

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

LRB-2257/P1dn
FFK:jld:jf

September 29, 2011

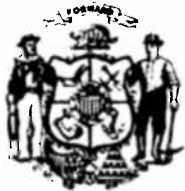
*Redraft Inst from
Anna Henning*

To Anne Sappenfield and Anna Henning:

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

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

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 49.01 (1m) and (8p), 49.133, 49.136 (1) (b), 49.137 (1) (ab), (am),
2 (bd) and (e), 49.141 (7) (b), 49.141 (9) (title), 49.141 (10) (title) and (b), 49.1455,
3 49.147 (1) (intro.), 49.147 (3m), 49.147 (4) (at) and (5) (bt), 49.148 (4) (title),
4 49.155 (1) (ag) and (d), 49.19 (5) (a) 1m., (16) and (17), 49.197 (2) (a) 3., 49.26
5 (1) (h) 2. and (2) (title) and (a), 49.265 (1) (c), 49.29, 49.32 (3) to (5), 49.35 (1)
6 (bm), 49.36 (1) (b), 49.46 (1g) (n), 49.49 (1) (title) and (a) (intro.), 49.49 (1) (b),
7 49.49 (2) (title) and (2) (a) (title), 49.49 (2) (b) (title), 49.49 (2) (c) (title), 49.49
8 (3) (title), 49.49 (3m) (title), 49.49 (3m) (b), 49.49 (4) (title), 49.686 (1) (f), 49.688
9 (1) (b), 49.78 (1) (cr), 49.79 (3) (b), 49.795 (1) (c), 49.795 (1) (cm), 49.795 (7),
10 49.795 (8) (a) (intro.), 49.797 (1), 49.797 (2) (b), 49.797 (8), 49.852 (1c), 49.853
11 (1) (b), 49.854 (1) (a), 49.856 (1) (b), 49.857 (1) (cf), 49.858 (1) (a) and 227.01 (13)
12 (im); *to renumber* 49.001 (5m), 49.01 (3m), 49.02 (1), (1e) and (2), 49.08, 49.11,
13 49.114, 49.134, 49.136 (title), (1) (intro.), (ad), (am) and (g) to (n) and (2) to (7)
14 of the statutes, 49.137 (title), 49.137 (2) to (6), 49.1375, 49.1452, 49.148 (4) (a)
15 to (c), 49.153, 49.1635, 49.165, 49.167, 49.169, 49.225, 49.227, 49.25, 49.26

1 (title), 49.27, 49.32 (title), 49.36 (title), 49.46 (1), 49.49 (2) (c) (intro.), 1. and 2.,
2 49.78 (title), 49.78 (1) (intro.) and (b), 49.78 (1) (br), (1m), (1r), (2) (b), (2m) and
3 (2r), 49.78 (2) (title) and (a), (10) and (11), 49.78 (4) to (7), 49.78 (8) (title) and
4 (b), 49.795 (title) and (1) (intro.), 49.81, 49.82, 49.825 (2) (d), (3) (a) and (4)
5 (intro.), 49.825 (4) (e) and (5), 49.826, 49.847 (title) and (3), 49.86, 49.89, 49.90,
6 49.95 (title) and 49.95 (1) to (10); **to renumber and amend** 49.001 (1m), 49.001
7 (4), 49.01 (intro.), 49.01 (1g), (2), (2g), (3) and (8L), 49.015 (title), (1) (intro.) and
8 (am), (1m), (2), (2m) and (3) (b), 49.015 (1) (a) and (c) and (3) (title) and (a), 49.02
9 (title) and (5) to (11), 49.029, 49.139, 49.141 (7) (a), 49.141 (9) (a) to (c), 49.141
10 (10) (a), 49.147 (1) (c), 49.1473, 49.151 (2), 49.155 (7) (b) 4., 49.195 (3), 49.22,
11 49.24, 49.26 (1) (a) to (h) 1s., (hm) and (hr), 49.26 (2) (b), 49.32 (1), (2) and (6)
12 to (12), 49.35 (title), (1) (a), (b), and (c) and (2), 49.36 (2) to (7), 49.49 (1) (a) 1.
13 to 4., 49.49 (1) (c), 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (a), 49.77 (1),
14 49.78 (8) (a), 49.79 (1) (c), 49.795 (1) (a), (b), (d) and (e) (intro.), 3., 4. and 5.,
15 49.795 (1) (e) 1. and 2., 49.795 (2) to (6), 49.795 (8) (a) 1., 49.795 (8) (a) 2., 49.795
16 (8) (b), 49.795 (8) (c), 49.795 (8) (d) 1., 49.795 (8) (d) 1m., 49.795 (8) (d) 2., 49.795
17 (8) (e) and (f), 49.797 (2) (a), 49.825 (title), (1), (2) (title) and (a) to (c), (3) (title),
18 (b) and (c) and (4) (a) to (d), 49.83, 49.84, 49.845, 49.847 (1) and (2), 49.85, 49.95
19 (11) and 49.96; **to consolidate, renumber and amend** 49.137 (1) (intro.) and
20 (c), 49.149 (intro.), (1) and (3), 49.36 (1) (intro.) and (a), 49.49 (4) (a) and (b) and
21 49.858 (1) (intro.) and (b); **to amend** 5.05 (5s) (c), 6.47 (1) (ag), 7.08 (10), 13.94
22 (4) (a) 1., 13.94 (4) (b), 16.009 (2) (j), 16.27 (5) (c) and (e), 19.55 (2) (d), 20.435
23 (4) (bm), 20.435 (4) (bn), 20.435 (4) (gr), 20.435 (4) (im), (kb) and (L), 20.435 (4)
24 (nn), 20.437 (1) (b), (cd), (gg) and (hh), 20.437 (1) (o), 20.437 (1) (pd), 20.437 (2)
25 (a), (bc), (dz), (e), (f), (ja), (jL), (k), (L), (n), (nL) and (qm) , 20.437 (2) (s), 20.545

1 (1) (i), 29.024 (2g) (c), 29.229 (5m) (b), 40.02 (25) (b) 2c., 40.22 (2) (m), 40.62 (2),
2 46.03 (7) (bm), (18) (a) and (20) (a), 46.036 (1), 46.10 (14) (b) and (g), 46.206 (1)
3 (a) and (2), 46.21 (2m) (c) and (5) (b), 46.215 (1) (intro.), 46.215 (1) (d), 46.215
4 (1) (j) and (k), (1m) and (1p), 46.215 (2) (a) 1. and 2., 46.215 (2) (c) 1. and 2., 46.22
5 (1) (b) 1. b., 46.22 (1) (b) 2. c., 46.22 (1) (b) 2. d., 46.22 (1) (b) 2. e. and g., (d), (dm),
6 (dp) and (e) 3. a. and b., 46.22 (2) (b), (2g) (d) and (3m) (a), 46.23 (3) (e) and (ed),
7 46.23 (5) (a) 1. and 2., (c) 1. and 2. and (n) 1. and 2., (5m) (c) and (6) (a) (intro.),
8 46.27 (7) (am), 46.28 (1) (f), 46.283 (3) (k), 46.283 (7) (b), 46.284 (7) (b), 46.2895
9 (10), 46.56 (3) (b) 15., 48.30 (6) (b), 48.31 (7) (b), 48.357 (5m) (a), 48.36 (1) (b),
10 48.36 (2), 48.361 (2) (c), 48.362 (4) (c), 48.363 (1) (c), 48.47 (7g), 48.62 (2), 48.651
11 (2c) (a), 48.66 (2m) (c) and (cm), 48.685 (5) (br) 5., 48.839 (1) (d) and (e), 48.98
12 (2) (d), 48.981 (8) (a) and (d) 1., 48.988 (11), 48.989 (2), 49.001 (5p), 49.138 (4)
13 (c), 49.141 (7) (c) (intro.), 49.141 (7) (c) 3., 49.141 (8), 49.143 (2) (b), 49.143 (2)
14 (d), 49.143 (3g) (a) 1., 49.145 (2) (j), 49.145 (2) (s), 49.147 (4) (as), 49.147 (5) (bs),
15 49.147 (5m) (a) (intro.), 49.147 (6) (cm) 1., 49.148 (1) (b) 1., 49.148 (1m) (a) 1.,
16 49.15 (3) (a), 49.152 (title), 49.152 (1), 49.155 (1) (ah), 49.155 (1g) (bc), (d) and
17 (e), 49.155 (1m) (intro.), (a) 1., 1m. (intro.) and 3m., 49.155 (3g) (a) (intro.) and
18 (b), 49.155 (6m) (a) and (b), 49.159 (2), 49.161 (1), 49.173 (3) (a) 2., 49.175 (1)
19 (intro.), 49.175 (1) (m), 49.19 (4) (h) 1. b., 49.195 (title), 49.195 (3m) (f), 49.195
20 (3n) (q) 2., 49.197 (1m), 49.197 (3), 49.197 (4), 49.197 (5), 49.325 (1) (a), 49.325
21 (2), 49.325 (2g) (a), 49.325 (2r) (a) 1., 49.325 (2r) (a) 2., 49.34 (1), 49.34 (2), 49.34
22 (4) (e), 49.345 (2), 49.345 (14) (a), (b) and (g), 49.385, subchapter IV (title) of
23 chapter 49 [precedes 49.43], 49.43 (intro.), 49.43 (2r) and (8m), 49.45 (2) (a) 3.
24 and (b) 7. (intro.) and a., (3) (a) and (11), 49.45 (6y) (a), 49.45 (38), 49.45 (40),
25 49.46 (2) (a) 6., (be) and (bm), 49.46 (2) (c) 2., 3., 4., 5. and 5m., 49.46 (2) (cm)

1 1., 49.465 (2) (intro.), 49.468 (1) (b) and (c), 49.468 (1m) (a) and (2) (a), 49.47 (4)
2 (am) 1. and 2., 49.47 (4) (j), 49.471 (3) (a) 1., 2. and 3., 49.471 (4) (a) 7., 49.473
3 (2) (a), 49.475 (6), 49.49 (7) (d), 49.493 (1) (b), 49.496 (4) (a), subchapter V (title)
4 of chapter 49 [precedes 49.66], 49.685 (7) (a) 2. and 5., 49.688 (9) (a), 49.785 (1)
5 (intro.), 49.79 (title), 49.79 (1) (intro.), 49.79 (1) (e), 49.79 (2), (5) (a), (6), (7), (8m)
6 (a) and (b) and (9) (a) 2., 3. and 4. , 49.79 (3) (title), 49.79 (3) (a) and (c), (4), (8)
7 and (9) (a) 1., 49.793 (title), 49.793 (1) and (2) (a), 49.797 (2) (title), 49.853 (4)
8 (d), 49.855 (6), 49.857 (4), 50.01 (1g) (b), 51.42 (3) (e), 51.437 (4r) (b), 59.22 (2)
9 (c) 2., 59.40 (2) (p), 59.53 (5) (a) and (6) (b), 59.54 (23), 63.03 (2) (r), 69.03 (14),
10 69.15 (3) (b) 3., 69.20 (3) (f), 71.07 (2dx) (a) 5., 71.07 (2dx) (b) 2., 71.07 (2dx) (b)
11 3., 71.07 (2dx) (b) 4., 71.07 (2dx) (b) 5., 71.28 (1dx) (a) 5., 71.28 (1dx) (b) 2., 71.28
12 (1dx) (b) 3., 71.28 (1dx) (b) 4., 71.28 (1dx) (b) 5., 71.47 (1dx) (a) 5., 71.47 (1dx)
13 (b) 2., 71.47 (1dx) (b) 3., 71.47 (1dx) (b) 4., 71.47 (1dx) (b) 5., 71.78 (4) (g), 71.93
14 (1) (a) 3. and 4., 73.0301 (2) (c) 2., 76.636 (1) (e) 3., 76.636 (1) (e) 13., 76.636 (2)
15 (b), 76.636 (2) (c), 76.636 (2) (d), 76.636 (2) (e), 77.61 (5) (b) 11., 85.24 (4) (b),
16 85.24 (4) (c), 101.02 (21) (b), 101.123 (1) (abm), 102.17 (1) (cg) 3., 102.29 (8r),
17 102.33 (2) (b) 5., 103.05 (1) and (4) (a), 103.275 (2) (bg) 3., 103.34 (10) (a) 4.,
18 103.91 (2) (b) 3., 103.92 (1) (b) 3., 104.07 (4) (c), 105.06 (1m) (c), 106.54 (9),
19 111.322 (2m) (bm), 115.347 (2), 118.15 (5) (b) 1., 118.19 (1r) (a) and (10) (g),
20 119.82 (1m) (c), 134.43 (3m), 149.12 (2) (f) 2. c., 169.34 (2), 218.0114 (20) (c) and
21 (21e) (a), 218.11 (2) (am) 3., 218.12 (2) (am) 2., 218.21 (2m) (b), 218.31 (1m) (b),
22 218.41 (2) (am) 2., 218.51 (3) (am) 2., 227.43 (1) (by), 230.13 (3) (a), 230.44 (1)
23 (h) and (i), 238.30 (4m), 252.06 (10) (b) 4., 252.07 (10), 291.15 (2) (d), 301.12 (14)
24 (b) and (g), 301.45 (7) (a), 302.372 (2) (b), 341.51 (4g) (b), 342.06 (1) (eg), 343.14
25 (2j), 343.305 (6) (e) 3. b., 343.50 (8) (b), 343.61 (2) (b), 343.62 (2) (b), 349.19,

1 440.03 (11m) (c), 440.43 (5), 440.44 (10), 440.92 (6) (d), 461.02 (9) (bm) 3., 562.05
2 (8m) (a), 563.28 (2), 628.095 (4) (a), 632.69 (2) (c), 633.14 (2c) (a), 751.15 (2),
3 767.127 (4), 767.205 (2) (a) 1. and 2. and (b) 1. and 2., 767.215 (1) (b) and (2m)
4 (a) 2., 767.225 (1n) (b) 1., 767.241 (1) (b), 767.241 (3), 767.407 (1) (c) 1., 767.407
5 (1) (c) 2., 767.511 (1g) and (1j), 767.521 (intro.), 767.55 (2) (am) (intro.) and 1m.
6 and (c), 767.553 (1) (a) and (b), 767.59 (1f) (b) 4. and (c) 1. and (2) (a), 767.80 (1)
7 (j), (5) (b) and (7), 767.813 (6), 767.83 (3), 767.84 (1) (a), (1m) and (5) (b), 767.85
8 (2), 767.853 (2), 767.863 (2), 767.87 (1) (c), 767.893 (2) (b) 2., 802.10 (1), 803.03
9 (2) (a) and (bm), 812.30 (9), 812.44 (4) 2. (form), 812.44 (5) 2. (form), 813.12 (5)
10 (b), 814.03 (3), 814.29 (1) (d) 1., 815.18 (13) (a), 859.07 (2) (a) 2., 859.15, 885.01
11 (5), 895.45 (1) (a), 938.30 (6) (b), 938.31 (7) (b), 938.357 (5m) (a), 938.36 (1) (b),
12 938.363 (1) (c), 948.22 (1) (a), (b) and (c) and (4) (b), 948.45 (2), 973.055 (3),
13 977.01 (2), 977.06 (4) (bm), 978.05 (4m), 978.06 (6) and 995.67 (1) (a); **to repeal**
14 **and recreate** subchapter I (title) of chapter 49 [precedes 49.001], subchapter
15 II (title) of chapter 49 [precedes 49.05], subchapter III (title) of chapter 49
16 [precedes 49.203] and subchapter VI (title) of chapter 49 [precedes 49.8105];
17 and **to create** 49.001 (4m) and (7m), 49.003 (1) (am), 49.006, 49.007 (3), 49.041
18 (1c) (intro.) and (h), 49.138 (5), 49.143 (2) (h), 49.145 (3m) (title), 49.151 (2) (a)
19 1., 2. and 3. and (b), 49.1525, 49.195 (3) (b), 49.203, 49.4715, 49.77 (1) (b), 49.796
20 (title), 49.796 (1), 49.8105, 946.90 (title), 946.90 (1), 946.90 (2), 946.91 (title), (1)
21 and (2) (intro.), 946.92 (1) (e) and (3) (a) (intro.) and 946.93 of the statutes;
22 **relating to:** reorganization of chapter 49 of the statutes, changes affecting

1 public assistance programs, granting rule-making authority, and providing a
2 penalty.

Analysis by the Legislative Reference Bureau

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

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

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

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

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

The bill reorganizes many of the provisions of ch. 49, stats., relating to public assistance and children and family services, into the following 6 subchapters:

Subchapter I - General Provisions.

Subchapter II - Children and Families; Wisconsin Works, Aid to Families, and Child Care Subsidy.

Subchapter III - Children and Families; Other Support Services.

Subchapter IV - Health; Medical Assistance.

Subchapter V - Health; Other Support and Medical Programs and Relief Block Grants.

Subchapter VI - Children and Families; Child Support.

The bill reorganizes current definitions within ch. 49, stats., to remove duplication and place definitions in the sections in which they are used or at the beginning of the chapter if they are used throughout the chapter. Terms defined in the section providing general chapter definitions, s. 49.001, stats., are retained there only if they are used throughout the chapter. If terms appear in only one or 2 sections in the chapter, the bill moves them to ensure that they are located in the subchapters or sections in which the terms are used.

The bill creates a new definition for the term "intentional program violation", which is not currently defined in the chapter. Under current law, if a court finds or it is determined after an administrative hearing that a person has intentionally violated, on 3 separate occasions, any statute or rules governing the Wisconsin Works program, a Wisconsin Works agency may permanently deny the individual Wisconsin Works benefits. The bill clarifies that a Wisconsin Works agency determines whether a person has intentionally violated a provision of the Wisconsin Works program and includes

emergency assistance in the list of programs to which the provision applies; creates sanctions for first and 2nd violations; and provides an opportunity for a person to have a determination of each intentional program violation reviewed.

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

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

This bill requires DCF to waive recovery of incorrect payments to a child care provider if the child care provider provided services in reliance on incorrect information provided to the child care provider by a county department or an agency with which DCF contracts.

The bill renumbers and amends s. 49.155 (7) (b) 4., stats., to make temporary the suspension of payments to child care providers based solely on reasonable suspicion of a program violation. Under current law, DCF is authorized to suspend payments to child care providers based on DCF's reasonable suspicion that the provider has violated any provision of s. 49.155, stats., relating to the Wisconsin Shares program. It does not specify the length of time that DCF may suspend payments on that basis. A separate section of the statutes, s. 49.155 (7m), stats., provides authority for withholding payments from a child care provider pursuant to a finding that the provider submitted false, misleading, or irregular information to DCF or failed to comply with the terms of the program. The bill preserves DCF's authority to suspend payments based on reasonable suspicion that a violation has occurred but requires DCF to either rescind the suspension of payments or initiate an action for permanent suspension of payments within 30 working days after an initial suspension on the basis of reasonable suspicion.

Under current law, s. 49.95, stats., which contains general public assistance offenses and penalties, provides that any person who makes any statement in a written application for aid under ch. 49, stats., is considered to have made an admission as to the existence, correctness, or validity of any fact stated. This admission may be used in an enforcement action under ch. 49, stats. The bill includes similar language in proposed s. 49.006 (1). Under the bill, an employee who accepts an application for aid or a benefit has the authority to administer an oath to the applicant that the information given is true and correct to the best of the applicant's knowledge. The bill also requires DCF and the Department of Health Services (DHS) to promulgate rules requiring that information provided by an applicant for any aid or benefit under ch. 49, stats., must be sworn to or otherwise affirmed as being true and correct to the best of the applicant's knowledge.

Under current law, a child care provider who provides care for children who are eligible for the Wisconsin Shares child care subsidy program must maintain attendance records. Specifically, the child care provider must maintain a written record of the daily hours of attendance of each child for whom the provider is providing care under Wisconsin Shares, including the actual arrival and departure times for each child. In addition, such a provider must retain these records for each child for at least 3 years after the child's last day of attendance, regardless of whether the child care provider is still receiving or eligible to receive payments under Wisconsin Shares. This bill requires a provider to maintain an accurate written record of the daily hours of attendance for each child for whom the provider is providing care under Wisconsin Shares. In addition, under the bill, the attendance records must be kept on the child care premises.

The bill requires DHS, in consultation with DCF, to provide training related to program integrity to county and Wisconsin Works agency employees who administer programs under ch. 49, stats.

The bill amends s. 49.96, stats., to add payments made to custodial parents of supplemental security income recipients to the list of payments and benefits that are exempt from taxation, execution, garnishment, attachment, and other processes.

1 **SECTION 1.** 5.05 (5s) (c) of the statutes is amended to read:

2 5.05 (5s) (c) The board shall provide information from investigation and
3 hearing records that pertains to the location of individuals and assets of individuals
4 as requested under s. ~~49.22~~ 49.811 (2m) by the department of children and families
5 or by a county child support agency under s. 59.53 (5).

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

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

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

12 7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to
13 each municipal clerk, on a continuous basis, the names and addresses of
14 organizations that are certified under s. ~~49.165~~ 49.217 (4) or 165.93 (4) to provide
15 services to victims of domestic abuse or sexual assault.

16 **SECTION 4.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 10,
17 is amended to read:

18 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
19 credentialing board, commission, independent agency, council, or office in the
20 executive branch of state government; all bodies created by the legislature in the
21 legislative or judicial branch of state government; any public body corporate and

1 politic created by the legislature including specifically the Fox River Navigational
2 System Authority, the Lower Fox River Remediation Authority, the Wisconsin
3 Aerospace Authority, and the Wisconsin Economic Development Corporation, a
4 professional baseball park district, a local professional football stadium district, a
5 local cultural arts district, and a long-term care district under s. 46.2895; every
6 Wisconsin ~~works~~ Works agency under subch. ~~III~~ II of ch. 49; every provider of ~~medical~~
7 ~~assistance~~ Medical Assistance under subch. IV of ch. 49; technical college district
8 boards; every county department under s. 51.42 or 51.437; every nonprofit
9 corporation or cooperative or unincorporated cooperative association to which
10 moneys are specifically appropriated by state law; and every corporation, institution,
11 association or other organization which receives more than 50% of its annual budget
12 from appropriations made by state law, including subgrantee or subcontractor
13 recipients of such funds.

14 **SECTION 5.** 13.94 (4) (b) of the statutes is amended to read:

15 13.94 (4) (b) In performing audits of long-term care districts under s. 46.2895,
16 Wisconsin ~~works~~ Works agencies under subch. ~~III~~ II of ch. 49, providers of ~~medical~~
17 ~~assistance~~ Medical Assistance under subch. IV of ch. 49, corporations, institutions,
18 associations, or other organizations, and their subgrantees or subcontractors, the
19 legislative audit bureau shall audit only the records and operations of such providers
20 and organizations which pertain to the receipt, disbursement, or other handling of
21 appropriations made by state law.

22 **SECTION 6.** 16.009 (2) (j) of the statutes is amended to read:

23 16.009 (2) (j) Provide information and counseling to consumers regarding
24 insurance policies available to supplement federal medicare insurance coverage,
25 including long-term care insurance, and the eligibility requirements for medical

1 assistance Medical Assistance under s. 49.46 (1) (1g), 49.468 or 49.47 (4). To
2 implement this responsibility, the board shall provide training, educational
3 materials, and technical assistance to volunteer organizations and private
4 businesses that are willing and able to provide insurance and ~~medical assistance~~
5 Medical Assistance eligibility information and counseling, in order that these
6 organizations and businesses may provide the information and counseling to
7 consumers.

8 **SECTION 7.** 16.27 (5) (c) and (e) of the statutes are amended to read:

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

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

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

19 **SECTION 8.** 19.55 (2) (d) of the statutes is amended to read:

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

1 **SECTION 9.** 20.435 (4) (bm) of the statutes, as affected by 2011 Wisconsin Act
2 32, is amended to read:

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

22 **SECTION 10.** 20.435 (4) (bn) of the statutes, as affected by 2011 Wisconsin Act
23 32, section 640m, is amended to read:

24 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
25 for the administration of the ~~food-stamp~~ supplemental nutrition assistance

1 employment and training program under s. 49.79 (9), for the performance of income
2 maintenance administrative activities on behalf of a county or multicounty
3 consortium under s. ~~49.78~~ 49.003 (1m) (c), and for payments under s. ~~49.78~~ 49.003
4 (8) relating to the administration of the Medical Assistance program under subch.
5 IV of ch. 49, the Badger Care health care program under s. 49.665, and the ~~food stamp~~
6 supplemental nutrition assistance program.

7 **SECTION 11.** 20.435 (4) (gr) of the statutes, as created by 2011 Wisconsin Act
8 32, is amended to read:

9 20.435 (4) (gr) *Income maintenance; county payments.* All moneys received
10 from counties under s. ~~49.78~~ 49.003 (1m) (d) for administering income maintenance
11 program under s. ~~49.78~~ 49.003 (1m) (c).

12 **SECTION 12.** 20.435 (4) (im), (kb) and (L) of the statutes are amended to read:

13 20.435 (4) (im) *Medical ~~assistance~~ Assistance; correct payment recovery;*
14 *collections; other recoveries.* All moneys received from the recovery of correct ~~medical~~
15 ~~assistance~~ Medical Assistance payments under ss. 49.496 and 867.035 and rules
16 promulgated under s. 46.286 (7), all moneys received as collections and other
17 recoveries from providers, drug manufacturers, and other 3rd parties under ~~medical~~
18 ~~assistance~~ Medical Assistance performance-based contracts, and all moneys
19 credited to this appropriation account under s. ~~49.89~~ 49.037 (7) (f), for payments to
20 counties and tribal governing bodies under s. 49.496 (4) (a), for payment of claims
21 under s. 867.035 (3), for payments to the federal government for its share of ~~medical~~
22 ~~assistance~~ Medical Assistance benefits recovered, for the state share of ~~medical~~
23 ~~assistance~~ Medical Assistance benefits provided under subch. IV of ch. 49, and for
24 costs related to collections and other recoveries.

1 (kb) *Relief block grants to tribal governing bodies.* The amounts in the schedule
2 for relief block grants under s. ~~49.029~~ 49.806 to tribal governing bodies. All moneys
3 transferred from the appropriation account under s. 20.505 (8) (hm) 18. shall be
4 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
5 unencumbered balance on June 30 of each year shall revert to the appropriation
6 account under s. 20.505 (8) (hm).

7 (L) *Fraud and error reduction.* All moneys received as the state's share of the
8 recovery of overpayments and incorrect payments under ss. 49.021, 49.497 (1) and
9 (1m), and 49.793 (2) (a), ~~and 49.847~~, all moneys received from counties and tribal
10 governing bodies as a result of any error reduction activities under ss. 49.019 and
11 49.197 and 49.845, and all moneys credited to this appropriation account under ss.
12 49.021 (3) (b), 49.497 (2) (b), and 49.793 (2) (b), ~~and 49.847 (3) (b)~~, for any contracts
13 under s. 49.197 (5), for any activities to reduce error and fraud under s. ~~49.845~~
14 49.019, to pay federal sanctions under the ~~food stamp supplemental nutrition~~
15 assistance program, and for ~~food stamp supplemental nutrition assistance program~~
16 reinvestment activities under reinvestment agreements with the federal
17 department of agriculture that are designed to improve the ~~food stamp supplemental~~
18 nutrition assistance program.

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

19 **SECTION 13.** 20.435 (4) (nn) of the statutes, as affected by 2011 Wisconsin Act
20 32, is amended to read:

21 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
22 federal government for the costs of contracting for the administration of the Medical
23 Assistance program under subch. IV of ch. 49 and the Badger Care health care
24 program under s. 49.665 and the ~~food stamp supplemental assistance nutrition~~

1 program, other than moneys received under par. (pa), for costs to administer income
2 maintenance programs, as defined in s. ~~49.78~~ 49.003 (1) (b).

3 **SECTION 14.** 20.437 (1) (b), (cd), (gg) and (hh) of the statutes are amended to
4 read:

5 20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule
6 for services for children and families under s. 48.563, for reimbursement to counties
7 having a population of less than 500,000 for the cost of court attached intake services
8 under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster care and
9 subsidized guardianship care under ss. 48.645 and 49.19 (10). Social services
10 disbursements under s. ~~49.32~~ 49.06 (2) (b) may be made from this appropriation.
11 Refunds received relating to payments made under s. ~~49.32~~ 49.06 (2) (b) for the
12 provision of services for which moneys are appropriated under this paragraph shall
13 be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1),
14 the department of children and families may transfer funds between fiscal years
15 under this paragraph. The department shall deposit into this appropriation funds
16 it recovers under s. 48.569 (2) (b), from prior fiscal year audit adjustments. Except
17 for amounts authorized to be carried forward under s. 48.565, all funds recovered
18 under s. 48.569 (2) (b) and all funds allocated under s. 48.563 and not spent or
19 encumbered by December 31 of each year shall lapse to the general fund on the
20 succeeding January 1 unless carried forward to the next calendar year by the joint
21 committee on finance.

22 (cd) *Domestic abuse grants.* The amounts in the schedule for the purposes of
23 s. ~~49.165~~ 49.217. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
24 may transfer funds between fiscal years under this paragraph. All funds allocated
25 by the department under s. ~~49.165~~ 49.217 (2) but not encumbered by December 31

1 of each year lapse to the general fund on the next January 1 unless transferred to the
2 next calendar year by the joint committee on finance.

3 (gg) *Collection remittances to local units of government.* All moneys received
4 under ss. ~~49.32~~ 49.06 (1) and 49.345 for the purposes of remitting departmental
5 collections under s. ~~49.32~~ 49.06 (1) (g) or 49.345 (8) (g).

6 (hh) *Domestic abuse surcharge grants.* All moneys received from the domestic
7 abuse surcharge on court fines, as authorized under s. 971.37 (1m) (c) 1. or 973.055,
8 to provide grants to domestic abuse services organizations under s. ~~49.165~~ 49.217.

9 **SECTION 15.** 20.437 (1) (o) of the statutes, as affected by 2011 Wisconsin Act 32,
10 is amended to read:

11 20.437 (1) (o) *Federal aid; children and family aids.* All federal moneys
12 received in amounts pursuant to allocation plans developed by the department for
13 the provision or purchase of services authorized under par. (b) and all federal moneys
14 received as child welfare funds under 42 USC 620 to 626 for projects and services as
15 limited under s. 48.985. Disbursements from this appropriation may be made
16 directly to counties for services to children and families under s. ~~49.32~~ 49.06 (2) (b)
17 or 49.325 or directly to counties in accordance with federal requirements for the
18 disbursement of federal funds.

19 **SECTION 16.** 20.437 (1) (pd) of the statutes, as affected by 2011 Wisconsin Act
20 32, is amended to read:

21 20.437 (1) (pd) *Federal aid; state foster care, guardianship, and adoption*
22 *services.* All federal moneys received for meeting the costs of providing foster care,
23 institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the
24 cost of care for children under s. 49.19 (10) (d), the cost of subsidized guardianship
25 payments under s. 48.623 (1) or (6), the cost of providing, or contracting with private

1 adoption agencies to assist the department in providing, services to children with
2 special needs who are under the guardianship of the department to prepare those
3 children for adoption, and the cost of providing postadoption services to children with
4 special needs who have been adopted. Disbursements for foster care under s. ~~49.32~~
5 49.06 (2) and for the purposes described under s. 48.627 may be made from this
6 appropriation.

7 **SECTION 17.** 20.437 (2) (a), (bc), (dz), (e), (f), (ja), (jL), (k), (L), (n), (nL) and (qm)
8 of the statutes are amended to read:

9 20.437 (2) (a) *General program operations.* The amounts in the schedule for
10 general program operations relating to economic support, including field services,
11 administrative services, and services related to identifying maintenance-of-effort
12 funds, for costs associated with receiving and disbursing support and
13 support-related payments, including any contract costs, and for administering the
14 program under s. ~~49.22~~ 49.811 and all other purposes specified in s. ~~49.22~~ 49.811.
15 No moneys may be expended under this paragraph for the program under, or any
16 other purpose specified in, s. ~~49.22~~ 49.811 unless moneys appropriated under par. (ja)
17 are insufficient for the purposes specified under that paragraph.

18 (bc) *Child support local assistance.* As a continuing appropriation, the
19 amounts in the schedule to be distributed as child support incentive payments as
20 provided in s. ~~49.24~~ 49.821 (1) (a). If federal legislation provides for the matching of
21 federal funds for federal child support incentive payments at a rate of 66 percent or
22 more, no moneys may be encumbered under or expended from this appropriation
23 while the federal legislation is in effect.

24 (dz) *Temporary Assistance for Needy Families programs; maintenance of effort.*
25 The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for

1 administration and benefit payments under Wisconsin Works under ss. 49.141 to
2 49.161, the learnfare program under s. ~~49.26~~ 49.198, and the work experience
3 program for noncustodial parents under s. ~~49.36~~ 49.163; for payments to local
4 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
5 and for emergency assistance for families with needy children under s. 49.138.
6 Payments may be made from this appropriation account for any contracts under s.
7 ~~49.845~~ 49.019 (4) and for any fraud investigation and error reduction activities under
8 s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match
9 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
10 (1), the department may transfer funds between fiscal years under this paragraph.
11 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
12 shall credit to this appropriation account funds for the purposes of this appropriation
13 that the department transfers from the appropriation account under s. 20.435 (5)
14 (bc). All funds allocated by the department but not encumbered by December 31 of
15 each year lapse to the general fund on the next January 1 unless transferred to the
16 next calendar year by the joint committee on finance.

17 (e) *Incentive payments for identifying children with health insurance.* The
18 amounts in the schedule for incentive payments under s. ~~49.25~~ 49.823.

19 (f) *Emergency Shelter of the Fox Valley.* The amounts in the schedule to provide
20 the funding to the Emergency Shelter of the Fox Valley under s. ~~49.139~~ 49.175 (1)
21 (im).

22 (ja) *Child support state operations — fees and reimbursements.* All moneys
23 received from fees charged under s. ~~49.22~~ 49.811 (8), from fees ordered or otherwise
24 owed under s. 767.57 (1e) (a), from fees collected under ss. 49.854 (11) (b) and 767.57
25 (1e) (b) 1m. and (c), from reimbursements under s. 108.13 (4) (f), from fees charged

1 and incentive payments and collections retained under s. ~~49.22~~ 49.811 (7m), and
2 under s. 49.855 (4) from the department of revenue or the department of
3 administration that were withheld by the department of revenue or the internal
4 revenue service for unpaid fees ordered or otherwise owed under s. 767.57 (1e) (a),
5 for costs associated with receiving and disbursing support and support-related
6 payments, including any contract costs, and for administering the program under s.
7 ~~49.22~~ 49.811 and all other purposes specified in s. ~~49.22~~ 49.811.

8 (jL) *Job access loan repayments.* All moneys received from repayments of loans
9 made under s. 49.147 (6), and from the department of revenue under s. 71.93 for
10 delinquent job access loan repayments certified under s. ~~49.85~~ 49.023, for making
11 loans under s. 49.147 (6) and for administrative costs associated with collecting
12 delinquent job access loan repayments.

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

22 (L) *Public assistance overpayment recovery, fraud investigation, and error*
23 *reduction.* All moneys received as the state's share of the recovery of overpayments
24 and incorrect payments under s. 49.191 (3) (c), 1997 stats., and s. 49.195, 1997 stats.,
25 for any contracts under s. ~~49.845~~ 49.019 (4), for any activities under s. 49.197 (1m)

1 to investigate fraud relating to the Aid to Families with Dependent Children
2 program and the Wisconsin Works program, for any activities under s. 49.197 (3) to
3 reduce payment errors in the Wisconsin Works program, and for costs associated
4 with collection of public assistance overpayments.

5 (n) *Child support state operations; federal funds.* All federal child support
6 incentive payments retained under s. ~~49.24~~ 49.821 (2) (c), and all other moneys
7 received from the federal government for activities related to child support,
8 including federal funds for any purpose under s. ~~49.22~~ 49.811 or ~~49.227~~ 49.819 and
9 for the federal share of any costs associated with receiving and disbursing support
10 and support-related payments, and for the state administration of those activities,
11 to be expended for such purposes.

12 (nL) *Child support local assistance; federal funds.* All moneys received from
13 the federal government or any of its agencies for continuing programs, except for
14 federal child support incentive payments retained by the department under s. ~~49.24~~
15 49.821 (2) (c), to be expended as local assistance for the purposes specified.

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

22 **SECTION 18.** 20.437 (2) (s) of the statutes, as affected by 2011 Wisconsin Act 32,
23 is amended to read:

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

4 **SECTION 19.** 20.545 (1) (i) of the statutes is amended to read:

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

10 **SECTION 20.** 29.024 (2g) (c) of the statutes is amended to read:

11 29.024 (2g) (c) *Disclosure of social security numbers.* The department of
12 natural resources may not disclose any social security numbers received under par.
13 (a) to any person except to the department of children and families for the sole
14 purpose of administering s. ~~49.22~~ 49.811.

15 **SECTION 21.** 29.229 (5m) (b) of the statutes is amended to read:

16 29.229 (5m) (b) The band is requested to enact tribal laws or ordinances that
17 require each person who has a social security number, as a condition of being issued
18 an approval under this section, to provide to the band his or her social security
19 number, tribal laws or ordinances that require each person who does not have a social
20 security number, as a condition of being issued an approval under this section, to
21 provide to the band a statement made or subscribed under oath or affirmation on a
22 form prescribed by the department of children and families that the person does not
23 have a social security number, and tribal laws or ordinances that prohibit the
24 disclosure of that number by the band to any other person except to the department
25 of children and families for the purpose of administering s. ~~49.22~~ 49.811.

1 **SECTION 22.** 40.02 (25) (b) 2c. of the statutes, as affected by 2011 Wisconsin Act
2 32, is amended to read:

3 40.02 (25) (b) 2c. A state employee described in s. ~~49.825~~ 49.009 (4) or (5) or
4 ~~49.826~~ 49.011 (4).

5 **SECTION 23.** 40.22 (2) (m) of the statutes, as affected by 2011 Wisconsin Act 32,
6 is amended to read:

7 40.22 (2) (m) Notwithstanding sub. (3m), the employee was formerly employed
8 by Milwaukee County, is a state employee described in s. ~~49.825~~ 49.009 (4) or (5) or
9 ~~49.826~~ 49.011 (4), and is a covered employee under the retirement system
10 established under chapter 201, laws of 1937, pursuant to s. ~~49.825~~ 49.009 (4) (c) or
11 (5) (c) or ~~49.826~~ 49.011 (4) (c).

12 **SECTION 24.** 40.62 (2) of the statutes, as affected by 2011 Wisconsin Acts 10 and
13 32, is amended to read:

14 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
15 of the department, any collective bargaining agreement under subch. V of ch. 111,
16 and ss. 13.121 (4), 36.30, ~~49.825~~ 49.009 (4) (d) and (5) (d), ~~49.826~~ 49.011 (4) (d), 230.35
17 (2), 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

18 **SECTION 25.** 46.03 (7) (bm), (18) (a) and (20) (a) of the statutes are amended to
19 read:

20 46.03 (7) (bm) Maintain a file containing records of artificial inseminations
21 under s. 891.40 and statements acknowledging paternity under s. 69.15 (3) (b). The
22 department may release those records and statements only upon an order of the
23 court except that the department may use nonidentifying information concerning
24 artificial inseminations for the purpose of compiling statistics, and statements
25 acknowledging paternity shall be released without a court order to the department

1 of children and families or a county child support agency under s. 59.53 (5) upon the
2 request of that department or county child support agency pursuant to the program
3 responsibilities under s. ~~49.22~~ 49.811 or to any other person with a direct and
4 tangible interest in the statement.

5 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department shall
6 establish a uniform system of fees for services provided or purchased by the
7 department, or a county department under s. 46.215, 46.22, 51.42, or 51.437, except
8 for services provided under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III~~
9 of ch. 49, and ch. 48; services provided to courts; outreach, information and referral
10 services; or when, as determined by the department, a fee is administratively
11 unfeasible or would significantly prevent accomplishing the purpose of the service.
12 A county department under s. 46.215, 46.22, 51.42, or 51.437 shall apply the fees that
13 it collects under this program to cover the cost of those services.

14 (20) (a) Except for payments provided under ~~ch. 48 or subch. ss. 49.811 to~~
15 49.823, subchs. II and III of ch. 49, and ch. 48, the department may make payments
16 directly to recipients of public assistance or to such persons authorized to receive
17 such payments in accordance with law and rules of the department on behalf of the
18 counties. Except for payments provided under ~~ch. 48 or subch. ss. 49.811 to 49.823,~~
19 subchs. II and III of ch. 49, and ch. 48, the department may charge the counties for
20 the cost of operating public assistance systems which make such payments.

21 **SECTION 26.** 46.036 (1) of the statutes is amended to read:

22 46.036 (1) All care and services purchased by the department or by a county
23 department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, except as provided under
24 ~~subch. III of ch. 49 and s. ss. 49.811 to 49.823 and 301.08 (2) and subchs. II and III~~
25 of ch. 49, shall be authorized and contracted for under the standards established

1 under this section. The department may require the county departments to submit
2 the contracts to the department for review and approval. For purchases of \$10,000
3 or less the requirement for a written contract may be waived by the department.
4 When the department directly contracts for services, it shall follow the procedures
5 in this section in addition to meeting purchasing requirements established in s.
6 16.75.

7 **SECTION 27.** 46.10 (14) (b) and (g) of the statutes are amended to read:

8 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
9 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
10 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
11 in a residential, nonmedical facility such as a group home, foster home, subsidized
12 guardianship home, or residential care center for children and youth shall be
13 determined by the court by using the percentage standard established by the
14 department of children and families under s. ~~49.22~~ 49.811 (9) and by applying the
15 percentage standard in the manner established by the department under par. (g).

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

23 **SECTION 28.** 46.206 (1) (a) and (2) of the statutes are amended to read:

24 46.206 (1) (a) The department shall supervise the administration of social
25 services, except as provided under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II~~

1 and III of ch. 49, and ch. 48 and except for juvenile delinquency-related services. The
2 department shall submit to the federal authorities state plans for the administration
3 of social services, except as provided under ~~ch. 48 and subch. ss. 49.811 to 49.823,~~
4 subchs. II and III of ch. 49, and ch. 48 and except for juvenile delinquency-related
5 services, in such form and containing such information as the federal authorities
6 require, and shall comply with all requirements prescribed to ensure their
7 correctness.

8 (2) The county administration of all laws relating to social services, except with
9 respect to the programs under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and~~
10 III of ch. 49, and ch. 48 and to juvenile delinquency-related programs, shall be vested
11 in the officers and agencies designated in the statutes.

12 **SECTION 29.** 46.21 (2m) (c) and (5) (b) of the statutes are amended to read:

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

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

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

7 **SECTION 30.** 46.215 (1) (intro.) of the statutes, as affected by 2011 Wisconsin
8 Act 32, is amended to read:

9 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population
10 of 500,000 or more the administration of welfare services, other than child welfare
11 services under s. 48.48 (17) administered by the department and except as provided
12 in ss. 49.003 (1r), 49.009, 49.011, and 49.155 (3g), 49.78 (1r), 49.825, and 49.826, is
13 vested in a county department of social services under the jurisdiction of the county
14 board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any law to a county
15 department of social services under this section applies to a county department
16 under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties
17 of the county department of social services. Except as provided in ss. 49.003 (1r),
18 49.009, 49.011, and 49.155 (3g), 49.78 (1r), 49.825, and 49.826, the county
19 department of social services shall have the following functions, duties, and powers,
20 and such other welfare functions as may be delegated to it:

21 **SECTION 31.** 46.215 (1) (d) of the statutes, as affected by 2009 Wisconsin Act 28,
22 is amended to read:

23 46.215 (1) (d) To make investigations that relate to services under subchs. IV
24 and V of ch. 49 and s. 49.003 upon request by the department of health services, to
25 make investigations that relate to juvenile delinquency-related services at the

1 request of the department of corrections, and to make investigations that relate to
2 programs under ch. 48 and ~~subch.~~ subchs. II, III, and VI of ch. 49 upon request by
3 the department of children and families.

4 **SECTION 32.** 46.215 (1) (j) and (k), (1m) and (1p) of the statutes are amended
5 to read:

6 46.215 (1) (j) To make payments in such manner as the department of children
7 and families may determine for training of recipients, former recipients, and
8 potential recipients of aid in programs established under s. 49.193, 1997 stats., and
9 s. ~~49.26~~ 49.198 (1).

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

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

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

1 the county department of social services or tribal agency or with a resource center,
2 a care management organization, or a long-term care district, if necessary to enable
3 an employee or service provider to perform his or her duties, or to enable the county
4 department of social services or tribal agency to coordinate the delivery of services
5 to the client. An agency that releases information under this subsection shall
6 document that a request for information was received and what information was
7 provided.

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

15 **SECTION 33.** 46.215 (2) (a) 1. and 2. of the statutes are amended to read:

16 46.215 (2) (a) 1. In order to ensure the availability of a full range of care and
17 services, the county department of social services may contract, either directly or
18 through the department of health services, with public or voluntary agencies or
19 others to purchase, in full or in part, care and services, except as provided under
20 subch. III of ch. 49 and s. ss. 49.811 to 49.823 and 301.08 (2) and subchs. II and III
21 of ch. 49, which the county department of social services is authorized by any statute
22 to furnish in any manner. This care and these services may be purchased from the
23 department of health services if the department of health services has staff to furnish
24 the care and services. If the county department of social services has adequate staff,
25 it may sell the care and services directly to another county or state agency.

1 2. In order to ensure the availability of a full range of care and services, the
2 county department of social services may contract, either directly or through the
3 department of children and families, with public or voluntary agencies or others to
4 purchase, in full or in part, care and services under ~~ch. 48 and subch. ss. 49.811 to~~
5 49.823, subchs. II and III of ch. 49, and ch. 48 which the county department of social
6 services is authorized to furnish. This care and these services may be purchased
7 from the department of children and families if the department of children and
8 families has staff to furnish the services. If the county department of social services
9 has adequate staff, it may sell the care and services directly to another county or
10 state agency.

11 **SECTION 34.** 46.215 (2) (c) 1. and 2. of the statutes are amended to read:

12 46.215 (2) (c) 1. A county department of social services shall develop, under the
13 requirements of s. 46.036, plans and contracts for care and services to be purchased,
14 except for care and services under ~~subch. III of ch. 49 or s. ss. 49.811 to 49.823 and~~
15 301.08 (2) and subchs. II and III of ch. 49. The department of health services may
16 review the contracts and approve them if they are consistent with s. 46.036 and if
17 state or federal funds are available for such purposes. The joint committee on finance
18 may require the department of health services to submit the contracts to the
19 committee for review and approval. The department of health services may not make
20 any payments to a county for programs included in a contract under review by the
21 committee. The department of health services shall reimburse each county for the
22 contracts from the appropriations under s. 20.435 (7) (b) and (o), as appropriate,
23 under s. 46.495.

24 2. A county department of social services shall develop, under the requirements
25 of s. 49.34, plans and contracts for care and services to be purchased under ~~ch. 48 and~~

1 ~~subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48.~~ The department
2 of children and families may review the contracts and approve them if they are
3 consistent with s. 49.34 and if state or federal funds are available for such purposes.
4 The joint committee on finance may require the department of children and families
5 to submit the contracts to the committee for review and approval. The department
6 of children and families may not make any payments to a county for programs
7 included in a contract under review by the committee.

8 **SECTION 35.** 46.22 (1) (b) 1. b. of the statutes is amended to read:

9 46.22 (1) (b) 1. b. To make investigations which relate to welfare services,
10 except as provided under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of~~
11 ~~ch. 49, and ch. 48~~ upon request by the department of health services.

12 **SECTION 36.** 46.22 (1) (b) 2. c. of the statutes is amended to read:

13 46.22 (1) (b) 2. c. To make investigations as provided under ~~ch. 48 and subch.~~
14 ~~ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~ upon request by the
15 department of children and families.

16 **SECTION 37.** 46.22 (1) (b) 2. d. of the statutes, as affected by 2011 Wisconsin Act
17 32, is amended to read:

18 46.22 (1) (b) 2. d. To certify eligibility for and issue ~~food coupons~~ supplemental
19 nutrition assistance program benefits to needy households in conformity with 7 USC
20 2011 to 2036, subject to s. ~~49.78~~ 49.003.

21 **SECTION 38.** 46.22 (1) (b) 2. e. and g., (d), (dm), (dp) and (e) 3. a. and b. of the
22 statutes are amended to read:

23 46.22 (1) (b) 2. e. To make payments in such manner as the department of
24 children and families may determine for training of recipients, former recipients and

1 potential recipients of aid in programs established under s. 49.193, 1997 stats., and
2 s. ~~49.26~~ 49.198 (1).

3 g. To make certification or referral of eligibles for state or federal works or other
4 assistance programs under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III~~
5 of ch. 49, and ch. 48, eligibility for which is based on need.

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

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

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

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

12 (e) 3. a. A county department of social services shall develop, under the
13 requirements of s. 46.036, plans and contracts for care and services, except under ~~ch.~~
14 ~~48, subch. III of ch. 49, and s. ss. 49.811 to 49.823 and 301.08 (2), subchs. II and II~~
15 ~~of ch. 49, and ch. 48,~~ to be purchased. The department of health services may review
16 the contracts and approve them if they are consistent with s. 46.036 and to the extent
17 that state or federal funds are available for such purposes. The joint committee on
18 finance may require the department of health services to submit the contracts to the
19 committee for review and approval. The department of health services may not make
20 any payments to a county for programs included in the contract that is under review
21 by the committee. The department of health services shall reimburse each county
22 for the contracts from the appropriations under s. 20.435 (7) (b) and (o) according to
23 s. 46.495.

24 b. A county department of social services shall develop, under the requirements
25 of s. 49.34, plans and contracts for care and services under ~~ch. 48 and subch. ss.~~

1 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48 to be purchased. The
2 department of children and families may review the contracts and approve them if
3 they are consistent with s. 49.34 and to the extent that state or federal funds are
4 available for such purposes. The joint committee on finance may require the
5 department of children and families to submit the contracts to the committee for
6 review and approval. The department of children and families may not make any
7 payments to a county for programs included in the contract that is under review by
8 the committee.

9 **SECTION 39.** 46.22 (2) (b), (2g) (d) and (3m) (a) of the statutes are amended to
10 read:

11 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
12 to s. ~~49.78~~ 49.003 (4) to (7) and the rules promulgated thereunder and subject to the
13 approval of the county board of supervisors in a county with a single-county
14 department of social services or the county boards of supervisors in counties with a
15 multicounty department of social services.

16 (2g) (d) Prepare, with the assistance of the county social services director under
17 sub. (3m) (b) 5., a proposed budget for submission to the county executive or county
18 administrator, a final budget for submission to the department of health services in
19 accordance with s. 46.031 (1) for authorized services, except services under ch. 48,
20 ~~subch. III of ch. 49, or s. ss. 49.811 to 49.823 and 301.08 (2), subchs. II and III of ch.~~
21 49, and ch. 48, a final budget for submission to the department of children and
22 families in accordance with s. 49.325 for authorized services under ~~ch. 48 and subch.~~
23 ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48, and a final budget for
24 submission to the department of corrections in accordance with s. 301.031 (1) for
25 authorized juvenile delinquency-related services.

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

9 **SECTION 40.** 46.23 (3) (e) and (ed) of the statutes are amended to read:

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

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

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

10 **SECTION 41.** 46.23 (5) (a) 1. and 2., (c) 1. and 2. and (n) 1. and 2., (5m) (c) and
11 (6) (a) (intro.) of the statutes are amended to read:

12 46.23 (5) (a) 1. Shall determine administrative and program policies, except as
13 provided under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and~~
14 ch. 48 and except for juvenile delinquency-related policies, within limits established
15 by the department of health services. Policy decisions, except as provided under ~~ch.~~
16 ~~48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~ and except
17 for juvenile delinquency-related policies, not reserved by statute for the department
18 of health services may be delegated by the secretary to the county human services
19 board.

20 2. Shall determine administrative and program policies under ~~ch. 48 and~~
21 ~~subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~ within limits
22 established by the department of children and families. Policy decisions under ch.
23 ~~48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~ not reserved
24 by statute for the department of children and families may be delegated by the
25 secretary of children and families to the county human services board.

1 (c) 1. Shall determine whether state mandated services, except for services
2 under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~
3 and juvenile delinquency-related services, are provided or purchased or contracted
4 for with local providers, and monitor the performance of such contracts. Purchase
5 of services contracts shall be subject to the conditions specified in s. 46.036.

6 2. Shall determine whether state mandated services under ~~ch. 48 and subch.~~
7 ~~ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~ are provided or purchased
8 or contracted for with local providers, and monitor the performance of such contracts.
9 Purchase of services contracts shall be subject to the conditions specified in s. 49.34.

10 (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for authorized
11 services, except for services under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II~~
12 ~~and III of ch. 49, and ch. 48~~ and juvenile delinquency-related services.
13 Notwithstanding the categorization of or limits specified for funds allocated under
14 s. 46.495 or 51.423 (2), with the approval of the department of health services the
15 county human services board may expend these funds consistent with any service
16 provided under s. 46.495 or 51.42.

17 2. Shall submit a final budget in accordance with s. 49.325 (1) for authorized
18 services under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and~~
19 ~~ch. 48~~. Notwithstanding the categorization of or limits specified for funds allocated
20 under s. 48.569, with the approval of the department of children and families the
21 county human services board may expend these funds consistent with any service
22 provided under s. 48.569.

23 (5m) (c) Prepare, with the assistance of the county human services director
24 under sub. (6m) (e), a proposed budget for submission to the county executive or
25 county administrator, a final budget for submission to the department of health

1 services in accordance with s. 46.031 (1) for authorized services, except services
2 under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~
3 and juvenile delinquency-related services, a final budget for submission to the
4 department of children and families in accordance with s. 49.325 for authorized
5 services under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and~~
6 ~~ch. 48~~, and a final budget for submission to the department of corrections in
7 accordance with s. 301.031 for authorized juvenile delinquency-related services.

8 (6) (a) (intro.) A county human services director appointed under sub. (5) (f)
9 shall have all of the administrative and executive powers and duties of managing,
10 operating, maintaining, and improving the programs of the county department of
11 human services, subject to the rules promulgated by the department of health
12 services for programs, except services or programs under ~~ch. 48 and subch. ss. 49.811~~
13 ~~to 49.823, subchs. II and III of ch. 49, and ch. 48~~ and juvenile delinquency-related
14 services or programs, subject to the rules promulgated by the department of children
15 and families for services or programs under ~~ch. 48 and subch. ss. 49.811 to 49.823,~~
16 ~~subchs. II and III of ch. 49, and ch. 48~~, and subject to the rules promulgated by the
17 department of corrections for juvenile delinquency-related services or programs. In
18 consultation with the county human services board under sub. (5) and subject to its
19 approval, the county human services director shall prepare:

20 SECTION 42. 46.27 (7) (am) of the statutes, as affected by 2011 Wisconsin Act
21 32, is amended to read:

22 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
23 shall allocate funds to each county or private nonprofit agency with which the
24 department contracts to pay assessment and case plan costs under sub. (6) not
25 otherwise paid by fee or under s. ~~49.003 (2) or 49.45 or 49.78 (2)~~. The department

1 shall reimburse multicounty consortia for the cost of assessing persons eligible for
2 ~~medical assistance~~ Medical Assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a)
3 as part of the administrative services of ~~medical assistance~~ Medical Assistance,
4 payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this
5 paragraph to pay the cost of long-term community support services and for a risk
6 reserve under par. (fr).

7 **SECTION 43.** 46.28 (1) (f) of the statutes is amended to read:

8 46.28 (1) (f) "Victim of domestic abuse" means an individual who has
9 encountered domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a).

10 **SECTION 44.** 46.283 (3) (k) of the statutes is amended to read:

11 46.283 (3) (k) A determination of eligibility for state supplemental payments
12 under s. 49.77, ~~medical assistance~~ Medical Assistance under s. 49.46, 49.468, 49.47,
13 or 49.471, or the federal ~~food stamp~~ supplemental nutrition assistance program
14 under 7 USC 2011 to ~~2029~~ 2036.

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

15 **SECTION 45.** 46.283 (7) (b) of the statutes is amended to read:

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

24 **SECTION 46.** 46.284 (7) (b) of the statutes is amended to read:

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

9 **SECTION 47.** 46.2895 (10) of the statutes is amended to read:

10 **46.2895 (10) EXCHANGE OF INFORMATION.** Notwithstanding sub. (9) and ss. 48.78
11 (2) (a), 49.013, 49.45 (4), ~~49.83~~, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
12 253.07 (3) (c) and 938.78 (2) (a), a long-term care district acting under this section
13 may exchange confidential information about a client, as defined in s. 46.287 (1),
14 without the informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22
15 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the
16 jurisdiction of the long-term care district, if necessary to enable the long-term care
17 district to perform its duties or to coordinate the delivery of services to the client.

18 **SECTION 48.** 46.56 (3) (b) 15. of the statutes is amended to read:

19 46.56 (3) (b) 15. Representatives of economic support agencies and the
20 Wisconsin Works agency under subch. ~~III~~ II of ch. 49, if a different agency.

21 **SECTION 49.** 48.30 (6) (b) of the statutes is amended to read:

22 48.30 (6) (b) If it appears to the court that disposition of the case may include
23 placement of the child outside the child's home, the court shall order the child's
24 parent to provide a statement of income, assets, debts, and living expenses to the
25 court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled

1 date of the dispositional hearing or as otherwise ordered by the court. The clerk of
2 court shall provide, without charge, to any parent ordered to provide a statement of
3 income, assets, debts, and living expenses a document setting forth the percentage
4 standard established by the department under s. ~~49.22~~ 49.811 (9) and the manner
5 of its application established by the department under s. 49.345 (14) (g) and listing
6 the factors that a court may consider under s. 49.345 (14) (c).

7 **SECTION 50.** 48.31 (7) (b) of the statutes is amended to read:

8 48.31 (7) (b) If it appears to the court that disposition of the case may include
9 placement of the child outside the child's home, the court shall order the child's
10 parent to provide a statement of income, assets, debts, and living expenses to the
11 court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled
12 date of the dispositional hearing or as otherwise ordered by the court. The clerk of
13 court shall provide, without charge, to any parent ordered to provide a statement of
14 income, assets, debts, and living expenses a document setting forth the percentage
15 standard established by the department under s. ~~49.22~~ 49.811 (9) and the manner
16 of its application established by the department under s. 49.345 (14) (g) and listing
17 the factors that a court may consider under s. 49.345 (14) (c).

18 **SECTION 51.** 48.357 (5m) (a) of the statutes is amended to read:

19 48.357 (5m) (a) If a proposed change in placement changes a child's placement
20 from a placement in the child's home to a placement outside the child's home, the
21 court shall order the child's parent to provide a statement of income, assets, debts
22 and living expenses to the court or the person or agency primarily responsible for
23 implementing the dispositional order by a date specified by the court. The clerk of
24 court shall provide, without charge, to any parent ordered to provide a statement of
25 income, assets, debts, and living expenses a document setting forth the percentage

1 standard established by the department under s. ~~49.22~~ 49.811 (9) and the manner
2 of its application established by the department under s. 49.345 (14) (g) and listing
3 the factors that a court may consider under s. 49.345 (14) (c). If the child is placed
4 outside the child's home, the court shall determine the liability of the parent in the
5 manner provided in s. 49.345 (14).

6 **SECTION 52.** 48.36 (1) (b) of the statutes is amended to read:

7 48.36 (1) (b) In determining the amount of support under par. (a), the court may
8 consider all relevant financial information or other information relevant to the
9 parent's earning capacity, including information reported under s. ~~49.22~~ 49.811 (2m)
10 to the department or the county child support agency under s. 59.53 (5). If the court
11 has insufficient information with which to determine the amount of support, the
12 court shall order the child's parent to furnish a statement of income, assets, debts,
13 and living expenses, if the parent has not already done so, to the court within 10 days
14 after the court's order transferring custody or designating an alternative placement
15 is entered or at such other time as ordered by the court.

16 **SECTION 53.** 48.36 (2) of the statutes is amended to read:

17 48.36 (2) If an expectant mother or a child whose legal custody has not been
18 taken from a parent or guardian is given educational and social services, or medical,
19 psychological or psychiatric treatment by order of the court, the cost of those services
20 or that treatment, if ordered by the court, shall be a charge upon the county in a
21 county having a population of less than 500,000 or the department in a county having
22 a population of 500,000 or more. This section does not prevent recovery of reasonable
23 contribution toward the costs from the parent or guardian of the child or from an
24 adult expectant mother as the court may order based on the ability of the parent,

1 guardian or adult expectant mother to pay. This subsection shall be subject to s.
2 ~~49.32~~ 49.06 (1).

3 **SECTION 54.** 48.361 (2) (c) of the statutes is amended to read:

4 48.361 (2) (c) Payment for alcohol and other drug abuse services by a county
5 department under this section does not prohibit the county department from
6 contracting with another county department or approved treatment facility for the
7 provision of alcohol and other drug abuse services. Payment by the county under this
8 section does not prevent recovery of reasonable contribution toward the costs of the
9 court-ordered alcohol and other drug abuse services from the parent or adult
10 expectant mother which is based upon the ability of the parent or adult expectant
11 mother to pay. This subsection is subject to s. ~~49.32~~ 49.06 (1).

12 **SECTION 55.** 48.362 (4) (c) of the statutes is amended to read:

13 48.362 (4) (c) A county department that pays for court-ordered special
14 treatment or care under par. (a) may recover from the parent or adult expectant
15 mother, based on the ability of the parent or adult expectant mother to pay, a
16 reasonable contribution toward the costs of the court-ordered special treatment or
17 care. This paragraph is subject to s. ~~49.32~~ 49.06 (1).

18 **SECTION 56.** 48.363 (1) (c) of the statutes is amended to read:

19 48.363 (1) (c) If the proposed revision is for a change in the amount of child
20 support to be paid by a parent, the court shall order the child's parent to provide a
21 statement of income, assets, debts and living expenses to the court and the person
22 or agency primarily responsible for implementing the dispositional order by a date
23 specified by the court. The clerk of court shall provide, without charge, to any parent
24 ordered to provide a statement of income, assets, debts, and living expenses a
25 document setting forth the percentage standard established by the department

1 under s. ~~49.22~~ 49.811 (9) and the manner of its application established by the
2 department under s. 49.345 (14) (g) and listing the factors that a court may consider
3 under s. 49.345 (14) (c).

4 **SECTION 57.** 48.47 (7g) of the statutes is amended to read:

5 48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish
6 a statewide automated child welfare information system. Notwithstanding ss.
7 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.013, 49.45 (4), ~~49.83~~,
8 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1)
9 (a) and (2), and 938.78 (2) (a), the department may enter the content of any record
10 kept or information received by the department into the statewide automated child
11 welfare information system, and a county department under s. 46.215, 46.22, or
12 46.23, the department, or any other organization that has entered into an
13 information sharing and access agreement with the department or any of those
14 county departments and that has been approved for access to the statewide
15 automated child welfare information system by the department may have access to
16 information that is maintained in that system, if necessary to enable the county
17 department, department, or organization to perform its duties under this chapter,
18 ch. 46, 51, 55, or 938, or 42 USC 670 to 679b or to coordinate the delivery of services
19 under this chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to 679b. The department
20 may also transfer information that is maintained in the system to a court under s.
21 48.396 (3) (b), and the court and the director of state courts may allow access to that
22 information as provided in s. 48.396 (3) (c) 2.

23 **SECTION 58.** 48.62 (2) of the statutes is amended to read:

24 48.62 (2) A relative or a guardian of a child who provides care and maintenance
25 for the child is not required to obtain the license specified in this section. The

1 department, county department, or licensed child welfare agency as provided in s.
2 48.75 may issue a license to operate a foster home to a relative who has no duty of
3 support under s. ~~49.90~~ 49.039 (1) (a) and who requests a license to operate a foster
4 home for a specific child who is either placed by court order or who is the subject of
5 a voluntary placement agreement under s. 48.63. The department, a county
6 department, or a licensed child welfare agency may, at the request of a guardian
7 appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., license the
8 guardian's home as a foster home for the guardian's minor ward who is living in the
9 home and who is placed in the home by court order. Relatives with no duty of support
10 and guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats.,
11 who are licensed to operate foster homes are subject to the department's licensing
12 rules.

13 **SECTION 59.** 48.651 (2c) (a) of the statutes is amended to read:

14 48.651 (2c) (a) Reimburse a county having a population of 500,000 or more for
15 all approved, allowable certification costs, as provided in s. ~~49.826~~ 49.011 (2) (c).

16 **SECTION 60.** 48.66 (2m) (c) and (cm) of the statutes are amended to read:

17 48.66 (2m) (c) The subunit of the department that obtains a social security
18 number or a federal employer identification number under par. (a) 1. may not
19 disclose that information to any person except to the department of revenue for the
20 sole purpose of requesting certifications under s. 73.0301 or on the request of the
21 subunit of the department that administers the child and spousal support program
22 under s. ~~49.22~~ 49.811 (2m).

23 (cm) The department of corrections may not disclose any information obtained
24 under par. (am) 1. to any person except on the request of the department under s.
25 ~~49.22~~ 49.811 (2m).

1 **SECTION 61.** 48.685 (5) (br) 5. of the statutes is amended to read:

2 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in
3 the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of
4 a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent
5 children under s. 49.19, medical assistance under subch. IV of ch. 49, ~~food stamps~~
6 benefits under the ~~food stamp~~ supplemental nutrition assistance program under 7
7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments
8 for the support of children of supplemental security income recipients under s.
9 49.775, or health care benefits under the Badger Care health care program under s.
10 49.665.

11 **SECTION 62.** 48.839 (1) (d) and (e) of the statutes are amended to read:

12 48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county
13 department or child welfare agency before the child is adopted, the department shall
14 periodically bill the guardian and the surety under s. ~~49.32~~ 49.06 (1) (b) or 49.345 for
15 the cost of care and maintenance of the child until the child is adopted or becomes
16 age 18, whichever is earlier. The guardian and surety shall also be liable under the
17 bond for costs incurred by the department in enforcing the bond against the guardian
18 and surety.

19 (e) This section does not preclude the department or any other agency given
20 custody of a child under sub. (4) (b) from collecting under s. ~~49.32~~ 49.06 (1) (b) or
21 49.345 from the former guardian for costs in excess of the amount recovered under
22 the bond incurred in enforcing the bond and providing care and maintenance for the
23 child until he or she reaches age 18 or is adopted.

24 **SECTION 63.** 48.98 (2) (d) of the statutes is amended to read:

1 48.98 (2) (d) The department shall periodically bill the person who filed the
2 bond and the surety under s. ~~49.32~~ 49.06 (1) (b) or 49.345 for the cost of care and
3 maintenance of the child until the child is adopted or becomes age 18, whichever is
4 earlier. The guardian and surety shall also be liable under the bond for costs incurred
5 by the department in enforcing the bond.

6 **SECTION 64.** 48.981 (8) (a) and (d) 1. of the statutes are amended to read:

7 48.981 (8) (a) The department, the county departments, and a licensed child
8 welfare agency under contract with the department in a county having a population
9 of 500,000 or more to the extent feasible shall conduct continuing education and
10 training programs for staff of the department, the county departments, licensed
11 child welfare agencies under contract with the department or a county department,
12 law enforcement agencies, and the tribal social services departments, persons and
13 officials required to report, the general public, and others as appropriate. The
14 programs shall be designed to encourage reporting of child abuse and neglect and of
15 unborn child abuse, to encourage self-reporting and voluntary acceptance of services
16 and to improve communication, cooperation, and coordination in the identification,
17 prevention, and treatment of child abuse and neglect and of unborn child abuse.
18 Programs provided for staff of the department, county departments, and licensed
19 child welfare agencies under contract with county departments or the department
20 whose responsibilities include the investigation or treatment of child abuse or
21 neglect shall also be designed to provide information on means of recognizing and
22 appropriately responding to domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a).
23 The department, the county departments, and a licensed child welfare agency under
24 contract with the department in a county having a population of 500,000 or more

1 shall develop public information programs about child abuse and neglect and about
2 unborn child abuse.

3 (d) 1. Each agency staff member and supervisor whose responsibilities include
4 investigation or treatment of child abuse and neglect or of unborn child abuse shall
5 successfully complete training in child abuse and neglect protective services and in
6 unborn child abuse protective services approved by the department. The training
7 shall include information on means of recognizing and appropriately responding to
8 domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a). The department shall monitor
9 compliance with this subdivision according to rules promulgated by the department.

10 **SECTION 65.** 48.988 (11) of the statutes is amended to read:

11 48.988 (11) Financial responsibility for any child placed under the interstate
12 compact on the placement of children shall be determined in accordance with sub.
13 (5) in the first instance. However, in the event of partial or complete default of
14 performance thereunder, the provisions of s. ~~49.90~~ 49.039, ch. 769, or any other
15 applicable state law fixing responsibility for the support of children also may be
16 invoked.

17 **SECTION 66.** 48.989 (2) of the statutes is amended to read:

18 48.989 (2) FINANCIAL RESPONSIBILITY. Financial responsibility for any child
19 placed under the provisions of the interstate compact on the placement of children
20 shall be determined in accordance with ss. 48.60 (4) (b) and 48.988 (5). In the event
21 of partial or complete default of performance under the compact, the provisions of s.
22 ~~49.90~~ 49.039, ch. 769, or any other applicable state law fixing responsibility for the
23 support of children may also be invoked.

24 **SECTION 67.** Subchapter I (title) of chapter 49 [precedes 49.001] of the statutes
25 is repealed and recreated to read:

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

1 **SECTION 72.** 49.001 (5p) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is amended to read:

3 49.001 (5p) "Relief block grant" means a block grant awarded to a county or
4 tribal governing body under s. 49.025, 2009 stats., s. 49.027, 2009 stats., or s. ~~49.029~~
5 49.806.

6 **SECTION 73.** 49.003 (1) (am) of the statutes is created to read:

7 49.003 (1) (am) "Department" means the department of health services.

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

8 **SECTION 74.** 49.006 of the statutes is created to read:

9 **49.006 Affirmation of statements in applications.** (1) A person who
10 makes a statement in a written application for any aid or benefit provided under this
11 chapter shall be considered to have made an admission as to the existence,
12 correctness, or validity of any fact stated. Such a statement shall be considered to
13 be prima facie evidence against the person making it in any complaint, information,
14 or indictment, or in any action brought for enforcement of any provision of this
15 chapter.

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

21 (3) The department of children and families and the department of health
22 services shall promulgate rules requiring information provided by an applicant for

1 any aid or benefit under this chapter to be sworn to or otherwise affirmed as being
2 true and correct to the best of the applicant's knowledge.

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

NOTE: Provides that a statement made in a written application for any aid or benefit under ch. 49, stats., is considered to be an admission as to the existence, correctness, or validity of any fact stated. In addition, proposed s. 49.006 (2) provides that an employee who accepts an application for aid or a benefit has the authority to administer an oath to the applicant. Finally, proposed s. 49.006 (3) requires DCF and DHS to promulgate rules requiring statements on aid and benefit applications to be sworn to or otherwise affirmed to be true and correct.

3 **SECTION 75.** 49.007 (3) of the statutes is created to read:

4 49.007 (3) FRAUD PREVENTION TRAINING. The department of health services, in
5 consultation with the department of children and families, shall provide training to
6 county and Wisconsin Works agency employees relating to fraud prevention and
7 investigation, error reduction, and related activities. The department of health
8 services shall promulgate rules specifying the frequency and content of the training.

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

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

9 **SECTION 76.** 49.01 (intro.) of the statutes is renumbered 49.801 (intro.) and
10 amended to read:

11 **49.801 Definitions.** (intro.) As used in this subchapter ss. 49.801 to 49.808:

12 **SECTION 77.** 49.01 (1g), (2), (2g), (3) and (8L) of the statutes are renumbered
13 49.801 (1g), (2), (2g), (3) and (8L), and 49.801 (2), as renumbered, is amended to read:

14 49.801 (2) "Dependent person" means an individual who is eligible for relief
15 under s. ~~49.015~~ 49.802.

16 **SECTION 78.** 49.01 (1m) and (8p) of the statutes are repealed.

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

1 **SECTION 79.** 49.01 (3m) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is renumbered 49.801 (3m).

3 **SECTION 80.** 49.015 (title), (1) (intro.) and (am), (1m), (2), (2m) and (3) (b) of the
4 statutes are renumbered 49.802 (title), (1) (intro.) and (am), (1m), (2), (2m) and (3)
5 (b), and 49.802 (3) (b), as renumbered, is amended to read:

6 49.802 (3) (b) A relief agency may waive the requirement under sub. (2) or (2m)
7 in case of unusual misfortune or hardship. Each waiver shall be reported to the
8 department. The department may make a determination as to the appropriateness
9 of the waiver under rules promulgated by the department under s. ~~49.02~~ 49.803 (7m)
10 (d).

11 **SECTION 81.** 49.015 (1) (a) and (c) and (3) (title) and (a) of the statutes, as
12 affected by 2009 Wisconsin Act 28, are renumbered 49.802 (1) (a) and (c) and (3) (title)
13 and (a), and 49.802 (1) (c), as renumbered, is amended to read:

14 49.802 (1) (c) The individual qualifies under written criteria of dependency
15 under s. ~~49.02~~ 49.803 (1) (b) established by the relief agency on that tax-free land.

16 **SECTION 82.** 49.02 (title) and (5) to (11) of the statutes are renumbered 49.803
17 (title) and (5) to (11), and 49.803 (7m) (b) and (d), as renumbered, are amended to
18 read:

19 49.803 (7m) (b) Procedures for appealing eligibility determinations under s.
20 49.015 ~~49.802~~. These procedures shall provide for notice, fair hearing and review.

21 (d) Standards for a waiver of any eligibility requirement under s. ~~49.015~~
22 49.802.

