

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

2 49.475 (6) SHARING INFORMATION. The department of health services shall
3 provide to the department of children and families, for purposes of the medical
4 support liability program under s. ~~49.22~~ 49.811, any information that the
5 department of health services receives under this section. The department of
6 children and families may allow a county child support agency under s. 59.53 (5) or
7 a tribal child support agency access to the information, subject to the use and
8 disclosure restrictions under s. ~~49.83~~ 49.013, and shall consult with the department
9 of health services regarding procedures and methods to adequately safeguard the
10 confidentiality of the information provided under this subsection.

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 of the statutes are repealed.

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repealed the provisions and created 946.91 (2) (intro.), which consists of the underscored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

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

14 946.91 (2) (a) ~~Knowingly and willfully make~~ Intentionally makes or cause
15 causes to be made any false statement or representation of a material fact in any
16 application for any Medical Assistance benefit or payment.

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

20 (c) Having knowledge of the occurrence of any event affecting the initial or
21 continued right to eligibility for any such Medical Assistance benefit or payment or
22 the initial or continued right to eligibility for any such benefit or payment of any
23 other individual in whose behalf he or she has applied for or is receiving such benefit

1 or payment, ~~conceal~~ conceals or ~~fail~~ fails to disclose such event with an intent to
2 fraudulently to secure such benefit or payment either in a greater amount or
3 quantity than is due or when no such benefit or payment is authorized.

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

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

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

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

12 49.49 (1d) DAMAGES. If any person is convicted under ~~this subsection~~ s. 946.91
13 (2), the state shall have a cause of action for relief against such person in an amount
14 3 times the amount of actual damages sustained as a result of any excess payments
15 made in connection with the offense for which the conviction was obtained. Proof by
16 the state of a conviction under ~~this section~~ s. 946.91 (2) in a civil action shall be
17 conclusive regarding the state's right to damages and the only issue in controversy
18 shall be the amount, if any, of the actual damages sustained. Actual damages shall
19 consist of the total amount of excess payments, any part of which is paid by state
20 funds. In any such civil action the state may elect to file a motion in expedition of
21 the action. Upon receipt of the motion, the presiding judge shall expedite the action.

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

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

3 946.91 (3) (a) Any person who solicits or receives ~~any remuneration, including~~
4 ~~any kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in cash or~~
5 ~~in kind, money, goods, services, or any other thing of value~~ in return for referring an
6 individual to a person for the furnishing or arranging for the furnishing of any item
7 or service for which payment may be made in whole or in part under a ~~medical~~
8 ~~assistance~~ Medical Assistance program, or in return for purchasing, leasing,
9 ordering, or arranging for or recommending purchasing, leasing, or ordering any
10 good, facility, service, or item for which payment may be made in whole or in part
11 under a ~~medical assistance~~ Medical Assistance program, is guilty of a Class H felony,
12 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
13 person may be fined not more than \$25,000.

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

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

17 946.91 (3) (b) Whoever offers or pays ~~any remuneration including any~~
18 ~~kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in cash or in kind~~
19 ~~money, goods, services, or any other thing of value~~ to any person to induce such
20 person to refer an individual to a person for the furnishing or arranging for the
21 furnishing of any item or service for which payment may be made in whole or in part
22 under a ~~medical assistance~~ Medical Assistance program, or to purchase, lease, order,
23 or arrange for or recommend purchasing, leasing, or ordering any good, facility,
24 service or item for which payment may be made in whole or in part under a ~~medical~~
25 ~~assistance~~ Medical Assistance program, is guilty of a Class H felony, except that,

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

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

4 SECTION 234. 49.49 (2) (c) (intro.), 1. and 2. of the statutes are renumbered
5 946.91 (3) (c) (intro.), 1. and 2.

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

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

7 SECTION 236. 49.49 (3) of the statutes is renumbered 946.91 (4) and amended
8 to read:

9 946.91 (4) ~~No~~ A person may who knowingly and willfully ~~make~~ makes or ~~cause~~
10 causes to be made, or ~~induce~~ induces or ~~seek~~ seeks to induce the making of, any false
11 statement or representation of a material fact with respect to the conditions or
12 operation of any institution or facility in order that such institution or facility may
13 qualify either upon initial certification or upon recertification as a hospital, skilled
14 nursing facility, intermediate care facility, or home health agency. ~~A person who~~
15 ~~violates this subsection~~ is guilty of a Class H felony, except that, notwithstanding the
16 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
17 \$25,000.

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

19 SECTION 238. 49.49 (3m) (a) of the statutes is renumbered 946.91 (5) (a), and
20 946.91 (5) (a) (intro.), 1. and 2., as renumbered, are amended to read:

21 946.91 (5) (a) (intro.) ~~No~~ A provider may who knowingly ~~impose~~ imposes upon
22 a Medical Assistance recipient charges in addition to payments received for services
23 under ss. 49.45 to 49.471 or knowingly ~~impose~~ imposes direct charges upon a

1 recipient in lieu of obtaining payment under ss. 49.45 to 49.471 ~~except under the~~
2 ~~following conditions is guilty of a Class H felony, except that, notwithstanding the~~
3 ~~maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than~~
4 ~~\$25,000. This subsection does not apply to the following circumstances:~~

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

7 2. If an applicant is determined to be eligible retroactively under s. 49.46 (1)
8 (1g) (b), 49.47 (4) (d), or 49.471 and a provider bills the applicant directly for services
9 and benefits rendered during the retroactive period, ~~the provider shall if the~~
10 provider, upon notification of the applicant's retroactive eligibility, submit claims for
11 payment under s. 49.45 for covered services or benefits rendered to the recipient
12 during the retroactive period. ~~Upon receipt of payment under s. 49.45, the provider~~
13 ~~shall reimburse and reimburses~~ the recipient or other person who has made prior
14 payment to the provider for services provided to the recipient during the retroactive
15 eligibility period, by the amount of the prior payment made upon receipt of payment
16 under 49.45.

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

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

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

19 **SECTION 241.** 49.49 (4) (a) and (b) of the statutes are consolidated, renumbered
20 946.91 (6) and amended to read:

21 946.91 (6) ~~No~~ A person who, in connection with the medical assistance Medical
22 Assistance program when the cost of the services provided to the patient is paid for
23 in whole or in part by the state, ~~may knowingly and willfully charge, solicit, accept~~

1 ~~or receive intentionally charges, solicits, accepts, or receives,~~ in addition to any
2 amount otherwise required to be paid under a ~~medical assistance~~ Medical Assistance
3 program, any gift, money, donation, or other consideration, other than a charitable,
4 religious, or philanthropic contribution from an organization or from a person
5 unrelated to the patient, as a precondition of admitting a patient to a hospital, skilled
6 nursing facility, or intermediate care facility, or as a requirement for the patient's
7 continued stay in such a facility. ~~(b) A person who violates this subsection is guilty~~
8 of a Class H felony, except that, notwithstanding the maximum fine specified in s.
9 939.50 (3) (h), the person may be fined not more than \$25,000.

NOTE: SECTIONS 230, 232, 234, 236, 238, and 241 move criminal penalties relating
to medical assistance to s. 946.91. Also, see SECTION 464.

10 **SECTION 242.** 49.49 (7) (d) of the statutes is amended to read:

11 49.49 (7) (d) A commission's imposition of an assessment described under par.
12 (b), a member's payment of the assessment as described under par. (c), and
13 acceptance of the payment by the commission do not constitute conduct prohibited
14 under ~~sub. (4) 946.91 (6)~~ or prohibited under s. DHS 106.04 (3), Wis. Adm. Code, in
15 effect on May 26, 2010. It is the intent of the legislature to create a mechanism
16 whereby 2 or more political subdivisions may share in the operation, use, and
17 funding of a nursing home or intermediate care facility without violating 42 USC
18 1320a-7b (d) or 42 USC 1396a (a) (25) (C).

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

20 49.493 (1) (b) "Medical benefits or assistance" means medical benefits under
21 s. ~~49.02 49.803~~ or 253.05 or medical assistance.

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

1 49.496 (4) (a) The department may require a county department under s.
2 46.215, 46.22, or 46.23 or the a tribal governing body of ~~a federally recognized~~
3 ~~American-Indian tribe~~ administering ~~medical assistance~~ Medical Assistance to
4 gather and provide the department with information needed to recover medical
5 assistance under this section. Except as provided in par. (b), the department shall
6 pay to a county department or tribal governing body an amount equal to 5% of the
7 recovery collected by the department relating to a beneficiary for whom the county
8 department or tribal governing body made the last determination of ~~medical~~
9 ~~assistance~~ Medical Assistance eligibility. A county department or tribal governing
10 body may use funds received under this paragraph only to pay costs incurred under
11 this paragraph and, if any amount remains, to pay for improvements to functions
12 required under s. ~~49.78~~ 49.003 (2). The department may withhold payments under
13 this paragraph for failure to comply with the department's requirements under this
14 paragraph. The department shall treat payments made under this paragraph as
15 costs of administration of the Medical Assistance program.

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

16 **SECTION 245.** Subchapter V (title) of chapter 49 [precedes 49.66] of the statutes
17 is amended to read:

18 **CHAPTER 49**

19 **SUBCHAPTER V**

20 **HEALTH; OTHER SUPPORT AND MEDICAL**

21 **BLOCK GRANTS**

22 **SECTION 246.** 49.685 (7) (a) 2. and 5. of the statutes are amended to read:

1 49.685 (7) (a) 2. In determining income, only the income of the patient and
2 persons responsible for the patient's support under s. ~~49.90~~ 49.039 may be
3 considered.

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

6 **SECTION 247.** 49.686 (1) (f) of the statutes is repealed.

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

7 **SECTION 248.** 49.688 (1) (b) of the statutes is repealed.

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

8 **SECTION 249.** 49.688 (9) (a) of the statutes is amended to read:

9 49.688 (9) (a) The department shall promulgate rules relating to prohibitions
10 on fraud that are substantially similar to applicable provisions under s. ~~49.49 (1) (a)~~
11 946.91 (2).

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

12 **SECTION 250.** 49.77 (1) of the statutes is renumbered 49.77 (1) (intro.) and
13 amended to read:

14 49.77 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section "secretary":
15 (m) Notwithstanding s. 49.66 (2), "secretary" means the secretary of the U.S.
16 department of health and human services or the secretary of any other federal
17 agency subsequently charged with the administration of federal Title XVI.

18 **SECTION 251.** 49.77 (1) (b) of the statutes is created to read:

19 49.77 (1) (b) "Essential person" has the meaning given in s. 49.46 (1c).

20 **SECTION 252.** 49.78 (title) of the statutes is renumbered 49.003 (title).

1 **SECTION 253.** 49.78 (1) (intro.) and (b) of the statutes are renumbered 49.003
2 (1) (intro.) and (b).

3 **SECTION 254.** 49.78 (1) (br), (1m), (1r), (2) (b), (2m) and (2r) of the statutes, as
4 created by 2011 Wisconsin Act 32, are renumbered 49.003 (1) (br), (1m), (1r), (2) (b),
5 (2m) and (2r).

6 **SECTION 255.** 49.78 (1) (cr) of the statutes is repealed.

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

7 **SECTION 256.** 49.78 (2) (title) and (a), (10) and (11) of the statutes, as affected
8 by 2011 Wisconsin Act 32, are renumbered 49.003 (2) (title) and (a), (10) and (11).

9 **SECTION 257.** 49.78 (4) to (7) of the statutes are renumbered 49.003 (4) to (7).

10 **SECTION 258.** 49.78 (8) (title) and (b) of the statutes, as affected by 2011
11 Wisconsin Act 32, are renumbered 49.003 (8) (title) and (b).

12 **SECTION 259.** 49.78 (8) (a) of the statutes, as affected by 2011 Wisconsin Act 32,
13 is renumbered 49.003 (8) (a) and amended to read:

14 49.003 (8) (a) From the appropriations under s. 20.435 (4) (bn) and (nn) and
15 subject to par. (b), the department shall provide funding to reimburse each
16 multicounty consortium that contracts with the department under sub. (2) and each
17 tribal governing body that contracts with the department under sub. (2m) for the
18 costs of administering the income maintenance programs, including conducting
19 fraud prevention activities, in accordance with the terms of the applicable contract.
20 The amount of reimbursement calculated under this paragraph and par. (b) is in
21 addition to any reimbursement provided to a county, multicounty consortium, or
22 tribal governing body for fraud and error reduction under s. 49.019 or 49.197 or
23 49.845.

1 **SECTION 260.** 49.785 (1) (intro.) of the statutes is amended to read:

2 49.785 (1) (intro.) Except as provided in sub. (1m) and subject to s. ~~49.825~~
3 49.009, if any recipient specified in sub. (1c) dies and the estate of the deceased
4 recipient is insufficient to pay the funeral, burial, and cemetery expenses of the
5 deceased recipient, the department or county or applicable tribal governing body or
6 organization responsible for burial of the recipient shall pay, to the person
7 designated by the department or county department under s. 46.215, 46.22, or 46.23
8 or applicable tribal governing body or organization responsible for the burial of the
9 recipient, all of the following:

10 **SECTION 261.** 49.79 (title) of the statutes is amended to read:

11 **49.79 (title) ~~Food stamp~~ Supplemental nutrition assistance program**
12 **administration.**

13 **SECTION 262.** 49.79 (1) (intro.) of the statutes is amended to read:

14 49.79 (1) DEFINITIONS. (intro.) In this section and ss. 49.793, 49.796, and
15 49.797:

16 **SECTION 263.** 49.79 (1) (c) of the statutes is renumbered 49.79 (1) (fg) and
17 amended to read:

18 49.79 (1) (fg) "~~Food stamp~~ Supplemental nutrition assistance program" means
19 the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC
20 2011 to 2036.

21 **SECTION 264.** 49.79 (1) (e) of the statutes, as created by 2011 Wisconsin Act 32,
22 is amended to read:

23 49.79 (1) (e) "Multicounty consortium" has the meaning given in s. ~~49.78~~ 49.003
24 (1) (br).

1 **SECTION 265.** 49.79 (2), (5) (a), (6), (7), (8m) (a) and (b) and (9) (a) 2., 3. and 4.
2 of the statutes are amended to read:

3 **49.79 (2) DENIAL OF ELIGIBILITY.** An individual who fails to comply with the work
4 requirements of the employment and training program under sub. (9) is ineligible to
5 participate in the ~~food stamp~~ supplemental nutrition assistance program as
6 specified under sub. (9) (b).

7 **(5) (a)** The department shall require an applicant for, or recipient under, the
8 ~~food stamp~~ supplemental nutrition assistance program to state in writing whether
9 the applicant or recipient or any member of the applicant's or recipient's household
10 has been convicted, in any state or federal court of a felony that has as an element
11 possession, use, or distribution of a controlled substance. The department shall
12 require an applicant or recipient, or member of the applicant's or recipient's
13 household to submit to a test for use of a controlled substance as a condition of
14 continued eligibility if, after August 22, 1996, but not more than 5 years prior to the
15 date the written statement is made, the applicant or recipient or the member of the
16 applicant's or recipient's household was convicted in any state or federal court of a
17 felony that had as an element possession, use, or distribution of a controlled
18 substance. If the test results are positive with respect to any individual, the
19 department may not consider the needs of that individual in determining the
20 household's eligibility for the ~~food stamp~~ supplemental nutrition assistance program
21 for at least 12 months from the date of the test. The department shall, however,
22 consider the income and resources of that individual to be available to the household.

23 **(6) INELIGIBILITY FOR FUGITIVE FELONS.** No person is eligible for the ~~food stamp~~
24 supplemental nutrition assistance program in a month in which that person is a

1 fugitive felon under 7 USC 2015 (k) (1) or is violating a condition of probation,
2 extended supervision, or parole imposed by a state or federal court.

3 (7) SIMPLIFIED ~~FOOD-STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. The
4 department shall develop a simplified ~~food stamp~~ supplemental nutrition assistance
5 program that meets all of the requirements under P.L. ~~104-193, section 854~~ 42 USC
6 2035, and shall submit the plan to the secretary of the federal department of
7 agriculture for approval. If the secretary of the federal department of agriculture
8 approves the plan, the department shall submit the plan to the secretary of
9 administration for approval. If the secretary of administration approves the plan,
10 the department may implement the plan.

11 (8m) (a) The department shall allow a prisoner who is applying for the ~~food~~
12 ~~stamp~~ supplemental nutrition assistance program from a correctional institution in
13 anticipation of being released from the institution to use the address of the
14 correctional institution as his or her address on the application.

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

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

24 3. The department may not require an individual who is a recipient under the
25 ~~food stamp~~ supplemental nutrition assistance program to participate in any

1 employment and training program under this subsection if that individual is
2 enrolled at least half time in a school, as defined in s. ~~49.26~~ 49.198 (1) (a) 2., a training
3 program, or an institution of higher education.

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

8 **SECTION 266.** 49.79 (3) (title) of the statutes is amended to read:

9 49.79 (3) (title) ~~LIABILITY FOR LOST FOOD COUPONS~~ MISAPPROPRIATED BENEFITS.

10 **SECTION 267.** 49.79 (3) (a) and (c), (4), (8) and (9) (a) 1. of the statutes, as affected
11 by 2011 Wisconsin Act 32, are amended to read:

12 49.79 (3) (a) A county, multicounty consortium, or ~~federally recognized~~
13 ~~American Indian tribe~~ tribal governing body is liable for all ~~food stamp coupons lost,~~
14 supplemental nutrition assistance program benefits misappropriated, ~~or destroyed~~
15 while under the county's, consortium's, or tribe's direct control, ~~except as provided~~
16 ~~in par. (b).~~

17 (c) A county, multicounty consortium, or ~~federally recognized American Indian~~
18 ~~tribe~~ tribal governing body is liable for ~~food stamp coupons mailed~~ supplemental
19 nutrition assistance program benefits incorrectly transferred to residents of the
20 county or counties that are in the multicounty consortium or members of the tribe
21 ~~and lost in the mail~~ due to incorrect information submitted to the department by the
22 county or tribe.

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

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

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

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

23 SECTION 268. 49.79 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 32,
24 is repealed.

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

1 **SECTION 269.** 49.793 (title) of the statutes is amended to read:

2 **49.793 (title) Recovery of food stamps supplemental nutrition**
3 **assistance overpayments.**

4 **SECTION 270.** 49.793 (1) and (2) (a) of the statutes, as affected by 2011
5 Wisconsin Act 32, are amended to read:

6 49.793 (1) The department or a county, a multicounty consortium, ~~as defined~~
7 ~~in s. 49.78 (1) (br), or an elected tribal~~ governing body of ~~a federally recognized~~
8 ~~American Indian tribe or band~~ acting on behalf of the department, may recover
9 overpayments that arise from an overissuance of ~~food coupons~~ benefits under the
10 ~~food stamp~~ supplemental nutrition assistance program administered under s.
11 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall the be made in accordance with 7
12 USC 2022.

13 (2) (a) Except as provided in par. (b), a county, a multicounty consortium, ~~as~~
14 ~~defined in s. 49.78 (1) (br), or a tribal~~ governing body of ~~a federally recognized~~
15 ~~American Indian tribe~~ may retain a portion of the amount of an overpayment the
16 state is authorized to retain under 7 USC 2025 that is recovered under sub. (1) due
17 to the efforts of an employee or officer of the county, multicounty consortium, or tribe.
18 The department shall promulgate a rule establishing the portion of the amount of the
19 overpayment that the county, multicounty consortium, or governing body may
20 retain. This paragraph does not apply to recovery of an overpayment that was made
21 as a result of state, county, multicounty consortium, or tribal governing body error.

22 **SECTION 271.** 49.795 (title) and (1) (intro.) of the statutes are renumbered
23 946.92 (title) and (1) (intro.).

1 **SECTION 272.** 49.795 (1) (a), (b), (d) and (e) (intro.), 3., 4. and 5. of the statutes
2 are renumbered 946.92 (1) (d), (dm), (fm) and (fr) (intro.) 3., 4. and 5., and 946.92 (1)
3 (d), (dm), (fm) and (fr) 5., as renumbered, are amended to read:

4 946.92 (1) (d) "Eligible person" means a member of a household certified as
5 eligible for the ~~food stamp~~ supplemental nutrition assistance program or a person
6 authorized to represent a certified household under 7 USC 2020 (e) (7).

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

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

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

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

****NOTE: I moved these definitions to the criminal code with the remainder of s. 49.795. After renumbering s. 49.795 to ch. 946, these terms are not used in ss. 49.79 to 49.797.

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

16 **SECTION 273.** 49.795 (1) (c) of the statutes is repealed.

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

17 **SECTION 274.** 49.795 (1) (cm) of the statutes, as created by 2011 Wisconsin Act
18 32, is repealed.

1 **SECTION 275.** 49.795 (1) (e) 1. and 2. of the statutes, as affected by 2011
2 Wisconsin Act 32, are renumbered 946.92 (1) (fm) 1. and 2. and amended to read:

3 946.92 (1) (fm) 1. An employee or officer of the federal government, the state,
4 a county, a multicounty consortium, or a federally recognized American Indian tribe
5 acting in the course of official duties in connection with the ~~food stamp~~ supplemental
6 nutrition assistance program.

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

11 **SECTION 276.** 49.795 (2) to (6) of the statutes are renumbered 946.92 (2) (a) to
12 (f), and 946.92 (2) (a), (c), (d), (e) and (f), as renumbered, are amended to read:

13 946.92 (2) (a) No person may misstate or conceal facts in a ~~food stamp~~
14 supplemental nutrition assistance program application or report of income, assets,
15 or household circumstances with intent to secure or continue to receive ~~food stamp~~
16 supplemental nutrition assistance program benefits.

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

21 (d) No eligible person may knowingly transfer ~~food coupons~~ supplemental
22 nutrition assistance program benefits except to purchase food from a supplier or
23 knowingly obtain or use ~~food coupons~~ supplemental nutrition assistance program
24 benefits for which the person's household is not eligible.

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

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

7 **SECTION 277.** 49.795 (7) of the statutes is repealed.

8 **SECTION 278.** 49.795 (8) (a) (intro.) of the statutes is repealed.

9 **SECTION 279.** 49.795 (8) (a) 1. of the statutes is renumbered 946.92 (3) (a) 1. and
10 amended to read:

11 946.92 (3) (a) 1. If the value of the ~~food coupons~~ supplemental nutrition
12 assistance program benefits does not exceed \$100, a ~~person who violates this section~~
13 ~~may be fined~~ fine of not more than \$1,000 or ~~imprisoned~~ imprisonment of not more
14 than one year in the county jail or both.

15 **SECTION 280.** 49.795 (8) (a) 2. of the statutes is renumbered 946.92 (3) (a) 2. and
16 amended to read:

17 946.92 (3) (a) 2. If the value of the ~~food coupons~~ supplemental nutrition
18 assistance benefits exceeds \$100, but is less than \$5,000, a ~~person who violates this~~
19 ~~section is guilty of a Class I felony.~~

20 **SECTION 281.** 49.795 (8) (b) of the statutes is renumbered 946.92 (3) (b) and
21 amended to read:

22 946.92 (3) (b) For a 2nd or subsequent offense under ~~this section~~ sub. (2), a
23 person is subject to the following penalties:

24 1. If the value of the ~~food coupons~~ supplemental nutrition assistance benefits
25 does not exceed \$100, a ~~person who violates this section may be fined~~ fine of not more

1 than \$1,000 or ~~imprisoned~~ imprisonment of not more than one year in the county jail
2 or both.

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

6 **SECTION 282.** 49.795 (8) (c) of the statutes is renumbered 946.92 (3) (c) and
7 amended to read:

8 946.92 (3) (c) ~~For any offense under this section~~ violation of sub.(2), if the value
9 of the ~~food coupons~~ supplemental nutrition assistance benefits is \$5,000 or more, a
10 person who violates this section is guilty of a Class G felony.

11 **SECTION 283.** 49.795 (8) (d) 1. of the statutes is renumbered 946.92 (3) (d) 1.,
12 and 946.92 (3) (d) 1. (intro.), a. and b., as renumbered, are amended to read:

13 946.92 (3) (d) 1. (intro.) In addition to the penalties applicable under par. (a),
14 (b) or (c), the court shall suspend a person who violates ~~this section~~ sub. (2) from
15 participation in the ~~food stamp~~ supplemental nutrition assistance program as
16 follows:

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

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

21 **SECTION 284.** 49.795 (8) (d) 1m. of the statutes is renumbered 946.92 (3) (d) 1m.
22 and amended to read:

23 946.92 (3) (d) 1m. In addition to the penalties applicable under par. (a), (b) or
24 (c), a court shall permanently suspend from the ~~food stamp~~ supplemental nutrition
25 assistance program a person who has been convicted of an offense under 7 USC 2024

1 (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500
2 or more.

3 **SECTION 285.** 49.795 (8) (d) 2. of the statutes, as affected by 2011 Wisconsin Act
4 32, is renumbered 49.796 (2) and amended to read:

5 49.796 (2) ~~The~~ A person may apply to the multicounty consortium or ~~the~~
6 ~~federally recognized American Indian~~ tribal governing body or, if the person is a
7 supplier, to the federal department of agriculture for reinstatement of benefits
8 following ~~the~~ a period of suspension imposed under s. 946.92, if the suspension is not
9 permanent.

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

10 **SECTION 286.** 49.795 (8) (e) and (f) of the statutes are renumbered 946.92 (3)
11 (e) and (f), and 946.92 (3) (e) 1. (intro.) and 2. and (f), as renumbered, are amended
12 to read:

13 946.92 (3) (e) 1. (intro.) If a court finds that a person ~~traded~~ violated sub. (2)
14 by trading a controlled substance, as defined in s. 961.01 (4), for ~~food coupons~~
15 supplemental nutrition assistance program benefits, the court shall suspend the
16 person from participation in the ~~food stamp~~ supplemental nutrition assistance
17 program as follows:

18 2. If a court finds that a person ~~traded~~ violated sub. (2) by trading firearms,
19 ammunition or explosives for ~~food coupons~~ supplemental nutrition assistance
20 program benefits, the court shall suspend the person permanently from
21 participation in the ~~food stamp~~ supplemental nutrition assistance program.

22 (f) Notwithstanding par. (d), in addition to the penalties applicable under par.
23 (a), (b) or (c), the court shall suspend from the ~~food stamp~~ supplemental nutrition

1 assistance program for a period of 10 years a person who violates sub. (2) by
2 fraudulently ~~misstates~~ misstating or ~~misrepresents~~ misrepresenting his or her
3 identity or place of residence for the purpose of receiving multiple benefits
4 simultaneously under the ~~food stamp~~ supplemental nutrition assistance program.

NOTE: SECTIONS 276, 279 to 284, and 286, and move criminal penalties relating to food share to s. 946.92. Also, see SECTION 465.

5 **SECTION 287.** 49.796 (title) of the statutes is created to read:

6 **49.796 (title) Supplemental nutrition assistance reinstatement.**

7 **SECTION 288.** 49.796 (1) of the statutes is created to read:

8 49.796 (1) In this section:

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

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

15 **SECTION 289.** 49.797 (1) of the statutes is repealed.

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

16 **SECTION 290.** 49.797 (2) (title) of the statutes is amended to read:

17 49.797 (2) (title) ~~DELIVERY OF FOOD STAMPS~~ SUPPLEMENTAL NUTRITION ASSISTANCE
18 PROGRAM BENEFITS.

19 **SECTION 291.** 49.797 (2) (a) of the statutes is renumbered 49.797 (2) and
20 amended to read:

21 49.797 (2) ~~Notwithstanding s. 46.028 and except as provided in par. (b) and sub.~~
22 ~~(8), the~~ The department shall administer a statewide program to deliver food stamp

1 supplemental nutrition assistance program benefits to recipients of ~~food stamp~~
2 benefits by an electronic benefit transfer system. All suppliers, as defined in s.
3 ~~49.795~~ 49.796 (1) ~~(d)~~ (b), may participate in the delivery of ~~food stamp~~ supplemental
4 nutrition assistance program benefits under the electronic benefit transfer system.
5 The department shall explore methods by which nontraditional retailers, such as
6 farmers' markets, may participate in the delivery of ~~food stamp~~ supplemental
7 nutrition assistance program benefits under the electronic benefit transfer system.

8 **SECTION 292.** 49.797 (2) (b) of the statutes is repealed.

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

9 **SECTION 293.** 49.797 (8) of the statutes, as affected by 2011 Wisconsin Act 32,
10 is repealed.

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

11 **SECTION 294.** 49.81 of the statutes is renumbered 49.005.

12 **SECTION 295.** Subchapter VI (title) of chapter 49 [precedes 49.8105] of the
13 statutes is repealed and recreated to read:

14 **CHAPTER 49**

15 **SUBCHAPTER VI**

16 **CHILDREN AND FAMILIES; CHILD**

17 **SUPPORT**

18 **SECTION 296.** 49.8105 of the statutes is created to read:

19 **49.8105 Definitions.** In this subchapter:

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

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

22 **SECTION 297.** 49.82 of the statutes is renumbered 49.007.

1 **SECTION 298.** 49.825 (title), (1), (2) (title) and (a) to (c), (3) (title), (b) and (c) and
2 (4) (a) to (d) of the statutes are renumbered 49.009 (title), (1), (2) (title) and (a) to (c),
3 (3) (title), (b) and (c) and (4) (a) to (d), and 49.009 (1) (c), as renumbered, is amended
4 to read:

5 49.009 (1) (c) "Income maintenance program" has the meaning given in s. ~~49.78~~
6 49.003 (1) (b).

7 **SECTION 299.** 49.825 (2) (d), (3) (a) and (4) (intro.) of the statutes, as affected
8 by 2011 Wisconsin Act 32, are renumbered 49.009 (2) (d), (3) (a) and (4) (intro.).

9 **SECTION 300.** 49.825 (4) (e) and (5) of the statutes, as created by 2011 Wisconsin
10 Act 32, are renumbered 49.009 (4) (e) and (5).

11 **SECTION 301.** 49.826 of the statutes, as affected by 2011 Wisconsin Act 10, is
12 renumbered 49.011.

13 **SECTION 302.** 49.83 of the statutes is renumbered 49.013 and amended to read:

14 **49.013 Limitation on giving information.** Except as provided under ss.
15 ~~49.25 and 49.32~~ 49.06 (9), (10), and (10m) ~~and 49.823~~, no person may use or disclose
16 information concerning applicants and recipients of relief funded by a relief block
17 grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to
18 49.161, social services, child and spousal support and establishment of paternity and
19 medical support liability services under s. ~~49.22~~ 49.811, or supplemental payments
20 under s. 49.77 for any purpose not connected with the administration of the
21 programs, except that the department of children and families may disclose such
22 information to the department of revenue for the sole purpose of administering state
23 taxes. Any person violating this section may be fined not less than \$25 nor more than
24 \$500 or imprisoned in the county jail not less than 10 days nor more than one year
25 or both.

1 **SECTION 303.** 49.84 of the statutes is renumbered 49.017, and 49.017 (1), (5)
2 and (6) (c) 1. d. as renumbered, are amended to read:

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

3 49.017 (1) Any person who applies for any ~~public assistance~~ aid or benefit
4 under this chapter shall execute the application or self-declaration in the presence
5 of the welfare worker or other person processing the application. This subsection
6 does not apply to any superintendent of a mental health institute, director of a center
7 for the developmentally disabled, superintendent of a state treatment facility or
8 superintendent of a state correctional facility who applies for ~~public assistance~~ any
9 aid or benefit under this chapter on behalf of a patient.

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

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

10 (5) A person applying for Wisconsin ~~works~~ Works under ss. 49.141 to 49.161,
11 aid to families with dependent children under s. 49.19, medical assistance Medical
12 Assistance under subch. IV, or ~~food stamp~~ supplemental nutrition assistance
13 program benefits under 7 USC 2011 to 2029 2036 shall, as a condition of eligibility,
14 provide a declaration and other verification of citizenship or satisfactory
15 immigration status as required by the department by rule or as required in 42 USC
16 1320b-7 (d).

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

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

4 **SECTION 304.** 49.845 of the statutes is renumbered 49.019, and 49.019 (1) and
5 (2), as renumbered, are amended to read:

6 **49.019 (1) FRAUD INVESTIGATION.** From the appropriations under s. 20.435 (4)
7 (bn), (kz), (L), and (nn), the department of health services shall establish a program
8 to investigate suspected fraudulent activity 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 and, if the department
14 of children and families contracts with the department of health services under sub.
15 (4), on the part of recipients of aid to families with dependent children under s. 49.19
16 and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The
17 activities of the department of health services under this subsection may include
18 comparisons of information provided to the department by an applicant and
19 information provided by the applicant to other federal, state, and local agencies,
20 development of an advisory welfare investigation prosecution standard, and
21 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
22 Wisconsin Works agencies to encourage activities to detect fraud. The department
23 of health services shall cooperate with district attorneys regarding fraud
24 prosecutions.

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

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

10 **SECTION 305.** 49.847 (title) and (3) of the statutes are renumbered 49.021 (title)
11 and (3).

12 **SECTION 306.** 49.847 (1) and (2) of the statutes, as affected by 2011 Wisconsin
13 Act 32, are renumbered 49.021 (1) and (2) and amended to read:

14 49.021 (1) Subject to ss. 49.497 (1) and 49.793 (1), the department of health
15 services, or a county, multicounty consortium, as defined in s. ~~49.78~~ 49.003 (1) (br),
16 or elected tribal governing body of a ~~federally recognized American Indian tribe or~~
17 ~~band~~ acting on behalf of the department, may recover benefits incorrectly paid under
18 any of the programs administered by the department under this chapter.

19 (2) The department, county, multicounty consortium, as defined in s. ~~49.78~~
20 49.003 (1) (br), or elected tribal governing body may recover an overpayment from
21 a family or individual who continues to receive benefits under any program
22 administered by the department under this chapter by reducing the family's or
23 individual's benefit amount. Subject to s. 49.793 (1), the department may by rule
24 specify other methods for recovering incorrectly paid benefits.

1 **SECTION 307.** 49.85 of the statutes is renumbered 49.023, and 49.023 (1), (2)
2 (a) (intro.) and (3) (a) 1., as renumbered, are amended to read:

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

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

21 (3) (a) 1. Inform the person that the department of health services intends to
22 certify to the department of revenue an amount that the department of health
23 services has determined to be due under s. 49.021, 49.45 (2) (a) 10., 49.497, or 49.793,
24 ~~or 49.847~~, for setoff from any state tax refund that may be due the person.

25 **SECTION 308.** 49.852 (1c) of the statutes is repealed.

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

1 **SECTION 309.** 49.853 (1) (b) of the statutes is repealed.

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

2 **SECTION 310.** 49.853 (4) (d) of the statutes is amended to read:

3 49.853 (4) (d) A financial institution participating in the state matching option
4 under this subsection, and the employees, agents, officers, and directors of the
5 financial institution, may use any information that is provided by the department
6 in requesting additional information under par. (b) only for the purpose of
7 administering s. ~~49.22~~ 49.811 or for the purpose of providing the additional
8 information. Any person who violates this paragraph may be fined not less than \$25
9 nor more than \$500 or imprisoned in the county jail for not less than 10 days nor more
10 than one year or both.

11 **SECTION 311.** 49.854 (1) (a) of the statutes is repealed.

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

12 **SECTION 312.** 49.855 (6) of the statutes is amended to read:

13 49.855 (6) If the state implements the child and spousal support and
14 establishment of paternity and medical support liability program under ss. ~~49.22~~
15 49.811 and 59.53 (5), the state may act under this section in place of the county child
16 support agency under s. 59.53 (5).

17 **SECTION 313.** 49.856 (1) (b) of the statutes is repealed.

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

18 **SECTION 314.** 49.857 (1) (cf) of the statutes is repealed.

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

19 **SECTION 315.** 49.857 (4) of the statutes, as affected by 2011 Wisconsin Act 32,
20 is amended to read:

1 49.857 (4) Each licensing agency shall enter into a memorandum of
2 understanding with the department of children and families under sub. (2) (b) and
3 shall cooperate with the department of children and families in its administration
4 of s. ~~49.22~~ 49.811. The department of safety and professional services shall enter into
5 a memorandum of understanding with the department of children and families on
6 behalf of a credentialing board with respect to a credential granted by the
7 credentialing board.

8 **SECTION 316.** 49.858 (1) (intro.) and (b) of the statutes are consolidated,
9 renumbered 49.858 (1) and amended to read:

10 49.858 (1) DEFINITION. In this section: ~~(b) "Support, "support"~~ "support" has the meaning
11 given in s. 49.857 (1) (g).

12 **SECTION 317.** 49.858 (1) (a) of the statutes is repealed.

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

13 **SECTION 318.** 49.86 of the statutes is renumbered 49.035.

14 **SECTION 319.** 49.89 of the statutes is renumbered 49.037.

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

15 **SECTION 320.** 49.90 of the statutes is renumbered 49.039.

16 **SECTION 321.** 49.95 ~~(title)~~ of the statutes is renumbered 49.041 (title).

17 **SECTION 322.** 49.95 (1) to (10) of the statutes are renumbered 49.041 (1m) to
18 (10).

19 **SECTION 323.** 49.95 (11) of the statutes is renumbered 49.041 (1c) (m) and
20 amended to read:

21 49.041 (1c) (m) "Public assistance" ~~as used in this section~~ includes relief funded
22 by a relief block grant and benefits under ss. 49.141 to 49.161.

1 **SECTION 324.** 49.96 of the statutes is renumbered 49.043 and amended to read:

2 **49.043 Assistance grants exempt from levy.** All grants of aid to families
3 with dependent children, payments made under ss. 48.57 (3m) or (3n), 49.143 (2z),
4 49.148 (1) (b) 1. or (c) or (1m), or ~~49.149~~ 49.15 to 49.159, payments made for social
5 services, cash benefits paid by counties under s. 59.53 (21), and benefits under s.
6 49.77, 49.775, or federal Title XVI, are exempt from every tax, and from execution,
7 garnishment, attachment and every other process and shall be inalienable.

 ****NOTE: Please note that I changed the cross-references to maintain the status quo. In other words, if a payment is exempt under current law it is exempt under the amended statute. If it was the intent of the committee to change the exemptions, please let me know.

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

8 **SECTION 325.** 50.01 (1g) (b) of the statutes is amended to read:

9 **50.01 (1g) (b)** A facility or private home that provides care, treatment, and
10 services only for victims of domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a), and
11 their children.

12 **SECTION 326.** 51.42 (3) (e) of the statutes is amended to read:

13 **51.42 (3) (e) Exchange of information.** Notwithstanding ss. 46.2895 (9), 48.78
14 (2) (a), 49.013, 49.45 (4), ~~49.83~~, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
15 253.07 (3) (c), and 938.78 (2) (a), any subunit of a county department of community
16 programs or tribal agency acting under this section may exchange confidential
17 information about a client, without the informed consent of the client, with any other
18 subunit of the same county department of community programs or tribal agency,
19 with a resource center, a care management organization, or a long-term care district,
20 or with any person providing services to the client under a purchase of services

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

8 **SECTION 327.** 51.437 (4r) (b) of the statutes is amended to read:

9 51.437 (**4r**) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.013, 49.45 (4),
10 ~~49.83~~, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c), and 938.78 (2)
11 (a), any subunit of a county department of developmental disabilities services or
12 tribal agency acting under this section may exchange confidential information about
13 a client, without the informed consent of the client, with any other subunit of the
14 same county department of developmental disabilities services or tribal agency, with
15 a resource center, a care management organization, or a long-term care district, or
16 with any person providing services to the client under a purchase of services contract
17 with the county department of developmental disabilities services or tribal agency
18 or with a resource center, a care management organization, or a long-term care
19 district, if necessary to enable an employee or service provider to perform his or her
20 duties, or to enable the county department of developmental disabilities services or
21 tribal agency to coordinate the delivery of services to the client. Any agency releasing
22 information under this paragraph shall document that a request was received and
23 what information was provided.

24 **SECTION 328.** 59.22 (2) (c) 2. of the statutes is amended to read:

1 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
2 rules of the department of children and families under s. ~~49.78~~ 49.003 (4) to (7)
3 relating to employees administering old-age assistance, aid to families with
4 dependent children, aid to the blind, or aid to totally and permanently disabled
5 persons or ss. 63.01 to 63.17.

6 **SECTION 329.** 59.40 (2) (p) of the statutes is amended to read:

7 59.40 (2) (p) Cooperate with the department of children and families with
8 respect to the child and spousal support and establishment of paternity and medical
9 support liability program under ss. ~~49.22~~ 49.811 and 59.53 (5), and provide that
10 department with any information from court records which it requires to administer
11 that program.

12 **SECTION 330.** 59.53 (5) (a) and (6) (b) of the statutes are amended to read:

13 59.53 (5) (a) The board shall contract with the department of children and
14 families to implement and administer the child and spousal support and
15 establishment of paternity and the medical support liability programs provided for
16 by Title IV of the federal ~~social security act~~ Social Security Act. The board may
17 designate by board resolution any office, officer, board, department, or agency, except
18 the clerk of circuit court, as the county child support agency. The board or county
19 child support agency shall implement and administer the programs in accordance
20 with the contract with the department of children and families. The attorneys
21 responsible for support enforcement under sub. (6) (a), circuit court commissioners,
22 and all other county officials shall cooperate with the county and the department of
23 children and families as necessary to provide the services required under the
24 programs. The county shall charge the fee established by the department of children
25 and families under s. ~~49.22~~ 49.811 for services provided under this paragraph to

1 persons not receiving benefits under s. 49.148 or 49.155 or assistance under s.
2 48.645, 49.19, 49.46, 49.465, 49.47, 49.471, or 49.472.

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

7 **SECTION 331.** 59.54 (23) of the statutes is amended to read:

8 59.54 (23) PUBLIC ASSISTANCE; FALSE REPRESENTATION. The board may enact and
9 enforce an ordinance to prohibit conduct that is the same as or similar to conduct that
10 is prohibited by s. ~~49.95 (1)~~ 49.041 (1m) and provide a forfeiture for a violation of the
11 ordinance.

12 **SECTION 332.** 63.03 (2) (r) of the statutes is amended to read:

13 63.03 (2) (r) All staff performing services for the Milwaukee County enrollment
14 services unit under s. ~~49.825~~ 49.009 or for the child care provider services unit under
15 s. ~~49.826~~ 49.011.

16 **SECTION 333.** 69.03 (14) of the statutes is amended to read:

17 69.03 (14) Provide hospitals with a pamphlet containing information for
18 parents about birth certificates including how to add the name of the father of a child
19 whose parents were not married at any time from the conception to the birth of the
20 child to the birth certificate under s. 69.15 (3) (b) or, if the father will not sign an
21 affidavit, through a paternity action; the legal significance and future medical
22 advantages to the child of having the father's name inserted on the birth certificate;
23 and the availability of services under s. ~~49.22~~ 49.811.

24 **SECTION 334.** 69.15 (3) (b) 3. of the statutes is amended to read:

SECTION 334

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

12 **SECTION 335.** 69.20 (3) (f) of the statutes is amended to read:

13 69.20 (3) (f) The state or a local registrar may disclose a social security number
14 on a vital record to the department of children and families or a county child support
15 agency under s. 59.53 (5) in response to a request under s. ~~49.22~~ 49.811 (2m).

16 **SECTION 336.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

17 71.07 (2dx) (a) 5. "Member of a targeted group" means a person who resides
18 in an area designated by the federal government as an economic revitalization area,
19 a person who is employed in an unsubsidized job but meets the eligibility
20 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
21 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,
22 real pay project position under s. 49.147 (3m), 2009 stats., a person who is eligible
23 for child care assistance under s. 49.155, a person who is a vocational rehabilitation
24 referral, an economically disadvantaged youth, an economically disadvantaged
25 veteran, a supplemental security income recipient, a general assistance recipient, an

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

6 **SECTION 337.** 71.07 (2dx) (b) 2. of the statutes, as affected by 2011 Wisconsin
7 Act 32, is amended to read:

8 71.07 (2dx) (b) 2. The amount determined by multiplying the amount
9 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number
10 of full-time jobs created in a development zone and filled by a member of a targeted
11 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the
12 subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those
13 jobs.

14 **SECTION 338.** 71.07 (2dx) (b) 3. of the statutes, as affected by 2011 Wisconsin
15 Act 32, is amended to read:

16 71.07 (2dx) (b) 3. The amount determined by multiplying the amount
17 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
18 of full-time jobs created in a development zone and not filled by a member of a
19 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or
20 the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those
21 jobs.

22 **SECTION 339.** 71.07 (2dx) (b) 4. of the statutes, as affected by 2011 Wisconsin
23 Act 32, is amended to read:

24 71.07 (2dx) (b) 4. The amount determined by multiplying the amount
25 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the

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

7 **SECTION 340.** 71.07 (2dx) (b) 5. of the statutes, as affected by 2011 Wisconsin
8 Act 32, is amended to read:

9 71.07 (2dx) (b) 5. The amount determined by multiplying the amount
10 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
11 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,
12 2009 stats., excluding jobs for which a credit has been claimed under sub. (2dj), in
13 a development zone and not filled by a member of a targeted group and by then
14 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
15 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

16 **SECTION 341.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

17 71.28 (1dx) (a) 5. "Member of a targeted group" means a person who resides
18 in an area designated by the federal government as an economic revitalization area,
19 a person who is employed in an unsubsidized job but meets the eligibility
20 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
21 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,
22 real pay project position under s. 49.147 (3m), 2009 stats., a person who is eligible
23 for child care assistance under s. 49.155, a person who is a vocational rehabilitation
24 referral, an economically disadvantaged youth, an economically disadvantaged
25 veteran, a supplemental security income recipient, a general assistance recipient, an

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

6 **SECTION 342.** 71.28 (1dx) (b) 2. of the statutes, as affected by 2011 Wisconsin
7 Act 32, is amended to read:

8 71.28 (1dx) (b) 2. The amount determined by multiplying the amount
9 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number
10 of full-time jobs created in a development zone and filled by a member of a targeted
11 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the
12 subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those
13 jobs.

14 **SECTION 343.** 71.28 (1dx) (b) 3. of the statutes, as affected by 2011 Wisconsin
15 Act 32, is amended to read:

16 71.28 (1dx) (b) 3. The amount determined by multiplying the amount
17 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
18 of full-time jobs created in a development zone and not filled by a member of a
19 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or
20 the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those
21 jobs.

22 **SECTION 344.** 71.28 (1dx) (b) 4. of the statutes, as affected by 2011 Wisconsin
23 Act 32, is amended to read:

24 71.28 (1dx) (b) 4. The amount determined by multiplying the amount
25 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the

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

7 **SECTION 345.** 71.28 (1dx) (b) 5. of the statutes, as affected by 2011 Wisconsin
8 Act 32, is amended to read:

9 71.28 (1dx) (b) 5. The amount determined by multiplying the amount
10 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
11 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,
12 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in
13 a development zone and not filled by a member of a targeted group and by then
14 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
15 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

16 **SECTION 346.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

17 71.47 (1dx) (a) 5. "Member of a targeted group" means a person who resides
18 in an area designated by the federal government as an economic revitalization area,
19 a person who is employed in an unsubsidized job but meets the eligibility
20 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
21 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,
22 real pay project position under s. 49.147 (3m), 2009 stats., a person who is eligible
23 for child care assistance under s. 49.155, a person who is a vocational rehabilitation
24 referral, an economically disadvantaged youth, an economically disadvantaged
25 veteran, a supplemental security income recipient, a general assistance recipient, an

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

6 **SECTION 347.** 71.47 (1dx) (b) 2. of the statutes, as affected by 2011 Wisconsin
7 Act 32, is amended to read:

8 71.47 (1dx) (b) 2. The amount determined by multiplying the amount
9 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number
10 of full-time jobs created in a development zone and filled by a member of a targeted
11 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the
12 subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those
13 jobs.

14 **SECTION 348.** 71.47 (1dx) (b) 3. of the statutes, as affected by 2011 Wisconsin
15 Act 32, is amended to read:

16 71.47 (1dx) (b) 3. The amount determined by multiplying the amount
17 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
18 of full-time jobs created in a development zone and not filled by a member of a
19 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or
20 the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those
21 jobs.

22 **SECTION 349.** 71.47 (1dx) (b) 4. of the statutes, as affected by 2011 Wisconsin
23 Act 32, is amended to read:

24 71.47 (1dx) (b) 4. The amount determined by multiplying the amount
25 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the

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

7 **SECTION 350.** 71.47 (1dx) (b) 5. of the statutes, as affected by 2011 Wisconsin
8 Act 32, is amended to read:

9 71.47 (1dx) (b) 5. The amount determined by multiplying the amount
10 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number
11 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,
12 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in
13 a development zone and not filled by a member of a targeted group and by then
14 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
15 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

16 **SECTION 351.** 71.78 (4) (g) of the statutes is amended to read:

17 71.78 (4) (g) Employees of this state, to the extent that the department of
18 revenue deems the examination necessary for the employees to perform their duties
19 under contracts or agreements between the department and any other department,
20 division, bureau, board or commission of this state relating to the administration of
21 tax laws or child and spousal support enforcement under s. ~~49.22~~ 49.811.

22 **SECTION 352.** 71.93 (1) (a) 3. and 4. of the statutes are amended to read:

23 71.93 (1) (a) 3. An amount that the department of health services may recover
24 under s. 49.021, 49.45 (2) (a) 10., 49.497, or 49.793, ~~or 49.847~~, if the department of
25 health services has certified the amount under s. ~~49.85~~ 49.023.

1 4. An amount that the department of children and families may recover under
2 s. 49.161 or 49.195 (3) or collect under s. 49.147 (6) (cm), if the department of children
3 and families has certified the amount under s. ~~49.85~~ 49.023.

4 **SECTION 353.** 73.0301 (2) (c) 2. of the statutes is amended to read:

5 73.0301 (2) (c) 2. A licensing department may not disclose any information
6 received under subd. 1. a. or b. to any person except to the department of revenue for
7 the purpose of requesting certifications under par. (b) 2. in accordance with the
8 memorandum of understanding under sub. (4) and administering state taxes or to
9 the department of children and families for the purpose of administering s. ~~49.22~~
10 49.811.

11 **SECTION 354.** 76.636 (1) (e) 3. of the statutes is amended to read:

12 76.636 (1) (e) 3. A person who is employed in a trial job, as defined in s. 49.141
13 (1) (n), ~~or in a real work, real pay project position under s. 49.147 (3m)~~.

14 **SECTION 355.** 76.636 (1) (e) 13. of the statutes is amended to read:

15 76.636 (1) (e) 13. A ~~food stamp~~ recipient of benefits under the supplemental
16 nutrition assistance program under 7 USC 2011 to 2036.

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

17 **SECTION 356.** 76.636 (2) (b) of the statutes, as affected by 2011 Wisconsin Act
18 32, is amended to read:

19 76.636 (2) (b) The amount determined by multiplying the amount determined
20 under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number of full-time
21 jobs created in a development zone and filled by a member of a targeted group and
22 by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
23 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.