

**DRAFT**

**AN ACT** *to repeal* 49.01 (1m), (8j) and (8p), 49.133, 49.136 (1) (b), 49.137 (1) (am), (1) (bd) and (1) (k), 49.141 (7) (b), 49.141 (10) (b), 49.1455, 49.147 (3m), 49.147 (4) (at) and (5) (bt), 49.155 (1) (ag) and (1) (d), 49.19 (5) (a) 1m. and (17), 49.197 (2) (a) 2., 49.26 (1) (h) 2. and (2) (a), 49.265 (1) (c), 49.29, 49.32 (3) to (6), 49.35 (1) (bm), 49.36 (1) (b), 49.49 (3m) (b), 49.686 (1) (f), 49.688 (1) (b), 49.78 (1) (cr), 49.795 (1) (c), 49.795 (7), 49.795 (8) (a) (intro.), 49.797 (2) (b) and 49.797 (8); **to renumber** 49.001 (1m), 49.001 (4), 49.001 (5m), 49.002, 49.01, 49.08, 49.09, 49.11, 49.114, 49.1375, 49.1452, 49.1473, 49.153, 49.155, 49.1635, 49.165, 49.167, 49.169, 49.225, 49.227, 49.25, 49.27, 49.35, 49.36, 49.46 (1), 49.49 (3m) (a) 2., 49.49 (3m) (a) 3., 49.78, 49.81, 49.82, 49.826, 49.845, 49.847, 49.86, 49.90 and 49.96; **to renumber and amend** 49.015, 49.02, 49.025, 49.027, 49.029, 49.031, 49.134, 49.137, 49.139, 49.141 (7) (a), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (a), 49.147 (1), 49.148 (4), 49.149, 49.22, 49.24, 49.26, 49.32, 49.49 (1), 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (a) (intro.) and 1., 49.49 (4), 49.795 (1) (a), (b), (d) and (e), 49.795 (2), (2m), (3), (4), (5), and (6), 49.795 (8) (a) 1., 49.795 (8) (a) 2., 49.795 (8) (b) (intro.) 1. and 2., 49.795 (8) (c), 49.795 (8) (d) 1., 49.795 (8) (d) 1m., 49.795 (8) (d) 2., 49.795 (8) (e) and (f), 49.825, 49.83, 49.84 (1) and 49.85; **to amend** 5.05 (5s) (c), 6.47 (1) (ag), 7.08 (10), 19.55 (2) (d), 20.435 (4) (bm), (bn), (bt), (kb), (L), (nn) and (np), 20.437 (1) (cd), (hh), (2) (a), (bc), (cm), (dz), (e), (f), (ja), (jL), (k), (L), (n), (nL) and (qm), 20.545 (1) (i), 29.024 (2g) (c), 29.229 (5m)

1 (b), 40.02 (25) (b) 2c., 40.22 (2) (m), 40.62 (2), 46.03 (7) (bm), 46.10 (14) (b), 46.21  
2 (2m) (c) and (5) (b), 46.215 (1) (intro.), (j), (p), (1m) and (1p), 46.215 (1) (intro.),  
3 46.22 (1) (b) 1. d., 2. fm., (d), (dm), (dp), (2) (b) and (m) and (3m) (a), 46.23 (3) (e)  
4 and (ed), 46.27 (7) (am), 46.28 (1) (f), 46.284 (7) (b), 46.2895 (10), 46.495 (1) (am),  
5 48.30 (6) (b), 48.31 (7) (b), 48.357 (5m) (a), 48.36 (1) (b), 48.363 (1) (c), 48.47 (7g),  
6 48.62 (2), 48.651 (1) (intro.), (a), (b) and (2c) (a), 48.659, 48.66 (2m) (c) and (cm),  
7 48.685 (5) (br) 5., 48.981 (8) (a) and (d) 1., 48.988 (11), 48.989 (2), 49.001 (5p),  
8 49.01 (2), 49.136 (2) (a), 49.138 (4) (c), 49.141 (1) (s), 49.141 (7) (c) (intro.), 49.141  
9 (8), 49.143 (2) (b), 49.143 (2) (em), 49.143 (3g) (a) 1., 49.145 (2) (j), 49.145 (2) (s),  
10 49.147 (5m) (a) (intro.), 49.147 (6) (cm) 1., 49.152 (title), 49.155 (1) (ah), (1g) (bc),  
11 (d), (e), (1m) (a) 1., 1m. (intro.), (3g) (a) (intro.) and (b), 49.161 (1), 49.175 (1)  
12 (intro.), 49.175 (1) (m), (p), (q) and (qm), 49.19 (4) (h) 1. b., 49.195 (title), 49.195  
13 (1) and (3), 49.195 (3) and (3m) (f), 49.195 (3n) (q) 2., 49.197 (2) (b), (cm) and (5),  
14 49.24 (2) (c), 49.345 (14) (b), 49.385, 49.43 (intro.), 49.45 (2) (a) 3. and (b) 7.  
15 (intro.) and a., (3) (a) and (6y) (a) and (am), 49.475 (6), 49.49 (1) (c), 49.493 (1) (b),  
16 49.496 (4) (a), 49.498 (1) (j), 49.685 (7) (a) 2. and 5., 49.688 (3) (d), 49.688 (9) (a),  
17 49.77 (1), 49.78 (8) (a), 49.785 (1) (intro.), 49.79 (title) and (1) (c), 49.79 (1) (intro.),  
18 49.79 (2), (3), (4), (5) (a), (6), (7), (8), (8m), and (9), 49.79 (9) (a) 3., 49.793 (1),  
19 49.795 (1) (title), 49.797 (1) and (2), 49.825 (2) (a) 3. and (b), 49.826 (2) (a) (intro.)  
20 and 4., 49.84 (3), 49.853 (4) (d), 49.855 (6), 49.857 (4), 49.96, 50.01 (1g) (b), 51.42  
21 (3) (e), 51.437 (4r) (b), 59.22 (2) (c) 2., 59.40 (2) (p), 59.53 (5) (a) and (6) (b), 63.03  
22 (2) (r), 69.03 (14), 69.15 (3) (b) 3., 69.20 (3) (f), 71.07 (2dx) (a) 5., 71.28 (1dx) (a)  
23 5., 71.47 (1dx) (a) 5., 71.78 (4) (g), 71.93 (1) (a) 3. and 4., 73.0301 (2) (c) 2., 76.636  
24 (1) (e) 4., 77.61 (5) (b) 11., 85.24 (4) (b), 101.02 (21) (b), 102.17 (1) (cg) 3., 102.33

(2) (b) 5., 103.05 (1) and (4) (a), 103.275 (2) (bg) 3., 103.34 (10) (a) 4., 103.91 (2) (b) 3., 103.92 (1) (b) 3., 104.07 (4) (c), 105.06 (1m) (c), 106.54 (9), 111.322 (2m) (bm), 111.70 (3m) and (3p), 118.15 (5) (b) 1., 118.19 (1r) (a) and (10) (g), 119.82 (1m) (c), 134.43 (3m), 169.34 (2), 218.0114 (20) (c) and (21e) (a), 218.12 (2) (am) 2., 218.21 (2m) (b), 218.31 (1m) (b), 218.41 (2) (am) 2., 218.51 (3) (am) 2., 230.13 (3) (a), 230.44 (1) (h) and (i), 252.06 (10) (b) 4., 291.15 (2) (d), 301.12 (14) (b) and (g), 301.45 (7) (a), 302.372 (2) (b), 341.51 (4g) (b), 342.06 (1) (eg), 343.14 (2j), 343.305 (6) (e) 3. b., 343.50 (8) (b), 343.61 (2) (b), 343.62 (2) (b), 349.19, 440.03 (11m) (c), 440.43 (5), 440.44 (10), 440.92 (6) (d), 461.02 (9) (bm) 3., 560.70 (4m), 562.05 (8m) (a), 563.28 (2), 628.095 (4) (a), 632.69 (2) (c), 633.14 (2c) (a), 751.15 (2), 767.127 (4), 767.205 (2) (a) 1. and 2. and (b) 1. and 2., 767.215 (1) (b) and (2m) (a) 2., 767.225 (1n) (b) 1., 767.241 (1) (b), 767.407 (1) (c) 1., 767.407 (1) (c) 2., 767.511 (1g) and (1j), 767.521 (intro.), 767.55 (2) (am) (intro.) and 1m. and (c), 767.553 (1) (a) and (b), 767.59 (1f) (b) 4. and (c) 1. and (2) (a), 767.80 (1) (j), (5) (b) and (7), 767.813 (6), 767.83 (3), 767.84 (1) (a), (1m), and (5) (b), 767.85 (2), 767.853 (2), 767.87 (6) (a) and (b), 767.893 (2) (b) 2., 802.10 (1), 813.12 (5) (b), 814.61 (13), 859.15, 885.01 (5), 895.45 (1) (a), 938.30 (6) (b), 938.31 (7) (b), 938.357 (5m) (a), 938.36 (1) (b), 938.363 (1) (c), 948.22 (1) (a), (b) and (c) and (4) (b), 948.45 (2), 973.055 (3), 977.06 (4) (bm), 978.05 (4m), 978.06 (6) and 995.67 (1) (a); and *to create* 49.001 (4) and (7m), 49.143 (2) (h), 49.1525, 49.46 (1c), 49.4715 (title), 49.95 (12), 946.90 (title) and (1), 946.90 (2), 946.91 (title), (1), and (5) (b), 946.92 (3) (a) (intro.), 946.93, subchapter I (title) of chapter 49 [precedes 49.001 to 49.043], subchapter II (title) of chapter 49 [precedes 49.05 to 49.20], subchapter III (title) of chapter 49 [precedes 49.201 to 49.385], subchapter IV (title) of chapter 49

1 [precedes 49.43 to 49.499], subchapter V (title) of chapter 49 [precedes 49.66 to  
 2 49.808] and subchapter VI (title) of chapter 49 [precedes 49.811 to 49.858] of the  
 3 statutes; **relating to:** recodifying and updating chapter 49 of the statutes.

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

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

- Moves several provisions of ch. 49 that are offenses with criminal penalties to ch. 946 of the criminal code, relating to crimes against government and its administration. Also, creates 4 new criminal offenses in ch. 946: Wisconsin works fraud, medical assistance fraud, food stamp fraud, and public assistance fraud.
- Reorganizes many of the provisions of ch. 49, relating to public assistance and children and family services, into the following 6 subchapters:

**Subchapter I** – General Provisions.

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

**Subchapter III** – Children and Families; Other Support Services.

**Subchapter IV** – Health; Medical Assistance.

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

**Subchapter VI** – Children and Families; Child Support.

- Reorganizes current definitions within ch. 49 to remove duplication and ensure that terms are defined where they are used. Terms defined in the section providing general chapter definitions, s. 49.001, are retained there only if they are used throughout the chapter. If terms appear in only 1 or 2 sections in the chapter, the draft moves them to ensure that they are located in the subchapters or sections in which the terms are used.
- Creates a new definition for the term “intentional program violation”, which is not currently defined in the chapter.

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

1           5.05 **(5s)** (c) The board shall provide information from investigation and hearing  
2 records that pertains to the location of individuals and assets of individuals as requested under  
3 s. ~~49.22~~ 49.811 (2m) by the department of children and families or by a county child support  
4 agency under s. 59.53 (5).

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

6           6.47 **(1)** (ag) “Domestic abuse victim service provider” means an organization that is  
7 certified by the department of children and families as eligible to receive grants under s.  
8 ~~49.165~~ 49.217 (2) and whose name is included on the list provided by the board under s. 7.08  
9 (10).

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

11          7.08 **(10)** DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to each  
12 municipal clerk, on a continuous basis, the names and addresses of organizations that are  
13 certified under s. ~~49.165~~ 49.811 (4) or 165.93 (4) to provide services to victims of domestic  
14 abuse or sexual assault.

15          **SECTION 4.** 19.55 (2) (d) of the statutes is amended to read:

16          19.55 **(2)** (d) Records of the social security number of any individual who files an  
17 application for licensure as a lobbyist under s. 13.63 or who registers as a principal under s.  
18 13.64, except to the department of children and families for purposes of administration of s.  
19 ~~49.22~~ 49.811 or to the department of revenue for purposes of administration of s. 73.0301.

20          **SECTION 5.** 20.435 (4) (bm), (bn), (bt), (kb), (L), (nn) and (np) of the statutes are  
21 amended to read:

22          20.435 **(4)** (bm) *Medical Assistance, food stamps, and Badger Care administration;*  
23 *contract costs, insurer reports, and resource centers.* Biennially, the amounts in the schedule  
24 to provide a portion of the state share of administrative contract costs for the Medical

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

15 (bn) *Income maintenance.* Biennially, the amounts in the schedule for funeral expenses  
16 under s. 49.785, for administration of the food stamp employment and training program under  
17 s. 49.79 (9), for the performance of income maintenance administrative activities on behalf  
18 of a local entity, as defined in s. 30.77 (3) (dm) 1. b., and for payments under s. 49.78 49.003  
19 (8) relating to the administration of the Medical Assistance program under subch. IV of ch.  
20 49, the Badger Care health care program under s. 49.665, the food stamp program, and the  
21 cemetery, funeral, and burial expenses program under s. 49.785.

22 (bt) *Relief block grants to counties.* The amounts in the schedule for relief block grants  
23 to counties under ss. 49.025 49.804 and 49.027 49.805 for relief or health care services  
24 provided before July 1, 2009.

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

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

15           (nn) *Federal aid; income maintenance.* All moneys received from the federal  
16 government for the costs of contracting for the administration of the Medical Assistance  
17 program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665  
18 and the food stamp program, other than moneys received under par. (pa), for payments under  
19 s. ~~49.78~~ 49.003 (8).

20           (np) *Federal supplemental funding for food stamp administration.* The amounts in the  
21 schedule from moneys received from the federal government under P.L. 111-5 for  
22 administration of the supplemental nutrition assistance program, for administration of the  
23 food stamp program as provided in s. ~~49.78~~ 49.003 (8) (c).

1           **SECTION 6.** 20.437 (1) (cd), (hh), (2) (a), (bc), (cm), (dz), (e), (f), (ja), (jL), (k), (L), (n),  
2           (nL) and (qm) of the statutes are amended to read:

3           20.437 (1) (cd) *Domestic abuse grants.* The amounts in the schedule for the purposes  
4           of s. 49.165 49.217. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may  
5           transfer funds between fiscal years under this paragraph. All funds allocated by the  
6           department under s. 49.165 49.217 (2) but not encumbered by December 31 of each year lapse  
7           to the general fund on the next January 1 unless transferred to the next calendar year by the  
8           joint committee on finance.

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

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

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

1 (cm) *Wisconsin works child care*. The amounts in the schedule for paying child care  
2 subsidies under s. ~~49.155~~ 49.199.

3 (dz) *Temporary Assistance for Needy Families programs; maintenance of effort*. The  
4 amounts in the schedule, less the amounts withheld under s. 49.143 (3), for administration and  
5 benefit payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program  
6 under s. ~~49.26~~ 49.198, and the work experience program for noncustodial parents under s.  
7 49.36; for payments to local governments, organizations, tribal governing bodies, and  
8 Wisconsin Works agencies; and for emergency assistance for families with needy children  
9 under s. 49.138. Payments may be made from this appropriation account for any contracts  
10 under s. ~~49.845~~ 49.019 (4) and for any fraud investigation and error reduction activities under  
11 s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match federal funds  
12 received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department  
13 may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3)  
14 and 20.002 (1), the department of health services shall credit to this appropriation account  
15 funds for the purposes of this appropriation that the department transfers from the  
16 appropriation account under s. 20.435 (5) (bc). All funds allocated by the department but not  
17 encumbered by December 31 of each year lapse to the general fund on the next January 1  
18 unless transferred to the next calendar year by the joint committee on finance.

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

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

23 (ja) *Child support state operations — fees and reimbursements*. All moneys received  
24 from fees charged under s. ~~49.22~~ 49.811 (8), from fees ordered or otherwise owed under s.

1 767.57 (1e) (a), from fees collected under ss. 49.854 (11) (b) and 767.57 (1e) (b) 1m. and (c),  
2 from reimbursements under s. 108.13 (4) (f), from fees charged and incentive payments and  
3 collections retained under s. ~~49.22~~ 49.811 (7m), and under s. 49.855 (4) from the department  
4 of revenue or the department of administration that were withheld by the department of  
5 revenue or the internal revenue service for unpaid fees ordered or otherwise owed under s.  
6 767.57 (1e) (a), for costs associated with receiving and disbursing support and support-related  
7 payments, including any contract costs, and for administering the program under s. ~~49.22~~  
8 49.811 and all other purposes specified in s. ~~49.22~~ 49.811.

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

13 (k) *Child support transfers.* All moneys transferred from the appropriation account  
14 under par. (r), to be expended under the Wisconsin Works program under subch. III of ch. 49  
15 and under the work experience program for noncustodial parents under s. ~~49.36~~ 49.165, to be  
16 distributed as child support incentive payments as provided in s. ~~49.24~~ 49.821, for costs  
17 associated with receiving and disbursing support and support-related payments, including  
18 any contract costs, for administering the program under s. ~~49.22~~ 49.811 and all other purposes  
19 specified in s. ~~49.22~~ 49.811, and for the support of dependent children in accordance with  
20 applicable federal and state statutes, federal regulations, and state rules.

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

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

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

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

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

19 **SECTION 7.** 20.545 (1) (i) of the statutes is amended to read:

20 20.545 (1) (i) *Services to nonstate governmental units.* The amounts in the schedule  
21 for the purpose of funding personnel services to nonstate governmental units under s. 230.05  
22 (8), including services provided under ss. 49.78 49.003 (5) and 59.26 (8) (a). All moneys  
23 received from the sale of these services shall be credited to this appropriation account.

24 **SECTION 8.** 29.024 (2g) (c) of the statutes is amended to read:

1           29.024 **(2g)** (c) *Disclosure of social security numbers.* The department of natural  
2 resources may not disclose any social security numbers received under par. (a) to any person  
3 except to the department of children and families for the sole purpose of administering s. ~~49.22~~  
4 49.811.

5           **SECTION 9.** 29.229 (5m) (b) of the statutes is amended to read:

6           29.229 **(5m)** (b) The band is requested to enact tribal laws or ordinances that require  
7 each person who has a social security number, as a condition of being issued an approval under  
8 this section, to provide to the band his or her social security number, tribal laws or ordinances  
9 that require each person who does not have a social security number, as a condition of being  
10 issued an approval under this section, to provide to the band a statement made or subscribed  
11 under oath or affirmation on a form prescribed by the department of children and families that  
12 the person does not have a social security number, and tribal laws or ordinances that prohibit  
13 the disclosure of that number by the band to any other person except to the department of  
14 children and families for the purpose of administering s. ~~49.22~~ 49.811.

15           **SECTION 10.** 40.02 (25) (b) 2c. of the statutes is amended to read:

16           40.02 **(25)** (b) 2c. A state employee described in s. ~~49.825~~ 49.009 (4) or ~~49.826~~ 49.011  
17 (4).

18           **SECTION 11.** 40.22 (2) (m) of the statutes is amended to read:

19           40.22 **(2)** (m) Notwithstanding sub. (3m), the employee was formerly employed by  
20 Milwaukee County, is a state employee described in s. ~~49.825~~ 49.009 (4) or ~~49.826~~ (4), and  
21 elects to remain a covered employee under the retirement system established under chapter  
22 201, laws of 1937, pursuant to s. ~~49.825~~ 49.009 (4) (c) or ~~49.826~~ 49.011 (4) (c). This paragraph  
23 shall not apply if the employee remains a state employee, but is no longer performing services

1 for the Milwaukee County enrollment services unit under s. ~~49.825~~ 49.009 or the child care  
2 provider services unit under s. ~~49.826~~ 49.011.

3 **SECTION 12.** 40.62 (2) of the statutes is amended to read:

4 40.62 (2) Sick leave accumulation shall be determined in accordance with rules of the  
5 department, any collective bargaining agreement under subch. I, V, or VI of ch. 111, and ss.  
6 13.121 (4), 36.30, ~~49.825~~ 49.009 (4) (d), ~~49.826~~ 49.011 (4) (d), 230.35 (2), 233.10, 757.02 (5)  
7 and 978.12 (3).

8 **SECTION 13.** 46.03 (7) (bm) of the statutes is amended to read:

9 46.03 (7) (bm) Maintain a file containing records of artificial inseminations under s.  
10 891.40 and statements acknowledging paternity under s. 69.15 (3) (b). The department may  
11 release those records and statements only upon an order of the court except that the department  
12 may use nonidentifying information concerning artificial inseminations for the purpose of  
13 compiling statistics, and statements acknowledging paternity shall be released without a court  
14 order to the department of children and families or a county child support agency under s.  
15 59.53 (5) upon the request of that department or county child support agency pursuant to the  
16 program responsibilities under s. ~~49.22~~ 49.811 or to any other person with a direct and tangible  
17 interest in the statement.

18 **SECTION 14.** 46.10 (14) (b) of the statutes is amended to read:

19 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent  
20 specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the parent's minor child  
21 who has been placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical  
22 facility such as a group home, foster home, treatment foster home, subsidized guardianship  
23 home, or residential care center for children and youth shall be determined by the court by  
24 using the percentage standard established by the department of children and families under

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

3 **SECTION 15.** 46.21 (2m) (c) and (5) (b) of the statutes are amended to read:

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

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

21 **SECTION 16.** 46.215 (1) (intro.), (j), (p), (1m) and (1p) of the statutes are amended to  
22 read:

23 46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population of  
24 500,000 or more the administration of welfare services, other than child welfare services

1 under s. 48.48 (17) administered by the department and except as provided in ss. 49.155 (3g),  
2 ~~49.825~~ 49.009, and ~~49.826~~ 49.011, is vested in a county department of social services under  
3 the jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference  
4 in any law to a county department of social services under this section applies to a county  
5 department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and  
6 duties of the county department of social services. Except as provided in ss. 49.155 (3g),  
7 ~~49.825~~ 49.009, and ~~49.826~~ 49.011, the county department of social services shall have the  
8 following functions, duties, and powers, and such other welfare functions as may be delegated  
9 to it:

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

13 (p) To administer the child care program under s. ~~49.155~~ 49.199, if the department of  
14 children and families contracts with the county department of social services to do so.

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

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

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

12 **SECTION 17.** 46.215 (1) (intro.) of the statutes is amended to read:

13 46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population of  
14 500,000 or more the administration of welfare services, other than child welfare services  
15 under s. 48.48 (17) administered by the department and except as provided in ss. ~~49.155~~  
16 49.199 (3g), 49.825, and 49.826, is vested in a county department of social services under the  
17 jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in  
18 any law to a county department of social services under this section applies to a county  
19 department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and  
20 duties of the county department of social services. Except as provided in ss. ~~49.155~~ 49.199  
21 (3g), 49.825, and 49.826, the county department of social services shall have the following  
22 functions, duties, and powers, and such other welfare functions as may be delegated to it:

23 **SECTION 18.** 46.22 (1) (b) 1. d., 2. fm., (d), (dm), (dp), (2) (b) and (m) and (3m) (a) of  
24 the statutes are amended to read:

1           46.22 (1) (b) 1. d. To submit a final budget in accordance with s. 46.031 (1) for services  
2 authorized in this section, except for the administration of and cost of aid granted under ss.  
3 ~~49.02~~ 49.803, 49.19 and 49.45 to 49.471.

4           2. fm. To administer the child care program under s. ~~49.155~~ 49.199, if the department  
5 of children and families contracts with the county department of social services to do so.

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

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

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

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

9 (2) (b) Appoint the county social services director under sub. (3) subject to s. 49.78  
10 49.003 (4) to (7) and the rules promulgated thereunder and subject to the approval of the  
11 county board of supervisors in a county with a single-county department of social services  
12 or the county boards of supervisors in counties with a multicounty department of social  
13 services.

14 (m) Notwithstanding sub. (3m), the employee was formerly employed by Milwaukee  
15 County, is a state employee described in s. 49.825 49.009 (4) or ~~49.826~~ 49.011 (4), and elects  
16 to remain a covered employee under the retirement system established under chapter 201, laws  
17 of 1937, pursuant to s. 49.825 49.009 (4) (c) or ~~49.826~~ 49.011 (4) (c). This paragraph shall  
18 not apply if the employee remains a state employee, but is no longer performing services for  
19 the Milwaukee County enrollment services unit under s. ~~49.825~~ 49.009 or the child care  
20 provider services unit under s. ~~49.826~~ 49.011.

21 (3m) (a) In any county with a county executive or a county administrator that has  
22 established a single-county department of social services, the county executive or county  
23 administrator, subject to s. 49.78 49.003 (4) to (7) and the rules promulgated thereunder, shall  
24 appoint and supervise the county social services director. The appointment is subject to the

1 confirmation of the county board of supervisors unless the county board of supervisors, by  
2 ordinance, elects to waive confirmation or unless the appointment is made under a civil service  
3 system competitive examination procedure established under s. 59.52 (8) or ch. 63.

4 **SECTION 19.** 46.23 (3) (e) and (ed) of the statutes are amended to read:

5 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss. 46.2895  
6 (9), 48.78 (2) (a), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),  
7 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of human services or tribal  
8 agency acting under this section may exchange confidential information about a client,  
9 without the informed consent of the client, with any other subunit of the same county  
10 department of human services or tribal agency, with a resource center, a care management  
11 organization, or a long-term care district, with an elder-adult-at-risk agency, an adult-at-risk  
12 agency, or any agency to which referral for investigation is made under s. 46.90 (5) (a) 1. or  
13 55.043 (1r) (a) 1g., or with a person providing services to the client under a purchase of  
14 services contract with the county department of human services or tribal agency or with a  
15 resource center, a care management organization, or a long-term care district, if necessary to  
16 enable an employee or service provider to perform his or her duties, or to enable the county  
17 department of human services or tribal agency to coordinate the delivery of services to the  
18 client. An agency that releases information under this paragraph shall document that a request  
19 for information was received and what information was provided.

20 (ed) *Exchange of information; statewide automated child welfare information system.*

21 Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4),  
22 ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c),  
23 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department under this section may enter

1 the content of any record kept or information received by that county department into the  
2 statewide automated child welfare information system established under s. 48.47 (7g).

3 **SECTION 20.** 46.27 (7) (am) of the statutes is amended to read:

4 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department shall  
5 allocate funds to each county or private nonprofit agency with which the department contracts  
6 to pay assessment and case plan costs under sub. (6) not otherwise paid by fee or under s. 49.45  
7 or 49.78 49.003 (2). The department shall reimburse counties for the cost of assessing persons  
8 eligible for medical assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a) as part of the  
9 administrative services of medical assistance, payable under s. 49.45 (3) (a). Counties may  
10 use unspent funds allocated under this paragraph to pay the cost of long-term community  
11 support services and for a risk reserve under par. (fr).

12 **SECTION 21.** 46.28 (1) (f) of the statutes is amended to read:

13 46.28 (1) (f) "Victim of domestic abuse" means an individual who has encountered  
14 domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a).

15 **SECTION 22.** 46.284 (7) (b) of the statutes is amended to read:

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

24 **SECTION 23.** 46.2895 (10) of the statutes is amended to read:

1           46.2895 **(10)** EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss. 48.78 (2)  
2           (a), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)  
3           (c) and 938.78 (2) (a), a long-term care district acting under this section may exchange  
4           confidential information about a client, as defined in s. 46.287 (1), without the informed  
5           consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e),  
6           46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the jurisdiction of the long-term care  
7           district, if necessary to enable the long-term care district to perform its duties or to coordinate  
8           the delivery of services to the client.

9           **SECTION 24.** 46.495 (1) (am) of the statutes is amended to read:

10           46.495 **(1)** (am) The department shall reimburse each county from the appropriations  
11           under s. 20.435 (7) (b) and (o) for social services as approved by the department under ss.  
12           46.215 (1), (2) (c) 1., and (3) and 46.22 (1) (b) 1. d. and (e) 3. a. except that no reimbursement  
13           may be made for the administration of or aid granted under s. ~~49.02~~ 49.803.

14           **SECTION 25.** 48.30 (6) (b) of the statutes is amended to read:

15           48.30 **(6)** (b) If it appears to the court that disposition of the case may include placement  
16           of the child outside the child's home, the court shall order the child's parent to provide a  
17           statement of income, assets, debts, and living expenses to the court or the designated agency  
18           under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as  
19           otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent  
20           ordered to provide a statement of income, assets, debts, and living expenses a document setting  
21           forth the percentage standard established by the department under s. ~~49.22~~ 49.811 (9) and the  
22           manner of its application established by the department under s. 49.345 (14) (g) and listing  
23           the factors that a court may consider under s. 49.345 (14) (c).

24           **SECTION 26.** 48.31 (7) (b) of the statutes is amended to read:

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

10           **SECTION 27.** 48.357 (5m) (a) of the statutes is amended to read:

11           48.357 (5m) (a) If a proposed change in placement changes a child's placement from  
12 a placement in the child's home to a placement outside the child's home, the court shall order  
13 the child's parent to provide a statement of income, assets, debts and living expenses to the  
14 court or the person or agency primarily responsible for implementing the dispositional order  
15 by a date specified by the court. The clerk of court shall provide, without charge, to any parent  
16 ordered to provide a statement of income, assets, debts, and living expenses a document setting  
17 forth the percentage standard established by the department under s. 49.22 49.811 (9) and the  
18 manner of its application established by the department under s. 49.345 (14) (g) and listing  
19 the factors that a court may consider under s. 49.345 (14) (c). If the child is placed outside  
20 the child's home, the court shall determine the liability of the parent in the manner provided  
21 in s. 49.345 (14).

22           **SECTION 28.** 48.36 (1) (b) of the statutes is amended to read:

23           48.36 (1) (b) In determining the amount of support under par. (a), the court may consider  
24 all relevant financial information or other information relevant to the parent's earning

1 capacity, including information reported under s. ~~49.22~~ 49.811 (2m) to the department or the  
2 county child support agency under s. 59.53 (5). If the court has insufficient information with  
3 which to determine the amount of support, the court shall order the child's parent to furnish  
4 a statement of income, assets, debts, and living expenses, if the parent has not already done  
5 so, to the court within 10 days after the court's order transferring custody or designating an  
6 alternative placement is entered or at such other time as ordered by the court.

7 **SECTION 29.** 48.363 (1) (c) of the statutes is amended to read:

8 48.363 (1) (c) If the proposed revision is for a change in the amount of child support  
9 to be paid by a parent, the court shall order the child's parent to provide a statement of income,  
10 assets, debts and living expenses to the court and the person or agency primarily responsible  
11 for implementing the dispositional order by a date specified by the court. The clerk of court  
12 shall provide, without charge, to any parent ordered to provide a statement of income, assets,  
13 debts, and living expenses a document setting forth the percentage standard established by the  
14 department under s. ~~49.22~~ 49.811 (9) and the manner of its application established by the  
15 department under s. 49.345 (14) (g) and listing the factors that a court may consider under s.  
16 49.345 (14) (c).

17 **SECTION 30.** 48.47 (7g) of the statutes is amended to read:

18 48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish a  
19 statewide automated child welfare information system. Notwithstanding ss. 46.2895 (9),  
20 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), ~~49.83~~ 49.013, 51.30, 51.45 (14) (a),  
21 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2)  
22 (a), the department may enter the content of any record kept or information received by the  
23 department into the statewide automated child welfare information system, and a county  
24 department under s. 46.215, 46.22, or 46.23, the department, or any other organization that has

1 entered into an information sharing and access agreement with the department or any of those  
2 county departments and that has been approved for access to the statewide automated child  
3 welfare information system by the department may have access to information that is  
4 maintained in that system, if necessary to enable the county department, department, or  
5 organization to perform its duties under this chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to  
6 679b or to coordinate the delivery of services under this chapter, ch. 46, 51, 55, or 938, or 42  
7 USC 670 to 679b. The department may also transfer information that is maintained in the  
8 system to a court under s. 48.396 (3) (b), and the court and the director of state courts may allow  
9 access to that information as provided in s. 48.396 (3) (c) 2.

10 **SECTION 31.** 48.62 (2) of the statutes is amended to read:

11 48.62 (2) A relative or a guardian of a child who provides care and maintenance for the  
12 child is not required to obtain the license specified in this section. The department, county  
13 department, or licensed child welfare agency as provided in s. 48.75 may issue a license to  
14 operate a foster home or a treatment foster home to a relative who has no duty of support under  
15 s. ~~49.90~~ 49.039 (1) (a) and who requests a license to operate a foster home or treatment foster  
16 home for a specific child who is either placed by court order or who is the subject of a voluntary  
17 placement agreement under s. 48.63. The department, a county department, or a licensed child  
18 welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978, ch. 54,  
19 or ch. 880, 2003 stats., license the guardian's home as a foster home or treatment foster home  
20 for the guardian's minor ward who is living in the home and who is placed in the home by court  
21 order. Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978,  
22 ch. 54, or ch. 880, 2003 stats., who are licensed to operate foster homes or treatment foster  
23 homes are subject to the department's licensing rules.

24 **SECTION 32.** 48.651 (1) (intro.), (a), (b) and (2c) (a) of the statutes are amended to read:

1           48.651 (1) (intro.) No person, other than a child care center licensed under s. 48.65 or  
2           established or contracted for under s. 120.13 (14), may receive reimbursement for providing  
3           child care services for an individual who is determined eligible for a child care subsidy under  
4           s. 49.155 unless the person is certified, according to the standards adopted by the department  
5           under s. ~~49.155~~ 49.199 (1d), by the department in a county having a population of 500,000 or  
6           more, a county department, or an agency with which the department contracts under sub. (2).  
7           To be certified under this section, a person must meet the minimum requirements for  
8           certification established by the department under s. ~~49.155~~ 49.199 (1d), meet the requirements  
9           specified in s. 48.685, and pay the fee specified in sub. (2). The department in a county having  
10          a population of 500,000 or more, a county department, or an agency contracted with under sub.  
11          (2) shall certify the following categories of child care providers:

12           (a) Level I certified family child care providers, as established by the department under  
13           s. ~~49.155~~ 49.199 (1d). No provider may be certified under this paragraph if the provider is a  
14           relative of all of the children for whom the provider provides care.

15           (b) Level II certified family child care providers, as established by the department under  
16           s. ~~49.155~~ 49.199 (1d).

17           (2c) (a) Reimburse a county having a population of 500,000 or more for all approved,  
18           allowable certification costs, as provided in s. ~~49.826~~ 49.011 (2) (c).

19           **SECTION 33.** 48.659 of the statutes is amended to read:

20           **48.659 Child care quality rating system.** The department shall provide a child care  
21           quality rating system that rates the quality of the child care provided by a child care provider  
22           licensed under s. 48.65 that receives reimbursement under s. ~~49.155~~ 49.199 for the child care  
23           provided or that volunteers for rating under this section. The department shall make the rating  
24           information provided under that system available to the parents, guardians, and legal

1        custodians of children who are recipients, or prospective recipients, of care and supervision  
2        from a child care provider that is rated under this section, including making that information  
3        available on the department's Internet site.

4                **SECTION 34.** 48.66 (2m) (c) and (cm) of the statutes are amended to read:

5                48.66 **(2m)** (c) The subunit of the department that obtains a social security number or  
6        a federal employer identification number under par. (a) 1. may not disclose that information  
7        to any person except to the department of revenue for the sole purpose of requesting  
8        certifications under s. 73.0301 or on the request of the subunit of the department that  
9        administers the child and spousal support program under s. ~~49.22~~ 49.811 (2m).

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

12              **SECTION 35.** 48.685 (5) (br) 5. of the statutes is amended to read:

13              48.685 **(5)** (br) 5. An offense involving fraudulent activity as a participant in the  
14        Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of a child care  
15        subsidy under s. ~~49.155~~ 49.199, or as a recipient of aid to families with dependent children  
16        under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps benefits under the  
17        food stamp program under 7 USC 2011 to 2036, supplemental security income payments  
18        under s. 49.77, payments for the support of children of supplemental security income  
19        recipients under s. 49.775, or health care benefits under the Badger Care health care program  
20        under s. 49.665.

21              **SECTION 36.** 48.981 (8) (a) and (d) 1. of the statutes are amended to read:

22              48.981 **(8)** (a) The department, the county departments, and a licensed child welfare  
23        agency under contract with the department in a county having a population of 500,000 or more  
24        to the extent feasible shall conduct continuing education and training programs for staff of the

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

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

23 **SECTION 37.** 48.988 (11) of the statutes is amended to read:

1           48.988 **(11)** Financial responsibility for any child placed under the interstate compact  
2           on the placement of children shall be determined in accordance with sub. (5) in the first  
3           instance. However, in the event of partial or complete default of performance thereunder, the  
4           provisions of s. ~~49.90~~ 49.039, ch. 769, or any other applicable state law fixing responsibility  
5           for the support of children also may be invoked.

6           **SECTION 38.** 48.989 (2) of the statutes is amended to read:

7           48.989 **(2)** FINANCIAL RESPONSIBILITY. Financial responsibility for any child placed  
8           under the provisions of the interstate compact on the placement of children shall be determined  
9           in accordance with ss. 48.60 (4) (b) and 48.988 (5). In the event of partial or complete default  
10          of performance under the compact, the provisions of s. ~~49.90~~ 49.039, ch. 769, or any other  
11          applicable state law fixing responsibility for the support of children may also be invoked.

12          **SECTION 39.** 49.001 (1m) of the statutes is renumbered 49.46 (1).

**NOTE:** Renumbers a general chapter definition for the term “essential  
            person” to place it in one of 2 sections where the term appears.

13          **SECTION 40.** 49.001 (4) of the statutes is renumbered 49.08 (1) (a).

**NOTE:** Renumbers a definition for the term “municipality”, which  
            appears in only 2 sections within ch. 49.

14          **SECTION 41.** 49.001 (4) and (7m) of the statutes are created to read:

15          49.001 **(4)** “Intentional program violation” means, with regard to the programs in this  
16          chapter, intentionally making a false or misleading statement, intentionally misrepresenting  
17          or withholding facts, or committing any act that constitutes a violation of state or federal law  
18          for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or  
19          trafficking benefits under this chapter.

**NOTE:** Creates a definition for “intentional program violation”.

**COMMENT:** The draft definition borrows language from s. 49.29, stats.,  
            and from a federal regulation, 7 CFR s. 273.16 (c), relating to the

supplemental nutrition assistance program. Does the definition reflect the intent of the committee?

1           **(7m)** “Tribal governing body” means an elected tribal governing body of a federally  
2 recognized American Indian tribe or band.

3           **SECTION 42.** 49.001 (5m) of the statutes is renumbered 49.79 (1) (cm).

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

4           **SECTION 43.** 49.001 (5p) of the statutes is amended to read:

5           49.001 **(5p)** “Relief block grant” means a block grant awarded to a county or tribal  
6 governing body under s. ~~49.025, 49.027 or 49.029~~ 49.804, 49.805, or 49.806.

7           **SECTION 44.** 49.002 of the statutes is renumbered 49.80.

8           **SECTION 45.** 49.01 of the statutes is renumbered 49.801.

9           **SECTION 46.** 49.01 (1m), (8j) and (8p) of the statutes are repealed.

**NOTE:** Repeals definitions for the terms “department”, “secretary”, and “tribal governing body”. The terms “department” and “secretary” will be defined at the beginning of the subchapter. The term “tribal governing body” is created in SECTION 41 of the draft.

10          **SECTION 47.** 49.01 (2) of the statutes is amended to read:

11          49.01 **(2)** “Dependent person” means an individual who is eligible for relief under s.  
12 ~~49.015~~ 49.802.

13          **SECTION 48.** 49.015 of the statutes is renumbered 49.802, and 49.802 (1) (c) and (3) (b),  
14 as renumbered, are amended to read:

15          **(1)** (c) The individual qualifies under written criteria of dependency under s. ~~49.02~~  
16 49.803 (1) (b) established by the relief agency in that county or on that tax-free land.

17          **(3)** (b) A relief agency may waive the requirement under sub. (2) or (2m) in case of  
18 unusual misfortune or hardship. Each waiver shall be reported to the department. The

1 department may make a determination as to the appropriateness of the waiver under rules  
2 promulgated by the department under s. ~~49.02~~ 49.803 (7m) (d).

3 **SECTION 49.** 49.02 of the statutes is renumbered 49.803, and 49.803 (1) (c) 4. and (7m)  
4 (b) and (d), as renumbered, are amended to read:

5 (1) (c) 4. In the case of a county submitting a plan for a relief block grant under s. ~~49.027~~  
6 49.805, whether the county will provide services other than health care services and, if such  
7 services are offered, how the county will determine what services will be provided to a  
8 dependent person.

9 (7m) (b) Procedures for appealing eligibility determinations under s. ~~49.015~~ 49.802.  
10 These procedures shall provide for notice, fair hearing and review.

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

12 **SECTION 50.** 49.025 of the statutes is renumbered 49.804, and 49.804 (2) (a) (intro.) and  
13 (b), as renumbered, is amended to read:

14 49.804 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a year, the  
15 department shall pay to the county, in accordance with s. ~~49.031~~ 49.807, from the  
16 appropriation under s. 20.435 (4) (bt), an amount for that year determined as follows:

17 (b) In calculating the total amount expended by the county under par. (a), the department  
18 may exclude any amount expended as a result of a waiver determined to be inappropriate  
19 under rules promulgated by the department under s. ~~49.02~~ 49.803 (7m) (d).

20 **SECTION 51.** 49.027 of the statutes is renumbered 49.805, 49.805 (2) (a) (intro.) and (b),  
21 as renumbered, are amended to read:

22 49.805 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a year, the  
23 department shall pay to the county, in accordance with s. ~~49.031~~ 49.807 and subject to par. (c),  
24 from the appropriation under s. 20.435 (4) (bt), an amount for that year determined as follows:

1 (b) In calculating the total costs incurred by the county under par. (a) 2., the department  
2 may exclude any amount expended as relief by the county in that year as a result of a waiver  
3 determined by the department to be inappropriate under rules promulgated by the department  
4 under s. 49.02 49.803 (7m) (d).

5 **SECTION 52.** 49.029 of the statutes is renumbered 49.806, 49.806 (3), as renumbered,  
6 is amended to read:

7 **(3) USE OF RELIEF BLOCK GRANT FUNDS.** A tribal governing body may use moneys  
8 received as a relief block grant only for the purpose of providing health care services to  
9 dependent persons. Notwithstanding s. 49.01 49.801 (2g), health care services may include  
10 treatment services for alcohol and other drug abuse and mental health services.

11 **SECTION 53.** 49.031 of the statutes is renumbered 49.807, 49.807 (1) as renumbered,  
12 is amended to read:

13 **49.807 (1) FILING OF RELIEF BLOCK GRANT REPORT.** Each county that is eligible for a relief  
14 block grant under s. 49.02 49.803 (1) in a year shall prepare a report, in accordance with rules  
15 promulgated by the department under s. 49.02 49.803 (7m) (c), detailing the costs incurred  
16 for relief provided to dependent persons in that year. The report shall be filed with the  
17 department by March 1 of the year immediately following the year in which the costs were  
18 incurred.

19 **SECTION 54.** 49.08 of the statutes is renumbered 49.808.

20 **SECTION 55.** 49.09 of the statutes is renumbered 49.08 (1) (b).

21 **SECTION 56.** 49.11 of the statutes is renumbered 49.05.

22 **SECTION 57.** 49.114 of the statutes is renumbered 49.066.

23 **SECTION 58.** 49.133 of the statutes is repealed.

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

1       **SECTION 59.** 49.134 of the statutes is renumbered 49.204, 49.204 (2) (a), as renumbered,  
2       is amended to read:

3       **49.204 (2)** (a) From the allocation under s. ~~49.155~~ 49.199 (1g), the department shall  
4       make grants to local agencies to fund child care resource and referral services provided by  
5       those local agencies. The department shall provide an allocation formula to determine the  
6       amount of a grant awarded under this section.

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

7       **SECTION 60.** 49.136 (1) (b) of the statutes is repealed.

8       **SECTION 61.** 49.136 (2) (a) of the statutes is amended to read:

9       49.136 (2) (a) From the allocation under s. ~~49.155~~ 49.199 (1g), the department may  
10      award grants for the start-up or expansion of child care services.

11      **SECTION 62.** 49.137 of the statutes is renumbered 49.207, 49.207 (1) (bd) and (e), (2)  
12      (a), (3) (a), (4) (intro.), and (4m), as renumbered, are amended to read:

13      **49.205 (1)** (bd) “Family child care center” has the meaning given in s. ~~49.136~~ 49.205  
14      (1) (j).

15      (e) “Group child care center” has the meaning given in s. ~~49.136~~ 49.205.

16      **(2)** (a) From the allocation under s. ~~49.155~~ 49.199 (1g), the department may award  
17      grants to child care providers that meet the quality of care standards established under s.  
18      ~~49.155~~ 49.199 (1d) (b) to improve the retention of skilled and experienced child care staff.  
19      In awarding grants under this subsection, the department shall consider the applying child care

1 provider's total enrollment of children and average enrollment of children who receive or are  
2 eligible for publicly funded care from the child care provider.

3 (3) (a) From the allocation under s. 49.155 49.199 (1g), the department may award  
4 grants to child care providers for assistance in meeting the quality of care standards established  
5 under s. 49.155 49.199 (1d) (b).

6 (4) (intro.) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. From the allocation under  
7 s. 49.155 49.199 (1g), the department may contract with one or more agencies for the  
8 provision of training and technical assistance to improve the quality of child care provided in  
9 this state. The training and technical assistance activities contracted for under this subsection  
10 may include any of the following activities:

11 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. From the allocation under s. 49.155  
12 49.199 (1g), the department shall award grants to local governments and tribal governing  
13 bodies for programs to improve the quality of child care. The department shall promulgate  
14 rules to administer the grant program, including rules that specify the eligibility criteria and  
15 procedures for awarding the grants.

16 **SECTION 63.** 49.137 (1) (am), (1) (bd) and (1) (k) of the statutes are repealed.

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

17 **SECTION 64.** 49.1375 of the statutes is renumbered 49.209.

18 **SECTION 65.** 49.138 (4) (c) of the statutes is amended to read:

19 49.138 (4) (c) If the administering agency is a Wisconsin works agency, the department  
20 may review the decision of the Wisconsin works agency if, within 14 21 days after the date

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

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

3 **SECTION 66.** 49.139 of the statutes is renumbered 49.175 (1) (im) and amended to read:  
4 49.175 (1) (im) **Emergency shelter funding.** ~~From the appropriation account under~~  
5 ~~s. 20.437 (2) (f), the department shall provide \$50,000 annually, beginning on October 1,~~  
6 ~~2009, to~~ For the Emergency Shelter of the Fox Valley to provide services to homeless  
7 individuals and families \$50,000 in each fiscal year.

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

8 **SECTION 67.** 49.141 (1) (s) of the statutes is amended to read:  
9 49.141 (1) (s) “Wisconsin works group” means an individual who is a custodial parent,  
10 all dependent children with respect to whom the individual is a custodial parent and all  
11 dependent children with respect to whom the individual’s dependent child is a custodial  
12 parent. “Wisconsin works group” includes any nonmarital coparent or any spouse of the  
13 individual who resides in the same household as the individual and any dependent children  
14 with respect to whom the spouse or nonmarital coparent is a custodial parent. “Wisconsin  
15 works group” does not include any person who is receiving benefits under s. ~~49.027~~ 49.805  
16 (3) (b).

17 **SECTION 68.** 49.141 (7) (a) of the statutes is renumbered 946.90 (3) and amended to  
18 read:

1           946.90 (3) ~~A person who is convicted of violating sub. (6) in connection with the~~  
2           Whoever violates sub. (2) by furnishing by that person of items or services for which payment  
3           is or may be made under Wisconsin works is guilty of a Class H felony.

4           **SECTION 69.** 49.141 (7) (b) of the statutes is repealed.

5           **SECTION 70.** 49.141 (7) (c) (intro.) of the statutes is amended to read:

6           49.141 (7) (c) (intro.) Except as provided in par. (d), in addition to the penalties  
7           applicable under ~~par. (a) or (b)~~ s. 946.90 (2) or (3), a person shall be suspended from  
8           participating in Wisconsin works for a period of 10 years, beginning on the date of conviction,  
9           if the person is convicted in a federal or state court for any of the following:

10          **SECTION 71.** 49.141 (8) of the statutes is amended to read:

11          49.141 (8) DAMAGES. If a person is convicted under ~~sub. (6)~~ s. 946.90 (2) or (3), the  
12          state has a cause of action for relief against the person in an amount equal to 3 times the amount  
13          of actual damages sustained as a result of any excess payments made in connection with the  
14          offense for which the conviction was obtained. Proof by the state of a conviction under sub.  
15          (6) is conclusive proof in a civil action of the state's right to damages and the only issue in  
16          controversy shall be the amount, if any, of the actual damages sustained. Actual damages  
17          consist of the total amount of excess payments, any part of which is paid with state funds. In  
18          a civil action under this subsection, the state may elect to file a motion in expedition of the  
19          action. Upon receipt of the motion, the presiding judge shall expedite the action.

20          **SECTION 72.** 49.141 (9) (a) of the statutes is renumbered 946.90 (4) and amended to  
21          read:

22          946.90 (4) Whoever solicits or receives ~~any remuneration in cash or in-kind~~ money,  
23          goods, services, or any other thing of value, in return for referring an individual to a person  
24          for the furnishing or arranging for the furnishing of any item or service for which payment may

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

6 **SECTION 73.** 49.141 (9) (b) of the statutes is renumbered 946.90 (5) and amended to  
7 read:

8 946.90 (5) Whoever offers or pays ~~any remuneration in cash or in-kind~~ money, goods,  
9 services, or any other thing of value to any person to induce the person to refer an individual  
10 to a person for the furnishing or arranging for the furnishing of any item or service for which  
11 payment may be made in whole or in part under Wisconsin works, or to purchase, lease, order,  
12 or arrange for or recommend purchasing, leasing, or ordering any good, facility, service or  
13 item for which payment may be made in whole or in part under any provision of Wisconsin  
14 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine specified  
15 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

16 **SECTION 74.** 49.141 (10) (a) of the statutes is renumbered 946.90 (6) and amended to  
17 read:

18 946.90 (6) A provider ~~may not who~~ knowingly ~~impose~~ imposes upon a recipient  
19 Wisconsin works participant charges in addition to payments received for services under  
20 Wisconsin works or knowingly ~~impose~~ imposes direct charges upon a recipient in lieu of  
21 obtaining payment under Wisconsin works unless 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 fined not  
23 more than \$25,000. This subsection does not apply if benefits or services are not provided

1 under Wisconsin works and the recipient Wisconsin works participant is advised of this fact  
2 prior to receiving the service.

3 **SECTION 75.** 49.141 (10) (b) of the statutes is repealed.

**NOTE:** SECTIONS 68 to 74 move criminal penalties relating to Wisconsin works fraud to s. 946.90. Chapter 946 contains crimes against government and its administration. Also, see SECTIONS 304 and 305.

4 **SECTION 76.** 49.143 (2) (b) of the statutes is amended to read:

5 49.143 (2) (b) Establish a children's services network. The children's services network  
6 shall ~~provide~~ make available information about community resources available to the  
7 dependent children in a Wisconsin works group, including charitable food and clothing  
8 centers; subsidized and low-income housing; transportation subsidies; the state supplemental  
9 food program for women, infants and children under s. 253.06; and child care programs. In  
10 a county having a population of 500,000 or more, a children's services network shall, in  
11 addition, provide a forum for those persons who are interested in the delivery of child welfare  
12 services and other services to children and families in the geographical area under sub. (6)  
13 served by that children's services network to communicate with and make recommendations  
14 to the providers of those services in that geographical area with respect to the delivery of those  
15 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 provide such information.

16 **SECTION 77.** 49.143 (2) (em) of the statutes is amended to read:

17 49.143 (2) (em) Determine eligibility for and administer child care assistance under s.  
18 ~~49.155~~ 49.199, if the department contracts with the Wisconsin Works agency to do so.

19 **SECTION 78.** 49.143 (2) (h) of the statutes is created to read:

1           49.143 (2) (h) Prohibit persons who contract with the Wisconsin works agency from  
2           imposing charges for services under Wisconsin works or imposing direct charges upon a  
3           participant in lieu of obtaining payment under Wisconsin works.

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

**COMMENT:** Please review this provision to ensure that it reflects the  
          committee's intent.

4           **SECTION 79.** 49.143 (3g) (a) 1. of the statutes is amended to read:

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

7           **SECTION 80.** 49.145 (2) (j) of the statutes is amended to read:

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

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

10          **SECTION 81.** 49.145 (2) (s) of the statutes is amended to read:

11          49.145 (2) (s) The individual assigns to the state any right of the individual or of any  
12          dependent child of the individual to support or maintenance from any other person accruing  
13          during the time that any assistance, as defined in 45 CFR 260.31, under Wisconsin Works is  
14          paid to the individual. If a minor who is a beneficiary of any assistance under Wisconsin  
15          Works is also the beneficiary of support under a judgment or order that includes support for  
16          one or more children not receiving that assistance, any support payment made under the  
17          judgment or order is assigned to the state during the period that the minor is a beneficiary of  
18          that assistance in the amount that is the proportionate share of the minor receiving the  
19          assistance, except as otherwise ordered by the court on the motion of a party. Amounts

1 assigned to the state under this paragraph remain assigned to the state until the amount due to  
2 the federal government has been recovered. No amount of support that begins to accrue after  
3 the individual ceases to receive assistance under Wisconsin Works may be considered  
4 assigned to this state. ~~Except as provided in s. 49.1455, 75~~ Seventy-five percent of all money  
5 that is received by the department in a month under an assignment to the state under this  
6 paragraph for an individual applying for or participating in Wisconsin Works shall be paid to  
7 the individual applying for or participating in Wisconsin Works. The department shall pay the  
8 federal share of support assigned under this paragraph as required under federal law or waiver.

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

9 **SECTION 82.** 49.1452 of the statutes is renumbered 49.813.

10 **SECTION 83.** 49.1455 of the statutes is repealed.

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

11 **SECTION 84.** 49.147 (1) of the statutes is renumbered 49.141 (1) (o) and amended to  
12 read:

13 49.141 (1) (o) **DEFINITIONS.** ~~In this section:~~

14 (o) “Unsubsidized employment” means employment for which the Wisconsin works  
15 agency provides no wage subsidy to the employer including self-employment and  
16 entrepreneurial activities.

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

17 **SECTION 85.** 49.147 (3m) of the statutes is repealed.

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

18 **SECTION 86.** 49.147 (4) (at) and (5) (bt) of the statutes are repealed.

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

1       **SECTION 87.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

2       49.147 (**5m**) (a) (intro.) To the extent permitted under 42 USC 607, and except as  
3       provided in par. (bL), a participant under sub. (4) or (5) may participate in a ~~technical college~~  
4       an education program provided by a technical college established under ch. 38 as part of a  
5       community service job placement or transitional placement if all of the following  
6       requirements are met:

**NOTE:** Clarifies reference to technical college education.

7       **SECTION 88.** 49.147 (6) (cm) 1. of the statutes is amended to read:

8       49.147 (**6**) (cm) 1. The department may, in the manner provided in s. 49.85, collect job  
9       access loan repayments that are delinquent under the terms of a repayment agreement. The  
10      department shall credit all delinquent repayments collected by the department of revenue as  
11      a setoff under s. 71.93 to the appropriation account under s. 20.437 (2) (jL). Use of the process  
12      under s. ~~49.85~~ 49.023 does not preclude the department from collecting delinquent  
13      repayments through other legal means.

14      **SECTION 89.** 49.1473 of the statutes is renumbered 49.143 (2b).

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

15      **SECTION 90.** 49.148 (4) of the statutes is renumbered 49.145 (3m) and, as renumbered,

16      49.145 (3m) (title) is amended to read:

17      49.145 (**3m**) ~~DRUG TESTING~~ PARTICIPANT WITH DRUG CONVICTION.

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

18      **SECTION 91.** 49.149 of the statutes is renumbered 49.143 (2z) and amended to read:

1           49.143 (2z) ~~Wisconsin works; education~~ **Education and training**. A Wisconsin  
2 works agency shall ~~do all of the following~~:

3           ~~(1) Establish~~ **Establish** a referral relationship with other employment and training  
4 programs for participants to make use of varied education and training opportunities available  
5 through integrated job centers, as defined by the department by rule.

6           ~~(3) Encourage~~ **Encourage** employers to make training sites available on the business  
7 site for participants.

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

8           **SECTION 92.** 49.152 (title) of the statutes is amended to read:

9           **49.152 (title) Review of Wisconsin works agency decisions.**

10          **SECTION 93.** 49.1525 of the statutes is created to read:

11          **49.1525 Review of Wisconsin shares decisions. (1) PETITION FOR REVIEW.** Any  
12 individual whose application for a child care subsidy under s. 49.155 is not acted upon with  
13 reasonable promptness after the filing of the application, as defined by the department by rule,  
14 or is denied in whole or in part, whose benefit is modified or canceled, or who believes that  
15 the benefit was calculated incorrectly, or a child care provider who is refused payment under  
16 s. 49.155 (7) or assessed a penalty under s. 49.155 (7m), may petition the department for a  
17 review of such action. Review is unavailable if the action occurred more than 45 days prior  
18 to submission of the petition for review.

19          (2) REVIEW. (a) Upon a timely petition under sub. (1), the department shall give the  
20 applicant, participant, or child care provider reasonable notice and opportunity for a review.  
21 The department shall render its decision as soon as possible after the review and shall send by  
22 1st class mail a certified copy of its decision to the last-known address of the applicant or

1 participant. The department shall deny a petition for a review or shall refuse to grant relief  
2 if the petitioner does any of the following:

3 1. Withdraws the petition in writing.

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

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

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

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

**COMMENT:** Please review this section to ensure that it reflects the committee's intent.

Should this section require the department to promulgate rules?

Should this section specify remedies for reviews of decisions affecting child care providers?

Is 21 days the appropriate time frame for requesting a contested hearing under ch. 227?

14 **SECTION 94.** 49.153 of the statutes is 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.

15 **SECTION 95.** 49.155 of the statutes is renumbered 49.199.

16 **SECTION 96.** 49.155 (1) (ag) and (1) (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 41 of the draft.

1           **SECTION 97.** 49.155 (1) (ah), (1g) (bc), (d), (e), (1m) (a) 1., 1m. (intro.), (3g) (a) (intro.)  
2           and (b) of the statutes are amended to read:

3           49.155 (1) (ah) “County department or agency” means a county department under s.  
4           46.215, 46.22, or 46.23, the unit, as defined in s. ~~49.825~~ 49.009 (1) (e), or a Wisconsin Works  
5           agency, child care resource and referral agency, or other agency.

6           (1g) (bc) Grants under s. ~~49.134~~ 49.204 (2) for child care resource and referral services,  
7           in the amount of at least \$1,298,600 per fiscal year.

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

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

10          (1m) (a) 1. Meet the school attendance requirement under s. ~~49.26~~ 49.198 (1) (ge).

11          1m. (intro.) Obtain a high school diploma or participate in a course of study meeting  
12          the standards established by the state superintendent of public instruction for the granting of  
13          a declaration of equivalency of high school graduation, if the individual is not subject to the  
14          school attendance requirement under s. ~~49.26~~ 49.198 (1) (ge) and at least one of the following  
15          conditions is met:

16          (3g) (a) (intro.) The department may contract with the Milwaukee County enrollment  
17          services unit, as provided in s. ~~49.825~~ 49.009 (2) (b), to do any of the following:

18          (b) The department may establish a child care provider services unit, as provided in s.  
19          ~~49.826~~ 49.011, to perform the provider services functions specified in s. ~~49.826~~ 49.011 (2) (a).

20          **SECTION 98.** 49.161 (1) of the statutes is amended to read:

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

7           **SECTION 99.** 49.1635 of the statutes is renumbered 49.215.

8           **SECTION 100.** 49.165 of the statutes is renumbered 49.217.

9           **SECTION 101.** 49.167 of the statutes is renumbered 49.219.

10          **SECTION 102.** 49.169 of the statutes is renumbered 49.221.

11          **SECTION 103.** 49.175 (1) (intro.) of the statutes is amended to read:

12           49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within the  
13 limits of the appropriations under s. 20.437 (2) (a), (cm), (cr), (dz), (f), (k), (kx), (L), (mc),  
14 (md), (me), (mf), and (s), the department shall allocate the following amounts for the  
15 following purposes:

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

16          **SECTION 104.** 49.175 (1) (m), (p), (q) and (qm) of the statutes are amended to read:

17           49.175 (1) (m) *Children first.* For services under the work experience program for  
18 noncustodial parents under s. ~~49.36~~ 49.165, \$1,140,000 in each fiscal year.

19           (p) *Direct child care services.* For direct child care services under s. ~~49.155~~ 49.199,  
20 \$384,987,600 in fiscal year 2009–10 and \$402,496,800 in fiscal year 2010–11.

21           (q) *Child care state administration and child care licensing activities.* For  
22 administration of child care programs under s. ~~49.155~~ 49.199 and the allocation under s.

1     ~~49.155~~ 49.199 (1g) (c) for child care licensing activities, \$8,534,700 in fiscal year 2009–10  
2     and \$8,889,700 in fiscal year 2010–11.

3             (qm) *Quality care for quality kids.* For the child care quality improvement activities  
4     specified in s. ~~49.155~~ 49.199 (1g), \$5,384,600 in fiscal year 2009–10 and \$5,384,600 in fiscal  
5     year 2010–11.

6             **SECTION 105.** 49.19 (4) (h) 1. b. of the statutes is amended to read:

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

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

20            **SECTION 106.** 49.19 (5) (a) 1m. and (17) of the statutes are repealed.

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

21            **SECTION 107.** 49.195 (title) of the statutes is amended to read:

1           **49.195 (title) ~~Recovery of~~ Action to recoup aid to families with dependent children**  
2           **and Wisconsin works benefits.**

          NOTE: Modifies title to distinguish from recovery of overpayments.

3           **SECTION 108.** 49.195 (1) and (3) of the statutes are amended to read:

4           **49.195 (1)** If any parent at the time of receiving aid under s. 49.19 or a benefit under  
5           s. 49.148, 49.155 49.199, or 49.157 or at any time thereafter acquires property by gift,  
6           inheritance, sale of assets, court judgment or settlement of any damage claim, or by winning  
7           a lottery or prize, the county granting such aid, or the Wisconsin works agency granting such  
8           a benefit, may sue the parent on behalf of the department to recover the value of that portion  
9           of the aid or of the benefit which does not exceed the amount of the property so acquired. The  
10          value of the aid or benefit liable for recovery under this section may not include the value of  
11          work performed by a member of the family in a community work experience program under  
12          s. 46.215 (1) (o), 1991 stats., s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats.,  
13          or in a community work experience component under s. 49.193 (6), 1997 stats. During the  
14          life of the parent, the 10–year statute of limitations may be pleaded in defense against any suit  
15          for recovery under this section; and if such property is his or her homestead it shall be exempt  
16          from execution on the judgment of recovery until his or her death or sale of the property,  
17          whichever occurs first. Notwithstanding the foregoing restrictions and limitations, where the  
18          aid or benefit recipient is deceased a claim may be filed against any property in his or her estate  
19          and the statute of limitations specified in s. 859.02 shall be exclusively applicable. The court  
20          may refuse to render judgment or allow the claim in any case where a parent, spouse or child  
21          is dependent on the property for support, and the court in rendering judgment shall take into  
22          account the current family budget requirement as fixed by the U.S. department of labor for the  
23          community or as fixed by the authorities of the community in charge of public assistance. The

1 records of aid or benefits paid kept by the county, by the department or by the Wisconsin works  
2 agency are prima facie evidence of the value of the aid or benefits furnished. Liability under  
3 this section shall extend to any parent or stepparent whose family receives aid under s. 49.19  
4 or benefits under s. 49.148, 49.155 or 49.157 during the period that he or she is a member of  
5 the same household, but his or her liability is limited to such period. This section does not  
6 apply to medical and health assistance payments for which recovery is prohibited or restricted  
7 by federal law or regulation.

8 (3) A county, tribal governing body, Wisconsin works agency or the department shall  
9 determine whether an overpayment has been made under s. 49.19, 49.148, ~~49.155, 49.199,~~ or  
10 49.157 and, if so, the amount of the overpayment. The county, tribal governing body,  
11 Wisconsin works agency or department shall provide notice of the overpayment to the liable  
12 person. The department shall give that person an opportunity for a review following the  
13 procedure specified under s. 49.152 or 49.1525, if the person received the overpayment under  
14 s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96, the department  
15 shall promptly recover all overpayments made under s. 49.19, 49.148, ~~49.155, 49.199,~~ or  
16 49.157 that have not already been received under s. 49.161 ~~or 49.19 (17)~~ and shall promulgate  
17 rules establishing policies and procedures to administer this subsection. The rules shall  
18 include notification procedures similar to those established for child support collections.

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

19 **SECTION 109.** 49.195 (3) and (3m) (f) of the statutes are amended to read:

20 49.195 (3) A county, tribal governing body, Wisconsin works agency or the department  
21 shall determine whether an overpayment has been made under s. 49.19, 49.148, 49.155 or  
22 49.157 and, if so, the amount of the overpayment. The county, tribal governing body,

1 Wisconsin works agency or department shall provide notice of the overpayment to the liable  
2 person. The department shall give that person an opportunity for a review following the  
3 procedure specified under s. 49.152, if the person received the overpayment under s. 49.141  
4 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96 49.043, the department  
5 shall promptly recover all overpayments made under s. 49.19, 49.148, 49.155 or 49.157 that  
6 have not already been received under s. 49.161 or 49.19 (17) and shall promulgate rules  
7 establishing policies and procedures to administer this subsection. The rules shall include  
8 notification procedures similar to those established for child support collections.

9 **(3m)** (f) Notwithstanding s. 49.96 49.043, at any time after the filing of a warrant, the  
10 department may commence and maintain a garnishee action as provided by ch. 812 or may  
11 use the remedy of attachment as provided by ch. 811 for actions to enforce a judgment. The  
12 place of trial of such an action may be either in Dane County or the county where the debtor  
13 resides and may not be changed from the county in which that action is commenced, except  
14 upon consent of the parties.

15 **SECTION 110.** 49.195 (3n) (q) 2. of the statutes is amended to read:

16 49.195 **(3n)** (q) 2. The first \$1,000 of an account in a depository institution is exempt  
17 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.

18 **SECTION 111.** 49.197 (2) (a) 2. of the statutes is repealed.

**NOTE:** Repeals a definition for the term “tribal governing body”, which  
is created in SECTION 41 of the draft.

19 **SECTION 112.** 49.197 (2) (b), (cm) and (5) of the statutes are amended to read:

1           49.197 (2) (b) If a county department, Wisconsin Works agency, or tribal governing  
2 body administers the Wisconsin Works program, the county department, Wisconsin Works  
3 agency, or tribal governing body may establish a program to investigate suspected fraudulent  
4 activity on the part of participants in the Wisconsin Works program under this subchapter,  
5 including persons receiving a child care subsidy under s. ~~49.155~~ 49.199, and to recover  
6 incorrect payments made or incorrect benefits provided as a result of fraudulent activity.

7           (cm) Any amounts recovered with respect to the child care subsidy program under s.  
8 ~~49.155~~ 49.199 by a county department in a county having a population of 500,000 or more as  
9 a result of a program under par. (b) or due to the efforts of an employee of such a county who  
10 is supervised by the department or the department of health services under s. ~~49.825~~ 49.009  
11 shall be credited to the appropriation account under s. 20.437 (2) (me).

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

1           **SECTION 113.** 49.22 of the statutes is renumbered 49.811 and 49.811 (2m) (a) and (6),  
2 as renumbered, are amended to read:

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

15           **(6)** The department shall establish, pursuant to federal and state laws, rules and  
16 regulations, a uniform system of fees for services provided under this section to individuals  
17 not receiving aid under s. 48.645, 49.19, 49.47, or 49.471; benefits under s. 49.148, 49.155  
18 49.199, or 49.79; foster care maintenance payments under 42 USC 670 to 679a; or kinship care  
19 payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n). The  
20 system of fees may take into account an individual's ability to pay. Any fee paid and collected  
21 under this subsection may be retained by the county providing the service except for the fee  
22 specified in 42 USC 653 (e) (2) for federal parent locator services.

23           **SECTION 114.** 49.225 of the statutes is renumbered 49.817.

24           **SECTION 115.** 49.227 of the statutes is renumbered 49.819.

1           **SECTION 116.** 49.24 of the statutes is renumbered 49.821, and 49.821 (2) (a) and (c) and  
2           (3), as renumbered, are amended to read:

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

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

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

15          **SECTION 117.** 49.24 (2) (c) of the statutes is amended to read:

16          49.24 **(2)** (c) The department may retain 70% of the amount of federal child support  
17          incentive payments awarded to the state for each federal fiscal year that exceeds \$12,340,000,  
18          to be used to pay the costs of the department's activities under ss. 49.22 and ~~49.227~~ 49.819  
19          and costs related to receiving and disbursing support and support-related payments.

20          **SECTION 118.** 49.25 of the statutes is renumbered 49.823.

21          **SECTION 119.** 49.26 of the statutes is renumbered 49.198 , and as renumbered, 49.198  
22          (1) (c), (d), (e), (ge), and (hr) and (2) (b) are amended to read:

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

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

11 (e) For an individual who is a recipient of aid under s. 49.19, or whose custodial parent  
12 is a participant under s. 49.147 (3) to (5), who is the parent with whom a dependent child lives  
13 and who is subject to the school attendance requirement under par. (ge), the department shall  
14 make a monthly payment to the individual or the child care provider for the month's child care  
15 costs in an amount based on need with the maximum amount per child equal to the lesser of  
16 the actual cost of the care or the rate established under s. ~~49.155~~ 49.199 (6) if the individual  
17 demonstrates the need to purchase child care services in order to attend school and those  
18 services are available from a child care provider.

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

22 (hr) If an individual subject to the school attendance requirement under par. (ge) is  
23 enrolled in a public school, communications between the school district and the department,  
24 ~~a county department under s. 46.215, 46.22, or 46.23~~ or a Wisconsin works agency concerning

1 the individual's school attendance may only be made by a school attendance officer, as defined  
2 under s. 118.16 (1) (b).

3 (2) (b) ~~County departments or~~ Wisconsin works agencies shall provide case  
4 management services to individuals who are subject to the school attendance requirement  
5 under the learnfare program under sub. (1) and their families to improve the school attendance  
6 and achievement of those individuals.

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

7 **SECTION 120.** 49.26 (1) (h) 2. and (2) (a) of the statutes are repealed.

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

8 **SECTION 121.** 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).

9 **SECTION 122.** 49.27 of the statutes is renumbered 49.064.

10 **SECTION 123.** 49.29 of the statutes is repealed.

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

11 **SECTION 124.** 49.32 of the statutes is renumbered 49.06, and 49.06 (1) (a), (6), (9) (title),  
12 (a), (b), and (c) and (10m) (a) and (b), as renumbered, are amended to read:

13 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department shall establish  
14 a uniform system of fees for services provided or purchased under this subchapter and ch. 48  
15 by the department, or a county department under s. 46.215, 49.22 49.811, or 46.23, except as  
16 provided in s. 49.22 (6) and except when, as determined by the department, a fee is  
17 administratively unfeasible or would significantly prevent accomplishing the purpose of the  
18 service. A county department under s. 46.215, 46.22 or 46.23 shall apply the fees that it

1 collects under this program to cover the cost of those services. The department shall report  
2 to the joint committee on finance no later than March 1 of each year on the number of children  
3 placed for adoption by the department during the previous year and the costs to the state for  
4 services relating to such adoptions.

5 (6) WELFARE REFORM STUDIES. The department shall request proposals from persons in  
6 this state for studies of the effectiveness of various program changes, referred to as welfare  
7 reform, to the aid to families with dependent children program, including the requirement that  
8 certain recipients of aid to families with dependent children with children under age 6  
9 participate in training programs, the learnfare school attendance requirement under s.  
10 49.2649.198 (1) (g) and the modification of the earned income disregard under s. 49.19 (5)  
11 (am). The studies shall evaluate the effectiveness of the various efforts, including their  
12 cost-effectiveness, in helping individuals gain independence through the securing of jobs and  
13 providing financial incentives and in identifying barriers to independence.

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

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

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

4 **(10m)** (a) A county department, relief agency under s. ~~49.01~~ 49.801 (3m) or Wisconsin  
5 works agency shall, upon request, and after providing the notice to the recipient required by  
6 this paragraph, release the current address of a recipient of relief under s. ~~49.01~~ 49.801 (3),  
7 aid to families with dependent children or benefits under s. 49.148 to a person, the person's  
8 attorney or an employee or agent of that attorney, if the person is a party to a legal action or  
9 proceeding in which the recipient is a party or a witness, unless the person is a respondent in  
10 an action commenced by the recipient under s. 813.12, 813.122, 813.123, 813.125 or 813.127.  
11 If the person is a respondent in an action commenced by the recipient under s. 813.12, 813.122,  
12 813.123, 813.125 or 813.127, the county department, relief agency or Wisconsin works  
13 agency may not release the current address of the recipient. No county department, relief  
14 agency or Wisconsin works agency may release an address under this paragraph until 21 days  
15 after the address has been requested. A person requesting an address under this paragraph  
16 shall be required to prove his or her identity and his or her participation as a party in a legal  
17 action or proceeding in which the recipient is a party or a witness by presenting a copy of the  
18 pleading or a copy of the subpoena for the witness. The person shall also be required to sign  
19 a statement setting forth his or her name, address and the reasons for making the request and  
20 indicating that he or she understands the provisions of par. (b) with respect to the use of the  
21 information obtained. The statement shall be made on a form prescribed by the department  
22 and shall be sworn and notarized. Within 7 days after an address has been requested under  
23 this paragraph, the county department, relief agency or Wisconsin works agency shall mail to  
24 each recipient whose address has been requested a notification of that fact on a form prescribed

1 by the department. The form shall also include the date on which the address was requested,  
2 the name and address of the person who requested the disclosure of the address, the reason that  
3 the address was requested and a statement that the address will be released to the person who  
4 requested the address no sooner than 21 days after the date on which the request for the address  
5 was made. County departments, relief agencies and Wisconsin works agencies shall keep a  
6 record of each request for an address under this paragraph.

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

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

12 **SECTION 125.** 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.

13 **SECTION 126.** 49.345 (14) (b) of the statutes is amended to read:

14 49.345 (14) (b) Except as provided in par. (c), and subject to par. (cm), liability of a  
15 parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the parent's minor  
16 child who has been placed by a court order under s. 48.355 or 48.357 in a residential,  
17 nonmedical facility such as a group home, foster home, treatment foster home, subsidized  
18 guardianship home, or residential care center for children and youth shall be determined by  
19 the court by using the percentage standard established by the department under s. ~~49.22~~ 49.811  
20 (9) and by applying the percentage standard in the manner established by the department under  
21 par. (g).

1       **SECTION 127.** 49.35 of the statutes is renumbered 49.062.

2       **SECTION 128.** 49.35 (1) (bm) of the statutes is repealed.

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

3       **SECTION 129.** 49.36 of the statutes is renumbered 49.165.

4       **SECTION 130.** 49.36 (1) (b) of the statutes is repealed.

**NOTE:** Repeals a definition for the term “tribal governing body”, which  
      is created in SECTION 41 of the draft.

5       **SECTION 131.** 49.385 of the statutes is amended to read:

6       **49.385 No action against members of the Menominee Indian tribe in certain cases.**

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

18      **SECTION 132.** 49.43 (intro.) of the statutes is amended to read:

19      **49.43 Definitions.** (intro.) As used in ss. 49.43 to ~~49.497~~ 49.499 unless the context  
20      indicates otherwise:

1           **SECTION 133.** 49.45 (2) (a) 3. and (b) 7. (intro.) and a., (3) (a) and (6y) (a) and (am) of  
2 the statutes are amended to read:

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

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

20           a. Services under medical assistance for which providers have demonstrated significant  
21 potential to violate s. 49.49 (1) (a), (2) (a) ~~or (b), (3), (3m)-(a), (3p), (4)-(a), or (4m) (a)~~ or  
22 946.91 (3) (b), (4), (5), or (6), to require recovery under par. (a) 10., or to need additional  
23 sanctions under par. (a) 13.

1           **(3)** (a) Reimbursement shall be made to each county department under ss. 46.215,  
2           46.22, and 46.23 for any administrative services performed in the Medical Assistance program  
3           on the basis of s. ~~49.78~~ 49.003 (8). For purposes of reimbursement under this paragraph,  
4           assessments completed under s. 46.27 (6) (a) are administrative services performed in the  
5           Medical Assistance program.

6           **(6y)** (a) Notwithstanding sub. (3) (e), from the appropriation accounts under s. 20.435  
7           (4) (b), (o), and (w), the department may distribute funding in each fiscal year to provide  
8           supplemental payment to hospitals that enter into a contract under s. ~~49.02~~ 49.803 (2) to  
9           provide health care services funded by a relief block grant, as determined by the department,  
10          for hospital services that are not in excess of the hospitals' customary charges for the services,  
11          as limited under 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter  
12          or if the allocation of funds to such hospitals would exceed any limitation under 42 USC 1396b  
13          (i) (3), the department may distribute funds to hospitals that have not entered into a contract  
14          under s. ~~49.02~~ 49.803 (2).

15          (am) Notwithstanding sub. (3) (e), from the appropriation accounts under s. 20.435 (4)  
16          (b), (h), (o), and (w), the department shall distribute funding in each fiscal year to provide  
17          supplemental payments to hospitals that enter into contracts under s. ~~49.02~~ 49.803 (2) with a  
18          county having a population of 500,000 or more to provide health care services funded by a  
19          relief block grant, as determined by the department, for hospital services that are not in excess  
20          of the hospitals' customary charges for the services, as limited under 42 USC 1396b (i) (3).

21          **SECTION 134.** 49.46 (1) of the statutes is renumbered 49.46 (1g).

22          **SECTION 135.** 49.46 (1c) of the statutes is created to read:

23          49.46 **(1c)** DEFINITION. In this section, "essential person" means any person defined as  
24          an essential person under federal Title XVI.

1       **SECTION 136.** 49.4715 (title) of the statutes is created to read:

2       **49.4715 Reimbursement if retroactive eligibility.**

3       **SECTION 137.** 49.475 (6) of the statutes is amended to read:

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

12      **SECTION 138.** 49.49 (1) of the statutes is renumbered 946.91 (2) and amended to read:

13      946.91 (2) FRAUD. (a) ~~Prohibited conduct.~~ No person, in connection with a medical  
14      assistance program, may: Whoever does any of the following is guilty of a Class H felony,  
15      except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may  
16      be fined not more than \$25,000:

17      1. ~~Knowingly and willfully make (a) Intentionally makes~~ or cause ~~causes~~ to be made  
18      any false statement or representation of a material fact in any application for any medical  
19      assistance benefit or payment.

20      2. ~~Knowingly and willfully make (b) Intentionally makes~~ or cause ~~causes~~ to be made  
21      any false statement or representation of a material fact for use in determining ~~rights~~ eligibility  
22      to ~~such~~ any medical assistance benefit or payment.

23      3. (c) Having knowledge of the occurrence of any event affecting the initial or  
24      continued ~~right~~ eligibility to any ~~such~~ medical assistance benefit or payment or the initial or

1 continued right eligibility to any such benefit or payment of any other individual in whose  
2 behalf he or she has applied for or is receiving such benefit or payment, ~~conceal~~ conceals or  
3 ~~fail~~ fails to disclose such event with an intent to fraudulently ~~to~~ secure such benefit or payment  
4 either in a greater amount or quantity than is due or when no such benefit or payment is  
5 authorized.

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

10 **SECTION 139.** 49.49 (1) (c) of the statutes is amended to read:

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

21 **SECTION 140.** 49.49 (2) (a) of the statutes is renumbered 946.91 (3) (a) and amended  
22 to read:

23 946.91 **(3)** (a) ~~*Solicitation or receipt of remuneration.*~~ Any person who solicits or  
24 receives any remuneration, including any kickback, bribe, or rebate, directly or indirectly,

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

9 **SECTION 141.** 49.49 (2) (b) of the statutes is renumbered 946.91 (3) (b) and amended  
10 to read:

11 946.91 (3) (b) ~~Offer or payment of remuneration.~~ Whoever offers or pays any  
12 remuneration including any kickback, bribe, or rebate, directly or indirectly, overtly or  
13 covertly, ~~in cash or in kind~~ money, goods, services, or any other thing of value to any person  
14 to induce such person to refer an individual to a person for the furnishing or arranging for the  
15 furnishing of any item or service for which payment may be made in whole or in part under  
16 a medical assistance program, or to purchase, lease, order, or arrange for or recommend  
17 purchasing, leasing, or ordering any good, facility, service or item for which payment may be  
18 made in whole or in part under a medical assistance program, is guilty of a Class H felony,  
19 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may  
20 be fined not more than \$25,000.

21 **SECTION 142.** 49.49 (3) of the statutes is renumbered 946.91 (4) and amended to read:

22 946.91 (4) ~~FRAUDULENT CERTIFICATION OF FACILITIES.~~ No A person may who knowingly  
23 and willfully ~~make~~ makes or ~~cause~~ causes to be made, or ~~induce~~ induces or ~~seek~~ seeks to  
24 induce the making of, any false statement or representation of a material fact with respect to

1 the conditions or operation of any institution or facility in order that such institution or facility  
2 may qualify either upon initial certification or upon recertification as a hospital, skilled  
3 nursing facility, intermediate care facility, or home health agency. ~~A person who violates this~~  
4 ~~subsection~~ is guilty of a Class H felony, except that, notwithstanding the maximum fine  
5 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

6 **SECTION 143.** 49.49 (3m) (a) (intro.) and 1. of the statutes are renumbered 946.91 (5)  
7 (intro.) and (a) and amended to read:

8 946.91 (5) PROHIBITED PROVIDER CHARGES. ~~(a)~~ No provider may knowingly impose  
9 upon a medical assistance recipient charges in addition to payments received for services  
10 under ss. 49.45 to 49.471 or knowingly impose direct charges upon a recipient in lieu of  
11 obtaining payment under ss. 49.45 to 49.471 ~~except under the following conditions: is guilty~~  
12 ~~of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)~~  
13 ~~(h), the person may be fined not more than \$25,000. This subsection does not apply to the~~  
14 following circumstances:

15 1. (a) Benefits or services are not provided under s. 49.46 (2) or 49.471 (11) and the  
16 medical assistance recipient is advised of this fact prior to receiving the service.

17 **SECTION 144.** 49.49 (3m) (a) 2. of the statutes is renumbered 49.4715.

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

18 **SECTION 145.** 49.49 (3m) (a) 3. of the statutes is renumbered 946.91 (5) (c).

19 **SECTION 146.** 49.49 (3m) (b) of the statutes is repealed.

20 **SECTION 147.** 49.49 (4) of the statutes is renumbered 946.91 (6) and amended to read:

21 946.91 (6) ~~PROHIBITED FACILITY CHARGES.~~ (a) No A person who, in connection with the  
22 medical assistance program when the cost of the services provided to the patient is paid for

1 in whole or in part by the state, ~~may knowingly and willfully charge, solicit, accept or receive~~  
2 intentionally charges, solicits, accepts, or receives, in addition to any amount otherwise  
3 required to be paid under a medical assistance program, any gift, money, donation or other  
4 consideration, other than a charitable, religious or philanthropic contribution from an  
5 organization or from a person unrelated to the patient, as a precondition of admitting a patient  
6 to a hospital, skilled nursing facility or intermediate care facility, or as a requirement for the  
7 patient's continued stay in such a facility.

8 ~~(b) A person who violates this subsection~~ is guilty of a Class H felony, except that,  
9 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not  
10 more than \$25,000.

**NOTE:** SECTIONS 138, 140 to 143, 145 and 147 move criminal penalties  
relating to medical assistance to s. 946.91. Also, see SECTION 306.

11 **SECTION 148.** 49.493 (1) (b) of the statutes is amended to read:

12 49.493 (1) (b) "Medical benefits or assistance" means medical benefits under s. 49.02  
13 49.803 or 253.05 or medical assistance.

14 **SECTION 149.** 49.496 (4) (a) of the statutes is amended to read:

15 49.496 (4) (a) The department may require a county department under s. 46.215, 46.22,  
16 or 46.23 or the governing body of a federally recognized American Indian tribe administering  
17 medical assistance to gather and provide the department with information needed to recover  
18 medical assistance under this section. Except as provided in par. (b), the department shall pay  
19 to a county department or tribal governing body an amount equal to 5% of the recovery  
20 collected by the department relating to a beneficiary for whom the county department or tribal  
21 governing body made the last determination of medical assistance eligibility. A county  
22 department or tribal governing body may use funds received under this paragraph only to pay

1 costs incurred under this paragraph and, if any amount remains, to pay for improvements to  
2 functions required under s. 49.78 49.003 (2). The department may withhold payments under  
3 this paragraph for failure to comply with the department's requirements under this paragraph.  
4 The department shall treat payments made under this paragraph as costs of administration of  
5 the Medical Assistance program.

6 **SECTION 150.** 49.498 (1) (j) of the statutes is amended to read:

7 49.498 (1) (j) "Physician" Notwithstanding the definition in s. 49.43 (9), "physician"  
8 has the meaning given under s. 448.01 (5).

**NOTE:** Specifies that the general definition of the term "physician"  
provided in s. 49. 49.43 (9) does not apply to the section related to  
requirements for skilled nursing facilities.

9 **SECTION 151.** 49.685 (7) (a) 2. and 5. of the statutes are amended to read:

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

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

14 **SECTION 152.** 49.686 (1) (f) of the statutes is repealed.

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

15 **SECTION 153.** 49.688 (1) (b) of the statutes is repealed.

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

16 **SECTION 154.** 49.688 (3) (d) of the statutes is amended to read:

17 49.688 (3) (d) Notwithstanding s. ~~49.002~~ 49.80, if a person who is eligible under this  
18 section has other available coverage for payment of a prescription drug, this section applies

1 only to costs for prescription drugs for the person that are not covered under the person's other  
2 available coverage.

3 **SECTION 155.** 49.688 (9) (a) of the statutes is amended to read:

4 49.688 (9) (a) The department shall promulgate rules relating to prohibitions on fraud  
5 that are substantially similar to applicable provisions under s. ~~49.49 (1) (a)~~ 946.91 (2) and (b).

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

6 **SECTION 156.** 49.77 (1) of the statutes is amended to read:

7 49.77 (1) ~~DEFINITION~~ DEFINITIONS. In this section:

8 (a) "Essential person" has the meaning given in s. 49.46 (1).

9 (b) "secretary Secretary" means the secretary of the U.S. department of health and  
10 human services or the secretary of any other federal agency subsequently charged with the  
11 administration of federal Title XVI.

12 **SECTION 157.** 49.78 of the statutes is renumbered 49.003.

13 **SECTION 158.** 49.78 (1) (cr) of the statutes is repealed.

**NOTE:** Repeals a definition for the term "tribal governing body", which  
is created in SECTION 41 of the draft.

14 **SECTION 159.** 49.78 (8) (a) of the statutes is amended to read:

15 49.78 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and  
16 subject to par. (b), the department shall reimburse each county and tribal governing body that  
17 contracts with the department under sub. (2) for reasonable costs of administering the income  
18 maintenance programs, including conducting fraud prevention activities. The amount of each  
19 reimbursement paid under this paragraph shall be calculated using a formula based on  
20 workload within the limits of available state and federal funds under s. 20.435 (4) (bn) and (nn)  
21 by contract under sub. (2). The amount of reimbursement calculated under this paragraph and

1 par. (b) is in addition to any reimbursement provided to a county or tribal governing body for  
2 fraud and error reduction under s. 49.197 or ~~49.845~~ 49.019.

3 **SECTION 160.** 49.785 (1) (intro.) of the statutes is amended to read:

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

11 **SECTION 161.** 49.79 (title) and (1) (c) of the statutes are amended to read:

12 **49.79 Food stamp Supplemental nutrition assistance program administration.** (1)

13 ~~DEFINITIONS. In this section:~~

14 (c) “~~Food stamp program~~ Supplemental nutrition assistance program” means the  
15 federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to 2036.

16 **SECTION 162.** 49.79 (1) (intro.) of the statutes is amended to read:

17 49.79 (1) DEFINITIONS. In this section ss. 49.79, 49.793, 49.795, and 49.797:

18 **SECTION 163.** 49.79 (2), (3), (4), (5) (a), (6), (7), (8), (8m), and (9) of the statutes are  
19 amended to read:

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

1           (3) LIABILITY FOR ~~LOST FOOD COUPONS~~ MISAPPROPRIATED BENEFITS. (a) A county or  
2       federally recognized American Indian tribe tribal governing body is liable for all food stamp  
3       coupons lost, supplemental nutrition assistance program benefits misappropriated, or  
4       destroyed while under the county's or tribe's direct control, except as provided in par. (b).

5           (b) ~~A county or federally recognized American Indian tribe is not liable for food stamp~~  
6       coupons lost in natural disasters if it provides evidence acceptable to the department that the  
7       coupons were destroyed and not redeemed.

8           (c) A county or federally recognized American Indian tribe tribal governing body is  
9       liable for food stamp coupons mailed supplemental nutrition assistance program benefits  
10      incorrectly transferred to residents of the county or members of the tribe and lost in the mail  
11      due to incorrect information submitted to the department by the county or tribe.

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

12          (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The department shall  
13      withhold the value of food stamp supplemental nutrition assistance program benefits losses  
14      for which a county or federally recognized American Indian tribe tribal governing body is  
15      liable under sub. (3) from the payment to the county or tribe under income maintenance  
16      contracts under s. 49.78 49.003 and reimburse the federal government from the funds  
17      withheld.

18          (5) DRUG CONVICTIONS. (a) The department shall require an applicant for, or recipient  
19      under, the food stamp supplemental nutrition assistance program to state in writing whether  
20      the applicant or recipient or any member of the applicant's or recipient's household has been  
21      convicted, in any state or federal court of a felony that has as an element possession, use, or  
22      distribution of a controlled substance. The department shall require an applicant or recipient,

1 or member of the applicant's or recipient's household to submit to a test for use of a controlled  
2 substance as a condition of continued eligibility if, after August 22, 1996, but not more than  
3 5 years prior to the date the written statement is made, the applicant or recipient or the member  
4 of the applicant's or recipient's household was convicted in any state or federal court of a  
5 felony that had as an element possession, use, or distribution of a controlled substance. If the  
6 test results are positive with respect to any individual, the department may not consider the  
7 needs of that individual in determining the household's eligibility for the ~~food-stamp~~  
8 supplemental nutrition assistance program for at least 12 months from the date of the test. The  
9 department shall, however, consider the income and resources of that individual to be  
10 available to the household.

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

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

22 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall provide benefits under this  
23 section to a qualified alien who is ineligible for benefits under this section solely because of  
24 the application of 9 8 USC 1612 or 1613 according to a plan approved by the federal

1 department of agriculture. This subsection does not apply to the extent that federal ~~food stamp~~  
2 supplemental nutrition assistance program benefits for qualified aliens are restored by the  
3 federal government.

**NOTE:** Amends the reference to federal statute to reflect the correct U.S.  
Code citation.

4 **(8m)** APPLICANTS FROM CORRECTIONAL INSTITUTIONS. (a) The department shall allow  
5 a prisoner who is applying for the ~~food stamp~~ supplemental nutrition assistance program from  
6 a correctional institution in anticipation of being released from the institution to use the  
7 address of the correctional institution as his or her address on the application.

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

13 **(9)** EMPLOYMENT AND TRAINING PROGRAM. (a) 1. The department shall administer an  
14 employment and training program for recipients under the ~~food stamp~~ supplemental nutrition  
15 assistance program and may contract under s. ~~49.78~~ 49.003 with county departments under  
16 ss. 46.215, 46.22, and 46.23, and with tribal governing bodies to carry out the administrative  
17 functions. The department may contract, or a county department or tribal governing body may  
18 subcontract, with a Wisconsin Works agency or another provider to administer the  
19 employment and training program under this subsection. Except as provided in subds. 2. and  
20 3., the department may require able individuals who are 18 to 60 years of age who are not  
21 participants in a Wisconsin Works employment position to participate in the employment and  
22 training program under this subsection.

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

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

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

11          **SECTION 164.** 49.79 (9) (a) 3. of the statutes is amended to read:

12          49.79 (9) (a) 3. The department may not require an individual who is a recipient under  
13          the food stamp program to participate in any employment and training program under this  
14          subsection if that individual is enrolled at least half time in a school, as defined in s. 49.26  
15          49.198 (1) (a) 2., a training program, or an institution of higher education.

16          **SECTION 165.** 49.793 (1) of the statutes is amended to read:

17          **49.793 Recovery of ~~food stamps~~ overpayments.** (1) The department or a county or  
18          an elected governing body of a federally recognized American Indian tribe or band acting on  
19          behalf of the department, may recover overpayments that arise from an overissuance of ~~food~~  
20          coupons supplemental nutrition assistance program benefits under the ~~food stamp~~  
21          supplemental nutrition assistance program administered under s. 46.215 (1) (k) or 46.22 (1)  
22          (b) 2. d. Recovery shall be made in accordance with 7 USC 2022.

23          **SECTION 166.** 49.795 (1) (title) of the statutes is amended to read:

1           **49.795 (1) (title) Food stamp Supplemental nutrition assistance program offenses.**

2       ~~(1)~~ In this section:

3           **SECTION 167.** 49.795 (1) (a), (b), (d) and (e) of the statutes are renumbered 49.79 (1)  
4       (d), (e), (fg) and (fm) and amended to read:

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

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

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

          NOTE: Amends the definition to reflect new federal statutes pertaining to  
          the program.

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

13          (fm) “Unauthorized person” means a person who is not one of the following:

14           1. An employee or officer of the federal government, the state, a county, or a federally  
15       recognized American Indian tribe acting in the course of official duties in connection with the  
16       ~~food stamp~~ supplemental nutrition assistance program.

17           2. A person acting in the course of duties under a contract with the federal government,  
18       the state, a county or a federally recognized American Indian tribe in connection with the ~~food~~  
19       ~~stamp~~ supplemental nutrition assistance program .

20           5. A person authorized to redeem ~~food coupons~~ supplemental nutrition assistance  
21       program benefits under 7 USC 2019.

**NOTE:** This SECTION rennumbers definitions for the terms “eligible person”, “food”, “supplier”, and “unauthorized person” and places them in a provision providing definitions applicable in all 4 sections relating to the supplemental nutrition assistance program.

1       **SECTION 168.** 49.795 (1) (c) of the statutes is repealed.

**NOTE:** Repeals a definition for “food stamp program”.

2       **SECTION 169.** 49.795 (2), (2m), (3), (4), (5), and (6) of the statutes are renumbered  
3       946.92 (2) (a), (b), (c), (d), (e), and (f) and amended to read:

4           (2) (a) No person may misstate or conceal facts in a ~~food stamp~~ supplemental nutrition  
5       assistance program application or report of income, assets, or household circumstances with  
6       intent to secure or continue to receive ~~food stamp~~ supplemental nutrition assistance program  
7       benefits.

8           (b) No person may knowingly issue ~~food coupons~~ supplemental nutrition assistance  
9       program benefits to a person who is not an eligible person or knowingly issue ~~food coupons~~  
10       such benefits to an eligible person in excess of the amount for which the person’s household  
11       is eligible.

12          (c) No eligible person may knowingly transfer ~~food coupons~~ supplemental nutrition  
13       assistance program benefits except to purchase food from a supplier or knowingly obtain or  
14       use ~~food coupons~~ such benefits for which the person’s household is not eligible.

15          (d) No supplier may knowingly obtain ~~food coupons~~ supplemental nutrition assistance  
16       program benefits except as payment for food or knowingly obtain ~~food coupons~~ such benefits  
17       from a person who is not an eligible person.

18          (e) No unauthorized person may knowingly obtain, possess, transfer, or use ~~food~~  
19       coupons supplemental nutrition assistance program benefits .

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

6 **SECTION 170.** 49.795 (7) of the statutes is repealed.

7 **SECTION 171.** 49.795 (8) (a) (intro.) of the statutes is repealed.

8 **SECTION 172.** 49.795 (8) (a) 1. of the statutes is renumbered 946.92 (3) (a) 1. and  
9 amended to read:

10 946.92 (3) (a) 1. If the value of the ~~food coupons~~ supplemental nutrition assistance  
11 program benefits does not exceed \$100, a the person who violates this section may be fined  
12 not more than \$1,000 or imprisoned not more than one year in the county jail, or both.

13 **SECTION 173.** 49.795 (8) (a) 2. of the statutes is renumbered 946.92 (3) (a) 2. and  
14 amended to read:

15 946.92 (3) (a) 2. If the value of the ~~food coupons~~ supplemental nutrition assistance  
16 benefits exceeds \$100, but is less than \$5,000, a the person who violates this section is guilty  
17 of a Class I felony.

18 **SECTION 174.** 49.795 (8) (b) (intro.) 1. and 2. of the statutes are renumbered 946.92 (3)  
19 (b) (intro.), 1. and 2. and amended to read:

20 946.92 (3) (b) (intro.) For a 2nd or subsequent offense under this section sub. (2), the  
21 penalties are as follows:

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

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

3           **SECTION 175.** 49.795 (8) (c) of the statutes is renumbered 946.92 (3) (c) and amended  
4       to read:

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

8           **SECTION 176.** 49.795 (8) (d) 1. of the statutes is renumbered 946.92 (3) (d) 1. and  
9       amended to read:

10          946.92 (3) (d) 1. (intro.) In addition to the penalties applicable under par. (a), ~~(b)~~ or ~~(e)~~  
11       **(b)**, the court shall suspend a person who violates this section from participation in the ~~food~~  
12       stamp supplemental nutrition assistance program as follows:

13          a. For a first offense under this section, not less than one year. ~~The court may extend~~  
14       ~~the suspension by~~ and not more than ~~18 months~~ 2 1/2 years.

15          b. For a 2nd offense under this section, not less than 2 years. ~~The court may extend the~~  
16       suspension by and not more than ~~18 months~~ 3 1/2 years.

17          **SECTION 177.** 49.795 (8) (d) 1m. of the statutes is renumbered 946.92 (3) (c) 1m. and  
18       amended to read:

19          1m. In addition to the penalties applicable under par. (a), ~~(b)~~ or ~~(e)~~ **(b)**, a court shall  
20       permanently suspend from the ~~food stamp~~ supplemental nutrition assistance program a person  
21       who has been convicted of an offense under 7 USC 2024 (b) or (c) involving an item covered  
22       by 7 USC 2024 (b) or (c) having a value of \$500 or more.

23          **SECTION 178.** 49.795 (8) (d) 2. of the statutes is renumbered 49.795 (9) and amended  
24       to read:

1           (9) The A person may apply to the county department under s. 46.215, 46.22 or 46.23  
2 or ~~the federally recognized American Indian~~ tribal governing body or, if the person is a  
3 supplier, to the federal department of agriculture for reinstatement of benefits following the  
4 a period of suspension imposed under s. 946.92, if the suspension is not permanent.

5           **SECTION 179.** 49.795 (8) (e) and (f) of the statutes are renumbered 946.92 (3) (d) and  
6 (e) and amended to read:

7           946.92 (3) (d) 1. If a court finds that a person ~~traded~~ violated sub. (2) by trading a  
8 controlled substance, as defined in s. 961.01 (4), for ~~food coupons~~ supplemental nutrition  
9 assistance program benefits, the court shall suspend the person from participation in the ~~food~~  
10 ~~stamp~~ supplemental nutrition assistance program as follows:

11           a. Upon the first such finding, for 2 years.

12           b. Upon the 2nd such finding, permanently.

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

17           (e) Notwithstanding par. (d) ~~(c)~~, in addition to the penalties applicable under par. (a),  
18 ~~(b)~~ or ~~(c)~~ (b), the court shall suspend from the ~~food stamp~~ supplemental nutrition assistance  
19 program for a period of 10 years a person who violates sub. (2) by fraudulently ~~misstates~~  
20 misstating or ~~misrepresents~~ misrepresenting his or her identity or place of residence for the  
21 purpose of receiving multiple benefits simultaneously under the ~~food stamp~~ supplemental  
22 nutrition assistance program.

NOTE: SECTIONS 169, 171 to 177, and 179 move criminal penalties relating to food share to s. 946.92. Also, see SECTION 307.

1       **SECTION 180.** 49.797 (1) and (2) of the statutes are amended to read:

2       **49.797 Electronic benefit transfer. (1) DEFINITION.** In this section, “~~food-stamp~~  
3       supplemental nutrition assistance program” means the federal ~~food-stamp~~ supplemental  
4       nutrition assistance program under 7 USC 2011 to 2029 2036 or, if the department determines  
5       that the ~~food-stamp~~ supplemental nutrition assistance program no longer exists, a nutrition  
6       program that the department determines is a successor to the ~~food-stamp~~ supplemental  
7       nutrition assistance program.

**NOTE:** Amends the reference to federal statute to reflect changes in  
          federal law.

8       **(2) DELIVERY OF ~~FOOD-STAMPS~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.**

9       (a) ~~Notwithstanding s. 46.028 and except as provided in par. (b) and sub. (8), the~~ The  
10      department shall administer a statewide program to deliver ~~food-stamp~~ supplemental nutrition  
11      assistance program benefits to recipients of ~~food-stamp~~ benefits by an electronic benefit  
12      transfer system. All suppliers, as defined in s. 49.795 (1) (d), may participate in the delivery  
13      of ~~food-stamp~~ supplemental nutrition assistance program benefits under the electronic benefit  
14      transfer system. The department shall explore methods by which nontraditional retailers, such  
15      as farmers’ markets, may participate in the delivery of ~~food-stamp~~ supplemental nutrition  
16      assistance program benefits under the electronic benefit transfer system.

17      **SECTION 181.** 49.797 (2) (b) of the statutes is repealed.

**NOTE:** Repeals language providing for an exception to the  
          implementation requirement because implementation of an electronic  
          benefit transfer system is not optional under current law. Also strikes a  
          reference to s. 49.028, Stats., which is not current law.

18      **SECTION 182.** 49.797 (8) of the statutes is repealed.

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

19      **SECTION 183.** 49.81 of the statutes is renumbered 49.005.

1           **SECTION 184.** 49.82 of the statutes is renumbered 49.007.

2           **SECTION 185.** 49.825 of the statutes is renumbered 49.009 and, as renumbered, 49.009  
3 (1) (c), is amended to read:

4           (1) (c) “Income maintenance program” has the meaning given in s. 49.78 (1) (b) 49.003.

5           **SECTION 186.** 49.825 (2) (a) 3. and (b) of the statutes are amended to read:

6           49.825 (2) (a) 3. To the extent contracted under par. (b), the child care subsidy program  
7 under s. 49.155 49.199.

8           (b) The department of children and families may enter into a contract with the  
9 department of health services that provides for the performance of eligibility and authorization  
10 functions under the program under s. 49.155 49.199 in the county by the unit.

11           **SECTION 187.** 49.826 of the statutes is renumbered 49.011.

12           **SECTION 188.** 49.826 (2) (a) (intro.) and 4. of the statutes are amended to read:

13           49.826 (2) (a) (intro.) The department may establish a child care provider services unit  
14 under s. 15.02 (3) (c) 3. to perform any of the following administrative functions under the  
15 program under s. 49.155 49.199 in a county:

16           4. Assist individuals who are eligible for child care subsidies under s. 49.155 49.199  
17 to identify available child care providers and select appropriate child care arrangements.

18           **SECTION 189.** 49.83 of the statutes is renumbered 49.013 and amended to read:

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

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

5 **SECTION 190.** 49.84 (1) of the statutes is renumbered 49.017 (1) and amended to read:

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

**NOTE:** Because “public assistance” is not defined, replaces with “benefit under this chapter”.

12 **SECTION 191.** 49.84 (3) of the statutes is amended to read:

13 49.84 (3) Notwithstanding ~~subs. (1)~~ s. 49.017 (1) and sub. (2), personal identification  
14 documentation requirements may be waived for 10 days for an applicant for relief funded by  
15 a relief block grant, if the applicant agrees to cooperate with the relief agency by providing  
16 information necessary to obtain proper identification.

17 **SECTION 192.** 49.845 of the statutes is renumbered 49.019.

18 **SECTION 193.** 49.847 of the statutes is renumbered 49.021.

19 **SECTION 194.** 49.85 of the statutes is renumbered 49.023, and 49.023 (1) and (2) (a)  
20 (intro.) and (3) (a) 1., as renumbered, are amended to read:

21 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under s. 46.215,  
22 46.22, or 46.23 or a governing body of a federally recognized American Indian tribe or band

1 determines that the department of health services may recover an amount under s. 49.497,  
2 49.793, or ~~49.847~~ 49.021, or that the department of children and families may recover an  
3 amount under s. 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county  
4 department or governing body shall notify the affected department of the determination. If  
5 a Wisconsin Works agency determines that the department of children and families may  
6 recover an amount under s. 49.161 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm),  
7 the Wisconsin Works agency shall notify the department of children and families of the  
8 determination.

9 (a) At least annually, the department of health services shall certify to the department  
10 of revenue the amounts that, based on the notifications received under sub. (1) and on other  
11 information received by the department of health services, the department of health services  
12 has determined that it may recover under s. 49.45 (2) (a) 10., 49.497, 49.793, or ~~49.847~~,  
13 49.021, except that the department of health services may not certify an amount under this  
14 subsection unless all of the following apply:

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

19 **SECTION 195.** 49.853 (4) (d) of the statutes is amended to read:

20 49.853 (4) (d) A financial institution participating in the state matching option under  
21 this subsection, and the employees, agents, officers and directors of the financial institution,  
22 may use any information that is provided by the department in requesting additional  
23 information under par. (b) only for the purpose of administering s. 49.22 49.811 or for the  
24 purpose of providing the additional information. Any person who violates this paragraph may

1 be fined not less than \$25 nor more than \$500 or imprisoned in the county jail for not less than  
2 10 days nor more than one year or both.

3 **SECTION 196.** 49.855 (6) of the statutes is amended to read:

4 49.855 (6) If the state implements the child and spousal support and establishment of  
5 paternity and medical support liability program under ss. ~~49.22~~ 49.811 and 59.53 (5), the state  
6 may act under this section in place of the county child support agency under s. 59.53 (5).

7 **SECTION 197.** 49.857 (4) of the statutes is amended to read:

8 49.857 (4) Each licensing agency shall enter into a memorandum of understanding with  
9 the department of children and families under sub. (2) (b) and shall cooperate with the  
10 department of children and families in its administration of s. ~~49.22~~ 49.811. The department  
11 of regulation and licensing shall enter into a memorandum of understanding with the  
12 department of children and families on behalf of a credentialing board with respect to a  
13 credential granted by the credentialing board.

14 **SECTION 198.** 49.86 of the statutes is renumbered 49.035.

15 **SECTION 199.** 49.90 of the statutes is renumbered 49.039.

16 **SECTION 200.** 49.95 (12) of the statutes is created to read:

17 49.95 (12) "Municipality" as used in this section means any town, city, or village.

18 **SECTION 201.** 49.96 of the statutes is renumbered 49.043.

19 **SECTION 202.** 49.96 of the statutes is amended to read:

20 **49.96 Assistance grants exempt from levy.** All grants of aid to families with  
21 dependent children, payments made under ss. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or (c) or  
22 (1m) or ~~49.149~~ 49.157 to 49.159, payments made for social services, cash benefits paid by  
23 counties under s. 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from

1 every tax, and from execution, garnishment, attachment and every other process and shall be  
2 inalienable.

**NOTE:** Amends the list of payments that are exempt from levy to reflect that payments under s. 49.149 are moved to s. 49.143 (2z) in the draft.

**COMMENT:** Please check this change to ensure that it meets the intent of the committee.

3 **SECTION 203.** 50.01 (1g) (b) of the statutes is amended to read:

4 50.01 (1g) (b) A facility or private home that provides care, treatment, and services only  
5 for victims of domestic abuse, as defined in s. 49.165 49.217 (1) (a), and their children.

6 **SECTION 204.** 51.42 (3) (e) of the statutes is amended to read:

7 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78 (2) (a),  
8 49.45 (4), 49.83 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c),  
9 and 938.78 (2) (a), any subunit of a county department of community programs or tribal  
10 agency acting under this section may exchange confidential information about a client,  
11 without the informed consent of the client, with any other subunit of the same county  
12 department of community programs or tribal agency, with a resource center, a care  
13 management organization, or a long-term care district, or with any person providing services  
14 to the client under a purchase of services contract with the county department of community  
15 programs or tribal agency or with a resource center, care management organization, or  
16 long-term care district, if necessary to enable an employee or service provider to perform his  
17 or her duties, or to enable the county department of community programs or tribal agency to  
18 coordinate the delivery of services to the client. Any agency releasing information under this  
19 paragraph shall document that a request was received and what information was provided.

20 **SECTION 205.** 51.437 (4r) (b) of the statutes is amended to read:

1           51.437 **(4r)** (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), ~~49.83~~ 49.013,  
2           51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), any  
3           subunit of a county department of developmental disabilities services or tribal agency acting  
4           under this section may exchange confidential information about a client, without the informed  
5           consent of the client, with any other subunit of the same county department of developmental  
6           disabilities services or tribal agency, with a resource center, a care management organization,  
7           or a long-term care district, or with any person providing services to the client under a  
8           purchase of services contract with the county department of developmental disabilities  
9           services or tribal agency or with a resource center, a care management organization, or a  
10          long-term care district, if necessary to enable an employee or service provider to perform his  
11          or her duties, or to enable the county department of developmental disabilities services or  
12          tribal agency to coordinate the delivery of services to the client. Any agency releasing  
13          information under this paragraph shall document that a request was received and what  
14          information was provided.

15           **SECTION 206.** 59.22 (2) (c) 2. of the statutes is amended to read:

16           59.22 **(2)** (c) 2. No action of the board may be contrary to or in derogation of the rules  
17          of the department of children and families under s. ~~49.78~~ 49.003 (4) to (7) relating to  
18          employees administering old-age assistance, aid to families with dependent children, aid to  
19          the blind, or aid to totally and permanently disabled persons or ss. 63.01 to 63.17.

20           **SECTION 207.** 59.40 (2) (p) of the statutes is amended to read:

21           59.40 **(2)** (p) Cooperate with the department of children and families with respect to the  
22          child and spousal support and establishment of paternity and medical support liability  
23          program under ss. ~~49.22~~ 49.811 and 59.53 (5), and provide that department with any  
24          information from court records which it requires to administer that program.

1           **SECTION 208.** 59.53 (5) (a) and (6) (b) of the statutes are amended to read:

2           59.53 **(5)** (a) The board shall contract with the department of children and families to  
3           implement and administer the child and spousal support and establishment of paternity and  
4           the medical support liability programs provided for by Title IV of the federal social security  
5           act. The board may designate by board resolution any office, officer, board, department or  
6           agency, except the clerk of circuit court, as the county child support agency. The board or  
7           county child support agency shall implement and administer the programs in accordance with  
8           the contract with the department of children and families. The attorneys responsible for  
9           support enforcement under sub. (6) (a), circuit court commissioners and all other county  
10          officials shall cooperate with the county and the department of children and families as  
11          necessary to provide the services required under the programs. The county shall charge the  
12          fee established by the department of children and families under s. ~~49.22~~ 49.811 for services  
13          provided under this paragraph to persons not receiving benefits under s. 49.148 or 49.155  
14          49.199 or assistance under s. 48.645, 49.19, 49.46, 49.465, 49.47, 49.471, or 49.472.

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

18          **SECTION 209.** 63.03 (2) (r) of the statutes is amended to read:

19          63.03 **(2)** (r) All staff performing services for the Milwaukee County enrollment  
20          services unit under s. ~~49.825~~ 49.009 or for the child care provider services unit under s. ~~49.826~~  
21          49.011.

22          **SECTION 210.** 69.03 (14) of the statutes is amended to read:

23          69.03 **(14)** Provide hospitals with a pamphlet containing information for parents about  
24          birth certificates including how to add the name of the father of a child whose parents were

1 not married at any time from the conception to the birth of the child to the birth certificate under  
2 s. 69.15 (3) (b) or, if the father will not sign an affidavit, through a paternity action; the legal  
3 significance and future medical advantages to the child of having the father's name inserted  
4 on the birth certificate; and the availability of services under s. ~~49.22~~ 49.811.

5 **SECTION 211.** 69.15 (3) (b) 3. of the statutes is amended to read:

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

15 **SECTION 212.** 69.20 (3) (f) of the statutes is amended to read:

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

19 **SECTION 213.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

20 71.07 (2dx) (a) 5. "Member of a targeted group" means a person who resides in an area  
21 designated by the federal government as an economic revitalization area, a person who is  
22 employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and  
23 (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as  
24 defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m),

1 a person who is eligible for child care assistance under s. ~~49.155~~ 49.199, a person who is a  
2 vocational rehabilitation referral, an economically disadvantaged youth, an economically  
3 disadvantaged veteran, a supplemental security income recipient, a general assistance  
4 recipient, an economically disadvantaged ex–convict, a qualified summer youth employee,  
5 as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food  
6 stamp recipient, if the person has been certified in the manner under sub. (2dj) (am) 3. by a  
7 designated local agency, as defined in sub. (2dj) (am) 2.

8 **SECTION 214.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

9 71.28 (**1dx**) (a) 5. “Member of a targeted group” means a person who resides in an area  
10 designated by the federal government as an economic revitalization area, a person who is  
11 employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and  
12 (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as  
13 defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m),  
14 a person who is eligible for child care assistance under s. ~~49.155~~ 49.199, a person who is a  
15 vocational rehabilitation referral, an economically disadvantaged youth, an economically  
16 disadvantaged veteran, a supplemental security income recipient, a general assistance  
17 recipient, an economically disadvantaged ex–convict, a qualified summer youth employee,  
18 as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food  
19 stamp recipient, if the person has been certified in the manner under sub. (1dj) (am) 3. by a  
20 designated local agency, as defined in sub. (1dj) (am) 2.

21 **SECTION 215.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

22 71.47 (**1dx**) (a) 5. “Member of a targeted group” means a person who resides in an area  
23 designated by the federal government as an economic revitalization area, a person who is  
24 employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 49.199

(2) and (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a qualified summer youth employee, as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food stamp recipient, if the person has been certified in the manner under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

**SECTION 216.** 71.78 (4) (g) of the statutes is amended to read:

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

**SECTION 217.** 71.93 (1) (a) 3. and 4. of the statutes are amended to read:

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

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

**SECTION 218.** 73.0301 (2) (c) 2. of the statutes is amended to read:

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

6           **SECTION 219.** 76.636 (1) (e) 4. of the statutes is amended to read:

7           76.636 (1) (e) 4. A person who is eligible for child care assistance under s. ~~49.155~~  
8           49.199.

9           **SECTION 220.** 77.61 (5) (b) 11. of the statutes is amended to read:

10          77.61 (5) (b) 11. The department of children and families or a county child support  
11          agency under s. 59.53 (5) in response to a request under s. ~~49.22~~ 49.811 (2m).

12          **SECTION 221.** 85.24 (4) (b) of the statutes is amended to read:

13          85.24 (4) (b) Paragraph (a) does not prohibit the disclosure of the information to the  
14          extent necessary to administer the ride-sharing program nor, if requested under s. ~~49.22~~  
15          49.811 (2m), does it prohibit disclosure of the name or address of a person or of his or her  
16          employer to the department of children and families or a county child support agency under  
17          s. 59.53 (5).

18          **SECTION 222.** 101.02 (21) (b) of the statutes is amended to read:

19          101.02 (21) (b) As provided in the memorandum of understanding under s. 49.857 and  
20          except as provided in par. (e), the department of commerce may not issue or renew a license  
21          unless the applicant provides the department of commerce with his or her social security  
22          number. The department of commerce may not disclose the social security number except that  
23          the department of commerce may disclose the social security number of an applicant for a

1 license under par. (a) or a renewal of a license under par. (a) to the department of children and  
2 families for the sole purpose of administering s. ~~49.22~~ 49.811.

3 **SECTION 223.** 102.17 (1) (cg) 3. of the statutes is amended to read:

4 102.17 (1) (cg) 3. The department of workforce development may not disclose any  
5 information received under subd. 1. to any person except to the department of revenue for the  
6 sole purpose of requesting certifications under s. 73.0301 or the department of children and  
7 families for purposes of administering s. ~~49.22~~ 49.811.

8 **SECTION 224.** 102.33 (2) (b) 5. of the statutes is amended to read:

9 102.33 (2) (b) 5. The requester is the department of children and families or a county  
10 child support agency under s. 59.53 (5), the request is made under s. ~~49.22~~ 49.811 (2m), and  
11 the request is limited to the name and address of the employee who is the subject of the record,  
12 the name and address of the employee's employer, and any financial information about that  
13 employee contained in the record.

14 **SECTION 225.** 103.05 (1) and (4) (a) of the statutes are amended to read:

15 103.05 (1) The department shall establish and operate a hiring reporting system that  
16 includes a state directory of new hires. All requirements under the reporting system shall be  
17 consistent with federal laws and regulations that relate to the reporting of newly hired  
18 employees for support collection purposes, as part of the state location service under s. ~~49.22~~  
19 49.811 (2), or any other purposes specified in 42 USC 653a (h).

20 (4) (a) Except as provided in par. (b), no person may use or disclose information  
21 obtained under this section except in the administration of the program under s. ~~49.22~~ 49.811  
22 or a program specified in 42 USC 653a (h).

23 **SECTION 226.** 103.275 (2) (bg) 3. of the statutes is amended to read:

1           103.275 (2) (bg) 3. The department of workforce development may not disclose any  
2 information received under subd. 1. to any person except to the department of revenue for the  
3 sole purpose of requesting certifications under s. 73.0301 or the department of children and  
4 families for purposes of administering s. ~~49.22~~ 49.811.

5           **SECTION 227.** 103.34 (10) (a) 4. of the statutes is amended to read:

6           103.34 (10) (a) 4. The department of workforce development may not disclose any  
7 information received under subd. 1. to any person except to the department of revenue for the  
8 sole purpose of requesting certifications under s. 73.0301 or on the request of the department  
9 of children and families under s. ~~49.22~~ 49.811 (2m).

10          **SECTION 228.** 103.91 (2) (b) 3. of the statutes is amended to read:

11          103.91 (2) (b) 3. The department of workforce development may not disclose any  
12 information received under subd. 1. to any person except to the department of revenue for the  
13 sole purpose of requesting certifications under s. 73.0301 or the department of children and  
14 families for purposes of administering s. ~~49.22~~ 49.811.

15          **SECTION 229.** 103.92 (1) (b) 3. of the statutes is amended to read:

16          103.92 (1) (b) 3. The department of workforce development may not disclose any  
17 information received under subd. 1. to any person except to the department of revenue for the  
18 sole purpose of requesting certifications under. s. 73.0301 or the department of children and  
19 families for purposes of administering s. ~~49.22~~ 49.811.

20          **SECTION 230.** 104.07 (4) (c) of the statutes is amended to read:

21          104.07 (4) (c) The department of workforce development may not disclose any  
22 information received under par. (a) to any person except to the department of revenue for the  
23 sole purpose of requesting certifications under s. 73.0301 or the department of children and  
24 families for purposes of administering s. ~~49.22~~ 49.811.

1           **SECTION 231.** 105.06 (1m) (c) of the statutes is amended to read:

2           105.06 **(1m)** (c) The department of workforce development may not disclose any  
3 information received under par. (a) to any person except to the department of revenue for the  
4 sole purpose of requesting certifications under s. 73.0301 or the department of children and  
5 families for purposes of administering s. ~~49.22~~ 49.811.

6           **SECTION 232.** 106.54 (9) of the statutes is amended to read:

7           106.54 **(9)** The division shall receive complaints under s. 49.197 (6) (d) or 49.845  
8 49.019 (4) (d) and shall process the complaints in the same manner that employment  
9 discrimination complaints are processed under s. 111.39.

10          **SECTION 233.** 111.322 (2m) (bm) of the statutes is amended to read:

11          111.322 **(2m)** (bm) The individual files a complaint or attempts to enforce a right under  
12 s. 49.197 (6) (d) or ~~49.845~~ 49.019 (4) (d) or testifies or assists in any action or proceeding under  
13 s. 49.197 (6) (d) or ~~49.845~~ 49.019 (4) (d).

14          **SECTION 234.** 111.70 (3m) and (3p) of the statutes are amended to read:

15          111.70 **(3m)** MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A collective bargaining  
16 agreement that covers municipal employees performing services for the Milwaukee County  
17 enrollment services unit under s. ~~49.825~~ 49.009 shall contain a provision that permits the terms  
18 of the agreement to be modified with respect to hours and conditions of employment by a  
19 memorandum of understanding under s. ~~49.825~~ 49.009 (3) (b) 4.

20          **(3p)** CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining agreement that covers  
21 municipal employees performing services for the child care provider services unit under s.  
22 ~~49.826~~ 49.011 shall contain a provision that permits the terms of the agreement to be modified  
23 with respect to hours and conditions of employment by a memorandum of understanding  
24 under s. ~~49.826~~ 49.011 (3) (b) 4.

1           **SECTION 235.** 118.15 (5) (b) 1. of the statutes is amended to read:

2           118.15 **(5)** (b) 1. Paragraph (a) does not apply to a person who has under his or her  
3 control a child who has been sanctioned under s. ~~49.26~~ 49.198 (1) (h).

4           **SECTION 236.** 118.19 (1r) (a) and (10) (g) of the statutes are amended to read:

5           118.19 **(1r)** (a) As provided in the memorandum of understanding under s. 49.857, the  
6 department of public instruction may not issue or renew a license or permit or revalidate a  
7 license that has no expiration date unless the applicant provides the department of public  
8 instruction with his or her social security number. The department of public instruction may  
9 not disclose the social security number except to the department of children and families for  
10 the sole purpose of administering s. ~~49.22~~ 49.811.

11           **(10)** (g) At the request under s. ~~49.22~~ 49.811 (2m) of the department of children and  
12 families or a county child support agency under s. 59.53 (5), the state superintendent shall  
13 release the name and address of the applicant or licensee, the name and address of the  
14 applicant's or licensee's employer and financial information, if any, related to the applicant  
15 or licensee obtained under this subsection to the department of children and families or the  
16 county child support agency.

17           **SECTION 237.** 119.82 (1m) (c) of the statutes is amended to read:

18           119.82 **(1m)** (c) Has been or is being sanctioned under s. ~~49.26~~ 49.198 (1) (h).

19           **SECTION 238.** 134.43 (3m) of the statutes is amended to read:

20           134.43 **(3m)** Subsections (2) (b), (2m) and (3) do not apply to information regarding  
21 the name, address or employer of or financial information related to a subscriber or member  
22 of a subscriber's household that is requested under s. ~~49.22~~ 49.811 (2m) by the department of  
23 children and families or a county child support agency under s. 59.53 (5).

24           **SECTION 239.** 169.34 (2) of the statutes is amended to read:

1           169.34 (2) DISCLOSURE OF SOCIAL SECURITY NUMBERS. The department of natural  
2 resources may not disclose any social security numbers received under sub. (1) to any person  
3 except to the department of children and families for the sole purpose of administering s. 49.22  
4 49.811.

5           **SECTION 240.** 218.0114 (20) (c) and (21e) (a) of the statutes are amended to read:

6           218.0114 (20) (c) An applicant or licensee furnishing information under par. (a) may  
7 designate the information as a trade secret, as defined in s. 134.90 (1) (c), or as confidential  
8 business information. The licensor shall notify the applicant or licensee providing the  
9 information 15 days before any information designated as a trade secret or as confidential  
10 business information is disclosed to the legislature, a state agency, as defined in s. 13.62 (2),  
11 a local governmental unit, as defined in s. 605.01 (1), or any other person. The applicant or  
12 licensee furnishing the information may seek a court order limiting or prohibiting the  
13 disclosure, in which case the court shall weigh the need for confidentiality of the information  
14 against the public interest in the disclosure. A designation under this paragraph does not  
15 prohibit the disclosure of a person's name or address, of the name or address of a person's  
16 employer or of financial information that relates to a person when requested under s. 49.22  
17 49.811 (2m) by the department of children and families or a county child support agency under  
18 s. 59.53 (5).

19           **(21e)** (a) In addition to any other information required under this section and except as  
20 provided in par. (c), an application by an individual for the issuance or renewal of a license  
21 described in sub. (14) shall include the individual's social security number and an application  
22 by a person who is not an individual for the issuance or renewal of a license described in sub.  
23 (14) (a), (b), (c) or (e) shall include the person's federal employer identification number. The  
24 licensor may not disclose any information received under this paragraph to any person except

1 the department of children and families for purposes of administering s. ~~49.22~~ 49.811 or the  
2 department of revenue for the sole purpose of requesting certifications under s. 73.0301.

3 **SECTION 241.** 218.12 (2) (am) 2. of the statutes is amended to read:

4 218.12 **(2)** (am) 2. The department of commerce may not disclose a social security  
5 number obtained under par. (a) to any person except to the department of children and families  
6 for the sole purpose of administering s. ~~49.22~~ 49.811 or to the department of revenue for the  
7 sole purpose of requesting certifications under s. 73.0301.

8 **SECTION 242.** 218.21 (2m) (b) of the statutes is amended to read:

9 218.21 **(2m)** (b) The department of transportation may not disclose any information  
10 received under sub. (2) (ag) or (am) to any person except to the department of children and  
11 families for purposes of administering s. ~~49.22~~ 49.811 or the department of revenue for the  
12 sole purpose of requesting certifications under s. 73.0301.

13 **SECTION 243.** 218.31 (1m) (b) of the statutes is amended to read:

14 218.31 **(1m)** (b) The department of transportation may not disclose any information  
15 received under sub. (1) (ag) or (am) to any person except to the department of children and  
16 families for purposes of administering s. ~~49.22~~ 49.811 or the department of revenue for the  
17 sole purpose of requesting certifications under s. 73.0301.

18 **SECTION 244.** 218.41 (2) (am) 2. of the statutes is amended to read:

19 218.41 **(2)** (am) 2. The department of transportation may not disclose any information  
20 received under subd. 1. a. or b. to any person except to the department of children and families  
21 for the sole purpose of administering s. ~~49.22~~ 49.811 or the department of revenue for the sole  
22 purpose of requesting certifications under s. 73.0301.

23 **SECTION 245.** 218.51 (3) (am) 2. of the statutes is amended to read:

1           218.51 (3) (am) 2. The department of transportation may not disclose any information  
2 received under subd. 1. a. or b. to any person except to the department of children and families  
3 for the sole purpose of administering s. 49.22 49.811 or the department of revenue for the sole  
4 purpose of requesting certifications under s. 73.0301.

5           **SECTION 246.** 230.13 (3) (a) of the statutes is amended to read:

6           230.13 (3) (a) The director and the administrator shall provide to the department of  
7 children and families or a county child support agency under s. 59.53 (5) information  
8 requested under s. 49.22 49.811 (2m) that would otherwise be closed to the public under this  
9 section. Information provided under this paragraph may only include an individual's name  
10 and address, an individual's employer and financial information related to an individual.

11           **SECTION 247.** 230.44 (1) (h) and (i) of the statutes are amended to read:

12           230.44 (1) (h) *Decisions affecting Milwaukee County employees by the department of*  
13 *health services.* A decision of the department of health services relating to a Milwaukee  
14 County employee under s. 49.825 49.009 (3) (b).

15           (i) *Decisions affecting certain county employees by the department of children and*  
16 *families.* A decision of the department of children and families relating to a county employee  
17 under s. 49.826 49.011 (3) (b).

18           **SECTION 248.** 252.06 (10) (b) 4. of the statutes is amended to read:

19           252.06 (10) (b) 4. The expense of care provided under par. (a) to any dependent person,  
20 as defined in s. 49.04 49.801 (2).

21           **SECTION 249.** 291.15 (2) (d) of the statutes is amended to read:

22           291.15 (2) (d) *Use of confidential records.* Except as provided under par. (c) and this  
23 paragraph the department or the department of justice may use records and other information  
24 granted confidential status under this subsection only in the administration and enforcement

1 of this chapter. The department or the department of justice may release for general  
2 distribution records and other information granted confidential status under this subsection if  
3 the owner or operator expressly agrees to the release. The department or the department of  
4 justice may release on a limited basis records and other information granted confidential status  
5 under this subsection if the department or the department of justice is directed to take this  
6 action by a judge or hearing examiner under an order which protects the confidentiality of the  
7 records or other information. The department or the department of justice may release to the  
8 U.S. environmental protection agency or its authorized representative records and other  
9 information granted confidential status under this subsection if the department or the  
10 department of justice includes in each release of records or other information a request to the  
11 U.S. environmental protection agency or its authorized representative to protect the  
12 confidentiality of the records or other information. The department or the department of  
13 justice shall provide to the department of children and families or a county child support  
14 agency under s. 59.53 (5) the name and address of an individual, the name and address of the  
15 individual's employer and financial information related to the individual that is contained in  
16 records or other information granted confidential status under this subsection if requested  
17 under s. 49.22 49.811 (2m) by the department of children and families or a county child  
18 support agency under s. 59.53 (5).

19 **SECTION 250.** 301.12 (14) (b) and (g) of the statutes are amended to read:

20 301.12 **(14)** (b) Except as provided in par. (c) and subject to par. (cm), liability of a  
21 parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the parent's minor  
22 child who has been placed by a court order under s. 938.183, 938.355, or 938.357 in a  
23 residential, nonmedical facility such as a group home, foster home, treatment foster home,  
24 residential care center for children and youth, or juvenile correctional institution shall be

1 determined by the court by using the percentage standard established by the department of  
2 children and families 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 shall  
5 promulgate rules related to the application of the standard established by the department of  
6 children and families 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. 938.183, 938.355 or 938.357  
8 in a residential, nonmedical facility. The rules shall take into account the needs of any person,  
9 including dependent children other than the child, whom either parent is legally obligated to  
10 support.

11 **SECTION 251.** 301.45 (7) (a) of the statutes is amended to read:

12 301.45 (7) (a) The department shall maintain information provided under sub. (2). The  
13 department shall keep the information confidential except as provided in ss. 301.03 (14) and  
14 301.46, except as needed for law enforcement purposes and except to provide, in response to  
15 a request for information under s. ~~49.22~~ 49.811 (2m) made by the department of children and  
16 families or a county child support agency under s. 59.53 (5), the name and address of an  
17 individual registered under this section, the name and address of the individual's employer and  
18 financial information related to the individual.

19 **SECTION 252.** 302.372 (2) (b) of the statutes is amended to read:

20 302.372 (2) (b) Before seeking any reimbursement under this section, the county shall  
21 provide a form to be used for determining the financial status of prisoners. The form shall  
22 provide for obtaining the social security number of the prisoner, the age and marital status of  
23 a prisoner, the number and ages of children of a prisoner, the number and ages of other  
24 dependents of a prisoner, the income of a prisoner, type and value of real estate owned by a

1 prisoner, type and value of personal property owned by a prisoner, the prisoner's cash and  
2 financial institution accounts, type and value of the prisoner's investments, pensions and  
3 annuities and any other personalty of significant cash value owned by a prisoner. The county  
4 shall use the form whenever investigating the financial status of prisoners. The information  
5 on a completed form is confidential and not open to public inspection or copying under s. 19.35  
6 (1), except that the county shall provide the name and address of an individual, the name and  
7 address of the individual's employer and financial information related to the individual from  
8 a form completed under this paragraph in response to a request for information under s. ~~49.22~~  
9 49.811 (2m) made by the department of children and families or a county child support agency  
10 under s. 59.53 (5).

11 **SECTION 253.** 341.51 (4g) (b) of the statutes is amended to read:

12 341.51 (**4g**) (b) The department of transportation may not disclose any information  
13 obtained under sub. (4) (am) or (ar) to any person except to the department of children and  
14 families for the sole purpose of administering s. ~~49.22~~ 49.811 or the department of revenue  
15 for the sole purpose of requesting certifications under s. 73.0301.

16 **SECTION 254.** 342.06 (1) (eg) of the statutes is amended to read:

17 342.06 (**1**) (eg) Except as provided in par. (eh), if the applicant is an individual, the  
18 social security number of the applicant. The department of transportation may not disclose  
19 a social security number obtained under this paragraph to any person except to the department  
20 of children and families for the sole purpose of administering s. ~~49.22~~ 49.811 and to the  
21 department of revenue for the purposes of administering state taxes and collecting debt.

22 **SECTION 255.** 343.14 (2j) of the statutes is amended to read:

23 343.14 (**2j**) Except as otherwise required to administer and enforce this chapter, the  
24 department of transportation may not disclose a social security number obtained from an

1 applicant for a license under sub. (2) (bm) to any person except to the department of children  
2 and families for the sole purpose of administering s. ~~49.22~~ 49.811, to the department of  
3 revenue for the purposes of administering state taxes and collecting debt, or to the driver  
4 licensing agency of another jurisdiction.

5 **SECTION 256.** 343.305 (6) (e) 3. b. of the statutes is amended to read:

6 343.305 (6) (e) 3. b. The licensor may not disclose any information received under subd.  
7 2. a. or b. except to the department of children and families for purposes of administering s.  
8 ~~49.22~~ 49.811 or the department of revenue for the sole purpose of requesting certifications  
9 under s. 73.0301.

10 **SECTION 257.** 343.50 (8) (b) of the statutes is amended to read:

11 343.50 (8) (b) The department may not disclose any record or other information  
12 concerning or relating to an applicant or identification card holder to any person other than  
13 a court, district attorney, county corporation counsel, city, village, or town attorney, law  
14 enforcement agency, driver licensing agency of another jurisdiction, a procurement  
15 organization as provided in sub. (4m) (a), the applicant or identification card holder or, if the  
16 applicant or identification card holder is under 18 years of age, his or her parent or guardian.  
17 Except for photographs for which disclosure is authorized under s. 343.237, persons entitled  
18 to receive any record or other information under this paragraph shall not disclose the record  
19 or other information to other persons or agencies. This paragraph does not prohibit the  
20 disclosure of a person's name or address, of the name or address of a person's employer or of  
21 financial information that relates to a person when requested under s. ~~49.22~~ 49.811 (2m) by  
22 the department of children and families or a county child support agency under s. 59.53 (5).

23 **SECTION 258.** 343.61 (2) (b) of the statutes is amended to read:

1           343.61 (2) (b) The department of transportation may not disclose any information  
2 received under par. (a) 1. or 2. to any person except to the department of children and families  
3 for purposes of administering s. 49.22 49.811 or the department of revenue for the sole purpose  
4 of requesting certifications under s. 73.0301.

5           **SECTION 259.** 343.62 (2) (b) of the statutes is amended to read:

6           343.62 (2) (b) The department of transportation may not disclose a social security  
7 number obtained under par. (a) to any person except to the department of children and families  
8 for the sole purpose of administering s. 49.22 49.811 or the department of revenue for the sole  
9 purpose of requesting certifications under s. 73.0301.

10          **SECTION 260.** 349.19 of the statutes is amended to read:

11          **349.19 Authority to require accident reports.** Any city, village, town or county may  
12 by ordinance require the operator of a vehicle involved in an accident to file with a designated  
13 municipal department or officer a report of such accident or a copy of any report required to  
14 be filed with the department. All such reports are for the confidential use of such department  
15 or officer and are otherwise subject to s. 346.73, except that this section does not prohibit the  
16 disclosure of a person's name or address, of the name or address of a person's employer or of  
17 financial information that relates to a person when requested under s. 49.22 49.811 (2m) to  
18 the department of children and families or a county child support agency under s. 59.53 (5).

19          **SECTION 261.** 440.03 (11m) (c) of the statutes is amended to read:

20          440.03 (11m) (c) The department of regulation and licensing may not disclose a social  
21 security number obtained under par. (a) to any person except the coordinated licensure  
22 information system under s. 441.50 (7); the department of children and families for purposes  
23 of administering s. 49.22 49.811; and, for a social security number obtained under par. (a) 1.,

1 the department of revenue for the purpose of requesting certifications under s. 73.0301 and  
2 administering state taxes.

3 **SECTION 262.** 440.43 (5) of the statutes is amended to read:

4 440.43 **(5)** DEPARTMENT DISCLOSURE. The department shall not disclose information  
5 under sub. (4) (c) 1. except to the extent necessary for investigative or law enforcement  
6 purposes and except that the department may, if requested under s. ~~49.22~~ 49.811 (2m), disclose  
7 information regarding the name, address or employer of or financial information related to an  
8 individual to the department of children and families or a county child support agency under  
9 s. 59.53 (5).

10 **SECTION 263.** 440.44 (10) of the statutes is amended to read:

11 440.44 **(10)** NONDISCLOSURE. The department may not disclose information under sub.  
12 (9) (a) 1. to any person except to the extent necessary for investigative or law enforcement  
13 purposes and except that the department may, if requested under s. ~~49.22~~ 49.811 (2m), disclose  
14 information regarding the name, address or employer of or financial information related to an  
15 individual to the department of children and families or a county child support agency under  
16 s. 59.53 (5).

17 **SECTION 264.** 440.92 (6) (d) of the statutes is amended to read:

18 440.92 **(6)** (d) All records described under pars. (b) 2. and (c) and maintained by the  
19 board are confidential and are not available for inspection or copying under s. 19.35 (1). This  
20 paragraph does not apply to any information regarding the name, address or employer of or  
21 financial information related to an individual that is requested under s. ~~49.22~~ 49.811 (2m) by  
22 the department of children and families or a county child support agency under s. 59.53 (5).

23 **SECTION 265.** 461.02 (9) (bm) 3. of the statutes is amended to read:

1           461.02 (9) (bm) 3. The requester is the department of children and families or a county  
2 child support agency under s. 59.53 (5), the request is made under s. ~~49.22~~ 49.811 (2m), and  
3 the request is limited to the name, home address, and business address of the applicant,  
4 registrant, or controlling person who is the subject of the request and any financial information  
5 about the applicant, registrant, or controlling person contained in the record.

6           **SECTION 266.** 560.70 (4m) of the statutes is amended to read:

7           560.70 (4m) “Member of a targeted group” means a person who resides in an area  
8 designated by the federal government as an economic revitalization area, a person who is  
9 employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and  
10 (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as  
11 defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m),  
12 a person who is eligible for child care assistance under s. ~~49.155~~ 49.199, a person who is a  
13 vocational rehabilitation referral, an economically disadvantaged youth, an economically  
14 disadvantaged veteran, a supplemental security income recipient, a general assistance  
15 recipient, an economically disadvantaged ex-convict, a dislocated worker, as defined in 29  
16 USC 2801 (9), or a food stamp recipient, if the person has been certified in the manner under  
17 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26 USC 51 (d) (12).

18           **SECTION 267.** 562.05 (8m) (a) of the statutes is amended to read:

19           562.05 (8m) (a) If the applicant for any license is an individual, the department shall  
20 disclose his or her social security number to the department of children and families for the  
21 purpose of administering s. ~~49.22~~ 49.811 and to the department of revenue for the purpose of  
22 requesting certifications under s. 73.0301.

23           **SECTION 268.** 563.28 (2) of the statutes is amended to read:

1           563.28 (2) The department shall disclose the social security number of any applicant  
2 for a supplier's license to the department of children and families for the purpose of  
3 administering s. ~~49.22~~ 49.811.

4           **SECTION 269.** 628.095 (4) (a) of the statutes is amended to read:

5           628.095 (4) (a) The commissioner shall disclose a social security number obtained  
6 under sub. (1) or (3) to the department of children and families in the administration of s. ~~49.22~~  
7 49.811, as provided in a memorandum of understanding entered into under s. 49.857.

8           **SECTION 270.** 632.69 (2) (c) of the statutes is amended to read:

9           632.69 (2) (c) The commissioner may not issue a license under this subsection unless  
10 the applicant provides his or her social security number or its federal employer identification  
11 number or, if the applicant does not have a social security number, a statement made or  
12 subscribed under oath or affirmation that the applicant does not have a social security number.  
13 An applicant who is providing a statement that he or she does not have a social security  
14 number, shall provide that statement along with the application for a license on a form  
15 prescribed by the department of children and families. A licensee shall provide to the  
16 commissioner the licensee's social security number, statement the licensee does not have the  
17 social security number, or federal employment identification number of the licensee at the  
18 time that the annual license renewal fee is paid, if not previously provided. The commissioner  
19 shall disclose a social security number obtained from an applicant or licensee to the  
20 department of children and families in the administration of s. ~~49.22~~ 49.811, as provided in  
21 a memorandum of understanding entered into under s. 49.857. The commissioner may  
22 disclose the social security number or federal employment identification number of an  
23 applicant or licensee to the department of revenue for the purpose of requesting certifications  
24 under s. 73.0301.

1           **SECTION 271.** 633.14 (2c) (a) of the statutes is amended to read:

2           633.14 (2c) (a) The commissioner shall disclose a social security number obtained  
3 under sub. (1) (d) to the department of children and families in the administration of s. 49.22  
4 49.811, as provided in a memorandum of understanding entered into under s. 49.857.

5           **SECTION 272.** 751.15 (2) of the statutes is amended to read:

6           751.15 (2) The supreme court is requested to promulgate rules that require each person  
7 who has a social security number, as a condition of membership in the state bar, to provide the  
8 board of bar examiners with his or her social security number, that require each person who  
9 does not have a social security number, as a condition of membership in the state bar, to  
10 provide the board of bar examiners with a statement made or subscribed under oath or  
11 affirmation on a form prescribed by the department of children and families that the person  
12 does not have a social security number, and that prohibit the disclosure of that number to any  
13 person except the department of children and families for the purpose of administering s. 49.22  
14 49.811.

15           **SECTION 273.** 767.127 (4) of the statutes is amended to read:

16           767.127 (4) FAILURE TO TIMELY FILE. If either party fails timely to file a complete  
17 disclosure statement as required by this section, the court may accept as accurate any  
18 information provided in the statement of the other party or obtained under s. 49.22 49.811 (2m)  
19 by the department or the county child support agency under s. 59.53 (5).

20           **SECTION 274.** 767.205 (2) (a) 1. and 2. and (b) 1. and 2. of the statutes are amended to  
21 read:

22           767.205 (2) (a) 1. An action to establish paternity whenever there is a completed  
23 application for legal services filed with the child support program under s. 49.22 49.811 or  
24 whenever s. 767.80 (6m) or (6r) applies.

1           2. An action to establish or enforce a child support or maintenance obligation whenever  
2 there is a completed application for legal services filed with the child support program under  
3 s. ~~49.22~~ 49.811.

4           (b) 1. Except as provided in subd. 2., in any action affecting the family under a child  
5 support enforcement program, an attorney acting under s. ~~49.22~~ 49.811 or 59.53 (5), including  
6 any district attorney or corporation counsel, represents only the state. Child support services  
7 provided by an attorney as specified in par. (a) do not create an attorney–client relationship  
8 with any other party.

9           2. Subdivision 1. does not apply to an attorney who is employed by the department  
10 under s. ~~49.22~~ 49.811 or a county under s. 59.53 (5) or (6) (a) to act as the guardian ad litem  
11 of the minor child for the purpose of establishing paternity.

12           **SECTION 275.** 767.215 (1) (b) and (2m) (a) 2. of the statutes are amended to read:

13           767.215 (1) (b) The clerk of court shall provide without charge, to each person filing  
14 a petition requesting child support, a document setting forth the percentage standard  
15 established by the department under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may  
16 consider under s. 767.511 (1m).

17           **(2m)** (a) 2. Shall be accompanied by a document, provided without charge by the clerk  
18 of court, setting forth the percentage standard established by the department under s. ~~49.22~~  
19 49.811 (9) and listing the factors that a court may consider under s. 767.511 (1m).

20           **SECTION 276.** 767.225 (1n) (b) 1. of the statutes is amended to read:

21           767.225 **(1n)** (b) 1. If the court makes a temporary child support order that deviates from  
22 the amount of support that would be required by using the percentage standard established by  
23 the department under s. ~~49.22~~ 49.811 (9), the court shall comply with the requirements of s.  
24 767.511 (1n).

1           **SECTION 277.** 767.241 (1) (b) of the statutes is amended to read:

2           767.241 **(1)** (b) If one party receives services under s. ~~49.22~~ 49.811 or services provided  
3 by the state or county as a result of an assignment of income under s. 49.19, order the other  
4 party to pay any fee chargeable under s. ~~49.22~~ 49.811 (6) or the cost of services rendered by  
5 the state or county under s. 49.19.

6           **SECTION 278.** 767.407 (1) (c) 1. of the statutes is amended to read:

7           767.407 **(1)** (c) 1. Aid is provided under s. 48.57 (3m) or (3n), 48.645, 49.19, or 49.45  
8 on behalf of the child, or benefits are provided to the child's custodial parent under ss. 49.141  
9 to 49.161, but the state and its delegate under s. ~~49.22~~ 49.811 (7) are barred by a statute of  
10 limitations from commencing an action under s. 767.80 on behalf of the child.

11           **SECTION 279.** 767.407 (1) (c) 2. of the statutes is amended to read:

12           767.407 **(1)** (c) 2. An application for legal services has been filed with the child support  
13 program under s. ~~49.22~~ 49.811 on behalf of the child, but the state and its delegate under s.  
14 ~~49.22~~ 49.811 (7) are barred by a statute of limitations from commencing an action under s.  
15 767.80 on behalf of the child.

16           **SECTION 280.** 767.511 (1g) and (1j) of the statutes are amended to read:

17           767.511 **(1g)** CONSIDERATION OF FINANCIAL INFORMATION. In determining child support  
18 payments, the court may consider all relevant financial information or other information  
19 relevant to the parent's earning capacity, including information reported under s. ~~49.22~~ 49.811  
20 (2m) to the department or the county child support agency under s. 59.53 (5).

21           **(1j)** PERCENTAGE STANDARD GENERALLY REQUIRED. Except as provided in sub. (1m), the  
22 court shall determine child support payments by using the percentage standard established by  
23 the department under s. ~~49.22~~ 49.811 (9).

24           **SECTION 281.** 767.521 (intro.) of the statutes is amended to read:

1           **767.521 Action by state for child support.** (intro.) The state or its delegate under s.  
2   ~~49.22~~ 49.811 (7) shall bring an action for support of a minor child under s. 767.001 (1) (f) or  
3   for paternity determination and child support under s. 767.80 if the child's right to support is  
4   assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19  
5   (4) (h) 1. b., or 49.775 (2) (bm) and all of the following apply:

6           **SECTION 282.** 767.55 (2) (am) (intro.) and 1m. and (c) of the statutes are amended to  
7   read:

8           767.55 (2) (am) (intro.) In an action for modification of a child support order under s.  
9   767.59, an action in which an order for child support is required under s. 767.511 (1), 767.805  
10   (4), or 767.89 (3), or a contempt of court proceeding to enforce a child support or family  
11   support order in a county that contracts under s. ~~49.36~~ 49.165 (2), the court may order a parent  
12   who is not a custodial parent to register for a work experience and job training program under  
13   s. ~~49.36~~ 49.165 if all of the following conditions are met:

14           1m. If the parent resides in a county other than the county in which the court action or  
15   proceeding takes place, the parent resides in a county with a work experience and job training  
16   program under s. ~~49.36~~ 49.165 and that county agrees to enroll the parent in the program.

17           (c) If the court enters an order under par. (am), it shall order the parent to pay child  
18   support equal to the amount determined by applying the percentage standard established under  
19   s. ~~49.22~~ 49.811 (9) or equal to the amount of child support that the parent was ordered to pay  
20   in the most recent determination of support under this chapter. The child support obligation  
21   ordered under this paragraph continues until the parent makes timely payment in full for 3  
22   consecutive months or until the person participates in the program under s. ~~49.36~~ 49.165 for  
23   16 weeks, whichever occurs first. The court shall provide in its order that the parent shall make

1 child support payments calculated under s. 767.511 (1j) or (1m) after the obligation to make  
2 payments ordered under this paragraph ceases.

3 **SECTION 283.** 767.553 (1) (a) and (b) of the statutes are amended to read:

4 767.553 (1) (a) An order for child or family support under this chapter may provide for  
5 an annual adjustment in the amount to be paid based on a change in the payer's income if the  
6 amount of child or family support is expressed in the order as a fixed sum and based on the  
7 percentage standard established by the department under s. ~~49.22~~ 49.811 (9). No adjustment  
8 may be made under this section unless the order provides for the adjustment.

9 (b) An adjustment under this section may not be made more than once in a year and shall  
10 be determined on the basis of the percentage standard established by the department under s.  
11 ~~49.22~~ 49.811 (9).

12 **SECTION 284.** 767.59 (1f) (b) 4. and (c) 1. and (2) (a) of the statutes are amended to read:

13 767.59 (1f) (b) 4. A difference between the amount of child support ordered by the court  
14 to be paid by the payer and the amount that the payer would have been required to pay based  
15 on the percentage standard established by the department under s. ~~49.22~~ 49.811 (9) if the court  
16 did not use the percentage standard in determining the child support payments and did not  
17 provide the information required under s. 46.10 (14) (d), 49.345 (14) (d), 301.12 (14) (d), or  
18 767.511 (1n), whichever is appropriate.

19 (c) 1. Unless the amount of child support is expressed in the judgment or order as a  
20 percentage of parental income, a change in the payer's income, evidenced by information  
21 received under s. ~~49.22~~ 49.811 (2m) by the department or the county child support agency  
22 under s. 59.53 (5) or by other information, from the payer's income determined by the court  
23 in its most recent judgment or order for child support, including a revision of a child support  
24 order under this section.

1           (2) (a) Except as provided in par. (b) or (c), if the court revises a judgment or order with  
2       respect to child support payments, it shall do so by using the percentage standard established  
3       by the department under s. ~~49.22~~ 49.811 (9).

4           **SECTION 285.** 767.80 (1) (j), (5) (b) and (7) of the statutes are amended to read:

5           767.80 (1) (j) A parent of a person listed under par. (b), (c) or (d), if the parent is liable  
6       or is potentially liable for maintenance of a child of a dependent person under s. ~~49.90~~ 49.039  
7       (1) (a) 2.

8           (5) (b) An action under this section may be joined with any other action for child support  
9       and is governed by the procedures specified in s. 767.205 relating to child support, except that  
10      the title of the action shall be "In re the paternity of A.B." The petition shall state the name  
11      and date of birth of the child if born or that the mother is pregnant if the child is unborn, the  
12      name of any alleged father, whether or not an action by any of the parties to determine the  
13      paternity of the child or rebut the presumption of paternity to the child has at any time been  
14      commenced, or is pending before any court, in this state or elsewhere. If a paternity judgment  
15      has been rendered, or if a paternity action has been dismissed, the petition shall state the court  
16      that rendered the judgment or dismissed the action, and the date and the place the judgment  
17      was granted if known. The petition shall also give notice of a party's right to request a genetic  
18      test under s. ~~49.225~~ 49.817 or 767.84.

19          (7) CLERK TO PROVIDE DOCUMENT. The clerk of court shall provide without charge to  
20      each person bringing an action under this section, except to the state under sub. (1) (g) or (6m),  
21      a document setting forth the percentage standard established by the department under s. ~~49.22~~  
22      49.811 (9) and listing the factors that a court may consider under s. 767.511 (1m).

23          **SECTION 286.** 767.813 (6) of the statutes is amended to read:

1           767.813 (6) DOCUMENT. The summons served on the respondent shall be accompanied  
2 by a document, provided without charge by the clerk of court, setting forth the percentage  
3 standard established by the department under s. ~~49.22~~ 49.811 (9) and listing the factors that  
4 a court may consider under s. 767.511 (1m).

5           **SECTION 287.** 767.83 (3) of the statutes is amended to read:

6           767.83 (3) APPEARANCE BY STATE'S ATTORNEY NOT AFFECTED. This section does not  
7 prevent an attorney responsible for support enforcement under s. 59.53 (6) (a) or any other  
8 attorney employed under s. ~~49.22~~ 49.811 or 59.53 (5) from appearing in any paternity action  
9 as provided under s. 767.80 (6).

10          **SECTION 288.** 767.84 (1) (a), (1m), and (5) (b) of the statutes are amended to read:

11          767.84 (1) (a) The court may, and upon request of a party shall, require the child, mother,  
12 any male for whom there is probable cause to believe that he had sexual intercourse with the  
13 mother during a possible time of the child's conception, or any male witness who testifies or  
14 will testify about his sexual relations with the mother at a possible time of conception to submit  
15 to genetic tests. Probable cause of sexual intercourse during a possible time of conception may  
16 be established by a sufficient petition or affidavit of the child's mother or an alleged father,  
17 filed with the court, or after an examination under oath of a party or witness, when the court  
18 determines that an examination is necessary. The court is not required to order a person who  
19 has undergone a genetic test under s. ~~49.225~~ 49.817 to submit to another test under this  
20 paragraph unless a party requests additional tests under sub. (2).

21          **(1m) REBUTTABLE PRESUMPTION.** If genetic tests ordered under this section or s. ~~49.225~~  
22 49.817 show that the alleged father is not excluded and that the statistical probability of the  
23 alleged father's parentage is 99.0% or higher, the alleged father shall be rebuttably presumed  
24 to be the child's parent.

1           **(5)** (b) If 2 or more identical series of genetic tests are performed upon the same person,  
2 regardless of whether the tests were ordered under this section or s. ~~49.225~~ 49.817 or 767.863  
3 (2), the court shall require the person requesting the 2nd or subsequent series of tests to pay  
4 for the series in advance, unless the court finds that the person is indigent.

5           **SECTION 289.** 767.85 (2) of the statutes is amended to read:

6           767.85 **(2)** CONSIDERATIONS. Before making any temporary order under sub. (1), the  
7 court shall consider those factors that the court is required to consider when granting a final  
8 judgment on the same subject matter. If the court makes a temporary child support order that  
9 deviates from the amount of support that would be required by using the percentage standard  
10 established by the department under s. ~~49.22~~ 49.811 (9), the court shall comply with the  
11 requirements of s. 767.511 (1n).

12           **SECTION 290.** 767.853 (2) of the statutes is amended to read:

13           767.853 **(2)** INFORMATION ACCESS TO DEPARTMENT AND CHILD SUPPORT AGENCIES. The  
14 clerk of circuit court shall provide access to the record of any pending paternity proceeding  
15 to the department or any county child support agency under s. 59.53 (5) for purposes related  
16 to administering the child and spousal support and establishment of paternity and medical  
17 support liability program under ss. ~~49.22~~ 49.811 and 59.53 (5), regardless of whether the  
18 department or county child support agency is a party to the proceeding.

19           **SECTION 291.** 767.87 (6) (a) and (b) of the statutes are amended to read:

20           767.87 **(6)** (a) Whenever the state brings the action to determine paternity pursuant to  
21 an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45  
22 (19), or receipt of benefits under s. 49.148, ~~49.155~~ 49.199, 49.157, or 49.159, the natural  
23 mother of the child may not be compelled to testify about the paternity of the child if it has  
24 been determined that the mother has good cause for refusing to cooperate in establishing

1 paternity as provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated  
2 pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated by the  
3 department which define good cause in accordance with the federal regulations, as authorized  
4 by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

5 (b) Nothing in par. (a) prevents the state from bringing an action to determine paternity  
6 pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) 1. or 49.45  
7 (19), or receipt of benefits under s. 49.148, 49.155 49.199, 49.157 or 49.159, where evidence  
8 other than the testimony of the mother may establish the paternity of the child.

9 **SECTION 292.** 767.893 (2) (b) 2. of the statutes is amended to read:

10 767.893 (2) (b) 2. The alleged father who fails to appear has had genetic tests under s.  
11 ~~49.225~~ 49.817 or 767.84 showing that the alleged father is not excluded and that the statistical  
12 probability of the alleged father's parentage is 99.0 percent or higher.

13 **SECTION 293.** 802.10 (1) of the statutes is amended to read:

14 802.10 (1) APPLICATION. This section applies to all actions and special proceedings  
15 except appeals taken to circuit court; actions seeking the remedy available by certiorari,  
16 habeas corpus, mandamus, prohibition, and quo warranto; actions in which all defendants are  
17 in default; provisional remedies; and actions under ss. ~~49.90~~ 49.039 and s. 66.0114 and chs.  
18 48, 54, 102, 108, 227, 348, 767, 778, 799 and 812, and proceedings under chs. 851 to 882.

19 **SECTION 294.** 813.12 (5) (b) of the statutes is amended to read:

20 813.12 (5) (b) The clerk of circuit court shall provide the simplified forms provided  
21 under s. ~~49.165~~ 49.217 (3) (c) to help a person file a petition.

22 **SECTION 295.** 814.61 (13) of the statutes is amended to read:

23 814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services,  
24 whenever a person not receiving benefits under s. 49.148 or ~~49.155~~ 49.199 or aid under s.

1 49.19, 49.46, 49.465, 49.468, 49.47, or 49.471 files a petition requesting child support,  
2 maintenance or family support payments, \$10 in addition to any other fee required under this  
3 section. This subsection does not apply to a petition filed by the state or its delegate.

4 **SECTION 296.** 859.15 of the statutes is amended to read:

5 **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11), 49.08  
6 49.808, 49.195 (1), 49.345 (11), and 301.12 (11), a claim shall not be allowed that was barred  
7 by any statute of limitations at the time of the decedent's death. A claim shall not be barred  
8 by statutes of limitation that was not barred at the time of the decedent's death if the claim is  
9 filed against the decedent's estate in the court on or before the deadline for filing a claim under  
10 s. 859.01.

11 **SECTION 297.** 885.01 (5) of the statutes is amended to read:

12 885.01 (5) By the department of children and families or a county child support agency  
13 under s. 59.53 (5) in the administration of ss. 49.145, 49.19, ~~49.22~~ 49.811, 49.46, 49.47, and  
14 49.471 and programs carrying out the purposes of 7 USC 2011 to 2029.

15 **SECTION 298.** 895.45 (1) (a) of the statutes is amended to read:

16 895.45 (1) (a) "Abusive conduct" means domestic abuse, as defined under s. 49.165  
17 49.217 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under s. 813.125  
18 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225, child  
19 abuse, as defined under s. 813.122 (1) (a), or child abuse under ss. 948.02 to 948.11.

20 **SECTION 299.** 938.30 (6) (b) of the statutes is amended to read:

21 938.30 (6) (b) If it appears to the court that disposition of the case may include  
22 placement of the juvenile outside the juvenile's home, the court shall order the juvenile's  
23 parent to provide a statement of the income, assets, debts, and living expenses of the juvenile  
24 and the juvenile's parent to the court or the designated agency under s. 938.33 (1) at least 5

1 days before the scheduled date of the dispositional hearing or as otherwise ordered by the  
2 court. The clerk of court shall provide, without charge, to any parent ordered to provide that  
3 statement a document setting forth the percentage standard established by the department of  
4 children and families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider  
5 under s. 301.12 (14) (c).

6 **SECTION 300.** 938.31 (7) (b) of the statutes is amended to read:

7 938.31 (7) (b) If it appears to the court that disposition of the case may include  
8 placement of the juvenile outside the juvenile's home, the court shall order the juvenile's  
9 parent to provide a statement of the income, assets, debts, and living expenses of the juvenile  
10 and the juvenile's parent, to the court or the designated agency under s. 938.33 (1) at least 5  
11 days before the scheduled date of the dispositional hearing or as otherwise ordered by the  
12 court. The clerk of court shall provide, without charge, to any parent ordered to provide the  
13 statement a document setting forth the percentage standard established by the department of  
14 children and families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider  
15 under s. 301.12 (14) (c).

16 **SECTION 301.** 938.357 (5m) (a) of the statutes is amended to read:

17 938.357 (5m) (a) If a proposed change in placement would change a juvenile's  
18 placement from a placement in the juvenile's home to a placement outside the juvenile's home,  
19 the court shall order the juvenile's parent to provide a statement of the income, assets, debts,  
20 and living expenses of the juvenile and the juvenile's parent to the court or the person or  
21 agency primarily responsible for implementing the dispositional order by a date specified by  
22 the court. The clerk of court shall provide, without charge, to any parent ordered to provide  
23 that statement a document setting forth the percentage standard established by the department  
24 of children and families under s. ~~49.22~~ 49.811 (9) and listing the factors under s. 301.12 (14)

1 (c). If the juvenile is placed outside the juvenile's home, the court shall determine the liability  
2 of the parent in the manner provided in s. 301.12 (14).

3 **SECTION 302.** 938.36 (1) (b) of the statutes is amended to read:

4 938.36 (1) (b) In determining the amount of support under par. (a), the court may  
5 consider all relevant financial information or other information relevant to the parent's earning  
6 capacity, including information reported under s. ~~49.22~~ 49.811 (2m) to the department of  
7 children and families, or the county child support agency, under s. 59.53 (5). If the court has  
8 insufficient information with which to determine the amount of support, the court shall order  
9 the juvenile's parent to furnish a statement of the income, assets, debts, and living expenses  
10 of the juvenile and the juvenile's parent, if the parent has not already done so, to the court  
11 within 10 days after the court's order transferring custody or designating an alternative  
12 placement is entered or at such other time as ordered by the court.

13 **SECTION 303.** 938.363 (1) (c) of the statutes is amended to read:

14 938.363 (1) (c) If the proposed revision is for a change in the amount of child support  
15 to be paid by a parent, the court shall order the juvenile's parent to provide a statement of the  
16 income, assets, debts, and living expenses of the juvenile and the juvenile's parent to the court  
17 and the person or agency primarily responsible for implementing the dispositional order by  
18 a date specified by the court. The clerk of court shall provide, without charge, to any parent  
19 ordered to provide that statement a document setting forth the percentage standard established  
20 by the department of children and families under s. ~~49.22~~ 49.811 (9) and listing the factors that  
21 a court may consider under s. 301.12 (14) (c).

22 **SECTION 304.** 946.90 (title) and (1) of the statutes are created to read:

23 **946.90 (title) Wisconsin works fraud. (1)** In this section:

1 (a) "Provider" means a Wisconsin works agency or a person that contracts with a  
2 Wisconsin works agency, as defined in s. 49.001 (a), to provide services to Wisconsin works  
3 participants.

4 (b) "Wisconsin works" means the assistance program for families with dependent  
5 children, administered under ss. 49.141 to 49.161.

6 **SECTION 305.** 946.90 (2) of the statutes is created to read:

7 946.90 (2) A person who does any of the following is guilty of a Class A misdemeanor:

8 (a) Intentionally makes or causes to be made any false statement or representation of  
9 a material fact in any application for or receipt of any Wisconsin works benefit or payment.

10 (b) Having knowledge of the occurrence of any event affecting the initial or continued  
11 eligibility for a Wisconsin works benefit or payment under Wisconsin works, conceals or fails  
12 to disclose that event with an intent to fraudulently secure a Wisconsin works benefit or  
13 payment either in a greater amount or quantity than is due or when no such benefit or payment  
14 is authorized.

15 **SECTION 306.** 946.91 (title), (1), and (5) (b) of the statutes are created to read:

16 **946.91 Medical assistance fraud.** (1) In this section:

17 (a) "Facility" means a nursing home or a community-based residential facility that is  
18 licensed under s. 50.03 and that is certified by the department of health services as a provider  
19 of medical assistance.

20 (b) "Medical assistance" means aid provided under subch. IV of ch. 49, except ss.  
21 49.468 and 47.471.

22 (c) "Provider" means a person, corporation, limited liability company, partnership,  
23 incorporated business, or professional association, and any agent or employee thereof who  
24 provides services under medical assistance.

1           **(5)** (b) If an applicant for medical assistance is determined to be eligible retroactively  
2 under s. 49.46 (1) (b), 49.47 (4) (d), or 49.471 and a provider bills the applicant directly for  
3 services and benefits rendered during the retroactive period, if the provider, upon notification  
4 of the applicant's retroactive eligibility, submits claims for payment under s. 49.45 for covered  
5 services or benefits rendered to the recipient during the retroactive period and reimburses the  
6 recipient or other person who has made prior payment to the provider for services provided  
7 to the recipient during the retroactive eligibility period, by the amount of the prior payment  
8 made upon receipt of payment under s. 49.45.

9           **SECTION 307.** 946.92 (3) (a) (intro.) of the statutes is created to read:

10           946.92 **(3)** (a) Whoever violates sub. (2) is subject to the following penalties:

11           **SECTION 308.** 946.93 of the statutes is created to read:

12           **946.93 Public assistance fraud. (1)** In this section, "public assistance" means any aid  
13 or benefit provided under ch. 49.

14           **(2)** Whoever intentionally makes or causes to be made any false statement or  
15 representation of material fact in any application for or receipt of any benefit or payment for  
16 public assistance is guilty of a Class H felony.

17           **(3)** No person may:

18           (a) Having knowledge of the occurrence or any event affecting the initial or continued  
19 eligibility for a public assistance payment or benefit, conceal or fail to disclose that event with  
20 an intent to fraudulently secure a public assistance benefit or payment, or payment either in  
21 a greater amount or quantity than is due or when no such benefit or payment is authorized.

22           (b) Receive any income or assets or both and fail to notify the public assistance agency  
23 within 10 days after receiving the income or assets or within the time period required under  
24 the applicable public assistance program.

1 (c) Fail to notify the public assistance agency within 10 days or within the time period  
2 required under the applicable public assistance program of any change in circumstances for  
3 which notification by the recipient must be provided under current law.

4 (d) Receive a voucher under a public assistance program for goods or services and fail  
5 to use the funding granted under the voucher as authorized by the public assistance agency.

6 (e) Whoever violates par. (a), (b), (c), or (d) is subject to the following penalties:

7 1. If the value of the payment or benefit does not exceed \$300, a forfeiture of not more  
8 than \$1,000.

9 2. If the value of the payment or benefit is more than \$300 but does not exceed \$1,000,  
10 the person may be fined not more than \$250 or imprisoned for not more than 6 months, or both.

11 3. If the value of the payment or benefit is more than \$1,000 but does not exceed \$2,000,  
12 the person is guilty of a Class A misdemeanor.

13 4. If the value of the payment or benefit is more than \$2,000 but does not exceed \$5,000,  
14 the person is guilty of a Class I felony.

15 5. If the value of the payment or benefit is more than \$5,000 but does not exceed  
16 \$10,000, the person is guilty of a Class H felony.

17 6. If the value of the payment or benefit is more than \$10,000, the person is guilty of  
18 a Class G felony.

19 (4) A person who obtains money, goods, services, or any other thing or value because  
20 he or she sends or brings a person to a county department, tribal governing body, or a  
21 Wisconsin works agency for the purpose of obtaining public assistance is guilty of a Class C  
22 misdemeanor.

23 (5) (a) Whoever solicits or receives money, goods, services, or any other thing or value,  
24 in return for referring an individual to a person for the furnishing or arranging for the

1 furnishing of any item or service for which a public assistance payment may be made in whole  
2 or in part, or in return for purchasing, leasing, ordering, or arranging for or recommending  
3 purchasing, leasing, or ordering any good, facility, service, or item for which public assistance  
4 payment may be made in whole or in part, is guilty of a Class H felony, except that,  
5 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not  
6 more than \$25,000.

7 (b) Whoever offers or pays money, goods, services, or any other thing or value to any  
8 person to induce the person to refer an individual to a person for the furnishing or arranging  
9 for the furnishing of any item or service for which public assistance payment may be made  
10 in whole or in part, or to purchase, lease, order, or arrange for or recommend purchasing,  
11 leasing, or ordering any good, facility, service or item for which public assistance payment  
12 may be made in whole or in part, is guilty of a Class H felony, except that, notwithstanding  
13 the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
14 \$25,000.

15 (c) (intro.) This subsection does not apply to any of the following:

16 1. A discount or other reduction in price obtained by a provider of services or other  
17 entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed and  
18 appropriately reflected in the costs claimed or charges made by the provider or entity under  
19 Wisconsin works.

20 2. An amount paid by an employer to an employee who has a bona fide employment  
21 relationship with the employer for employment in the provision of covered items or services.

22 (6) Any person who makes any statement in a written application for public assistance  
23 shall be considered to have made an admission as to the existence, correctness, or validity of  
24 any fact stated. Such a statement shall be considered to be prima facie evidence against the

1 person making it in any complaint, information, or indictment, and in any action brought for  
2 enforcement of any provision of this section or ch. 49.

**NOTE:** This SECTION creates the offense of public assistance fraud. This provision is intended to replace the offenses and penalties currently set forth in s. 49.95.

3 **SECTION 309.** 948.22 (1) (a), (b) and (c) and (4) (b) of the statutes are amended to read:

4 948.22 (1) (a) “Child support” means an amount which a person is ordered to provide  
5 for support of a child by a court of competent jurisdiction in this state or in another state,  
6 territory or possession of the United States, or, if not ordered, an amount that a person is legally  
7 obligated to provide under s. ~~49.90~~ 49.039.

8 (b) “Grandchild support” means an amount which a person is legally obligated to  
9 provide under s. ~~49.90~~ 49.039 (1) (a) 2. and (11).

10 (c) “Spousal support” means an amount which a person is ordered to provide for support  
11 of a spouse or former spouse by a court of competent jurisdiction in this state or in another  
12 state, territory or possession of the United States, or, if not ordered, an amount that a person  
13 is legally obligated to provide under s. ~~49.90~~ 49.039.

14 (4) (b) For a person not subject to a court order requiring child, grandchild or spousal  
15 support payments, when the person knows or reasonably should have known that he or she has  
16 a dependent, failure to provide support equal to at least the amount established by rule by the  
17 department of children and families under s. ~~49.22~~ 49.811 (9) or causing a spouse, grandchild  
18 or child to become a dependent person, or continue to be a dependent person, as defined in s.  
19 ~~49.01~~ 49.801 (2).

20 **SECTION 310.** 948.45 (2) of the statutes is amended to read:

21 948.45 (2) Subsection (1) does not apply to a person who has under his or her control  
22 a child who has been sanctioned under s. ~~49.26~~ 49.198 (1) (h).

1           **SECTION 311.** 973.055 (3) of the statutes is amended to read:

2           973.055 (3) All moneys collected from domestic abuse surcharges shall be deposited  
3 by the secretary of administration in s. 20.437 (1) (hh) and utilized in accordance with s.  
4 49.165 49.217.

5           **SECTION 312.** 977.06 (4) (bm) of the statutes is amended to read:

6           977.06 (4) (bm) In response to a request for information under s. ~~49.22~~ 49.811 (2m)  
7 made by the department of children and families or a county child support agency under s.  
8 59.53 (5), the state public defender shall provide the name and address of an individual, the  
9 name and address of the individual's employer and financial information related to the  
10 individual, if the name, address or financial information is included in any statement, affidavit  
11 or other information provided by the individual regarding financial eligibility under s. 977.07  
12 and if, at the time the request for information is made, the individual is represented by the state  
13 public defender or by counsel assigned under s. 977.08.

14           **SECTION 313.** 978.05 (4m) of the statutes is amended to read:

15           978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the departments of  
16 children and families and health services regarding the fraud investigation programs under ss.  
17 49.197 (1m) and ~~49.845~~ 49.019 (1).

18           **SECTION 314.** 978.06 (6) of the statutes is amended to read:

19           978.06 (6) No district attorney, deputy district attorney or assistant district attorney may  
20 appear in a civil action or proceeding under s. ~~49.22~~ 49.811 (7), 59.53 (5), 767.205 (2), 767.501  
21 or 767.80 or ch. 769.

22           **SECTION 315.** 995.67 (1) (a) of the statutes is amended to read:

23           995.67 (1) (a) "Domestic abuse" has the meaning given in s. ~~49.165~~ 49.217 (1) (a).

1       **SECTION 316.** Subchapter I (title) of chapter 49 [precedes 49.001 to 49.043] of the  
2 statutes is created to read:

3                               **CHAPTER 49**

4                               SUBCHAPTER 1 (TITLE)

5                               GENERAL PROVISIONS

6       **SECTION 317.** Subchapter II (title) of chapter 49 [precedes 49.05 to 49.20] of the statutes  
7 is created to read:

8                               **CHAPTER 49**

9                               SUBCHAPTER II

10                              CHILDREN AND FAMILIES; WISCONSIN WORKS, AID TO FAMILIES, AND

11                              CHILD CARE SUBSIDY

12       **SECTION 318.** Subchapter III (title) of chapter 49 [precedes 49.201 to 49.385] of the  
13 statutes is created to read:

14                              **CHAPTER 49**

15                              SUBCHAPTER III

16                              CHILDREN AND FAMILIES; OTHER SUPPORT SERVICES

17       **SECTION 319.** Subchapter IV (title) of chapter 49 [precedes 49.43 to 49.499] of the  
18 statutes is created to read:

19                              **CHAPTER 49**

20                              SUBCHAPTER IV

21                              HEALTH; MEDICAL ASSISTANCE

22       **SECTION 320.** Subchapter V (title) of chapter 49 [precedes 49.66 to 49.808] of the  
23 statutes is created to read:

24                              **CHAPTER 49**

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SUBCHAPTER V

HEALTH; OTHER SUPPORT AND MEDICAL PROGRAMS AND RELIEF BLOCK

GRANTS

**SECTION 321.** Subchapter VI (title) of chapter 49 [precedes 49.811 to 49.858] of the statutes is created to read:

**CHAPTER 49**

SUBCHAPTER VI

CHILDREN AND FAMILIES; CHILD SUPPORT

(END)