15 to read:

16           946.92 (3) (e) 1. (intro.) If a court finds that a person ~~traded~~ violated sub. (2)  
17 by trading a controlled substance, as defined in s. 961.01 (4), for ~~food coupons~~  
18 supplemental nutrition assistance program benefits, the court shall suspend the  
19 person from participation in the ~~food stamp~~ supplemental nutrition assistance  
20 program as follows:

21           2. If a court finds that a person ~~traded~~ violated sub. (2) by trading firearms,  
22 ammunition or explosives for ~~food coupons~~ supplemental nutrition assistance

1 program benefits, the court shall suspend the person permanently from  
2 participation in the ~~food stamp~~ supplemental nutrition assistance program.

3 (f) Notwithstanding par. (d), in addition to the penalties applicable under par.  
4 (a), (b) or (c), the court shall suspend from the ~~food stamp~~ supplemental nutrition  
5 assistance program for a period of 10 years a person who violates sub. (2) by  
6 fraudulently ~~misstates~~ misstating or ~~misrepresents~~ misrepresenting his or her  
7 identity or place of residence for the purpose of receiving multiple benefits  
8 simultaneously under the ~~food stamp~~ supplemental nutrition assistance program.

NOTE: SECTIONS 277, 280 to 285, and 287, and move criminal penalties relating to  
food share to s. 946.92. Also, see SECTION 466.

9 **SECTION 288.** 49.796 (title) of the statutes is created to read:

10 **49.796 (title) Supplemental nutrition assistance reinstatement.**

11 **SECTION 289.** 49.796 (1) of the statutes is created to read:

12 49.796 (1) In this section:

13 (a) "Food" means an item that may be purchased using supplemental nutrition  
14 assistance program benefits under 7 USC 2012 (g) and 2016 (b).

15 (b) "Supplier" means a retail grocery store or other person authorized by the  
16 federal department of agriculture to accept supplemental nutrition assistance  
17 program benefits in exchange for food under the supplemental nutrition assistance  
18 program.

19 **SECTION 290.** 49.797 (1) of the statutes is repealed.

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

20 **SECTION 291.** 49.797 (2) (title) of the statutes is amended to read:

21 49.797 (2) (title) DELIVERY OF FOOD-STAMPS SUPPLEMENTAL NUTRITION ASSISTANCE  
22 PROGRAM BENEFITS.

1           **SECTION 292.** 49.797 (2) (a) of the statutes is renumbered 49.797 (2) and  
2 amended to read:

3           49.797 (2) ~~Notwithstanding s. 46.028 and except as provided in par. (b) and sub.~~  
4 ~~(8), the~~ The department shall administer a statewide program to deliver ~~food stamp~~  
5 supplemental nutrition assistance program benefits to recipients of ~~food stamp~~  
6 benefits by an electronic benefit transfer system. All suppliers, as defined in s.  
7 ~~49.795~~ 49.796 (1) ~~(d)~~ (b), may participate in the delivery of ~~food stamp~~ supplemental  
8 nutrition assistance program benefits under the electronic benefit transfer system.  
9 The department shall explore methods by which nontraditional retailers, such as  
10 farmers' markets, may participate in the delivery of ~~food stamp~~ supplemental  
11 nutrition assistance program benefits under the electronic benefit transfer system.

12           **SECTION 293.** 49.797 (2) (b) of the statutes is repealed.

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

13           **SECTION 294.** 49.797 (8) of the statutes, as affected by 2011 Wisconsin Act 32,  
14 is repealed.

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

15           **SECTION 295.** 49.81 of the statutes is renumbered 49.005.

16           **SECTION 296.** Subchapter VI (title) of chapter 49 [precedes 49.8105] of the  
17 statutes is repealed and recreated to read:

18                                   **CHAPTER 49**

19                                   SUBCHAPTER VI

20                                   CHILDREN AND FAMILIES; CHILD

21                                   SUPPORT

22           **SECTION 297.** 49.8105 of the statutes is created to read:

1           **49.8105 Definitions.** In this subchapter:

2           **(1)** “Department” means the department of children and families.

3           **(2)** “Secretary” means the secretary of children and families.

4           **SECTION 298.** 49.82 of the statutes is renumbered 49.007.

5           **SECTION 299.** 49.825 (title), (1), (2) (title) and (a) to (c), (3) (title), (b) and (c) and  
6 (4) (a) to (d) of the statutes are renumbered 49.009 (title), (1), (2) (title) and (a) to (c),  
7 (3) (title), (b) and (c) and (4) (a) to (d), and 49.009 (1) (c), as renumbered, is amended  
8 to read:

9           49.009 (1) (c) “Income maintenance program” has the meaning given in s. ~~49.78~~  
10 49.003 (1) (b).

11           **SECTION 300.** 49.825 (2) (d), (3) (a) and (4) (intro.) of the statutes, as affected  
12 by 2011 Wisconsin Act 32, are renumbered 49.009 (2) (d), (3) (a) and (4) (intro.).

13           **SECTION 301.** 49.825 (4) (e) and (5) of the statutes, as created by 2011 Wisconsin  
14 Act 32, are renumbered 49.009 (4) (e) and (5).

15           **SECTION 302.** 49.826 of the statutes, as affected by 2011 Wisconsin Act 10, is  
16 renumbered 49.011.

17           **SECTION 303.** 49.83 of the statutes is renumbered 49.013 and amended to read:

18           **49.013 Limitation on giving information.** Except as provided under ss.  
19 ~~49.25 and 49.32~~ 49.06 (9), (10), and (10m) and 49.823, no person may use or disclose  
20 information concerning applicants and recipients of relief funded by a relief block  
21 grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to  
22 49.161, social services, child and spousal support and establishment of paternity and  
23 medical support liability services under s. ~~49.22~~ 49.811, or supplemental payments  
24 under s. 49.77 for any purpose not connected with the administration of the  
25 programs, except that the department of children and families may disclose such

1 information to the department of revenue for the sole purpose of administering state  
2 taxes. Any person violating this section may be fined not less than \$25 nor more than  
3 \$500 or imprisoned in the county jail not less than 10 days nor more than one year  
4 or both.

5 **SECTION 304.** 49.84 of the statutes is renumbered 49.017, and 49.017 (1), (5)  
6 and (6) (c) 1. d. as renumbered, are amended to read:

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

7 49.017 (1) Any person who applies for any ~~public assistance~~ aid or benefit  
8 under this chapter shall execute the application or self-declaration in the presence  
9 of the welfare worker or other person processing the application. This subsection  
10 does not apply to any superintendent of a mental health institute, director of a center  
11 for the developmentally disabled, superintendent of a state treatment facility or  
12 superintendent of a state correctional facility who applies for ~~public assistance~~ any  
13 aid or benefit under this chapter on behalf of a patient.

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

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

14 (5) A person applying for Wisconsin ~~works~~ Works under ss. 49.141 to 49.161,  
15 aid to families with dependent children under s. 49.19, ~~medical assistance~~ Medical  
16 Assistance under subch. IV<sup>2</sup> ~~or food stamp~~ supplemental nutrition assistance  
17 program benefits under 7 USC 2011 to 2029 2036 shall, as a condition of eligibility,  
18 provide a declaration and other verification of citizenship or satisfactory

1 immigration status as required by the department by rule or as required in 42 USC  
2 1320b-7 (d).

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

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

6 SECTION 305. 49.845 of the statutes is renumbered 49.019, and 49.019 (1) and  
7 (2), as renumbered, are amended to read:

8 49.019 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
9 (bn), (kz), (L), and (nn), the department of health services shall establish a program  
10 to investigate suspected fraudulent activity on the part of recipients of <sup>plain</sup> medical  
11 <sup>plain</sup> assistance Medical Assistance under subch. IV, ~~food stamp~~ benefits under the ~~food~~  
12 ~~stamp~~ supplemental nutrition assistance program under 7 USC 2011 to 2036,  
13 supplemental security income payments under s. 49.77, payments for the support of  
14 children of supplemental security income recipients under s. 49.775, and health care  
15 benefits under the Badger Care health care program under s. 49.665 and, if the  
16 department of children and families contracts with the department of health services  
17 under sub. (4), on the part of recipients of aid to families with dependent children  
18 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to  
19 49.161. The activities of the department of health services under this subsection may  
20 include comparisons of information provided to the department by an applicant and  
21 information provided by the applicant to other federal, state, and local agencies,  
22 development of an advisory welfare investigation prosecution standard, and  
23 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to  
24 Wisconsin Works agencies to encourage activities to detect fraud. The department

1 of health services shall cooperate with district attorneys regarding fraud  
2 prosecutions.

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

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

12 **SECTION 306.** 49.847 (title) and (3) of the statutes are renumbered 49.021 (title)  
13 and (3).

14 **SECTION 307.** 49.847 (1) and (2) of the statutes, as affected by 2011 Wisconsin  
15 Act 32, are renumbered 49.021 (1) and (2) and amended to read:

16 49.021 (1) Subject to ss. 49.497 (1) and 49.793 (1), the department of health  
17 services, or a county, multicounty consortium, as defined in s. ~~49.78~~ 49.003 (1) (br),  
18 or elected tribal governing body of a ~~federally recognized American Indian tribe or~~  
19 ~~band~~ acting on behalf of the department, may recover benefits incorrectly paid under  
20 any of the programs administered by the department under this chapter.

21 (2) The department, county, multicounty consortium, as defined in s. ~~49.78~~  
22 49.003 (1) (br), or elected tribal governing body may recover an overpayment from  
23 a family or individual who continues to receive benefits under any program  
24 administered by the department under this chapter by reducing the family's or



1 individual's benefit amount. Subject to s. 49.793 (1), the department may by rule  
2 specify other methods for recovering incorrectly paid benefits.

3 **SECTION 308.** 49.85 of the statutes is renumbered 49.023, and 49.023 (1), (2)  
4 (a) (intro.) and (3) (a) 1., as renumbered, are amended to read:

5 **49.023 (1) DEPARTMENT NOTIFICATION REQUIREMENT.** If a county department  
6 under s. 46.215, 46.22, or 46.23 or a tribal governing body of a ~~federally recognized~~  
7 ~~American Indian tribe or band~~ determines that the department of health services  
8 may recover an amount under s. 49.021, 49.497, or 49.793, ~~or 49.847~~, or that the  
9 department of children and families may recover an amount under s. 49.161 or  
10 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county department or  
11 tribal governing body shall notify the affected department of the determination. If  
12 a Wisconsin Works agency determines that the department of children and families  
13 may recover an amount under s. 49.161 or 49.195 (3), or collect an amount under s.  
14 49.147 (6) (cm), the Wisconsin Works agency shall notify the department of children  
15 and families of the determination.

16 **(2)** (a) (intro.) At least annually, the department of health services shall certify  
17 to the department of revenue the amounts that, based on the notifications received  
18 under sub. (1) and on other information received by the department of health  
19 services, the department of health services has determined that it may recover under  
20 s. 49.021, 49.45 (2) (a) 10., 49.497, or 49.793, ~~or 49.847~~, except that the department  
21 of health services may not certify an amount under this subsection unless all of the  
22 following apply:

23 **(3)** (a) 1. Inform the person that the department of health services intends to  
24 certify to the department of revenue an amount that the department of health

1 services has determined to be due under s. 49.021, 49.45 (2) (a) 10., 49.497, or 49.793,  
2 ~~or 49.847~~, for setoff from any state tax refund that may be due the person.

3 SECTION 309. 49.852 (1c) of the statutes is repealed.

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

4 SECTION 310. 49.853 (1) (b) of the statutes is repealed.

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

5 SECTION 311. 49.853 (4) (d) of the statutes is amended to read:

6 49.853 (4) (d) A financial institution participating in the state matching option  
7 under this subsection, and the employees, agents, officers, and directors of the  
8 financial institution, may use any information that is provided by the department  
9 in requesting additional information under par. (b) only for the purpose of  
10 administering s. ~~49.22~~ 49.811 or for the purpose of providing the additional  
11 information. Any person who violates this paragraph may be fined not less than \$25  
12 nor more than \$500 or imprisoned in the county jail for not less than 10 days nor more  
13 than one year or both.

14 SECTION 312. 49.854 (1) (a) of the statutes is repealed.

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

15 SECTION 313. 49.855 (6) of the statutes is amended to read:

16 49.855 (6) If the state implements the child and spousal support and  
17 establishment of paternity and medical support liability program under ss. ~~49.22~~  
18 49.811 and 59.53 (5), the state may act under this section in place of the county child  
19 support agency under s. 59.53 (5).

20 SECTION 314. 49.856 (1) (b) of the statutes is repealed.

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

21 SECTION 315. 49.857 (1) (c) of the statutes, as affected by 2011 Wisconsin Act  
22 32, is repealed.

(cf)

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

1           **SECTION 316.** 49.857 (4) of the statutes, as affected by 2011 Wisconsin Act 32,  
2 is amended to read:

3           49.857 (4) Each licensing agency shall enter into a memorandum of  
4 understanding with the department of children and families under sub. (2) (b) and  
5 shall cooperate with the department of children and families in its administration  
6 of s. ~~49.22~~ 49.811. The department of safety and professional services shall enter into  
7 a memorandum of understanding with the department of children and families on  
8 behalf of a credentialing board with respect to a credential granted by the  
9 credentialing board.

10           **SECTION 317.** 49.858 (1) (intro.)<sup>✓</sup> and 49.858 (1) (b)<sup>✓</sup> of the statutes are  
11 consolidated, renumbered 49.858 (1) and amended to read:

12           49.858 (1) DEFINITION. In this section: (b) ~~Support~~, "support" has the meaning  
13 given in s. 49.857 (1) (g).

14           **SECTION 318.** 49.858 (1) (a) of the statutes is repealed.

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

15           **SECTION 319.** 49.86 of the statutes is renumbered 49.035.

16           **SECTION 320.** 49.89 of the statutes is renumbered 49.037.

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

17           **SECTION 321.** 49.90 of the statutes is renumbered 49.039.

18           **SECTION 322.** 49.95 (title) of the statutes is renumbered 49.041 (title).

19           **SECTION 323.** 49.95 (1) to (10) of the statutes are renumbered 49.041 (1m) to  
20 (10).

1 SECTION 324. 49.95 (11) of the statutes is renumbered 49.041 (1c) (m) and  
2 amended to read:

3 49.041 (1c) (m) "Public assistance" as used in this section includes relief funded  
4 by a relief block grant and benefits under ss. 49.141 to 49.161.

5 SECTION 325. 49.96 of the statutes is renumbered 49.043 and amended to read:

6 49.043 Assistance grants exempt from levy. All grants of aid to families  
7 with dependent children, payments made under ss. 48.57 (3m) or (3n), <sup>49.143(2z)</sup> 49.148 (1) (b)  
8 1. or (c) or (1m) <sup>49.15</sup> or 49.149 <sup>49.157</sup> to 49.159, payments made for social services, cash  
9 benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77, 49.775, or  
10 federal Title XVI, are exempt from every tax, and from execution, garnishment,  
11 attachment and every other process and shall be inalienable.

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

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131-111

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

12 SECTION 326. 50.01 (1g) (b) of the statutes is amended to read:

13 50.01 (1g) (b) A facility or private home that provides care, treatment, and  
14 services only for victims of domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a), and  
15 their children.

16 SECTION 327. 51.42 (3) (e) of the statutes is amended to read:

17 51.42 (3) (e) Exchange of information. Notwithstanding ss. 46.2895 (9), 48.78  
18 (2) (a), 49.013, 49.45 (4), ~~49.83~~, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),  
19 253.07 (3) (c), and 938.78 (2) (a), any subunit of a county department of community  
20 programs or tribal agency acting under this section may exchange confidential

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1 information about a client, without the informed consent of the client, with any other  
2 subunit of the same county department of community programs or tribal agency,  
3 with a resource center, a care management organization, or a long-term care district,  
4 or with any person providing services to the client under a purchase of services  
5 contract with the county department of community programs or tribal agency or with  
6 a resource center, care management organization, or long-term care district, if  
7 necessary to enable an employee or service provider to perform his or her duties, or  
8 to enable the county department of community programs or tribal agency to  
9 coordinate the delivery of services to the client. Any agency releasing information  
10 under this paragraph shall document that a request was received and what  
11 information was provided.

12 **SECTION 328.** 51.437 (4r) (b) of the statutes is amended to read:

13 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.013, 49.45 (4),  
14 ~~49.83~~, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c), and 938.78 (2)  
15 (a), any subunit of a county department of developmental disabilities services or  
16 tribal agency acting under this section may exchange confidential information about  
17 a client, without the informed consent of the client, with any other subunit of the  
18 same county department of developmental disabilities services or tribal agency, with  
19 a resource center, a care management organization, or a long-term care district, or  
20 with any person providing services to the client under a purchase of services contract  
21 with the county department of developmental disabilities services or tribal agency  
22 or with a resource center, a care management organization, or a long-term care  
23 district, if necessary to enable an employee or service provider to perform his or her  
24 duties, or to enable the county department of developmental disabilities services or  
25 tribal agency to coordinate the delivery of services to the client. Any agency releasing

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

3 **SECTION 329.** 59.22 (2) (c) 2. of the statutes is amended to read:

4 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the  
5 rules of the department of children and families under s. ~~49.78~~ 49.003 (4) to (7)  
6 relating to employees administering old-age assistance, aid to families with  
7 dependent children, aid to the blind, or aid to totally and permanently disabled  
8 persons or ss. 63.01 to 63.17.

9 **SECTION 330.** 59.40 (2) (p) of the statutes is amended to read:

10 59.40 (2) (p) Cooperate with the department of children and families with  
11 respect to the child and spousal support and establishment of paternity and medical  
12 support liability program under ss. ~~49.22~~ 49.811 and 59.53 (5), and provide that  
13 department with any information from court records which it requires to administer  
14 that program.

15 **SECTION 331.** 59.53 (5) (a) and (6) (b) of the statutes are amended to read:

16 59.53 (5) (a) The board shall contract with the department of children and  
17 families to implement and administer the child and spousal support and  
18 establishment of paternity and the medical support liability programs provided for  
19 by Title IV of the federal ~~social security act~~ Social Security Act. The board may  
20 designate by board resolution any office, officer, board, department, or agency, except  
21 the clerk of circuit court, as the county child support agency. The board or county  
22 child support agency shall implement and administer the programs in accordance  
23 with the contract with the department of children and families. The attorneys  
24 responsible for support enforcement under sub. (6) (a), circuit court commissioners,  
25 and all other county officials shall cooperate with the county and the department of

1 children and families as necessary to provide the services required under the  
2 programs. The county shall charge the fee established by the department of children  
3 and families under s. ~~49.22~~ 49.811 for services provided under this paragraph to  
4 persons not receiving benefits under s. 49.148 or 49.155 or assistance under s.  
5 48.645, 49.19, 49.46, 49.465, 49.47, 49.471, or 49.472.

6 (6) (b) Attorneys responsible for support enforcement under par. (a) shall  
7 institute, commence, appear in, or perform other prescribed duties in actions or  
8 proceedings under sub. (5) and ss. ~~49.22~~ 49.811 (7), 767.205 (2), 767.501 and 767.80  
9 and ch. 769.

10 **SECTION 332.** 59.54 (23) of the statutes is amended to read:

11 59.54 (23) PUBLIC ASSISTANCE; FALSE REPRESENTATION. The board may enact and  
12 enforce an ordinance to prohibit conduct that is the same as or similar to conduct that  
13 is prohibited by s. ~~49.95 (1)~~ 49.041 (1m) and provide a forfeiture for a violation of the  
14 ordinance.

15 **SECTION 333.** 63.03 (2) (r) of the statutes is amended to read:

16 63.03 (2) (r) All staff performing services for the Milwaukee County enrollment  
17 services unit under s. ~~49.825~~ 49.009 or for the child care provider services unit under  
18 s. ~~49.826~~ 49.011.

19 **SECTION 334.** 69.03 (14) of the statutes is amended to read:

20 69.03 (14) Provide hospitals with a pamphlet containing information for  
21 parents about birth certificates including how to add the name of the father of a child  
22 whose parents were not married at any time from the conception to the birth of the  
23 child to the birth certificate under s. 69.15 (3) (b) or, if the father will not sign an  
24 affidavit, through a paternity action; the legal significance and future medical

1 advantages to the child of having the father's name inserted on the birth certificate;  
2 and the availability of services under s. ~~49.22~~ 49.811.

3 **SECTION 335.** 69.15 (3) (b) 3. of the statutes is amended to read:

4 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives  
5 a statement acknowledging paternity on a form prescribed by the state registrar and  
6 signed by both parents, and by a parent or legal guardian of any parent who is under  
7 the age of 18 years, along with the fee under s. 69.22, the state registrar shall insert  
8 the name of the father under subd. 1. The state registrar shall mark the certificate  
9 to show that the form is on file. The form shall be available to the department of  
10 children and families or a county child support agency under s. 59.53 (5) pursuant  
11 to the program responsibilities under s. ~~49.22~~ 49.811 or to any other person with a  
12 direct and tangible interest in the record. The state registrar shall include on the  
13 form for the acknowledgment the information in s. 767.805 and the items in s.  
14 767.813 (5g).

15 **SECTION 336.** 69.20 (3) (f) of the statutes is amended to read:

16 69.20 (3) (f) The state or a local registrar may disclose a social security number  
17 on a vital record to the department of children and families or a county child support  
18 agency under s. 59.53 (5) in response to a request under s. ~~49.22~~ 49.811 (2m).

19 **SECTION 337.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

20 71.07 (2dx) (a) 5. "Member of a targeted group" means a person who resides  
21 in an area designated by the federal government as an economic revitalization area,  
22 a person who is employed in an unsubsidized job but meets the eligibility  
23 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,  
24 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), ~~or in a real work,~~ plain

25 ~~real pay project position under s. 49.147 (3m),~~ a person who is eligible for child care  
plain 2009's tats. ← score



1 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an  
2 economically disadvantaged youth, an economically disadvantaged veteran, a  
3 supplemental security income recipient, a general assistance recipient, an  
4 economically disadvantaged ex-convict, a qualified summer youth employee, as  
5 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or  
6 a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance  
7 program under 7 USC 2011 to 2036, if the person has been certified in the manner  
8 under sub. (2dj) (am) 3. by a designated local agency, as defined in sub. (2dj) (am) 2.

9       **SECTION 338.** 71.07 (2dx) (b) 2. of the statutes, as affected by 2011 Wisconsin  
10 Act 32, is amended to read:

11       71.07 (2dx) (b) 2. The amount determined by multiplying the amount  
12 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number  
13 of full-time jobs created in a development zone and filled by a member of a targeted  
14 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the  
15 subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
16 jobs.

17       **SECTION 339.** 71.07 (2dx) (b) 3. of the statutes, as affected by 2011 Wisconsin  
18 Act 32, is amended to read:

19       71.07 (2dx) (b) 3. The amount determined by multiplying the amount  
20 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
21 of full-time jobs created in a development zone and not filled by a member of a  
22 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or  
23 the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
24 jobs.

1           **SECTION 340.** 71.07 (2dx) (b) 4. of the statutes, as affected by 2011 Wisconsin  
2 Act 32, is amended to read:

3           71.07 (2dx) (b) 4. The amount determined by multiplying the amount  
4 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the  
5 number of full-time jobs retained, as provided in the rules under s. 238.385 or s.  
6 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub.  
7 (2dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,  
8 and for which significant capital investment was made and by then subtracting the  
9 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid  
10 under s. 49.147 (3m) (c), 2009 stats., for those jobs.

11           **SECTION 341.** 71.07 (2dx) (b) 5. of the statutes, as affected by 2011 Wisconsin  
12 Act 32, is amended to read:

13           71.07 (2dx) (b) 5. The amount determined by multiplying the amount  
14 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
15 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,  
16 2009 stats., excluding jobs for which a credit has been claimed under sub. (2dj), in  
17 a development zone and not filled by a member of a targeted group and by then  
18 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and  
19 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

20           **SECTION 342.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

21           71.28 (1dx) (a) 5. "Member of a targeted group" means a person who resides  
22 in an area designated by the federal government as an economic revitalization area,  
23 a person who is employed in an unsubsidized job but meets the eligibility  
24 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,  
25 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), <sup>plain ↓</sup> ~~or in a real work,~~

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2009 stats.

plain

1 ~~real pay project position under s. 49.147 (3m)~~, a person who is eligible for child care  
 2 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an  
 3 economically disadvantaged youth, an economically disadvantaged veteran, a  
 4 supplemental security income recipient, a general assistance recipient, an  
 5 economically disadvantaged ex-convict, a qualified summer youth employee, as  
 6 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or  
 7 a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance  
 8 program under 7 USC 2011 to 2036, if the person has been certified in the manner  
 9 under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

10 **SECTION 343.** 71.28 (1dx) (b) 2. of the statutes, as affected by 2011 Wisconsin  
 11 Act 32, is amended to read:

12 71.28 (1dx) (b) 2. The amount determined by multiplying the amount  
 13 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number  
 14 of full-time jobs created in a development zone and filled by a member of a targeted  
 15 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the  
 16 subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
 17 jobs.

18 **SECTION 344.** 71.28 (1dx) (b) 3. of the statutes, as affected by 2011 Wisconsin  
 19 Act 32, is amended to read:

20 71.28 (1dx) (b) 3. The amount determined by multiplying the amount  
 21 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
 22 of full-time jobs created in a development zone and not filled by a member of a  
 23 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or  
 24 the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
 25 jobs.

1           **SECTION 345.** 71.28 (1dx) (b) 4. of the statutes, as affected by 2011 Wisconsin  
2 Act 32, is amended to read:

3           71.28 (1dx) (b) 4. The amount determined by multiplying the amount  
4 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the  
5 number of full-time jobs retained, as provided in the rules under s. 238.385 or s.  
6 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub.  
7 (1dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,  
8 and for which significant capital investment was made and by then subtracting the  
9 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid  
10 under s. 49.147 (3m) (c), 2009 stats., for those jobs.

11           **SECTION 346.** 71.28 (1dx) (b) 5. of the statutes, as affected by 2011 Wisconsin  
12 Act 32, is amended to read:

13           71.28 (1dx) (b) 5. The amount determined by multiplying the amount  
14 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
15 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,  
16 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in  
17 a development zone and not filled by a member of a targeted group and by then  
18 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and  
19 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

20           **SECTION 347.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

21           71.47 (1dx) (a) 5. "Member of a targeted group" means a person who resides  
22 in an area designated by the federal government as an economic revitalization area,  
23 a person who is employed in an unsubsidized job but meets the eligibility  
24 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,  
25 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,

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score

2009 stats.

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real pay project position under s. 49.147 (3m), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a qualified summer youth employee, as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food stamp recipient of benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036, if the person has been certified in the manner under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

**SECTION 348.** 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., for those jobs.

**SECTION 349.** 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.

1           **SECTION 350.** 71.47 (1dx) (b) 4. of the statutes, as affected by 2011 Wisconsin  
2 Act 32, is amended to read:

3           71.47 (1dx) (b) 4. The amount determined by multiplying the amount  
4 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the  
5 number of full-time jobs retained, as provided in the rules under s. 238.385 or s.  
6 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub.  
7 (1dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,  
8 and for which significant capital investment was made and by then subtracting the  
9 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid  
10 under s. 49.147 (3m) (c), 2009 stats., for those jobs.

11           **SECTION 351.** 71.47 (1dx) (b) 5. of the statutes, as affected by 2011 Wisconsin  
12 Act 32, is amended to read:

13           71.47 (1dx) (b) 5. The amount determined by multiplying the amount  
14 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
15 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,  
16 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in  
17 a development zone and not filled by a member of a targeted group and by then  
18 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and  
19 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

20           **SECTION 352.** 71.78 (4) (g) of the statutes is amended to read:

21           71.78 (4) (g) Employees of this state, to the extent that the department of  
22 revenue deems the examination necessary for the employees to perform their duties  
23 under contracts or agreements between the department and any other department,  
24 division, bureau, board or commission of this state relating to the administration of  
25 tax laws or child and spousal support enforcement under s. ~~49.22~~ 49.811.