

1 **AN ACT** *to repeal* 49.01 (1m), (8j) and (8p), 49.133, 49.136 (1) (b), 49.137 (1) (am),
2 (1) (bd) and (1) (k), 49.141 (7) (b), 49.141 (10) (b), 49.1455, 49.147 (3m), 49.147
3 (4) (at) and (5) (bt), 49.155 (1) (ag) and (1) (d), 49.19 (5) (a) 1m. and (17), 49.197
4 (2) (a) 2., 49.26 (1) (h) 2. and (2) (a), 49.265 (1) (c), 49.29, 49.32 (3) to (6), 49.35
5 (1) (bm), 49.36 (1) (b), 49.49 (3m) (b), 49.686 (1) (f), 49.688 (1) (b), 49.78 (1) (cr),
6 49.795 (1) (c), 49.795 (7), 49.795 (8) (a) (intro.), 49.797 (2) (b) and 49.797 (8); **to**
7 **renumber** 49.001 (1m), 49.001 (4), 49.001 (5m), 49.002, 49.01, 49.08, 49.09, 49.11,
8 49.114, 49.1375, 49.1452, 49.1473, 49.153, 49.155, 49.1635, 49.165, 49.167,
9 49.169, 49.195 (3), 49.225, 49.227, 49.25, 49.27, 49.35, 49.36, 49.46 (1), 49.49 (3m)
10 (a) 2., 49.49 (3m) (a) 3., 49.78, 49.81, 49.82, 49.826, 49.845, 49.847, 49.86, 49.90
11 and 49.96; **to renumber and amend** 49.015, 49.02, 49.025, 49.027, 49.029, 49.031,
12 49.134, 49.137, 49.139, 49.141 (7) (a), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10)
13 (a), 49.147 (1), 49.148 (4), 49.149, 49.151 (2), 49.155 (7) (b) 4., 49.22, 49.24, 49.26,
14 49.32, 49.49 (1), 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (a) (intro.) and 1.,
15 49.49 (4), 49.795 (1) (a), (b), (d) and (e), 49.795 (2), (2m), (3), (4), (5), and (6),
16 49.795 (8) (a) 1., 49.795 (8) (a) 2., 49.795 (8) (b) (intro.) 1. and 2., 49.795 (8) (c),
17 49.795 (8) (d) 1., 49.795 (8) (d) 1m., 49.795 (8) (d) 2., 49.795 (8) (e) and (f), 49.825,
18 49.83, 49.84 (1) and 49.85; **to amend** 5.05 (5s) (c), 6.47 (1) (ag), 7.08 (10), 19.55 (2)
19 (d), 20.435 (4) (bm), (bn), (bt), (kb), (L), (nn) and (np), 20.437 (1) (cd), (hh), (2) (a),
20 (bc), (cm), (dz), (e), (f), (ja), (jL), (k), (L), (n), (nL) and (qm), 20.545 (1) (i), 29.024
21 (2g) (c), 29.229 (5m) (b), 40.02 (25) (b) 2c., 40.22 (2) (m), 40.62 (2), 46.03 (7) (bm),
22 46.10 (14) (b), 46.21 (2m) (c) and (5) (b), 46.215 (1) (intro.), (j), (p), (1m) and (1p),

1 46.215 (1) (intro.), 46.22 (1) (b) 1. d., 2. fm., (d), (dm), (dp), (2) (b) and (m) and
2 (3m) (a), 46.23 (3) (e) and (ed), 46.27 (7) (am), 46.28 (1) (f), 46.284 (7) (b), 46.2895
3 (10), 46.495 (1) (am), 48.30 (6) (b), 48.31 (7) (b), 48.357 (5m) (a), 48.36 (1) (b),
4 48.363 (1) (c), 48.47 (7g), 48.62 (2), 48.651 (1) (intro.), (a), (b) and (2c) (a), 48.659,
5 48.66 (2m) (c) and (cm), 48.685 (5) (br) 5., 48.981 (8) (a) and (d) 1., 48.988 (11),
6 48.989 (2), 49.001 (5p), 49.01 (2), 49.136 (2) (a), 49.138 (4) (c), 49.141 (1) (s),
7 49.141 (7) (c) (intro.), 49.141 (8), 49.143 (2) (b), 49.143 (2) (em), 49.143 (3g) (a) 1.,
8 49.145 (2) (j), 49.145 (2) (s), 49.147 (5m) (a) (intro.), 49.147 (6) (cm) 1., 49.152
9 (title), 49.155 (1) (ah), (1g) (bc), (d), (e), (1m) (a) 1., 1m. (intro.), (3g) (a) (intro.)
10 and (b), 49.155 (6m) (a) and (b), 49.161 (1), 49.175 (1) (intro.), 49.175 (1) (m), (p),
11 (q) and (qm), 49.19 (4) (h) 1. b., 49.195 (title), 49.195 (1) and (3), 49.195 (3) and
12 (3m) (f), 49.195 (3n) (q) 2., 49.197 (2) (b), (cm) and (5), 49.24 (2) (c), 49.345 (14)
13 (b), 49.385, 49.43 (intro.), 49.45 (2) (a) 3. and (b) 7. (intro.) and a., (3) (a) and (6y)
14 (a) and (am), 49.475 (6), 49.49 (1) (c), 49.493 (1) (b), 49.496 (4) (a), 49.498 (1) (j),
15 49.685 (7) (a) 2. and 5., 49.688 (3) (d), 49.688 (9) (a), 49.77 (1), 49.78 (8) (a),
16 49.785 (1) (intro.), 49.79 (title) and (1) (c), 49.79 (1) (intro.), 49.79 (2), (3), (4), (5)
17 (a), (6), (7), (8), (8m), and (9), 49.79 (9) (a) 3., 49.793 (1), 49.795 (1) (title), 49.797
18 (1) and (2), 49.825 (2) (a) 3. and (b), 49.826 (2) (a) (intro.) and 4., 49.84 (3), 49.853
19 (4) (d), 49.855 (6), 49.857 (4), 49.96, 50.01 (1g) (b), 51.42 (3) (e), 51.437 (4r) (b),
20 59.22 (2) (c) 2., 59.40 (2) (p), 59.53 (5) (a) and (6) (b), 63.03 (2) (r), 69.03 (14),
21 69.15 (3) (b) 3., 69.20 (3) (f), 71.07 (2dx) (a) 5., 71.28 (1dx) (a) 5., 71.47 (1dx) (a)
22 5., 71.78 (4) (g), 71.93 (1) (a) 3. and 4., 73.0301 (2) (c) 2., 76.636 (1) (e) 4., 77.61
23 (5) (b) 11., 85.24 (4) (b), 101.02 (21) (b), 102.17 (1) (cg) 3., 102.33 (2) (b) 5., 103.05
24 (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) and 978.06 (6); and **to create** 20.435 (1) (r), 49.001 (4) and (7m), 49.006 (1), 49.143 (2) (h), 49.151 (2) (a) 1., 2., 3. and (b), 49.1525, 49.161 (2m), 49.195 (3) (b), 49.46 (1c), 49.4715 (title), 49.82 (3) (d), 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 [precedes

1 49.43 to 49.499], subchapter V (title) of chapter 49 [precedes 49.66 to 49.808] and
2 subchapter VI (title) of chapter 49 [precedes 49.811 to 49.858] of the statutes;
3 **relating to:** reorganization of ch. 49 and changes affecting public assistance
4 programs.

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

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

The draft 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.

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

The draft creates a new definition for the term “intentional program violation”, which is not currently defined in the chapter. Under current law, if a court finds or it is determined after an administrative hearing that a person has intentionally violated, on 3 separate occasions, any statute or rules governing the Wisconsin works program, a Wisconsin works agency may permanently deny the individual Wisconsin works

benefits. The draft clarifies that a Wisconsin works agency determines whether a person has intentionally violated a provision of the Wisconsin works program and includes emergency assistance in the list of programs to which the provision applies; creates sanctions for first and 2nd violations; and provides an opportunity for a person to have a determination of each intentional program violation reviewed.

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

The draft 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. The draft creates 4 new criminal offenses in ch. 946: Wisconsin works fraud, medical assistance fraud, food stamp fraud, and public assistance fraud.

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

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

Under current law, s. 49.95, stats., which contains general public assistance offenses and penalties, provides that any person who makes any statement in a written application for aid under ch. 49, stats., is considered to have made an admission as to the existence, correctness, or

validity of any fact stated. This admission may be used in an enforcement action under ch. 49, stats. The draft includes similar language in a separate provision of ch. 49, stats. [s. 49.006 (1).] Under the draft, an employee who accepts an application for aid or a benefit has the authority to administer an oath to the applicant that the information given is true and correct to the best of the applicant's knowledge. The draft also requires the DCF and the Department of Health Services (DHS) to promulgate rules requiring that information provided by an applicant for any aid or benefit under ch. 49, stats., must be sworn to or otherwise affirmed as being true and correct to the best of the applicant's knowledge.

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

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

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

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

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

2 6.47 **(1)** (ag) “Domestic abuse victim service provider” means an organization that is
3 certified by the department of children and families as eligible to receive grants under s.
4 49.165 49.217 (2) and whose name is included on the list provided by the board under s. 7.08
5 (10).

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

7 7.08 **(10)** DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to each
8 municipal clerk, on a continuous basis, the names and addresses of organizations that are
9 certified under s. 49.165 49.811 (4) or 165.93 (4) to provide services to victims of domestic
10 abuse or sexual assault.

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

12 19.55 **(2)** (d) Records of the social security number of any individual who files an
13 application for licensure as a lobbyist under s. 13.63 or who registers as a principal under s.
14 13.64, except to the department of children and families for purposes of administration of s.
15 49.22 49.811 or to the department of revenue for purposes of administration of s. 73.0301.

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

18 20.435 **(4)** (bm) *Medical Assistance, food stamps, and Badger Care administration;*
19 *contract costs, insurer reports, and resource centers.* Biennially, the amounts in the schedule
20 to provide a portion of the state share of administrative contract costs for the Medical
21 Assistance program under subch. IV of ch. 49 and the Badger Care health care program under
22 s. 49.665 and to provide the state share of administrative costs for the food stamp program
23 under s. 49.79, other than payments to counties and tribal governing bodies under s. 49.78
24 49.003 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd

1 parties for their costs under s. 49.475, for costs associated with outreach activities, for state
2 administration of state supplemental grants to supplemental security income recipients under
3 s. 49.77, to administer the pharmacy benefits purchasing pool under s. 146.45, and for services
4 of resource centers under s. 46.283. No state positions may be funded in the department of
5 health services from this appropriation, except positions for the performance of duties under
6 a contract in effect before January 1, 1987, related to the administration of the Medical
7 Assistance program between the subunit of the department primarily responsible for
8 administering the Medical Assistance program and another subunit of the department. Total
9 administrative funding authorized for the program under s. 49.665 may not exceed 10% of the
10 amounts budgeted under pars. (p) and (x).

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

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

21 (kb) *Relief block grants to tribal governing bodies.* The amounts in the schedule for
22 relief block grants under s. ~~49.029~~ 49.806 to tribal governing bodies. All moneys transferred
23 from the appropriation account under s. 20.505 (8) (hm) 18. shall be credited to this

1 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June
2 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

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

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

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

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

23 20.437 (1) (cd) *Domestic abuse grants.* The amounts in the schedule for the purposes
24 of s. ~~49.165~~ 49.217. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may

1 transfer funds between fiscal years under this paragraph. All funds allocated by the
2 department under s. ~~49.165~~ 49.217 (2) but not encumbered by December 31 of each year lapse
3 to the general fund on the next January 1 unless transferred to the next calendar year by the
4 joint committee on finance.

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

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

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

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

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

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

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

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

19 (ja) *Child support state operations — fees and reimbursements.* All moneys received
20 from fees charged under s. ~~49.22~~ 49.811 (8), from fees ordered or otherwise owed under s.
21 767.57 (1e) (a), from fees collected under ss. 49.854 (11) (b) and 767.57 (1e) (b) 1m. and (c),
22 from reimbursements under s. 108.13 (4) (f), from fees charged and incentive payments and
23 collections retained under s. ~~49.22~~ 49.811 (7m), and under s. 49.855 (4) from the department
24 of revenue or the department of administration that were withheld by the department of

1 revenue or the internal revenue service for unpaid fees ordered or otherwise owed under s.
2 767.57 (1e) (a), for costs associated with receiving and disbursing support and support-related
3 payments, including any contract costs, and for administering the program under s. 49.22
4 49.811 and all other purposes specified in s. 49.22 49.811.

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

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

17 (L) *Public assistance overpayment recovery, fraud investigation, and error reduction.*
18 All moneys received as the state's share of the recovery of overpayments and incorrect
19 payments under s. 49.191 (3) (c), 1997 stats., and s. 49.195, 1997 stats., for any contracts under
20 s. 49.845 49.019 (4), for any activities under s. 49.197 (1m) to investigate fraud relating to the
21 Aid to Families with Dependent Children program and the Wisconsin Works program, for any
22 activities under s. 49.197 (3) to reduce payment errors in the Wisconsin Works program, and
23 for costs associated with collection of public assistance overpayments.

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

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

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

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

17 20.545 (1) (i) *Services to nonstate governmental units.* The amounts in the schedule
18 for the purpose of funding personnel services to nonstate governmental units under s. 230.05
19 (8), including services provided under ss. 49.78 49.003 (5) and 59.26 (8) (a). All moneys
20 received from the sale of these services shall be credited to this appropriation account.

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

22 29.024 (2g) (c) *Disclosure of social security numbers.* The department of natural
23 resources may not disclose any social security numbers received under par. (a) to any person

1 except to the department of children and families for the sole purpose of administering s. ~~49.22~~
2 49.811.

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

4 29.229 (**5m**) (b) The band is requested to enact tribal laws or ordinances that require
5 each person who has a social security number, as a condition of being issued an approval under
6 this section, to provide to the band his or her social security number, tribal laws or ordinances
7 that require each person who does not have a social security number, as a condition of being
8 issued an approval under this section, to provide to the band a statement made or subscribed
9 under oath or affirmation on a form prescribed by the department of children and families that
10 the person does not have a social security number, and tribal laws or ordinances that prohibit
11 the disclosure of that number by the band to any other person except to the department of
12 children and families for the purpose of administering s. ~~49.22~~ 49.811.

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

14 40.02 (**25**) (b) 2c. A state employee described in s. ~~49.825~~ 49.009 (4) or ~~49.826~~ 49.011
15 (4).

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

17 40.22 (**2**) (m) Notwithstanding sub. (3m), the employee was formerly employed by
18 Milwaukee County, is a state employee described in s. ~~49.825~~ 49.009 (4) or ~~49.826~~ (4), and
19 elects to remain a covered employee under the retirement system established under chapter
20 201, laws of 1937, pursuant to s. ~~49.825~~ 49.009 (4) (c) or ~~49.826~~ 49.011 (4) (c). This paragraph
21 shall not apply if the employee remains a state employee, but is no longer performing services
22 for the Milwaukee County enrollment services unit under s. ~~49.825~~ 49.009 or the child care
23 provider services unit under s. ~~49.826~~ 49.011.

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

1 40.62 (2) Sick leave accumulation shall be determined in accordance with rules of the
2 department, any collective bargaining agreement under subch. I, V, or VI of ch. 111, and ss.
3 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)
4 and 978.12 (3).

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

6 46.03 (7) (bm) Maintain a file containing records of artificial inseminations under s.
7 891.40 and statements acknowledging paternity under s. 69.15 (3) (b). The department may
8 release those records and statements only upon an order of the court except that the department
9 may use nonidentifying information concerning artificial inseminations for the purpose of
10 compiling statistics, and statements acknowledging paternity shall be released without a court
11 order to the department of children and families or a county child support agency under s.
12 59.53 (5) upon the request of that department or county child support agency pursuant to the
13 program responsibilities under s. ~~49.22~~ 49.811 or to any other person with a direct and tangible
14 interest in the statement.

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

16 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent
17 specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the parent's minor child
18 who has been placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical
19 facility such as a group home, foster home, treatment foster home, subsidized guardianship
20 home, or residential care center for children and youth shall be determined by the court by
21 using the percentage standard established by the department of children and families under
22 s. ~~49.22~~ 49.811 (9) and by applying the percentage standard in the manner established by the
23 department under par. (g).

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

1 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 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), and 253.07
3 (3) (c), a subunit of a county department of human services or tribal agency acting under this
4 subsection 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 human services
6 or tribal agency, with a resource center, a care management organization, or a long-term care
7 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which
8 referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person
9 providing services to the client under a purchase of services contract with the county
10 department of human services or tribal agency or with a resource center, a care management
11 organization, or a long-term care district, if necessary to enable an employee or service
12 provider to perform his or her duties, or to enable the county department of human services
13 or tribal agency to coordinate the delivery of services to the client. An agency that releases
14 information under this paragraph shall document that a request for information was received
15 and what information was provided.

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

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

20 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population of
21 500,000 or more the administration of welfare services, other than child welfare services
22 under s. 48.48 (17) administered by the department and except as provided in ss. 49.155 (3g),
23 ~~49.825~~ 49.009, and ~~49.826~~ 49.011, is vested in a county department of social services under
24 the jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference

1 in any law to a county department of social services under this section applies to a county
2 department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and
3 duties of the county department of social services. Except as provided in ss. 49.155 (3g),
4 ~~49.825~~ 49.009, and ~~49.826~~ 49.011, the county department of social services shall have the
5 following functions, duties, and powers, and such other welfare functions as may be delegated
6 to it:

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

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

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

1 client. An agency that releases information under this subsection shall document that a request
2 for information was received and what information was provided.

3 **(1p)** EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE INFORMATION
4 SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7),
5 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
6 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department under this section may
7 enter the content of any record kept or information received by that county department into
8 the statewide automated child welfare information system established under s. 48.47 (7g).

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

10 46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population of
11 500,000 or more the administration of welfare services, other than child welfare services
12 under s. 48.48 (17) administered by the department and except as provided in ss. ~~49.155~~
13 49.199 (3g), 49.825, and 49.826, is vested in a county department of social services under the
14 jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in
15 any law to a county department of social services under this section applies to a county
16 department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and
17 duties of the county department of social services. Except as provided in ss. ~~49.155~~ 49.199
18 (3g), 49.825, and 49.826, the county department of social services shall have the following
19 functions, duties, and powers, and such other welfare functions as may be delegated to it:

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

22 46.22 **(1)** (b) 1. d. To submit a final budget in accordance with s. 46.031 (1) for services
23 authorized in this section, except for the administration of and cost of aid granted under ss.
24 ~~49.02~~ 49.803, 49.19 and 49.45 to 49.471.

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

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

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

1 (dp) *Exchange of information; statewide automated child welfare information system.*

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

7 (2) (b) Appoint the county social services director under sub. (3) subject to s. 49.78
8 49.003 (4) to (7) and the rules promulgated thereunder and subject to the approval of the
9 county board of supervisors in a county with a single-county department of social services
10 or the county boards of supervisors in counties with a multicounty department of social
11 services.

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

19 (3m) (a) In any county with a county executive or a county administrator that has
20 established a single-county department of social services, the county executive or county
21 administrator, subject to s. 49.78 49.003 (4) to (7) and the rules promulgated thereunder, shall
22 appoint and supervise the county social services director. The appointment is subject to the
23 confirmation of the county board of supervisors unless the county board of supervisors, by

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

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

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

19 (ed) *Exchange of information; statewide automated child welfare information system.*
20 Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4),
21 ~~49.83~~ 49.013, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c),
22 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department under this section may enter
23 the content of any record kept or information received by that county department into the
24 statewide automated child welfare information system established under s. 48.47 (7g).

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

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

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

11 46.28 (1) (f) “Victim of domestic abuse” means an individual who has encountered
12 domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a).

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

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

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

23 46.2895 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss. 48.78 (2)
24 (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)

1 (c) and 938.78 (2) (a), a long-term care district acting under this section may exchange
2 confidential information about a client, as defined in s. 46.287 (1), without the informed
3 consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e),
4 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the jurisdiction of the long-term care
5 district, if necessary to enable the long-term care district to perform its duties or to coordinate
6 the delivery of services to the client.

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

8 46.495 (1) (am) The department shall reimburse each county from the appropriations
9 under s. 20.435 (7) (b) and (o) for social services as approved by the department under ss.
10 46.215 (1), (2) (c) 1., and (3) and 46.22 (1) (b) 1. d. and (e) 3. a. except that no reimbursement
11 may be made for the administration of or aid granted under s. ~~49.02~~ 49.803.

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

13 48.30 (6) (b) If it appears to the court that disposition of the case may include placement
14 of the child outside the child's home, the court shall order the child's parent to provide a
15 statement of income, assets, debts, and living expenses to the court or the designated agency
16 under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as
17 otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent
18 ordered to provide a statement of income, assets, debts, and living expenses a document setting
19 forth the percentage standard established by the department under s. ~~49.22~~ 49.811 (9) and the
20 manner of its application established by the department under s. 49.345 (14) (g) and listing
21 the factors that a court may consider under s. 49.345 (14) (c).

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

23 48.31 (7) (b) If it appears to the court that disposition of the case may include placement
24 of the child outside the child's home, the court shall order the child's parent to provide a

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

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

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

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

21 48.36 (**1**) (b) In determining the amount of support under par. (a), the court may consider
22 all relevant financial information or other information relevant to the parent's earning
23 capacity, including information reported under s. ~~49.22~~ 49.811 (2m) to the department or the
24 county child support agency under s. 59.53 (5). If the court has insufficient information with

1 which to determine the amount of support, the court shall order the child's parent to furnish
2 a statement of income, assets, debts, and living expenses, if the parent has not already done
3 so, to the court within 10 days after the court's order transferring custody or designating an
4 alternative placement is entered or at such other time as ordered by the court.

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

6 48.363 (1) (c) If the proposed revision is for a change in the amount of child support
7 to be paid by a parent, the court shall order the child's parent to provide a statement of income,
8 assets, debts and living expenses to the court and the person or agency primarily responsible
9 for implementing the dispositional order by a date specified by the court. The clerk of court
10 shall provide, without charge, to any parent ordered to provide a statement of income, assets,
11 debts, and living expenses a document setting forth the percentage standard established by the
12 department under s. ~~49.22~~ 49.811 (9) and the manner of its application established by the
13 department under s. 49.345 (14) (g) and listing the factors that a court may consider under s.
14 49.345 (14) (c).

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

16 48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish a
17 statewide automated child welfare information system. Notwithstanding ss. 46.2895 (9),
18 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),
19 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2)
20 (a), the department may enter the content of any record kept or information received by the
21 department into the statewide automated child welfare information system, and a county
22 department under s. 46.215, 46.22, or 46.23, the department, or any other organization that has
23 entered into an information sharing and access agreement with the department or any of those
24 county departments and that has been approved for access to the statewide automated child

1 welfare information system by the department may have access to information that is
2 maintained in that system, if necessary to enable the county department, department, or
3 organization to perform its duties under this chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to
4 679b or to coordinate the delivery of services under this chapter, ch. 46, 51, 55, or 938, or 42
5 USC 670 to 679b. The department may also transfer information that is maintained in the
6 system to a court under s. 48.396 (3) (b), and the court and the director of state courts may allow
7 access to that information as provided in s. 48.396 (3) (c) 2.

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

9 48.62 (2) A relative or a guardian of a child who provides care and maintenance for the
10 child is not required to obtain the license specified in this section. The department, county
11 department, or licensed child welfare agency as provided in s. 48.75 may issue a license to
12 operate a foster home or a treatment foster home to a relative who has no duty of support under
13 s. ~~49.90~~ 49.039 (1) (a) and who requests a license to operate a foster home or treatment foster
14 home for a specific child who is either placed by court order or who is the subject of a voluntary
15 placement agreement under s. 48.63. The department, a county department, or a licensed child
16 welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978, ch. 54,
17 or ch. 880, 2003 stats., license the guardian's home as a foster home or treatment foster home
18 for the guardian's minor ward who is living in the home and who is placed in the home by court
19 order. Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978,
20 ch. 54, or ch. 880, 2003 stats., who are licensed to operate foster homes or treatment foster
21 homes are subject to the department's licensing rules.

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

23 48.651 (1) (intro.) No person, other than a child care center licensed under s. 48.65 or
24 established or contracted for under s. 120.13 (14), may receive reimbursement for providing

1 child care services for an individual who is determined eligible for a child care subsidy under
2 s. 49.155 unless the person is certified, according to the standards adopted by the department
3 under s. ~~49.155~~ 49.199 (1d), by the department in a county having a population of 500,000 or
4 more, a county department, or an agency with which the department contracts under sub. (2).
5 To be certified under this section, a person must meet the minimum requirements for
6 certification established by the department under s. ~~49.155~~ 49.199 (1d), meet the requirements
7 specified in s. 48.685, and pay the fee specified in sub. (2). The department in a county having
8 a population of 500,000 or more, a county department, or an agency contracted with under sub.
9 (2) shall certify the following categories of child care providers:

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

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

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

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

18 **48.659 Child care quality rating system.** The department shall provide a child care
19 quality rating system that rates the quality of the child care provided by a child care provider
20 licensed under s. 48.65 that receives reimbursement under s. ~~49.155~~ 49.199 for the child care
21 provided or that volunteers for rating under this section. The department shall make the rating
22 information provided under that system available to the parents, guardians, and legal
23 custodians of children who are recipients, or prospective recipients, of care and supervision

1 from a child care provider that is rated under this section, including making that information
2 available on the department's Internet site.

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

4 48.66 **(2m)** (c) The subunit of the department that obtains a social security number or
5 a federal employer identification number under par. (a) 1. may not disclose that information
6 to any person except to the department of revenue for the sole purpose of requesting
7 certifications under s. 73.0301 or on the request of the subunit of the department that
8 administers the child and spousal support program under s. ~~49.22~~ 49.811 (2m).

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

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

12 48.685 **(5)** (br) 5. An offense involving fraudulent activity as a participant in the
13 Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of a child care
14 subsidy under s. ~~49.155~~ 49.199, or as a recipient of aid to families with dependent children
15 under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps benefits under the
16 food stamp program under 7 USC 2011 to 2036, supplemental security income payments
17 under s. 49.77, payments for the support of children of supplemental security income
18 recipients under s. 49.775, or health care benefits under the Badger Care health care program
19 under s. 49.665.

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

21 48.981 **(8)** (a) The department, the county departments, and a licensed child welfare
22 agency under contract with the department in a county having a population of 500,000 or more
23 to the extent feasible shall conduct continuing education and training programs for staff of the
24 department, the county departments, licensed child welfare agencies under contract with the

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

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

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

23 48.988 (11) Financial responsibility for any child placed under the interstate compact
24 on the placement of children shall be determined in accordance with sub. (5) in the first

1 instance. However, in the event of partial or complete default of performance thereunder, the
2 provisions of s. ~~49.90~~ 49.039, ch. 769, or any other applicable state law fixing responsibility
3 for the support of children also may be invoked.

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

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

10 **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.

11 **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.

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

13 49.001 (4) “Intentional program violation” means, with regard to the programs in this
14 chapter, intentionally making a false or misleading statement, intentionally misrepresenting
15 or withholding facts, or committing any act that constitutes a violation of state or federal law
16 for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or
17 trafficking benefits under this chapter.

18 (7m) “Tribal governing body” means an elected tribal governing body of a federally
19 recognized American Indian tribe or band.

NOTE: Creates a definition for “intentional program violation” and creates a single definition of “tribal governing body” for ch. 49.

20 **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.

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

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

SECTION 44. 49.002 of the statutes is renumbered 49.80.

SECTION 45. 49.006 (1) of the statutes is created to read:

49.006 **(1)** AFFIRMATION OF STATEMENTS IN APPLICATIONS. **(1)** Any person who makes any statement in a written application for any aid or benefit provided under this chapter shall be considered to have made an admission as to the existence, correctness, or validity of any fact stated. Such a statement shall be considered to be prima facie evidence against the person making it in any complaint, information, or indictment, and in any action brought for enforcement of any provision of this chapter.

(2) Any employee of a county department, a Wisconsin works agency, the department of health services, or the department of children and families accepting an application for any aid or benefit under this chapter shall have the authority to administer an oath to the applicant that the information given is true and correct to the best of the applicant’s knowledge.

(3) The department of children and families and the department of health services shall promulgate rules requiring information provided by an applicant for any aid or benefit under this chapter to be sworn to or otherwise affirmed as being true and correct to the best of the applicant’s knowledge. The rules shall be submitted to the legislative council staff under s. 227.15 (1) of the statutes no later than the first day of the 3rd month beginning after the effective date of this subsection.

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

1 **SECTION 46.** 49.01 of the statutes is renumbered 49.801.

2 **SECTION 47.** 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.

3 **SECTION 48.** 49.01 (2) of the statutes is amended to read:

4 49.01 (2) “Dependent person” means an individual who is eligible for relief under s.
5 ~~49.015~~ 49.802.

6 **SECTION 49.** 49.015 of the statutes is renumbered 49.802, and 49.802 (1) (c) and (3) (b),
7 as renumbered, are amended to read:

8 **49.802 (1) (c)** The individual qualifies under written criteria of dependency under s.
9 ~~49.02~~ 49.803 (1) (b) established by the relief agency in that county or on that tax-free land.

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

14 **SECTION 50.** 49.02 of the statutes is renumbered 49.803, and 49.803 (1) (c) 4. and (7m)
15 (b) and (d), as renumbered, are amended to read:

16 **(1) (c) 4.** In the case of a county submitting a plan for a relief block grant under s. ~~49.027~~
17 49.805, whether the county will provide services other than health care services and, if such

1 services are offered, how the county will determine what services will be provided to a
2 dependent person.

3 (7m) (b) Procedures for appealing eligibility determinations under s. ~~49.015~~ 49.802.
4 These procedures shall provide for notice, fair hearing and review.

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

6 **SECTION 51.** 49.025 of the statutes is renumbered 49.804, and 49.804 (2) (a) (intro.) and
7 (b), as renumbered, is amended to read:

8 49.804 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a year, the
9 department shall pay to the county, in accordance with s. ~~49.031~~ 49.807, from the
10 appropriation under s. 20.435 (4) (bt), an amount for that year determined as follows:

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

14 **SECTION 52.** 49.027 of the statutes is renumbered 49.805, 49.805 (2) (a) (intro.) and (b),
15 as renumbered, are amended to read:

16 49.805 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a year, the
17 department shall pay to the county, in accordance with s. ~~49.031~~ 49.807 and subject to par. (c),
18 from the appropriation under s. 20.435 (4) (bt), an amount for that year determined as follows:

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

23 **SECTION 53.** 49.029 of the statutes is renumbered 49.806, 49.806 (3), as renumbered,
24 is amended to read:

1 **(3) USE OF RELIEF BLOCK GRANT FUNDS.** A tribal governing body may use moneys
2 received as a relief block grant only for the purpose of providing health care services to
3 dependent persons. Notwithstanding s. ~~49.04~~ 49.801 (2g), health care services may include
4 treatment services for alcohol and other drug abuse and mental health services.

5 **SECTION 54.** 49.031 of the statutes is renumbered 49.807, 49.807 (1) as renumbered,
6 is amended to read:

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

13 **SECTION 55.** 49.08 of the statutes is renumbered 49.808.

14 **SECTION 56.** 49.09 of the statutes is renumbered 49.08 (1) (b).

15 **SECTION 57.** 49.11 of the statutes is renumbered 49.05.

16 **SECTION 58.** 49.114 of the statutes is renumbered 49.066.

17 **SECTION 59.** 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).

18 **SECTION 60.** 49.134 of the statutes is renumbered 49.204, 49.204 (2) (a), as renumbered,
19 is amended to read:

20 **49.204 (2) (a)** From the allocation under s. ~~49.155~~ 49.199 (1g), the department shall
21 make grants to local agencies to fund child care resource and referral services provided by

1 those local agencies. The department shall provide an allocation formula to determine the
2 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).

3 **SECTION 61.** 49.136 (1) (b) of the statutes is repealed.

4 **SECTION 62.** 49.136 (2) (a) of the statutes is amended to read:

5 49.136 (2) (a) From the allocation under s. ~~49.155~~ 49.199 (1g), the department may
6 award grants for the start-up or expansion of child care services.

7 **SECTION 63.** 49.137 of the statutes is renumbered 49.207, 49.207 (1) (bd) and (e), (2)
8 (a), (3) (a), (4) (intro.), and (4m), as renumbered, are amended to read:

9 **49.205 (1) (bd)** “Family child care center” has the meaning given in s. ~~49.136~~ 49.205
10 (1) (j).

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

12 **(2) (a)** From the allocation under s. ~~49.155~~ 49.199 (1g), the department may award
13 grants to child care providers that meet the quality of care standards established under s.
14 ~~49.155~~ 49.199 (1d) (b) to improve the retention of skilled and experienced child care staff.
15 In awarding grants under this subsection, the department shall consider the applying child care
16 provider’s total enrollment of children and average enrollment of children who receive or are
17 eligible for publicly funded care from the child care provider.

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

21 **(4) (intro.)** TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. From the allocation under
22 s. ~~49.155~~ 49.199 (1g), the department may contract with one or more agencies for the

1 provision of training and technical assistance to improve the quality of child care provided in
2 this state. The training and technical assistance activities contracted for under this subsection
3 may include any of the following activities:

4 **(4m)** LOCAL PASS-THROUGH GRANT PROGRAM. From the allocation under s. 49.155
5 49.199 (1g), the department shall award grants to local governments and tribal governing
6 bodies for programs to improve the quality of child care. The department shall promulgate
7 rules to administer the grant program, including rules that specify the eligibility criteria and
8 procedures for awarding the grants.

9 **SECTION 64.** 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.

10 **SECTION 65.** 49.1375 of the statutes is renumbered 49.209.

11 **SECTION 66.** 49.138 (4) (c) of the statutes is amended to read:

12 49.138 **(4)** (c) If the administering agency is a Wisconsin works agency, the department
13 may review the decision of the Wisconsin works agency if, within 14 21 days after the date
14 on which the certified copy of the decision of the Wisconsin works agency is mailed, the
15 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.

16 **SECTION 67.** 49.139 of the statutes is renumbered 49.175 (1) (im) and amended to read:

17 49.175 **(1)** (im) **Emergency shelter funding.** ~~From the appropriation account under~~
18 ~~s. 20.437 (2) (f), the department shall provide \$50,000 annually, beginning on October 1,~~

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

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

SECTION 68. 49.141 (1) (s) of the statutes is amended to read:

49.141 (1) (s) “Wisconsin works group” means an individual who is a custodial parent, all dependent children with respect to whom the individual is a custodial parent and all dependent children with respect to whom the individual’s dependent child is a custodial parent. “Wisconsin works group” includes any nonmarital coparent or any spouse of the individual who resides in the same household as the individual and any dependent children with respect to whom the spouse or nonmarital coparent is a custodial parent. “Wisconsin works group” does not include any person who is receiving benefits under s. ~~49.027~~ 49.805 (3) (b).

SECTION 69. 49.141 (7) (a) of the statutes is renumbered 946.90 (3) and amended to read:

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

SECTION 70. 49.141 (7) (b) of the statutes is repealed.

SECTION 71. 49.141 (7) (c) (intro.) of the statutes is amended to read:

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

1 **SECTION 72.** 49.141 (8) of the statutes is amended to read:

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

11 **SECTION 73.** 49.141 (9) (a) of the statutes is renumbered 946.90 (4) and amended to
12 read:

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

21 **SECTION 74.** 49.141 (9) (b) of the statutes is renumbered 946.90 (5) and amended to
22 read:

23 946.90 (5) Whoever offers or pays ~~any remuneration in cash or in-kind~~ money, goods,
24 services, or any other thing of value to any person to induce the person to refer an individual

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

7 **SECTION 75.** 49.141 (10) (a) of the statutes is renumbered 946.90 (6) and amended to
8 read:

9 946.90 (6) A provider ~~may not~~ who knowingly ~~impose~~ imposes upon a recipient
10 Wisconsin works participant charges in addition to payments received for services under
11 Wisconsin works or knowingly ~~impose~~ imposes direct charges upon a recipient in lieu of
12 obtaining payment under Wisconsin works ~~unless is guilty of a Class H felony, except that,~~
13 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not
14 more than \$25,000. This subsection does not apply if benefits or services are not provided
15 under Wisconsin works and the recipient Wisconsin works participant is advised of this fact
16 prior to receiving the service.

17 **SECTION 76.** 49.141 (10) (b) of the statutes is repealed.

NOTE: SECTIONS 69 to 75 move criminal penalties relating to Wisconsin
works fraud to s. 946.90. Chapter 946 contains crimes against
government and its administration. Also, see SECTIONS 318 and 319.

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

19 49.143 (2) (b) Establish a children's services network. The children's services network
20 shall ~~provide~~ make available information about community resources available to the
21 dependent children in a Wisconsin works group, including charitable food and clothing
22 centers; subsidized and low-income housing; transportation subsidies; the state supplemental

1 food program for women, infants and children under s. 253.06; and child care programs. In
2 a county having a population of 500,000 or more, a children's services network shall, in
3 addition, provide a forum for those persons who are interested in the delivery of child welfare
4 services and other services to children and families in the geographical area under sub. (6)
5 served by that children's services network to communicate with and make recommendations
6 to the providers of those services in that geographical area with respect to the delivery of those
7 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.

8 **SECTION 78.** 49.143 (2) (em) of the statutes is amended to read:

9 49.143 (2) (em) Determine eligibility for and administer child care assistance under s.
10 49.155 49.199, if the department contracts with the Wisconsin Works agency to do so.

11 **SECTION 79.** 49.143 (2) (h) of the statutes is created to read:

12 49.143 (2) (h) Prohibit persons who contract with the Wisconsin works agency from
13 imposing charges for services under Wisconsin works or imposing direct charges upon a
14 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.

15 **SECTION 80.** 49.143 (3g) (a) 1. of the statutes is amended to read:

16 49.143 (3g) (a) 1. The placement of participants in Wisconsin works employment
17 positions into unsubsidized employment, as defined in s. ~~49.147(1)(e)~~ 49.141(1)(o).

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

19 49.145 (2) (j) ~~On the last day of the month, the~~ The individual is not participating in a
20 strike.

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

1 **SECTION 82.** 49.145 (2) (s) of the statutes is amended to read:

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

19 **SECTION 83.** 49.1452 of the statutes is renumbered 49.813.

20 **SECTION 84.** 49.1455 of the statutes is repealed.

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

1 **SECTION 85.** 49.147 (1) of the statutes is renumbered 49.141 (1) (o) and amended to
2 read:

3 49.141 (1) (o) **DEFINITIONS.** ~~In this section:~~

4 (o) “Unsubsidized employment” means employment for which the Wisconsin works
5 agency provides no wage subsidy to the employer including self-employment and
6 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.

7 **SECTION 86.** 49.147 (3m) of the statutes is repealed.

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

8 **SECTION 87.** 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.

9 **SECTION 88.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

10 49.147 (**5m**) (a) (intro.) To the extent permitted under 42 USC 607, and except as
11 provided in par. (bL), a participant under sub. (4) or (5) may participate in a technical college
12 an education program provided by a technical college established under ch. 38 as part of a
13 community service job placement or transitional placement if all of the following
14 requirements are met:

NOTE: Clarifies reference to technical college education.

15 **SECTION 89.** 49.147 (6) (cm) 1. of the statutes is amended to read:

16 49.147 (**6**) (cm) 1. The department may, in the manner provided in s. 49.85, collect job
17 access loan repayments that are delinquent under the terms of a repayment agreement. The

1 department shall credit all delinquent repayments collected by the department of revenue as
2 a of under s. 71.93 to the appropriation account under s. 20.437 (2) (jL). Use of the process
3 under s. 49.85 49.023 does not preclude the department from collecting delinquent
4 repayments through other legal means.

5 **SECTION 90.** 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.

6 **SECTION 91.** 49.148 (4) of the statutes is renumbered 49.145 (3m) and, as renumbered,
7 49.145 (3m) (title) is amended to read:

8 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.

9 **SECTION 92.** 49.149 of the statutes is renumbered 49.143 (2z) and amended to read:

10 49.143 (2z) ~~Wisconsin works; education~~ Education and training. A Wisconsin
11 works agency shall do all of the following:

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

15 ~~(3) Encourage~~ Encourage employers to make training sites available on the business
16 site for participants.

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

17 **SECTION 93.** 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and, as
18 renumbered, is amended to read:

19 49.151 (2) INTENTIONAL PROGRAM VIOLATIONS. (a) ~~If a court finds or it is determined~~
20 ~~after an administrative hearing that an individual who is a member of a Wisconsin works group~~

1 applying for or receiving benefits under ss. 49.138 or 49.141 to 49.161, for the purpose of
2 establishing or maintaining eligibility for those benefits or for the purpose of increasing the
3 value of those benefits, has intentionally violated, ~~on 3 separate occasions,~~ any provision in
4 ss. 49.138 or 49.141 to 49.161 or any rule promulgated under those sections, the Wisconsin
5 works agency or the department may permanently deny benefits under ss. 49.138 or 49.141
6 to 49.161 to the individual. as follows:

7 **SECTION 94.** 49.151 (2) (a) 1., 2., 3. and (b) of the statutes are created to read:

8 49.151 (2) (a) 1. For the first intentional program violation, for 6 months.

9 2. For a second intentional program violation, for one year.

10 3. For a third intentional program violation, permanently.

11 (b) An individual who is aggrieved by a determination under par. (a) may request a
12 review of the determination under s. 49.152 or, if the determination is based upon a violation
13 of s. 49.155, may request a contested case hearing under ch. 227 by filing with the department
14 a request for a hearing within 30 days after the date of the determination.

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

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

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

15 **SECTION 95.** 49.152 (title) of the statutes is amended to read:

16 **49.152 (title) Review of Wisconsin works agency decisions.**

17 **SECTION 96.** 49.1525 of the statutes is created to read:

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

9 (2) REVIEW. (a) Upon a timely petition under sub. (1), the department shall give the
10 applicant, participant, or child care provider reasonable notice and opportunity for a review.
11 The department shall render its decision as soon as possible after the review and shall send by
12 1st class mail a certified copy of its decision to the last-known address of the applicant or
13 participant. The department shall deny a petition for a review or shall refuse to grant relief
14 if the petitioner does any of the following:

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

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

21 (3) REMEDIES. If, following review under sub. (2), the department determines that a
22 participant's child care subsidy benefit was improperly modified, canceled, or refused, or was
23 calculated incorrectly, the department shall restore the benefit to the level determined to be

1 appropriate by the department retroactive to the date on which the benefit was first improperly
2 modified or canceled or incorrectly calculated.

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

3 **SECTION 97.** 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.

4 **SECTION 98.** 49.155 of the statutes is renumbered 49.199.

5 **SECTION 99.** 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.

6 **SECTION 100.** 49.155 (1) (ah), (1g) (bc), (d), (e), (1m) (a) 1., 1m. (intro.), (3g) (a) (intro.)

7 and (b) of the statutes are amended to read:

8 49.155 (1) (ah) “County department or agency” means a county department under s.
9 46.215, 46.22, or 46.23, the unit, as defined in s. 49.825 49.009 (1) (e), or a Wisconsin Works
10 agency, child care resource and referral agency, or other agency.

11 (1g) (bc) Grants under s. 49.134 49.204 (2) for child care resource and referral services,
12 in the amount of at least \$1,298,600 per fiscal year.

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

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

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

16 1m. (intro.) Obtain a high school diploma or participate in a course of study meeting
17 the standards established by the state superintendent of public instruction for the granting of
18 a declaration of equivalency of high school graduation, if the individual is not subject to the

1 school attendance requirement under s. ~~49.26~~ 49.198 (1) (ge) and at least one of the following
2 conditions is met:

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

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

7 **SECTION 101.** 49.155 (6m) (a) and (b) of the statutes are amended to read:

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

11 (6m) (b) Retain on the premises of the child care provider the written daily attendance
12 records under par. (a) for each child for at least 3 years after the child's last day of attendance,
13 regardless of whether the child care provider is still receiving or eligible to receive payments
14 under this section.

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

15 **SECTION 102.** 49.155 (7) (b) 4. of the statutes is renumbered 49.155 (7) (c) and amended
16 to read:

17 49.155 (7) (c) The department or the county department under s. 46.125, 46.22, or 46.23
18 may refuse to pay a child care provider for child care provided under this section if the
19 department or county department reasonably suspects that the person has violated any
20 provision under the program under this section or any rule promulgated under this section.
21 Within 30 working days of the initial refusal of payment under this paragraph, the department

1 shall either initiate an action to withhold payments under subsection (7m) or resume payments
2 to the child care provider.

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

3 **SECTION 103.** 49.161 (1) of the statutes is amended to read:

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

10 **SECTION 104.** 49.161 (2m) of the statutes is created to read:

11 49.161 (2m) EMERGENCY ASSISTANCE. (a) The department shall recover an overpayment
12 of benefits paid under s. 49.138 (1m) from an individual who receives benefits under s. 49.138
13 (1m). The value of the benefit for recovery under this paragraph may not exceed the amount
14 that the department paid in emergency assistance with respect to that particular recipient while
15 the recipient was ineligible to receive emergency assistance.

16 (b) The department shall recover assistance paid under s. 49.138 (1m) to a person in the
17 form of a voucher or other payment method for the purpose of providing housing or a service
18 to a recipient of assistance under s. 49.138 (1m) in the amount of assistance paid by the voucher
19 or other payment method that the person does not use as required by the department.

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

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

1 **SECTION 105.** 49.1635 of the statutes is renumbered 49.215.

2 **SECTION 106.** 49.165 of the statutes is renumbered 49.217.

3 **SECTION 107.** 49.167 of the statutes is renumbered 49.219.

4 **SECTION 108.** 49.169 of the statutes is renumbered 49.221.

5 **SECTION 109.** 49.175 (1) (intro.) of the statutes is amended to read:

6 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within the
7 limits of the appropriations under s. 20.437 (2) (a), (cm), (cr), (dz), (f), (k), (kx), (L), (mc),
8 (md), (me), (mf), and (s), the department shall allocate the following amounts for the
9 following purposes:

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

10 **SECTION 110.** 49.175 (1) (m), (p), (q) and (qm) of the statutes are amended to read:

11 49.175 (1) (m) *Children first.* For services under the work experience program for
12 noncustodial parents under s. ~~49.36~~ 49.165, \$1,140,000 in each fiscal year.

13 (p) *Direct child care services.* For direct child care services under s. ~~49.155~~ 49.199,
14 \$384,987,600 in fiscal year 2009–10 and \$402,496,800 in fiscal year 2010–11.

15 (q) *Child care state administration and child care licensing activities.* For
16 administration of child care programs under s. ~~49.155~~ 49.199 and the allocation under s.
17 ~~49.155~~ 49.199 (1g) (c) for child care licensing activities, \$8,534,700 in fiscal year 2009–10
18 and \$8,889,700 in fiscal year 2010–11.

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

4 **SECTION 111.** 49.19 (4) (h) 1. b. of the statutes is amended to read:

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

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

18 **SECTION 112.** 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.

19 **SECTION 113.** 49.195 (title) of the statutes is amended to read:

20 **49.195 (title) ~~Recovery of~~ Action to recoup aid to families with dependent children**
21 **and Wisconsin works benefits.**

NOTE: Modifies title to distinguish from recovery of overpayments.

1 **SECTION 114.** 49.195 (1) and (3) of the statutes are amended to read:

2 **49.195 (1)** If any parent at the time of receiving aid under s. 49.19 or a benefit under
3 s. 49.148, 49.155 49.199, or 49.157 or at any time thereafter acquires property by gift,
4 inheritance, sale of assets, court judgment or settlement of any damage claim, or by winning
5 a lottery or prize, the county granting such aid, or the Wisconsin works agency granting such
6 a benefit, may sue the parent on behalf of the department to recover the value of that portion
7 of the aid or of the benefit which does not exceed the amount of the property so acquired. The
8 value of the aid or benefit liable for recovery under this section may not include the value of
9 work performed by a member of the family in a community work experience program under
10 s. 46.215 (1) (o), 1991 stats., s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats.,
11 or in a community work experience component under s. 49.193 (6), 1997 stats. During the
12 life of the parent, the 10-year statute of limitations may be pleaded in defense against any suit
13 for recovery under this section; and if such property is his or her homestead it shall be exempt
14 from execution on the judgment of recovery until his or her death or sale of the property,
15 whichever occurs first. Notwithstanding the foregoing restrictions and limitations, where the
16 aid or benefit recipient is deceased a claim may be filed against any property in his or her estate
17 and the statute of limitations specified in s. 859.02 shall be exclusively applicable. The court
18 may refuse to render judgment or allow the claim in any case where a parent, spouse or child
19 is dependent on the property for support, and the court in rendering judgment shall take into
20 account the current family budget requirement as fixed by the U.S. department of labor for the
21 community or as fixed by the authorities of the community in charge of public assistance. The
22 records of aid or benefits paid kept by the county, by the department or by the Wisconsin works
23 agency are prima facie evidence of the value of the aid or benefits furnished. Liability under
24 this section shall extend to any parent or stepparent whose family receives aid under s. 49.19

1 or benefits under s. 49.148, 49.155 or 49.157 during the period that he or she is a member of
2 the same household, but his or her liability is limited to such period. This section does not
3 apply to medical and health assistance payments for which recovery is prohibited or restricted
4 by federal law or regulation.

5 (3) A county, tribal governing body, Wisconsin works agency or the department shall
6 determine whether an overpayment has been made under s. 49.19, 49.148, 49.155, 49.199, or
7 49.157 and, if so, the amount of the overpayment. The county, tribal governing body,
8 Wisconsin works agency or department shall provide notice of the overpayment to the liable
9 person. The department shall give that person an opportunity for a review following the
10 procedure specified under s. 49.152 or 49.1525, if the person received the overpayment under
11 s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96, the department
12 shall promptly recover all overpayments made under s. 49.19, 49.148, 49.155, 49.199, or
13 49.157 that have not already been received under s. 49.161 ~~or 49.19 (17)~~ and shall promulgate
14 rules establishing policies and procedures to administer this subsection. The rules shall
15 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.

16 **SECTION 115.** 49.195 (3) of the statutes is renumbered 49.195 (3) (a).

17 **SECTION 116.** 49.195 (3) and (3m) (f) of the statutes are amended to read:

18 49.195 (3) A county, tribal governing body, Wisconsin works agency or the department
19 shall determine whether an overpayment has been made under s. 49.19, 49.148, 49.155 or
20 49.157 and, if so, the amount of the overpayment. The county, tribal governing body,
21 Wisconsin works agency or department shall provide notice of the overpayment to the liable
22 person. The department shall give that person an opportunity for a review following the

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

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

13 **SECTION 117.** 49.195 (3) (b) of the statutes is created to read:

14 49.195 **(3)** (b) The department shall waive recovery of an overpayment under this
15 subsection paid to a child care provider under s. 49.155 if the overpayment is a result of the
16 child care provider's reasonable reliance on incorrect information given by the county
17 department or an agency with which the department contracts under s. 49.155 (1m) regarding
18 the child care provider's eligibility for payment or an individual's eligibility to receive a child
19 care subsidy under s. 49.155.

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

20 **SECTION 118.** 49.195 (3n) (q) 2. of the statutes is amended to read:

21 49.195 **(3n)** (q) 2. The first \$1,000 of an account in a depository institution is exempt
22 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.

SECTION 119. 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.

SECTION 120. 49.197 (2) (b), (cm) and (5) of the statutes are amended to read:

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

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

(5) CONTRACTS FOR MEDICAL ASSISTANCE, FOOD STAMPS, SUPPLEMENTAL SECURITY INCOME, AND CARETAKER SUPPLEMENT. Notwithstanding s. ~~49.845~~ 49.019 (1) and (2), the department of health services may contract with the department to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, and health care benefits under the Badger Care health care program under s. 49.665 and to conduct activities to reduce payment errors in the Medical

1 Assistance program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
2 supplemental security income payments program under s. 49.77, the program providing
3 payments for the support of children of supplemental security income recipients under s.
4 49.775, and the Badger Care health care program under s. 49.665, as provided in this section.

5 **SECTION 121.** 49.22 of the statutes is renumbered 49.811 and 49.811 (2m) (a) and (6),
6 as renumbered, are amended to read:

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

19 (6) The department shall establish, pursuant to federal and state laws, rules and
20 regulations, a uniform system of fees for services provided under this section to individuals
21 not receiving aid under s. 48.645, 49.19, 49.47, or 49.471; benefits under s. 49.148, ~~49.155~~
22 49.199, or 49.79; foster care maintenance payments under 42 USC 670 to 679a; or kinship care
23 payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n). The
24 system of fees may take into account an individual's ability to pay. Any fee paid and collected

1 under this subsection may be retained by the county providing the service except for the fee
2 specified in 42 USC 653 (e) (2) for federal parent locator services.

3 **SECTION 122.** 49.225 of the statutes is renumbered 49.817.

4 **SECTION 123.** 49.227 of the statutes is renumbered 49.819.

5 **SECTION 124.** 49.24 of the statutes is renumbered 49.821, and 49.821 (2) (a) and (c) and
6 (3), as renumbered, are amended to read:

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

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

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

19 **SECTION 125.** 49.24 (2) (c) of the statutes is amended to read:

20 49.24 (2) (c) The department may retain 70% of the amount of federal child support
21 incentive payments awarded to the state for each federal fiscal year that exceeds \$12,340,000,
22 to be used to pay the costs of the department's activities under ss. 49.22 and ~~49.227~~ 49.819
23 and costs related to receiving and disbursing support and support-related payments.

24 **SECTION 126.** 49.25 of the statutes is renumbered 49.823.

1 **SECTION 127.** 49.26 of the statutes is renumbered 49.198 , and as renumbered, 49.198
2 (1) (c), (d), (e), (ge), and (hr) and (2) (b) are amended to read:

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

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

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

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

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

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

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

SECTION 128. 49.26 (1) (h) 2. and (2) (a) of the statutes are repealed.

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

SECTION 129. 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).

SECTION 130. 49.27 of the statutes is renumbered 49.064.

SECTION 131. 49.29 of the statutes is repealed.

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

SECTION 132. 49.32 of the statutes is renumbered 49.06, and 49.06 (1) (a), (6), (9) (title), (a), (b), and (c) and (10m) (a) and (b), as renumbered, are amended to read:

(1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department shall establish a uniform system of fees for services provided or purchased under this subchapter and ch. 48 by the department, or a county department under s. 46.215, ~~49.22~~ 49.811, or 46.23, except as

1 provided in s. 49.22 (6) and except when, as determined by the department, a fee is
2 administratively unfeasible or would significantly prevent accomplishing the purpose of the
3 service. A county department under s. 46.215, ~~46.22~~ 49.811, or 46.23 shall apply the fees that
4 it collects under this program to cover the cost of those services. The department shall report
5 to the joint committee on finance no later than March 1 of each year on the number of children
6 placed for adoption by the department during the previous year and the costs to the state for
7 services relating to such adoptions.

8 (6) WELFARE REFORM STUDIES. The department shall request proposals from persons in
9 this state for studies of the effectiveness of various program changes, referred to as welfare
10 reform, to the aid to families with dependent children program, including the requirement that
11 certain recipients of aid to families with dependent children with children under age 6
12 participate in training programs, the learnfare school attendance requirement under s. 49.26
13 49.198 (1) (g) and the modification of the earned income disregard under s. 49.19 (5) (am).
14 The studies shall evaluate the effectiveness of the various efforts, including their
15 cost-effectiveness, in helping individuals gain independence through the securing of jobs and
16 providing financial incentives and in identifying barriers to independence.

17 (9) MONTHLY REPORTS OF RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN
18 WISCONSIN WORKS PARTICIPANTS. (a) ~~Each county department under s. 46.215, 46.22, or 46.23~~
19 ~~administering aid to families with dependent children shall maintain a monthly report at its~~
20 ~~office showing the names of all persons receiving aid to families with dependent children~~
21 ~~together with the amount paid during the preceding month.~~ Each Wisconsin Works agency
22 administering Wisconsin Works under ss. 49.141 to 49.161 shall maintain a monthly report
23 at its office showing the names of all persons receiving benefits under s. 49.148 together with
24 the amount paid during the preceding month. Nothing in this paragraph shall be construed to

1 authorize or require the disclosure in the report of any information (names, amounts of aid or
2 otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes
3 or treatment foster homes under s. 48.645 or 49.19 (10).

4 (b) The report under par. (a) shall be open to public inspection at all times during regular
5 office hours and may be destroyed after the next succeeding report becomes available. Any
6 person except any public officer, seeking permission to inspect such report shall be required
7 to prove his or her identity and to sign a statement setting forth his or her address and the
8 reasons for making the request and indicating that he or she understands the provisions of par.

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

1 person refuses to provide his or her name, address, employer and telephone number, the
2 request to inspect this information may be denied.

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

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

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

9 (b) No person may use an address obtained under this subsection for a purpose that is
10 not connected with the legal action or proceeding to which the person requesting the address
11 is a party. No person may use an address obtained under this subsection for political or
12 commercial purposes. No person may request an address under par. (a) using a fictitious name.
13 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.

14 **SECTION 133.** 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.

15 **SECTION 134.** 49.345 (14) (b) of the statutes is amended to read:

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

(9) and by applying the percentage standard in the manner established by the department under par. (g).

SECTION 135. 49.35 of the statutes is renumbered 49.062.

SECTION 136. 49.35 (1) (bm) of the statutes is repealed.

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

SECTION 137. 49.36 of the statutes is renumbered 49.165.

SECTION 138. 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.

SECTION 139. 49.385 of the statutes is amended to read:

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

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

SECTION 140. 49.43 (intro.) of the statutes is amended to read:

1 **49.43 Definitions.** (intro.) As used in ss. 49.43 to 49.497 49.499 unless the context
2 indicates otherwise:

3 **SECTION 141.** 49.45 (2) (a) 3. and (b) 7. (intro.) and a., (3) (a) and (6y) (a) and (am) of
4 the statutes are amended to read:

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

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

22 a. Services under medical assistance for which providers have demonstrated significant
23 potential to violate s. 49.49 (1) (a), (2) (a) ~~or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a)~~ or

1 946.91 (3) (b), (4), (5), or (6), to require recovery under par. (a) 10., or to need additional
2 sanctions under par. (a) 13.

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

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

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

23 **SECTION 142.** 49.46 (1) of the statutes is renumbered 49.46 (1g).

24 **SECTION 143.** 49.46 (1c) of the statutes is created to read:

1 49.46 (1c) DEFINITION. In this section, “essential person” means any person defined as
2 an essential person under federal Title XVI.

3 **SECTION 144.** 49.4715 (title) of the statutes is created to read:

4 **49.4715 Reimbursement if retroactive eligibility.**

5 **SECTION 145.** 49.475 (6) of the statutes is amended to read:

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

14 **SECTION 146.** 49.49 (1) of the statutes is renumbered 946.91 (2) and amended to read:

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

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

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

1 3. ~~(c)~~ Having knowledge of the occurrence of any event affecting the initial or
2 continued ~~right~~ eligibility to any such medical assistance benefit or payment or the initial or
3 continued ~~right~~ eligibility to any such benefit or payment of any other individual in whose
4 behalf he or she has applied for or is receiving such benefit or payment, ~~conceal~~ conceals or
5 ~~fail~~ fails to disclose such event with an intent to fraudulently ~~to~~ secure such benefit or payment
6 either in a greater amount or quantity than is due or when no such benefit or payment is
7 authorized.

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

12 **SECTION 147.** 49.49 (1) (c) of the statutes is amended to read:

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

23 **SECTION 148.** 49.49 (2) (a) of the statutes is renumbered 946.91 (3) (a) and amended
24 to read:

1 946.91 (3) (a) ~~Solicitation or receipt of remuneration.~~ Any person who solicits or
2 receives any remuneration, including any kickback, bribe, or rebate, directly or indirectly,
3 overtly or covertly, ~~in cash or in kind, money, goods, services, or any other thing of value~~ in
4 return for referring an individual to a person for the furnishing or arranging for the furnishing
5 of any item or service for which payment may be made in whole or in part under a medical
6 assistance program, or in return for purchasing, leasing, ordering, or arranging for or
7 recommending purchasing, leasing, or ordering any good, facility, service, or item for which
8 payment may be made in whole or in part under a medical assistance program, is guilty of a
9 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
10 the person may be fined not more than \$25,000.

11 **SECTION 149.** 49.49 (2) (b) of the statutes is renumbered 946.91 (3) (b) and amended
12 to read:

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

23 **SECTION 150.** 49.49 (3) of the statutes is renumbered 946.91 (4) and amended to read:

1 946.91 (4) ~~FRAUDULENT CERTIFICATION OF FACILITIES.~~ No A person may who knowingly
2 and willfully ~~make~~ makes or ~~cause~~ causes to be made, or ~~induce~~ induces or seek seeks to
3 induce the making of, any false statement or representation of a material fact with respect to
4 the conditions or operation of any institution or facility in order that such institution or facility
5 may qualify either upon initial certification or upon recertification as a hospital, skilled
6 nursing facility, intermediate care facility, or home health agency. ~~A person who violates this~~
7 ~~subsection~~ is guilty of a Class H felony, except that, notwithstanding the maximum fine
8 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

9 **SECTION 151.** 49.49 (3m) (a) (intro.) and 1. of the statutes are renumbered 946.91 (5)
10 (intro.) and (a) and amended to read:

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

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

20 **SECTION 152.** 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.

21 **SECTION 153.** 49.49 (3m) (a) 3. of the statutes is renumbered 946.91 (5) (c).

22 **SECTION 154.** 49.49 (3m) (b) of the statutes is repealed.

1 **SECTION 155.** 49.49 (4) of the statutes is renumbered 946.91 (6) and amended to read:

2 946.91 (6) ~~PROHIBITED FACILITY CHARGES.~~ (a) ~~No~~ A person who, in connection with the
3 medical assistance program when the cost of the services provided to the patient is paid for
4 in whole or in part by the state, ~~may knowingly and willfully charge, solicit, accept or receive~~
5 intentionally charges, solicits, accepts, or receives, in addition to any amount otherwise
6 required to be paid under a medical assistance program, any gift, money, donation or other
7 consideration, other than a charitable, religious or philanthropic contribution from an
8 organization or from a person unrelated to the patient, as a precondition of admitting a patient
9 to a hospital, skilled nursing facility or intermediate care facility, or as a requirement for the
10 patient's continued stay in such a facility:

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

NOTE: SECTIONS 148, 150 to 153, 155 and 157 move criminal penalties
 relating to medical assistance to s. 946.91. Also, see SECTION 315.

14 **SECTION 156.** 49.493 (1) (b) of the statutes is amended to read:

15 49.493 (1) (b) "Medical benefits or assistance" means medical benefits under s. ~~49.02~~
16 49.803 or 253.05 or medical assistance.

17 **SECTION 157.** 49.496 (4) (a) of the statutes is amended to read:

18 49.496 (4) (a) The department may require a county department under s. 46.215, 46.22,
19 or 46.23 or the governing body of a federally recognized American Indian tribe administering
20 medical assistance to gather and provide the department with information needed to recover
21 medical assistance under this section. Except as provided in par. (b), the department shall pay
22 to a county department or tribal governing body an amount equal to 5% of the recovery

1 collected by the department relating to a beneficiary for whom the county department or tribal
2 governing body made the last determination of medical assistance eligibility. A county
3 department or tribal governing body may use funds received under this paragraph only to pay
4 costs incurred under this paragraph and, if any amount remains, to pay for improvements to
5 functions required under s. ~~49.78~~ 49.003 (2). The department may withhold payments under
6 this paragraph for failure to comply with the department's requirements under this paragraph.
7 The department shall treat payments made under this paragraph as costs of administration of
8 the Medical Assistance program.

9 **SECTION 158.** 49.498 (1) (j) of the statutes is amended to read:

10 49.498 (1) (j) "Physician" Notwithstanding the definition in s. 49.43 (9), "physician"
11 has the meaning given under s. 448.01 (5).

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

12 **SECTION 159.** 49.685 (7) (a) 2. and 5. of the statutes are amended to read:

13 49.685 (7) (a) 2. In determining income, only the income of the patient and persons
14 responsible for the patient's support under s. ~~49.90~~ 49.039 may be considered.

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

17 **SECTION 160.** 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).

18 **SECTION 161.** 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).

19 **SECTION 162.** 49.688 (3) (d) of the statutes is amended to read:

1 49.688 (3) (d) Notwithstanding s. 49.002 49.80, if a person who is eligible under this
2 section has other available coverage for payment of a prescription drug, this section applies
3 only to costs for prescription drugs for the person that are not covered under the person's other
4 available coverage.

5 **SECTION 163.** 49.688 (9) (a) of the statutes is amended to read:

6 49.688 (9) (a) The department shall promulgate rules relating to prohibitions on fraud
7 that are substantially similar to applicable provisions under s. 49.49 (1) (a) 946.91 (2).

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

8 **SECTION 164.** 49.77 (1) of the statutes is amended to read:

9 49.77 (1) ~~DEFINITION~~ DEFINITIONS. In this section:

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

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

14 **SECTION 165.** 49.78 of the statutes is renumbered 49.003.

15 **SECTION 166.** 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.

16 **SECTION 167.** 49.78 (8) (a) of the statutes is amended to read:

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

workload within the limits of available state and federal funds under s. 20.435 (4) (bn) and (nn) by contract under sub. (2). The amount of reimbursement calculated under this paragraph and par. (b) is in addition to any reimbursement provided to a county or tribal governing body for fraud and error reduction under s. 49.197 or 49.845 49.019.

SECTION 168. 49.785 (1) (intro.) of the statutes is amended to read:

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

SECTION 169. 49.79 (title) and (1) (c) of the statutes are amended to read:

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

~~DEFINITIONS. In this section:~~

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

SECTION 170. 49.79 (1) (intro.) of the statutes is amended to read:

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

SECTION 171. 49.79 (2), (3), (4), (5) (a), (6), (7), (8), (8m), and (9) of the statutes are amended to read:

(2) **DENIAL OF ELIGIBILITY.** An individual who fails to comply with the work requirements of the employment and training program under sub. (9) is ineligible to

1 participate in the ~~food stamp~~ supplemental nutrition assistance program as specified under
2 sub. (9) (b).

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

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

10 (c) A county or federally recognized American Indian tribe tribal governing body is
11 liable for ~~food stamp coupons mailed~~ supplemental nutrition assistance program benefits
12 incorrectly transferred to residents of the county or members of the tribe ~~and lost in the mail~~
13 ~~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.

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

20 (5) DRUG CONVICTIONS. (a) The department shall require an applicant for, or recipient
21 under, the ~~food stamp~~ supplemental nutrition assistance program to state in writing whether
22 the applicant or recipient or any member of the applicant's or recipient's household has been

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

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

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

1 **(8) BENEFITS FOR QUALIFIED ALIENS.** The department shall provide benefits under this
2 section to a qualified alien who is ineligible for benefits under this section solely because of
3 the application of 9 8 USC 1612 or 1613 according to a plan approved by the federal
4 department of agriculture. This subsection does not apply to the extent that federal ~~food stamp~~
5 supplemental nutrition assistance program benefits for qualified aliens are restored by the
6 federal government.

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

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

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

16 **(9) EMPLOYMENT AND TRAINING PROGRAM.** (a) 1. The department shall administer an
17 employment and training program for recipients under the ~~food stamp~~ supplemental nutrition
18 assistance program and may contract under s. 49.78 49.003 with county departments under
19 ss. 46.215, 46.22, and 46.23, and with tribal governing bodies to carry out the administrative
20 functions. The department may contract, or a county department or tribal governing body may
21 subcontract, with a Wisconsin Works agency or another provider to administer the
22 employment and training program under this subsection. Except as provided in subds. 2. and

1 3., the department may require able individuals who are 18 to 60 years of age who are not
2 participants in a Wisconsin Works employment position to participate in the employment and
3 training program under this subsection.

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

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

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

14 **SECTION 172.** 49.79 (9) (a) 3. of the statutes is amended to read:

15 49.79 (9) (a) 3. The department may not require an individual who is a recipient under
16 the food stamp program to participate in any employment and training program under this
17 subsection if that individual is enrolled at least half time in a school, as defined in s. 49.26
18 49.198 (1) (a) 2., a training program, or an institution of higher education.

19 **SECTION 173.** 49.793 (1) of the statutes is amended to read:

20 **49.793 Recovery of food stamps overpayments.** (1) The department or a county or
21 an elected governing body of a federally recognized American Indian tribe or band acting on
22 behalf of the department, may recover overpayments that arise from an overissuance of food
23 coupons supplemental nutrition assistance program benefits under the food stamp

1 supplemental nutrition assistance program administered under s. 46.215 (1) (k) or 46.22 (1)
2 (b) 2. d. Recovery shall be made in accordance with 7 USC 2022.

3 **SECTION 174.** 49.795 (1) (title) of the statutes is amended to read:

4 **49.795 (1) (title) Food stamp Supplemental nutrition assistance program offenses.**

5 ~~(1)~~ In this section:

6 **SECTION 175.** 49.795 (1) (a), (b), (d) and (e) of the statutes are renumbered 49.79 (1)
7 (d), (e), (fg) and (fm) and amended to read:

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

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

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

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

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

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

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

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

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

3 **SECTION 176.** 49.795 (1) (c) of the statutes is repealed.

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

4 **SECTION 177.** 49.795 (2), (2m), (3), (4), (5), and (6) of the statutes are renumbered
5 946.92 (2) (a), (b), (c), (d), (e), and (f) and amended to read:

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

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

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

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

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

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

8 **SECTION 178.** 49.795 (7) of the statutes is repealed.

9 **SECTION 179.** 49.795 (8) (a) (intro.) of the statutes is repealed.

10 **SECTION 180.** 49.795 (8) (a) 1. of the statutes is renumbered 946.92 (3) (a) 1. and
11 amended to read:

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

15 **SECTION 181.** 49.795 (8) (a) 2. of the statutes is renumbered 946.92 (3) (a) 2. and
16 amended to read:

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

20 **SECTION 182.** 49.795 (8) (b) (intro.) 1. and 2. of the statutes are renumbered 946.92 (3)
21 (b) (intro.), 1. and 2. and amended to read:

22 946.92 (3) (b) (intro.) For a 2nd or subsequent offense under this section sub. (2), the
23 penalties are as follows:

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

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

6 **SECTION 183.** 49.795 (8) (c) of the statutes is renumbered 946.92 (3) (c) and amended
7 to read:

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

11 **SECTION 184.** 49.795 (8) (d) 1. of the statutes is renumbered 946.92 (3) (d) 1. and
12 amended to read:

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

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

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

20 **SECTION 185.** 49.795 (8) (d) 1m. of the statutes is renumbered 946.92 (3) (c) 1m. and
21 amended to read:

22 1m. In addition to the penalties applicable under par. (a), ~~(b)~~ or ~~(c)~~ (b), a court shall
23 permanently suspend from the ~~food stamp~~ supplemental nutrition assistance program a person

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

3 **SECTION 186.** 49.795 (8) (d) 2. of the statutes is renumbered 49.795 (9) and amended
4 to read:

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

9 **SECTION 187.** 49.795 (8) (e) and (f) of the statutes are renumbered 946.92 (3) (d) and
10 (e) and amended to read:

11 946.92 (3) (d) 1. If a court finds that a person ~~traded~~ violated sub. (2) by trading a
12 controlled substance, as defined in s. 961.01 (4), for ~~food coupons~~ supplemental nutrition
13 assistance program benefits, the court shall suspend the person from participation in the ~~food~~
14 ~~stamp~~ supplemental nutrition assistance program as follows:

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

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

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

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

1 purpose of receiving multiple benefits simultaneously under the ~~food-stamp~~ supplemental
2 nutrition assistance program.

NOTE: SECTIONS 178, 180 to 186, and 187 move criminal penalties relating to food share to s. 946.92. Also, see SECTION 321.

3 SECTION 188. 49.797 (1) and (2) of the statutes are amended to read:

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

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

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

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

19 SECTION 189. 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.

1 **SECTION 190.** 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.

2 **SECTION 191.** 49.81 of the statutes is renumbered 49.005.

3 **SECTION 192.** 49.82 of the statutes is renumbered 49.007.

4 **SECTION 193.** 49.82 (3) (d) of the statutes is created to read:

5 49.82 (3) (d) The department of health services, in consultation with the department of
6 children and families, shall provide training to county and Wisconsin works agency
7 employees relating to fraud prevention and investigation, error reduction, and related
8 activities. The department shall promulgate rules specifying the frequency and content of the
9 training.

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

10 **SECTION 194.** 49.825 of the statutes is renumbered 49.009 and, as renumbered, 49.009

11 (1) (c), is amended to read:

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

13 **SECTION 195.** 49.825 (2) (a) 3. and (b) of the statutes are amended to read:

14 49.825 (2) (a) 3. To the extent contracted under par. (b), the child care subsidy program
15 under s. ~~49.155~~ 49.199.

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

19 **SECTION 196.** 49.826 of the statutes is renumbered 49.011.

20 **SECTION 197.** 49.826 (2) (a) (intro.) and 4. of the statutes are amended to read:

1 49.826 (2) (a) (intro.) The department may establish a child care provider services unit
2 under s. 15.02 (3) (c) 3. to perform any of the following administrative functions under the
3 program under s. ~~49.155~~ 49.199 in a county:

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

6 **SECTION 198.** 49.83 of the statutes is renumbered 49.013 and amended to read:

7 **49.013 Limitation on giving information.** Except as provided under ss. ~~49.25~~ 49.823
8 and 49.32 (9), (10), and (10m), no person may use or disclose information concerning
9 applicants and recipients of relief funded by a relief block grant, aid to families with dependent
10 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and spousal
11 support and establishment of paternity and medical support liability services under s. ~~49.22~~
12 49.811, or supplemental payments under s. 49.77 for any purpose not connected with the
13 administration of the programs, except that the department of children and families may
14 disclose such information to the department of revenue for the sole purpose of administering
15 state taxes. Any person violating this section may be fined not less than \$25 nor more than
16 \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

17 **SECTION 199.** 49.84 (1) of the statutes is renumbered 49.017 (1) and amended to read:

18 49.017 (1) Any person who applies for any ~~public assistance~~ benefit under this chapter
19 shall execute the application or self-declaration in the presence of the welfare worker or other
20 person processing the application. This subsection does not apply to any superintendent of
21 a mental health institute, director of a center for the developmentally disabled, superintendent
22 of a state treatment facility or superintendent of a state correctional facility who applies for
23 ~~public assistance~~ any benefit under this chapter on behalf of a patient.

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

SECTION 200. 49.84 (3) of the statutes is amended to read:

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

SECTION 201. 49.845 of the statutes is renumbered 49.019.

SECTION 202. 49.847 of the statutes is renumbered 49.021.

SECTION 203. 49.85 of the statutes is renumbered 49.023, and 49.023 (1) and (2) (a) (intro.) and (3) (a) 1., as renumbered, are amended to read:

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

(a) At least annually, the department of health services shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of health services, the department of health services

1 has determined that it may recover under s. 49.45 (2) (a) 10., 49.497, 49.793, or ~~49.847,~~
2 49.021, except that the department of health services may not certify an amount under this
3 subsection unless all of the following apply:

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

8 **SECTION 204.** 49.853 (4) (d) of the statutes is amended to read:

9 49.853 (4) (d) A financial institution participating in the state matching option under
10 this subsection, and the employees, agents, officers and directors of the financial institution,
11 may use any information that is provided by the department in requesting additional
12 information under par. (b) only for the purpose of administering s. ~~49.22~~ 49.811 or for the
13 purpose of providing the additional information. Any person who violates this paragraph may
14 be fined not less than \$25 nor more than \$500 or imprisoned in the county jail for not less than
15 10 days nor more than one year or both.

16 **SECTION 205.** 49.855 (6) of the statutes is amended to read:

17 49.855 (6) If the state implements the child and spousal support and establishment of
18 paternity and medical support liability program under ss. ~~49.22~~ 49.811 and 59.53 (5), the state
19 may act under this section in place of the county child support agency under s. 59.53 (5).

20 **SECTION 206.** 49.857 (4) of the statutes is amended to read:

21 49.857 (4) Each licensing agency shall enter into a memorandum of understanding with
22 the department of children and families under sub. (2) (b) and shall cooperate with the
23 department of children and families in its administration of s. ~~49.22~~ 49.811. The department
24 of regulation and licensing shall enter into a memorandum of understanding with the

1 department of children and families on behalf of a credentialing board with respect to a
2 credential granted by the credentialing board.

3 **SECTION 207.** 49.86 of the statutes is renumbered 49.035.

4 **SECTION 208.** 49.90 of the statutes is renumbered 49.039.

5 **SECTION 209.** 49.95 (12) of the statutes is created to read:

6 49.95 (12) “Municipality” as used in this section means any town, city, or village.

7 **SECTION 210.** 49.96 of the statutes is renumbered 49.043.

8 **SECTION 211.** 49.96 of the statutes is amended to read:

9 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
10 dependent children, payments made under ss. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or (c) or
11 (1m) or ~~49.149~~ 49.157 to 49.159, payments made for social services, cash benefits paid by
12 counties under s. 59.53 (21), and benefits under s. 49.77 ~~or, 49.775, or~~ federal Title XVI, are
13 exempt from every tax, and from execution, garnishment, attachment and every other process
14 and shall be 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.
Also, exempts payments made to custodial parents of supplemental
security income payments from taxation, execution, garnishment,
attachment, and other processes.

15 **SECTION 212.** 50.01 (1g) (b) of the statutes is amended to read:

16 50.01 (1g) (b) A facility or private home that provides care, treatment, and services only
17 for victims of domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a), and their children.

18 **SECTION 213.** 51.42 (3) (e) of the statutes is amended to read:

19 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78 (2) (a),
20 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),
21 and 938.78 (2) (a), any subunit of a county department of community programs or tribal

1 agency acting under this section may exchange confidential information about a client,
2 without the informed consent of the client, with any other subunit of the same county
3 department of community programs or tribal agency, with a resource center, a care
4 management organization, or a long-term care district, or with any person providing services
5 to the client under a purchase of services contract with the county department of community
6 programs or tribal agency or with a resource center, care management organization, or
7 long-term care district, if necessary to enable an employee or service provider to perform his
8 or her duties, or to enable the county department of community programs or tribal agency to
9 coordinate the delivery of services to the client. Any agency releasing information under this
10 paragraph shall document that a request was received and what information was provided.

11 **SECTION 214.** 51.437 (4r) (b) of the statutes is amended to read:

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

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

3 **SECTION 215.** 59.22 (2) (c) 2. of the statutes is amended to read:

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

8 **SECTION 216.** 59.40 (2) (p) of the statutes is amended to read:

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

13 **SECTION 217.** 59.53 (5) (a) and (6) (b) of the statutes are amended to read:

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

1 provided under this paragraph to persons not receiving benefits under s. 49.148 or ~~49.155~~
2 ~~49.199~~ or assistance under s. 48.645, 49.19, 49.46, 49.465, 49.47, 49.471, or 49.472.

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

6 **SECTION 218.** 63.03 (2) (r) of the statutes is amended to read:

7 63.03 (2) (r) All staff performing services for the Milwaukee County enrollment
8 services unit under s. ~~49.825~~ 49.009 or for the child care provider services unit under s. ~~49.826~~
9 49.011.

10 **SECTION 219.** 69.03 (14) of the statutes is amended to read:

11 69.03 (14) Provide hospitals with a pamphlet containing information for parents about
12 birth certificates including how to add the name of the father of a child whose parents were
13 not married at any time from the conception to the birth of the child to the birth certificate under
14 s. 69.15 (3) (b) or, if the father will not sign an affidavit, through a paternity action; the legal
15 significance and future medical advantages to the child of having the father's name inserted
16 on the birth certificate; and the availability of services under s. ~~49.22~~ 49.811.

17 **SECTION 220.** 69.15 (3) (b) 3. of the statutes is amended to read:

18 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives a
19 statement acknowledging paternity on a form prescribed by the state registrar and signed by
20 both parents, and by a parent or legal guardian of any parent who is under the age of 18 years,
21 along with the fee under s. 69.22, the state registrar shall insert the name of the father under
22 subd. 1. The state registrar shall mark the certificate to show that the form is on file. The form
23 shall be available to the department of children and families or a county child support agency
24 under s. 59.53 (5) pursuant to the program responsibilities under s. ~~49.22~~ 49.811 or to any other

1 person with a direct and tangible interest in the record. The state registrar shall include on the
2 form for the acknowledgment the information in s. 767.805 and the items in s. 767.813 (5g).

3 **SECTION 221.** 69.20 (3) (f) of the statutes is amended to read:

4 69.20 (3) (f) The state or a local registrar may disclose a social security number on a
5 vital record to the department of children and families or a county child support agency under
6 s. 59.53 (5) in response to a request under s. ~~49.22~~ 49.811 (2m).

7 **SECTION 222.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

8 71.07 (2dx) (a) 5. “Member of a targeted group” means a person who resides in an area
9 designated by the federal government as an economic revitalization area, a person who is
10 employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and
11 (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as
12 defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m),
13 a person who is eligible for child care assistance under s. ~~49.155~~ 49.199, a person who is a
14 vocational rehabilitation referral, an economically disadvantaged youth, an economically
15 disadvantaged veteran, a supplemental security income recipient, a general assistance
16 recipient, an economically disadvantaged ex-convict, a qualified summer youth employee,
17 as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food
18 stamp recipient, if the person has been certified in the manner under sub. (2dj) (am) 3. by a
19 designated local agency, as defined in sub. (2dj) (am) 2.

20 **SECTION 223.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

21 71.28 (1dx) (a) 5. “Member of a targeted group” means a person who resides in an area
22 designated by the federal government as an economic revitalization area, a person who is
23 employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and
24 (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as

1 defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m),
2 a person who is eligible for child care assistance under s. ~~49.155~~ 49.199, a person who is a
3 vocational rehabilitation referral, an economically disadvantaged youth, an economically
4 disadvantaged veteran, a supplemental security income recipient, a general assistance
5 recipient, an economically disadvantaged ex–convict, a qualified summer youth employee,
6 as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food
7 stamp recipient, if the person has been certified in the manner under sub. (1dj) (am) 3. by a
8 designated local agency, as defined in sub. (1dj) (am) 2.

9 **SECTION 224.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

10 71.47 (1dx) (a) 5. “Member of a targeted group” means a person who resides in an area
11 designated by the federal government as an economic revitalization area, a person who is
12 employed in an unsubsidized job but meets the eligibility requirements under s. ~~49.145~~ 49.199
13 (2) and (3) for a Wisconsin Works employment position, a person who is employed in a trial
14 job, as defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147
15 (3m), a person who is eligible for child care assistance under s. 49.155, a person who is a
16 vocational rehabilitation referral, an economically disadvantaged youth, an economically
17 disadvantaged veteran, a supplemental security income recipient, a general assistance
18 recipient, an economically disadvantaged ex–convict, a qualified summer youth employee,
19 as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food
20 stamp recipient, if the person has been certified in the manner under sub. (1dj) (am) 3. by a
21 designated local agency, as defined in sub. (1dj) (am) 2.

22 **SECTION 225.** 71.78 (4) (g) of the statutes is amended to read:

23 71.78 (4) (g) Employees of this state, to the extent that the department of revenue deems
24 the examination necessary for the employees to perform their duties under contracts or

1 agreements between the department and any other department, division, bureau, board or
2 commission of this state relating to the administration of tax laws or child and spousal support
3 enforcement under s. ~~49.22~~ 49.811.

4 **SECTION 226.** 71.93 (1) (a) 3. and 4. of the statutes are amended to read:

5 71.93 (1) (a) 3. An amount that the department of health services may recover under
6 s. 49.45 (2) (a) 10., 49.497, 49.793, or ~~49.847~~ 49.021, if the department of health services has
7 certified the amount under s. 49.85.

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

11 **SECTION 227.** 73.0301 (2) (c) 2. of the statutes is amended to read:

12 73.0301 (2) (c) 2. A licensing department may not disclose any information received
13 under subd. 1. a. or b. to any person except to the department of revenue for the purpose of
14 requesting certifications under par. (b) 2. in accordance with the memorandum of
15 understanding under sub. (4) and administering state taxes or to the department of children and
16 families for the purpose of administering s. ~~49.22~~ 49.811.

17 **SECTION 228.** 76.636 (1) (e) 4. of the statutes is amended to read:

18 76.636 (1) (e) 4. A person who is eligible for child care assistance under s. ~~49.155~~
19 49.199.

20 **SECTION 229.** 77.61 (5) (b) 11. of the statutes is amended to read:

21 77.61 (5) (b) 11. The department of children and families or a county child support
22 agency under s. 59.53 (5) in response to a request under s. ~~49.22~~ 49.811 (2m).

23 **SECTION 230.** 85.24 (4) (b) of the statutes is amended to read:

1 85.24 (4) (b) Paragraph (a) does not prohibit the disclosure of the information to the
2 extent necessary to administer the ride-sharing program nor, if requested under s. 49.22
3 49.811 (2m), does it prohibit disclosure of the name or address of a person or of his or her
4 employer to the department of children and families or a county child support agency under
5 s. 59.53 (5).

6 **SECTION 231.** 101.02 (21) (b) of the statutes is amended to read:

7 101.02 (21) (b) As provided in the memorandum of understanding under s. 49.857 and
8 except as provided in par. (e), the department of commerce may not issue or renew a license
9 unless the applicant provides the department of commerce with his or her social security
10 number. The department of commerce may not disclose the social security number except that
11 the department of commerce may disclose the social security number of an applicant for a
12 license under par. (a) or a renewal of a license under par. (a) to the department of children and
13 families for the sole purpose of administering s. 49.22 49.811.

14 **SECTION 232.** 102.17 (1) (cg) 3. of the statutes is amended to read:

15 102.17 (1) (cg) 3. The department of workforce development may not disclose any
16 information received under subd. 1. to any person except to the department of revenue for the
17 sole purpose of requesting certifications under s. 73.0301 or the department of children and
18 families for purposes of administering s. 49.22 49.811.

19 **SECTION 233.** 102.33 (2) (b) 5. of the statutes is amended to read:

20 102.33 (2) (b) 5. The requester is the department of children and families or a county
21 child support agency under s. 59.53 (5), the request is made under s. 49.22 49.811 (2m), and
22 the request is limited to the name and address of the employee who is the subject of the record,
23 the name and address of the employee's employer, and any financial information about that
24 employee contained in the record.

1 **SECTION 234.** 103.05 (1) and (4) (a) of the statutes are amended to read:

2 103.05 **(1)** The department shall establish and operate a hiring reporting system that
3 includes a state directory of new hires. All requirements under the reporting system shall be
4 consistent with federal laws and regulations that relate to the reporting of newly hired
5 employees for support collection purposes, as part of the state location service under s. ~~49.22~~
6 49.811 (2), or any other purposes specified in 42 USC 653a (h).

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

10 **SECTION 235.** 103.275 (2) (bg) 3. of the statutes is amended to read:

11 103.275 **(2)** (bg) 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 236.** 103.34 (10) (a) 4. of the statutes is amended to read:

16 103.34 **(10)** (a) 4. 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 on the request of the department
19 of children and families under s. ~~49.22~~ 49.811 (2m).

20 **SECTION 237.** 103.91 (2) (b) 3. of the statutes is amended to read:

21 103.91 **(2)** (b) 3. The department of workforce development may not disclose any
22 information received under subd. 1. 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 238.** 103.92 (1) (b) 3. of the statutes is amended to read:

2 103.92 **(1)** (b) 3. The department of workforce development may not disclose any
3 information received under subd. 1. 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 239.** 104.07 (4) (c) of the statutes is amended to read:

7 104.07 **(4)** (c) The department of workforce development may not disclose any
8 information received under par. (a) to any person except to the department of revenue for the
9 sole purpose of requesting certifications under s. 73.0301 or the department of children and
10 families for purposes of administering s. ~~49.22~~ 49.811.

11 **SECTION 240.** 105.06 (1m) (c) of the statutes is amended to read:

12 105.06 **(1m)** (c) The department of workforce development may not disclose any
13 information received under par. (a) to any person except to the department of revenue for the
14 sole purpose of requesting certifications under s. 73.0301 or the department of children and
15 families for purposes of administering s. ~~49.22~~ 49.811.

16 **SECTION 241.** 106.54 (9) of the statutes is amended to read:

17 106.54 **(9)** The division shall receive complaints under s. 49.197 (6) (d) or ~~49.845~~
18 49.019 (4) (d) and shall process the complaints in the same manner that employment
19 discrimination complaints are processed under s. 111.39.

20 **SECTION 242.** 111.322 (2m) (bm) of the statutes is amended to read:

21 111.322 **(2m)** (bm) The individual files a complaint or attempts to enforce a right under
22 s. 49.197 (6) (d) or ~~49.845~~ 49.019 (4) (d) or testifies or assists in any action or proceeding under
23 s. 49.197 (6) (d) or ~~49.845~~ 49.019 (4) (d).

24 **SECTION 243.** 111.70 (3m) and (3p) of the statutes are amended to read:

1 111.70 **(3m)** MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A collective bargaining
2 agreement that covers municipal employees performing services for the Milwaukee County
3 enrollment services unit under s. ~~49.825~~ 49.009 shall contain a provision that permits the terms
4 of the agreement to be modified with respect to hours and conditions of employment by a
5 memorandum of understanding under s. ~~49.825~~ 49.009 (3) (b) 4.

6 **(3p)** CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining agreement that covers
7 municipal employees performing services for the child care provider services unit under s.
8 ~~49.826~~ 49.011 shall contain a provision that permits the terms of the agreement to be modified
9 with respect to hours and conditions of employment by a memorandum of understanding
10 under s. ~~49.826~~ 49.011 (3) (b) 4.

11 **SECTION 244.** 118.15 (5) (b) 1. of the statutes is amended to read:

12 118.15 **(5)** (b) 1. Paragraph (a) does not apply to a person who has under his or her
13 control a child who has been sanctioned under s. ~~49.26~~ 49.198 (1) (h).

14 **SECTION 245.** 118.19 (1r) (a) and (10) (g) of the statutes are amended to read:

15 118.19 **(1r)** (a) As provided in the memorandum of understanding under s. 49.857, the
16 department of public instruction may not issue or renew a license or permit or revalidate a
17 license that has no expiration date unless the applicant provides the department of public
18 instruction with his or her social security number. The department of public instruction may
19 not disclose the social security number except to the department of children and families for
20 the sole purpose of administering s. ~~49.22~~ 49.811.

21 **(10)** (g) At the request under s. ~~49.22~~ 49.811 (2m) of the department of children and
22 families or a county child support agency under s. 59.53 (5), the state superintendent shall
23 release the name and address of the applicant or licensee, the name and address of the
24 applicant's or licensee's employer and financial information, if any, related to the applicant

1 or licensee obtained under this subsection to the department of children and families or the
2 county child support agency.

3 **SECTION 246.** 119.82 (1m) (c) of the statutes is amended to read:

4 119.82 **(1m)** (c) Has been or is being sanctioned under s. ~~49.26~~ 49.198 (1) (h).

5 **SECTION 247.** 134.43 (3m) of the statutes is amended to read:

6 134.43 **(3m)** Subsections (2) (b), (2m) and (3) do not apply to information regarding
7 the name, address or employer of or financial information related to a subscriber or member
8 of a subscriber's household that is requested under s. ~~49.22~~ 49.811 (2m) by the department of
9 children and families or a county child support agency under s. 59.53 (5).

10 **SECTION 248.** 169.34 (2) of the statutes is amended to read:

11 169.34 **(2)** DISCLOSURE OF SOCIAL SECURITY NUMBERS. The department of natural
12 resources may not disclose any social security numbers received under sub. (1) to any person
13 except to the department of children and families for the sole purpose of administering s. ~~49.22~~
14 49.811.

15 **SECTION 249.** 218.0114 (20) (c) and (21e) (a) of the statutes are amended to read:

16 218.0114 **(20)** (c) An applicant or licensee furnishing information under par. (a) may
17 designate the information as a trade secret, as defined in s. 134.90 (1) (c), or as confidential
18 business information. The licensor shall notify the applicant or licensee providing the
19 information 15 days before any information designated as a trade secret or as confidential
20 business information is disclosed to the legislature, a state agency, as defined in s. 13.62 (2),
21 a local governmental unit, as defined in s. 605.01 (1), or any other person. The applicant or
22 licensee furnishing the information may seek a court order limiting or prohibiting the
23 disclosure, in which case the court shall weigh the need for confidentiality of the information
24 against the public interest in the disclosure. A designation under this paragraph does not

1 prohibit the disclosure of a person's name or address, of the name or address of a person's
2 employer or of financial information that relates to a person when requested under s. 49.22
3 49.811 (2m) by the department of children and families or a county child support agency under
4 s. 59.53 (5).

5 (21e) (a) In addition to any other information required under this section and except as
6 provided in par. (c), an application by an individual for the issuance or renewal of a license
7 described in sub. (14) shall include the individual's social security number and an application
8 by a person who is not an individual for the issuance or renewal of a license described in sub.
9 (14) (a), (b), (c) or (e) shall include the person's federal employer identification number. The
10 licensor may not disclose any information received under this paragraph to any person except
11 the department of children and families for purposes of administering s. 49.22 49.811 or the
12 department of revenue for the sole purpose of requesting certifications under s. 73.0301.

13 **SECTION 250.** 218.12 (2) (am) 2. of the statutes is amended to read:

14 218.12 (2) (am) 2. The department of commerce may not disclose a social security
15 number obtained under par. (a) to any person except to the department of children and families
16 for the sole purpose of administering s. 49.22 49.811 or to the department of revenue for the
17 sole purpose of requesting certifications under s. 73.0301.

18 **SECTION 251.** 218.21 (2m) (b) of the statutes is amended to read:

19 218.21 (2m) (b) The department of transportation may not disclose any information
20 received under sub. (2) (ag) or (am) to any person except to the department of children and
21 families for purposes of administering s. 49.22 49.811 or the department of revenue for the
22 sole purpose of requesting certifications under s. 73.0301.

23 **SECTION 252.** 218.31 (1m) (b) of the statutes is amended to read:

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

5 **SECTION 253.** 218.41 (2) (am) 2. of the statutes is amended to read:

6 218.41 **(2)** (am) 2. The department of transportation may not disclose any information
7 received under subd. 1. a. or b. 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 254.** 218.51 (3) (am) 2. of the statutes is amended to read:

11 218.51 **(3)** (am) 2. The department of transportation may not disclose any information
12 received under subd. 1. a. or b. to any person except to the department of children and families
13 for the sole purpose of administering s. 49.22 49.811 or the department of revenue for the sole
14 purpose of requesting certifications under s. 73.0301.

15 **SECTION 255.** 230.13 (3) (a) of the statutes is amended to read:

16 230.13 **(3)** (a) The director and the administrator shall provide to the department of
17 children and families or a county child support agency under s. 59.53 (5) information
18 requested under s. 49.22 49.811 (2m) that would otherwise be closed to the public under this
19 section. Information provided under this paragraph may only include an individual's name
20 and address, an individual's employer and financial information related to an individual.

21 **SECTION 256.** 230.44 (1) (h) and (i) of the statutes are amended to read:

22 230.44 **(1)** (h) *Decisions affecting Milwaukee County employees by the department of*
23 *health services.* A decision of the department of health services relating to a Milwaukee
24 County employee under s. 49.825 49.009 (3) (b).

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

4 **SECTION 257.** 252.06 (10) (b) 4. of the statutes is amended to read:

5 252.06 **(10)** (b) 4. The expense of care provided under par. (a) to any dependent person,
6 as defined in s. ~~49.04~~ 49.801 (2).

7 **SECTION 258.** 291.15 (2) (d) of the statutes is amended to read:

8 291.15 **(2)** (d) *Use of confidential records.* Except as provided under par. (c) and this
9 paragraph the department or the department of justice may use records and other information
10 granted confidential status under this subsection only in the administration and enforcement
11 of this chapter. The department or the department of justice may release for general
12 distribution records and other information granted confidential status under this subsection if
13 the owner or operator expressly agrees to the release. The department or the department of
14 justice may release on a limited basis records and other information granted confidential status
15 under this subsection if the department or the department of justice is directed to take this
16 action by a judge or hearing examiner under an order which protects the confidentiality of the
17 records or other information. The department or the department of justice may release to the
18 U.S. environmental protection agency or its authorized representative records and other
19 information granted confidential status under this subsection if the department or the
20 department of justice includes in each release of records or other information a request to the
21 U.S. environmental protection agency or its authorized representative to protect the
22 confidentiality of the records or other information. The department or the department of
23 justice shall provide to the department of children and families or a county child support
24 agency under s. 59.53 (5) the name and address of an individual, the name and address of the

1 individual's employer and financial information related to the individual that is contained in
2 records or other information granted confidential status under this subsection if requested
3 under s. ~~49.22~~ 49.811 (2m) by the department of children and families or a county child
4 support agency under s. 59.53 (5).

5 **SECTION 259.** 301.12 (14) (b) and (g) of the statutes are amended to read:

6 301.12 **(14)** (b) Except as provided in par. (c) and subject to par. (cm), liability of a
7 parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the parent's minor
8 child who has been placed by a court order under s. 938.183, 938.355, or 938.357 in a
9 residential, nonmedical facility such as a group home, foster home, treatment foster home,
10 residential care center for children and youth, or juvenile correctional institution shall be
11 determined by the court by using the percentage standard established by the department of
12 children and families under s. ~~49.22~~ 49.811 (9) and by applying the percentage standard in the
13 manner established by the department under par. (g).

14 (g) For purposes of determining child support under par. (b), the department shall
15 promulgate rules related to the application of the standard established by the department of
16 children and families under s. ~~49.22~~ 49.811 (9) to a child support obligation for the care and
17 maintenance of a child who is placed by a court order under s. 938.183, 938.355 or 938.357
18 in a residential, nonmedical facility. The rules shall take into account the needs of any person,
19 including dependent children other than the child, whom either parent is legally obligated to
20 support.

21 **SECTION 260.** 301.45 (7) (a) of the statutes is amended to read:

22 301.45 **(7)** (a) The department shall maintain information provided under sub. (2). The
23 department shall keep the information confidential except as provided in ss. 301.03 (14) and
24 301.46, except as needed for law enforcement purposes and except to provide, in response to

1 a request for information under s. ~~49.22~~ 49.811 (2m) made by the department of children and
2 families or a county child support agency under s. 59.53 (5), the name and address of an
3 individual registered under this section, the name and address of the individual's employer and
4 financial information related to the individual.

5 **SECTION 261.** 302.372 (2) (b) of the statutes is amended to read:

6 302.372 (2) (b) Before seeking any reimbursement under this section, the county shall
7 provide a form to be used for determining the financial status of prisoners. The form shall
8 provide for obtaining the social security number of the prisoner, the age and marital status of
9 a prisoner, the number and ages of children of a prisoner, the number and ages of other
10 dependents of a prisoner, the income of a prisoner, type and value of real estate owned by a
11 prisoner, type and value of personal property owned by a prisoner, the prisoner's cash and
12 financial institution accounts, type and value of the prisoner's investments, pensions and
13 annuities and any other personalty of significant cash value owned by a prisoner. The county
14 shall use the form whenever investigating the financial status of prisoners. The information
15 on a completed form is confidential and not open to public inspection or copying under s. 19.35
16 (1), except that the county shall provide the name and address of an individual, the name and
17 address of the individual's employer and financial information related to the individual from
18 a form completed under this paragraph in response to a request for information under s. ~~49.22~~
19 49.811 (2m) made by the department of children and families or a county child support agency
20 under s. 59.53 (5).

21 **SECTION 262.** 341.51 (4g) (b) of the statutes is amended to read:

22 341.51 (4g) (b) The department of transportation may not disclose any information
23 obtained under sub. (4) (am) or (ar) to any person except to the department of children and

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

3 **SECTION 263.** 342.06 (1) (eg) of the statutes is amended to read:

4 342.06 (1) (eg) Except as provided in par. (eh), if the applicant is an individual, the
5 social security number of the applicant. The department of transportation may not disclose
6 a social security number obtained under this paragraph to any person except to the department
7 of children and families for the sole purpose of administering s. 49.22 49.811 and to the
8 department of revenue for the purposes of administering state taxes and collecting debt.

9 **SECTION 264.** 343.14 (2j) of the statutes is amended to read:

10 343.14 (2j) Except as otherwise required to administer and enforce this chapter, the
11 department of transportation may not disclose a social security number obtained from an
12 applicant for a license under sub. (2) (bm) to any person except to the department of children
13 and families for the sole purpose of administering s. 49.22 49.811, to the department of
14 revenue for the purposes of administering state taxes and collecting debt, or to the driver
15 licensing agency of another jurisdiction.

16 **SECTION 265.** 343.305 (6) (e) 3. b. of the statutes is amended to read:

17 343.305 (6) (e) 3. b. The licensor may not disclose any information received under subd.
18 2. a. or b. except to the department of children and families for purposes of administering s.
19 49.22 49.811 or the department of revenue for the sole purpose of requesting certifications
20 under s. 73.0301.

21 **SECTION 266.** 343.50 (8) (b) of the statutes is amended to read:

22 343.50 (8) (b) The department may not disclose any record or other information
23 concerning or relating to an applicant or identification card holder to any person other than
24 a court, district attorney, county corporation counsel, city, village, or town attorney, law

1 enforcement agency, driver licensing agency of another jurisdiction, a procurement
2 organization as provided in sub. (4m) (a), the applicant or identification card holder or, if the
3 applicant or identification card holder is under 18 years of age, his or her parent or guardian.
4 Except for photographs for which disclosure is authorized under s. 343.237, persons entitled
5 to receive any record or other information under this paragraph shall not disclose the record
6 or other information to other persons or agencies. This paragraph does not prohibit the
7 disclosure of a person's name or address, of the name or address of a person's employer or of
8 financial information that relates to a person when requested under s. ~~49.22~~ 49.811 (2m) by
9 the department of children and families or a county child support agency under s. 59.53 (5).

10 **SECTION 267.** 343.61 (2) (b) of the statutes is amended to read:

11 343.61 (2) (b) The department of transportation may not disclose any information
12 received under par. (a) 1. or 2. to any person except to the department of children and families
13 for purposes of administering s. ~~49.22~~ 49.811 or the department of revenue for the sole purpose
14 of requesting certifications under s. 73.0301.

15 **SECTION 268.** 343.62 (2) (b) of the statutes is amended to read:

16 343.62 (2) (b) The department of transportation may not disclose a social security
17 number obtained under par. (a) to any person except to the department of children and families
18 for the sole purpose of administering s. ~~49.22~~ 49.811 or the department of revenue for the sole
19 purpose of requesting certifications under s. 73.0301.

20 **SECTION 269.** 349.19 of the statutes is amended to read:

21 **349.19 Authority to require accident reports.** Any city, village, town or county may
22 by ordinance require the operator of a vehicle involved in an accident to file with a designated
23 municipal department or officer a report of such accident or a copy of any report required to
24 be filed with the department. All such reports are for the confidential use of such department

1 or officer and are otherwise subject to s. 346.73, except that this section does not prohibit the
2 disclosure of a person's name or address, of the name or address of a person's employer or of
3 financial information that relates to a person when requested under s. ~~49.22~~ 49.811 (2m) to
4 the department of children and families or a county child support agency under s. 59.53 (5).

5 **SECTION 270.** 440.03 (11m) (c) of the statutes is amended to read:

6 440.03 (**11m**) (c) The department of regulation and licensing may not disclose a social
7 security number obtained under par. (a) to any person except the coordinated licensure
8 information system under s. 441.50 (7); the department of children and families for purposes
9 of administering s. ~~49.22~~ 49.811; and, for a social security number obtained under par. (a) 1.,
10 the department of revenue for the purpose of requesting certifications under s. 73.0301 and
11 administering state taxes.

12 **SECTION 271.** 440.43 (5) of the statutes is amended to read:

13 440.43 (**5**) DEPARTMENT DISCLOSURE. The department shall not disclose information
14 under sub. (4) (c) 1. except to the extent necessary for investigative or law enforcement
15 purposes and except that the department may, if requested under s. ~~49.22~~ 49.811 (2m), disclose
16 information regarding the name, address or employer of or financial information related to an
17 individual to the department of children and families or a county child support agency under
18 s. 59.53 (5).

19 **SECTION 272.** 440.44 (10) of the statutes is amended to read:

20 440.44 (**10**) NONDISCLOSURE. The department may not disclose information under sub.
21 (9) (a) 1. to any person except to the extent necessary for investigative or law enforcement
22 purposes and except that the department may, if requested under s. ~~49.22~~ 49.811 (2m), disclose
23 information regarding the name, address or employer of or financial information related to an

1 individual to the department of children and families or a county child support agency under
2 s. 59.53 (5).

3 **SECTION 273.** 440.92 (6) (d) of the statutes is amended to read:

4 440.92 **(6)** (d) All records described under pars. (b) 2. and (c) and maintained by the
5 board are confidential and are not available for inspection or copying under s. 19.35 (1). This
6 paragraph does not apply to any information regarding the name, address or employer of or
7 financial information related to an individual that is requested under s. ~~49.22~~ 49.811 (2m) by
8 the department of children and families or a county child support agency under s. 59.53 (5).

9 **SECTION 274.** 461.02 (9) (bm) 3. of the statutes is amended to read:

10 461.02 **(9)** (bm) 3. The requester is the department of children and families or a county
11 child support agency under s. 59.53 (5), the request is made under s. ~~49.22~~ 49.811 (2m), and
12 the request is limited to the name, home address, and business address of the applicant,
13 registrant, or controlling person who is the subject of the request and any financial information
14 about the applicant, registrant, or controlling person contained in the record.

15 **SECTION 275.** 560.70 (4m) of the statutes is amended to read:

16 560.70 **(4m)** “Member of a targeted group” means a person who resides in an area
17 designated by the federal government as an economic revitalization area, a person who is
18 employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and
19 (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as
20 defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m),
21 a person who is eligible for child care assistance under s. ~~49.155~~ 49.199, a person who is a
22 vocational rehabilitation referral, an economically disadvantaged youth, an economically
23 disadvantaged veteran, a supplemental security income recipient, a general assistance
24 recipient, an economically disadvantaged ex-convict, a dislocated worker, as defined in 29

1 USC 2801 (9), or a food stamp recipient, if the person has been certified in the manner under
2 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26 USC 51 (d) (12).

3 **SECTION 276.** 562.05 (8m) (a) of the statutes is amended to read:

4 562.05 **(8m)** (a) If the applicant for any license is an individual, the department shall
5 disclose his or her social security number to the department of children and families for the
6 purpose of administering s. ~~49.22~~ 49.811 and to the department of revenue for the purpose of
7 requesting certifications under s. 73.0301.

8 **SECTION 277.** 563.28 (2) of the statutes is amended to read:

9 563.28 **(2)** The department shall disclose the social security number of any applicant
10 for a supplier's license to the department of children and families for the purpose of
11 administering s. ~~49.22~~ 49.811.

12 **SECTION 278.** 628.095 (4) (a) of the statutes is amended to read:

13 628.095 **(4)** (a) The commissioner shall disclose a social security number obtained
14 under sub. (1) or (3) to the department of children and families in the administration of s. ~~49.22~~
15 49.811, as provided in a memorandum of understanding entered into under s. 49.857.

16 **SECTION 279.** 632.69 (2) (c) of the statutes is amended to read:

17 632.69 **(2)** (c) The commissioner may not issue a license under this subsection unless
18 the applicant provides his or her social security number or its federal employer identification
19 number or, if the applicant does not have a social security number, a statement made or
20 subscribed under oath or affirmation that the applicant does not have a social security number.

21 An applicant who is providing a statement that he or she does not have a social security
22 number, shall provide that statement along with the application for a license on a form
23 prescribed by the department of children and families. A licensee shall provide to the
24 commissioner the licensee's social security number, statement the licensee does not have the

1 social security number, or federal employment identification number of the licensee at the
2 time that the annual license renewal fee is paid, if not previously provided. The commissioner
3 shall disclose a social security number obtained from an applicant or licensee to the
4 department of children and families in the administration of s. ~~49.22~~ 49.811, as provided in
5 a memorandum of understanding entered into under s. 49.857. The commissioner may
6 disclose the social security number or federal employment identification number of an
7 applicant or licensee to the department of revenue for the purpose of requesting certifications
8 under s. 73.0301.

9 **SECTION 280.** 633.14 (2c) (a) of the statutes is amended to read:

10 633.14 (2c) (a) The commissioner shall disclose a social security number obtained
11 under sub. (1) (d) to the department of children and families in the administration of s. ~~49.22~~
12 49.811, as provided in a memorandum of understanding entered into under s. 49.857.

13 **SECTION 281.** 751.15 (2) of the statutes is amended to read:

14 751.15 (2) The supreme court is requested to promulgate rules that require each person
15 who has a social security number, as a condition of membership in the state bar, to provide the
16 board of bar examiners with his or her social security number, that require each person who
17 does not have a social security number, as a condition of membership in the state bar, to
18 provide the board of bar examiners with a statement made or subscribed under oath or
19 affirmation on a form prescribed by the department of children and families that the person
20 does not have a social security number, and that prohibit the disclosure of that number to any
21 person except the department of children and families for the purpose of administering s. ~~49.22~~
22 49.811.

23 **SECTION 282.** 767.127 (4) of the statutes is amended to read:

1 767.127 (4) FAILURE TO TIMELY FILE. If either party fails timely to file a complete
2 disclosure statement as required by this section, the court may accept as accurate any
3 information provided in the statement of the other party or obtained under s. ~~49.22~~ 49.811 (2m)
4 by the department or the county child support agency under s. 59.53 (5).

5 **SECTION 283.** 767.205 (2) (a) 1. and 2. and (b) 1. and 2. of the statutes are amended to
6 read:

7 767.205 (2) (a) 1. An action to establish paternity whenever there is a completed
8 application for legal services filed with the child support program under s. ~~49.22~~ 49.811 or
9 whenever s. 767.80 (6m) or (6r) applies.

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

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

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

21 **SECTION 284.** 767.215 (1) (b) and (2m) (a) 2. of the statutes are amended to read:

22 767.215 (1) (b) The clerk of court shall provide without charge, to each person filing
23 a petition requesting child support, a document setting forth the percentage standard

1 established by the department under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may
2 consider under s. 767.511 (1m).

3 **(2m)** (a) 2. Shall be accompanied by a document, provided without charge by the clerk
4 of court, setting forth the percentage standard established by the department under s. ~~49.22~~
5 49.811 (9) and listing the factors that a court may consider under s. 767.511 (1m).

6 **SECTION 285.** 767.225 (1n) (b) 1. of the statutes is amended to read:

7 767.225 **(1n)** (b) 1. If the court makes a temporary child support order that deviates from
8 the amount of support that would be required by using the percentage standard established by
9 the department under s. ~~49.22~~ 49.811 (9), the court shall comply with the requirements of s.
10 767.511 (1n).

11 **SECTION 286.** 767.241 (1) (b) of the statutes is amended to read:

12 767.241 **(1)** (b) If one party receives services under s. ~~49.22~~ 49.811 or services provided
13 by the state or county as a result of an assignment of income under s. 49.19, order the other
14 party to pay any fee chargeable under s. ~~49.22~~ 49.811 (6) or the cost of services rendered by
15 the state or county under s. 49.19.

16 **SECTION 287.** 767.407 (1) (c) 1. of the statutes is amended to read:

17 767.407 **(1)** (c) 1. Aid is provided under s. 48.57 (3m) or (3n), 48.645, 49.19, or 49.45
18 on behalf of the child, or benefits are provided to the child's custodial parent under ss. 49.141
19 to 49.161, but the state and its delegate under s. ~~49.22~~ 49.811 (7) are barred by a statute of
20 limitations from commencing an action under s. 767.80 on behalf of the child.

21 **SECTION 288.** 767.407 (1) (c) 2. of the statutes is amended to read:

22 767.407 **(1)** (c) 2. An application for legal services has been filed with the child support
23 program under s. ~~49.22~~ 49.811 on behalf of the child, but the state and its delegate under s.

1 49.22 49.811 (7) are barred by a statute of limitations from commencing an action under s.
2 767.80 on behalf of the child.

3 **SECTION 289.** 767.511 (1g) and (1j) of the statutes are amended to read:

4 767.511 **(1g)** CONSIDERATION OF FINANCIAL INFORMATION. In determining child support
5 payments, the court may consider all relevant financial information or other information
6 relevant to the parent's earning capacity, including information reported under s. 49.22 49.811
7 (2m) to the department or the county child support agency under s. 59.53 (5).

8 **(1j)** PERCENTAGE STANDARD GENERALLY REQUIRED. Except as provided in sub. (1m), the
9 court shall determine child support payments by using the percentage standard established by
10 the department under s. 49.22 49.811 (9).

11 **SECTION 290.** 767.521 (intro.) of the statutes is amended to read:

12 **767.521 Action by state for child support.** (intro.) The state or its delegate under s.
13 49.22 49.811 (7) shall bring an action for support of a minor child under s. 767.001 (1) (f) or
14 for paternity determination and child support under s. 767.80 if the child's right to support is
15 assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19
16 (4) (h) 1. b., or 49.775 (2) (bm) and all of the following apply:

17 **SECTION 291.** 767.55 (2) (am) (intro.) and 1m. and (c) of the statutes are amended to
18 read:

19 767.55 **(2)** (am) (intro.) In an action for modification of a child support order under s.
20 767.59, an action in which an order for child support is required under s. 767.511 (1), 767.805
21 (4), or 767.89 (3), or a contempt of court proceeding to enforce a child support or family
22 support order in a county that contracts under s. 49.36 49.165 (2), the court may order a parent
23 who is not a custodial parent to register for a work experience and job training program under
24 s. 49.36 49.165 if all of the following conditions are met:

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

4 (c) If the court enters an order under par. (am), it shall order the parent to pay child
5 support equal to the amount determined by applying the percentage standard established under
6 s. ~~49.22~~ 49.811 (9) or equal to the amount of child support that the parent was ordered to pay
7 in the most recent determination of support under this chapter. The child support obligation
8 ordered under this paragraph continues until the parent makes timely payment in full for 3
9 consecutive months or until the person participates in the program under s. ~~49.36~~ 49.165 for
10 16 weeks, whichever occurs first. The court shall provide in its order that the parent shall make
11 child support payments calculated under s. 767.511 (1j) or (1m) after the obligation to make
12 payments ordered under this paragraph ceases.

13 **SECTION 292.** 767.553 (1) (a) and (b) of the statutes are amended to read:

14 767.553 (1) (a) An order for child or family support under this chapter may provide for
15 an annual adjustment in the amount to be paid based on a change in the payer's income if the
16 amount of child or family support is expressed in the order as a fixed sum and based on the
17 percentage standard established by the department under s. ~~49.22~~ 49.811 (9). No adjustment
18 may be made under this section unless the order provides for the adjustment.

19 (b) An adjustment under this section may not be made more than once in a year and shall
20 be determined on the basis of the percentage standard established by the department under s.
21 ~~49.22~~ 49.811 (9).

22 **SECTION 293.** 767.59 (1f) (b) 4. and (c) 1. and (2) (a) of the statutes are amended to read:

23 767.59 (1f) (b) 4. A difference between the amount of child support ordered by the court
24 to be paid by the payer and the amount that the payer would have been required to pay based

1 on the percentage standard established by the department under s. ~~49.22~~ 49.811 (9) if the court
2 did not use the percentage standard in determining the child support payments and did not
3 provide the information required under s. 46.10 (14) (d), 49.345 (14) (d), 301.12 (14) (d), or
4 767.511 (1n), whichever is appropriate.

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

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

14 **SECTION 294.** 767.80 (1) (j), (5) (b) and (7) of the statutes are amended to read:

15 767.80 (1) (j) A parent of a person listed under par. (b), (c) or (d), if the parent is liable
16 or is potentially liable for maintenance of a child of a dependent person under s. ~~49.90~~ 49.039
17 (1) (a) 2.

18 (5) (b) An action under this section may be joined with any other action for child support
19 and is governed by the procedures specified in s. 767.205 relating to child support, except that
20 the title of the action shall be "In re the paternity of A.B." The petition shall state the name
21 and date of birth of the child if born or that the mother is pregnant if the child is unborn, the
22 name of any alleged father, whether or not an action by any of the parties to determine the
23 paternity of the child or rebut the presumption of paternity to the child has at any time been
24 commenced, or is pending before any court, in this state or elsewhere. If a paternity judgment

1 has been rendered, or if a paternity action has been dismissed, the petition shall state the court
2 that rendered the judgment or dismissed the action, and the date and the place the judgment
3 was granted if known. The petition shall also give notice of a party's right to request a genetic
4 test under s. ~~49.225~~ 49.817 or 767.84.

5 (7) CLERK TO PROVIDE DOCUMENT. The clerk of court shall provide without charge to
6 each person bringing an action under this section, except to the state under sub. (1) (g) or (6m),
7 a document setting forth the percentage standard established by the department under s. 49.22
8 49.811 (9) and listing the factors that a court may consider under s. 767.511 (1m).

9 **SECTION 295.** 767.813 (6) of the statutes is amended to read:

10 767.813 (6) DOCUMENT. The summons served on the respondent shall be accompanied
11 by a document, provided without charge by the clerk of court, setting forth the percentage
12 standard established by the department under s. ~~49.22~~ 49.811 (9) and listing the factors that
13 a court may consider under s. 767.511 (1m).

14 **SECTION 296.** 767.83 (3) of the statutes is amended to read:

15 767.83 (3) APPEARANCE BY STATE'S ATTORNEY NOT AFFECTED. This section does not
16 prevent an attorney responsible for support enforcement under s. 59.53 (6) (a) or any other
17 attorney employed under s. ~~49.22~~ 49.811 or 59.53 (5) from appearing in any paternity action
18 as provided under s. 767.80 (6).

19 **SECTION 297.** 767.84 (1) (a), (1m), and (5) (b) of the statutes are amended to read:

20 767.84 (1) (a) The court may, and upon request of a party shall, require the child, mother,
21 any male for whom there is probable cause to believe that he had sexual intercourse with the
22 mother during a possible time of the child's conception, or any male witness who testifies or
23 will testify about his sexual relations with the mother at a possible time of conception to submit
24 to genetic tests. Probable cause of sexual intercourse during a possible time of conception may

1 be established by a sufficient petition or affidavit of the child's mother or an alleged father,
2 filed with the court, or after an examination under oath of a party or witness, when the court
3 determines that an examination is necessary. The court is not required to order a person who
4 has undergone a genetic test under s. ~~49.225~~ 49.817 to submit to another test under this
5 paragraph unless a party requests additional tests under sub. (2).

6 **(1m) REBUTTABLE PRESUMPTION.** If genetic tests ordered under this section or s. ~~49.225~~
7 49.817 show that the alleged father is not excluded and that the statistical probability of the
8 alleged father's parentage is 99.0% or higher, the alleged father shall be rebuttably presumed
9 to be the child's parent.

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

14 **SECTION 298.** 767.85 (2) of the statutes is amended to read:

15 767.85 (2) **CONSIDERATIONS.** Before making any temporary order under sub. (1), the
16 court shall consider those factors that the court is required to consider when granting a final
17 judgment on the same subject matter. If the court makes a temporary child support order that
18 deviates from the amount of support that would be required by using the percentage standard
19 established by the department under s. ~~49.22~~ 49.811 (9), the court shall comply with the
20 requirements of s. 767.511 (1n).

21 **SECTION 299.** 767.853 (2) of the statutes is amended to read:

22 767.853 (2) **INFORMATION ACCESS TO DEPARTMENT AND CHILD SUPPORT AGENCIES.** The
23 clerk of circuit court shall provide access to the record of any pending paternity proceeding
24 to the department or any county child support agency under s. 59.53 (5) for purposes related

1 to administering the child and spousal support and establishment of paternity and medical
2 support liability program under ss. ~~49.22~~ 49.811 and 59.53 (5), regardless of whether the
3 department or county child support agency is a party to the proceeding.

4 **SECTION 300.** 767.87 (6) (a) and (b) of the statutes are amended to read:

5 767.87 (6) (a) Whenever the state brings the action to determine paternity pursuant to
6 an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 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, the natural
8 mother of the child may not be compelled to testify about the paternity of the child if it has
9 been determined that the mother has good cause for refusing to cooperate in establishing
10 paternity as provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated
11 pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated by the
12 department which define good cause in accordance with the federal regulations, as authorized
13 by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

14 (b) Nothing in par. (a) prevents the state from bringing an action to determine paternity
15 pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) 1. or 49.45
16 (19), or receipt of benefits under s. 49.148, ~~49.155~~ 49.199, 49.157 or 49.159, where evidence
17 other than the testimony of the mother may establish the paternity of the child.

18 **SECTION 301.** 767.893 (2) (b) 2. of the statutes is amended to read:

19 767.893 (2) (b) 2. The alleged father who fails to appear has had genetic tests under s.
20 ~~49.225~~ 49.817 or 767.84 showing that the alleged father is not excluded and that the statistical
21 probability of the alleged father's parentage is 99.0 percent or higher.

22 **SECTION 302.** 802.10 (1) of the statutes is amended to read:

23 802.10 (1) APPLICATION. This section applies to all actions and special proceedings
24 except appeals taken to circuit court; actions seeking the remedy available by certiorari,

1 habeas corpus, mandamus, prohibition, and quo warranto; actions in which all defendants are
2 in default; provisional remedies; and actions under ss. ~~49.90~~ 49.039 and s. 66.0114 and chs.
3 48, 54, 102, 108, 227, 348, 767, 778, 799 and 812, and proceedings under chs. 851 to 882.

4 **SECTION 303.** 813.12 (5) (b) of the statutes is amended to read:

5 813.12 (5) (b) The clerk of circuit court shall provide the simplified forms provided
6 under s. ~~49.165~~ 49.217 (3) (c) to help a person file a petition.

7 **SECTION 304.** 814.61 (13) of the statutes is amended to read:

8 814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services,
9 whenever a person not receiving benefits under s. 49.148 or ~~49.155~~ 49.199 or aid under s.
10 49.19, 49.46, 49.465, 49.468, 49.47, or 49.471 files a petition requesting child support,
11 maintenance or family support payments, \$10 in addition to any other fee required under this
12 section. This subsection does not apply to a petition filed by the state or its delegate.

13 **SECTION 305.** 859.15 of the statutes is amended to read:

14 **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11), ~~49.08~~
15 49.808, 49.195 (1), 49.345 (11), and 301.12 (11), a claim shall not be allowed that was barred
16 by any statute of limitations at the time of the decedent's death. A claim shall not be barred
17 by statutes of limitation that was not barred at the time of the decedent's death if the claim is
18 filed against the decedent's estate in the court on or before the deadline for filing a claim under
19 s. 859.01.

20 **SECTION 306.** 885.01 (5) of the statutes is amended to read:

21 885.01 (5) By the department of children and families or a county child support agency
22 under s. 59.53 (5) in the administration of ss. 49.145, 49.19, ~~49.22~~ 49.811, 49.46, 49.47, and
23 49.471 and programs carrying out the purposes of 7 USC 2011 to 2029.

24 **SECTION 307.** 895.45 (1) (a) of the statutes is amended to read:

1 895.45 (1) (a) “Abusive conduct” means domestic abuse, as defined under s. ~~49.165~~
2 49.217 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under s. 813.125
3 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225, child
4 abuse, as defined under s. 813.122 (1) (a), or child abuse under ss. 948.02 to 948.11.

5 **SECTION 308.** 938.30 (6) (b) of the statutes is amended to read:

6 938.30 (6) (b) If it appears to the court that disposition of the case may include
7 placement of the juvenile outside the juvenile’s home, the court shall order the juvenile’s
8 parent to provide a statement of the income, assets, debts, and living expenses of the juvenile
9 and the juvenile’s parent to the court or the designated agency under s. 938.33 (1) at least 5
10 days before the scheduled date of the dispositional hearing or as otherwise ordered by the
11 court. The clerk of court shall provide, without charge, to any parent ordered to provide that
12 statement a document setting forth the percentage standard established by the department of
13 children and families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider
14 under s. 301.12 (14) (c).

15 **SECTION 309.** 938.31 (7) (b) of the statutes is amended to read:

16 938.31 (7) (b) If it appears to the court that disposition of the case may include
17 placement of the juvenile outside the juvenile’s home, the court shall order the juvenile’s
18 parent to provide a statement of the income, assets, debts, and living expenses of the juvenile
19 and the juvenile’s parent, to the court or the designated agency under s. 938.33 (1) at least 5
20 days before the scheduled date of the dispositional hearing or as otherwise ordered by the
21 court. The clerk of court shall provide, without charge, to any parent ordered to provide the
22 statement a document setting forth the percentage standard established by the department of
23 children and families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider
24 under s. 301.12 (14) (c).

1 **SECTION 310.** 938.357 (5m) (a) of the statutes is amended to read:

2 938.357 **(5m)** (a) If a proposed change in placement would change a juvenile's
3 placement from a placement in the juvenile's home to a placement outside the juvenile's home,
4 the court shall order the juvenile's parent to provide a statement of the income, assets, debts,
5 and living expenses of the juvenile and the juvenile's parent to the court or the person or
6 agency primarily responsible for implementing the dispositional order by a date specified by
7 the court. The clerk of court shall provide, without charge, to any parent ordered to provide
8 that statement a document setting forth the percentage standard established by the department
9 of children and families under s. ~~49.22~~ 49.811 (9) and listing the factors under s. 301.12 (14)
10 (c). If the juvenile is placed outside the juvenile's home, the court shall determine the liability
11 of the parent in the manner provided in s. 301.12 (14).

12 **SECTION 311.** 938.36 (1) (b) of the statutes is amended to read:

13 938.36 **(1)** (b) In determining the amount of support under par. (a), the court may
14 consider all relevant financial information or other information relevant to the parent's earning
15 capacity, including information reported under s. ~~49.22~~ 49.811 (2m) to the department of
16 children and families, or the county child support agency, under s. 59.53 (5). If the court has
17 insufficient information with which to determine the amount of support, the court shall order
18 the juvenile's parent to furnish a statement of the income, assets, debts, and living expenses
19 of the juvenile and the juvenile's parent, if the parent has not already done so, to the court
20 within 10 days after the court's order transferring custody or designating an alternative
21 placement is entered or at such other time as ordered by the court.

22 **SECTION 312.** 938.363 (1) (c) of the statutes is amended to read:

23 938.363 **(1)** (c) If the proposed revision is for a change in the amount of child support
24 to be paid by a parent, the court shall order the juvenile's parent to provide a statement of the

1 income, assets, debts, and living expenses of the juvenile and the juvenile's parent to the court
2 and the person or agency primarily responsible for implementing the dispositional order by
3 a date specified by the court. The clerk of court shall provide, without charge, to any parent
4 ordered to provide that statement a document setting forth the percentage standard established
5 by the department of children and families under s. ~~49.22~~ 49.811 (9) and listing the factors that
6 a court may consider under s. 301.12 (14) (c).

7 **SECTION 313.** 946.90 (title) and (1) of the statutes are created to read:

8 **946.90 (title) Wisconsin works fraud. (1)** In this section:

9 (a) "Provider" means a Wisconsin works agency or a person that contracts with a
10 Wisconsin works agency, as defined in s. 49.001 (a), to provide services to Wisconsin works
11 participants.

12 (b) "Wisconsin works" means the assistance program for families with dependent
13 children, administered under ss. 49.141 to 49.161.

14 **SECTION 314.** 946.90 (2) of the statutes is created to read:

15 946.90 (2) A person who does any of the following is guilty of a Class A misdemeanor:

16 (a) Intentionally makes or causes to be made any false statement or representation of
17 a material fact in any application for or receipt of any Wisconsin works benefit or payment.

18 (b) Having knowledge of the occurrence of any event affecting the initial or continued
19 eligibility for a Wisconsin works benefit or payment under Wisconsin works, conceals or fails
20 to disclose that event with an intent to fraudulently secure a Wisconsin works benefit or
21 payment either in a greater amount or quantity than is due or when no such benefit or payment
22 is authorized.

23 **SECTION 315.** 946.91 (title), (1), and (5) (b) of the statutes are created to read:

24 **946.91 Medical assistance fraud. (1)** In this section:

1 (a) "Facility" means a nursing home or a community-based residential facility that is
2 licensed under s. 50.03 and that is certified by the department of health services as a provider
3 of medical assistance.

4 (b) "Medical assistance" means aid provided under subch. IV of ch. 49, except ss.
5 49.468 and 47.471.

6 (c) "Provider" means a person, corporation, limited liability company, partnership,
7 incorporated business, or professional association, and any agent or employee thereof who
8 provides services under medical assistance.

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

17 **SECTION 316.** 946.92 (3) (a) (intro.) of the statutes is created to read:

18 946.92 (3) (a) Whoever violates sub. (2) is subject to the following penalties:

19 **SECTION 317.** 946.93 of the statutes is created to read:

20 **946.93 Public assistance fraud. (1)** In this section, "public assistance" means any aid
21 or benefit provided under ch. 49.

22 (2) Whoever intentionally makes or causes to be made any false statement or
23 representation of material fact in any application for or receipt of any benefit or payment for
24 public assistance is guilty of a Class H felony.

1 **(3)** No person may:

2 (a) Having knowledge of the occurrence or any event affecting the initial or continued
3 eligibility for a public assistance payment or benefit, conceal or fail to disclose that event with
4 an intent to fraudulently secure a public assistance benefit or payment, or payment either in
5 a greater amount or quantity than is due or when no such benefit or payment is authorized.

6 (b) Receive any income or assets or both and fail to notify the public assistance agency
7 within 10 days after receiving the income or assets or within the time period required under
8 the applicable public assistance program.

9 (c) Fail to notify the public assistance agency within 10 days or within the time period
10 required under the applicable public assistance program of any change in circumstances for
11 which notification by the recipient must be provided under current law.

12 (d) Receive a voucher under a public assistance program for goods or services and fail
13 to use the funding granted under the voucher as authorized by the public assistance agency.

14 (e) Whoever violates par. (a), (b), (c), or (d) is subject to the following penalties:

15 1. If the value of the payment or benefit does not exceed \$300, a forfeiture of not more
16 than \$1,000.

17 2. If the value of the payment or benefit is more than \$300 but does not exceed \$1,000,
18 the person may be fined not more than \$250 or imprisoned for not more than 6 months, or both.

19 3. If the value of the payment or benefit is more than \$1,000 but does not exceed \$2,000,
20 the person is guilty of a Class A misdemeanor.

21 4. If the value of the payment or benefit is more than \$2,000 but does not exceed \$5,000,
22 the person is guilty of a Class I felony.

23 5. If the value of the payment or benefit is more than \$5,000 but does not exceed
24 \$10,000, the person is guilty of a Class H felony.

1 6. If the value of the payment or benefit is more than \$10,000, the person is guilty of
2 a Class G felony.

3 **(4)** A person who obtains money, goods, services, or any other thing or value because
4 he or she sends or brings a person to a county department, tribal governing body, or a
5 Wisconsin works agency for the purpose of obtaining public assistance is guilty of a Class C
6 misdemeanor.

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

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

23 (c) (intro.) This subsection does not apply to any of the following:

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

5 2. An amount paid by an employer to an employee who has a bona fide employment
6 relationship with the employer for employment in the provision of covered items or services.

7 (6) Any person who makes any statement in a written application for public assistance
8 shall be considered to have made an admission as to the existence, correctness, or validity of
9 any fact stated. Such a statement shall be considered to be prima facie evidence against the
10 person making it in any complaint, information, or indictment, and in any action brought for
11 enforcement of any provision of this section or ch. 49.

NOTE: Creates the offense of public assistance fraud. This provision is
 intended to replace the offenses and penalties currently set forth in s.
 49.95.

12 **SECTION 318.** 948.22 (1) (a), (b) and (c) and (4) (b) of the statutes are amended to read:

13 948.22 (1) (a) “Child support” means an amount which a person is ordered to provide
14 for support of a child by a court of competent jurisdiction in this state or in another state,
15 territory or possession of the United States, or, if not ordered, an amount that a person is legally
16 obligated to provide under s. ~~49.90~~ 49.039.

17 (b) “Grandchild support” means an amount which a person is legally obligated to
18 provide under s. ~~49.90~~ 49.039 (1) (a) 2. and (11).

19 (c) “Spousal support” means an amount which a person is ordered to provide for support
20 of a spouse or former spouse by a court of competent jurisdiction in this state or in another
21 state, territory or possession of the United States, or, if not ordered, an amount that a person
22 is legally obligated to provide under s. ~~49.90~~ 49.039.

1 **(4)** (b) For a person not subject to a court order requiring child, grandchild or spousal
2 support payments, when the person knows or reasonably should have known that he or she has
3 a dependent, failure to provide support equal to at least the amount established by rule by the
4 department of children and families under s. ~~49.22~~ 49.811 (9) or causing a spouse, grandchild
5 or child to become a dependent person, or continue to be a dependent person, as defined in s.
6 ~~49.01~~ 49.801 (2).

7 **SECTION 319.** 948.45 (2) of the statutes is amended to read:

8 948.45 **(2)** Subsection (1) does not apply to a person who has under his or her control
9 a child who has been sanctioned under s. ~~49.26~~ 49.198 (1) (h).

10 **SECTION 320.** 973.055 (3) of the statutes is amended to read:

11 973.055 **(3)** All moneys collected from domestic abuse surcharges shall be deposited
12 by the secretary of administration in s. 20.437 (1) (hh) and utilized in accordance with s.
13 ~~49.165~~ 49.217.

14 **SECTION 321.** 977.06 (4) (bm) of the statutes is amended to read:

15 977.06 **(4)** (bm) In response to a request for information under s. ~~49.22~~ 49.811 (2m)
16 made by the department of children and families or a county child support agency under s.
17 59.53 (5), the state public defender shall provide the name and address of an individual, the
18 name and address of the individual's employer and financial information related to the
19 individual, if the name, address or financial information is included in any statement, affidavit
20 or other information provided by the individual regarding financial eligibility under s. 977.07
21 and if, at the time the request for information is made, the individual is represented by the state
22 public defender or by counsel assigned under s. 977.08.

23 **SECTION 322.** 978.05 (4m) of the statutes is amended to read:

978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the departments of children and families and health services regarding the fraud investigation programs under ss. 49.197 (1m) and ~~49.845~~ 49.019 (1).

SECTION 323. 978.06 (6) of the statutes is amended to read:

978.06 **(6)** No district attorney, deputy district attorney or assistant district attorney may appear in a civil action or proceeding under s. ~~49.22~~ 49.811 (7), 59.53 (5), 767.205 (2), 767.501 or 767.80 or ch. 769.

SECTION 324. Subchapter I (title) of chapter 49 [precedes 49.001 to 49.043] of the statutes is created to read:

CHAPTER 49

SUBCHAPTER 1 (TITLE)

GENERAL PROVISIONS

SECTION 325. Subchapter II (title) of chapter 49 [precedes 49.05 to 49.20] of the statutes is created to read:

CHAPTER 49

SUBCHAPTER II

CHILDREN AND FAMILIES; WISCONSIN WORKS, AID TO FAMILIES, AND

CHILD CARE SUBSIDY

SECTION 326. Subchapter III (title) of chapter 49 [precedes 49.201 to 49.385] of the statutes is created to read:

CHAPTER 49

SUBCHAPTER III

CHILDREN AND FAMILIES; OTHER SUPPORT SERVICES

1 **SECTION 327.** Subchapter IV (title) of chapter 49 [precedes 49.43 to 49.499] of the
2 statutes is created to read:

3 **CHAPTER 49**

4 SUBCHAPTER IV

5 HEALTH; MEDICAL ASSISTANCE

6 **SECTION 328.** Subchapter V (title) of chapter 49 [precedes 49.66 to 49.808] of the
7 statutes is created to read:

8 **CHAPTER 49**

9 SUBCHAPTER V

10 HEALTH; OTHER SUPPORT AND MEDICAL PROGRAMS AND RELIEF BLOCK

11 GRANTS

12 **SECTION 329.** Subchapter VI (title) of chapter 49 [precedes 49.811 to 49.858] of the
13 statutes is created to read:

14 **CHAPTER 49**

15 SUBCHAPTER VI

16 CHILDREN AND FAMILIES; CHILD SUPPORT

17 **(END)**