

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

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

7           **SECTION 103.** 49.141 (7) (b) of the statutes is repealed.

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

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

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

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

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

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

1 amount, if any, of the actual damages sustained. Actual damages consist of the total  
2 amount of excess payments, any part of which is paid with state funds. In a civil  
3 action under this subsection, the state may elect to file a motion in expedition of the  
4 action. Upon receipt of the motion, the presiding judge shall expedite the action.

5 **SECTION 107.** 49.141 (9) (title) of the statutes is repealed.

6 **SECTION 108.** 49.141 (9) (a) to (c) of the statutes are renumbered 946.90 (4) (a)  
7 to (c), and 946.90 (4) (a), (b) and (c) 1., as renumbered, are amended to read:

8 946.90 (4) (a) ~~Whoever solicits or receives any remuneration in cash or in-kind~~  
9 money, goods, services, or any other thing of value, in return for referring an  
10 individual to a person for the furnishing or arranging for the furnishing of any item  
11 or service for which payment may be made in whole or in part under Wisconsin ~~works~~  
12 Works, or in return for purchasing, leasing, ordering, or arranging for or  
13 recommending purchasing, leasing, or ordering any good, facility, service, or item for  
14 which payment may be made in whole or in part under Wisconsin ~~works~~ Works, is  
15 guilty of a Class H felony, except that, notwithstanding the maximum fine specified  
16 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

17 (b) ~~Whoever offers or pays any remuneration in cash or in-kind~~ money, goods,  
18 services, or any other thing of value to any person to induce the person to refer an  
19 individual to a person for the furnishing or arranging for the furnishing of any item  
20 or service for which payment may be made in whole or in part under Wisconsin ~~works~~  
21 Works, or to purchase, lease, order, or arrange for or recommend purchasing, leasing,  
22 or ordering any good, facility, service or item for which payment may be made in  
23 whole or in part under any provision of Wisconsin ~~works~~ Works, is guilty of a Class  
24 H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)  
25 (h), the person may be fined not more than \$25,000.

1 (c) 1. A discount or other reduction in price obtained by a provider of services  
2 or other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed  
3 and appropriately reflected in the costs claimed or charges made by the provider or  
4 entity under Wisconsin ~~works~~ Works.

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

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

8 946.90 (5) A provider ~~may not who~~ knowingly ~~impose~~ imposes upon a ~~recipient~~  
9 participant in Wisconsin Works charges that are in addition to payments received by  
10 the provider for services under Wisconsin ~~works~~ Works or knowingly ~~impose~~ imposes  
11 direct charges upon a ~~recipient~~ participant in Wisconsin Works in lieu of obtaining  
12 payment under Wisconsin ~~works~~ Works unless Works is guilty of a Class H felony, except  
13 that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may  
14 be fined not more than \$25,000. This subsection does not apply if benefits or services  
15 are not provided under Wisconsin ~~works~~ Works and the recipient Wisconsin Works  
16 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 460 to 462.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **SECTION 123.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

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

NOTE: Clarifies reference to technical college education.

20 **SECTION 124.** 49.147 (6) (cm) 1. of the statutes is amended to read:

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

8           **SECTION 125.** 49.1473 of the statutes is renumbered 49.143 (2b), and 49.143  
 9           (2b) (a) 2., as renumbered, is amended to read:

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

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

13           **SECTION 126.** 49.148 (1) (b) 1. of the statutes, as affected by 2011 Wisconsin Act  
 14           32, is amended to read:

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

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

4 **SECTION 127.** 49.148 (1m) (a) 1. of the statutes, as affected by 2011 Wisconsin  
5 Act 32, is amended to read:

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

11 **SECTION 128.** 49.148 (4) (title) of the statutes is repealed.

12 **SECTION 129.** 49.148 (4) (a) to (c) of the statutes, as affected by 2011 Wisconsin  
13 Act 32, are renumbered 49.145 (3m) (a) to (c).

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

14 **SECTION 130.** 49.149 (intro.), (1) and (3) of the statutes are consolidated,  
15 renumbered 49.143 (2z) and amended to read:

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

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

22 **SECTION 131.** 49.15 (3) (a) of the statutes is amended to read:



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

2           **SECTION 132.** 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and  
3 amended to read:

4           49.151 (2) (a) (intro.) ~~If a court finds or it is determined after an administrative~~  
5 ~~hearing~~ Wisconsin Works agency determines that an individual ~~who is a member of~~  
6 ~~a Wisconsin works group~~ applying for or receiving benefits under s. 49.138 or ss.  
7 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for those  
8 benefits or for the purpose of increasing the value of those benefits, has ~~intentionally~~  
9 ~~violated, on 3 separate occasions,~~ committed an intentional program violation  
10 related to any provision in s. 49.138 or ss. 49.141 to 49.161 or any rule promulgated  
11 under those sections, the Wisconsin ~~works~~ Works agency or the department may  
12 ~~permanently~~ deny benefits under s. 49.138 or ss. 49.141 to 49.161 to the individual.  
13 as follows:

14           **SECTION 133.** 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes are created to  
15 read:

16           49.151 (2) (a) 1. For a first intentional program violation, for 6 months.

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

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

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

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

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

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

1           **SECTION 134.** 49.152 (title) of the statutes is amended to read:

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

3           **SECTION 135.** 49.152 (1) of the statutes, as affected by 2011 Wisconsin Act 32,  
4 is amended to read:

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

16           **SECTION 136.** 49.1525 of the statutes is created to read:

17           **49.1525 Review of Wisconsin Shares decisions. (1) PETITION FOR REVIEW.**  
18 Any individual whose application for a child care subsidy under s. 49.155 is not acted  
19 upon with reasonable promptness after the filing of the application, as defined by the  
20 department by rule, or is denied in whole or in part, whose benefit is modified or  
21 canceled, or who believes that the benefit was calculated incorrectly, or any child care  
22 provider who is refused payment under s. 49.155 (7) or assessed a penalty under s.

1 49.155 (7m), may petition the department for a review of such action. Review is  
2 unavailable if the action occurred more than 45 days prior to submission of the  
3 petition for review.

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

- 11 1. Withdraws the petition in writing.
- 12 2. Abandons the petition. Abandonment occurs if the petitioner fails to appear  
13 in person or by representative at a scheduled review without good cause, as defined  
14 by the department by rule.

15 (b) The petitioner may request a review of the department's decision under ch.  
16 227 within 21 days of the date on which the decision of the department is mailed.

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

1           **SECTION 137.** 49.153 of the statutes, as affected by 2011 Wisconsin Act 32, is  
2           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.

3           **SECTION 138.** 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.

4           **SECTION 139.** 49.155 (1) (ah) of the statutes is amended to read:

5           49.155 (1) (ah) "County department or agency" means a county department  
6           under s. 46.215, 46.22, or 46.23, the unit, as defined in s. ~~49.825~~ 49.009 (1) (e), or a  
7           Wisconsin Works agency, child care resource and referral agency, or other agency.

8           **SECTION 140.** 49.155 (1g) (bc), (d) and (e) of the statutes are amended to read:

9           49.155 (1g) (bc) Grants under s. ~~49.134~~ 49.204 (2) for child care resource and  
10          referral services, in the amount of at least \$1,298,600 per fiscal year.

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

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

13          **SECTION 141.** 49.155 (1m) (intro.), (a) 1., 1m. (intro.) and 3m. of the statutes are  
14          amended to read:

15          49.155 (1m) **ELIGIBILITY.** (intro.) Except as provided in s. ~~49.155~~ sub. (3g), the  
16          department shall contract with a county department or agency to determine the  
17          eligibility of individuals residing in a particular geographic region or who are  
18          members of a particular Indian tribal unit for child care subsidies under this section.  
19          Under this section, an individual may receive a subsidy for child care for a child who

1 has not attained the age of 13 or, if the child is disabled, who has not attained the age  
2 of 19, if the individual meets all of the following conditions:

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

4 1m. (intro.) Obtain a high school diploma or participate in a course of study  
5 meeting the standards established by the state superintendent of public instruction  
6 for the granting of a declaration of equivalency of high school graduation, if the  
7 individual is not subject to the school attendance requirement under s. ~~49.26~~ 49.198  
8 (1) (ge) and at least one of the following conditions is met:

9 3m. Participate in a job search or work experience component of the ~~food stamp~~  
10 supplemental nutrition assistance employment and training program under s. 49.79  
11 (9).

12 **SECTION 142.** 49.155 (3g) (a) (intro.) and (b) of the statutes are amended to read:

13 49.155 (**3g**) (a) (intro.) The department may contract with the Milwaukee  
14 County enrollment services unit, as provided in s. ~~49.825~~ 49.009 (2) (b), to do any of  
15 the following:

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

19 **SECTION 143.** 49.155 (6m) (a) and (b) of the statutes are amended to read:

20 49.155 (**6m**) (a) Maintain ~~a~~ an accurate written record of the daily hours of  
21 attendance of each child for whom the provider is providing care under this section,  
22 including the actual arrival and departure times for each child.

23 (b) Retain on the premises of the child care provider the written daily  
24 attendance records under par. (a) for each child for at least 3 years after the child's

1 last day of attendance, regardless of whether the child care provider is still receiving  
2 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.

3 **SECTION 144.** 49.155 (7) (b) 4. of the statutes is renumbered 49.155 (7) (c) and  
4 amended to read:

5 49.155 (7) (c) The department or a county department under s. 46.215, 46.22,  
6 or 46.23 may refuse to pay a child care provider for child care provided under this  
7 section if the department or county department reasonably suspects that the person  
8 has violated any provision under the program under this section or any rule  
9 promulgated under this section. Within 30 working days of the initial refusal of  
10 payment under this paragraph, the department shall either initiate an action to  
11 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.

12 **SECTION 145.** 49.159 (2) of the statutes is amended to read:

13 49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.  
14 A custodial parent who is under the age of 18 is eligible, regardless of that  
15 individual's or that individual's parent's income or assets, to meet with a financial  
16 and employment planner. The financial and employment planner may provide the  
17 individual with information regarding Wisconsin ~~works~~ Works eligibility, available  
18 child care services, employment and financial planning, family planning services, as  
19 defined in s. 253.07 (1) (b), community resources, eligibility for ~~food stamps~~ benefits  
20 under the supplemental nutrition assistance program, and other food and nutrition  
21 programs.

1           **SECTION 146.** 49.161 (1) of the statutes is amended to read:

2           49.161 (1) TRIAL JOBS OVERPAYMENTS. Notwithstanding s. ~~49.96~~ 49.043, the  
3 department shall recover an overpayment of benefits paid under s. 49.148 (1) (a) from  
4 an individual who receives benefits paid under s. 49.148 (1) (a). The value of the  
5 benefit liable for recovery under this subsection may not exceed the amount that the  
6 department paid in wage subsidies with respect to that participant while the  
7 participant was ineligible to participate. The department shall promulgate rules  
8 establishing policies and procedures for administrating this subsection.

9           **SECTION 147.** 49.1635 of the statutes is renumbered 49.215.

10          **SECTION 148.** 49.165 of the statutes, as affected by 2011 Wisconsin Act 32, is  
11 renumbered 49.217.

12          **SECTION 149.** 49.167 of the statutes is renumbered 49.219.

13          **SECTION 150.** 49.169 of the statutes is renumbered 49.221.

14          **SECTION 151.** 49.173 (3) (a) 2. of the statutes is amended to read:

15          49.173 (3) (a) 2. ~~Food stamp~~ Supplemental nutrition assistance employment  
16 and training. ✓

17          **SECTION 152.** 49.175 (1) (intro.) of the statutes, as affected by 2011 Wisconsin  
18 Act 32, is amended to read:

19          49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within  
20 the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (f), (k), (kx), (L),  
21 (mc), (md), (me), and (s), the department shall allocate the following amounts for the  
22 following purposes:

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

23          **SECTION 153.** 49.175 (1) (m) of the statutes is amended to read:

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

3           **SECTION 154.** 49.19 (4) (h) 1. b. of the statutes is amended to read:

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

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

19           **SECTION 155.** 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.

20           **SECTION 156.** 49.195 (title) of the statutes is amended to read:

21           **49.195 (title) ~~Recovery of~~ Action to recoup aid to families with**  
22 **dependent children and, Wisconsin works Works benefits.**

NOTE: Modifies title to distinguish from recovery of overpayments.



1           **SECTION 157.** 49.195 (3) of the statutes is renumbered 49.195 (3) (a) and  
2 amended to read:

3           49.195 (3) (a) A county, tribal governing body, Wisconsin ~~works~~ Works agency,  
4 or the department shall determine whether an overpayment has been made under  
5 s. 49.19, 49.148, 49.155, or 49.157 and, if so, the amount of the overpayment. The  
6 county, tribal governing body, Wisconsin ~~works~~ Works agency, or department shall  
7 provide notice of the overpayment to the liable person. The department shall give  
8 that person an opportunity for a review following the procedure specified under s.  
9 49.152 or 49.1525, if the person received the overpayment under ~~s. ss.~~ 49.141 to  
10 49.161, and for a hearing under ch. 227. Notwithstanding s. ~~49.96~~ 49.043, the  
11 department shall promptly recover all overpayments made under s. 49.19, 49.148,  
12 49.155, or 49.157 that have not already been received under s. 49.161 ~~or 49.19 (17)~~  
13 and shall promulgate rules establishing policies and procedures to administer this  
14 subsection. The rules shall include notification procedures similar to those  
15 established for child support collections.

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

16           **SECTION 158.** 49.195 (3) (b) of the statutes is created to read:

17           49.195 (3) (b) Notwithstanding par. (a), the department shall waive recovery  
18 of an overpayment paid to a child care provider under s. 49.155 if the overpayment  
19 is a result of the child care provider's reasonable reliance on incorrect information  
20 provided by the county department or an agency with which the department  
21 contracts under s. 49.155 (1m) regarding the child care provider's eligibility for  
22 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.

1           **SECTION 159.** 49.195 (3m) (f) of the statutes is amended to read:

2           49.195 (3m) (f) Notwithstanding s. ~~49.96~~ 49.043, at any time after the filing of  
3 a warrant, the department may commence and maintain a garnishee action as  
4 provided by ch. 812 or may use the remedy of attachment as provided by ch. 811 for  
5 actions to enforce a judgment. The place of trial of such an action may be either in  
6 Dane County or the county where the debtor resides and may not be changed from  
7 the county in which that action is commenced, except upon consent of the parties.

8           **SECTION 160.** 49.195 (3n) (q) 2. of the statutes is amended to read:

9           49.195 (3n) (q) 2. The first \$1,000 of an account in a depository institution is  
10 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.

11           **SECTION 161.** 49.197 (1m) of the statutes, as affected by 2011 Wisconsin Act 32,  
12 is amended to read:

13           49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)  
14 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program  
15 to investigate suspected fraudulent activity on the part of recipients of aid to families  
16 with dependent children under s. 49.19, on the part of participants in the Wisconsin  
17 Works program under ss. 49.141 to 49.161, and, if the department of health services  
18 contracts with the department under sub. (5), on the part of recipients of medical  
19 assistance under subch. IV, ~~food stamp~~ benefits under the ~~food stamp~~ supplemental  
20 nutrition assistance program under 7 USC 2011 to 2036, supplemental security  
21 income payments under s. 49.77, payments for the support of children of  
22 supplemental security income recipients under s. 49.775, and health care benefits  
23 under the Badger Care health care program under s. 49.665. The department's

1 activities under this subsection may include, but are not limited to, comparisons of  
2 information provided to the department by an applicant and information provided  
3 by the applicant to other federal, state, and local agencies, development of an  
4 advisory welfare investigation prosecution standard, and provision of funds to  
5 county departments under ss. 46.215, 46.22, and 46.23 or multicounty consortia, as  
6 defined in s. ~~49.78~~ 49.003 (1) (br), and to Wisconsin Works agencies to encourage  
7 activities to detect fraud. The department shall cooperate with district attorneys  
8 regarding fraud prosecutions.

9 **SECTION 162.** 49.197 (2) (a) 3. of the statutes, as affected by 2011 Wisconsin Act  
10 32, is repealed.

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

11 **SECTION 163.** 49.197 (3) of the statutes is amended to read:

12 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct  
13 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161  
14 and, if the department of health services contracts with the department under sub.  
15 (5), the Medical Assistance program under subch. IV, the ~~food stamp~~ supplemental  
16 nutrition assistance program under 7 USC 2011 to 2036, the supplemental security  
17 income payments program under s. 49.77, the program providing payments for the  
18 support of children of supplemental security income recipients under s. 49.775, and  
19 the Badger Care health care program under s. 49.665.

20 **SECTION 164.** 49.197 (4) of the statutes, as affected by 2011 Wisconsin Act 32,  
21 is amended to read:

22 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health  
23 services contracts with the department under sub. (5), the department shall provide

1 funds from the appropriation under s. 20.437 (2) (kx) to counties, multicounty  
2 consortia, as defined in s. ~~49.78~~ 49.003 (1) (br), and tribal governing bodies of  
3 ~~federally recognized American Indian tribes~~ administering Medical Assistance  
4 under subch. IV, the ~~food stamp~~ supplemental nutrition assistance program under  
5 7 USC 2011 to 2036, the supplemental security income payments program under s.  
6 49.77, the program providing payments for the support of children of supplemental  
7 security income recipients under s. 49.775, and the Badger Care health care program  
8 under s. 49.665 to offset administrative costs of reducing payment errors in those  
9 programs.

10 **SECTION 165.** 49.197 (5) of the statutes is amended to read:

11 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE, ~~FOOD STAMPS~~ SUPPLEMENTAL  
12 NUTRITION ASSISTANCE, SUPPLEMENTAL SECURITY INCOME, AND CARETAKER SUPPLEMENT.  
13 Notwithstanding s. ~~49.845~~ 49.019 (1) and (2), the department of health services may  
14 contract with the department to investigate suspected fraudulent activity on the  
15 part of recipients of medical assistance under subch. IV, ~~food stamp~~ benefits under  
16 the ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to  
17 2036, supplemental security income payments under s. 49.77, payments for the  
18 support of children of supplemental security income recipients under s. 49.775, and  
19 health care benefits under the Badger Care health care program under s. 49.665 and  
20 to conduct activities to reduce payment errors in the Medical Assistance program  
21 under subch. IV, the ~~food stamp~~ supplemental nutrition assistance program under  
22 7 USC 2011 to 2036, the supplemental security income payments program under s.  
23 49.77, the program providing payments for the support of children of supplemental  
24 security income recipients under s. 49.775, and the Badger Care health care program  
25 under s. 49.665, as provided in this section.

1           **SECTION 166.** Subchapter III (title) of chapter 49 [precedes 49.203] of the  
2 statutes is repealed and recreated to read:

3   **CHAPTER 49**

4   **SUBCHAPTER III**

5   **CHILDREN AND FAMILIES; OTHER**

6   **SUPPORT SERVICES**

7           **SECTION 167.** 49.203 of the statutes is created to read:

8           **49.203 Definitions.** In this subchapter:

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

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

11          **SECTION 168.** 49.22 of the statutes is renumbered 49.811, and 49.811 (2m) (a)  
12 and (7m), as renumbered, are amended to read:

13           49.811 (2m) (a) The department may request from any person in this state  
14 information it determines appropriate and necessary for the administration of this  
15 section, ss. 49.141 to 49.161, 49.19, 49.46, 49.468, 49.47, and 49.471 and programs  
16 carrying out the purposes of 7 USC 2011 to ~~2029~~ 2036. Unless access to the  
17 information is prohibited or restricted by law, or unless the person has good cause,  
18 as determined by the department in accordance with federal law and regulations, for  
19 refusing to cooperate, the person shall make a good faith effort to provide this  
20 information within 7 days after receiving a request under this paragraph. Except  
21 as provided in subs. (2p) and (2r) and subject to sub. (12), the department or the  
22 county child support agency under s. 59.53 (5) may disclose information obtained  
23 under this paragraph only in the administration of this section, ss. 49.141 to 49.161,  
24 49.19, 49.46, 49.47, and 49.471 and programs carrying out the purposes of 7 USC

1 2011 to ~~2029~~ 2036. Employees of the department or a county child support agency  
2 under s. 59.53 (5) are subject to s. ~~49.83~~ 49.013.

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

13 **SECTION 169.** 49.225 of the statutes is renumbered 49.817.

14 **SECTION 170.** 49.227 of the statutes is renumbered 49.819.

15 **SECTION 171.** 49.24 of the statutes is renumbered 49.821, and 49.821 (2) (a) and  
16 (c) and (3), as renumbered, are amended to read:

17 49.821 (2) (a) The department shall, in consultation with representatives of  
18 counties, promulgate a rule that specifies the formula according to which the  
19 payments under sub. (1) and federal child support incentive payments will be  
20 distributed to counties. The rule shall provide that the total of state and federal  
21 incentive payments per year to a county may not exceed the costs per year of the  
22 county's child support program under s. ~~49.22~~ 49.811.

23 (c) The department may retain 70% of the amount of federal child support  
24 incentive payments awarded to the state for each federal fiscal year that exceeds  
25 \$12,340,000, to be used to pay the costs of the department's activities under ss. ~~49.22~~

1 ~~49.811~~ and ~~49.227~~ 49.819 and costs related to receiving and disbursing support and  
2 support-related payments.

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

6 SECTION 172. 49.25 of the statutes is renumbered 49.823.

7 SECTION 173. 49.26 (title) of the statutes is renumbered 49.198 (title).

8 SECTION 174. 49.26 (1) (a) to (h) 1s., (hm) and (hr) of the statutes are  
9 renumbered 49.198 (1) (a) to (h) 1s., (hm) and (hr), and 49.198 (1) (c), (d), (g) (intro.),  
10 (ge), (h) 1s. b. and (hr), as renumbered, are amended to read:

11 49.198 (1) (c) A ~~county department or~~ Wisconsin ~~works~~ Works agency may  
12 provide services under this subsection directly or may contract with a nonprofit  
13 agency or a school district to provide the services.

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

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

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

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

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

13 **SECTION 175.** 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.

14 **SECTION 176.** 49.26 (2) (b) of the statutes is renumbered 49.198 (2) and  
15 amended to read:

16 49.198 (2) ~~County departments or Wisconsin works~~ Works agencies shall  
17 provide case management services to individuals who are subject to the school  
18 attendance requirement under the learnfare program under sub. (1) and their  
19 families to improve the school attendance and achievement of those individuals.

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

20 **SECTION 177.** 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).



1           **SECTION 178.** 49.27 of the statutes is renumbered 49.064.

2           **SECTION 179.** 49.275 of the statutes is renumbered 49.065 and amended to  
3 read:

4           **49.065 Cooperation with federal government.** The department may  
5 cooperate with the federal government in carrying out federal acts concerning public  
6 assistance under ~~this subchapter~~ subchs. II and III and child welfare under ch. 48  
7 and in other matters of mutual concern under ~~this subchapter~~ subchs. II and III  
8 pertaining to public welfare and under ch. 48 pertaining to child welfare.

9           **SECTION 180.** 49.29 of the statutes is repealed.

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

10          **SECTION 181.** 49.32 (title) of the statutes is renumbered 49.06 (title).

11          **SECTION 182.** 49.32 (1), (2) and (7) to (12) of the statutes are renumbered 49.06  
12 (1), (2) and (6) to (12), and 49.06 (1) (a), (7) (b), (c) and (d), (8), (9) (title), (a), (b) and  
13 (c), (10) (a) (intro.) and (10m) (a) and (b), as renumbered, are amended to read:

14           49.06 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department  
15 shall establish a uniform system of fees for services provided or purchased under ~~this~~  
16 ~~subchapter~~ ss. 49.811 to 49.823, subchs. II and III, and ch. 48 by the department, or  
17 a county department under s. 46.215, 46.22, or 46.23 except as provided in s. ~~49.22~~  
18 49.811 (6) and except when, as determined by the department, a fee is  
19 administratively unfeasible or would significantly prevent accomplishing the  
20 purpose of the service. A county department under s. 46.215, 46.22, or 46.23 shall  
21 apply the fees that it collects under this program to cover the cost of those services.  
22 The department shall report to the joint committee on finance no later than March  
23 1 of each year on the number of children placed for adoption by the department

1 during the previous year and the costs to the state for services relating to such  
2 adoptions.

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.

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

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

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

23           (b) The report under par. (a) shall be open to public inspection at all times  
24 during regular office hours and may be destroyed after the next succeeding report  
25 becomes available. Any person, except any public officer, seeking permission to

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

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

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

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

1 the use of the information obtained. The statement shall be made on a form  
2 prescribed by the department and shall be sworn and notarized. Within 7 days after  
3 an address has been requested under this paragraph, the county department, relief  
4 agency, or Wisconsin ~~works~~ Works agency shall mail to each recipient whose address  
5 has been requested a notification of that fact on a form prescribed by the department.  
6 The form shall also include the date on which the address was requested, the name  
7 and address of the person who requested the disclosure of the address, the reason  
8 that the address was requested, and a statement that the address will be released  
9 to the person who requested the address no sooner than 21 days after the date on  
10 which the request for the address was made. County departments, relief agencies,  
11 and Wisconsin ~~works~~ Works agencies shall keep a record of each request for an  
12 address under this paragraph.

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

19 **SECTION 183.** 49.32 (3) to (6) of the statutes are repealed.

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

20 **SECTION 184.** 49.325 (1) (a) of the statutes is amended to read:

21 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall  
22 submit its final budget for services directly provided or purchased under ss. 49.811

1 to 49.823, this subchapter or subch. II, or ch. 48 to the department by December 31  
2 annually.

3 **SECTION 185.** 49.325 (2) of the statutes is amended to read:

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

9 **SECTION 186.** 49.325 (2g) (a) of the statutes is amended to read:

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

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

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

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

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

13           **SECTION 189.** 49.34 (1) of the statutes is amended to read:

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

24           **SECTION 190.** 49.34 (2) of the statutes is amended to read:



1           49.34 (2) All services purchased under ss. 49.811 to 49.823, this subchapter and  
2 subch. II, and ch. 48 shall meet standards established by the department and other  
3 requirements specified by the purchaser in the contract. Based on these standards  
4 the department shall establish standards for cost accounting and management  
5 information systems that shall monitor the utilization of the services, and document  
6 the specific services in meeting the service plan for the client and the objective of the  
7 service.

8           **SECTION 191.** 49.34 (4) (e) of the statutes is amended to read:

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

13           **SECTION 192.** 49.345 (2) of the statutes is amended to read:

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

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

9 **SECTION 193.** 49.345 (14) (a), (b) and (g) of the statutes are amended to read:

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

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

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

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

11 **SECTION 194.** 49.35 (title), (1) (a), (b), and (c) and (2) of the statutes are  
12 renumbered 49.062 (title), (1) (a), (b), and (c) and (2), and 49.062 (1) (a) and (b), as  
13 renumbered, are amended to read:

14 49.062 (1) (a) The department shall supervise the administration of programs  
15 under ~~this subchapter~~ ss. 49.811 to 49.823, subchs. II and III, and ch. 48. The  
16 department shall submit to the federal authorities state plans for the administration  
17 of programs under ~~this subchapter~~ ss. 49.811 to 49.823, subchs. II and III, and ch.  
18 48 in such form and containing such information as the federal authorities require,  
19 and shall comply with all requirements prescribed to ensure their correctness.

20 (b) All records of the department and all county records relating to programs  
21 under ~~this subchapter~~ ss. 49.811 to 49.823, subchs. II and III, and ch. 48 and aid  
22 under s. 49.18, 1971 stats., s. 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected  
23 by chapter 90, laws of 1973, shall be open to inspection at all reasonable hours by  
24 authorized representatives of the federal government. Notwithstanding ss. 48.396  
25 (2) and 938.396 (2), all county records relating to the administration of the services

1 and public assistance specified in this paragraph shall be open to inspection at all  
2 reasonable hours by authorized representatives of the department.

3 **SECTION 195.** 49.35 (1) (bm) of the statutes is repealed.

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

4 **SECTION 196.** 49.36 (title) of the statutes is renumbered 49.163 (title).

5 **SECTION 197.** 49.36 (1) (intro.) and (a) of the statutes are consolidated,  
6 renumbered 49.163 (1) and amended to read:

7 49.163 (1) In this section: (a) ~~“Custodial, “custodial~~ parent” means a parent  
8 who lives with his or her child for substantial periods of time.

9 **SECTION 198.** 49.36 (1) (b) of the statutes is repealed.

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

10 **SECTION 199.** 49.36 (2) to (7) of the statutes are renumbered 49.163 (2) to (7),  
11 and 49.163 (2), as renumbered, is amended to read:

12 49.163 (2) The department may contract with any county, tribal governing  
13 body, or Wisconsin Works agency to administer a work experience and job training  
14 program for parents who are not custodial parents and who fail to pay child support  
15 or to meet their children’s needs for support as a result of unemployment or  
16 underemployment. The program may provide the kinds of work experience and job  
17 training services available from the program under s. 49.193, 1997 stats., or s. 49.147  
18 (3), ~~(3m)~~, or (4). The program may also include job search and job orientation  
19 activities. The department shall fund the program from the appropriations under  
20 s. 20.437 (2) (dz) and (k).

21 **SECTION 200.** 49.385 of the statutes is amended to read:



1           49.43 **(2r)** "County," "county department," and "county department under s.  
2           46.215, 46.22, or 46.23" includes a multicounty consortium in accordance with a  
3           contract under s. ~~49.78~~ 49.003 (2).

4           **(8m)** "Multicounty consortium" has the meaning given in s. ~~49.78~~ 49.003 (1)  
5           (br).

6           **SECTION 204.** 49.45 (2) (a) 3. and (b) 7. (intro.) and a., (3) (a) and (11) of the  
7           statutes are amended to read:

8           49.45 **(2)** (a) 3. Determine the eligibility of persons for medical assistance,  
9           rehabilitative, and social services under ss. 49.46, 49.468, 49.47, and 49.471 and  
10          rules and policies adopted by the department and may, under a contract under s.  
11          ~~49.78~~ 49.003 (2), delegate all, or any portion, of this function to the county  
12          department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

13          (b) 7. (intro.) Require, as a condition of certification under par. (a) 11., all  
14          providers of a specific service that is among those enumerated under s. 49.46 (2),  
15          49.47 (6) (a), or 49.471 (11), as specified in this subdivision, to file with the  
16          department a surety bond issued by a surety company licensed to do business in this  
17          state. Providers subject to this subdivision provide those services specified under s.  
18          49.46 (2), 49.47 (6) (a), or 49.471 (11) for which providers have demonstrated  
19          significant potential to violate s. ~~49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),~~  
20          ~~or (4m) (a) or 946.91 (2), (3) (a) or (b), (4), (5), or (6),~~ to require recovery under par.  
21          (a) 10., or to need additional sanctions under par. (a) 13. The surety bond shall be  
22          payable to the department in an amount that the department determines is  
23          reasonable in view of amounts of former recoveries against providers of the specific  
24          service and the department's costs to pursue those recoveries. The department shall  
25          promulgate rules to implement this subdivision that specify all of the following:

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

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

10 (11) PENALTY. Any person who receives or assists another in receiving  
11 assistance under this section, to which the recipient is not entitled, shall be subject  
12 to the penalties under s. ~~49.95~~ ss. 946.91 and 946.93.

\*\*\*\*NOTE: I replaced the cross-reference to repealed s. 49.95 with the new criminal  
sections related to Medical Assistance fraud and to public assistance fraud. Please let me  
know if this is consistent with the intent of the committee.

13 **SECTION 205.** 49.45 (6y) (a) of the statutes, as affected by 2011 Wisconsin Act  
14 32, is amended to read:

15 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriation accounts  
16 under s. 20.435 (4) (b), (gm), (o), and (w), the department may distribute funding in  
17 each fiscal year to provide supplemental payment to hospitals that enter into a  
18 contract under s. ~~49.02~~ 49.803 (2) to provide health care services funded by a relief  
19 block grant, as determined by the department, for hospital services that are not in  
20 excess of the hospitals' customary charges for the services, as limited under 42 USC  
21 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation  
22 of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3),

1 the department may distribute funds to hospitals that have not entered into a  
2 contract under s. ~~49.02~~ 49.803 (2).

3 **SECTION 206.** 49.45 (11) of the statutes is amended to read:

4 49.45 (11) PENALTY. Any person who receives or assists another in receiving  
5 assistance under this section, to which the recipient is not entitled, shall be subject  
6 to the penalties under s. ~~49.95~~ 946.93.

7 **SECTION 207.** 49.45 (38) of the statutes is amended to read:

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

12 **SECTION 208.** 49.45 (40) of the statutes is amended to read:

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

17 **SECTION 209.** 49.46 (1) of the statutes, as affected by 2011 Wisconsin Act 32,  
18 is renumbered 49.46 (1g). ✓

19 **SECTION 210.** 49.46 (1g) (n) of the statutes, as affected by 2011 Wisconsin Act 32,  
20 32, section 1453f, and <sup>2011 Wisconsin Act</sup> ~~.... (this act)~~, is repealed.

21 **SECTION 211.** 49.46 (2) (a) 6., (be) and (bm) of the statutes are amended to read:

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



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

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

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

11 **SECTION 212.** 49.46 (2) (c) 2., 3., 4., 5. and 5m. of the statutes, as affected by 2011  
12 Wisconsin Act 32, are amended to read:

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

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

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

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

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

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

15 **SECTION 213.** 49.46 (2) (cm) 1. of the statutes is amended to read:

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

21 **SECTION 214.** 49.465 (2) (intro.) of the statutes, as affected by 2011 Wisconsin  
22 Act 32, section 1453r, is amended to read:

23 49.465 (2) (intro.) Unless otherwise provided by the department by a policy  
24 created under s. 49.45 (2m) (c), a pregnant woman is eligible for medical assistance  
25 benefits, as provided under sub. (3), during the period beginning on the day on which

1 a qualified provider determines, on the basis of preliminary information, that the  
2 woman's family income does not exceed the highest level for eligibility for benefits  
3 under s. 49.46 ~~(1)~~ (1g) or 49.47 (4) (am) or (c) 1. and ending as follows:

4 **SECTION 215.** 49.468 (1) (b) and (c) of the statutes, as affected by 2011 Wisconsin  
5 Act 32, are amended to read:

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

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

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

7 **SECTION 216.** 49.468 (1m) (a) and (2) (a) of the statutes are amended to read:

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

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

22 **SECTION 217.** 49.47 (4) (am) 1. and 2. of the statutes are amended to read:

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

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

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

8 **SECTION 218.** 49.47 (4) (j) of the statutes is amended to read:

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

15 **SECTION 219.** 49.471 (3) (a) 1., 2. and 3. of the statutes are amended to read:

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

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

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

8           **SECTION 220.** 49.471 (4) (a) 7. of the statutes is amended to read:

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

12           **SECTION 221.** 49.4715 of the statutes is created to read:

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

22           **SECTION 222.** 49.473 (2) (a) of the statutes is amended to read:

23           49.473 (2) (a) The woman is not eligible for ~~medical assistance~~ Medical  
24 Assistance under ss. 49.46 ~~(1) (1g)~~ and (1m), 49.465, 49.468, 49.47, 49.471, and  
25 49.472, and is not eligible for health care coverage under s. 49.665.

1           **SECTION 223.** 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 224.** 49.49 (1) (title) and (a) (intro.) of the statutes are repealed.

12           **SECTION 225.** 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  
24 or payment, ~~conceal~~ conceals or ~~fail~~ fails to disclose such event with an intent to



1 fraudulently to secure such benefit or payment either in a greater amount or  
2 quantity than is due or when no such benefit or payment is authorized.

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

8 **SECTION 226.** 49.49 (1) (b) of the statutes is repealed.

9 **SECTION 227.** 49.49 (1) (c) of the statutes is renumbered 49.49 (1d) and  
10 amended to read:

11 49.49 (1d) DAMAGES. If any person is convicted under ~~this subsection~~ s. 946.91  
12 (2), the state shall have a cause of action for relief against such person in an amount  
13 3 times the amount of actual damages sustained as a result of any excess payments  
14 made in connection with the offense for which the conviction was obtained. Proof by  
15 the state of a conviction under ~~this section~~ s. 946.91 (2) in a civil action shall be  
16 conclusive regarding the state's right to damages and the only issue in controversy  
17 shall be the amount, if any, of the actual damages sustained. Actual damages shall  
18 consist of the total amount of excess payments, any part of which is paid by state  
19 funds. In any such civil action the state may elect to file a motion in expedition of  
20 the action. Upon receipt of the motion, the presiding judge shall expedite the action.

21 **SECTION 228.** 49.49 (2) (title) and (2) (a) (title) of the statutes are repealed.

22 **SECTION 229.** 49.49 (2) (a) of the statutes is renumbered 946.91 (3) (a) and  
23 amended to read:

24 946.91 (3) (a) ~~Any person who~~ Whoever solicits or receives any remuneration,  
25 ~~including any kickback, bribe, or rebate,~~ directly or, indirectly, overtly, or covertly, in

1 ~~cash or in kind, money, goods, services, or any other thing of value~~ in return for  
2 referring an individual to a person for the furnishing or arranging for the furnishing  
3 of any item or service for which payment may be made in whole or in part under a  
4 ~~medical assistance~~ Medical Assistance program, or in return for purchasing, leasing,  
5 ordering, or arranging for or recommending purchasing, leasing, or ordering any  
6 good, facility, service, or item for which payment may be made in whole or in part  
7 under a ~~medical assistance~~ Medical Assistance program, is guilty of a Class H felony,  
8 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the  
9 person may be fined not more than \$25,000.

10 **SECTION 230.** 49.49 (2) (b) (title) of the statutes is repealed.

11 **SECTION 231.** 49.49 (2) (b) of the statutes is renumbered 946.91 (3) (b) and  
12 amended to read:

13 946.91 (3) (b) Whoever offers or pays ~~any remuneration including any~~  
14 ~~kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in cash or in kind~~  
15 money, goods, services, or any other thing of value to any person to induce such  
16 person to refer an individual to a person for the furnishing or arranging for the  
17 furnishing of any item or service for which payment may be made in whole or in part  
18 under a ~~medical assistance~~ Medical Assistance program, or to purchase, lease, order,  
19 or arrange for or recommend purchasing, leasing, or ordering any good, facility,  
20 service or item for which payment may be made in whole or in part under a ~~medical~~  
21 ~~assistance~~ Medical Assistance program, is guilty of a Class H felony, except that,  
22 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be  
23 fined not more than \$25,000.

24 **SECTION 232.** 49.49 (2) (c) (title) of the statutes is repealed.

1           **SECTION 233.** 49.49 (2) (c) of the statutes is renumbered 946.91 (3) (c) and  
2 amended to read:

3           946.91 (3) (c) This subsection ~~shall~~ does not apply to any of the following:

4           1. A discount or other reduction in price obtained by a provider of services or  
5 other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed  
6 and appropriately reflected in the costs claimed or charges made by the provider or  
7 entity under a ~~medical assistance~~ Medical Assistance program.

8           2. ~~Any~~ An amount paid by an employer to an employee who has a bona fide  
9 employment relationship with such employer for employment in the provision of  
10 covered items or services.

11           **SECTION 234.** 49.49 (3) (title) of the statutes is repealed.

12           **SECTION 235.** 49.49 (3) of the statutes is renumbered 946.91 (4) and amended  
13 to read:

14           946.91 (4) ~~No person may~~ Whoever knowingly and willfully ~~make~~ makes or  
15 ~~cause~~ causes to be made, or ~~induce~~ induces or ~~seek~~ seeks to induce the making of, any  
16 false statement or representation of a material fact with respect to the conditions or  
17 operation of any institution or facility in order that such institution or facility may  
18 qualify either upon initial certification or upon recertification as a hospital, skilled  
19 nursing facility, intermediate care facility, or home health agency. ~~A person who~~  
20 ~~violates this subsection~~ is guilty of a Class H felony, except that, notwithstanding the  
21 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
22 \$25,000.

23           **SECTION 236.** 49.49 (3m) (title) of the statutes is repealed.

24           **SECTION 237.** 49.49 (3m) (a) of the statutes is renumbered 946.91 (5), and  
25 946.91 (5) (intro.), (a) and (b), as renumbered, are amended to read: