



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2257/1  
FFK:jld:jm

## 2011 SENATE BILL 400

January 25, 2012 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to  
Committee on Judiciary, Utilities, Commerce, and Government Operations.

1     **AN ACT to repeal** 49.01 (1m) and (8p), 49.133, 49.136 (1) (b), 49.137 (1) (ab), (am),  
2           (bd) and (e), 49.141 (7) (b), 49.141 (9) (title), 49.141 (10) (title) and (b), 49.1455,  
3           49.147 (1) (intro.), 49.147 (3m), 49.148 (4) (title), 49.155 (1) (ag) and (d), 49.19  
4           (5) (a) 1m., (16) and (17), 49.197 (2) (a) 3., 49.26 (1) (h) 2. and (2) (title) and (a),  
5           49.265 (1) (c), 49.29, 49.32 (3) to (6), 49.35 (1) (bm), 49.36 (1) (b), 49.46 (1g) (n),  
6           49.49 (1) (title) and (a) (intro.), 49.49 (1) (b), 49.49 (2) (title) and (2) (a) (title),  
7           49.49 (2) (b) (title), 49.49 (2) (c) (title), 49.49 (3) (title), 49.49 (3m) (title), 49.49  
8           (3m) (b), 49.49 (4) (title), 49.686 (1) (f), 49.688 (1) (b), 49.78 (1) (cr), 49.79 (3) (b),  
9           49.795 (1) (c), 49.795 (1) (cm), 49.795 (7), 49.795 (8) (a) (intro.), 49.797 (1), 49.797  
10          (2) (b), 49.797 (8), 49.84 (6) (a), 49.852 (1c), 49.853 (1) (b), 49.854 (1) (a), 49.856  
11          (1) (b), 49.857 (1) (cf), 49.858 (1) (a), 49.95 and 227.01 (13) (im); **to renumber**  
12          49.001 (5m), 49.01 (3m), 49.02 (1), (1e) and (2), 49.08, 49.11, 49.114, 49.134,  
13          49.136 (title), (1) (intro.), (ad), (am) and (g) to (n) and (2) to (7) of the statutes,  
14          49.137 (title), 49.137 (2) to (6), 49.1375, 49.1452, 49.148 (4) (a) to (c), 49.153,

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1 49.1635, 49.165, 49.167, 49.169, 49.225, 49.227, 49.25, 49.26 (title), 49.27, 49.32  
2 (title), 49.36 (title), 49.46 (1), 49.78 (title), 49.78 (1) (intro.) and (b), 49.78 (1) (br),  
3 (1m), (1r), (2) (b), (2m) and (2r), 49.78 (2) (title) and (a), (10) and (11), 49.78 (4)  
4 to (7), 49.78 (8) (title) and (b), 49.795 (title) and (1) (intro.), 49.81, 49.82, 49.825  
5 (2) (d), (3) (a) and (4) (intro.), 49.825 (4) (e) and (5), 49.826, 49.847 (title) and (3),  
6 49.86, 49.89 and 49.90; **to renumber and amend** 49.001 (1m), 49.001 (4),  
7 49.01 (intro.), 49.01 (1g), (2), (2g), (3) and (8L), 49.015 (title), (1) (intro.) and  
8 (am), (1m), (2), (2m) and (3) (b), 49.015 (1) (a) and (c) and (3) (title) and (a), 49.02  
9 (title) and (5) to (11), 49.029, 49.141 (7) (a), 49.141 (9) (a) to (c), 49.141 (10) (a),  
10 49.147 (1) (c), 49.1473, 49.151 (2), 49.155 (7) (b) 4., 49.195 (3), 49.22, 49.24, 49.26  
11 (1) (a) to (h) 1s., (hm) and (hr), 49.26 (2) (b), 49.275, 49.32 (1), (2) and (7) to (12),  
12 49.35 (title), (1) (a), (b), and (c) and (2), 49.36 (2) to (7), 49.49 (1) (a) 1. to 4., 49.49  
13 (1) (c), 49.49 (2) (a), 49.49 (2) (b), 49.49 (2) (c), 49.49 (3), 49.49 (3m) (a), 49.77 (1),  
14 49.78 (8) (a), 49.79 (1) (c), 49.795 (1) (a), (b), (d) and (e) (intro.), 3., 4. and 5.,  
15 49.795 (1) (e) 1. and 2., 49.795 (2) to (6), 49.795 (8) (a) 1., 49.795 (8) (a) 2., 49.795  
16 (8) (b), 49.795 (8) (c), 49.795 (8) (d) 1., 49.795 (8) (d) 1m., 49.795 (8) (d) 2., 49.795  
17 (8) (e) and (f), 49.797 (2) (a), 49.825 (title), (1), (2) (title) and (a) to (c), (3) (title),  
18 (b) and (c) and (4) (a) to (d), 49.83, 49.84 (1), (2), (3), (4), (5) and (6) (b) to (d),  
19 49.845, 49.847 (1) and (2), 49.85 and 49.96; **to consolidate, renumber and**  
20 **amend** 49.137 (1) (intro.) and (c), 49.149 (intro.), (1) and (3), 49.36 (1) (intro.)  
21 and (a), 49.49 (4) (a) and (b) and 49.858 (1) (intro.) and (b); **to amend** 5.05 (5s)  
22 (c), 6.47 (1) (ag), 7.08 (10), 13.94 (4) (a) 1., 13.94 (4) (b), 16.009 (2) (j), 16.27 (5)  
23 (c) and (e), 19.55 (2) (d), 20.435 (4) (bm), 20.435 (4) (bn), 20.435 (4) (gr), 20.435  
24 (4) (im), (kb) and (L), 20.435 (4) (nn), 20.437 (1) (b), (cd), (gg) and (hh), 20.437  
25 (1) (o), 20.437 (1) (pd), 20.437 (2) (a), (bc), (dz), (e), (ja), (jL), (k), (L), (n), (nL) and

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1 (qm), 20.437 (2) (s), 20.545 (1) (i), 29.024 (2g) (c), 29.229 (5m) (b), 40.02 (25) (b)  
2 2c., 40.22 (2) (m), 40.62 (2), 46.03 (7) (bm), (18) (a) and (20) (a), 46.036 (1), 46.10  
3 (14) (b) and (g), 46.206 (1) (a) and (2), 46.21 (2m) (c) and (5) (b), 46.215 (1)  
4 (intro.), 46.215 (1) (d), 46.215 (1) (j) and (k), (1m) and (1p), 46.215 (2) (a) 1. and  
5 2., 46.215 (2) (c) 1. and 2., 46.22 (1) (b) 1. b., 46.22 (1) (b) 2. c., 46.22 (1) (b) 2. d.,  
6 46.22 (1) (b) 2. e. and g., (d), (dm), (dp) and (e) 3. a. and b., 46.22 (2) (b), (2g) (d)  
7 and (3m) (a), 46.23 (3) (e) and (ed), 46.23 (5) (a) 1. and 2., (c) 1. and 2. and (n)  
8 1. and 2., (5m) (c) and (6) (a) (intro.), 46.27 (7) (am), 46.28 (1) (f), 46.283 (3) (k),  
9 46.283 (7) (b), 46.284 (7) (b), 46.2895 (10), 46.56 (3) (b) 15., 48.30 (6) (b), 48.31  
10 (7) (b), 48.357 (5m) (a), 48.36 (1) (b), 48.36 (2), 48.361 (2) (c), 48.362 (4) (c), 48.363  
11 (1) (c), 48.47 (7g), 48.62 (2), 48.651 (2c) (a), 48.66 (2m) (c) and (cm), 48.685 (5)  
12 (br) 5., 48.839 (1) (d) and (e), 48.98 (2) (d), 48.981 (8) (a) and (d) 1., 48.988 (11),  
13 48.989 (2), 49.001 (5p), 49.138 (4) (c), 49.141 (7) (c) (intro.), 49.141 (7) (c) 3.,  
14 49.141 (8), 49.143 (2) (b), 49.143 (2) (d), 49.143 (3g) (a) 1., 49.145 (2) (j), 49.145  
15 (2) (s), 49.147 (5m) (a) (intro.), 49.147 (6) (cm) 1., 49.148 (1) (b) 1., 49.148 (1m)  
16 (a) 1., 49.15 (3) (a), 49.152 (title), 49.152 (1), 49.155 (1) (ah), 49.155 (1g) (bc), (d)  
17 and (e), 49.155 (1m) (intro.), (a) 1., 1m. (intro.) and 3m., 49.155 (3g) (a) (intro.)  
18 and (b), 49.155 (6m) (a) and (b), 49.159 (2), 49.161 (1), 49.173 (3) (a) 2., 49.175  
19 (1) (m), 49.19 (4) (h) 1. b., 49.195 (title), 49.195 (3m) (f), 49.195 (3n) (q) 2., 49.197  
20 (1m), 49.197 (3), 49.197 (4), 49.197 (5), 49.325 (1) (a), 49.325 (2), 49.325 (2g) (a),  
21 49.325 (2r) (a) 1., 49.325 (2r) (a) 2., 49.34 (1), 49.34 (2), 49.34 (4) (e), 49.345 (2),  
22 49.345 (14) (a), (b) and (g), 49.385, subchapter IV (title) of chapter 49 [precedes  
23 49.43], 49.43 (intro.), 49.43 (2r) and (8m), 49.45 (2) (a) 3. and (b) 7. (intro.) and  
24 a., (3) (a) and (11), 49.45 (6y) (a), 49.45 (11), 49.45 (38), 49.45 (40), 49.46 (2) (a)  
25 6., (be) and (bm), 49.46 (2) (c) 2., 3., 4., 5. and 5m., 49.46 (2) (cm) 1., 49.465 (2)

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1 (intro.), 49.468 (1) (b) and (c), 49.468 (1m) (a) and (2) (a), 49.47 (4) (am) 1. and  
2 2., 49.47 (4) (j), 49.471 (3) (a) 1., 2. and 3., 49.471 (4) (a) 7., 49.473 (2) (a), 49.475  
3 (6), 49.49 (3p) (title), 49.49 (7) (d), 49.493 (1) (b), 49.496 (4) (a), subchapter V  
4 (title) of chapter 49 [precedes 49.66], 49.685 (7) (a) 2. and 5., 49.688 (9) (a),  
5 49.785 (1) (intro.), 49.79 (title), 49.79 (1) (intro.), 49.79 (1) (e), 49.79 (2), (5) (a),  
6 (6), (7), (8m) (a) and (b) and (9) (a) 2., 3. and 4. , 49.79 (3) (title), 49.79 (3) (a) and  
7 (c), (4), (8) and (9) (a) 1., 49.793 (title), 49.793 (1) and (2) (a), 49.797 (2) (title),  
8 49.853 (4) (d), 49.855 (6), 49.857 (4), 50.01 (1g) (b), 51.42 (3) (e), 51.437 (4r) (b),  
9 59.22 (2) (c) 2., 59.40 (2) (p), 59.53 (5) (a) and (6) (b), 59.54 (23), 63.03 (2) (r),  
10 69.03 (14), 69.15 (3) (b) 3., 69.20 (3) (f), 71.07 (2dx) (a) 5., 71.07 (2dx) (b) 2., 71.07  
11 (2dx) (b) 3., 71.07 (2dx) (b) 4., 71.07 (2dx) (b) 5., 71.28 (1dx) (a) 5., 71.28 (1dx)  
12 (b) 2., 71.28 (1dx) (b) 3., 71.28 (1dx) (b) 4., 71.28 (1dx) (b) 5., 71.47 (1dx) (a) 5.,  
13 71.47 (1dx) (b) 2., 71.47 (1dx) (b) 3., 71.47 (1dx) (b) 4., 71.47 (1dx) (b) 5., 71.78  
14 (4) (g), 71.93 (1) (a) 3. and 4., 73.0301 (2) (c) 2., 76.636 (1) (e) 3., 76.636 (1) (e)  
15 13., 76.636 (2) (b), 76.636 (2) (c), 76.636 (2) (d), 76.636 (2) (e), 77.61 (5) (b) 11.,  
16 85.24 (4) (b), 85.24 (4) (c), 101.02 (21) (b), 101.123 (1) (abm), 102.17 (1) (cg) 3.,  
17 102.29 (8r), 102.33 (2) (b) 5., 103.05 (1) and (4) (a), 103.275 (2) (bg) 3., 103.34 (10)  
18 (a) 4., 103.91 (2) (b) 3., 103.92 (1) (b) 3., 104.07 (4) (c), 105.06 (1m) (c), 106.54 (9),  
19 111.322 (2m) (bm), 115.347 (2), 118.15 (5) (b) 1., 118.19 (1r) (a) and (10) (g),  
20 119.82 (1m) (c), 134.43 (3m), 149.12 (2) (f) 2. c., 169.34 (2), 218.0114 (20) (c) and  
21 (21e) (a), 218.11 (2) (am) 3., 218.12 (2) (am) 2., 218.21 (2m) (b), 218.31 (1m) (b),  
22 218.41 (2) (am) 2., 218.51 (3) (am) 2., 227.43 (1) (by), 230.13 (3) (a), 230.44 (1)  
23 (h) and (i), 238.30 (4m), 252.06 (10) (b) 4., 252.07 (10), 291.15 (2) (d), 301.12 (14)  
24 (b) and (g), 301.45 (7) (a), 302.372 (2) (b), 341.51 (4g) (b), 342.06 (1) (eg), 343.14  
25 (2j), 343.305 (6) (e) 3. b., 343.50 (8) (b), 343.61 (2) (b), 343.62 (2) (b), 349.19,

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1 440.03 (11m) (c), 440.43 (5), 440.44 (10), 440.92 (6) (d), 461.02 (9) (bm) 3., 562.05  
2 (8m) (a), 563.28 (2), 628.095 (4) (a), 632.69 (2) (c), 633.14 (2c) (a), 751.15 (2),  
3 767.127 (4), 767.205 (2) (a) 1. and 2. and (b) 1. and 2., 767.215 (1) (b) and (2m)  
4 (a) 2., 767.225 (1n) (b) 1., 767.241 (1) (b), 767.241 (3), 767.407 (1) (c) 1., 767.407  
5 (1) (c) 2., 767.511 (1g) and (1j), 767.521 (intro.), 767.55 (2) (am) (intro.) and 1m.  
6 and (c), 767.553 (1) (a) and (b), 767.59 (1f) (b) 4. and (c) 1. and (2) (a), 767.80 (1)  
7 (j), (5) (b) and (7), 767.813 (6), 767.83 (3), 767.84 (1) (a), (1m) and (5) (b), 767.85  
8 (2), 767.853 (2), 767.863 (2), 767.87 (1) (c), 767.893 (2) (b) 2., 802.10 (1), 803.03  
9 (2) (a) and (bm), 812.30 (9), 812.44 (4) 2. (form), 812.44 (5) 2. (form), 813.12 (5)  
10 (b), 814.03 (3), 814.29 (1) (d) 1., 815.18 (13) (a), 859.07 (2) (a) 2., 859.15, 885.01  
11 (5), 895.45 (1) (a), 938.30 (6) (b), 938.31 (7) (b), 938.357 (5m) (a), 938.36 (1) (b),  
12 938.363 (1) (c), 948.22 (1) (a), (b) and (c) and (4) (b), 948.45 (2), 973.055 (3),  
13 977.01 (2), 977.06 (4) (bm), 978.05 (4m), 978.06 (6) and 995.67 (1) (a); **to repeal**  
14 **and recreate** subchapter I (title) of chapter 49 [precedes 49.001], subchapter  
15 II (title) of chapter 49 [precedes 49.05], subchapter III (title) of chapter 49  
16 [precedes 49.203] and subchapter VI (title) of chapter 49 [precedes 49.8105];  
17 and **to create** 49.001 (4m) and (7m), 49.003 (1) (am), 49.006, 49.007 (3), 49.017  
18 (1c), 49.138 (5), 49.143 (2) (h), 49.145 (3m) (title), 49.151 (2) (a) 1., 2. and 3. and  
19 (b), 49.1525, 49.195 (3) (b), 49.203, 49.4715, 49.77 (1) (b), 49.796 (title), 49.796  
20 (1), 49.8105, 946.90 (title), 946.90 (1), 946.90 (2), 946.91 (title), (1) and (2)  
21 (intro.), 946.92 (1) (e) and (3) (a) (intro.) and 946.93 of the statutes; **relating to:**

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- 1 reorganization of chapter 49 of the statutes, changes affecting public assistance  
2 programs, granting rule-making authority, and providing a penalty.
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***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

The bill reorganizes many of the provisions of ch. 49, stats., 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 bill reorganizes current definitions within ch. 49, stats., 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, stats., are retained there only if they are used throughout the chapter. If terms appear in only one or 2 sections in the chapter, the bill moves them to ensure that they are located in the subchapters or sections in which the terms are used.

The bill 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 bill clarifies that a Wisconsin Works agency determines whether a person has intentionally violated a provision of the Wisconsin Works program and includes

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

The bill moves several provisions of ch. 49, stats., that are offenses with criminal penalties to ch. 946, stats., of the criminal code, relating to crimes against government and its administration. The bill creates 4 new criminal offenses in ch. 946, stats.: Wisconsin Works fraud, medical assistance fraud, supplemental nutrition assistance fraud, and public assistance fraud.

This bill 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 provider by a county department or an agency with which DCF contracts.

The bill 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 DCF'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 DCF may suspend payments on that basis. A separate section of the statutes, s. 49.155 (7m), stats., provides authority for withholding payments from a child care provider pursuant to a finding that the provider submitted false, misleading, or irregular information to DCF or failed to comply with the terms of the program. The bill preserves DCF's authority to suspend payments based on reasonable suspicion that a violation has occurred but requires DCF 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 bill includes similar language in proposed s. 49.006 (1). Under the bill, 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 bill also requires 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 bill 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 bill, the attendance records must be kept on the child care premises.

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The bill requires 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 bill 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  
3 hearing records that pertains to the location of individuals and assets of individuals  
4 as requested under s. ~~49.22~~ 49.811 (2m) by the department of children and families  
5 or by a county child support agency under s. 59.53 (5).

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

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

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

12           7.08 (**10**) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to  
13 each municipal clerk, on a continuous basis, the names and addresses of  
14 organizations that are certified under s. ~~49.165~~ 49.217 (4) or 165.93 (4) to provide  
15 services to victims of domestic abuse or sexual assault.

16           **SECTION 4.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 10,  
17 is amended to read:

18           13.94 (**4**) (a) 1. Every state department, board, examining board, affiliated  
19 credentialing board, commission, independent agency, council, or office in the  
20 executive branch of state government; all bodies created by the legislature in the  
21 legislative or judicial branch of state government; any public body corporate and



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1 politic created by the legislature including specifically the Fox River Navigational  
2 System Authority, the Lower Fox River Remediation Authority, the Wisconsin  
3 Aerospace Authority, and the Wisconsin Economic Development Corporation, a  
4 professional baseball park district, a local professional football stadium district, a  
5 local cultural arts district, and a long-term care district under s. 46.2895; every  
6 Wisconsin ~~works~~ Works agency under subch. ~~III~~ II of ch. 49; every provider of ~~medical~~  
7 ~~assistance~~ Medical Assistance under subch. IV of ch. 49; technical college district  
8 boards; every county department under s. 51.42 or 51.437; every nonprofit  
9 corporation or cooperative or unincorporated cooperative association to which  
10 moneys are specifically appropriated by state law; and every corporation, institution,  
11 association or other organization which receives more than 50% of its annual budget  
12 from appropriations made by state law, including subgrantee or subcontractor  
13 recipients of such funds.

14 **SECTION 5.** 13.94 (4) (b) of the statutes is amended to read:

15 13.94 (4) (b) In performing audits of long-term care districts under s. 46.2895,  
16 Wisconsin ~~works~~ Works agencies under subch. ~~III~~ II of ch. 49, providers of ~~medical~~  
17 ~~assistance~~ Medical Assistance under subch. IV of ch. 49, corporations, institutions,  
18 associations, or other organizations, and their subgrantees or subcontractors, the  
19 legislative audit bureau shall audit only the records and operations of such providers  
20 and organizations which pertain to the receipt, disbursement, or other handling of  
21 appropriations made by state law.

22 **SECTION 6.** 16.009 (2) (j) of the statutes is amended to read:

23 16.009 (2) (j) Provide information and counseling to consumers regarding  
24 insurance policies available to supplement federal medicare insurance coverage,  
25 including long-term care insurance, and the eligibility requirements for ~~medical~~

**SENATE BILL 400****SECTION 6**

1 assistance Medical Assistance under s. 49.46 (1) (1g), 49.468 or 49.47 (4). To  
2 implement this responsibility, the board shall provide training, educational  
3 materials, and technical assistance to volunteer organizations and private  
4 businesses that are willing and able to provide insurance and medical assistance  
5 Medical Assistance eligibility information and counseling, in order that these  
6 organizations and businesses may provide the information and counseling to  
7 consumers.

8 **SECTION 7.** 16.27 (5) (c) and (e) of the statutes are amended to read:

9 16.27 (5) (c) A household entirely composed of persons receiving aid to families  
10 with dependent children under s. 49.19, ~~food stamps~~ supplemental nutrition  
11 assistance program benefits under 7 USC 2011 to 2036, or supplemental security  
12 income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.77.

13 (e) A household that is not eligible under par. (c) that includes at least one  
14 person who is eligible for ~~food stamps~~ supplemental nutrition assistance program  
15 benefits under 7 USC 2011 to 2036, excluding any household in an institution, as  
16 defined by the department of health services by rule. Notwithstanding sub. (6), a  
17 household under this paragraph shall be eligible for a heating assistance benefit of  
18 not more than \$1.

19 **SECTION 8.** 19.55 (2) (d) of the statutes is amended to read:

20 19.55 (2) (d) Records of the social security number of any individual who files  
21 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal  
22 under s. 13.64, except to the department of children and families for purposes of  
23 administration of s. ~~49.22~~ 49.811 or to the department of revenue for purposes of  
24 administration of s. 73.0301.

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1           **SECTION 9.** 20.435 (4) (bm) of the statutes, as affected by 2011 Wisconsin Act  
2       32, is amended to read:

3           20.435 (4) (bm) *Medical Assistance, ~~food-stamps~~ supplemental nutrition*  
4       *assistance program, and Badger Care administration; contract costs, insurer reports,*  
5       *and resource centers.* Biennially, the amounts in the schedule to provide a portion  
6       of the state share of administrative contract costs for the Medical Assistance  
7       program under subch. IV of ch. 49 and the Badger Care health care program under  
8       s. 49.665 and to provide the state share of administrative costs for the ~~food-stamp~~  
9       supplemental nutrition assistance program under s. 49.79, other than payments  
10      under s. ~~49.78~~ 49.003 (8), to develop and implement a registry of recipient  
11      immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs  
12      associated with outreach activities, for state administration of state supplemental  
13      grants to supplemental security income recipients under s. 49.77, to administer the  
14      pharmacy benefits purchasing pool under s. 146.45, and for services of resource  
15      centers under s. 46.283. No state positions may be funded in the department of  
16      health services from this appropriation, except positions for the performance of  
17      duties under a contract in effect before January 1, 1987, related to the administration  
18      of the Medical Assistance program between the subunit of the department primarily  
19      responsible for administering the Medical Assistance program and another subunit  
20      of the department. Total administrative funding authorized for the program under  
21      s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).

22           **SECTION 10.** 20.435 (4) (bn) of the statutes, as affected by 2011 Wisconsin Act  
23      32, section 640m, is amended to read:

24           20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule  
25      for the administration of the ~~food-stamp~~ supplemental nutrition assistance

**SENATE BILL 400****SECTION 10**

1 employment and training program under s. 49.79 (9), for the performance of income  
2 maintenance administrative activities on behalf of a county or multicounty  
3 consortium under s. ~~49.78~~ 49.003 (1m) (c), and for payments under s. ~~49.78~~ 49.003  
4 (8) relating to the administration of the Medical Assistance program under subch.  
5 IV of ch. 49, the Badger Care health care program under s. 49.665, and the ~~food stamp~~  
6 supplemental nutrition assistance program.

7 **SECTION 11.** 20.435 (4) (gr) of the statutes, as created by 2011 Wisconsin Act  
8 32, is amended to read:

9 20.435 (4) (gr) *Income maintenance; county payments.* All moneys received  
10 from counties under s. ~~49.78~~ 49.003 (1m) (d) for administering income maintenance  
11 program under s. ~~49.78~~ 49.003 (1m) (c).

12 **SECTION 12.** 20.435 (4) (im), (kb) and (L) of the statutes are amended to read:

13 20.435 (4) (im) *Medical ~~assistance~~ Assistance; correct payment recovery;*  
14 *collections; other recoveries.* All moneys received from the recovery of correct ~~medical~~  
15 ~~assistance~~ Medical Assistance payments under ss. 49.496 and 867.035 and rules  
16 promulgated under s. 46.286 (7), all moneys received as collections and other  
17 recoveries from providers, drug manufacturers, and other 3rd parties under ~~medical~~  
18 ~~assistance~~ Medical Assistance performance-based contracts, and all moneys  
19 credited to this appropriation account under s. ~~49.89~~ 49.037 (7) (f), for payments to  
20 counties and tribal governing bodies under s. 49.496 (4) (a), for payment of claims  
21 under s. 867.035 (3), for payments to the federal government for its share of ~~medical~~  
22 ~~assistance~~ Medical Assistance benefits recovered, for the state share of ~~medical~~  
23 ~~assistance~~ Medical Assistance benefits provided under subch. IV of ch. 49, and for  
24 costs related to collections and other recoveries.

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

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

19           **SECTION 13.** 20.435 (4) (nn) of the statutes, as affected by 2011 Wisconsin Act  
20 32, is amended to read:

21           20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the  
22 federal government for the costs of contracting for the administration of the Medical  
23 Assistance program under subch. IV of ch. 49 and the Badger Care health care  
24 program under s. 49.665 and the ~~food stamp~~ supplemental assistance nutrition

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1 program, other than moneys received under par. (pa), for costs to administer income  
2 maintenance programs, as defined in s. ~~49.78~~ 49.003 (1) (b).

3 **SECTION 14.** 20.437 (1) (b), (cd), (gg) and (hh) of the statutes are amended to  
4 read:

5 20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule  
6 for services for children and families under s. 48.563, for reimbursement to counties  
7 having a population of less than 500,000 for the cost of court attached intake services  
8 under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster care and  
9 subsidized guardianship care under ss. 48.645 and 49.19 (10). Social services  
10 disbursements under s. ~~49.32~~ 49.06 (2) (b) may be made from this appropriation.  
11 Refunds received relating to payments made under s. ~~49.32~~ 49.06 (2) (b) for the  
12 provision of services for which moneys are appropriated under this paragraph shall  
13 be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1),  
14 the department of children and families may transfer funds between fiscal years  
15 under this paragraph. The department shall deposit into this appropriation funds  
16 it recovers under s. 48.569 (2) (b), from prior fiscal year audit adjustments. Except  
17 for amounts authorized to be carried forward under s. 48.565, all funds recovered  
18 under s. 48.569 (2) (b) and all funds allocated under s. 48.563 and not spent or  
19 encumbered by December 31 of each year shall lapse to the general fund on the  
20 succeeding January 1 unless carried forward to the next calendar year by the joint  
21 committee on finance.

22 (cd) *Domestic abuse grants.* The amounts in the schedule for the purposes of  
23 s. ~~49.165~~ 49.217. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department  
24 may transfer funds between fiscal years under this paragraph. All funds allocated  
25 by the department under s. ~~49.165~~ 49.217 (2) but not encumbered by December 31

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1 of each year lapse to the general fund on the next January 1 unless transferred to the  
2 next calendar year by the joint committee on finance.

3 (gg) *Collection remittances to local units of government.* All moneys received  
4 under ss. ~~49.32~~ 49.06 (1) and 49.345 for the purposes of remitting departmental  
5 collections under s. ~~49.32~~ 49.06 (1) (g) or 49.345 (8) (g).

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

9 **SECTION 15.** 20.437 (1) (o) of the statutes, as affected by 2011 Wisconsin Act 32,  
10 is amended to read:

11 20.437 (1) (o) *Federal aid; children and family aids.* All federal moneys  
12 received in amounts pursuant to allocation plans developed by the department for  
13 the provision or purchase of services authorized under par. (b) and all federal moneys  
14 received as child welfare funds under 42 USC 620 to 626 for projects and services as  
15 limited under s. 48.985. Disbursements from this appropriation may be made  
16 directly to counties for services to children and families under s. ~~49.32~~ 49.06 (2) (b)  
17 or 49.325 or directly to counties in accordance with federal requirements for the  
18 disbursement of federal funds.

19 **SECTION 16.** 20.437 (1) (pd) of the statutes, as affected by 2011 Wisconsin Act  
20 32, is amended to read:

21 20.437 (1) (pd) *Federal aid; state foster care, guardianship, and adoption*  
22 *services.* All federal moneys received for meeting the costs of providing foster care,  
23 institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the  
24 cost of care for children under s. 49.19 (10) (d), the cost of subsidized guardianship  
25 payments under s. 48.623 (1) or (6), the cost of providing, or contracting with private

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1 adoption agencies to assist the department in providing, services to children with  
2 special needs who are under the guardianship of the department to prepare those  
3 children for adoption, and the cost of providing postadoption services to children with  
4 special needs who have been adopted. Disbursements for foster care under s. ~~49.32~~  
5 49.06 (2) and for the purposes described under s. 48.627 may be made from this  
6 appropriation.

7 **SECTION 17.** 20.437 (2) (a), (bc), (dz), (e), (ja), (jL), (k), (L), (n), (nL) and (qm) of  
8 the statutes are amended to read:

9 20.437 (2) (a) *General program operations.* The amounts in the schedule for  
10 general program operations relating to economic support, including field services,  
11 administrative services, and services related to identifying maintenance-of-effort  
12 funds, for costs associated with receiving and disbursing support and  
13 support-related payments, including any contract costs, and for administering the  
14 program under s. ~~49.22~~ 49.811 and all other purposes specified in s. ~~49.22~~ 49.811.  
15 No moneys may be expended under this paragraph for the program under, or any  
16 other purpose specified in, s. ~~49.22~~ 49.811 unless moneys appropriated under par. (ja)  
17 are insufficient for the purposes specified under that paragraph.

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

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



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1 administration and benefit payments under Wisconsin Works under ss. 49.141 to  
2 49.161, the learnfare program under s. ~~49.26~~ 49.198, and the work experience  
3 program for noncustodial parents under s. ~~49.36~~ 49.163; for payments to local  
4 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;  
5 and for emergency assistance for families with needy children under s. 49.138.  
6 Payments may be made from this appropriation account for any contracts under s.  
7 ~~49.845~~ 49.019 (4) and for any fraud investigation and error reduction activities under  
8 s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match  
9 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002  
10 (1), the department may transfer funds between fiscal years under this paragraph.  
11 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
12 shall credit to this appropriation account funds for the purposes of this appropriation  
13 that the department transfers from the appropriation account under s. 20.435 (5)  
14 (bc). All funds allocated by the department but not encumbered by December 31 of  
15 each year lapse to the general fund on the next January 1 unless transferred to the  
16 next calendar year by the joint committee on finance.

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

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

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1 revenue service for unpaid fees ordered or otherwise owed under s. 767.57 (1e) (a),  
2 for costs associated with receiving and disbursing support and support-related  
3 payments, including any contract costs, and for administering the program under s.  
4 ~~49.22~~ 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  
6 made under s. 49.147 (6), and from the department of revenue under s. 71.93 for  
7 delinquent job access loan repayments certified under s. ~~49.85~~ 49.023, for making  
8 loans under s. 49.147 (6) and for administrative costs associated with collecting  
9 delinquent job access loan repayments.

10 (k) *Child support transfers.* All moneys transferred from the appropriation  
11 account under par. (r), to be expended under the Wisconsin Works program under  
12 subch. ~~III~~ II of ch. 49 and under the work experience program for noncustodial  
13 parents under s. ~~49.36~~ 49.163, to be distributed as child support incentive payments  
14 as provided in s. ~~49.24~~ 49.821, for costs associated with receiving and disbursing  
15 support and support-related payments, including any contract costs, for  
16 administering the program under s. ~~49.22~~ 49.811 and all other purposes specified in  
17 s. ~~49.22~~ 49.811, and for the support of dependent children in accordance with  
18 applicable federal and state statutes, federal regulations, and state rules.

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

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1 reduce payment errors in the Wisconsin Works program, and for costs associated  
2 with collection of public assistance overpayments.

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

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

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

20 **SECTION 18.** 20.437 (2) (s) of the statutes, as affected by 2011 Wisconsin Act 32,  
21 is amended to read:

22 20.437 (2) (s) *Economic support — public benefits.* From the utility public  
23 benefits fund, the amounts in the schedule for the Wisconsin Works program under  
24 subch. ~~III~~ II of ch. 49 and for any of the purposes under s. 49.175 (1).

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

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1           20.545 (1) (i) *Services to nonstate governmental units.* The amounts in the  
2 schedule for the purpose of funding personnel services to nonstate governmental  
3 units under s. 230.05 (8), including services provided under ss. ~~49.78~~ 49.003 (5) and  
4 59.26 (8) (a). All moneys received from the sale of these services shall be credited to  
5 this appropriation account.

6           **SECTION 20.** 29.024 (2g) (c) of the statutes is amended to read:

7           29.024 (2g) (c) *Disclosure of social security numbers.* The department of  
8 natural resources may not disclose any social security numbers received under par.  
9 (a) to any person except to the department of children and families for the sole  
10 purpose of administering s. ~~49.22~~ 49.811.

11           **SECTION 21.** 29.229 (5m) (b) of the statutes is amended to read:

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

22           **SECTION 22.** 40.02 (25) (b) 2c. of the statutes, as affected by 2011 Wisconsin Act  
23 32, is amended to read:

24           40.02 (25) (b) 2c. A state employee described in s. ~~49.825~~ 49.009 (4) or (5) or  
25 ~~49.826~~ 49.011 (4).

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1           **SECTION 23.** 40.22 (2) (m) of the statutes, as affected by 2011 Wisconsin Act 32,  
2 is amended to read:

3           40.22 (2) (m) Notwithstanding sub. (3m), the employee was formerly employed  
4 by Milwaukee County, is a state employee described in s. ~~49.825~~ 49.009 (4) or (5) or  
5 ~~49.826~~ 49.011 (4), and is a covered employee under the retirement system  
6 established under chapter 201, laws of 1937, pursuant to s. ~~49.825~~ 49.009 (4) (c) or  
7 (5) (c) or ~~49.826~~ 49.011 (4) (c).

8           **SECTION 24.** 40.62 (2) of the statutes, as affected by 2011 Wisconsin Acts 10 and  
9 32, is amended to read:

10           40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
11 of the department, any collective bargaining agreement under subch. V of ch. 111,  
12 and ss. 13.121 (4), 36.30, ~~49.825~~ 49.009 (4) (d) and (5) (d), ~~49.826~~ 49.011 (4) (d), 230.35  
13 (2), 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

14           **SECTION 25.** 46.03 (7) (bm), (18) (a) and (20) (a) of the statutes are amended to  
15 read:

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

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1           **(18)** (a) Except as provided in s. 46.10 (14) (b) and (c), the department shall  
2 establish a uniform system of fees for services provided or purchased by the  
3 department, or a county department under s. 46.215, 46.22, 51.42, or 51.437, except  
4 for services provided under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III~~  
5 of ch. 49, and ch. 48; services provided to courts; outreach, information and referral  
6 services; or when, as determined by the department, a fee is administratively  
7 unfeasible or would significantly prevent accomplishing the purpose of the service.  
8 A county department under s. 46.215, 46.22, 51.42, or 51.437 shall apply the fees that  
9 it collects under this program to cover the cost of those services.

10           **(20)** (a) Except for payments provided under ~~ch. 48 or subch. ss. 49.811 to~~  
11 49.823, subchs. II and III of ch. 49, and ch. 48, the department may make payments  
12 directly to recipients of public assistance or to such persons authorized to receive  
13 such payments in accordance with law and rules of the department on behalf of the  
14 counties. Except for payments provided under ~~ch. 48 or subch. ss. 49.811 to 49.823,~~  
15 subchs. II and III of ch. 49, and ch. 48, the department may charge the counties for  
16 the cost of operating public assistance systems which make such payments.

17           **SECTION 26.** 46.036 (1) of the statutes is amended to read:

18           **46.036 (1)** All care and services purchased by the department or by a county  
19 department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, except as provided under  
20 ~~subch. III of ch. 49 and s. ss. 49.811 to 49.823 and 301.08 (2) and subchs. II and III~~  
21 of ch. 49, shall be authorized and contracted for under the standards established  
22 under this section. The department may require the county departments to submit  
23 the contracts to the department for review and approval. For purchases of \$10,000  
24 or less the requirement for a written contract may be waived by the department.  
25 When the department directly contracts for services, it shall follow the procedures

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1 in this section in addition to meeting purchasing requirements established in s.  
2 16.75.

3 **SECTION 27.** 46.10 (14) (b) and (g) of the statutes are amended to read:

4 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability  
5 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the  
6 parent's minor child who has been placed by a court order under s. 48.355 or 48.357  
7 in a residential, nonmedical facility such as a group home, foster home, subsidized  
8 guardianship home, or residential care center for children and youth shall be  
9 determined by the court by using the percentage standard established by the  
10 department of children and families under s. ~~49.22~~ 49.811 (9) and by applying the  
11 percentage standard in the manner established by the department under par. (g).

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

19 **SECTION 28.** 46.206 (1) (a) and (2) of the statutes are amended to read:

20 46.206 (1) (a) The department shall supervise the administration of social  
21 services, except as provided under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II~~  
22 and III of ch. 49, and ch. 48 and except for juvenile delinquency-related services. The  
23 department shall submit to the federal authorities state plans for the administration  
24 of social services, except as provided under ~~ch. 48 and subch. ss. 49.811 to 49.823,~~  
25 subchs. II and III of ch. 49, and ch. 48 and except for juvenile delinquency-related

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1 services, in such form and containing such information as the federal authorities  
2 require, and shall comply with all requirements prescribed to ensure their  
3 correctness.

4 (2) The county administration of all laws relating to social services, except with  
5 respect to the programs under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and~~  
6 III of ch. 49, and ch. 48 and to juvenile delinquency-related programs, shall be vested  
7 in the officers and agencies designated in the statutes.

8 **SECTION 29.** 46.21 (2m) (c) and (5) (b) of the statutes are amended to read:

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



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

4           **SECTION 30.** 46.215 (1) (intro.) of the statutes, as affected by 2011 Wisconsin  
5 Act 32, is amended to read:

6           46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population  
7 of 500,000 or more the administration of welfare services, other than child welfare  
8 services under s. 48.48 (17) administered by the department and except as provided  
9 in ss. 49.003 (1r), 49.009, 49.011, and 49.155 (3g), ~~49.78 (1r)~~, ~~49.825~~, and ~~49.826~~, is  
10 vested in a county department of social services under the jurisdiction of the county  
11 board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any law to a county  
12 department of social services under this section applies to a county department  
13 under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties  
14 of the county department of social services. Except as provided in ss. 49.003 (1r),  
15 49.009, 49.011, and 49.155 (3g), ~~49.78 (1r)~~, ~~49.825~~, and ~~49.826~~, the county  
16 department of social services shall have the following functions, duties, and powers,  
17 and such other welfare functions as may be delegated to it:

18           **SECTION 31.** 46.215 (1) (d) of the statutes, as affected by 2009 Wisconsin Act 28,  
19 is amended to read:

20           46.215 **(1)** (d) To make investigations that relate to services under subchs. IV  
21 and V of ch. 49 and s. 49.003 upon request by the department of health services, to  
22 make investigations that relate to juvenile delinquency-related services at the  
23 request of the department of corrections, and to make investigations that relate to  
24 programs under ch. 48 and ~~subch.~~ subchs. II, III, and VI of ch. 49 upon request by  
25 the department of children and families.

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1           **SECTION 32.** 46.215 (1) (j) and (k), (1m) and (1p) of the statutes are amended  
2 to read:

3           46.215 (1) (j) To make payments in such manner as the department of children  
4 and families may determine for training of recipients, former recipients, and  
5 potential recipients of aid in programs established under s. 49.193, 1997 stats., and  
6 s. ~~49.26~~ 49.198 (1).

7           (k) Certify eligibility for and issue ~~food coupons~~ benefits to needy households  
8 in conformity with the federal ~~food stamp act of 1964~~ supplemental nutrition  
9 assistance program under 7 USC 2011 to 2036, as amended, and, in addition, the  
10 county department of social services may certify eligibility for and distribute surplus  
11 commodities and food stuffs.

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

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

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

11 **SECTION 33.** 46.215 (2) (a) 1. and 2. of the statutes are amended to read:

12 46.215 (2) (a) 1. In order to ensure the availability of a full range of care and  
13 services, the county department of social services may contract, either directly or  
14 through the department of health services, with public or voluntary agencies or  
15 others to purchase, in full or in part, care and services, except as provided under  
16 ~~subch. III of ch. 49 and s. ss. 49.811 to 49.823 and 301.08 (2) and subchs. II and III~~  
17 of ch. 49, which the county department of social services is authorized by any statute  
18 to furnish in any manner. This care and these services may be purchased from the  
19 department of health services if the department of health services has staff to furnish  
20 the care and services. If the county department of social services has adequate staff,  
21 it may sell the care and services directly to another county or state agency.

22 2. In order to ensure the availability of a full range of care and services, the  
23 county department of social services may contract, either directly or through the  
24 department of children and families, with public or voluntary agencies or others to  
25 purchase, in full or in part, care and services under ~~ch. 48 and subch. ss. 49.811 to~~

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1 49.823, subchs. II and III of ch. 49, and ch. 48 which the county department of social  
2 services is authorized to furnish. This care and these services may be purchased  
3 from the department of children and families if the department of children and  
4 families has staff to furnish the services. If the county department of social services  
5 has adequate staff, it may sell the care and services directly to another county or  
6 state agency.

7 **SECTION 34.** 46.215 (2) (c) 1. and 2. of the statutes are amended to read:

8 46.215 (2) (c) 1. A county department of social services shall develop, under the  
9 requirements of s. 46.036, plans and contracts for care and services to be purchased,  
10 except for care and services under ~~subch. III of ch. 49 or s. ss. 49.811 to 49.823 and~~  
11 301.08 (2) and subchs. II and III of ch. 49. The department of health services may  
12 review the contracts and approve them if they are consistent with s. 46.036 and if  
13 state or federal funds are available for such purposes. The joint committee on finance  
14 may require the department of health services to submit the contracts to the  
15 committee for review and approval. The department of health services may not make  
16 any payments to a county for programs included in a contract under review by the  
17 committee. The department of health services shall reimburse each county for the  
18 contracts from the appropriations under s. 20.435 (7) (b) and (o), as appropriate,  
19 under s. 46.495.

20 2. A county department of social services shall develop, under the requirements  
21 of s. 49.34, plans and contracts for care and services to be purchased under ~~ch. 48 and~~  
22 ~~subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48.~~ The department  
23 of children and families may review the contracts and approve them if they are  
24 consistent with s. 49.34 and if state or federal funds are available for such purposes.  
25 The joint committee on finance may require the department of children and families

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1 to submit the contracts to the committee for review and approval. The department  
2 of children and families may not make any payments to a county for programs  
3 included in a contract under review by the committee.

4 **SECTION 35.** 46.22 (1) (b) 1. b. of the statutes is amended to read:

5 46.22 (1) (b) 1. b. To make investigations which relate to welfare services,  
6 except as provided under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of~~  
7 ch. 49, and ch. 48 upon request by the department of health services.

8 **SECTION 36.** 46.22 (1) (b) 2. c. of the statutes is amended to read:

9 46.22 (1) (b) 2. c. To make investigations as provided under ~~ch. 48 and subch.~~  
10 ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48 upon request by the  
11 department of children and families.

12 **SECTION 37.** 46.22 (1) (b) 2. d. of the statutes, as affected by 2011 Wisconsin Act  
13 32, is amended to read:

14 46.22 (1) (b) 2. d. To certify eligibility for and issue ~~food coupons~~ supplemental  
15 nutrition assistance program benefits to needy households in conformity with 7 USC  
16 2011 to 2036, subject to s. ~~49.78~~ 49.003.

17 **SECTION 38.** 46.22 (1) (b) 2. e. and g., (d), (dm), (dp) and (e) 3. a. and b. of the  
18 statutes are amended to read:

19 46.22 (1) (b) 2. e. To make payments in such manner as the department of  
20 children and families may determine for training of recipients, former recipients and  
21 potential recipients of aid in programs established under s. 49.193, 1997 stats., and  
22 s. ~~49.26~~ 49.198 (1).

23 g. To make certification or referral of eligibles for state or federal works or other  
24 assistance programs under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III~~  
25 of ch. 49, and ch. 48, eligibility for which is based on need.

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

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

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

8           (e) 3. a. A county department of social services shall develop, under the  
9 requirements of s. 46.036, plans and contracts for care and services, except under ~~ch.~~  
10 ~~48, subch. III of ch. 49, and s. ss. 49.811 to 49.823 and 301.08 (2), subchs. II and II~~  
11 of ch. 49, and ch. 48, to be purchased. The department of health services may review  
12 the contracts and approve them if they are consistent with s. 46.036 and to the extent  
13 that state or federal funds are available for such purposes. The joint committee on  
14 finance may require the department of health services to submit the contracts to the  
15 committee for review and approval. The department of health services may not make  
16 any payments to a county for programs included in the contract that is under review  
17 by the committee. The department of health services shall reimburse each county  
18 for the contracts from the appropriations under s. 20.435 (7) (b) and (o) according to  
19 s. 46.495.

20           b. A county department of social services shall develop, under the requirements  
21 of s. 49.34, plans and contracts for care and services under ~~ch. 48 and subch. ss.~~  
22 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48 to be purchased. The  
23 department of children and families may review the contracts and approve them if  
24 they are consistent with s. 49.34 and to the extent that state or federal funds are  
25 available for such purposes. The joint committee on finance may require the

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1 department of children and families to submit the contracts to the committee for  
2 review and approval. The department of children and families may not make any  
3 payments to a county for programs included in the contract that is under review by  
4 the committee.

5 **SECTION 39.** 46.22 (2) (b), (2g) (d) and (3m) (a) of the statutes are amended to  
6 read:

7 46.22 **(2)** (b) Appoint the county social services director under sub. (3) subject  
8 to s. ~~49.78~~ 49.003 (4) to (7) and the rules promulgated thereunder and subject to the  
9 approval of the county board of supervisors in a county with a single-county  
10 department of social services or the county boards of supervisors in counties with a  
11 multicounty department of social services.

12 **(2g)** (d) Prepare, with the assistance of the county social services director under  
13 sub. (3m) (b) 5., a proposed budget for submission to the county executive or county  
14 administrator, a final budget for submission to the department of health services in  
15 accordance with s. 46.031 (1) for authorized services, except services under ch. 48,  
16 ~~subch. III of ch. 49, or s. ss. 49.811 to 49.823 and 301.08 (2), subchs. II and III of ch.~~  
17 49, and ch. 48, a final budget for submission to the department of children and  
18 families in accordance with s. 49.325 for authorized services under ch. 48 and ~~subch.~~  
19 ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48, and a final budget for  
20 submission to the department of corrections in accordance with s. 301.031 (1) for  
21 authorized juvenile delinquency-related services.

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



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

5 **SECTION 40.** 46.23 (3) (e) and (ed) of the statutes are amended to read:

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

23 (ed) *Exchange of information; statewide automated child welfare information*  
24 *system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981  
25 (7), 49.013, 49.45 (4), ~~49.83~~, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15,

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1 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department under  
2 this section may enter the content of any record kept or information received by that  
3 county department into the statewide automated child welfare information system  
4 established under s. 48.47 (7g).

5 **SECTION 41.** 46.23 (5) (a) 1. and 2., (c) 1. and 2. and (n) 1. and 2., (5m) (c) and  
6 (6) (a) (intro.) of the statutes are amended to read:

7 46.23 (5) (a) 1. Shall determine administrative and program policies, except as  
8 provided under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and~~  
9 ch. 48 and except for juvenile delinquency-related policies, within limits established  
10 by the department of health services. Policy decisions, except as provided under ~~ch.~~  
11 ~~48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~ and except  
12 for juvenile delinquency-related policies, not reserved by statute for the department  
13 of health services may be delegated by the secretary to the county human services  
14 board.

15 2. Shall determine administrative and program policies under ~~ch. 48 and~~  
16 ~~subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~ within limits  
17 established by the department of children and families. Policy decisions under ch.  
18 ~~48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~ not reserved  
19 by statute for the department of children and families may be delegated by the  
20 secretary of children and families to the county human services board.

21 (c) 1. Shall determine whether state mandated services, except for services  
22 under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~  
23 and juvenile delinquency-related services, are provided or purchased or contracted  
24 for with local providers, and monitor the performance of such contracts. Purchase  
25 of services contracts shall be subject to the conditions specified in s. 46.036.

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1           2. Shall determine whether state mandated services under ~~ch. 48 and subch.~~  
2 ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48 are provided or purchased  
3 or contracted for with local providers, and monitor the performance of such contracts.  
4 Purchase of services contracts shall be subject to the conditions specified in s. 49.34.

5           (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for authorized  
6 services, except for services under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II~~  
7 and III of ch. 49, and ch. 48 and juvenile delinquency-related services.  
8 Notwithstanding the categorization of or limits specified for funds allocated under  
9 s. 46.495 or 51.423 (2), with the approval of the department of health services the  
10 county human services board may expend these funds consistent with any service  
11 provided under s. 46.495 or 51.42.

12           2. Shall submit a final budget in accordance with s. 49.325 (1) for authorized  
13 services under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and~~  
14 ch. 48. Notwithstanding the categorization of or limits specified for funds allocated  
15 under s. 48.569, with the approval of the department of children and families the  
16 county human services board may expend these funds consistent with any service  
17 provided under s. 48.569.

18           **(5m)** (c) Prepare, with the assistance of the county human services director  
19 under sub. (6m) (e), a proposed budget for submission to the county executive or  
20 county administrator, a final budget for submission to the department of health  
21 services in accordance with s. 46.031 (1) for authorized services, except services  
22 under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and ch. 48~~  
23 and juvenile delinquency-related services, a final budget for submission to the  
24 department of children and families in accordance with s. 49.325 for authorized  
25 services under ~~ch. 48 and subch. ss. 49.811 to 49.823, subchs. II and III of ch. 49, and~~

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1 ch. 48, and a final budget for submission to the department of corrections in  
2 accordance with s. 301.031 for authorized juvenile delinquency-related services.

3 (6) (a) (intro.) A county human services director appointed under sub. (5) (f)  
4 shall have all of the administrative and executive powers and duties of managing,  
5 operating, maintaining, and improving the programs of the county department of  
6 human services, subject to the rules promulgated by the department of health  
7 services for programs, ~~except services or programs under ch. 48 and subch. ss. 49.811~~  
8 ~~to 49.823, subchs. II and III of ch. 49, and ch. 48~~ and juvenile delinquency-related  
9 services or programs, subject to the rules promulgated by the department of children  
10 and families for services or programs under ~~ch. 48 and subch. ss. 49.811 to 49.823,~~  
11 ~~subchs. II and III of ch. 49, and ch. 48~~, and subject to the rules promulgated by the  
12 department of corrections for juvenile delinquency-related services or programs. In  
13 consultation with the county human services board under sub. (5) and subject to its  
14 approval, the county human services director shall prepare:

15 **SECTION 42.** 46.27 (7) (am) of the statutes, as affected by 2011 Wisconsin Act  
16 32, is amended to read:

17 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department  
18 shall allocate funds to each county or private nonprofit agency with which the  
19 department contracts to pay assessment and case plan costs under sub. (6) not  
20 otherwise paid by fee or under s. ~~49.003 (2) or 49.45 or 49.78 (2)~~. The department  
21 shall reimburse multicounty consortia for the cost of assessing persons eligible for  
22 ~~medical assistance~~ Medical Assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a)  
23 as part of the administrative services of ~~medical assistance~~ Medical Assistance,  
24 payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this

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1 paragraph to pay the cost of long-term community support services and for a risk  
2 reserve under par. (fr).

3 **SECTION 43.** 46.28 (1) (f) of the statutes is amended to read:

4 46.28 (1) (f) "Victim of domestic abuse" means an individual who has  
5 encountered domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a).

6 **SECTION 44.** 46.283 (3) (k) of the statutes is amended to read:

7 46.283 (3) (k) A determination of eligibility for state supplemental payments  
8 under s. 49.77, ~~medical assistance~~ Medical Assistance under s. 49.46, 49.468, 49.47,  
9 or 49.471, or the federal ~~food stamp~~ supplemental nutrition assistance program  
10 under 7 USC 2011 to ~~2029~~ 2036.

11 **SECTION 45.** 46.283 (7) (b) of the statutes is amended to read:

12 46.283 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.013, 49.45 (4), ~~49.83~~, 51.30,  
13 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a resource  
14 center acting under this section may exchange confidential information about a  
15 client, as defined in s. 46.287 (1), without the informed consent of the client, under  
16 s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.284 (7), 46.2895 (10),  
17 51.42 (3) (e) or 51.437 (4r) (b) in the county of the resource center, if necessary to  
18 enable the resource center to perform its duties or to coordinate the delivery of  
19 services to the client.

20 **SECTION 46.** 46.284 (7) (b) of the statutes is amended to read:

21 46.284 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.013, 49.45 (4), ~~49.83~~, 51.30,  
22 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a care  
23 management organization acting under this section may exchange confidential  
24 information about a client, as defined in s. 46.287 (1), without the informed consent  
25 of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283

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1 (7), 46.2895 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of the care management  
2 organization, if necessary to enable the care management organization to perform  
3 its duties or to coordinate the delivery of services to the client.

4 **SECTION 47.** 46.2895 (10) of the statutes is amended to read:

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

13 **SECTION 48.** 46.56 (3) (b) 15. of the statutes is amended to read:

14 46.56 (3) (b) 15. Representatives of economic support agencies and the  
15 Wisconsin Works agency under subch. ~~III~~ II of ch. 49, if a different agency.

16 **SECTION 49.** 48.30 (6) (b) of the statutes is amended to read:

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

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1 of its application established by the department under s. 49.345 (14) (g) and listing  
2 the factors that a court may consider under s. 49.345 (14) (c).

3 **SECTION 50.** 48.31 (7) (b) of the statutes is amended to read:

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

14 **SECTION 51.** 48.357 (5m) (a) of the statutes is amended to read:

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

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1 outside the child's home, the court shall determine the liability of the parent in the  
2 manner provided in s. 49.345 (14).

3 **SECTION 52.** 48.36 (1) (b) of the statutes is amended to read:

4 48.36 (1) (b) In determining the amount of support under par. (a), the court may  
5 consider all relevant financial information or other information relevant to the  
6 parent's earning capacity, including information reported under s. ~~49.22~~ 49.811 (2m)  
7 to the department or the county child support agency under s. 59.53 (5). If the court  
8 has insufficient information with which to determine the amount of support, the  
9 court shall order the child's parent to furnish a statement of income, assets, debts,  
10 and living expenses, if the parent has not already done so, to the court within 10 days  
11 after the court's order transferring custody or designating an alternative placement  
12 is entered or at such other time as ordered by the court.

13 **SECTION 53.** 48.36 (2) of the statutes is amended to read:

14 48.36 (2) If an expectant mother or a child whose legal custody has not been  
15 taken from a parent or guardian is given educational and social services, or medical,  
16 psychological or psychiatric treatment by order of the court, the cost of those services  
17 or that treatment, if ordered by the court, shall be a charge upon the county in a  
18 county having a population of less than 500,000 or the department in a county having  
19 a population of 500,000 or more. This section does not prevent recovery of reasonable  
20 contribution toward the costs from the parent or guardian of the child or from an  
21 adult expectant mother as the court may order based on the ability of the parent,  
22 guardian or adult expectant mother to pay. This subsection shall be subject to s.  
23 ~~49.32~~ 49.06 (1).

24 **SECTION 54.** 48.361 (2) (c) of the statutes is amended to read:



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1           48.361 (2) (c) Payment for alcohol and other drug abuse services by a county  
2 department under this section does not prohibit the county department from  
3 contracting with another county department or approved treatment facility for the  
4 provision of alcohol and other drug abuse services. Payment by the county under this  
5 section does not prevent recovery of reasonable contribution toward the costs of the  
6 court-ordered alcohol and other drug abuse services from the parent or adult  
7 expectant mother which is based upon the ability of the parent or adult expectant  
8 mother to pay. This subsection is subject to s. ~~49.32~~ 49.06 (1).

9           **SECTION 55.** 48.362 (4) (c) of the statutes is amended to read:

10           48.362 (4) (c) A county department that pays for court-ordered special  
11 treatment or care under par. (a) may recover from the parent or adult expectant  
12 mother, based on the ability of the parent or adult expectant mother to pay, a  
13 reasonable contribution toward the costs of the court-ordered special treatment or  
14 care. This paragraph is subject to s. ~~49.32~~ 49.06 (1).

15           **SECTION 56.** 48.363 (1) (c) of the statutes is amended to read:

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

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1           **SECTION 57.** 48.47 (7g) of the statutes is amended to read:

2           48.47 **(7g)** STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish  
3 a statewide automated child welfare information system. Notwithstanding ss.  
4 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.013, 49.45 (4), ~~49.83~~,  
5 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1)  
6 (a) and (2), and 938.78 (2) (a), the department may enter the content of any record  
7 kept or information received by the department into the statewide automated child  
8 welfare information system, and a county department under s. 46.215, 46.22, or  
9 46.23, the department, or any other organization that has entered into an  
10 information sharing and access agreement with the department or any of those  
11 county departments and that has been approved for access to the statewide  
12 automated child welfare information system by the department may have access to  
13 information that is maintained in that system, if necessary to enable the county  
14 department, department, or organization to perform its duties under this chapter,  
15 ch. 46, 51, 55, or 938, or 42 USC 670 to 679b or to coordinate the delivery of services  
16 under this chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to 679b. The department  
17 may also transfer information that is maintained in the system to a court under s.  
18 48.396 (3) (b), and the court and the director of state courts may allow access to that  
19 information as provided in s. 48.396 (3) (c) 2.

20           **SECTION 58.** 48.62 (2) of the statutes is amended to read:

21           48.62 **(2)** A relative or a guardian of a child who provides care and maintenance  
22 for the child is not required to obtain the license specified in this section. The  
23 department, county department, or licensed child welfare agency as provided in s.  
24 48.75 may issue a license to operate a foster home to a relative who has no duty of  
25 support under s. ~~49.90~~ 49.039 (1) (a) and who requests a license to operate a foster

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1 home for a specific child who is either placed by court order or who is the subject of  
2 a voluntary placement agreement under s. 48.63. The department, a county  
3 department, or a licensed child welfare agency may, at the request of a guardian  
4 appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., license the  
5 guardian's home as a foster home for the guardian's minor ward who is living in the  
6 home and who is placed in the home by court order. Relatives with no duty of support  
7 and guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats.,  
8 who are licensed to operate foster homes are subject to the department's licensing  
9 rules.

10 **SECTION 59.** 48.651 (2c) (a) of the statutes is amended to read:

11 48.651 (2c) (a) Reimburse a county having a population of 500,000 or more for  
12 all approved, allowable certification costs, as provided in s. ~~49.826~~ 49.011 (2) (c).

13 **SECTION 60.** 48.66 (2m) (c) and (cm) of the statutes are amended to read:

14 48.66 (2m) (c) The subunit of the department that obtains a social security  
15 number or a federal employer identification number under par. (a) 1. may not  
16 disclose that information to any person except to the department of revenue for the  
17 sole purpose of requesting certifications under s. 73.0301 or on the request of the  
18 subunit of the department that administers the child and spousal support program  
19 under s. ~~49.22~~ 49.811 (2m).

20 (cm) The department of corrections may not disclose any information obtained  
21 under par. (am) 1. to any person except on the request of the department under s.  
22 ~~49.22~~ 49.811 (2m).

23 **SECTION 61.** 48.685 (5) (br) 5. of the statutes is amended to read:

24 48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in  
25 the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of

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1 a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent  
2 children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps  
3 benefits under the ~~food stamp~~ supplemental nutrition assistance program under 7  
4 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments  
5 for the support of children of supplemental security income recipients under s.  
6 49.775, or health care benefits under the Badger Care health care program under s.  
7 49.665.

8 **SECTION 62.** 48.839 (1) (d) and (e) of the statutes are amended to read:

9 48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county  
10 department or child welfare agency before the child is adopted, the department shall  
11 periodically bill the guardian and the surety under s. ~~49.32~~ 49.06 (1) (b) or 49.345 for  
12 the cost of care and maintenance of the child until the child is adopted or becomes  
13 age 18, whichever is earlier. The guardian and surety shall also be liable under the  
14 bond for costs incurred by the department in enforcing the bond against the guardian  
15 and surety.

16 (e) This section does not preclude the department or any other agency given  
17 custody of a child under sub. (4) (b) from collecting under s. ~~49.32~~ 49.06 (1) (b) or  
18 49.345 from the former guardian for costs in excess of the amount recovered under  
19 the bond incurred in enforcing the bond and providing care and maintenance for the  
20 child until he or she reaches age 18 or is adopted.

21 **SECTION 63.** 48.98 (2) (d) of the statutes is amended to read:

22 48.98 (2) (d) The department shall periodically bill the person who filed the  
23 bond and the surety under s. ~~49.32~~ 49.06 (1) (b) or 49.345 for the cost of care and  
24 maintenance of the child until the child is adopted or becomes age 18, whichever is

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1 earlier. The guardian and surety shall also be liable under the bond for costs incurred  
2 by the department in enforcing the bond.

3 **SECTION 64.** 48.981 (8) (a) and (d) 1. of the statutes are amended to read:

4 48.981 (8) (a) The department, the county departments, and a licensed child  
5 welfare agency under contract with the department in a county having a population  
6 of 500,000 or more to the extent feasible shall conduct continuing education and  
7 training programs for staff of the department, the county departments, licensed  
8 child welfare agencies under contract with the department or a county department,  
9 law enforcement agencies, and the tribal social services departments, persons and  
10 officials required to report, the general public, and others as appropriate. The  
11 programs shall be designed to encourage reporting of child abuse and neglect and of  
12 unborn child abuse, to encourage self-reporting and voluntary acceptance of services  
13 and to improve communication, cooperation, and coordination in the identification,  
14 prevention, and treatment of child abuse and neglect and of unborn child abuse.  
15 Programs provided for staff of the department, county departments, and licensed  
16 child welfare agencies under contract with county departments or the department  
17 whose responsibilities include the investigation or treatment of child abuse or  
18 neglect shall also be designed to provide information on means of recognizing and  
19 appropriately responding to domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a).  
20 The department, the county departments, and a licensed child welfare agency under  
21 contract with the department in a county having a population of 500,000 or more  
22 shall develop public information programs about child abuse and neglect and about  
23 unborn child abuse.

24 (d) 1. Each agency staff member and supervisor whose responsibilities include  
25 investigation or treatment of child abuse and neglect or of unborn child abuse shall

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1 successfully complete training in child abuse and neglect protective services and in  
2 unborn child abuse protective services approved by the department. The training  
3 shall include information on means of recognizing and appropriately responding to  
4 domestic abuse, as defined in s. ~~49.165~~ 49.217 (1) (a). The department shall monitor  
5 compliance with this subdivision according to rules promulgated by the department.

6 **SECTION 65.** 48.988 (11) of the statutes is amended to read:

7 48.988 (11) Financial responsibility for any child placed under the interstate  
8 compact on the placement of children shall be determined in accordance with sub.  
9 (5) in the first instance. However, in the event of partial or complete default of  
10 performance thereunder, the provisions of s. ~~49.90~~ 49.039, ch. 769, or any other  
11 applicable state law fixing responsibility for the support of children also may be  
12 invoked.

13 **SECTION 66.** 48.989 (2) of the statutes is amended to read:

14 48.989 (2) FINANCIAL RESPONSIBILITY. Financial responsibility for any child  
15 placed under the provisions of the interstate compact on the placement of children  
16 shall be determined in accordance with ss. 48.60 (4) (b) and 48.988 (5). In the event  
17 of partial or complete default of performance under the compact, the provisions of s.  
18 ~~49.90~~ 49.039, ch. 769, or any other applicable state law fixing responsibility for the  
19 support of children may also be invoked.

20 **SECTION 67.** Subchapter I (title) of chapter 49 [precedes 49.001] of the statutes  
21 is repealed and recreated to read:

22 **CHAPTER 49**

23 **SUBCHAPTER I**

24 **GENERAL PROVISIONS**

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1           **SECTION 68.** 49.001 (1m) of the statutes is renumbered 49.46 (1c) and amended  
2 to read:

3           **49.46 (1c) DEFINITION.** ~~“Essential~~ In this section, “essential person” means any  
4 person defined as an essential person under federal Title XVI.

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

5           **SECTION 69.** 49.001 (4) of the statutes is renumbered 49.808 (1) and amended  
6 to read:

7           **49.808 (1) “Municipality”** ~~In this section, “municipality”~~ means any town, city  
8 or village.

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

9           **SECTION 70.** 49.001 (4m) and (7m) of the statutes are created to read:

10           **49.001 (4m)** “Intentional program violation” means intentionally making a  
11 false or misleading statement, intentionally misrepresenting or withholding facts,  
12 or committing any act that constitutes a violation of state or federal law for the  
13 purpose of using, presenting, transferring, acquiring, receiving, possessing, or  
14 trafficking benefits under this chapter.

15           **(7m)** “Tribal governing body” means an elected tribal governing body of a  
16 federally 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, stats.

17           **SECTION 71.** 49.001 (5m) of the statutes is renumbered 49.79 (1) (em).

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

18           **SECTION 72.** 49.001 (5p) of the statutes, as affected by 2009 Wisconsin Act 28,  
19 is amended to read:

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1           49.001 **(5p)** “Relief block grant” means a block grant awarded to a county or  
2 tribal governing body under s. 49.025, 2009 stats., s. 49.027, 2009 stats., or s. ~~49.029~~  
3 49.806.

4           **SECTION 73.** 49.003 (1) (am) of the statutes is created to read:

5           49.003 **(1)** (am) “Department” means the department of health services.

6           **SECTION 74.** 49.006 of the statutes is created to read:

7           **49.006 Affirmation of statements in applications.** **(1)** A person who  
8 makes a statement in a written application for any aid or benefit provided under this  
9 chapter shall be considered to have made an admission as to the existence,  
10 correctness, or validity of any fact stated. Such a statement shall be considered to  
11 be prima facie evidence against the person making it in any complaint, information,  
12 or indictment, or in any action brought for enforcement of any provision of this  
13 chapter.

14           **(2)** An employee of a county department, a Wisconsin Works agency, the  
15 department of health services, or the department of children and families who  
16 accepts an application for any aid or benefit under this chapter shall have the  
17 authority to administer an oath to the applicant that the information given is true  
18 and correct to the best of the applicant’s knowledge.

19           **(3)** The department of children and families and the department of health  
20 services shall promulgate rules requiring information provided by an applicant for  
21 any aid or benefit under this chapter to be sworn to or otherwise affirmed as being  
22 true and correct to the best of the applicant’s knowledge.

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, proposed s. 49.006 (2) provides that an employee who accepts an application for aid or a benefit has the authority to administer an oath to the applicant. Finally, proposed s. 49.006 (3) requires DCF and



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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 75.** 49.007 (3) of the statutes is created to read:

2       49.007 (3) FRAUD PREVENTION TRAINING. The department of health services, in  
3       consultation with the department of children and families, shall provide training to  
4       county and Wisconsin Works agency employees relating to fraud prevention and  
5       investigation, error reduction, and related activities. The department of health  
6       services shall promulgate rules specifying the frequency and content of the training.

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

7       **SECTION 76.** 49.01 (intro.) of the statutes is renumbered 49.801 (intro.) and  
8       amended to read:

9       **49.801 Definitions.** (intro.) As used in ~~this subchapter~~ ss. 49.801 to 49.808:

10       **SECTION 77.** 49.01 (1g), (2), (2g), (3) and (8L) of the statutes are renumbered  
11       49.801 (1g), (2), (2g), (3) and (8L), and 49.801 (2), as renumbered, is amended to read:

12       49.801 (2) “Dependent person” means an individual who is eligible for relief  
13       under s. ~~49.015~~ 49.802.

14       **SECTION 78.** 49.01 (1m) and (8p) of the statutes are repealed.

NOTE: Repeals definitions for the terms “department”, and “tribal governing body”. The term “department” will be defined at the beginning of the subchapter. The term “tribal governing body” is defined in proposed s. 49.001 (7m).

15       **SECTION 79.** 49.01 (3m) of the statutes, as affected by 2009 Wisconsin Act 28,  
16       is renumbered 49.801 (3m).

17       **SECTION 80.** 49.015 (title), (1) (intro.) and (am), (1m), (2), (2m) and (3) (b) of the  
18       statutes are renumbered 49.802 (title), (1) (intro.) and (am), (1m), (2), (2m) and (3)  
19       (b), and 49.802 (3) (b), as renumbered, is amended to read:

20       49.802 (3) (b) A relief agency may waive the requirement under sub. (2) or (2m)  
21       in case of unusual misfortune or hardship. Each waiver shall be reported to the

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

4 **SECTION 81.** 49.015 (1) (a) and (c) and (3) (title) and (a) of the statutes, as  
5 affected by 2009 Wisconsin Act 28, are renumbered 49.802 (1) (a) and (c) and (3) (title)  
6 and (a), and 49.802 (1) (c), as renumbered, is amended to read:

7 49.802 (1) (c) The individual qualifies under written criteria of dependency  
8 under s. ~~49.02~~ 49.803 (1) (b) established by the relief agency on that tax-free land.

9 **SECTION 82.** 49.017 (1c) of the statutes is created to read:

10 49.017 (1c) In this section:

11 (a) "Department" means the department of health services.

12 (b) "Public assistance" means any aid or benefit under this chapter.

13 **SECTION 83.** 49.02 (title) and (5) to (11) of the statutes are renumbered 49.803  
14 (title) and (5) to (11), and 49.803 (7m) (b) and (d), as renumbered, are amended to  
15 read:

16 49.803 (7m) (b) Procedures for appealing eligibility determinations under s.  
17 ~~49.015~~ 49.802. These procedures shall provide for notice, fair hearing and review.

18 (d) Standards for a waiver of any eligibility requirement under s. ~~49.015~~  
19 49.802.

20 **SECTION 84.** 49.02 (1), (1e) and (2) of the statutes, as affected by 2009 Wisconsin  
21 Act 28, are renumbered 49.803 (1), (1e) and (2).

22 **SECTION 85.** 49.029 of the statutes is renumbered 49.806, and 49.806 (3), as  
23 renumbered, is amended to read:

24 49.806 (3) USE OF RELIEF BLOCK GRANT FUNDS. A tribal governing body may use  
25 moneys received as a relief block grant only for the purpose of providing health care

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1 services to dependent persons. Notwithstanding s. ~~49.01~~ 49.801 (2g), health care  
2 services may include treatment services for alcohol and other drug abuse and mental  
3 health services.

4 **SECTION 86.** Subchapter II (title) of chapter 49 [precedes 49.05] of the statutes  
5 is repealed and recreated to read:

**CHAPTER 49****SUBCHAPTER II****CHILDREN AND FAMILIES; WISCONSIN****WORKS, AID TO FAMILIES, AND CHILD****CARE SUBSIDY**

11 **SECTION 87.** 49.08 of the statutes is renumbered 49.808 (2).

12 **SECTION 88.** 49.11 of the statutes is renumbered 49.05.

13 **SECTION 89.** 49.114 of the statutes is renumbered 49.066.

14 **SECTION 90.** 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), stats.

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

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

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

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

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

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

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

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

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

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

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

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

8           49.138 (4) (c) If the administering agency is a Wisconsin ~~works~~ Works agency,  
9 the department may review the decision of the Wisconsin ~~works~~ Works agency if,  
10 within ~~14~~ 21 days after the date on which the certified copy of the decision of the  
11 Wisconsin ~~works~~ Works agency is mailed, the applicant or participant petitions the  
12 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.

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

14           49.138 (5) (a) The department shall recover an overpayment of benefits paid  
15 under sub. (1m) from an individual who receives benefits under sub. (1m). The value  
16 of the benefit for recovery under this paragraph may not exceed the amount that the  
17 department paid in emergency assistance with respect to that particular recipient  
18 while the recipient was ineligible to receive emergency assistance.

19           (b) The department shall recover assistance paid under sub. (1m) to a person  
20 in the form of a voucher or other payment method for the purpose of providing

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1 housing or a service to a recipient of assistance under sub. (1m) in the amount of  
2 assistance paid by the voucher or other payment method that the person does not use  
3 as required by the department.

4 (c) The department shall promulgate rules establishing policies and  
5 procedures for 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  
bill, DCF must promulgate rules relating to the administration of these provisions.

6 **SECTION 101.** 49.141 (7) (a) of the statutes is renumbered 946.90 (3) and  
7 amended to read:

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

12 **SECTION 102.** 49.141 (7) (b) of the statutes is repealed.

13 **SECTION 103.** 49.141 (7) (c) (intro.) of the statutes is amended to read:

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

19 **SECTION 104.** 49.141 (7) (c) 3. of the statutes is amended to read:

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

**SENATE BILL 400****SECTION 105**

1           **SECTION 105.** 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),~~  
3 the state has a cause of action for relief against the person in an amount equal to 3  
4 times the amount of actual damages sustained as a result of any excess payments  
5 made in connection with the offense for which the conviction was obtained. Proof by  
6 the state of a conviction under ~~sub. (6) s. 946.90 (2) or (3)~~ is conclusive proof in a civil  
7 action of the state's right to damages and the only issue in controversy shall be the  
8 amount, if any, of the actual damages sustained. Actual damages consist of the total  
9 amount of excess payments, any part of which is paid with state funds. In a civil  
10 action under this subsection, the state may elect to file a motion in expedition of the  
11 action. Upon receipt of the motion, the presiding judge shall expedite the action.

12           **SECTION 106.** 49.141 (9) (title) of the statutes is repealed.

13           **SECTION 107.** 49.141 (9) (a) to (c) of the statutes are renumbered 946.90 (4) (a)  
14 to (c), and 946.90 (4) (a), (b) and (c) 1., as renumbered, are amended to read:

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

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

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

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

12 **SECTION 108.** 49.141 (10) (title) and (b) of the statutes are repealed.

13 **SECTION 109.** 49.141 (10) (a) of the statutes is renumbered 946.90 (5) and  
14 amended to read:

15 946.90 (5) A provider ~~may not who~~ knowingly ~~impose~~ imposes upon a recipient  
16 participant in Wisconsin Works charges that are in addition to payments received by  
17 the provider for services under Wisconsin ~~works~~ Works or knowingly ~~impose~~ imposes  
18 direct charges upon a ~~recipient participant in Wisconsin Works~~ in lieu of obtaining  
19 payment under Wisconsin ~~works~~ Works is guilty of a Class H felony, except  
20 that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may  
21 be fined not more than \$25,000. This subsection does not apply if benefits or services  
22 are not provided under Wisconsin ~~works~~ Works and the recipient Wisconsin Works  
23 participant is advised of this fact prior to receiving the service.

NOTE: Move criminal penalties relating to Wisconsin Works fraud to proposed s.  
946.90. Chapter 946, stats., contains crimes against government and its administration.  
Also, see SECTIONS 458 to 460.

**SENATE BILL 400****SECTION 110**

1           **SECTION 110.** 49.143 (2) (b) of the statutes is amended to read:

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

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

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

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

22           **SECTION 112.** 49.143 (2) (h) of the statutes is created to read:



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1           49.143 (2) (h) Prohibit persons who contract with the Wisconsin Works agency  
2 from imposing on a participant charges that are in addition to payments received by  
3 the person for services under Wisconsin Works or from imposing direct charges upon  
4 a participant in lieu of obtaining payment under Wisconsin Works.

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

5           **SECTION 113.** 49.143 (3g) (a) 1. of the statutes is amended to read:

6           49.143 (3g) (a) 1. The placement of participants in Wisconsin ~~works~~ Works  
7 employment positions into unsubsidized employment, as defined in s. 49.147 (1) (e)  
8 49.141 (1) (o).

9           **SECTION 114.** 49.145 (2) (j) of the statutes is amended to read:

10           49.145 (2) (j) ~~On the last day of the month, the~~ The individual is not  
11 participating in a strike.

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

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

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

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

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

9 **SECTION 116.** 49.145 (3m) (title) of the statutes is created to read:

10 49.145 (3m) (title) PARTICIPANT WITH DRUG CONVICTION.

11 **SECTION 117.** 49.1452 of the statutes is renumbered 49.813.

12 **SECTION 118.** 49.1455 of the statutes is repealed.

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

13 **SECTION 119.** 49.147 (1) (intro.) of the statutes is repealed.

14 **SECTION 120.** 49.147 (1) (c) of the statutes is renumbered 49.141 (1) (o) and  
15 amended to read:

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

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

19 **SECTION 121.** 49.147 (3m) of the statutes is repealed.

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

20 **SECTION 122.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

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1           49.147 **(5m)** (a) (intro.) To the extent permitted under 42 USC 607, and except  
2 as provided in par. (bL), a participant under sub. (4) or (5) may participate in ~~a~~  
3 ~~technical college~~ an education program provided by a technical college established  
4 under ch. 38 as part of a community service job placement or transitional placement  
5 if all of the following requirements are met:

NOTE: Clarifies reference to technical college education.

6           **SECTION 123.** 49.147 (6) (cm) 1. of the statutes is amended to read:

7           49.147 **(6)** (cm) 1. The department may, in the manner provided in s. ~~49.85~~  
8 49.023, collect job access loan repayments that are delinquent under the terms of a  
9 repayment agreement. The department shall credit all delinquent repayments  
10 collected by the department of revenue as a setoff under s. 71.93 to the appropriation  
11 account under s. 20.437 (2) (jL). Use of the process under s. ~~49.85~~ 49.023 does not  
12 preclude the department from collecting delinquent repayments through other legal  
13 means.

14           **SECTION 124.** 49.1473 of the statutes is renumbered 49.143 (2b), and 49.143  
15 (2b) (a) 2., as renumbered, is amended to read:

16           49.143 **(2b)** (a) 2. Each Wisconsin ~~works~~ Works agency shall establish  
17 procedures, in accordance with the rules promulgated by the department under ~~par.~~  
18 ~~(a) subd. 1.~~, for screening victims of domestic abuse.

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

19           **SECTION 125.** 49.148 (1) (b) 1. of the statutes, as affected by 2011 Wisconsin Act  
20 32, is amended to read:

21           49.148 **(1)** (b) 1. Except as provided in subd. 1m., for a participant in a  
22 community service job under s. 49.147 (4), a monthly grant of \$653, paid by the  
23 Wisconsin Works agency. For every hour that the participant misses work or

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

10 **SECTION 126.** 49.148 (1m) (a) 1. of the statutes, as affected by 2011 Wisconsin  
11 Act 32, is amended to read:

12 49.148 (1m) (a) 1. A custodial parent of a child 8 weeks old or less who meets  
13 the eligibility requirements under s. 49.145 (2) and (3), unless another adult member  
14 of the custodial parent's Wisconsin Works group is participating in, or is eligible to  
15 participate in, a Wisconsin Works employment position or is employed in  
16 unsubsidized employment, ~~as defined in s. 49.147 (1) (e)~~.

17 **SECTION 127.** 49.148 (4) (title) of the statutes is repealed.

18 **SECTION 128.** 49.148 (4) (a) to (c) of the statutes, as affected by 2011 Wisconsin  
19 Act 32, are renumbered 49.145 (3m) (a) to (c).

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

20 **SECTION 129.** 49.149 (intro.), (1) and (3) of the statutes are consolidated,  
21 renumbered 49.143 (2z) and amended to read:

22 49.143 (2z) ~~WISCONSIN WORKS; EDUCATION~~ EDUCATION AND TRAINING. A Wisconsin  
23 ~~works~~ Works agency shall ~~do all of the following: (1) Establish~~ establish a referral

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1 relationship with other employment and training programs for participants to make  
2 use of varied education and training opportunities available through integrated job  
3 centers, as defined by the department by rule. ~~(3) Encourage, and encourage~~  
4 employers to make training sites available on the business site for participants.

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

5 **SECTION 130.** 49.15 (3) (a) of the statutes is amended to read:

6 49.15 (3) (a) Unsubsidized employment, as defined in s. 49.147 (1) (e).

7 **SECTION 131.** 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and  
8 amended to read:

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

19 **SECTION 132.** 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes are created to  
20 read:

21 49.151 (2) (a) 1. For a first intentional program violation, for 6 months.

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

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

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

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

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

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

6 **SECTION 133.** 49.152 (title) of the statutes is amended to read:

7 **49.152 (title) Review of Wisconsin Works agency decisions.**

8 **SECTION 134.** 49.152 (1) of the statutes, as affected by 2011 Wisconsin Act 32,  
9 is amended to read:

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

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1           **SECTION 135.** 49.1525 of the statutes is created to read:

2           **49.1525 Review of Wisconsin Shares decisions. (1) PETITION FOR REVIEW.**

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

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

18                1. Withdraws the petition in writing.

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

22                (b) The petitioner may request a review of the department's decision under ch.  
23                227 within 21 days of the date on which the decision of the department is mailed.

24          **(3) REMEDIES.** If, following review under sub. (2), the department determines  
25          that a participant's child care subsidy benefit was improperly modified, canceled, or

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1 refused, or was calculated incorrectly, the department shall restore the benefit to the  
2 level determined to be appropriate by the department retroactive to the date on  
3 which the benefit was first improperly modified, canceled, refused, or incorrectly  
4 calculated.

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

5 **SECTION 136.** 49.153 of the statutes, as affected by 2011 Wisconsin Act 32, is  
6 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.

7 **SECTION 137.** 49.155 (1) (ag) and (d) of the statutes are repealed.

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

8 **SECTION 138.** 49.155 (1) (ah) of the statutes is amended to read:

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

12 **SECTION 139.** 49.155 (1g) (bc), (d) and (e) of the statutes are amended to read:

13 49.155 (1g) (bc) Grants under s. ~~49.134~~ 49.204 (2) for child care resource and  
14 referral services, in the amount of at least \$1,298,600 per fiscal year.

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

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

17 **SECTION 140.** 49.155 (1m) (intro.), (a) 1., 1m. (intro.) and 3m. of the statutes are  
18 amended to read:

19 49.155 (1m) ELIGIBILITY. (intro.) Except as provided in s. ~~49.155~~ sub. (3g), the  
20 department shall contract with a county department or agency to determine the



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1 eligibility of individuals residing in a particular geographic region or who are  
2 members of a particular Indian tribal unit for child care subsidies under this section.  
3 Under this section, an individual may receive a subsidy for child care for a child who  
4 has not attained the age of 13 or, if the child is disabled, who has not attained the age  
5 of 19, if the individual meets all of the following conditions:

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

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

12 3m. Participate in a job search or work experience component of the ~~food stamp~~  
13 supplemental nutrition assistance employment and training program under s. 49.79  
14 (9).

15 **SECTION 141.** 49.155 (3g) (a) (intro.) and (b) of the statutes are amended to read:

16 49.155 (**3g**) (a) (intro.) The department may contract with the Milwaukee  
17 County enrollment services unit, as provided in s. ~~49.825~~ 49.009 (2) (b), to do any of  
18 the following:

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

22 **SECTION 142.** 49.155 (6m) (a) and (b) of the statutes are amended to read:

23 49.155 (**6m**) (a) Maintain ~~a~~ an accurate written record of the daily hours of  
24 attendance of each child for whom the provider is providing care under this section,  
25 including the actual arrival and departure times for each child.

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

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

5 **SECTION 143.** 49.155 (7) (b) 4. of the statutes is renumbered 49.155 (7) (c) and  
6 amended to read:

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

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

14 **SECTION 144.** 49.159 (2) of the statutes is amended to read:

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

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1 under the supplemental nutrition assistance program, and other food and nutrition  
2 programs.

3 **SECTION 145.** 49.161 (1) of the statutes is amended to read:

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

11 **SECTION 146.** 49.1635 of the statutes is renumbered 49.215.

12 **SECTION 147.** 49.165 of the statutes, as affected by 2011 Wisconsin Act 32, is  
13 renumbered 49.217.

14 **SECTION 148.** 49.167 of the statutes is renumbered 49.219.

15 **SECTION 149.** 49.169 of the statutes is renumbered 49.221.

16 **SECTION 150.** 49.173 (3) (a) 2. of the statutes is amended to read:

17 49.173 (3) (a) 2. ~~Food stamp~~ Supplemental nutrition assistance employment  
18 and training.

19 **SECTION 151.** 49.175 (1) (m) of the statutes is amended to read:

20 49.175 (1) (m) *Children first.* For services under the work experience program  
21 for noncustodial parents under s. ~~49.36~~ 49.163, \$1,140,000 in each fiscal year.

22 **SECTION 152.** 49.19 (4) (h) 1. b. of the statutes is amended to read:

23 49.19 (4) (h) 1. b. ~~Except as provided under sub. (5) (a) 1m., when~~ When any  
24 person applies for or receives aid under this section, any right of the parent or any  
25 dependent child to support or maintenance from any other person, including any

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1 right to unpaid amounts accrued at the time of application and any right to amounts  
2 accruing during the time aid is paid under this section, is assigned to the state. If  
3 a minor who is a beneficiary of aid under this section is also the beneficiary of support  
4 under a judgment or order that includes support for one or more children not  
5 receiving aid under this section, any support payment made under the judgment or  
6 order is assigned to the state in the amount that is the proportionate share of the  
7 minor receiving aid under this section, except as otherwise ordered by the court on  
8 the motion of a party. Amounts assigned to the state under this subd. 1. b. remain  
9 assigned to the state until that amount of aid paid that represents the amount due  
10 as support or maintenance has been recovered. No amount of support that begins  
11 to accrue after aid under this section is discontinued for the recipient may be  
12 considered assigned to this state.

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

13 **SECTION 153.** 49.19 (5) (a) 1m., (16) and (17) of the statutes are repealed.

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

14 **SECTION 154.** 49.195 (title) of the statutes is amended to read:

15 **49.195 (title) ~~Recovery of~~ Action to recoup aid to families with**  
16 **dependent children and, Wisconsin works Works benefits.**

NOTE: Modifies title to distinguish from recovery of overpayments.

17 **SECTION 155.** 49.195 (3) of the statutes is renumbered 49.195 (3) (a) and  
18 amended to read:

19 **49.195 (3) (a)** A county, tribal governing body, Wisconsin ~~works~~ Works agency,  
20 or the department shall determine whether an overpayment has been made under  
21 s. 49.19, 49.148, 49.155, or 49.157 and, if so, the amount of the overpayment. The  
22 county, tribal governing body, Wisconsin ~~works~~ Works agency, or department shall

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1 provide notice of the overpayment to the liable person. The department shall give  
2 that person an opportunity for a review following the procedure specified under s.  
3 49.152 or 49.1525, if the person received the overpayment under s. ~~ss.~~ 49.141 to  
4 49.161, and for a hearing under ch. 227. Notwithstanding s. ~~49.96~~ 49.043, the  
5 department shall promptly recover all overpayments made under s. 49.19, 49.148,  
6 49.155, or 49.157 that have not already been received under s. 49.161 ~~or 49.19 (17)~~  
7 and shall promulgate rules establishing policies and procedures to administer this  
8 subsection. The rules shall include notification procedures similar to those  
9 established for child support collections.

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

10 **SECTION 156.** 49.195 (3) (b) of the statutes is created to read:

11 49.195 (3) (b) Notwithstanding par. (a), the department shall waive recovery  
12 of an overpayment paid to a child care provider under s. 49.155 if the overpayment  
13 is a result of the child care provider's reasonable reliance on incorrect information  
14 provided by the county department or an agency with which the department  
15 contracts under s. 49.155 (1m) regarding the child care provider's eligibility for  
16 payment or an individual's eligibility to receive a child care subsidy under s. 49.155.

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

17 **SECTION 157.** 49.195 (3m) (f) of the statutes is amended to read:

18 49.195 (3m) (f) Notwithstanding s. ~~49.96~~ 49.043, at any time after the filing of  
19 a warrant, the department may commence and maintain a garnishee action as  
20 provided by ch. 812 or may use the remedy of attachment as provided by ch. 811 for  
21 actions to enforce a judgment. The place of trial of such an action may be either in

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1 Dane County or the county where the debtor resides and may not be changed from  
2 the county in which that action is commenced, except upon consent of the parties.

3 **SECTION 158.** 49.195 (3n) (q) 2. of the statutes is amended to read:

4 49.195 (3n) (q) 2. The first \$1,000 of an account in a depository institution is  
5 exempt from any levy to recover a ~~benefit overpayment~~ debt.

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

6 **SECTION 159.** 49.197 (1m) of the statutes, as affected by 2011 Wisconsin Act 32,  
7 is amended to read:

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

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1 defined in s. ~~49.78~~ 49.003 (1) (br), and to Wisconsin Works agencies to encourage  
2 activities to detect fraud. The department shall cooperate with district attorneys  
3 regarding fraud prosecutions.

4 **SECTION 160.** 49.197 (2) (a) 3. of the statutes, as affected by 2011 Wisconsin Act  
5 32, is repealed.

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

6 **SECTION 161.** 49.197 (3) of the statutes is amended to read:

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

15 **SECTION 162.** 49.197 (4) of the statutes, as affected by 2011 Wisconsin Act 32,  
16 is amended to read:

17 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health  
18 services contracts with the department under sub. (5), the department shall provide  
19 funds from the appropriation under s. 20.437 (2) (kx) to counties, multicounty  
20 consortia, as defined in s. ~~49.78~~ 49.003 (1) (br), and tribal governing bodies of  
21 ~~federally recognized American Indian tribes~~ administering Medical Assistance  
22 under subch. IV, the ~~food stamp~~ supplemental nutrition assistance program under  
23 7 USC 2011 to 2036, the supplemental security income payments program under s.

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1 49.77, the program providing payments for the support of children of supplemental  
2 security income recipients under s. 49.775, and the Badger Care health care program  
3 under s. 49.665 to offset administrative costs of reducing payment errors in those  
4 programs.

5 **SECTION 163.** 49.197 (5) of the statutes is amended to read:

6 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE, ~~FOOD-STAMPS~~ SUPPLEMENTAL  
7 NUTRITION ASSISTANCE, SUPPLEMENTAL SECURITY INCOME, AND CARETAKER SUPPLEMENT.  
8 Notwithstanding s. ~~49.845~~ 49.019 (1) and (2), the department of health services may  
9 contract with the department to investigate suspected fraudulent activity on the  
10 part of recipients of medical assistance under subch. IV, ~~food-stamp~~ benefits under  
11 the ~~food-stamp~~ supplemental nutrition assistance program under 7 USC 2011 to  
12 2036, supplemental security income payments under s. 49.77, payments for the  
13 support of children of supplemental security income recipients under s. 49.775, and  
14 health care benefits under the Badger Care health care program under s. 49.665 and  
15 to conduct activities to reduce payment errors in the Medical Assistance program  
16 under subch. IV, the ~~food-stamp~~ supplemental nutrition assistance program under  
17 7 USC 2011 to 2036, the supplemental security income payments program under s.  
18 49.77, the program providing payments for the support of children of supplemental  
19 security income recipients under s. 49.775, and the Badger Care health care program  
20 under s. 49.665, as provided in this section.

21 **SECTION 164.** Subchapter III (title) of chapter 49 [precedes 49.203] of the  
22 statutes is repealed and recreated to read:

23 **CHAPTER 49**

24 **SUBCHAPTER III**



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## CHILDREN AND FAMILIES; OTHER

## SUPPORT SERVICES

**SECTION 165.** 49.203 of the statutes is created to read:

**49.203 Definitions.** In this subchapter:

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

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

**SECTION 166.** 49.22 of the statutes is renumbered 49.811, and 49.811 (2m) (a) and (7m), as renumbered, are amended to read:

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

(7m) The department may contract with or employ a collection agency or other person to enforce a support obligation of a parent who is delinquent in making support payments and may contract with or employ an attorney to appear in an

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1 action in state or federal court to enforce such an obligation. To pay for the  
2 department's administrative costs of implementing this subsection, the department  
3 may charge a fee to counties, use federal matching funds or funds retained by the  
4 department under s. ~~49.24~~ 49.821 (2) (c), or use up to 30% of this state's share of a  
5 collection made under this subsection on behalf of a recipient of aid to families with  
6 dependent children or a recipient of kinship care payments under s. 48.57 (3m) or  
7 long-term kinship care payments under s. 48.57 (3n).

8 **SECTION 167.** 49.225 of the statutes is renumbered 49.817.

9 **SECTION 168.** 49.227 of the statutes is renumbered 49.819.

10 **SECTION 169.** 49.24 of the statutes is renumbered 49.821, and 49.821 (2) (a) and  
11 (c) and (3), as renumbered, are amended to read:

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

18 (c) The department may retain 70% of the amount of federal child support  
19 incentive payments awarded to the state for each federal fiscal year that exceeds  
20 \$12,340,000, to be used to pay the costs of the department's activities under ss. ~~49.22~~  
21 49.811 and ~~49.227~~ 49.819 and costs related to receiving and disbursing support and  
22 support-related payments.

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

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1           **SECTION 170.** 49.25 of the statutes is renumbered 49.823.

2           **SECTION 171.** 49.26 (title) of the statutes is renumbered 49.198 (title).

3           **SECTION 172.** 49.26 (1) (a) to (h) 1s., (hm) and (hr) of the statutes are  
4 renumbered 49.198 (1) (a) to (h) 1s., (hm) and (hr), and 49.198 (1) (c), (d), (g) (intro.),  
5 (ge), (h) 1s. b. and (hr), as renumbered, are amended to read:

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

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

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

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

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

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

9 **SECTION 173.** 49.26 (1) (h) 2. and (2) (title) and (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.

10 **SECTION 174.** 49.26 (2) (b) of the statutes is renumbered 49.198 (2) and  
11 amended to read:

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

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

16 **SECTION 175.** 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).

17 **SECTION 176.** 49.27 of the statutes is renumbered 49.064.

18 **SECTION 177.** 49.275 of the statutes is renumbered 49.065 and amended to  
19 read:

20 **49.065 Cooperation with federal government.** The department may  
21 cooperate with the federal government in carrying out federal acts concerning public

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1 assistance under ~~this subchapter~~ subchs. II and III and child welfare under ch. 48  
2 and in other matters of mutual concern under ~~this subchapter~~ subchs. II and III  
3 pertaining to public welfare and under ch. 48 pertaining to child welfare.

4 **SECTION 178.** 49.29 of the statutes is repealed.

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

5 **SECTION 179.** 49.32 (title) of the statutes is renumbered 49.06 (title).

6 **SECTION 180.** 49.32 (1), (2) and (7) to (12) of the statutes are renumbered 49.06  
7 (1), (2) and (6) to (12), and 49.06 (1) (a), (7) (b), (c) and (d), (8), (9) (title), (a), (b) and  
8 (c), (10) (a) (intro.) and (10m) (a) and (b), as renumbered, are amended to read:

9 49.06 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department  
10 shall establish a uniform system of fees for services provided or purchased under ~~this~~  
11 ~~subchapter~~ ss. 49.811 to 49.823, subchs. II and III, and ch. 48 by the department, or  
12 a county department under s. 46.215, 46.22, or 46.23 except as provided in s. ~~49.22~~  
13 ~~49.811~~ (6) and except when, as determined by the department, a fee is  
14 administratively unfeasible or would significantly prevent accomplishing the  
15 purpose of the service. A county department under s. 46.215, 46.22, or 46.23 shall  
16 apply the fees that it collects under this program to cover the cost of those services.  
17 The department shall report to the joint committee on finance no later than March  
18 1 of each year on the number of children placed for adoption by the department  
19 during the previous year and the costs to the state for services relating to such  
20 adoptions.

21 (7) (b) The department shall conduct a program to periodically match the  
22 records of recipients of aid to families with dependent children under s. 49.19 and,  
23 if the department of health services contracts with the department under s. 49.197

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1 (5), recipients of medical assistance under subch. IV and ~~food-stamp~~ benefits under  
2 the ~~food-stamp~~ supplemental nutrition assistance program under 7 USC 2011 to  
3 2036 with the records of recipients under those programs in other states. If an  
4 agreement with the other states can be obtained, matches with records of states  
5 contiguous to this state shall be conducted at least annually.

6 (c) The department shall conduct a program to periodically ~~match~~ review the  
7 address records of recipients of aid to families with dependent children under s. 49.19  
8 and, if the department of health services contracts with the department under s.  
9 49.197 (5), recipients of medical assistance under subch. IV and ~~food-stamp~~ benefits  
10 under the ~~food-stamp~~ supplemental nutrition assistance program under 7 USC 2011  
11 to 2036 to verify residency and to identify recipients receiving duplicate or  
12 fraudulent payments.

13 (d) The department, with assistance from the department of corrections, shall  
14 conduct a program to periodically match the records of persons confined in state  
15 correctional facilities with the records of recipients of aid to families with dependent  
16 children under s. 49.19 and, if the department of health services contracts with the  
17 department under s. 49.197 (5), recipients of medical assistance under subch. IV and  
18 ~~food-stamp~~ benefits under the ~~food-stamp~~ supplemental nutrition assistance  
19 program under 7 USC 2011 to 2036 to identify recipients who may be ineligible for  
20 benefits.

21 **(8) PERIODIC EARNINGS CHECK BY DEPARTMENT.** The department shall make a  
22 periodic check of the amounts earned by recipients of aid to families with dependent  
23 children under s. 49.19 and by participants under Wisconsin works Works under ss.  
24 49.141 to 49.161 through a check of the amounts credited to the recipient's social  
25 security number. The department shall make an investigation into any discrepancy

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1 between the amounts credited to a social security number and amounts reported as  
2 income on the declaration application and take appropriate action under s. 49.95  
3 when warranted. The department shall use the state wage reporting system under  
4 1985 Wisconsin Act 17, section 65 (1), when the system is implemented, to make  
5 periodic earnings checks.

6 **(9) (title) MONTHLY REPORTS OF RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT**  
7 **CHILDREN WISCONSIN WORKS PARTICIPANTS.** (a) ~~Each county department under s.~~  
8 ~~46.215, 46.22, or 46.23 administering aid to families with dependent children shall~~  
9 ~~maintain a monthly report at its office showing the names of all persons receiving~~  
10 ~~aid to families with dependent children together with the amount paid during the~~  
11 ~~preceding month.~~ Each Wisconsin Works agency administering Wisconsin Works  
12 under ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the  
13 names of all persons receiving benefits under s. 49.148 together with the amount  
14 paid during the preceding month. Nothing in this paragraph shall be construed to  
15 authorize or require the disclosure in the report of any information (names, amounts  
16 of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children  
17 in foster homes under s. 48.645 or 49.19 (10).

18 (b) The report under par. (a) shall be open to public inspection at all times  
19 during regular office hours and may be destroyed after the next succeeding report  
20 becomes available. Any person, except any public officer, seeking permission to  
21 inspect such report shall be required to prove his or her identity and to sign a  
22 statement setting forth his or her address and, the reasons for making the request,  
23 and indicating that he or she understands the provisions of par. (c) with respect to  
24 the use of the information obtained. The use of a fictitious name is a violation of this  
25 section. Within 7 days after the record is inspected, or on the next regularly

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1 scheduled communication with that person, whichever is sooner, the county  
2 department or Wisconsin works Works agency shall notify each person whose name  
3 and amount of aid was inspected that the record was inspected and of the name and  
4 address of the person making such inspection. County departments under ss. 46.215,  
5 46.22 and 46.23 administering aid to families with dependent children and  
6 Wisconsin works Works agencies administering Wisconsin works Works under ss.  
7 49.141 to 49.161 may withhold the right to inspect the name of and amount paid to  
8 recipients from private individuals who are not inspecting this information for  
9 purposes related to public, educational, organizational, governmental, or research  
10 purposes until the person whose record is to be inspected is notified by the county  
11 department or Wisconsin works Works agency, but in no case may the county  
12 department or Wisconsin works Works agency withhold this information for more  
13 than 5 working days. The county department or Wisconsin works Works agency shall  
14 keep a record of such requests. The record shall indicate the name, address,  
15 employer, and telephone number of the person making the request. If the person  
16 refuses to provide his or her name, address, employer, and telephone number, the  
17 request to inspect this information may be denied.

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

21 (10) (a) (intro.) Each county department under s. 46.215, 46.22, or 46.23 may  
22 release the current address of a recipient of food stamps supplemental nutrition  
23 assistance program benefits under s. 49.79 or of aid under s. 49.19, and each  
24 Wisconsin works Works agency may release the current address of a participant in



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1     Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, to a law enforcement officer if the  
2     officer meets all of the following conditions:

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

**SENATE BILL 400****SECTION 180**

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

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

15 **SECTION 181.** 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.

16 **SECTION 182.** 49.325 (1) (a) of the statutes is amended to read:

17 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall  
18 submit its final budget for services directly provided or purchased under ss. 49.811  
19 to 49.823, this subchapter or subch. II, or ch. 48 to the department by December 31  
20 annually.

21 **SECTION 183.** 49.325 (2) of the statutes is amended to read:

22 49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed  
23 budget for services directly provided or purchased under ss. 49.811 to 49.823, this

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1 subchapter or subch. II, or ch. 48 to the county executive or county administrator or  
2 the county board, the county departments listed in sub. (1) shall assess needs and  
3 inventory resources and services, using an open public participation process.

4 **SECTION 184.** 49.325 (2g) (a) of the statutes is amended to read:

5 49.325 **(2g)** (a) The department shall annually submit to the county board of  
6 supervisors in a county with a single-county department or the county boards of  
7 supervisors in counties with a multicounty department a proposed written contract  
8 containing the allocation of funds for services directly provided or purchased under  
9 ss. 49.811 to 49.823, this subchapter or subch. II, or ch. 48 and such administrative  
10 requirements as necessary. The contract as approved may contain conditions of  
11 participation consistent with federal and state law. The contract may also include  
12 provisions necessary to ensure uniform cost accounting of services. Any changes to  
13 the proposed contract shall be mutually agreed upon. The county board of  
14 supervisors in a county with a single-county department or the county boards of  
15 supervisors in counties with a multicounty department shall approve the contract  
16 before January 1 of the year in which it takes effect unless the department grants  
17 an extension. The county board of supervisors in a county with a single-county  
18 department or the county boards of supervisors in counties with a multicounty  
19 department may designate an agent to approve addenda to any contract after the  
20 contract has been approved.

21 **SECTION 185.** 49.325 (2r) (a) 1. of the statutes is amended to read:

22 49.325 **(2r)** (a) 1. For services under ss. 49.811 to 49.823, this subchapter or  
23 subch. II, or ch. 48 that duplicate or are inconsistent with services being provided or  
24 purchased by the department or other county departments receiving grants-in-aid  
25 or reimbursement from the department.

**SENATE BILL 400****SECTION 186**

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

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

8           **SECTION 187.** 49.34 (1) of the statutes is amended to read:

9           49.34 **(1)** All services under ss. 49.811 to 49.823, this subchapter and subch. II,  
10 and ch. 48 purchased by the department or by a county department under s. 46.215,  
11 46.22, or 46.23 shall be authorized and contracted for under the standards  
12 established under this section. The department may require the county departments  
13 to submit the contracts to the department for review and approval. For purchases  
14 of \$10,000 or less the requirement for a written contract may be waived by the  
15 department. No contract is required for care provided by foster homes that are  
16 required to be licensed under s. 48.62. When the department directly contracts for  
17 services, it shall follow the procedures in this section in addition to meeting  
18 purchasing requirements established in s. 16.75.

19           **SECTION 188.** 49.34 (2) of the statutes is amended to read:

20           49.34 **(2)** All services purchased under ss. 49.811 to 49.823, this subchapter and  
21 subch. II, and ch. 48 shall meet standards established by the department and other  
22 requirements specified by the purchaser in the contract. Based on these standards  
23 the department shall establish standards for cost accounting and management  
24 information systems that shall monitor the utilization of the services, and document

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1 the specific services in meeting the service plan for the client and the objective of the  
2 service.

3 **SECTION 189.** 49.34 (4) (e) of the statutes is amended to read:

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

8 **SECTION 190.** 49.345 (2) of the statutes is amended to read:

9 49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including but  
10 not limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m), receiving care,  
11 maintenance, services, and supplies provided by any institution in this state, in  
12 which the state is chargeable with all or part of the person's care, maintenance,  
13 services, and supplies, and the person's property and estate, including the  
14 homestead, and the spouse of the person, and the spouse's property and estate,  
15 including the homestead, and, in the case of a minor child, the parents of the person,  
16 and their property and estates, including their homestead, and, in the case of a  
17 foreign child described in s. 48.839 (1) who became dependent on public funds for his  
18 or her primary support before an order granting his or her adoption, the resident of  
19 this state appointed guardian of the child by a foreign court who brought the child  
20 into this state for the purpose of adoption, and his or her property and estate,  
21 including his or her homestead, shall be liable for the cost of the care, maintenance,  
22 services, and supplies in accordance with the fee schedule established by the  
23 department under s. ~~49.32~~ 49.06 (1). If a spouse, widow, or minor, or an incapacitated  
24 person may be lawfully dependent upon the property for his or her support, the court  
25 shall release all or such part of the property and estate from the charges that may

**SENATE BILL 400****SECTION 190**

1 be necessary to provide for the person. The department shall make every reasonable  
2 effort to notify the liable persons as soon as possible after the beginning of the  
3 maintenance, but the notice or the receipt thereof is not a condition of liability.

4 **SECTION 191.** 49.345 (14) (a), (b) and (g) of the statutes are amended to read:

5 49.345 (14) (a) Except as provided in pars. (b) and (c), liability of a person  
6 specified in sub. (2) or s. ~~49.32~~ 49.06 (1) for care and maintenance of persons under  
7 18 years of age in residential, nonmedical facilities such as group homes, foster  
8 homes, subsidized guardianship homes, and residential care centers for children and  
9 youth is determined in accordance with the cost-based fee established under s. ~~49.32~~  
10 49.06 (1). The department shall bill the liable person up to any amount of liability  
11 not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party benefits,  
12 subject to rules that include formulas governing ability to pay established by the  
13 department under s. ~~49.32~~ 49.06 (1). Any liability of the person not payable by any  
14 other person terminates when the person reaches age 18, unless the liable person has  
15 prevented payment by any act or omission.

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

24 (g) For purposes of determining child support under par. (b), the department  
25 shall promulgate rules related to the application of the standard established by the

**SENATE BILL 400**

1 department under s. ~~49.22~~ 49.811 (9) to a child support obligation for the care and  
2 maintenance of a child who is placed by a court order under s. 48.355 or 48.357 in a  
3 residential, nonmedical facility. The rules shall take into account the needs of any  
4 person, including dependent children other than the child, whom either parent is  
5 legally obligated to support.

6 **SECTION 192.** 49.35 (title), (1) (a), (b), and (c) and (2) of the statutes are  
7 renumbered 49.062 (title), (1) (a), (b), and (c) and (2), and 49.062 (1) (a) and (b), as  
8 renumbered, are amended to read:

9 49.062 (1) (a) The department shall supervise the administration of programs  
10 under ~~this subchapter ss. 49.811 to 49.823, subchs. II and III,~~ and ch. 48. The  
11 department shall submit to the federal authorities state plans for the administration  
12 of programs under ~~this subchapter ss. 49.811 to 49.823, subchs. II and III,~~ and ch.  
13 48 in such form and containing such information as the federal authorities require,  
14 and shall comply with all requirements prescribed to ensure their correctness.

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

23 **SECTION 193.** 49.35 (1) (bm) of the statutes is repealed.

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

**SENATE BILL 400****SECTION 194**

1           **SECTION 194.** 49.36 (title) of the statutes is renumbered 49.163 (title).

2           **SECTION 195.** 49.36 (1) (intro.) and (a) of the statutes are consolidated,  
3 renumbered 49.163 (1) and amended to read:

4           49.163 (1) In this section: ~~(a) “Custodial,~~ “custodial parent” means a parent  
5 who lives with his or her child for substantial periods of time.

6           **SECTION 196.** 49.36 (1) (b) of the statutes is repealed.

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

7           **SECTION 197.** 49.36 (2) to (7) of the statutes are renumbered 49.163 (2) to (7),  
8 and 49.163 (2), as renumbered, is amended to read:

9           49.163 (2) The department may contract with any county, tribal governing  
10 body, or Wisconsin Works agency to administer a work experience and job training  
11 program for parents who are not custodial parents and who fail to pay child support  
12 or to meet their children’s needs for support as a result of unemployment or  
13 underemployment. The program may provide the kinds of work experience and job  
14 training services available from the program under s. 49.193, 1997 stats., or s. 49.147  
15 (3), ~~(3m)~~, or (4). The program may also include job search and job orientation  
16 activities. The department shall fund the program from the appropriations under  
17 s. 20.437 (2) (dz) and (k).

18           **SECTION 198.** 49.385 of the statutes is amended to read:

19           **49.385 No action against members of the Menominee Indian tribe in**  
20 **certain cases.** No action shall be commenced under s. 46.10 or ~~49.08~~ 49.808 or any  
21 other provision of law for the recovery from assets distributed to members of the  
22 Menominee Indian tribe and others by the United States pursuant to P.L. 83-399,  
23 as amended, for the value of relief or old-age assistance under s. 49.20, 1971 stats.,



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1 as affected by chapter 90, laws of 1973, and the value of maintenance in state  
2 institutions under ch. 46, furnished prior to termination date as defined in s. 70.057  
3 (1), 1967 stats., to any legally enrolled member of the Menominee Indian tribe, his  
4 or her dependents, or lawful distributees of such member under section 3, said P.L.  
5 83-399, as amended. For purposes of this section, “legally enrolled members of the  
6 Menominee Indian tribe” shall include only those persons whose names appear on  
7 “Final Roll-Menominee Indian Tribe of Wisconsin” as proclaimed by the secretary  
8 of the interior November 26, 1957, and published at pages 9951 et seq. of the federal  
9 register, Thursday, December 12, 1957.

10 **SECTION 199.** Subchapter IV (title) of chapter 49 [precedes 49.43] of the  
11 statutes is amended to read:

**CHAPTER 49****SUBCHAPTER IV****HEALTH; MEDICAL ASSISTANCE**

14 **SECTION 200.** 49.43 (intro.) of the statutes is amended to read:

15 **49.43 Definitions.** (intro.) ~~As used in ss. 49.43 to 49.497~~ In this subchapter  
16 unless the context indicates otherwise:  
17

18 **SECTION 201.** 49.43 (2r) and (8m) of the statutes, as created by 2011 Wisconsin  
19 Act 32, are amended to read:

20 49.43 (2r) “County,” “county department,” and “county department under s.  
21 46.215, 46.22, or 46.23” includes a multicounty consortium in accordance with a  
22 contract under s. ~~49.78~~ 49.003 (2).

23 (8m) “Multicounty consortium” has the meaning given in s. ~~49.78~~ 49.003 (1)  
24 (br).

**SENATE BILL 400****SECTION 202**

1           **SECTION 202.** 49.45 (2) (a) 3. and (b) 7. (intro.) and a., (3) (a) and (11) of the  
2 statutes are amended to read:

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

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

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

**SENATE BILL 400**

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

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

9           **SECTION 203.** 49.45 (6y) (a) of the statutes, as affected by 2011 Wisconsin Act  
10          32, is amended to read:

11          49.45 **(6y)** (a) Notwithstanding sub. (3) (e), from the appropriation accounts  
12          under s. 20.435 (4) (b), (gm), (o), and (w), the department may distribute funding in  
13          each fiscal year to provide supplemental payment to hospitals that enter into a  
14          contract under s. ~~49.02~~ 49.803 (2) to provide health care services funded by a relief  
15          block grant, as determined by the department, for hospital services that are not in  
16          excess of the hospitals' customary charges for the services, as limited under 42 USC  
17          1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation  
18          of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3),  
19          the department may distribute funds to hospitals that have not entered into a  
20          contract under s. ~~49.02~~ 49.803 (2).

21          **SECTION 204.** 49.45 (11) of the statutes is amended to read:

22          49.45 **(11)** PENALTY. Any person who receives or assists another in receiving  
23          assistance under this section, to which the recipient is not entitled, shall be subject  
24          to the penalties under s. ~~49.95~~ 946.93.

25          **SECTION 205.** 49.45 (38) of the statutes is amended to read:

**SENATE BILL 400****SECTION 205**

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

5           **SECTION 206.** 49.45 (40) of the statutes is amended to read:

6           49.45 **(40)** PERIODIC RECORD MATCHES. If the department contracts with the  
7 department of children and families under s. 49.197 (5), the department shall  
8 cooperate with the department of children and families in matching records of  
9 medical assistance recipients under s. ~~49.32~~ 49.06 (7).

10          **SECTION 207.** 49.46 (1) of the statutes, as affected by 2011 Wisconsin Act 32,  
11 is renumbered 49.46 (1g).

12          **SECTION 208.** 49.46 (1g) (n) of the statutes, as affected by 2011 Wisconsin Act  
13 32, section 1453f, and 2011 Wisconsin Act ... (this act), is repealed.

14          **SECTION 209.** 49.46 (2) (a) 6., (be) and (bm) of the statutes are amended to read:

15          49.46 **(2)** (a) 6. Premiums, deductibles and coinsurance and other cost-sharing  
16 obligations for items and services otherwise paid under this subsection that are  
17 required for enrollment in a group health plan, as specified in sub. ~~(1)~~ (1g) (m), except  
18 that, if enrollment in the group health plan requires enrollment of family members  
19 who are not eligible under this subsection, the department shall pay, if it is  
20 cost-effective, for an ineligible family member only the premium that is required for  
21 enrollment in the group health plan.

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

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

4 **SECTION 210.** 49.46 (2) (c) 2., 3., 4., 5. and 5m. of the statutes, as affected by 2011  
5 Wisconsin Act 32, are amended to read:

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

19 3. For an individual who is only entitled to coverage under Part A of Medicare,  
20 meets the eligibility criteria under sub. (1) (1g), and meets the limitation on income  
21 under subd. 6., Medical Assistance shall include payment of the deductible and  
22 coinsurance portions of Medicare services under 42 USC 1395 to 1395i that are not  
23 paid under 42 USC 1395 to 1395i, including those Medicare services that are not  
24 included in the approved state plan for services under 42 USC 1396; the monthly  
25 premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty,

**SENATE BILL 400****SECTION 210**

1 if applicable, for premiums under Part A of Medicare. Payment of deductibles and  
2 coinsurance for inpatient hospital services under Part A of Medicare may not exceed  
3 the allowable charge for the service under Medical Assistance minus the Medicare  
4 payment.

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

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

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

9           **SECTION 211.** 49.46 (2) (cm) 1. of the statutes is amended to read:

10           49.46 (2) (cm) 1. Beginning on January 1, 1993, for an individual who is entitled  
11 to coverage under ~~part~~ Part A of ~~medicare~~ Medicare, is entitled to coverage under  
12 ~~part~~ Part B of ~~medicare~~ Medicare, meets the eligibility criteria under sub. (1) (1g) and  
13 meets the limitation on income under subd. 2., ~~medical assistance~~ Medical  
14 Assistance shall pay the monthly premiums under 42 USC 1395r.

15           **SECTION 212.** 49.465 (2) (intro.) of the statutes, as affected by 2011 Wisconsin  
16 Act 32, section 1453r, is amended to read:

17           49.465 (2) (intro.) Unless otherwise provided by the department by a policy  
18 created under s. 49.45 (2m) (c), a pregnant woman is eligible for medical assistance  
19 benefits, as provided under sub. (3), during the period beginning on the day on which  
20 a qualified provider determines, on the basis of preliminary information, that the  
21 woman's family income does not exceed the highest level for eligibility for benefits  
22 under s. 49.46 (1) (1g) or 49.47 (4) (am) or (c) 1. and ending as follows:

23           **SECTION 213.** 49.468 (1) (b) and (c) of the statutes, as affected by 2011 Wisconsin  
24 Act 32, are amended to read:

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

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



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1 Medicare may not exceed the allowable charge for the service under Medical  
2 Assistance minus the Medicare payment.

3 **SECTION 214.** 49.468 (1m) (a) and (2) (a) of the statutes are amended to read:

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

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

18 **SECTION 215.** 49.47 (4) (am) 1. and 2. of the statutes are amended to read:

19 49.47 **(4)** (am) 1. A pregnant woman whose family income does not exceed 155%  
20 of the poverty line for a family the size of the woman's family, except that if a waiver  
21 under par. (j) or a change in the approved state plan under s. 49.46 ~~(1) (1g)~~ (am) 2.  
22 is in effect, the income limit is 185% of the poverty line for a family the size of the  
23 woman's family in each state fiscal year after the 1994-95 state fiscal year.

24 2. A child who is under 6 years of age and whose family income does not exceed  
25 155% of the poverty line for a family the size of the child's family, except that if a

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1 waiver under par. (j) or a change in the approved state plan under s. 49.46 ~~(1)~~ (1g)  
2 (am) 2. is in effect, the income limit is 185% of the poverty line for a family the size  
3 of the child's family in each state fiscal year after the 1994-95 state fiscal year.

4 **SECTION 216.** 49.47 (4) (j) of the statutes is amended to read:

5 49.47 **(4)** (j) If the change in the approved state plan under s. 49.46 ~~(1)~~ (1g) (am)  
6 2. is denied, the department shall request a waiver from the secretary of the federal  
7 department of health and human services to allow the use of federal matching funds  
8 to provide medical assistance coverage under par. (am) 1. and 2. to individuals whose  
9 family incomes do not exceed 185% of the poverty line in each state fiscal year after  
10 the 1994-95 state fiscal year.

11 **SECTION 217.** 49.471 (3) (a) 1., 2. and 3. of the statutes are amended to read:

12 49.471 **(3)** (a) 1. Notwithstanding ss. 49.46 ~~(1)~~ (1g), 49.465, 49.47 (4), and  
13 49.665 (4), if the amendments to the state plan under sub. (2) are approved and a  
14 waiver under sub. (2) that is substantially consistent with the provisions of this  
15 section, excluding sub. (2m), is granted and in effect, an individual described in sub.  
16 (4) (a) or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical  
17 Assistance or BadgerCare health program benefits. The eligibility of an individual  
18 described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be  
19 determined under this section.

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

23 3. Notwithstanding subd. 1., an individual described in sub. (4) (a) or (b) or (5)  
24 who is eligible for ~~medical assistance~~ Medical Assistance under s. 49.46 ~~(1)~~ (1g) (a)

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1 5., 6m., 14., 14m., or 15. or (d) or 49.47 (4) (a) or (as) may receive ~~medical assistance~~  
2 Medical Assistance benefits under this section or under s. 49.46 or 49.47.

3 **SECTION 218.** 49.471 (4) (a) 7. of the statutes is amended to read:

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

7 **SECTION 219.** 49.4715 of the statutes is created to read:

8 **49.4715 Reimbursement; retroactive eligibility.** If an applicant is  
9 determined to be eligible retroactively under s. 49.46 (1g) (b), 49.47 (4) (d), or 49.471  
10 and a provider bills the applicant directly for services and benefits rendered during  
11 the retroactive period, the provider shall, upon notification of the applicant's  
12 retroactive eligibility, submit claims for payment under s. 49.45 for covered services  
13 or benefits rendered to the recipient during the retroactive period. Upon receipt of  
14 payment under s. 49.45, the provider shall reimburse the recipient or other person  
15 who has made prior payment to the provider for services provided to the recipient  
16 during the retroactive eligibility period, by the amount of the prior payment made.

17 **SECTION 220.** 49.473 (2) (a) of the statutes is amended to read:

18 49.473 (2) (a) The woman is not eligible for ~~medical assistance~~ Medical  
19 Assistance under ss. 49.46 (~~1~~) (1g) and (1m), 49.465, 49.468, 49.47, 49.471, and  
20 49.472, and is not eligible for health care coverage under s. 49.665.

21 **SECTION 221.** 49.475 (6) of the statutes is amended to read:

22 49.475 (6) SHARING INFORMATION. The department of health services shall  
23 provide to the department of children and families, for purposes of the medical  
24 support liability program under s. ~~49.22~~ 49.811, any information that the  
25 department of health services receives under this section. The department of

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1 children and families may allow a county child support agency under s. 59.53 (5) or  
2 a tribal child support agency access to the information, subject to the use and  
3 disclosure restrictions under s. ~~49.83~~ 49.013, and shall consult with the department  
4 of health services regarding procedures and methods to adequately safeguard the  
5 confidentiality of the information provided under this subsection.

6 **SECTION 222.** 49.49 (1) (title) and (a) (intro.) of the statutes are repealed.

7 **SECTION 223.** 49.49 (1) (a) 1. to 4. of the statutes are renumbered 946.91 (2) (a)  
8 to (d) and amended to read:

9 946.91 (2) (a) ~~Knowingly and willfully make~~ Intentionally makes or cause  
10 causes to be made any false statement or representation of a material fact in any  
11 application for any Medical Assistance benefit or payment.

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

15 (c) Having knowledge of the occurrence of any event affecting the initial or  
16 continued ~~right to~~ eligibility for any such Medical Assistance benefit or payment or  
17 the initial or continued ~~right to~~ eligibility for any such benefit or payment of any  
18 other individual in whose behalf he or she has applied for or is receiving such benefit  
19 or payment, ~~conceal~~ conceals or ~~fail~~ fails to disclose such event with an intent to  
20 fraudulently ~~to~~ secure such benefit or payment either in a greater amount or  
21 quantity than is due or when no such benefit or payment is authorized.

22 (d) Having ~~made application~~ applied to receive any such Medical Assistance  
23 benefit or payment for the use and benefit of another and having received it,  
24 knowingly and willfully ~~convert such~~ converts the benefit or payment or any part

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1       thereof to a use ~~other than for the use and~~ that is not for the benefit of such other  
2       person.

3               **SECTION 224.** 49.49 (1) (b) of the statutes is repealed.

4               **SECTION 225.** 49.49 (1) (c) of the statutes is renumbered 49.49 (1d) and  
5       amended to read:

6               49.49 (1d) DAMAGES. If any person is convicted under ~~this subsection~~ s. 946.91  
7       (2), the state shall have a cause of action for relief against such person in an amount  
8       3 times the amount of actual damages sustained as a result of any excess payments  
9       made in connection with the offense for which the conviction was obtained. Proof by  
10       the state of a conviction under ~~this section~~ s. 946.91 (2) in a civil action shall be  
11       conclusive regarding the state's right to damages and the only issue in controversy  
12       shall be the amount, if any, of the actual damages sustained. Actual damages shall  
13       consist of the total amount of excess payments, any part of which is paid by state  
14       funds. In any such civil action the state may elect to file a motion in expedition of  
15       the action. Upon receipt of the motion, the presiding judge shall expedite the action.

16               **SECTION 226.** 49.49 (2) (title) and (2) (a) (title) of the statutes are repealed.

17               **SECTION 227.** 49.49 (2) (a) of the statutes is renumbered 946.91 (3) (a) and  
18       amended to read:

19               946.91 (3) (a) ~~Any person who~~ Whoever solicits or receives ~~any remuneration,~~  
20       ~~including any kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in~~  
21       ~~cash or in kind,~~ money, goods, services, or any other thing of value in return for  
22       referring an individual to a person for the furnishing or arranging for the furnishing  
23       of any item or service for which payment may be made in whole or in part under a  
24       ~~medical assistance~~ Medical Assistance program, or in return for purchasing, leasing,  
25       ordering, or arranging for or recommending purchasing, leasing, or ordering any

**SENATE BILL 400****SECTION 227**

1 good, facility, service, or item for which payment may be made in whole or in part  
2 under a medical assistance Medical Assistance program, is guilty of a Class H felony,  
3 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the  
4 person may be fined not more than \$25,000.

5 **SECTION 228.** 49.49 (2) (b) (title) of the statutes is repealed.

6 **SECTION 229.** 49.49 (2) (b) of the statutes is renumbered 946.91 (3) (b) and  
7 amended to read:

8 946.91 (3) (b) Whoever offers or pays ~~any remuneration including any~~  
9 ~~kickback, bribe, or rebate, directly or, indirectly, overtly, or covertly, in cash or in kind~~  
10 money, goods, services, or any other thing of value to any person to induce such  
11 person to refer an individual to a person for the furnishing or arranging for the  
12 furnishing of any item or service for which payment may be made in whole or in part  
13 under a medical assistance Medical Assistance program, or to purchase, lease, order,  
14 or arrange for or recommend purchasing, leasing, or ordering any good, facility,  
15 service or item for which payment may be made in whole or in part under a medical  
16 assistance Medical Assistance program, is guilty of a Class H felony, except that,  
17 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be  
18 fined not more than \$25,000.

19 **SECTION 230.** 49.49 (2) (c) (title) of the statutes is repealed.

20 **SECTION 231.** 49.49 (2) (c) of the statutes is renumbered 946.91 (3) (c) and  
21 amended to read:

22 946.91 (3) (c) This subsection ~~shall~~ does not apply to any of the following:

23 1. A discount or other reduction in price obtained by a provider of services or  
24 other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed

**SENATE BILL 400****SECTION 231**

1 and appropriately reflected in the costs claimed or charges made by the provider or  
2 entity under a ~~medical assistance~~ Medical Assistance program.

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

6 **SECTION 232.** 49.49 (3) (title) of the statutes is repealed.

7 **SECTION 233.** 49.49 (3) of the statutes is renumbered 946.91 (4) and amended  
8 to read:

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

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

19 **SECTION 235.** 49.49 (3m) (a) of the statutes is renumbered 946.91 (5), and  
20 946.91 (5) (intro.), (a) and (b), as renumbered, are amended to read:

21 946.91 (5) (intro.) ~~No provider may~~ Whoever knowingly ~~impose~~ imposes upon  
22 a Medical Assistance recipient charges in addition to payments received for services  
23 under ss. 49.45 to 49.471 or knowingly ~~impose~~ imposes direct charges upon a  
24 recipient in lieu of obtaining payment under ss. 49.45 to 49.471 ~~except under the~~  
25 ~~following conditions~~ is guilty of a Class H felony, except that, notwithstanding the

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1 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
2 \$25,000. This subsection does not apply to the following circumstances:

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

5 (b) ~~If an An applicant is determined to be eligible retroactively under s. 49.46~~  
6 ~~(1) (1g) (b), 49.47 (4) (d), or 49.471 and, a provider bills the applicant directly for~~  
7 ~~services and benefits rendered during the retroactive period, the provider shall the~~  
8 ~~provider, upon notification of the applicant's retroactive eligibility, submit claims~~  
9 ~~submits a claim for payment under s. 49.45 for covered services or benefits rendered~~  
10 ~~to the recipient during the retroactive period. Upon receipt of payment under s.~~  
11 ~~49.45, the provider shall reimburse, and the provider reimburses the recipient or~~  
12 ~~other person who has made prior payment to the provider for services provided to the~~  
13 ~~recipient during the retroactive eligibility period, by the amount of the prior payment~~  
14 ~~made upon receipt of payment under 49.45.~~

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

15 **SECTION 236.** 49.49 (3m) (b) of the statutes is repealed.

16 **SECTION 237.** 49.49 (3p) (title) of the statutes is amended to read:

17 49.49 (3p) (title) **OTHER PROHIBITED PROVIDER CHARGES.**

18 **SECTION 238.** 49.49 (4) (title) of the statutes is repealed.

19 **SECTION 239.** 49.49 (4) (a) and (b) of the statutes are consolidated, renumbered  
20 946.91 (6) and amended to read:

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



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

NOTE: SECTIONS 227, 229, 233, 235, and 239 move criminal penalties relating to  
medical assistance to s. 946.91. Also, see SECTION 461.

10 **SECTION 240.** 49.49 (7) (d) of the statutes is amended to read:

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

19 **SECTION 241.** 49.493 (1) (b) of the statutes is amended to read:

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

22 **SECTION 242.** 49.496 (4) (a) of the statutes is amended to read:

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

16           **SECTION 243.** Subchapter V (title) of chapter 49 [precedes 49.66] of the statutes  
17          is amended to read:

**CHAPTER 49**

## SUBCHAPTER V

HEALTH; OTHER SUPPORT AND MEDICALBLOCK GRANTS

22           **SECTION 244.** 49.685 (7) (a) 2. and 5. of the statutes are amended to read:

23           49.685 (7) (a) 2. In determining income, only the income of the patient and  
24          persons responsible for the patient's support under s. 49.90 49.039 may be  
25          considered.

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

3           **SECTION 245.** 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).

4           **SECTION 246.** 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).

5           **SECTION 247.** 49.688 (9) (a) of the statutes is amended to read:

6           49.688 (9) (a) The department shall promulgate rules relating to prohibitions  
7 on fraud that are substantially similar to applicable provisions under s. ~~49.49 (1) (a)~~  
8 946.91 (2).

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

9           **SECTION 248.** 49.77 (1) of the statutes is renumbered 49.77 (1) (intro.) and  
10 amended to read:

11           49.77 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section "secretary";  
12 (m) Notwithstanding s. 49.66 (2), "secretary" means the secretary of the U.S.  
13 department of health and human services or the secretary of any other federal  
14 agency subsequently charged with the administration of federal Title XVI.

15           **SECTION 249.** 49.77 (1) (b) of the statutes is created to read:

16           49.77 (1) (b) "Essential person" has the meaning given in s. 49.46 (1c).

17           **SECTION 250.** 49.78 (title) of the statutes is renumbered 49.003 (title).

18           **SECTION 251.** 49.78 (1) (intro.) and (b) of the statutes are renumbered 49.003  
19 (1) (intro.) and (b).

**SENATE BILL 400****SECTION 252**

1           **SECTION 252.** 49.78 (1) (br), (1m), (1r), (2) (b), (2m) and (2r) of the statutes, as  
2 created by 2011 Wisconsin Act 32, are renumbered 49.003 (1) (br), (1m), (1r), (2) (b),  
3 (2m) and (2r).

4           **SECTION 253.** 49.78 (1) (cr) of the statutes is repealed.

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

5           **SECTION 254.** 49.78 (2) (title) and (a), (10) and (11) of the statutes, as affected  
6 by 2011 Wisconsin Act 32, are renumbered 49.003 (2) (title) and (a), (10) and (11).

7           **SECTION 255.** 49.78 (4) to (7) of the statutes are renumbered 49.003 (4) to (7).

8           **SECTION 256.** 49.78 (8) (title) and (b) of the statutes, as affected by 2011  
9 Wisconsin Act 32, are renumbered 49.003 (8) (title) and (b).

10           **SECTION 257.** 49.78 (8) (a) of the statutes, as affected by 2011 Wisconsin Act 32,  
11 is renumbered 49.003 (8) (a) and amended to read:

12           49.003 (8) (a) From the appropriations under s. 20.435 (4) (bn) and (nn) and  
13 subject to par. (b), the department shall provide funding to reimburse each  
14 multicounty consortium that contracts with the department under sub. (2) and each  
15 tribal governing body that contracts with the department under sub. (2m) for the  
16 costs of administering the income maintenance programs, including conducting  
17 fraud prevention activities, in accordance with the terms of the applicable contract.  
18 The amount of reimbursement calculated under this paragraph and par. (b) is in  
19 addition to any reimbursement provided to a county, multicounty consortium, or  
20 tribal governing body for fraud and error reduction under s. 49.019 or 49.197 or  
21 49.845.

22           **SECTION 258.** 49.785 (1) (intro.) of the statutes is amended to read:

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

9           **SECTION 259.** 49.79 (title) of the statutes is amended to read:

10          **49.79 (title) ~~Food stamp~~ Supplemental nutrition assistance program**  
11          **administration.**

12          **SECTION 260.** 49.79 (1) (intro.) of the statutes is amended to read:

13          49.79 (1) DEFINITIONS. (intro.) In this section and ss. 49.793, 49.796, and  
14          49.797:

15          **SECTION 261.** 49.79 (1) (c) of the statutes is renumbered 49.79 (1) (fg) and  
16          amended to read:

17          49.79 (1) (fg) “~~Food stamp~~ Supplemental nutrition assistance program” means  
18          the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC  
19          2011 to 2036.

20          **SECTION 262.** 49.79 (1) (e) of the statutes, as created by 2011 Wisconsin Act 32,  
21          is amended to read:

22          49.79 (1) (e) “Multicounty consortium” has the meaning given in s. ~~49.78~~ 49.003  
23          (1) (br).

24          **SECTION 263.** 49.79 (2), (5) (a), (6), (7), (8m) (a) and (b) and (9) (a) 2., 3. and 4.  
25          of the statutes are amended to read:

**SENATE BILL 400****SECTION 263**

1           49.79 (2) DENIAL OF ELIGIBILITY. An individual who fails to comply with the work  
2 requirements of the employment and training program under sub. (9) is ineligible to  
3 participate in the ~~food-stamp~~ supplemental nutrition assistance program as  
4 specified under sub. (9) (b).

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

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

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

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

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

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

22           3. The department may not require an individual who is a recipient under the  
23 ~~food-stamp~~ supplemental nutrition assistance program to participate in any  
24 employment and training program under this subsection if that individual is

**SENATE BILL 400****SECTION 263**

1 enrolled at least half time in a school, as defined in s. ~~49.26~~ 49.198 (1) (a) 2., a training  
2 program, or an institution of higher education.

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

7 **SECTION 264.** 49.79 (3) (title) of the statutes is amended to read:

8 49.79 (3) (title) ~~LIABILITY FOR LOST FOOD COUPONS~~ MISAPPROPRIATED BENEFITS.

9 **SECTION 265.** 49.79 (3) (a) and (c), (4), (8) and (9) (a) 1. of the statutes, as affected  
10 by 2011 Wisconsin Act 32, are amended to read:

11 49.79 (3) (a) A county, multicounty consortium, or ~~federally recognized~~  
12 ~~American Indian tribe~~ tribal governing body is liable for all ~~food stamp coupons lost,~~  
13 supplemental nutrition assistance program benefits misappropriated, or destroyed  
14 while under the county's, consortium's, or tribe's direct control, ~~except as provided~~  
15 ~~in par. (b).~~

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

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

22 (4) **DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS.** The department  
23 shall withhold the value of ~~food stamp~~ supplemental nutrition assistance program



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1 benefits losses for which a county, multicounty consortium, or federally recognized  
2 ~~American Indian tribe~~ tribal governing body is liable under sub. (3) from the  
3 payment to the county, multicounty consortium, or tribe under income maintenance  
4 contracts under s. ~~49.78~~ 49.003 and reimburse the federal government from the  
5 funds withheld.

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

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

21 **SECTION 266.** 49.79 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 32,  
22 is repealed.

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

23 **SECTION 267.** 49.793 (title) of the statutes is amended to read:

**SENATE BILL 400****SECTION 267**

1           **49.793** (title) **Recovery of food stamps supplemental nutrition**  
2 **assistance overpayments.**

3           **SECTION 268.** 49.793 (1) and (2) (a) of the statutes, as affected by 2011  
4 Wisconsin Act 32, are amended to read:

5           49.793 (1) The department or a county, a multicounty consortium, as defined  
6 in ~~s. 49.78 (1) (br)~~, or an elected tribal governing body of a federally recognized  
7 American Indian tribe or band acting on behalf of the department, may recover  
8 overpayments that arise from an overissuance of food coupons benefits under the  
9 food stamp supplemental nutrition assistance program administered under s.  
10 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall the be made in accordance with 7  
11 USC 2022.

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

21           **SECTION 269.** 49.795 (title) and (1) (intro.) of the statutes are renumbered  
22 946.92 (title) and (1) (intro.).

23           **SECTION 270.** 49.795 (1) (a), (b), (d) and (e) (intro.), 3., 4. and 5. of the statutes  
24 are renumbered 946.92 (1) (d), (dm), (fm) and (fr) (intro.) 3., 4. and 5., and 946.92 (1)  
25 (d), (dm), (fm) and (fr) 5., as renumbered, are amended to read:

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

4           (dm) “Food” means items ~~which~~ that may be purchased using ~~food coupons~~  
5 supplemental nutrition assistance program benefits under 7 USC ~~2012 (g)~~ and 2016  
6 (b).

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

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

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

13           **SECTION 271.** 49.795 (1) (c) of the statutes is repealed.

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

14           **SECTION 272.** 49.795 (1) (cm) of the statutes, as created by 2011 Wisconsin Act  
15 32, is repealed.

16           **SECTION 273.** 49.795 (1) (e) 1. and 2. of the statutes, as affected by 2011  
17 Wisconsin Act 32, are renumbered 946.92 (1) (fr) 1. and 2. and amended to read:

18           946.92 (1) (fr) 1. An employee or officer of the federal government, the state,  
19 a county, a multicounty consortium, or a federally recognized American Indian tribe  
20 acting in the course of official duties in connection with the ~~food stamp~~ supplemental  
21 nutrition assistance program.

22           2. A person acting in the course of duties under a contract with the federal  
23 government, the state, a county, a multicounty consortium, or a federally recognized

**SENATE BILL 400****SECTION 273**

1 American Indian tribe in connection with the ~~food stamp~~ supplemental nutrition  
2 assistance program.

3 **SECTION 274.** 49.795 (2) to (6) of the statutes are renumbered 946.92 (2) (a) to  
4 (f), and 946.92 (2) (a), (c), (d), (e) and (f), as renumbered, are amended to read:

5 946.92 (2) (a) No person may misstate or conceal facts in a ~~food stamp~~  
6 supplemental nutrition assistance program application or report of income, assets,  
7 or household circumstances with intent to secure or continue to receive ~~food stamp~~  
8 supplemental nutrition assistance program benefits.

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

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

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

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

23 **SECTION 275.** 49.795 (7) of the statutes is repealed.

24 **SECTION 276.** 49.795 (8) (a) (intro.) of the statutes is repealed.

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1           **SECTION 277.** 49.795 (8) (a) 1. of the statutes is renumbered 946.92 (3) (a) 1. and  
2 amended to read:

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

7           **SECTION 278.** 49.795 (8) (a) 2. of the statutes is renumbered 946.92 (3) (a) 2. and  
8 amended to read:

9           946.92 (3) (a) 2. If the value of the ~~food-coupons~~ supplemental nutrition  
10 assistance benefits exceeds \$100, but is less than \$5,000, ~~a- the person who violates~~  
11 ~~this section~~ is guilty of a Class I felony.

12           **SECTION 279.** 49.795 (8) (b) of the statutes is renumbered 946.92 (3) (b) and  
13 amended to read:

14           946.92 (3) (b) For a 2nd or subsequent offense under ~~this section~~ sub. (2), any  
15 of the following applies:

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

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

22           **SECTION 280.** 49.795 (8) (c) of the statutes is renumbered 946.92 (3) (c) and  
23 amended to read:

**SENATE BILL 400****SECTION 280**

1           946.92 (3) (c) For any ~~offense under this section~~ violation of sub.(2), if the value  
2 of the ~~food coupons~~ supplemental nutrition assistance benefits is \$5,000 or more, a  
3 person who violates this section is guilty of a Class G felony.

4           **SECTION 281.** 49.795 (8) (d) 1. of the statutes is renumbered 946.92 (3) (d) 1.,  
5 and 946.92 (3) (d) 1. (intro.), a. and b., as renumbered, are amended to read:

6           946.92 (3) (d) 1. (intro.) In addition to the penalties applicable under par. (a),  
7 (b), or (c), the court shall suspend a person who violates ~~this section~~ sub. (2) from  
8 participation in the ~~food stamp~~ supplemental nutrition assistance program as  
9 follows:

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

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

14           **SECTION 282.** 49.795 (8) (d) 1m. of the statutes is renumbered 946.92 (3) (d) 1m.  
15 and amended to read:

16           946.92 (3) (d) 1m. In addition to the penalties applicable under par. (a), (b), or  
17 (c), a court shall permanently suspend from the ~~food stamp~~ supplemental nutrition  
18 assistance program a person who has been convicted of an offense under 7 USC 2024  
19 (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500  
20 or more.

21           **SECTION 283.** 49.795 (8) (d) 2. of the statutes, as affected by 2011 Wisconsin Act  
22 32, is renumbered 49.796 (2) and amended to read:

23           49.796 (2) The A person may apply to the multicounty consortium or the  
24 ~~federally recognized American Indian~~ tribal governing body or, if the person is a  
25 supplier, to the federal department of agriculture for reinstatement of benefits

**SENATE BILL 400**

1 following ~~the~~ a period of suspension imposed under s. 946.92, if the suspension is not  
2 permanent.

3 **SECTION 284.** 49.795 (8) (e) and (f) of the statutes are renumbered 946.92 (3)  
4 (e) and (f), and 946.92 (3) (e) 1. (intro.) and 2. and (f), as renumbered, are amended  
5 to read:

6 946.92 (3) (e) 1. (intro.) If a court finds that a person ~~traded~~ violated sub. (2)  
7 by trading a controlled substance, as defined in s. 961.01 (4), for ~~food coupons~~  
8 supplemental nutrition assistance program benefits, the court shall suspend the  
9 person from participation in the ~~food stamp~~ supplemental nutrition assistance  
10 program as follows:

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

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

NOTE: SECTIONS 270, 274, 277 to 282, and 284, move criminal penalties relating to  
food share to s. 946.92. Also, see SECTION 462.

21 **SECTION 285.** 49.796 (title) of the statutes is created to read:

22 **49.796 (title) Supplemental nutrition assistance reinstatement.**

23 **SECTION 286.** 49.796 (1) of the statutes is created to read:

**SENATE BILL 400****SECTION 286**

1           49.796 (1) In this section:

2           (a) “Food” means an item that may be purchased using supplemental nutrition  
3 assistance program benefits under 7 USC 2012 (g) and 2016 (b).

4           (b) “Supplier” means a retail grocery store or other person authorized by the  
5 federal department of agriculture to accept supplemental nutrition assistance  
6 program benefits in exchange for food under the supplemental nutrition assistance  
7 program.

8           **SECTION 287.** 49.797 (1) of the statutes is repealed.

9           **SECTION 288.** 49.797 (2) (title) of the statutes is amended to read:

10           49.797 (2) (title) DELIVERY OF FOOD STAMPS SUPPLEMENTAL NUTRITION ASSISTANCE  
11 PROGRAM BENEFITS.

12           **SECTION 289.** 49.797 (2) (a) of the statutes is renumbered 49.797 (2) and  
13 amended to read:

14           49.797 (2) ~~Notwithstanding s. 46.028 and except as provided in par. (b) and sub.~~  
15 ~~(8), the~~ The department shall administer a statewide program to deliver ~~food stamp~~  
16 supplemental nutrition assistance program benefits to recipients of ~~food stamp~~  
17 ~~benefits~~ by an electronic benefit transfer system. All suppliers, as defined in s.  
18 ~~49.795~~ 49.796 (1) ~~(d) (b)~~, may participate in the delivery of ~~food stamp supplemental~~  
19 nutrition assistance program benefits under the electronic benefit transfer system.  
20 The department shall explore methods by which nontraditional retailers, such as  
21 farmers’ markets, may participate in the delivery of ~~food stamp supplemental~~  
22 nutrition assistance program benefits under the electronic benefit transfer system.

23           **SECTION 290.** 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.



**SENATE BILL 400****SECTION 291**

1           **SECTION 291.** 49.797 (8) of the statutes, as affected by 2011 Wisconsin Act 32,  
2       is repealed.

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

3           **SECTION 292.** 49.81 of the statutes is renumbered 49.005.

4           **SECTION 293.** Subchapter VI (title) of chapter 49 [precedes 49.8105] of the  
5       statutes is repealed and recreated to read:

6   **CHAPTER 49**

7    **SUBCHAPTER VI**

8   **CHILDREN AND FAMILIES; CHILD**

9   **SUPPORT**

10          **SECTION 294.** 49.8105 of the statutes is created to read:

11          **49.8105 Definitions.** In this subchapter:

12          **(1)** “Department” means the department of children and families.

13          **(2)** “Secretary” means the secretary of children and families.

14          **SECTION 295.** 49.82 of the statutes is renumbered 49.007.

15          **SECTION 296.** 49.825 (title), (1), (2) (title) and (a) to (c), (3) (title), (b) and (c) and  
16       (4) (a) to (d) of the statutes are renumbered 49.009 (title), (1), (2) (title) and (a) to (c),  
17       (3) (title), (b) and (c) and (4) (a) to (d), and 49.009 (1) (c), as renumbered, is amended  
18       to read:

19                       49.009 (1) (c) “Income maintenance program” has the meaning given in s. 49.78

20       49.003 (1) (b).

21          **SECTION 297.** 49.825 (2) (d), (3) (a) and (4) (intro.) of the statutes, as affected  
22       by 2011 Wisconsin Act 32, are renumbered 49.009 (2) (d), (3) (a) and (4) (intro.).

**SENATE BILL 400****SECTION 298**

1           **SECTION 298.** 49.825 (4) (e) and (5) of the statutes, as created by 2011 Wisconsin  
2 Act 32, are renumbered 49.009 (4) (e) and (5).

3           **SECTION 299.** 49.826 of the statutes, as affected by 2011 Wisconsin Act 10, is  
4 renumbered 49.011.

5           **SECTION 300.** 49.83 of the statutes is renumbered 49.013 and amended to read:

6           **49.013 Limitation on giving information.** Except as provided under ss.  
7 ~~49.25 and 49.32~~ 49.06 (9), (10), and (10m) ~~and 49.823~~, no person may use or disclose  
8 information concerning applicants and recipients of relief funded by a relief block  
9 grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to  
10 49.161, social services, child and spousal support and establishment of paternity and  
11 medical support liability services under s. ~~49.22~~ 49.811, or supplemental payments  
12 under s. 49.77 for any purpose not connected with the administration of the  
13 programs, except that the department of children and families may disclose such  
14 information to the department of revenue for the sole purpose of administering state  
15 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  
17 or both.

18           **SECTION 301.** 49.84 (1), (2), (3), (4), (5) and (6) (b) to (d) of the statutes are  
19 renumbered 49.017 (1g), (2), (3), (4), (5) and (6) (b) to (d), and 49.017 (2), (3), (5) and  
20 (6) (c) 1. d., as renumbered, are amended to read:

21           49.017 (2) At the time of application, the agency administering the public  
22 assistance program shall apply to the department of ~~health services~~ for a certified  
23 copy of a birth certificate for the applicant if the applicant is required to provide a  
24 birth certificate or social security number as part of the application and for any  
25 person in the applicant's household who is required to provide a birth certificate or

**SENATE BILL 400**

1 social security number. The department of health services shall provide without  
2 charge any copy for which application is made under this subsection.

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

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

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

17 **SECTION 302.** 49.84 (6) (a) of the statutes is repealed.

18 **SECTION 303.** 49.845 of the statutes is renumbered 49.019, and 49.019 (1) and  
19 (2), as renumbered, are amended to read:

20 49.019 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
21 (bn), (kz), (L), and (nn), the department of health services shall establish a program  
22 to investigate suspected fraudulent activity on the part of recipients of medical  
23 assistance under subch. IV, ~~food stamp~~ benefits under the ~~food stamp~~ supplemental  
24 nutrition assistance program under 7 USC 2011 to 2036, supplemental security  
25 income payments under s. 49.77, payments for the support of children of

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1 supplemental security income recipients under s. 49.775, and health care benefits  
2 under the Badger Care health care program under s. 49.665 and, if the department  
3 of children and families contracts with the department of health services under sub.  
4 (4), on the part of recipients of aid to families with dependent children under s. 49.19  
5 and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The  
6 activities of the department of health services under this subsection may include  
7 comparisons of information provided to the department by an applicant and  
8 information provided by the applicant to other federal, state, and local agencies,  
9 development of an advisory welfare investigation prosecution standard, and  
10 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to  
11 Wisconsin Works agencies to encourage activities to detect fraud. The department  
12 of health services shall cooperate with district attorneys regarding fraud  
13 prosecutions.

14       **(2) STATE ERROR REDUCTION ACTIVITIES.** The department of health services shall  
15 conduct activities to reduce payment errors in the Medical Assistance program under  
16 subch. IV, the ~~food stamp~~ supplemental nutrition assistance program under 7 USC  
17 2011 to 2036, the supplemental security income payments program under s. 49.77,  
18 the program providing payments for the support of children of supplemental security  
19 income recipients under s. 49.775, and the Badger Care health care program under  
20 s. 49.665 and, if the department of children and families contracts with the  
21 department of health services under sub. (4), in Wisconsin Works under ss. 49.141  
22 to 49.161.

23       **SECTION 304.** 49.847 (title) and (3) of the statutes are renumbered 49.021 (title)  
24 and (3).

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1           **SECTION 305.** 49.847 (1) and (2) of the statutes, as affected by 2011 Wisconsin  
2 Act 32, are renumbered 49.021 (1) and (2) and amended to read:

3           49.021 (1) Subject to ss. 49.497 (1) and 49.793 (1), the department of health  
4 services, or a county, multicounty consortium, as defined in s. ~~49.78~~ 49.003 (1) (br),  
5 or elected tribal governing body of a ~~federally recognized American Indian tribe or~~  
6 ~~band~~ acting on behalf of the department, may recover benefits incorrectly paid under  
7 any of the programs administered by the department under this chapter.

8           (2) The department, county, multicounty consortium, as defined in s. ~~49.78~~  
9 49.003 (1) (br), or elected tribal governing body may recover an overpayment from  
10 a family or individual who continues to receive benefits under any program  
11 administered by the department under this chapter by reducing the family's or  
12 individual's benefit amount. Subject to s. 49.793 (1), the department may by rule  
13 specify other methods for recovering incorrectly paid benefits.

14           **SECTION 306.** 49.85 of the statutes is renumbered 49.023, and 49.023 (1), (2)  
15 (a) (intro.) and (3) (a) 1., as renumbered, are amended to read:

16           49.023 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department  
17 under s. 46.215, 46.22, or 46.23 or a tribal governing body of a ~~federally recognized~~  
18 ~~American Indian tribe or band~~ determines that the department of health services  
19 may recover an amount under s. 49.021, 49.497, or 49.793, ~~or 49.847~~, or that the  
20 department of children and families may recover an amount under s. 49.161 or  
21 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county department or  
22 tribal governing body shall notify the affected department of the determination. If  
23 a Wisconsin Works agency determines that the department of children and families  
24 may recover an amount under s. 49.161 or 49.195 (3), or collect an amount under s.

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1 49.147 (6) (cm), the Wisconsin Works agency shall notify the department of children  
2 and families of the determination.

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

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

14 **SECTION 307.** 49.852 (1c) of the statutes is repealed.

15 **SECTION 308.** 49.853 (1) (b) of the statutes is repealed.

16 **SECTION 309.** 49.853 (4) (d) of the statutes is amended to read:

17 49.853 (4) (d) A financial institution participating in the state matching option  
18 under this subsection, and the employees, agents, officers, and directors of the  
19 financial institution, may use any information that is provided by the department  
20 in requesting additional information under par. (b) only for the purpose of  
21 administering s. ~~49.22~~ 49.811 or for the purpose of providing the additional  
22 information. Any person who violates this paragraph may be fined not less than \$25  
23 nor more than \$500 or imprisoned in the county jail for not less than 10 days nor more  
24 than one year or both.

25 **SECTION 310.** 49.854 (1) (a) of the statutes is repealed.

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1           **SECTION 311.** 49.855 (6) of the statutes is amended to read:

2           49.855 (6) If the state implements the child and spousal support and  
3 establishment of paternity and medical support liability program under ss. ~~49.22~~  
4 49.811 and 59.53 (5), the state may act under this section in place of the county child  
5 support agency under s. 59.53 (5).

6           **SECTION 312.** 49.856 (1) (b) of the statutes is repealed.

7           **SECTION 313.** 49.857 (1) (cf) of the statutes is repealed.

8           **SECTION 314.** 49.857 (4) of the statutes, as affected by 2011 Wisconsin Act 32,  
9 is amended to read:

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

17           **SECTION 315.** 49.858 (1) (intro.) and (b) of the statutes are consolidated,  
18 renumbered 49.858 (1) and amended to read:

19           49.858 (1) DEFINITION. In this section: ~~(b) "Support,~~ "support" has the meaning  
20 given in s. 49.857 (1) (g).

21           **SECTION 316.** 49.858 (1) (a) of the statutes is repealed.

22           **SECTION 317.** 49.86 of the statutes is renumbered 49.035.

23           **SECTION 318.** 49.89 of the statutes is renumbered 49.037.

24           **SECTION 319.** 49.90 of the statutes is renumbered 49.039.

25           **SECTION 320.** 49.95 of the statutes is repealed.

**SENATE BILL 400****SECTION 321**

1           **SECTION 321.** 49.96 of the statutes is renumbered 49.043 and amended to read:

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

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

8           **SECTION 322.** 50.01 (1g) (b) of the statutes is amended to read:

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

12           **SECTION 323.** 51.42 (3) (e) of the statutes is amended to read:

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



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1 to enable the county department of community programs or tribal agency to  
2 coordinate the delivery of services to the client. Any agency releasing information  
3 under this paragraph shall document that a request was received and what  
4 information was provided.

5 **SECTION 324.** 51.437 (4r) (b) of the statutes is amended to read:

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

21 **SECTION 325.** 59.22 (2) (c) 2. of the statutes is amended to read:

22 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the  
23 rules of the department of children and families under s. ~~49.78~~ 49.003 (4) to (7)  
24 relating to employees administering old-age assistance, aid to families with

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1 dependent children, aid to the blind, or aid to totally and permanently disabled  
2 persons or ss. 63.01 to 63.17.

3 **SECTION 326.** 59.40 (2) (p) of the statutes is amended to read:

4 59.40 (2) (p) Cooperate with the department of children and families with  
5 respect to the child and spousal support and establishment of paternity and medical  
6 support liability program under ss. ~~49.22~~ 49.811 and 59.53 (5), and provide that  
7 department with any information from court records which it requires to administer  
8 that program.

9 **SECTION 327.** 59.53 (5) (a) and (6) (b) of the statutes are amended to read:

10 59.53 (5) (a) The board shall contract with the department of children and  
11 families to implement and administer the child and spousal support and  
12 establishment of paternity and the medical support liability programs provided for  
13 by Title IV of the federal ~~social security act~~ Social Security Act. The board may  
14 designate by board resolution any office, officer, board, department, or agency, except  
15 the clerk of circuit court, as the county child support agency. The board or county  
16 child support agency shall implement and administer the programs in accordance  
17 with the contract with the department of children and families. The attorneys  
18 responsible for support enforcement under sub. (6) (a), circuit court commissioners,  
19 and all other county officials shall cooperate with the county and the department of  
20 children and families as necessary to provide the services required under the  
21 programs. The county shall charge the fee established by the department of children  
22 and families under s. ~~49.22~~ 49.811 for services provided under this paragraph to  
23 persons not receiving benefits under s. 49.148 or 49.155 or assistance under s.  
24 48.645, 49.19, 49.46, 49.465, 49.47, 49.471, or 49.472.

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

5           **SECTION 328.** 59.54 (23) of the statutes is amended to read:

6           59.54 **(23)** PUBLIC ASSISTANCE; FALSE REPRESENTATION. The board may enact and  
7 enforce an ordinance to prohibit conduct that is the same as or similar to conduct that  
8 is prohibited by s. ~~49.95 (1)~~ 946.93 (2) and provide a forfeiture for a violation of the  
9 ordinance.

10          **SECTION 329.** 63.03 (2) (r) of the statutes is amended to read:

11          63.03 **(2)** (r) All staff performing services for the Milwaukee County enrollment  
12 services unit under s. ~~49.825~~ 49.009 or for the child care provider services unit under  
13 s. ~~49.826~~ 49.011.

14          **SECTION 330.** 69.03 (14) of the statutes is amended to read:

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

22          **SECTION 331.** 69.15 (3) (b) 3. of the statutes is amended to read:

23          69.15 **(3)** (b) 3. Except as provided under par. (c), if the state registrar receives  
24 a statement acknowledging paternity on a form prescribed by the state registrar and  
25 signed by both parents, and by a parent or legal guardian of any parent who is under

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1 the age of 18 years, along with the fee under s. 69.22, the state registrar shall insert  
2 the name of the father under subd. 1. The state registrar shall mark the certificate  
3 to show that the form is on file. The form shall be available to the department of  
4 children and families or a county child support agency under s. 59.53 (5) pursuant  
5 to the program responsibilities under s. ~~49.22~~ 49.811 or to any other person with a  
6 direct and tangible interest in the record. The state registrar shall include on the  
7 form for the acknowledgment the information in s. 767.805 and the items in s.  
8 767.813 (5g).

9 **SECTION 332.** 69.20 (3) (f) of the statutes is amended to read:

10 69.20 (3) (f) The state or a local registrar may disclose a social security number  
11 on a vital record to the department of children and families or a county child support  
12 agency under s. 59.53 (5) in response to a request under s. ~~49.22~~ 49.811 (2m).

13 **SECTION 333.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

14 71.07 (2dx) (a) 5. “Member of a targeted group” means a person who resides  
15 in an area designated by the federal government as an economic revitalization area,  
16 a person who is employed in an unsubsidized job but meets the eligibility  
17 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,  
18 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,  
19 real pay project position under s. 49.147 (3m), 2009 stats., a person who is eligible  
20 for child care assistance under s. 49.155, a person who is a vocational rehabilitation  
21 referral, an economically disadvantaged youth, an economically disadvantaged  
22 veteran, a supplemental security income recipient, a general assistance recipient, an  
23 economically disadvantaged ex-convict, a qualified summer youth employee, as  
24 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or  
25 a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance

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1 program under 7 USC 2011 to 2036, if the person has been certified in the manner  
2 under sub. (2dj) (am) 3. by a designated local agency, as defined in sub. (2dj) (am) 2.

3 **SECTION 334.** 71.07 (2dx) (b) 2. of the statutes, as affected by 2011 Wisconsin  
4 Act 32, is amended to read:

5 71.07 **(2dx)** (b) 2. The amount determined by multiplying the amount  
6 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number  
7 of full-time jobs created in a development zone and filled by a member of a targeted  
8 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the  
9 subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
10 jobs.

11 **SECTION 335.** 71.07 (2dx) (b) 3. of the statutes, as affected by 2011 Wisconsin  
12 Act 32, is amended to read:

13 71.07 **(2dx)** (b) 3. The amount determined by multiplying the amount  
14 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
15 of full-time jobs created in a development zone and not filled by a member of a  
16 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or  
17 the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
18 jobs.

19 **SECTION 336.** 71.07 (2dx) (b) 4. of the statutes, as affected by 2011 Wisconsin  
20 Act 32, is amended to read:

21 71.07 **(2dx)** (b) 4. The amount determined by multiplying the amount  
22 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the  
23 number of full-time jobs retained, as provided in the rules under s. 238.385 or s.  
24 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub.  
25 (2dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,

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1 and for which significant capital investment was made and by then subtracting the  
2 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid  
3 under s. 49.147 (3m) (c), 2009 stats., for those jobs.

4 **SECTION 337.** 71.07 (2dx) (b) 5. of the statutes, as affected by 2011 Wisconsin  
5 Act 32, is amended to read:

6 71.07 **(2dx)** (b) 5. The amount determined by multiplying the amount  
7 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
8 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,  
9 2009 stats., excluding jobs for which a credit has been claimed under sub. (2dj), in  
10 a development zone and not filled by a member of a targeted group and by then  
11 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and  
12 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

13 **SECTION 338.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

14 71.28 **(1dx)** (a) 5. “Member of a targeted group” means a person who resides  
15 in an area designated by the federal government as an economic revitalization area,  
16 a person who is employed in an unsubsidized job but meets the eligibility  
17 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,  
18 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,  
19 real pay project position under s. 49.147 (3m), 2009 stats., a person who is eligible  
20 for child care assistance under s. 49.155, a person who is a vocational rehabilitation  
21 referral, an economically disadvantaged youth, an economically disadvantaged  
22 veteran, a supplemental security income recipient, a general assistance recipient, an  
23 economically disadvantaged ex-convict, a qualified summer youth employee, as  
24 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or  
25 a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance

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1 program under 7 USC 2011 to 2036, if the person has been certified in the manner  
2 under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

3 **SECTION 339.** 71.28 (1dx) (b) 2. of the statutes, as affected by 2011 Wisconsin  
4 Act 32, is amended to read:

5 71.28 (1dx) (b) 2. The amount determined by multiplying the amount  
6 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number  
7 of full-time jobs created in a development zone and filled by a member of a targeted  
8 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the  
9 subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
10 jobs.

11 **SECTION 340.** 71.28 (1dx) (b) 3. of the statutes, as affected by 2011 Wisconsin  
12 Act 32, is amended to read:

13 71.28 (1dx) (b) 3. The amount determined by multiplying the amount  
14 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
15 of full-time jobs created in a development zone and not filled by a member of a  
16 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or  
17 the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
18 jobs.

19 **SECTION 341.** 71.28 (1dx) (b) 4. of the statutes, as affected by 2011 Wisconsin  
20 Act 32, is amended to read:

21 71.28 (1dx) (b) 4. The amount determined by multiplying the amount  
22 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the  
23 number of full-time jobs retained, as provided in the rules under s. 238.385 or s.  
24 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub.  
25 (1dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,

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1 and for which significant capital investment was made and by then subtracting the  
2 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid  
3 under s. 49.147 (3m) (c), 2009 stats., for those jobs.

4 **SECTION 342.** 71.28 (1dx) (b) 5. of the statutes, as affected by 2011 Wisconsin  
5 Act 32, is amended to read:

6 71.28 (1dx) (b) 5. The amount determined by multiplying the amount  
7 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
8 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,  
9 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in  
10 a development zone and not filled by a member of a targeted group and by then  
11 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and  
12 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

13 **SECTION 343.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

14 71.47 (1dx) (a) 5. “Member of a targeted group” means a person who resides  
15 in an area designated by the federal government as an economic revitalization area,  
16 a person who is employed in an unsubsidized job but meets the eligibility  
17 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,  
18 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,  
19 real pay project position under s. 49.147 (3m), 2009 stats., a person who is eligible  
20 for child care assistance under s. 49.155, a person who is a vocational rehabilitation  
21 referral, an economically disadvantaged youth, an economically disadvantaged  
22 veteran, a supplemental security income recipient, a general assistance recipient, an  
23 economically disadvantaged ex-convict, a qualified summer youth employee, as  
24 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or  
25 a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance



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1 program under 7 USC 2011 to 2036, if the person has been certified in the manner  
2 under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

3 **SECTION 344.** 71.47 (1dx) (b) 2. of the statutes, as affected by 2011 Wisconsin  
4 Act 32, is amended to read:

5 71.47 (1dx) (b) 2. The amount determined by multiplying the amount  
6 determined under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number  
7 of full-time jobs created in a development zone and filled by a member of a targeted  
8 group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the  
9 subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
10 jobs.

11 **SECTION 345.** 71.47 (1dx) (b) 3. of the statutes, as affected by 2011 Wisconsin  
12 Act 32, is amended to read:

13 71.47 (1dx) (b) 3. The amount determined by multiplying the amount  
14 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
15 of full-time jobs created in a development zone and not filled by a member of a  
16 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or  
17 the subsidies and reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those  
18 jobs.

19 **SECTION 346.** 71.47 (1dx) (b) 4. of the statutes, as affected by 2011 Wisconsin  
20 Act 32, is amended to read:

21 71.47 (1dx) (b) 4. The amount determined by multiplying the amount  
22 determined under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the  
23 number of full-time jobs retained, as provided in the rules under s. 238.385 or s.  
24 560.785, 2009 stats., excluding jobs for which a credit has been claimed under sub.  
25 (1dj), in an enterprise development zone under s. 238.397 or s. 560.797, 2009 stats.,

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1 and for which significant capital investment was made and by then subtracting the  
2 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid  
3 under s. 49.147 (3m) (c), 2009 stats., for those jobs.

4 **SECTION 347.** 71.47 (1dx) (b) 5. of the statutes, as affected by 2011 Wisconsin  
5 Act 32, is amended to read:

6 71.47 (**1dx**) (b) 5. The amount determined by multiplying the amount  
7 determined under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number  
8 of full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785,  
9 2009 stats., excluding jobs for which a credit has been claimed under sub. (1dj), in  
10 a development zone and not filled by a member of a targeted group and by then  
11 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and  
12 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

13 **SECTION 348.** 71.78 (4) (g) of the statutes is amended to read:

14 71.78 (**4**) (g) Employees of this state, to the extent that the department of  
15 revenue deems the examination necessary for the employees to perform their duties  
16 under contracts or agreements between the department and any other department,  
17 division, bureau, board or commission of this state relating to the administration of  
18 tax laws or child and spousal support enforcement under s. ~~49.22~~ 49.811.

19 **SECTION 349.** 71.93 (1) (a) 3. and 4. of the statutes are amended to read:

20 71.93 (**1**) (a) 3. An amount that the department of health services may recover  
21 under s. 49.021, 49.45 (2) (a) 10., 49.497, or 49.793, ~~or~~ 49.847, if the department of  
22 health services has certified the amount under s. ~~49.85~~ 49.023.

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

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1           **SECTION 350.** 73.0301 (2) (c) 2. of the statutes is amended to read:

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

8           **SECTION 351.** 76.636 (1) (e) 3. of the statutes is amended to read:

9           76.636 (1) (e) 3. A person who is employed in a trial job, as defined in s. 49.141  
10 (1) (n), ~~or in a real work, real pay project position under s. 49.147 (3m)~~.

11           **SECTION 352.** 76.636 (1) (e) 13. of the statutes is amended to read:

12           76.636 (1) (e) 13. A ~~food stamp~~ recipient of benefits under the supplemental  
13 nutrition assistance program under 7 USC 2011 to 2036.

14           **SECTION 353.** 76.636 (2) (b) of the statutes, as affected by 2011 Wisconsin Act  
15 32, is amended to read:

16           76.636 (2) (b) The amount determined by multiplying the amount determined  
17 under s. 238.385 (1) (b) or s. 560.785 (1) (b), 2009 stats., by the number of full-time  
18 jobs created in a development zone and filled by a member of a targeted group and  
19 by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and  
20 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

21           **SECTION 354.** 76.636 (2) (c) of the statutes, as affected by 2011 Wisconsin Act  
22 32, is amended to read:

23           76.636 (2) (c) The amount determined by multiplying the amount determined  
24 under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time  
25 jobs created in a development zone and not filled by a member of a targeted group

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1 and by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and  
2 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

3 **SECTION 355.** 76.636 (2) (d) of the statutes, as affected by 2011 Wisconsin Act  
4 32, is amended to read:

5 76.636 (2) (d) The amount determined by multiplying the amount determined  
6 under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the number of  
7 full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009  
8 stats., excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in an  
9 enterprise development zone under s. 238.397 or s. 560.797, 2009 stats., and for  
10 which significant capital investment was made and by then subtracting the  
11 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid  
12 under s. 49.147 (3m) (c), 2009 stats., for those jobs.

13 **SECTION 356.** 76.636 (2) (e) of the statutes, as affected by 2011 Wisconsin Act  
14 32, is amended to read:

15 76.636 (2) (e) The amount determined by multiplying the amount determined  
16 under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time  
17 jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats.,  
18 excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in a  
19 development zone and not filled by a member of a targeted group and by then  
20 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and  
21 reimbursements paid under s. 49.147 (3m) (c), 2009 stats., for those jobs.

22 **SECTION 357.** 77.61 (5) (b) 11. of the statutes is amended to read:

23 77.61 (5) (b) 11. The department of children and families or a county child  
24 support agency under s. 59.53 (5) in response to a request under s. ~~49.22~~ 49.811 (2m).

25 **SECTION 358.** 85.24 (4) (b) of the statutes is amended to read:

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

6           **SECTION 359.** 85.24 (4) (c) of the statutes is amended to read:

7           85.24 (4) (c) Any person who willfully discloses or who, under false pretenses,  
8 willfully requests or obtains information in violation of par. (a) may be required to  
9 forfeit not more than \$500 for each violation. This paragraph does not apply to  
10 information disclosed, requested or obtained to the extent necessary to administer  
11 the ride-sharing program or, if requested under s. ~~49.22~~ 49.811 (2m), to the  
12 department of children and families or a county child support agency under s. 59.53  
13 (5).

14           **SECTION 360.** 101.02 (21) (b) of the statutes, as affected by 2011 Wisconsin Act  
15 32, is amended to read:

16           101.02 (21) (b) As provided in the memorandum of understanding under s.  
17 49.857 and except as provided in par. (e), the department of safety and professional  
18 services may not issue or renew a license unless the applicant provides the  
19 department of safety and professional services with his or her social security number.  
20 The department of safety and professional services may not disclose the social  
21 security number except that the department of safety and professional services may  
22 disclose the social security number of an applicant for a license under par. (a) or a  
23 renewal of a license under par. (a) to the department of children and families for the  
24 sole purpose of administering s. ~~49.22~~ 49.811.

25           **SECTION 361.** 101.123 (1) (abm) of the statutes is amended to read:

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1           101.123 (1) (abm) "Child care center" has the meaning given in s. ~~49.136~~ 49.205  
2 (1) (ad).

3           **SECTION 362.** 102.17 (1) (cg) 3. of the statutes is amended to read:

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

8           **SECTION 363.** 102.29 (8r) of the statutes is amended to read:

9           102.29 (8r) No participant in a ~~food stamp~~ supplemental nutrition assistance  
10 employment and training program under s. 49.79 (9) who, under s. 49.79 (9) (a) 5.,  
11 is provided worker's compensation coverage by the department of health services or  
12 by a Wisconsin Works agency, as defined in s. 49.001 (9), or other provider under  
13 contract with the department of health services or a county department under s.  
14 46.215, 46.22, or 46.23 or tribal governing body to administer the ~~food stamp~~  
15 supplemental nutrition assistance employment and training program and who  
16 makes a claim for compensation under this chapter may make a claim or maintain  
17 an action in tort against the employer who provided the employment and training  
18 from which the claim arose.

19           **SECTION 364.** 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  
21 county child support agency under s. 59.53 (5), the request is made under s. ~~49.22~~  
22 49.811 (2m), and the request is limited to the name and address of the employee who  
23 is the subject of the record, the name and address of the employee's employer, and  
24 any financial information about that employee contained in the record.

25           **SECTION 365.** 103.05 (1) and (4) (a) of the statutes are amended to read:

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1           103.05 (1) The department shall establish and operate a hiring reporting  
2 system that includes a state directory of new hires. All requirements under the  
3 reporting system shall be consistent with federal laws and regulations that relate to  
4 the reporting of newly hired employees for support collection purposes, as part of the  
5 state location service under s. ~~49.22~~ 49.811 (2), or any other purposes specified in 42  
6 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.  
9 ~~49.22~~ 49.811 or a program specified in 42 USC 653a (h).

10           **SECTION 366.** 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  
12 any information received under subd. 1. to any person except to the department of  
13 revenue for the sole purpose of requesting certifications under s. 73.0301 or the  
14 department of children and families for purposes of administering s. ~~49.22~~ 49.811.

15           **SECTION 367.** 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  
17 any information received under subd. 1. to any person except to the department of  
18 revenue for the sole purpose of requesting certifications under s. 73.0301 or on the  
19 request of the department of children and families under s. ~~49.22~~ 49.811 (2m).

20           **SECTION 368.** 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  
22 any information received under subd. 1. to any person except to the department of  
23 revenue for the sole purpose of requesting certifications under s. 73.0301 or the  
24 department of children and families for purposes of administering s. ~~49.22~~ 49.811.

25           **SECTION 369.** 103.92 (1) (b) 3. of the statutes is amended to read:

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

5           **SECTION 370.** 104.07 (4) (c) of the statutes is amended to read:

6           104.07 (4) (c) The department of workforce development may not disclose any  
7 information received under par. (a) to any person except to the department of  
8 revenue for the sole purpose of requesting certifications under s. 73.0301 or the  
9 department of children and families for purposes of administering s. ~~49.22~~ 49.811.

10          **SECTION 371.** 105.06 (1m) (c) of the statutes is amended to read:

11          105.06 (1m) (c) The department of workforce development may not disclose any  
12 information received under par. (a) to any person except to the department of  
13 revenue for the sole purpose of requesting certifications under s. 73.0301 or the  
14 department of children and families for purposes of administering s. ~~49.22~~ 49.811.

15          **SECTION 372.** 106.54 (9) of the statutes is amended to read:

16          106.54 (9) The division shall receive complaints under s. 49.019 (4) (d) or 49.197  
17 (6) (d) ~~or 49.845 (4) (d)~~ and shall process the complaints in the same manner that  
18 employment discrimination complaints are processed under s. 111.39.

19          **SECTION 373.** 111.322 (2m) (bm) of the statutes is amended to read:

20          111.322 (2m) (bm) The individual files a complaint or attempts to enforce a  
21 right under s. 49.019 (4) (d) or 49.197 (6) (d) ~~or 49.845 (4) (d)~~ or testifies or assists in  
22 any action or proceeding under s. 49.019 (4) (d) or 49.197 (6) (d) ~~or 49.845 (4) (d)~~.

23          **SECTION 374.** 115.347 (2) of the statutes is amended to read:

24          115.347 (2) Whenever a school district that is located in whole or in part in a  
25 county that has converted to the client assistance for reemployment and economic



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1 support data system submits a report under sub. (1) in the prescribed format, the  
2 department of children and families shall determine which children enrolled in the  
3 school district are members of Wisconsin Works groups participating under s. 49.147  
4 (3) to (5) or of families receiving aid to families with dependent children or food  
5 stamps benefits under the supplemental nutrition assistance program under 7 USC  
6 2011 to 2036 and shall provide the information to the school board as soon thereafter  
7 as possible. The school board shall use the information to directly certify children  
8 as eligible for free or reduced-price meals served by the school district under federal  
9 school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

10 **SECTION 375.** 118.15 (5) (b) 1. of the statutes is amended to read:

11 118.15 (5) (b) 1. Paragraph (a) does not apply to a person who has under his or  
12 her control a child who has been sanctioned under s. ~~49.26~~ 49.198 (1) (h).

13 **SECTION 376.** 118.19 (1r) (a) and (10) (g) of the statutes are amended to read:

14 118.19 (1r) (a) As provided in the memorandum of understanding under s.  
15 49.857, the department of public instruction may not issue or renew a license or  
16 permit or revalidate a license that has no expiration date unless the applicant  
17 provides the department of public instruction with his or her social security number.  
18 The department of public instruction may not disclose the social security number  
19 except to the department of children and families for the sole purpose of  
20 administering s. ~~49.22~~ 49.811.

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

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

3 **SECTION 377.** 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 378.** 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  
7 regarding the name, address, or employer of or financial information related to a  
8 subscriber or member of a subscriber's household that is requested under s. ~~49.22~~  
9 49.811 (2m) by the department of children and families or a county child support  
10 agency under s. 59.53 (5).

11 **SECTION 379.** 149.12 (2) (f) 2. c. of the statutes is amended to read:

12 149.12 **(2)** (f) 2. c. Medical assistance under s. 49.46 ~~(1)~~ (1g) (a) 15.

13 **SECTION 380.** 169.34 (2) of the statutes is amended to read:

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

18 **SECTION 381.** 218.0114 (20) (c) and (21e) (a) of the statutes are amended to read:

19 218.0114 **(20)** (c) An applicant or licensee furnishing information under par. (a)  
20 may designate the information as a trade secret, as defined in s. 134.90 (1) (c), or as  
21 confidential business information. The licensor shall notify the applicant or licensee  
22 providing the information 15 days before any information designated as a trade  
23 secret or as confidential business information is disclosed to the legislature, a state  
24 agency, as defined in s. 13.62 (2), a local governmental unit, as defined in s. 605.01  
25 (1), or any other person. The applicant or licensee furnishing the information may

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1 seek a court order limiting or prohibiting the disclosure, in which case the court shall  
2 weigh the need for confidentiality of the information against the public interest in  
3 the disclosure. A designation under this paragraph does not prohibit the disclosure  
4 of a person's name or address, of the name or address of a person's employer, or of  
5 financial information that relates to a person when requested under s. ~~49.22~~ 49.811  
6 (2m) by the department of children and families or a county child support agency  
7 under s. 59.53 (5).

8 **(21e)** (a) In addition to any other information required under this section and  
9 except as provided in par. (c), an application by an individual for the issuance or  
10 renewal of a license described in sub. (14) shall include the individual's social  
11 security number and an application by a person who is not an individual for the  
12 issuance or renewal of a license described in sub. (14) (a), (b), (c), or (e) shall include  
13 the person's federal employer identification number. The licensor may not disclose  
14 any information received under this paragraph to any person except the department  
15 of children and families for purposes of administering s. ~~49.22~~ 49.811 or the  
16 department of revenue for the sole purpose of requesting certifications under s.  
17 73.0301.

18 **SECTION 382.** 218.11 (2) (am) 3. of the statutes, as affected by 2011 Wisconsin  
19 Act 32, is amended to read:

20 218.11 **(2)** (am) 3. The department may not disclose any information received  
21 under subd. 1. to any person except to the department of children and families for  
22 purposes of administering s. ~~49.22~~ 49.811 or to the department of revenue for the sole  
23 purpose of requesting certifications under s. 73.0301.

24 **SECTION 383.** 218.12 (2) (am) 2. of the statutes, as affected by 2011 Wisconsin  
25 Act 32, is amended to read:

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1           218.12 **(2)** (am) 2. The department may not disclose a social security number  
2 obtained under par. (a) to any person except to the department of children and  
3 families for the sole purpose of administering s. ~~49.22~~ 49.811 or to the department  
4 of revenue for the sole purpose of requesting certifications under s. 73.0301.

5           **SECTION 384.** 218.21 (2m) (b) of the statutes is amended to read:

6           218.21 **(2m)** (b) The department of transportation may not disclose any  
7 information received under sub. (2) (ag) or (am) to any person except to the  
8 department of children and families for purposes of administering s. ~~49.22~~ 49.811 or  
9 the department of revenue for the sole purpose of requesting certifications under s.  
10 73.0301.

11          **SECTION 385.** 218.31 (1m) (b) of the statutes is amended to read:

12          218.31 **(1m)** (b) The department of transportation may not disclose any  
13 information received under sub. (1) (ag) or (am) to any person except to the  
14 department of children and families for purposes of administering s. ~~49.22~~ 49.811 or  
15 the department of revenue for the sole purpose of requesting certifications under s.  
16 73.0301.

17          **SECTION 386.** 218.41 (2) (am) 2. of the statutes is amended to read:

18          218.41 **(2)** (am) 2. The department of transportation may not disclose any  
19 information received under subd. 1. a. or b. to any person except to the department  
20 of children and families for the sole purpose of administering s. ~~49.22~~ 49.811 or the  
21 department of revenue for the sole purpose of requesting certifications under s.  
22 73.0301.

23          **SECTION 387.** 218.51 (3) (am) 2. of the statutes is amended to read:

24          218.51 **(3)** (am) 2. The department of transportation may not disclose any  
25 information received under subd. 1. a. or b. to any person except to the department

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1 of children and families for the sole purpose of administering s. ~~49.22~~ 49.811 or the  
2 department of revenue for the sole purpose of requesting certifications under s.  
3 73.0301.

4 **SECTION 388.** 227.01 (13) (im) of the statutes is repealed.

5 **SECTION 389.** 227.43 (1) (by) of the statutes is amended to read:

6 227.43 (1) (by) Assign a hearing examiner to preside over any hearing of a  
7 contested case that is required to be conducted by the department of children and  
8 families under ~~ch. 48 or subch. ss. 49.811 to 49.823, subch. II or III of ch. 49, or ch.~~  
9 48 and that is not conducted by the secretary of children and families.

10 **SECTION 390.** 230.13 (3) (a) of the statutes is amended to read:

11 230.13 (3) (a) The director and the administrator shall provide to the  
12 department of children and families or a county child support agency under s. 59.53  
13 (5) information requested under s. ~~49.22~~ 49.811 (2m) that would otherwise be closed  
14 to the public under this section. Information provided under this paragraph may  
15 only include an individual's name and address, an individual's employer, and  
16 financial information related to an individual.

17 **SECTION 391.** 230.44 (1) (h) and (i) of the statutes are amended to read:

18 230.44 (1) (h) *Decisions affecting Milwaukee County employees by the*  
19 *department of health services.* A decision of the department of health services  
20 relating to a Milwaukee County employee under s. ~~49.825~~ 49.009 (3) (b).

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

24 **SECTION 392.** 238.30 (4m) of the statutes, as affected by 2011 Wisconsin Act 32,  
25 is amended to read:

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1           238.30 (4m) “Member of a targeted group” means a person who resides in an  
2 area designated by the federal government as an economic revitalization area, a  
3 person who is employed in an unsubsidized job but meets the eligibility requirements  
4 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who  
5 is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay  
6 project position under s. 49.147 (3m), 2009 stats., a person who is eligible for child  
7 care assistance under s. 49.155, a person who is a vocational rehabilitation referral,  
8 an economically disadvantaged youth, an economically disadvantaged veteran, a  
9 supplemental security income recipient, a general assistance recipient, an  
10 economically disadvantaged ex-convict, a dislocated worker, as defined in 29 USC  
11 2801 (9), or a ~~food stamp~~ recipient of benefits under the supplemental nutrition  
12 assistance program under 7 USC 2011 to 2036, if the person has been certified in the  
13 manner under 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26  
14 USC 51 (d) (12).

15           **SECTION 393.** 252.06 (10) (b) 4. of the statutes is amended to read:

16           252.06 (10) (b) 4. The expense of care provided under par. (a) to any dependent  
17 person, as defined in s. ~~49.01~~ 49.801 (2).

18           **SECTION 394.** 252.07 (10) of the statutes is amended to read:

19           252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and  
20 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are  
21 not eligible for federal medicare benefits, for medical assistance under subch. IV of  
22 ch. 49 or for health care services funded by a relief block grant under ~~subch. II of ch.~~  
23 ~~49 ss.~~ 49.801 to 49.808 may be reimbursed if provided by a facility contracted by the  
24 department. If the patient has private health insurance, the state shall pay the  
25 difference between health insurance payments and total charges.

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1           **SECTION 395.** 291.15 (2) (d) of the statutes is amended to read:

2           291.15 (2) (d) *Use of confidential records.* Except as provided under par. (c) and  
3 this paragraph, the department or the department of justice may use records and  
4 other information granted confidential status under this subsection only in the  
5 administration and enforcement of this chapter. The department or the department  
6 of justice may release for general distribution records and other information granted  
7 confidential status under this subsection if the owner or operator expressly agrees  
8 to the release. The department or the department of justice may release on a limited  
9 basis records and other information granted confidential status under this  
10 subsection if the department or the department of justice is directed to take this  
11 action by a judge or hearing examiner under an order which protects the  
12 confidentiality of the records or other information. The department or the  
13 department of justice may release to the U.S. environmental protection agency or its  
14 authorized representative records and other information granted confidential status  
15 under this subsection if the department or the department of justice includes in each  
16 release of records or other information a request to the U.S. environmental  
17 protection agency or its authorized representative to protect the confidentiality of  
18 the records or other information. The department or the department of justice shall  
19 provide to the department of children and families or a county child support agency  
20 under s. 59.53 (5) the name and address of an individual, the name and address of  
21 the individual's employer, and financial information related to the individual that is  
22 contained in records or other information granted confidential status under this  
23 subsection if requested under s. ~~49.22~~ 49.811 (2m) by the department of children and  
24 families or a county child support agency under s. 59.53 (5).

25           **SECTION 396.** 301.12 (14) (b) and (g) of the statutes are amended to read:

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1           301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability  
2 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the  
3 parent's minor child who has been placed by a court order under s. 938.183, 938.355,  
4 or 938.357 in a residential, nonmedical facility such as a group home, foster home,  
5 residential care center for children and youth, or juvenile correctional institution  
6 shall be determined by the court by using the percentage standard established by the  
7 department of children and families under s. ~~49.22~~ 49.811 (9) and by applying the  
8 percentage standard in the manner established by the department under par. (g).

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

16           **SECTION 397.** 301.45 (7) (a) of the statutes is amended to read:

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

25           **SECTION 398.** 302.372 (2) (b) of the statutes is amended to read:



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

18           **SECTION 399.** 341.51 (4g) (b) of the statutes is amended to read:

19           341.51 (4g) (b) The department of transportation may not disclose any  
20 information obtained under sub. (4) (am) or (ar) to any person except to the  
21 department of children and families for the sole purpose of administering s. ~~49.22~~  
22 49.811 or the department of revenue for the sole purpose of requesting certifications  
23 under s. 73.0301.

24           **SECTION 400.** 342.06 (1) (eg) of the statutes is amended to read:

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

7           **SECTION 401.** 343.14 (2j) of the statutes is amended to read:

8           343.14 (2j) Except as otherwise required to administer and enforce this  
9 chapter, the department of transportation may not disclose a social security number  
10 obtained from an applicant for a license under sub. (2) (bm) to any person except to  
11 the department of children and families for the sole purpose of administering s. 49.22  
12 49.811, to the department of revenue for the purposes of administering state taxes  
13 and collecting debt, or to the driver licensing agency of another jurisdiction.

14           **SECTION 402.** 343.305 (6) (e) 3. b. of the statutes is amended to read:

15           343.305 (6) (e) 3. b. The licensor may not disclose any information received  
16 under subd. 2. a. or b. except to the department of children and families for purposes  
17 of administering s. 49.22 49.811 or the department of revenue for the sole purpose  
18 of requesting certifications under s. 73.0301.

19           **SECTION 403.** 343.50 (8) (b) of the statutes is amended to read:

20           343.50 (8) (b) The department may not disclose any record or other information  
21 concerning or relating to an applicant or identification card holder to any person  
22 other than a court, district attorney, county corporation counsel, city, village, or town  
23 attorney, law enforcement agency, driver licensing agency of another jurisdiction, a  
24 procurement organization as provided in sub. (4m) (a), the applicant or identification  
25 card holder or, if the applicant or identification card holder is under 18 years of age,

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1 his or her parent or guardian. Except for photographs for which disclosure is  
2 authorized under s. 343.237, persons entitled to receive any record or other  
3 information under this paragraph shall not disclose the record or other information  
4 to other persons or agencies. This paragraph does not prohibit the disclosure of a  
5 person's name or address, of the name or address of a person's employer, or of  
6 financial information that relates to a person when requested under s. ~~49.22~~ 49.811  
7 (2m) by the department of children and families or a county child support agency  
8 under s. 59.53 (5).

9 **SECTION 404.** 343.61 (2) (b) of the statutes is amended to read:

10 343.61 (2) (b) The department of transportation may not disclose any  
11 information received under par. (a) 1. or 2. to any person except to the department  
12 of children and families for purposes of administering s. ~~49.22~~ 49.811 or the  
13 department of revenue for the sole purpose of requesting certifications under s.  
14 73.0301.

15 **SECTION 405.** 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  
17 security number obtained under par. (a) to any person except to the department of  
18 children and families for the sole purpose of administering s. ~~49.22~~ 49.811 or the  
19 department of revenue for the sole purpose of requesting certifications under s.  
20 73.0301.

21 **SECTION 406.** 349.19 of the statutes is amended to read:

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

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

6 **SECTION 407.** 440.03 (11m) (c) of the statutes, as affected by 2011 Wisconsin Act  
7 32, is amended to read:

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

14 **SECTION 408.** 440.43 (5) of the statutes is amended to read:

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

21 **SECTION 409.** 440.44 (10) of the statutes is amended to read:

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

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

3 **SECTION 410.** 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  
5 by the board are confidential and are not available for inspection or copying under  
6 s. 19.35 (1). This paragraph does not apply to any information regarding the name,  
7 address or employer of, or financial information related to an individual that is  
8 requested under s. ~~49.22~~ 49.811 (2m) by the department of children and families or  
9 a county child support agency under s. 59.53 (5).

10 **SECTION 411.** 461.02 (9) (bm) 3. of the statutes is amended to read:

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

17 **SECTION 412.** 562.05 (8m) (a) of the statutes is amended to read:

18 562.05 (8m) (a) If the applicant for any license is an individual, the department  
19 shall disclose his or her social security number to the department of children and  
20 families for the purpose of administering s. ~~49.22~~ 49.811 and to the department of  
21 revenue for the purpose of requesting certifications under s. 73.0301.

22 **SECTION 413.** 563.28 (2) of the statutes is amended to read:

23 563.28 (2) The department shall disclose the social security number of any  
24 applicant for a supplier's license to the department of children and families for the  
25 purpose of administering s. ~~49.22~~ 49.811.

**SENATE BILL 400****SECTION 414**

1           **SECTION 414.** 628.095 (4) (a) of the statutes is amended to read:

2           628.095 (4) (a) The commissioner shall disclose a social security number  
3           obtained under sub. (1) or (3) to the department of children and families in the  
4           administration of s. ~~49.22~~ 49.811, as provided in a memorandum of understanding  
5           entered into under s. 49.857.

6           **SECTION 415.** 632.69 (2) (c) of the statutes is amended to read:

7           632.69 (2) (c) The commissioner may not issue a license under this subsection  
8           unless the applicant provides his or her social security number or its federal  
9           employer identification number or, if the applicant does not have a social security  
10          number, a statement made or subscribed under oath or affirmation that the  
11          applicant does not have a social security number. An applicant who is providing a  
12          statement that he or she does not have a social security number, shall provide that  
13          statement along with the application for a license on a form prescribed by the  
14          department of children and families. A licensee shall provide to the commissioner  
15          the licensee's social security number, statement the licensee does not have the social  
16          security number, or federal employment identification number of the licensee at the  
17          time that the annual license renewal fee is paid, if not previously provided. The  
18          commissioner shall disclose a social security number obtained from an applicant or  
19          licensee to the department of children and families in the administration of s. ~~49.22~~  
20          49.811, as provided in a memorandum of understanding entered into under s. 49.857.  
21          The commissioner may disclose the social security number or federal employment  
22          identification number of an applicant or licensee to the department of revenue for the  
23          purpose of requesting certifications under s. 73.0301.

24          **SECTION 416.** 633.14 (2c) (a) of the statutes is amended to read:

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

5           **SECTION 417.** 751.15 (2) of the statutes is amended to read:

6           751.15 **(2)** The supreme court is requested to promulgate rules that require  
7           each person who has a social security number, as a condition of membership in the  
8           state bar, to provide the board of bar examiners with his or her social security  
9           number, that require each person who does not have a social security number, as a  
10          condition of membership in the state bar, to provide the board of bar examiners with  
11          a statement made or subscribed under oath or affirmation on a form prescribed by  
12          the department of children and families that the person does not have a social  
13          security number, and that prohibit the disclosure of that number to any person  
14          except the department of children and families for the purpose of administering s.  
15          ~~49.22~~ 49.811.

16          **SECTION 418.** 767.127 (4) of the statutes is amended to read:

17          767.127 **(4)** FAILURE TO TIMELY FILE. If either party fails timely to file a complete  
18          disclosure statement as required by this section, the court may accept as accurate  
19          any information provided in the statement of the other party or obtained under s.  
20          ~~49.22~~ 49.811 (2m) by the department or the county child support agency under s.  
21          59.53 (5).

22          **SECTION 419.** 767.205 (2) (a) 1. and 2. and (b) 1. and 2. of the statutes are  
23          amended to read:

**SENATE BILL 400****SECTION 419**

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

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

7           (b) 1. Except as provided in subd. 2., in any action affecting the family under  
8 a child support enforcement program, an attorney acting under s. ~~49.22~~ 49.811 or  
9 59.53 (5), including any district attorney or corporation counsel, represents only the  
10 state. Child support services provided by an attorney as specified in par. (a) do not  
11 create an attorney-client relationship with any other party.

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

15           **SECTION 420.** 767.215 (1) (b) and (2m) (a) 2. of the statutes are amended to read:

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

20           **(2m)** (a) 2. Shall be accompanied by a document, provided without charge by  
21 the clerk of court, setting forth the percentage standard established by the  
22 department under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider  
23 under s. 767.511 (1m).

24           **SECTION 421.** 767.225 (1n) (b) 1. of the statutes is amended to read:



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

5           **SECTION 422.** 767.241 (1) (b) of the statutes is amended to read:

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

10          **SECTION 423.** 767.241 (3) of the statutes is amended to read:

11          767.241 **(3)** TO WHOM PAID. The court may order that the amount be paid directly  
12 to the attorney or to the state or the county providing services under s. ~~49.22~~ or 49.19  
13 or 49.811, who may enforce the order in its name.

14          **SECTION 424.** 767.407 (1) (c) 1. of the statutes is amended to read:

15          767.407 **(1)** (c) 1. Aid is provided under s. 48.57 (3m) or (3n), 48.645, 49.19, or  
16 49.45 on behalf of the child, or benefits are provided to the child's custodial parent  
17 under ss. 49.141 to 49.161, but the state and its delegate under s. ~~49.22~~ 49.811 (7)  
18 are barred by a statute of limitations from commencing an action under s. 767.80 on  
19 behalf of the child.

20          **SECTION 425.** 767.407 (1) (c) 2. of the statutes is amended to read:

21          767.407 **(1)** (c) 2. An application for legal services has been filed with the child  
22 support program under s. ~~49.22~~ 49.811 on behalf of the child, but the state and its  
23 delegate under s. ~~49.22~~ 49.811 (7) are barred by a statute of limitations from  
24 commencing an action under s. 767.80 on behalf of the child.

25          **SECTION 426.** 767.511 (1g) and (1j) of the statutes are amended to read:

**SENATE BILL 400****SECTION 426**

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

6           **(1j)** PERCENTAGE STANDARD GENERALLY REQUIRED. Except as provided in sub.  
7 (1m), the court shall determine child support payments by using the percentage  
8 standard established by the department under s. ~~49.22~~ 49.811 (9).

9           **SECTION 427.** 767.521 (intro.) of the statutes is amended to read:

10           **767.521 Action by state for child support.** (intro.) The state or its delegate  
11 under s. ~~49.22~~ 49.811 (7) shall bring an action for support of a minor child under s.  
12 767.001 (1) (f) or for paternity determination and child support under s. 767.80 if the  
13 child's right to support is assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b)  
14 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the  
15 following apply:

16           **SECTION 428.** 767.55 (2) (am) (intro.) and 1m. and (c) of the statutes are  
17 amended to read:

18           767.55 **(2)** (am) (intro.) In an action for modification of a child support order  
19 under s. 767.59, an action in which an order for child support is required under s.  
20 767.511 (1), 767.805 (4), or 767.89 (3), or a contempt of court proceeding to enforce  
21 a child support or family support order in a county that contracts under s. ~~49.36~~  
22 49.163 (2), the court may order a parent who is not a custodial parent to register for  
23 a work experience and job training program under s. ~~49.36~~ 49.163 if all of the  
24 following conditions are met:

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1           1m. If the parent resides in a county other than the county in which the court  
2           action or proceeding takes place, the parent resides in a county with a work  
3           experience and job training program under s. ~~49.36~~ 49.163 and that county agrees  
4           to enroll the parent in the program.

5           (c) If the court enters an order under par. (am), it shall order the parent to pay  
6           child support equal to the amount determined by applying the percentage standard  
7           established under s. ~~49.22~~ 49.811 (9) or equal to the amount of child support that the  
8           parent was ordered to pay in the most recent determination of support under this  
9           chapter. The child support obligation ordered under this paragraph continues until  
10          the parent makes timely payment in full for 3 consecutive months or until the person  
11          participates in the program under s. ~~49.36~~ 49.163 for 16 weeks, whichever occurs  
12          first. The court shall provide in its order that the parent shall make child support  
13          payments calculated under s. 767.511 (1j) or (1m) after the obligation to make  
14          payments ordered under this paragraph ceases.

15           **SECTION 429.** 767.553 (1) (a) and (b) of the statutes are amended to read:

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

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

**SENATE BILL 400****SECTION 430**

1           **SECTION 430.** 767.59 (1f) (b) 4. and (c) 1. and (2) (a) of the statutes are amended  
2 to read:

3           767.59 **(1f)** (b) 4. A difference between the amount of child support ordered by  
4 the court to be paid by the payer and the amount that the payer would have been  
5 required to pay based on the percentage standard established by the department  
6 under s. ~~49.22~~ 49.811 (9) if the court did not use the percentage standard in  
7 determining the child support payments and did not provide the information  
8 required under s. 46.10 (14) (d), 49.345 (14) (d), 301.12 (14) (d), or 767.511 (1n),  
9 whichever is appropriate.

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

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

19           **SECTION 431.** 767.80 (1) (j), (5) (b) and (7) of the statutes are amended to read:

20           767.80 **(1)** (j) A parent of a person listed under par. (b), (c) or (d), if the parent  
21 is liable or is potentially liable for maintenance of a child of a dependent person under  
22 s. ~~49.90~~ 49.039 (1) (a) 2.

23           **(5)** (b) An action under this section may be joined with any other action for child  
24 support and is governed by the procedures specified in s. 767.205 relating to child  
25 support, except that the title of the action shall be "In re the paternity of A.B." The

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1 petition shall state the name and date of birth of the child if born or that the mother  
2 is pregnant if the child is unborn, the name of any alleged father, whether or not an  
3 action by any of the parties to determine the paternity of the child or rebut the  
4 presumption of paternity to the child has at any time been commenced, or is pending  
5 before any court, in this state or elsewhere. If a paternity judgment has been  
6 rendered, or if a paternity action has been dismissed, the petition shall state the  
7 court that rendered the judgment or dismissed the action, and the date and the place  
8 the judgment was granted if known. The petition shall also give notice of a party's  
9 right to request a genetic test under s. ~~49.225~~ 49.817 or 767.84.

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

15 **SECTION 432.** 767.813 (6) of the statutes is amended to read:

16 767.813 **(6) DOCUMENT.** The summons served on the respondent shall be  
17 accompanied by a document, provided without charge by the clerk of court, setting  
18 forth the percentage standard established by the department under s. ~~49.22~~ 49.811  
19 (9) and listing the factors that a court may consider under s. 767.511 (1m).

20 **SECTION 433.** 767.83 (3) of the statutes is amended to read:

21 767.83 **(3) APPEARANCE BY STATE'S ATTORNEY NOT AFFECTED.** This section does not  
22 prevent an attorney responsible for support enforcement under s. 59.53 (6) (a) or any  
23 other attorney employed under s. ~~49.22~~ 49.811 or 59.53 (5) from appearing in any  
24 paternity action as provided under s. 767.80 (6).

25 **SECTION 434.** 767.84 (1) (a), (1m) and (5) (b) of the statutes are amended to read:

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

12           **(1m)** REBUTTABLE PRESUMPTION. If genetic tests ordered under this section or  
13 s. ~~49.225~~ 49.817 show that the alleged father is not excluded and that the statistical  
14 probability of the alleged father's parentage is 99.0% or higher, the alleged father  
15 shall be rebuttably presumed to be the child's parent.

16           **(5)** (b) If 2 or more identical series of genetic tests are performed upon the same  
17 person, regardless of whether the tests were ordered under this section or s. ~~49.225~~  
18 49.817 or 767.863 (2), the court shall require the person requesting the 2nd or  
19 subsequent series of tests to pay for the series in advance, unless the court finds that  
20 the person is indigent.

21           **SECTION 435.** 767.85 (2) of the statutes is amended to read:

22           767.85 **(2)** CONSIDERATIONS. Before making any temporary order under sub. (1),  
23 the court shall consider those factors that the court is required to consider when  
24 granting a final judgment on the same subject matter. If the court makes a  
25 temporary child support order that deviates from the amount of support that would

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1 be required by using the percentage standard established by the department under  
2 s. ~~49.22~~ 49.811 (9), the court shall comply with the requirements of s. 767.511 (1n).

3 **SECTION 436.** 767.853 (2) of the statutes is amended to read:

4 767.853 (2) INFORMATION ACCESS TO DEPARTMENT AND CHILD SUPPORT AGENCIES.  
5 The clerk of circuit court shall provide access to the record of any pending paternity  
6 proceeding to the department or any county child support agency under s. 59.53 (5)  
7 for purposes related to administering the child and spousal support and  
8 establishment of paternity and medical support liability program under ss. ~~49.22~~  
9 49.811 and 59.53 (5), regardless of whether the department or county child support  
10 agency is a party to the proceeding.

11 **SECTION 437.** 767.863 (2) of the statutes is amended to read:

12 767.863 (2) ORDER FOR TESTS. If at the first appearance it appears from a  
13 sufficient petition or affidavit of the child's mother or an alleged father or from sworn  
14 testimony of the child's mother or an alleged father that there is probable cause to  
15 believe that any of the males named has had sexual intercourse with the mother  
16 during a possible time of the child's conception, the court may, or upon the request  
17 of any party shall, order any of the named persons to submit to genetic tests. The  
18 tests shall be conducted in accordance with s. 767.84. The court is not required to  
19 order a person who has undergone a genetic test under s. ~~49.225~~ 49.817 to submit to  
20 another genetic test under this subsection unless a party requests additional tests  
21 under s. 767.84 (2).

22 **SECTION 438.** 767.87 (1) (c) of the statutes is amended to read:

23 767.87 (1) (c) Genetic test results under s. ~~49.225~~ 49.817, 767.84, or 885.23.

24 **SECTION 439.** 767.893 (2) (b) 2. of the statutes is amended to read:

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1           767.893 (2) (b) 2. The alleged father who fails to appear has had genetic tests  
2 under s. ~~49.225~~ 49.817 or 767.84 showing that the alleged father is not excluded and  
3 that the statistical probability of the alleged father's parentage is 99.0 percent or  
4 higher.

5           **SECTION 440.** 802.10 (1) of the statutes is amended to read:

6           802.10 (1) APPLICATION. This section applies to all actions and special  
7 proceedings except appeals taken to circuit court; actions seeking the remedy  
8 available by certiorari, habeas corpus, mandamus, prohibition, and quo warranto;  
9 actions in which all defendants are in default; provisional remedies; and actions  
10 under ss. ~~49.90~~ 49.039 and s. 66.0114 and chs. 48, 54, 102, 108, 227, 348, 767, 778,  
11 799 and 812, and proceedings under chs. 851 to 882.

12           **SECTION 441.** 803.03 (2) (a) and (bm) of the statutes are amended to read:

13           803.03 (2) (a) *Joinder of related claims.* A party asserting a claim for  
14 affirmative relief shall join as parties to the action all persons who at the  
15 commencement of the action have claims based upon subrogation to the rights of the  
16 party asserting the principal claim, derivation from the principal claim, or  
17 assignment of part of the principal claim. For purposes of this section, a person's  
18 right to recover for loss of consortium shall be deemed a derivative right. Any public  
19 assistance recipient or any estate of such a recipient asserting a claim against a 3rd  
20 party for which the public assistance provider has a right of subrogation or  
21 assignment under s. ~~49.89~~ 49.037 (2) or (3) shall join the provider as a party to the  
22 claim. Any party asserting a claim based upon subrogation to part of the claim of  
23 another, derivation from the rights or claim of another, or assignment of part of the  
24 rights or claim of another shall join as a party to the action the person to whose rights



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1 the party is subrogated, from whose claim the party derives his or her rights or claim,  
2 or by whose assignment the party acquired his or her rights or claim.

3 (bm) *Joinders because of implication of medical assistance.* If the department  
4 of health services is joined as a party pursuant to par. (a) and s. ~~49.89~~ 49.037 (2)  
5 because of the provision of benefits under subch. IV of ch. 49, the department of  
6 health services need not sign a waiver of the right to participate in order to have its  
7 interests represented by the party that caused the joinder. If the department of  
8 health services makes no selection under par. (b), the party causing the joinder shall  
9 represent the interests of the department of health services and the department of  
10 health services shall be bound by the judgment in the action.

11 **SECTION 442.** 812.30 (9) of the statutes is amended to read:

12 812.30 (9) "Need-based public assistance" means aid to families with  
13 dependent children, relief funded by a relief block grant under ch. 49, relief provided  
14 by counties under s. 59.53 (21), ~~medical assistance~~ Medical Assistance,  
15 supplemental security income, ~~food stamps~~ supplemental nutrition assistance  
16 program benefits, or benefits received by veterans under s. 45.40 (1m) or under 38  
17 USC 501 to 562.

18 **SECTION 443.** 812.44 (4) 2. (form) of the statutes is amended to read:

19 812.44 (4) 2. (form) You receive aid to families with dependent children, relief  
20 funded by a relief block grant under ch. 49, relief provided by counties under section  
21 s. 59.53 (21) of the Wisconsin Statutes, ~~medical assistance~~ Medical Assistance,  
22 supplemental security income, ~~food stamps~~ supplemental nutrition assistance  
23 program benefits, or veterans benefits based on need under 38 USC 501 to 562 or  
24 section 45.351 (1) of the Wisconsin Statutes, or have received these benefits within  
25 the past 6 months.

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1           **SECTION 444.** 812.44 (5) 2. (form) of the statutes is amended to read:

2           812.44 (5) 2. (form) I receive, am eligible for, or have within 6 months received,  
3 aid to families with dependent children, relief funded by a relief block grant under  
4 ch. 49, relief provided by counties under section 59.53 (21) of the Wisconsin Statutes,  
5 ~~medical assistance~~ Medical Assistance, supplemental security income, ~~food stamps~~  
6 supplemental nutrition assistance program benefits, or veterans benefits based on  
7 need under 38 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes.

8           **SECTION 445.** 813.12 (5) (b) of the statutes is amended to read:

9           813.12 (5) (b) The clerk of circuit court shall provide the simplified forms  
10 provided under s. ~~49.165~~ 49.217 (3) (c) to help a person file a petition.

11           **SECTION 446.** 814.03 (3) of the statutes is amended to read:

12           814.03 (3) Notwithstanding subs. (1) and (2), where the department of health  
13 services or a county is joined as a plaintiff pursuant to ss. ~~49.89~~ 49.037 (2) and 803.03  
14 (2) (a) because of the provision of benefits under subch. IV of ch. 49, the department  
15 of health services or the county shall not be liable for costs to any prevailing  
16 defendant.

17           **SECTION 447.** 814.29 (1) (d) 1. of the statutes is amended to read:

18           814.29 (1) (d) 1. That the person is a recipient of means-tested public  
19 assistance, including aid to families with dependent children, relief funded by a relief  
20 block grant under ch. 49, relief provided by counties under s. 59.53 (21), ~~medical~~  
21 ~~assistance~~ Medical Assistance, supplemental security income, ~~food stamps~~  
22 supplemental nutrition assistance program benefits, or benefits received by  
23 veterans under s. 45.40 (1m) or under 38 USC 501 to 562.

24           **SECTION 448.** 815.18 (13) (a) of the statutes is amended to read:

25           815.18 (13) (a) Assistance benefits exempt under s. ~~49.96~~ 49.043.

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1           **SECTION 449.** 859.07 (2) (a) 2. of the statutes is amended to read:

2           859.07 **(2)** (a) 2. The decedent was responsible for any obligation owing to the  
3 state or a county under s. 46.03 (18), 46.10, 48.36, ~~49.32~~ 49.06 (1), 49.345, 301.03 (18),  
4 301.12, or 938.36.

5           **SECTION 450.** 859.15 of the statutes is amended to read:

6           **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11),  
7 ~~49.08~~, 49.195 (1), 49.345 (11), ~~49.808~~, and 301.12 (11), a claim shall not be allowed  
8 that was barred by any statute of limitations at the time of the decedent's death. A  
9 claim shall not be barred by statutes of limitation that was not barred at the time of  
10 the decedent's death if the claim is filed against the decedent's estate in the court on  
11 or before the deadline for filing a claim under s. 859.01.

12           **SECTION 451.** 885.01 (5) of the statutes is amended to read:

13           885.01 **(5)** By the department of children and families or a county child support  
14 agency under s. 59.53 (5) in the administration of ss. 49.145, 49.19, ~~49.22~~, 49.46,  
15 49.47, and 49.471, and 49.811 and programs carrying out the purposes of 7 USC 2011  
16 to ~~2029~~ 2036.

17           **SECTION 452.** 895.45 (1) (a) of the statutes is amended to read:

18           895.45 **(1)** (a) "Abusive conduct" means domestic abuse, as defined under s.  
19 ~~49.165~~ 49.217 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under  
20 s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault  
21 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under  
22 ss. 948.02 to 948.11.

23           **SECTION 453.** 938.30 (6) (b) of the statutes is amended to read:

24           938.30 **(6)** (b) If it appears to the court that disposition of the case may include  
25 placement of the juvenile outside the juvenile's home, the court shall order the

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1 juvenile's parent to provide a statement of the income, assets, debts, and living  
2 expenses of the juvenile and the juvenile's parent to the court or the designated  
3 agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
4 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
5 provide, without charge, to any parent ordered to provide that statement a document  
6 setting forth the percentage standard established by the department of children and  
7 families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider  
8 under s. 301.12 (14) (c).

9 **SECTION 454.** 938.31 (7) (b) of the statutes is amended to read:

10 938.31 (7) (b) If it appears to the court that disposition of the case may include  
11 placement of the juvenile outside the juvenile's home, the court shall order the  
12 juvenile's parent to provide a statement of the income, assets, debts, and living  
13 expenses of the juvenile and the juvenile's parent, to the court or the designated  
14 agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
15 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
16 provide, without charge, to any parent ordered to provide the statement a document  
17 setting forth the percentage standard established by the department of children and  
18 families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may consider  
19 under s. 301.12 (14) (c).

20 **SECTION 455.** 938.357 (5m) (a) of the statutes is amended to read:

21 938.357 (5m) (a) If a proposed change in placement would change a juvenile's  
22 placement from a placement in the juvenile's home to a placement outside the  
23 juvenile's home, the court shall order the juvenile's parent to provide a statement of  
24 the income, assets, debts, and living expenses of the juvenile and the juvenile's  
25 parent to the court or the person or agency primarily responsible for implementing

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1 the dispositional order by a date specified by the court. The clerk of court shall  
2 provide, without charge, to any parent ordered to provide that statement a document  
3 setting forth the percentage standard established by the department of children and  
4 families under s. ~~49.22~~ 49.811 (9) and listing the factors under s. 301.12 (14) (c). If  
5 the juvenile is placed outside the juvenile's home, the court shall determine the  
6 liability of the parent in the manner provided in s. 301.12 (14).

7 **SECTION 456.** 938.36 (1) (b) of the statutes is amended to read:

8 938.36 (1) (b) In determining the amount of support under par. (a), the court  
9 may consider all relevant financial information or other information relevant to the  
10 parent's earning capacity, including information reported under s. ~~49.22~~ 49.811 (2m)  
11 to the department of children and families, or the county child support agency, under  
12 s. 59.53 (5). If the court has insufficient information with which to determine the  
13 amount of support, the court shall order the juvenile's parent to furnish a statement  
14 of the income, assets, debts, and living expenses of the juvenile and the juvenile's  
15 parent, if the parent has not already done so, to the court within 10 days after the  
16 court's order transferring custody or designating an alternative placement is entered  
17 or at such other time as ordered by the court.

18 **SECTION 457.** 938.363 (1) (c) of the statutes is amended to read:

19 938.363 (1) (c) If the proposed revision is for a change in the amount of child  
20 support to be paid by a parent, the court shall order the juvenile's parent to provide  
21 a statement of the income, assets, debts, and living expenses of the juvenile and the  
22 juvenile's parent to the court and the person or agency primarily responsible for  
23 implementing the dispositional order by a date specified by the court. The clerk of  
24 court shall provide, without charge, to any parent ordered to provide that statement  
25 a document setting forth the percentage standard established by the department of

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1 children and families under s. ~~49.22~~ 49.811 (9) and listing the factors that a court may  
2 consider under s. 301.12 (14) (c).

3 **SECTION 458.** 946.90 (title) of the statutes is created to read:

4 **946.90** (title) **Wisconsin Works fraud.**

5 **SECTION 459.** 946.90 (1) of the statutes is created to read:

6 **946.90 (1)** In this section:

7 (a) "Provider" means a Wisconsin Works agency or a person that contracts with  
8 a Wisconsin Works agency to provide services to a participant in Wisconsin Works.

9 (b) "Wisconsin Works" means the assistance program for families with  
10 dependent children, administered under ss. 49.141 to 49.161.

11 (c) "Wisconsin Works agency" has the meaning given in s. 49.001 (9).

12 **SECTION 460.** 946.90 (2) of the statutes is created to read:

13 **946.90 (2)** Whoever does any of the following is guilty of a Class A  
14 misdemeanor:

15 (a) Intentionally makes or causes to be made any false statement or  
16 representation of a material fact in any application for or receipt of any Wisconsin  
17 Works benefit or payment.

18 (b) Having knowledge of the occurrence of any event affecting the initial or  
19 continued eligibility for a Wisconsin Works benefit or payment under Wisconsin  
20 Works, conceals or fails to disclose that event with an intent to fraudulently secure  
21 a Wisconsin Works benefit or payment either in a greater amount or quantity than  
22 is due or when no such benefit or payment is authorized.

23 **SECTION 461.** 946.91 (title), (1) and (2) (intro.) of the statutes are created to  
24 read:

25 **946.91** (title) **Medical Assistance fraud. (1)** In this section:

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1 (a) "Facility" means a nursing home or a community-based residential facility  
2 that is licensed under s. 50.03 and that is certified by the department of health  
3 services as a provider of aid under Medical Assistance.

4 (b) "Medical Assistance" means the program providing aid under subch. IV of  
5 ch. 49, except ss. 49.468 and 49.471.

6 (c) "Provider" means a person, corporation, limited liability company,  
7 partnership, incorporated business, or professional association, and any agent or  
8 employee thereof, who provides services under Medical Assistance.

9 (2) (intro.) Whoever does any of the following is guilty of a Class H felony, except  
10 that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may  
11 be fined not more than \$25,000:

12 **SECTION 462.** 946.92 (1) (e) and (3) (a) (intro.) of the statutes are created to read:

13 946.92 (1) (e) "Supplemental nutrition assistance program" has the meaning  
14 given in s. 49.79 (1) (fg).

15 (3) (a) (intro.) If a person violates sub. (2), any of the following applies:

16 **SECTION 463.** 946.93 of the statutes is created to read:

17 **946.93 Public assistance fraud.** (1) In this section, "public assistance"  
18 means any aid, benefit, or services provided under ch. 49.

19 (2) Whoever intentionally makes or causes to be made any false statement or  
20 representation of material fact in any application for or receipt of public assistance  
21 is guilty of a Class H felony.

22 (3) No person may do any of the following:

23 (a) Having knowledge of an event affecting the initial or continued eligibility  
24 for public assistance, conceal or fail to disclose that event with an intent to

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

3 (b) Receive any income or assets and fail to notify the public assistance agency  
4 within 10 days after receiving the income or assets, unless a different time period is  
5 required under the applicable public assistance program.

6 (c) Fail to notify the public assistance agency within 10 days of any change in  
7 circumstances for which notification by the recipient must be provided under law,  
8 unless a different time period is required under the applicable public assistance  
9 program.

10 (d) Receive a voucher under a public assistance program for goods or services  
11 and use the funding granted under the voucher for purposes that are not authorized  
12 by the public assistance agency.

13 (e) If a person violates par. (a), (b), (c), or (d), any of the following applies:

14 1. If the value of the payment or benefit does not exceed \$300, the person may  
15 be required to forfeit not more than \$1,000.

16 2. If the value of the payment or benefit is more than \$300 but does not exceed  
17 \$1,000, the person may be fined not more than \$250 or imprisoned for not more than  
18 6 months, or both.

19 3. If the value of the payment or benefit is more than \$1,000 but does not exceed  
20 \$2,000, 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  
22 \$5,000, 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.



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1           6. If the value of the payment or benefit is more than \$10,000, the person is  
2 guilty of a Class G felony.

3           (4) A person who obtains money, goods, services, or any other thing of value  
4 because he or she sends or brings a person to a county department, tribal governing  
5 body, or Wisconsin Works agency for the purpose of obtaining public assistance is  
6 guilty of a Class C misdemeanor.

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

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

24           (c) This subsection does not apply to any of the following:

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1           1. A discount or other reduction in price obtained by a provider of services or  
2 other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed  
3 and appropriately reflected in the costs claimed or charges made by the provider or  
4 entity under a public assistance program.

5           2. An amount paid by an employer to an employee who has a bona fide  
6 employment relationship with the employer for employment in the provision of  
7 covered items or services.

8           **(6)** Whoever makes any statement in a written application for public  
9 assistance shall be considered to have made an admission as to the existence,  
10 correctness, or validity of any fact stated. Such a statement shall be considered to  
11 be prima facie evidence against the person making it in any complaint, information,  
12 or indictment, or in any action brought for enforcement of any provision of this  
13 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.

14           **SECTION 464.** 948.22 (1) (a), (b) and (c) and (4) (b) of the statutes are amended  
15 to read:

16           948.22 **(1)** (a) “Child support” means an amount which a person is ordered to  
17 provide for support of a child by a court of competent jurisdiction in this state or in  
18 another state, territory or possession of the United States, or, if not ordered, an  
19 amount that a person is legally obligated to provide under s. ~~49.90~~ 49.039.

20           (b) “Grandchild support” means an amount which a person is legally obligated  
21 to provide under s. ~~49.90~~ 49.039 (1) (a) 2. and (11).

22           (c) “Spousal support” means an amount which a person is ordered to provide  
23 for support of a spouse or former spouse by a court of competent jurisdiction in this

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1 state or in another state, territory or possession of the United States, or, if not  
2 ordered, an amount that a person is legally obligated to provide under s. ~~49.90~~  
3 49.039.

4 (4) (b) For a person not subject to a court order requiring child, grandchild, or  
5 spousal support payments, when the person knows or reasonably should have known  
6 that he or she has a dependent, failure to provide support equal to at least the amount  
7 established by rule by the department of children and families under s. ~~49.22~~ 49.811  
8 (9) or causing a spouse, grandchild, or child to become a dependent person, or  
9 continue to be a dependent person, as defined in s. ~~49.01~~ 49.801 (2).

10 **SECTION 465.** 948.45 (2) of the statutes is amended to read:

11 948.45 (2) Subsection (1) does not apply to a person who has under his or her  
12 control a child who has been sanctioned under s. ~~49.26~~ 49.198 (1) (h).

13 **SECTION 466.** 973.055 (3) of the statutes is amended to read:

14 973.055 (3) All moneys collected from domestic abuse surcharges shall be  
15 deposited ~~credited~~ by the secretary of administration ~~in to the appropriation account~~  
16 under s. 20.437 (1) (hh) and utilized in accordance with s. ~~49.165~~ 49.217.

17 **SECTION 467.** 977.01 (2) of the statutes is amended to read:

18 977.01 (2) "Public assistance" means relief provided by counties under s. 59.53  
19 (21), Wisconsin works Works under ss. 49.141 to 49.161, ~~medical assistance~~ Medical  
20 Assistance under subch. IV of ch. 49, low-income energy assistance under s. 16.27,  
21 weatherization assistance under s. 16.26, and the ~~food-stamp~~ supplemental  
22 nutrition assistance program under 7 USC 2011 to ~~2029~~ 2036.

23 **SECTION 468.** 977.06 (4) (bm) of the statutes is amended to read:

24 977.06 (4) (bm) In response to a request for information under s. ~~49.22~~ 49.811  
25 (2m) made by the department of children and families or a county child support

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1 agency under s. 59.53 (5), the state public defender shall provide the name and  
2 address of an individual, the name and address of the individual's employer, and  
3 financial information related to the individual, if the name, address, or financial  
4 information is included in any statement, affidavit, or other information provided by  
5 the individual regarding financial eligibility under s. 977.07 and if, at the time the  
6 request for information is made, the individual is represented by the state public  
7 defender or by counsel assigned under s. 977.08.

8 **SECTION 469.** 978.05 (4m) of the statutes is amended to read:

9 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the departments  
10 of children and families and health services regarding the fraud investigation  
11 programs under ss. 49.019 (1) and 49.197 (1m) and 49.845 (1).

12 **SECTION 470.** 978.06 (6) of the statutes is amended to read:

13 978.06 (6) No district attorney, deputy district attorney, or assistant district  
14 attorney may appear in a civil action or proceeding under s. ~~49.22~~ 49.811 (7), 59.53  
15 (5), 767.205 (2), 767.501, or 767.80 or ch. 769.

16 **SECTION 471.** 995.67 (1) (a) of the statutes is amended to read:

17 995.67 (1) (a) "Domestic abuse" has the meaning given in s. ~~49.165~~ 49.217 (1)  
18 (a).

19 **SECTION 472. Nonstatutory provisions.**

20 (1) PUBLIC ASSISTANCE APPLICATIONS; RULES.

21 (a) The department of children and families shall submit in proposed form the  
22 rules required under section 49.006 (3) of the statutes, as created by this act, to the  
23 legislative council staff under section 227.15 (1) of the statutes no later than the first  
24 day of the 7th month beginning after the effective date of this paragraph.

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1 (b) The department of health services shall submit in proposed form the rules  
2 required under section 49.006 (3) of the statutes, as created by this act, to the  
3 legislative council staff under section 227.15 (1) of the statutes no later than the first  
4 day of the 6th month beginning after the effective date of this paragraph.

5 (2) REVIEW OF WISCONSIN SHARES DECISIONS; RULES. The department of children  
6 and families shall submit in proposed form the rules required under section 49.1525  
7 of the statutes, as created by this act, to the legislative council staff under section  
8 227.15 (1) of the statutes no later than the first day of the 7th month beginning after  
9 the effective date of this subsection.

10 **SECTION 473. Initial applicability.**

11 (1) PUBLIC ASSISTANCE APPLICATIONS. The treatment of section 49.006 of the  
12 statutes first applies to applications for aid or benefits under chapter 49 of the  
13 statutes that are received by the department of health services or the department of  
14 children and families on the effective date of this subsection.

15 (2) INTENTIONAL PROGRAM VIOLATIONS. The renumbering and amendment of  
16 section 49.151 (2) of the statutes and the creation of section 49.151 (2) (a) 1., 2., and  
17 3. and (b) of the statutes first apply to acts or omissions that occur on the effective  
18 date of this subsection.

19 (3) REVIEW OF WISCONSIN SHARES DECISIONS. The treatment of sections 49.152  
20 (1) and 49.1525 of the statutes first applies to applications that are filed and actions  
21 of the department of children and families that occur on the first day of the 25th  
22 month after the effective date of the subsection.

23 (4) PUBLIC ASSISTANCE FRAUD. The treatment of section 946.93 of the statutes  
24 first applies to acts and omissions that occur on the effective date of this subsection.

