

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

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

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

5 **SECTION 93.** 49.136 (1) (b) of the statutes is repealed.

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

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

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

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

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

12 **SECTION 96.** 49.137 (1) (ab), (am), (bd) and (e) of the statutes are repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 49.175 (1) (im) *Emergency shelter funding.* ~~From the appropriation account~~
19 ~~under s. 20.437 (2) (f), the department shall provide \$50,000 annually, beginning on~~

1 ~~October 1, 2009, to~~ For the Emergency Shelter of the Fox Valley to provide services
2 to homeless individuals and families, \$50,000 in each fiscal year.

....NOTE: It may be useful to ask LFB about the impact of adding this paragraph
and the corresponding appropriation to s. 49.175.

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

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

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

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

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

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

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

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

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

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

1 49.141 (8) DAMAGES. If a person is convicted under ~~sub. (6)~~ s. 946.90 (2) or (3),
2 the state has a cause of action for relief against the person in an amount equal to 3
3 times the amount of actual damages sustained as a result of any excess payments
4 made in connection with the offense for which the conviction was obtained. Proof by
5 the state of a conviction under ~~sub. (6)~~ s. 946.90 (2) or (3) is conclusive proof in a civil
6 action of the state's right to damages and the only issue in controversy shall be the
7 amount, if any, of the actual damages sustained. Actual damages consist of the total
8 amount of excess payments, any part of which is paid with state funds. In a civil
9 action under this subsection, the state may elect to file a motion in expedition of the
10 action. Upon receipt of the motion, the presiding judge shall expedite the action.

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

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

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

23 (b) Whoever offers or pays ~~any remuneration in cash or in-kind~~ money, goods,
24 services, or any other thing of value to any person to induce the person to refer an
25 individual to a person for the furnishing or arranging for the furnishing of any item

1 or service for which payment may be made in whole or in part under Wisconsin works
2 Works, or to purchase, lease, order, or arrange for or recommend purchasing, leasing,
3 or ordering any good, facility, service or item for which payment may be made in
4 whole or in part under any provision of Wisconsin works Works, is guilty of a Class
5 H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)
6 (h), the person may be fined not more than \$25,000.

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

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

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

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

NOTE: Move criminal penalties relating to Wisconsin Works fraud to proposed s. 946.90. Chapter 946, stats., contains crimes against government and its administration. Also, see SECTIONS 461 to 463.

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

20 49.143 (2) (b) Establish a children's services network. The children's services
21 network shall ~~provide~~ make available information about community resources

1 available to the dependent children in a Wisconsin ~~works~~ Works group, including
2 charitable food and clothing centers; subsidized and low-income housing;
3 transportation subsidies; the state supplemental food program for women, infants
4 and children under s. 253.06; and child care programs. In a county having a
5 population of 500,000 or more, a children's services network shall, in addition,
6 provide a forum for those persons who are interested in the delivery of child welfare
7 services and other services to children and families in the geographical area under
8 sub. (6) served by that children's services network to communicate with and make
9 recommendations to the providers of those services in that geographical area with
10 respect to the delivery of those services in that area.

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

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

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

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

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

20 49.143 (2) (h) Prohibit persons who contract with the Wisconsin Works agency
21 from imposing on a participant charges that are in addition to payments received by

1 the person for services under Wisconsin Works or from imposing direct charges upon
2 a participant in lieu of obtaining payment under Wisconsin Works.

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

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

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

4 49.143 (3g) (a) 1. The placement of participants in Wisconsin works Works
5 employment positions into unsubsidized employment, as defined in s. ~~49.147 (1) (e)~~
6 49.141 (1) (o).

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

8 49.145 (2) (j) ~~On the last day of the month, the~~ The individual is not
9 participating in a strike.

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

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

11 49.145 (2) (s) The individual assigns to the state any right of the individual or
12 of any dependent child of the individual to support or maintenance from any other
13 person accruing during the time that any assistance, as defined in 45 CFR 260.31,
14 under Wisconsin Works is paid to the individual. If a minor who is a beneficiary of
15 any assistance under Wisconsin Works is also the beneficiary of support under a
16 judgment or order that includes support for one or more children not receiving that
17 assistance, any support payment made under the judgment or order is assigned to
18 the state during the period that the minor is a beneficiary of that assistance in the
19 amount that is the proportionate share of the minor receiving the assistance, except
20 as otherwise ordered by the court on the motion of a party. Amounts assigned to the
21 state under this paragraph remain assigned to the state until the amount due to the
22 federal government has been recovered. No amount of support that begins to accrue

1 after the individual ceases to receive assistance under Wisconsin Works may be
2 considered assigned to this state. ~~Except as provided in s. 49.1455, 75~~ Seventy-five
3 percent of all money that is received by the department in a month under an
4 assignment to the state under this paragraph for an individual applying for or
5 participating in Wisconsin Works shall be paid to the individual applying for or
6 participating in Wisconsin Works. The department shall pay the federal share of
7 support assigned under this paragraph as required under federal law or waiver.

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

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

9 49.145 (3m) (title) PARTICIPANT WITH DRUG CONVICTION.

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

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

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

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

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

15 49.141 (1) (o) "Unsubsidized employment" means employment for which the
16 Wisconsin works Works agency provides no wage subsidy to the employer including
17 self-employment and entrepreneurial activities.

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

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

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

19 **SECTION 123.** 49.147 (4) (as) of the statutes, as affected by 2011 Wisconsin Act
20 32, is amended to read:

1 *e* 49.147 (4) (as) *Required hours*. Except as provided in ~~pars. (at) and par. (av)~~
2 and sub. (5m), a Wisconsin Works agency shall require a participant placed in a
3 community service job program to work in a community service job for the number
4 of hours determined by the Wisconsin Works agency to be appropriate for the
5 participant at the time of application or review and may require a participant to
6 participate in education or training activities for not more than 10 hours per week,
7 except that the Wisconsin Works agency may not require a participant under this
8 subsection to spend more than 40 hours per week in combined activities under this
9 subsection.

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

****NOTE: Please review the NOTE, below. Under current law, as of October 1, 2011, the general rule is that a Wisconsin Works agency may not require a person who is in a community service job to participate in training activities for more than 10 hours per week. Subsection (4) (at) is an exception to the general rule that allows the Wisconsin Works agency to require up to 40 hours of motivational training during the first two weeks of participation in the program. Similarly, under current law, a Wisconsin Works agency may not require a person who is in a transitional placement in Wisconsin Works to participate in education or training activities for more than 12 hours per week. Subsection (5) (bt) is an exception that allows the Wisconsin Works agency to require up to 40 hours of motivational training during the first two weeks of participation in the program.

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

11 **SECTION 125.** 49.147 (5) (bs) of the statutes, as affected by 2011 Wisconsin Act
12 32, section 1357f, is amended to read:

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

1 participant under this subsection to spend more than 40 hours per week in combined
2 activities under this subsection.

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

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

NOTE: Clarifies reference to technical college education.

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

10 49.147 (6) (cm) 1. The department may, in the manner provided in s. 49.85
11 49.023, collect job access loan repayments that are delinquent under the terms of a
12 repayment agreement. The department shall credit all delinquent repayments
13 collected by the department of revenue as a setoff under s. 71.93 to the appropriation
14 account under s. 20.437 (2) (jL). Use of the process under s. ~~49.85~~ 49.023 does not
15 preclude the department from collecting delinquent repayments through other legal
16 means.

17 **SECTION 128.** 49.1473 of the statutes is renumbered 49.143 (2b), and 49.143
18 (2b) (a) 2., as renumbered, is amended to read:

19 49.143 (2b) (a) 2. Each Wisconsin works Works agency shall establish
20 procedures, in accordance with the rules promulgated by the department under par.
21 ~~(a)~~ subd. 1., for screening victims of domestic abuse.

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

22 **SECTION 129.** 49.148 (1) (b) 1. of the statutes, as affected by 2011 Wisconsin Act
23 32, is amended to read:

1 49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a
2 community service job under s. 49.147 (4), a monthly grant of \$653, paid by the
3 Wisconsin Works agency. For every hour that the participant misses work or
4 education or training activities without good cause, the grant amount shall be
5 reduced by \$5. Good cause shall be determined by the financial and employment
6 planner in accordance with rules promulgated by the department. Good cause shall
7 include required court appearances for a victim of domestic abuse. If a participant
8 in a community service job under s. 49.147 (4) is required to work fewer than 30 hours
9 per week because the participant has unsubsidized employment, ~~as defined in s.~~
10 ~~49.147 (1) (e)~~, the grant amount under this paragraph shall equal the amount
11 specified under subd. 1m. minus \$5 for each hour that the participant misses work
12 or education or training activities without good cause.

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

15 49.148 (1m) (a) 1. A custodial parent of a child 8 weeks old or less who meets
16 the eligibility requirements under s. 49.145 (2) and (3), unless another adult member
17 of the custodial parent's Wisconsin Works group is participating in, or is eligible to
18 participate in, a Wisconsin Works employment position or is employed in
19 unsubsidized employment, ~~as defined in s. 49.147 (1) (e)~~.

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

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

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

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

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

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

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

10 49.15 (3) (a) Unsubsidized employment, ~~as defined in s. 49.147 (1) (c).~~

11 **SECTION 135.** 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and
12 amended to read:

13 49.151 (2) (a) (intro.) If a ~~court finds or it is determined after an administrative~~
14 hearing Wisconsin Works agency determines that an individual ~~who is a member of~~
15 a ~~Wisconsin works group~~ applying for or receiving benefits under s. 49.138 or ss.
16 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for those
17 benefits or for the purpose of increasing the value of those benefits, has intentionally
18 violated, ~~on 3 separate occasions, committed an intentional program violation~~
19 related to any provision in s. 49.138 or ss. 49.141 to 49.161 or any rule promulgated
20 under those sections, the Wisconsin works Works agency or the department may
21 permanently deny benefits under s. 49.138 or ss. 49.141 to 49.161 to the individual.
22 as follows:

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

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

3 49.151 (2) (a) 1. For a first intentional program violation, for 6 months.

4 2. For a 2nd intentional program violation, for one year.

5 3. For a 3rd intentional program violation, permanently.

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

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

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

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

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

12 **49.152 (title) Review of Wisconsin Works agency decisions.**

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

15 49.152 (1) PETITION FOR REVIEW. ~~Any~~ Except as provided in 49.1525, any
16 individual whose application for any component of Wisconsin Works is not acted
17 upon by the Wisconsin Works agency with reasonable promptness after the filing of
18 the application, as defined by the department by rule, or is denied in whole or in part,
19 whose benefit is modified or canceled, or who believes that the benefit was calculated
20 incorrectly, that the employment position in which the individual was placed is

1 inappropriate, or that providing case management services under s. 49.147 (2) (am)
2 in lieu of placement in a Wisconsin Works employment position is inappropriate, may
3 petition the Wisconsin Works agency for a review of such action. Review is
4 unavailable if the action by the Wisconsin Works agency occurred more than 45 days
5 prior to submission of the petition for review.

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

7 **49.1525 Review of Wisconsin Shares decisions. (1) PETITION FOR REVIEW.**

8 Any individual whose application for a child care subsidy under s. 49.155 is not acted
9 upon with reasonable promptness after the filing of the application, as defined by the
10 department by rule, or is denied in whole or in part, whose benefit is modified or
11 canceled, or who believes that the benefit was calculated incorrectly, or any child care
12 provider who is refused payment under s. 49.155 (7) or assessed a penalty under s.
13 49.155 (7m), may petition the department for a review of such action. Review is
14 unavailable if the action occurred more than 45 days prior to submission of the
15 petition for review.

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

16 **(2) REVIEW.** (a) Upon a timely petition under sub. (1), the department shall give
17 the applicant, participant, or child care provider reasonable notice and opportunity
18 for a review. The department shall render its decision as soon as possible after the
19 review and shall send by 1st class mail a certified copy of its decision to the
20 last-known address of the applicant, participant or child care provider. The
21 department shall deny a petition for a review or shall refuse to grant relief if the
22 petitioner does any of the following:

23 1. Withdraws the petition in writing.

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

4 (b) The petitioner may request a review of the department's decision under ch.
5 227 within 21 days of the date on which the decision of the department is mailed.

6 **(3) REMEDIES.** If, following review under sub. (2), the department determines
7 that a participant's child care subsidy benefit was improperly modified, canceled, or
8 refused, or was calculated incorrectly, the department shall restore the benefit to the
9 level determined to be appropriate by the department retroactive to the date on
10 which the benefit was first improperly modified, canceled, refused, or incorrectly
11 calculated.

****NOTE: What is the remedy for a child care provider who is refused payment
under s. 49.155 (7) or assessed a penalty under s. 49.155 (7m)? Additionally, it is not clear
to me how sub. (3) would be applied to an applicant whose application is denied.
Subsection (3) only provides a remedy in the event that a participant's child care subsidy
was improperly modified, canceled, or refused or was calculated incorrectly.

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

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

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

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

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

15 **SECTION 142.** 49.155 (1) (ah) of the statutes is amended to read:

16 49.155 (1) (ah) "County department or agency" means a county department
17 under s. 46.215, 46.22, or 46.23, the unit, as defined in s. ~~49.825~~ 49.009 (1) (e), or a
18 Wisconsin Works agency, child care resource and referral agency, or other agency.

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

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

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

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

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

8 49.155 (1m) ELIGIBILITY. (intro.) Except as provided in s. ~~49.155~~ sub. (3g), the
9 department shall contract with a county department or agency to determine the
10 eligibility of individuals residing in a particular geographic region or who are
11 members of a particular Indian tribal unit for child care subsidies under this section.
12 Under this section, an individual may receive a subsidy for child care for a child who
13 has not attained the age of 13 or, if the child is disabled, who has not attained the age
14 of 19, if the individual meets all of the following conditions:

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

16 1m. (intro.) Obtain a high school diploma or participate in a course of study
17 meeting the standards established by the state superintendent of public instruction
18 for the granting of a declaration of equivalency of high school graduation, if the
19 individual is not subject to the school attendance requirement under s. ~~49.26~~ 49.198
20 (1) (ge) and at least one of the following conditions is met:

21 3m. Participate in a job search or work experience component of the ~~food stamp~~
22 supplemental nutrition assistance employment and training program under s. 49.79
23 (9).

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

SECTION 145

1 49.155 (3g) (a) (intro.) The department may contract with the Milwaukee
2 County enrollment services unit, as provided in s. ~~49.825~~ 49.009 (2) (b), to do any of
3 the following:

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

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

8 49.155 (6m) (a) Maintain ~~a~~ an accurate written record of the daily hours of
9 attendance of each child for whom the provider is providing care under this section,
10 including the actual arrival and departure times for each child.

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

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

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

17 49.155 (7) (c) The department or a county department under s. 46.215, 46.22,
18 or 46.23 may refuse to pay a child care provider for child care provided under this
19 section if the department or county department reasonably suspects that the person
20 has violated any provision under the program under this section or any rule
21 promulgated under this section. Within 30 working days of the initial refusal of
22 payment under this paragraph, the department shall either initiate an action to
23 withhold payments under sub. (7m) or resume payments to the child care provider.

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

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

2 **49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.**

3 A custodial parent who is under the age of 18 is eligible, regardless of that
4 individual's or that individual's parent's income or assets, to meet with a financial
5 and employment planner. The financial and employment planner may provide the
6 individual with information regarding Wisconsin works Works eligibility, available
7 child care services, employment and financial planning, family planning services, as
8 defined in s. 253.07 (1) (b), community resources, eligibility for ~~food stamps~~ benefits
9 under the supplemental nutrition assistance program, and other food and nutrition
10 programs.

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

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

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

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

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

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

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

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

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

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

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

7 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
8 the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (f), (k), (kx), (L),
9 (mc), (md), (me), and (s), the department shall allocate the following amounts for the
10 following purposes:

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

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

12 49.175 (1) (m) *Children first.* For services under the work experience program
13 for noncustodial parents under s. ~~49.36~~ 49.163, \$1,140,000 in each fiscal year.

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

15 49.19 (4) (h) 1. b. ~~Except as provided under sub. (5) (a) 1m., when~~ When any
16 person applies for or receives aid under this section, any right of the parent or any
17 dependent child to support or maintenance from any other person, including any
18 right to unpaid amounts accrued at the time of application and any right to amounts
19 accruing during the time aid is paid under this section, is assigned to the state. If
20 a minor who is a beneficiary of aid under this section is also the beneficiary of support
21 under a judgment or order that includes support for one or more children not
22 receiving aid under this section, any support payment made under the judgment or
23 order is assigned to the state in the amount that is the proportionate share of the

1 minor receiving aid under this section, except as otherwise ordered by the court on
2 the motion of a party. Amounts assigned to the state under this subd. 1. b. remain
3 assigned to the state until that amount of aid paid that represents the amount due
4 as support or maintenance has been recovered. No amount of support that begins
5 to accrue after aid under this section is discontinued for the recipient may be
6 considered assigned to this state.

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

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

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

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

9 **49.195 (title) ~~Recovery of Action to recoup aid to families with~~**
10 **~~dependent children and, Wisconsin works~~ Works **benefits.****

NOTE: Modifies title to distinguish from recovery of overpayments.

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

13 49.195 (3) (a) A county, tribal governing body, Wisconsin ~~works~~ Works agency,
14 or the department shall determine whether an overpayment has been made under
15 s. 49.19, 49.148, 49.155, or 49.157 and, if so, the amount of the overpayment. The
16 county, tribal governing body, Wisconsin ~~works~~ Works agency, or department shall
17 provide notice of the overpayment to the liable person. The department shall give
18 that person an opportunity for a review following the procedure specified under s.
19 49.152 ~~or 49.1525~~, if the person received the overpayment under ~~s. ss.~~ 49.141 to
20 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96 ~~49.043~~, the
21 department shall promptly recover all overpayments made under s. 49.19, 49.148,
22 49.155, or 49.157 that have not already been received under s. 49.161 ~~or 49.19 (17)~~

1 and shall promulgate rules establishing policies and procedures to administer this
2 subsection. The rules shall include notification procedures similar to those
3 established for child support collections.

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

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

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

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

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

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

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

19 49.195 (3n) (q) 2. The first \$1,000 of an account in a depository institution is
20 exempt from any levy to recover a ~~benefit overpayment~~ debt.

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

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

3 **49.197 (1m) FRAUD INVESTIGATION.** From the appropriations under s. 20.437 (2)
4 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program
5 to investigate suspected fraudulent activity on the part of recipients of aid to families
6 with dependent children under s. 49.19, on the part of participants in the Wisconsin
7 Works program under ss. 49.141 to 49.161, and, if the department of health services
8 contracts with the department under sub. (5), on the part of recipients of medical
9 assistance under subch. IV, ~~food stamp~~ benefits under the ~~food stamp~~ supplemental
10 nutrition assistance program under 7 USC 2011 to 2036, supplemental security
11 income payments under s. 49.77, payments for the support of children of
12 supplemental security income recipients under s. 49.775, and health care benefits
13 under the Badger Care health care program under s. 49.665. The department's
14 activities under this subsection may include, but are not limited to, comparisons of
15 information provided to the department by an applicant and information provided
16 by the applicant to other federal, state, and local agencies, development of an
17 advisory welfare investigation prosecution standard, and provision of funds to
18 county departments under ss. 46.215, 46.22, and 46.23 or multicounty consortia, as
19 defined in s. ~~49.78~~ 49.003 (1) (br), and to Wisconsin Works agencies to encourage
20 activities to detect fraud. The department shall cooperate with district attorneys
21 regarding fraud prosecutions.

22 **SECTION 165.** 49.197 (2) (a) 3. of the statutes, as affected by 2011 Wisconsin Act
23 32, is repealed.

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

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

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

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

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

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

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

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

3 49.811 **(2m)** (a) The department may request from any person in this state
4 information it determines appropriate and necessary for the administration of this
5 section, ss. 49.141 to 49.161, 49.19, 49.46, 49.468, 49.47, and 49.471 and programs
6 carrying out the purposes of 7 USC 2011 to 2029 2036. Unless access to the
7 information is prohibited or restricted by law, or unless the person has good cause,
8 as determined by the department in accordance with federal law and regulations, for
9 refusing to cooperate, the person shall make a good faith effort to provide this
10 information within 7 days after receiving a request under this paragraph. Except
11 as provided in subs. (2p) and (2r) and subject to sub. (12), the department or the
12 county child support agency under s. 59.53 (5) may disclose information obtained
13 under this paragraph only in the administration of this section, ss. 49.141 to 49.161,
14 49.19, 49.46, 49.47, and 49.471 and programs carrying out the purposes of 7 USC
15 2011 to ~~2029~~ 2036. Employees of the department or a county child support agency
16 under s. 59.53 (5) are subject to s. ~~49.83~~ 49.013.

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

17 **(7m)** The department may contract with or employ a collection agency or other
18 person to enforce a support obligation of a parent who is delinquent in making
19 support payments and may contract with or employ an attorney to appear in an
20 action in state or federal court to enforce such an obligation. To pay for the
21 department's administrative costs of implementing this subsection, the department
22 may charge a fee to counties, use federal matching funds or funds retained by the
23 department under s. ~~49.24~~ 49.821 (2) (c), or use up to 30% of this state's share of a

1 collection made under this subsection on behalf of a recipient of aid to families with
2 dependent children or a recipient of kinship care payments under s. 48.57 (3m) or
3 long-term kinship care payments under s. 48.57 (3n).

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

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

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

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

14 (c) The department may retain 70% of the amount of federal child support
15 incentive payments awarded to the state for each federal fiscal year that exceeds
16 \$12,340,000, to be used to pay the costs of the department's activities under ss. ~~49.22~~
17 49.811 and ~~49.227~~ 49.819 and costs related to receiving and disbursing support and
18 support-related payments.

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

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

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

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

4 49.198 (1) (c) A ~~county department or~~ Wisconsin works Works agency may
5 provide services under this subsection directly or may contract with a nonprofit
6 agency or a school district to provide the services.

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

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

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

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

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

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

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

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

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

9 49.198 (2) ~~County departments or Wisconsin works~~ Works agencies shall
10 provide case management services to individuals who are subject to the school
11 attendance requirement under the learnfare program under sub. (1) and their
12 families to improve the school attendance and achievement of those individuals.

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

13 **SECTION 180.** 49.265 (1) (c) of the statutes is repealed.

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

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

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

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

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

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

2 **SECTION 184.** 49.32 (1), (2) and (6) to (12) of the statutes are renumbered 49.06
3 (1), (2) and (6) to (12), and 49.06 (1) (a), (6), (7) (b), (c) and (d), (8), (9) (title), (a), (b)
4 and (c), (10) (a) (intro.) and (10m) (a) and (b), as renumbered, are amended to read:

5 49.06 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department
6 shall establish a uniform system of fees for services provided or purchased under this
7 subchapter ~~ss. 49.811 to 49.823, subchs. II and III~~, and ch. 48 by the department, or
8 a county department under s. 46.215, 46.22, or 46.23 except as provided in s. ~~49.22~~
9 ~~49.811~~ (6) and except when, as determined by the department, a fee is
10 administratively unfeasible or would significantly prevent accomplishing the
11 purpose of the service. A county department under s. 46.215, 46.22, or 46.23 shall
12 apply the fees that it collects under this program to cover the cost of those services.
13 The department shall report to the joint committee on finance no later than March
14 1 of each year on the number of children placed for adoption by the department
15 during the previous year and the costs to the state for services relating to such
16 adoptions.

17 **(6) WELFARE REFORM STUDIES.** The department shall request proposals from
18 persons in this state for studies of the effectiveness of various program changes,
19 referred to as welfare reform, to the aid to families with dependent children program,
20 including the requirement that certain recipients of aid to families with dependent
21 children with children under age 6 participate in training programs, the learnfare
22 school attendance requirement under s. ~~49.26~~ 49.198 (1) (g) and the modification of
23 the earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the
24 effectiveness of the various efforts, including their cost-effectiveness, in helping

1 individuals gain independence through the securing of jobs and providing financial
2 incentives and in identifying barriers to independence.

3 (7) (b) The department shall conduct a program to periodically match the
4 records of recipients of aid to families with dependent children under s. 49.19 and,
5 if the department of health services contracts with the department under s. 49.197
6 (5), recipients of medical assistance under subch. IV and ~~food stamp~~ benefits under
7 the ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to
8 2036 with the records of recipients under those programs in other states. If an
9 agreement with the other states can be obtained, matches with records of states
10 contiguous to this state shall be conducted at least annually.

11 (c) The department shall conduct a program to periodically ~~match~~ review the
12 address records of recipients of aid to families with dependent children under s. 49.19
13 and, if the department of health services contracts with the department under s.
14 49.197 (5), recipients of medical assistance under subch. IV and ~~food stamp~~ benefits
15 under the ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011
16 to 2036 to verify residency and to identify recipients receiving duplicate or
17 fraudulent payments.

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

18 (d) The department, with assistance from the department of corrections, shall
19 conduct a program to periodically match the records of persons confined in state
20 correctional facilities with the records of recipients of aid to families with dependent
21 children under s. 49.19 and, if the department of health services contracts with the
22 department under s. 49.197 (5), recipients of medical assistance under subch. IV and
23 ~~food stamp~~ benefits under the ~~food stamp~~ supplemental nutrition assistance

1 program under 7 USC 2011 to 2036 to identify recipients who may be ineligible for
2 benefits.

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

3 (8) PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall make a
4 periodic check of the amounts earned by recipients of aid to families with dependent
5 children under s. 49.19 and by participants under Wisconsin ~~works~~ Works under ss.
6 49.141 to 49.161 through a check of the amounts credited to the recipient's social
7 security number. The department shall make an investigation into any discrepancy
8 between the amounts credited to a social security number and amounts reported as
9 income on the declaration application and take appropriate action under s. ~~49.95~~
10 49.041 when warranted. The department shall use the state wage reporting system
11 under 1985 Wisconsin Act 17, section 65 (1), when the system is implemented, to
12 make periodic earnings checks.

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

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

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

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

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

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

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

(22) **SECTION 185.** 49.32 (3) to ~~(5)~~⁽⁶⁾ of the statutes are repealed.

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

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

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

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

2 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
3 submit its final budget for services directly provided or purchased under ss. 49.811
4 to 49.823, this subchapter or subch. II, or ch. 48 to the department by December 31
5 annually.

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

7 49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
8 budget for services directly provided or purchased under ss. 49.811 to 49.823, this
9 subchapter or subch. II, or ch. 48 to the county executive or county administrator or
10 the county board, the county departments listed in sub. (1) shall assess needs and
11 inventory resources and services, using an open public participation process.

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

13 49.325 (2g) (a) The department shall annually submit to the county board of
14 supervisors in a county with a single-county department or the county boards of
15 supervisors in counties with a multicounty department a proposed written contract
16 containing the allocation of funds for services directly provided or purchased under
17 ss. 49.811 to 49.823, this subchapter or subch. II, or ch. 48 and such administrative
18 requirements as necessary. The contract as approved may contain conditions of
19 participation consistent with federal and state law. The contract may also include
20 provisions necessary to ensure uniform cost accounting of services. Any changes to
21 the proposed contract shall be mutually agreed upon. The county board of
22 supervisors in a county with a single-county department or the county boards of

1 supervisors in counties with a multicounty department shall approve the contract
2 before January 1 of the year in which it takes effect unless the department grants
3 an extension. The county board of supervisors in a county with a single-county
4 department or the county boards of supervisors in counties with a multicounty
5 department may designate an agent to approve addenda to any contract after the
6 contract has been approved.

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

8 49.325 (2r) (a) 1. For services under ss. 49.811 to 49.823, this subchapter or
9 subch. II, or ch. 48 that duplicate or are inconsistent with services being provided or
10 purchased by the department or other county departments receiving grants-in-aid
11 or reimbursement from the department.

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

13 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
14 regulations, in which case the department may also arrange for provision of services
15 under ss. 49.811 to 49.823, this subchapter or subch. II, or ch. 48 by an alternate
16 agency. The department may not arrange for provision of services by an alternate
17 agency unless the joint committee on finance or a review body designated by the
18 committee reviews and approves the department's determination.

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

20 49.34 (1) All services under ss. 49.811 to 49.823, this subchapter and subch. II,
21 and ch. 48 purchased by the department or by a county department under s. 46.215,
22 46.22, or 46.23 shall be authorized and contracted for under the standards
23 established under this section. The department may require the county departments
24 to submit the contracts to the department for review and approval. For purchases
25 of \$10,000 or less the requirement for a written contract may be waived by the

1 department. No contract is required for care provided by foster homes that are
2 required to be licensed under s. 48.62. When the department directly contracts for
3 services, it shall follow the procedures in this section in addition to meeting
4 purchasing requirements established in s. 16.75.

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

6 49.34 (2) All services purchased under ss. 49.811 to 49.823, this subchapter and
7 subch. II, and ch. 48 shall meet standards established by the department and other
8 requirements specified by the purchaser in the contract. Based on these standards
9 the department shall establish standards for cost accounting and management
10 information systems that shall monitor the utilization of the services, and document
11 the specific services in meeting the service plan for the client and the objective of the
12 service.

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

14 49.34 (4) (e) Charge a uniform schedule of fees as specified under s. ~~49.32~~ 49.06
15 (1) unless waived by the purchaser with the approval of the department. Whenever
16 providers recover funds attributed to the client, such funds shall offset the amount
17 paid under the contract.

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

19 49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including but
20 not limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m), receiving care,
21 maintenance, services, and supplies provided by any institution in this state, in
22 which the state is chargeable with all or part of the person's care, maintenance,
23 services, and supplies, and the person's property and estate, including the
24 homestead, and the spouse of the person, and the spouse's property and estate,
25 including the homestead, and, in the case of a minor child, the parents of the person,

1 and their property and estates, including their homestead, and, in the case of a
2 foreign child described in s. 48.839 (1) who became dependent on public funds for his
3 or her primary support before an order granting his or her adoption, the resident of
4 this state appointed guardian of the child by a foreign court who brought the child
5 into this state for the purpose of adoption, and his or her property and estate,
6 including his or her homestead, shall be liable for the cost of the care, maintenance,
7 services, and supplies in accordance with the fee schedule established by the
8 department under s. ~~49.32~~ 49.06 (1). If a spouse, widow, or minor, or an incapacitated
9 person may be lawfully dependent upon the property for his or her support, the court
10 shall release all or such part of the property and estate from the charges that may
11 be necessary to provide for the person. The department shall make every reasonable
12 effort to notify the liable persons as soon as possible after the beginning of the
13 maintenance, but the notice or the receipt thereof is not a condition of liability.

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

15 49.345 (14) (a) Except as provided in pars. (b) and (c), liability of a person
16 specified in sub. (2) or s. ~~49.32~~ 49.06 (1) for care and maintenance of persons under
17 18 years of age in residential, nonmedical facilities such as group homes, foster
18 homes, subsidized guardianship homes, and residential care centers for children and
19 youth is determined in accordance with the cost-based fee established under s. ~~49.32~~
20 49.06 (1). The department shall bill the liable person up to any amount of liability
21 not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party benefits,
22 subject to rules that include formulas governing ability to pay established by the
23 department under s. ~~49.32~~ 49.06 (1). Any liability of the person not payable by any
24 other person terminates when the person reaches age 18, unless the liable person has
25 prevented payment by any act or omission.

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

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

16 **SECTION 196.** 49.35 (title), (1) (a), (b), and (c) and (2) of the statutes are
17 renumbered 49.062 (title), (1) (a), (b), and (c) and (2), and 49.062 (1) (a) and (b), as
18 renumbered, are amended to read:

19 49.062 (1) (a) The department shall supervise the administration of programs
20 under ~~this subchapter ss. 49.811 to 49.823, subchs. II and III,~~ and ch. 48. The
21 department shall submit to the federal authorities state plans for the administration
22 of programs under ~~this subchapter ss. 49.811 to 49.823, subchs. II and III,~~ and ch.
23 48 in such form and containing such information as the federal authorities require,
24 and shall comply with all requirements prescribed to ensure their correctness.

1 (b) All records of the department and all county records relating to programs
2 under ~~this subchapter ss. 49.811 to 49.823, subchs. II and III,~~ and ch. 48 and aid
3 under s. 49.18, 1971 stats., s. 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected
4 by chapter 90, laws of 1973, shall be open to inspection at all reasonable hours by
5 authorized representatives of the federal government. Notwithstanding ss. 48.396
6 (2) and 938.396 (2), all county records relating to the administration of the services
7 and public assistance specified in this paragraph shall be open to inspection at all
8 reasonable hours by authorized representatives of the department.

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

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

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

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

13 49.163 (1) In this section: ~~(a) "Custodial,~~ "custodial parent" means a parent
14 who lives with his or her child for substantial periods of time.

15 **SECTION 200.** 49.36 (1) (b) of the statutes is repealed.

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

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

18 49.163 (2) The department may contract with any county, tribal governing
19 body, or Wisconsin Works agency to administer a work experience and job training
20 program for parents who are not custodial parents and who fail to pay child support
21 or to meet their children's needs for support as a result of unemployment or
22 underemployment. The program may provide the kinds of work experience and job

1 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
2 (3), ~~(3m)~~, or (4). The program may also include job search and job orientation
3 activities. The department shall fund the program from the appropriations under
4 s. 20.437 (2) (dz) and (k).

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

6 **49.385 No action against members of the Menominee Indian tribe in**
7 **certain cases.** No action shall be commenced under s. 46.10 or ~~49.08~~ 49.808 or any
8 other provision of law for the recovery from assets distributed to members of the
9 Menominee Indian tribe and others by the United States pursuant to P.L. 83-399,
10 as amended, for the value of relief or old-age assistance under s. 49.20, 1971 stats.,
11 as affected by chapter 90, laws of 1973, and the value of maintenance in state
12 institutions under ch. 46, furnished prior to termination date as defined in s. 70.057
13 (1), 1967 stats., to any legally enrolled member of the Menominee Indian tribe, his
14 or her dependents, or lawful distributees of such member under section 3, said P.L.
15 83-399, as amended. For purposes of this section, "legally enrolled members of the
16 Menominee Indian tribe" shall include only those persons whose names appear on
17 "Final Roll-Menominee Indian Tribe of Wisconsin" as proclaimed by the secretary
18 of the interior November 26, 1957, and published at pages 9951 et seq. of the federal
19 register, Thursday, December 12, 1957.

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

22 **CHAPTER 49**

23 **SUBCHAPTER IV**

24 **HEALTH; MEDICAL ASSISTANCE**

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

1 **49.43 Definitions.** (intro.) ~~As used in ss. 49.43 to 49.497~~ In this subchapter
2 unless the context indicates otherwise:

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

5 49.43 **(2r)** "County," "county department," and "county department under s.
6 46.215, 46.22, or 46.23" includes a multicounty consortium in accordance with a
7 contract under s. ~~49.78~~ 49.003 (2).

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

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

12 49.45 **(2)** (a) 3. Determine the eligibility of persons for medical assistance,
13 rehabilitative, and social services under ss. 49.46, 49.468, 49.47, and 49.471 and
14 rules and policies adopted by the department and may, under a contract under s.
15 ~~49.78~~ 49.003 (2), delegate all, or any portion, of this function to the county
16 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

17 (b) 7. (intro.) Require, as a condition of certification under par. (a) 11., all
18 providers of a specific service that is among those enumerated under s. 49.46 (2),
19 49.47 (6) (a), or 49.471 (11), as specified in this subdivision, to file with the
20 department a surety bond issued by a surety company licensed to do business in this
21 state. Providers subject to this subdivision provide those services specified under s.
22 49.46 (2), 49.47 (6) (a), or 49.471 (11) for which providers have demonstrated
23 significant potential to violate s. ~~49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),~~
24 or (4m) (a) or 946.91 (2), (3) (a) or (b), (4), or (5) (a) or (6), to require recovery under
25 par. (a) 10., or to need additional sanctions under par. (a) 13. The surety bond shall

1 be payable to the department in an amount that the department determines is
2 reasonable in view of amounts of former recoveries against providers of the specific
3 service and the department's costs to pursue those recoveries. The department shall
4 promulgate rules to implement this subdivision that specify all of the following:

5 a. Services under ~~medical assistance~~ Medical Assistance for which providers
6 have demonstrated significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3),
7 (~~3m~~) (a), (3p), (4) (a), or (4m) (a) or 946.91 (2), (3) (a) or (b), (4), (5) (a), or (6), to require
8 recovery under par. (a) 10., or to need additional sanctions under par. (a) 13.

9 (3) (a) Reimbursement shall be made to each county department under ss.
10 46.215, 46.22, and 46.23 for any administrative services performed in the Medical
11 Assistance program on the basis of s. ~~49.78~~ 49.003 (8). For purposes of
12 reimbursement under this paragraph, assessments completed under s. 46.27 (6) (a)
13 are administrative services performed in the Medical Assistance program.

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

17 **SECTION 207.** 49.45 (6y) (a) of the statutes, as affected by 2011 Wisconsin Act
18 32, is amended to read:

19 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriation accounts
20 under s. 20.435 (4) (b), (gm), (o), and (w), the department may distribute funding in
21 each fiscal year to provide supplemental payment to hospitals that enter into a
22 contract under s. ~~49.02~~ 49.803 (2) to provide health care services funded by a relief
23 block grant, as determined by the department, for hospital services that are not in
24 excess of the hospitals' customary charges for the services, as limited under 42 USC
25 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation

1 of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3),
2 the department may distribute funds to hospitals that have not entered into a
3 contract under s. ~~49.02~~ 49.803 (2).

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

5 49.45 (38) HOME OR COMMUNITY-BASED SERVICES FOR DISABLED WORKERS. The
6 department shall request a waiver from the secretary of the federal department of
7 health and human services to authorize federal financial participation for medical
8 assistance coverage of persons described in ss. 49.46 ~~(1)~~ (1g) (a) 14. and 49.47 (4) (as).

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

10 49.45 (40) PERIODIC RECORD MATCHES. If the department contracts with the
11 department of children and families under s. 49.197 (5), the department shall
12 cooperate with the department of children and families in matching records of
13 medical assistance recipients under s. ~~49.32~~ 49.06 (7).

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

16 **SECTION 211.** 49.46 (1g) (n) of the statutes, as affected by 2011 Wisconsin Acts
17 32, section 1453f, and (this act), is repealed.

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

19 49.46 (2) (a) 6. Premiums, deductibles and coinsurance and other cost-sharing
20 obligations for items and services otherwise paid under this subsection that are
21 required for enrollment in a group health plan, as specified in sub. ~~(1)~~ (1g) (m), except
22 that, if enrollment in the group health plan requires enrollment of family members
23 who are not eligible under this subsection, the department shall pay, if it is
24 cost-effective, for an ineligible family member only the premium that is required for
25 enrollment in the group health plan.

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

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

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

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

23 3. For an individual who is only entitled to coverage under Part A of Medicare,
24 meets the eligibility criteria under sub. ~~(1)~~ (1g), and meets the limitation on income
25 under subd. 6., Medical Assistance shall include payment of the deductible and

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

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

20 5. For an individual who is only entitled to coverage under Part A of Medicare
21 and meets the eligibility criteria for Medical Assistance under sub. (1) (1g), but does
22 not meet the limitation on income under subd. 6., Medical Assistance shall include
23 payment of the deductible and coinsurance portions of Medicare services under 42
24 USC 1395 to 1395i that are not paid under 42 USC 1395 to 1395i, including those
25 Medicare services that are not included in the approved state plan for services under

1 42 USC 1396. Payment of deductibles and coinsurance for inpatient hospital
2 services under Part A of Medicare may not exceed the allowable charge for the service
3 under Medical Assistance minus the Medicare payment.

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

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

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

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

20 49.465 (2) (intro.) Unless otherwise provided by the department by a policy
21 created under s. 49.45 (2m) (c), a pregnant woman is eligible for medical assistance
22 benefits, as provided under sub. (3), during the period beginning on the day on which
23 a qualified provider determines, on the basis of preliminary information, that the
24 woman's family income does not exceed the highest level for eligibility for benefits
25 under s. 49.46 ~~(1)~~ (1g) or 49.47 (4) (am) or (c) 1. and ending as follows:

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

3 49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage
4 under Part A of Medicare, entitled to coverage under Part B of Medicare, and who
5 does not meet the eligibility criteria for Medical Assistance under s. 49.46 (1) (1g),
6 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under
7 par. (d), Medical Assistance shall pay the deductible and coinsurance portions of
8 Medicare services under 42 USC 1395 to 1395zz that are not paid under 42 USC 1395
9 to 1395zz, including those Medicare services that are not included in the approved
10 state plan for services under 42 USC 1396; the monthly premiums payable under 42
11 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the
12 late enrollment penalty, if applicable, for premiums under Part A of Medicare.
13 Payment of coinsurance for a service under Part B of Medicare under 42 USC 1395j
14 to 1395w and payment of deductibles and coinsurance for inpatient hospital services
15 under Part A of Medicare may not exceed the allowable charge for the service under
16 Medical Assistance minus the Medicare payment.

17 (c) For an elderly or disabled individual who is only entitled to coverage under
18 Part A of Medicare and who does not meet the eligibility criteria for Medical
19 Assistance under s. 49.46 (1) (1g), 49.465, 49.47 (4), or 49.471 but meets the
20 limitations on income and resources under par. (d), Medical Assistance shall pay the
21 deductible and coinsurance portions of Medicare services under 42 USC 1395 to
22 1395i that are not paid under 42 USC 1395 to 1395i, including those Medicare
23 services that are not included in the approved state plan for services under 42 USC
24 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late
25 enrollment penalty for premiums under Part A of Medicare, if applicable. Payment

1 of deductibles and coninsurance for inpatient hospital services under Part A of
2 Medicare may not exceed the allowable charge for the service under Medical
3 Assistance minus the Medicare payment.

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

5 49.468 (1m) (a) Beginning on January 1, 1993, for an elderly or disabled
6 individual who is entitled to coverage under ~~part~~ Part A of medicare Medicare and
7 is entitled to coverage under ~~part~~ Part B of medicare Medicare, does not meet the
8 eligibility criteria for ~~medical assistance~~ Medical Assistance under s. 49.46 (~~1~~) (1g),
9 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under
10 par. (b), ~~medical assistance~~ Medical Assistance shall pay the monthly premiums
11 under 42 USC 1395r.

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

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

20 49.47 (4) (am) 1. A pregnant woman whose family income does not exceed 155%
21 of the poverty line for a family the size of the woman's family, except that if a waiver
22 under par. (j) or a change in the approved state plan under s. 49.46 (~~1~~) (1g) (am) 2.
23 is in effect, the income limit is 185% of the poverty line for a family the size of the
24 woman's family in each state fiscal year after the 1994-95 state fiscal year.

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

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

7 49.47 (4) (j) If the change in the approved state plan under s. 49.46 ~~(1)~~ (1g) (am)
8 2. is denied, the department shall request a waiver from the secretary of the federal
9 department of health and human services to allow the use of federal matching funds
10 to provide medical assistance coverage under par. (am) 1. and 2. to individuals whose
11 family incomes do not exceed 185% of the poverty line in each state fiscal year after
12 the 1994-95 state fiscal year.

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

14 49.471 (3) (a) 1. Notwithstanding ss. 49.46 ~~(1)~~ (1g), 49.465, 49.47 (4), and
15 49.665 (4), if the amendments to the state plan under sub. (2) are approved and a
16 waiver under sub. (2) that is substantially consistent with the provisions of this
17 section, excluding sub. (2m), is granted and in effect, an individual described in sub.
18 (4) (a) or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical
19 Assistance or BadgerCare health program benefits. The eligibility of an individual
20 described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be
21 determined under this section.

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

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

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

6 49.471 (4) (a) 7. Individuals who qualify for a ~~medical assistance~~ Medical
7 Assistance eligibility extension under s. 49.46 ~~(1) (1g)~~ (c), (cg), or (co) when their
8 income increases above the poverty line.

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

10 **49.4715 Reimbursement; retroactive eligibility.** If an applicant is
11 determined to be eligible retroactively under s. 49.46 (1g) (b), 49.47 (4) (d), or 49.471
12 and a provider bills the applicant directly for services and benefits rendered during
13 the retroactive period, the provider shall, upon notification of the applicant's
14 retroactive eligibility, submit claims for payment under s. 49.45 for covered services
15 or benefits rendered to the recipient during the retroactive period. Upon receipt of
16 payment under s. 49.45, the provider shall reimburse the recipient or other person
17 who has made prior payment to the provider for services provided to the recipient
18 during the retroactive eligibility period, by the amount of the prior payment made.

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

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

20 49.473 (2) (a) The woman is not eligible for ~~medical assistance~~ Medical
21 Assistance under ss. 49.46 ~~(1) (1g)~~ and (1m), 49.465, 49.468, 49.47, 49.471, and
22 49.472, and is not eligible for health care coverage under s. 49.665.