

1 **AN ACT** *to repeal* 49.01 (1m), (8j) and (8p), 49.136 (1) (b), 49.137 (1) (am), (1) (bd)
2 and (1) (k), 49.155 (1) (ag) and (1) (d), 49.197 (2) (a) 2., 49.265 (1) (c), 49.36 (1)
3 (b), 49.686 (1) (f), 49.688 (1) (b) and 49.78 (1) (cr); **to renumber** 49.001 (1m),
4 49.001 (4), 49.001 (5m), 49.09, 49.46 (1) and 49.795 (1) (a), (b), (d) and (e); **to**
5 **renumber and amend** 49.147 (1); **to amend** 49.143 (3g) (a) 1., 49.43 (intro.), 49.77
6 (1) and 49.79 (1) (intro.); and **to create** 49.001 (4) and (7m), 49.46 (1) and 49.95
7 (12) of the statutes; **relating to:** terms defined in chapter 49 of the statutes.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on Public Assistance Program Integrity. It reorganizes definitions within ch. 49 to remove duplication and ensure that terms are defined where they are used. Terms defined in the section providing general chapter definitions, s. 49.001, are retained there only if they are used throughout the chapter. If terms appear in only one or 2 sections in the chapter, the draft renumbers them to ensure that they are located in the subchapters or sections where they appear.

The draft also creates a new definition for the term "intentional program violation", which is not currently defined in the chapter.

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

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

9 **SECTION 2.** 49.001 (4) of the statutes is renumbered 49.08 (1) (a).

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

10 **SECTION 3.** 49.001 (4) and (7m) of the statutes are created to read:

1 49.001 (4) “Intentional program violation” means, with regard to the programs in this
2 chapter, intentionally making a false or misleading statement, intentionally misrepresenting
3 or withholding facts, or committing an act intending to mislead or misrepresent or withhold
4 facts.

COMMENT: The proposed definition for the term “intentional program violation” uses language that is similar to current s. 49.29, which relates to loss of eligibility for aid to families with dependent children benefits. Is the proposed language appropriate for all programs within chapter 49?

5 **(7m)** “Tribal governing body” means an elected tribal governing body of a federally
6 recognized American Indian tribe.

7 **SECTION 4.** 49.001 (5m) of the statutes is renumbered 49.79 (1) (cm).

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

8 **SECTION 5.** 49.01 (1m), (8j) and (8p) of the statutes are repealed.

NOTE: Repeals definitions for the terms “department”, “secretary”, and “tribal governing body”. The terms “department” and “secretary” will be defined at the beginning of the subchapter. The term “tribal governing body” is created in Section 3 of the draft.

9 **SECTION 6.** 49.09 of the statutes is renumbered 49.08 (1) (b).

10 **SECTION 7.** 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).

11 **SECTION 8.** 49.137 (1) (am), (1) (bd) and (1) (k) of the statutes are repealed.

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

12 **SECTION 9.** 49.143 (3g) (a) 1. of the statutes is amended to read:

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

3 **SECTION 10.** 49.147 (1) of the statutes is renumbered 49.141 (1) (o) and amended to
4 read:

5 49.141 (1) (o) **DEFINITIONS.** ~~In this section:~~

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

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

9 **SECTION 11.** 49.155 (1) (ag) and (1) (d) of the statutes are repealed.

NOTE: Repeals definitions for the terms “child care provider” and “tribal
governing body”. The term “child care provider” is defined at the
beginning of the chapter, in s. 49.001 (1). The term “tribal governing
body” is created in SECTION 3 of the draft.

10 **SECTION 12.** 49.197 (2) (a) 2. of the statutes is repealed.

NOTE: Repeals a definition for the term “tribal governing body”, which
is created in SECTION 3 of the draft.

11 **SECTION 13.** 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).

12 **SECTION 14.** 49.36 (1) (b) of the statutes is repealed.

NOTE: Repeals a definition for the term “tribal governing body”, which
is created in SECTION 3 of the draft.

13 **SECTION 15.** 49.43 (intro.) of the statutes is amended to read:

14 **49.43 Definitions.** (intro.) As used in ss. 49.43 to ~~49.497~~ 49.499 unless the context
15 indicates otherwise:

1 **SECTION 16.** 49.46 (1) of the statutes is renumbered 49.46 (1g).

2 **SECTION 17.** 49.46 (1) of the statutes is created to read:

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

5 **SECTION 18.** 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).

6 **SECTION 19.** 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).

7 **SECTION 20.** 49.77 (1) of the statutes is amended to read:

8 49.77 (1) ~~DEFINITION~~ DEFINITIONS. In this section:

9 (a) “Essential person” has the meaning given in s. 49.46 (1).

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

13 **SECTION 21.** 49.78 (1) (cr) of the statutes is repealed.

NOTE: Repeals a definition for the term “tribal governing body”, which
 is created in SECTION 3 of the draft.

14 **SECTION 22.** 49.79 (1) (intro.) of the statutes is amended to read:

15 49.79 (1) **DEFINITIONS.** In this section ss. 49.79, 49.793, 49.795, and 49.797:

16 **SECTION 23.** 49.795 (1) (a), (b), (d) and (e) of the statutes are renumbered 49.79 (1) (d),
17 (e), (fg) and (fm), respectively.

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

