

AS:ty

11/04/2010

1       **AN ACT** *to renumber* 49.002, 49.01, 49.015, 49.02, 49.025, 49.027, 49.029, 49.031,  
2       49.08, 49.11, 49.114, 49.133, 49.134, 49.136, 49.137, 49.1375, 49.139, 49.1452,  
3       49.1455, 49.155, 49.161, 49.1635, 49.165, 49.167, 49.169, 49.22, 49.225, 49.227,  
4       49.24, 49.25, 49.26, 49.27, 49.32, 49.35, 49.36, 49.45 (2), 49.78, 49.81, 49.82,  
5       49.825, 49.826, 49.83, 49.84, 49.845, 49.847, 49.85, 49.86, 49.90, 49.95 and 49.96;  
6       and *to create* 49.44 (title), subchapter I (title) of chapter 49 [precedes 49.001 to  
7       49.043], subchapter II (title) of chapter 49 [precedes 49.05 to 49.20], subchapter III  
8       (title) of chapter 49 [precedes 49.201 to 49.385], subchapter IV (title) of chapter 49  
9       [precedes 49.43 to 49.499], subchapter V (title) of chapter 49 [precedes 49.66 to  
10       49.808] and subchapter VI (title) of chapter 49 [precedes 49.811 to 49.858] of the  
11       statutes; **relating to:** reorganization of provisions of ch. 49.

*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 Program Assistance Public Integrity.

The draft reorganizes many of the provisions of ch. 49, relating to public assistance and children and family services, into 6 subchapters.

Under the draft, subch. I is entitled "General Provisions" and includes the following provisions of current law, renumbering provisions where necessary:

- Definitions. [s. 49.001.]
- Income maintenance administration. [s. 49.78.]
- Public assistance recipients' bill of rights. [s. 49.81.]
- Administration of public assistance programs. [s. 49.82.]
- Department administration in Milwaukee County. [s. 49.825.]

- Administration of child care provider services in certain counties. [s. 49.826.]
- Limitation on giving information. [s. 49.83.]
- Verification of public assistance applications. [s. 49.84.]
- Fraud investigation and error reduction. [s. 49.845.]
- Recovery of incorrect payments under certain assistance programs. [s. 49.847.]
- Certification of certain public assistance overpayments and delinquent loan repayments. [s. 49.85.]
- Disbursement of funds and facsimile signatures. [s. 49.86.]
- Liability of relatives; enforcement. [s. 49.90.]
- Penalties; evidence. [s. 49.95.]
- Assistance grants exempt from levy. [s. 49.96.]

Under the draft, subch. II is entitled “Children and Families; Wisconsin Works, Aid to Families, and Child Care Subsidy” and includes the following provisions of current law, renumbering provisions where necessary:

- Definitions. [s. 49.11.]
- Department; powers and duties. [s. 49.32.]
- Public assistance; supervisory functions of department. [s. 49.35.]
- Legal actions. [s. 49.35.]
- Contract powers of the department. [s. 49.114.]
- Electronic transfer of benefits. [s. 49.131.]
- Emergency assistance for families with needy children. [s. 49.138.]
- Wisconsin works; general provisions. [s. 49.141.]
- Wisconsin works; agency contracts. [s. 49.143.]
- Wisconsin works; eligibility for employment positions. [s. 49.145.]
- Payment of support arrears. [s. 49.1452.]
- Child support demonstration project. [s. 49.1455.]
- Employer criteria. [s. 49.146.]
- Wisconsin works; work programs and job access loans. [s. 49.147.]

- Wisconsin works; domestic abuse screening and training. [s. 49.1473.]
- Follow-up services. [s. 49.1475.]
- Wisconsin works; wages and benefits. [s. 49.148.]
- Wisconsin works; education and training. [s. 49.149.]
- Wisconsin works; 2-parent families. [s. 49.15.]
- Wisconsin works; sanctions. [s. 49.151.]
- Determination of nonparticipation without good cause. [s. 49.1515.]
- Review of agency decisions. [s. 49.152.]
- Notice before taking certain actions. [s. 49.153.]
- Wisconsin works; transportation assistance. [s. 49.157.]
- Wisconsin works; noncustodial and minor and other custodial parents. [s. 49.159.]
- Transitional jobs demonstration project. [s. 49.162.]
- Work experience program for noncustodial parents. [s. 49.36.]
- Workforce attachment and advancement program. [s. 49.173.]
- Public assistance and local assistance allocations. [s. 49.175.]
- Aid to families with dependent children. [s. 49.19.]
- Wisconsin works; overpayments. [s. 49.161.]
- Recovery of aid to families with dependent children and Wisconsin works benefits. [s. 49.195.]
- Fraud investigation and reduction and error reduction. [s. 49.197.]
- Learnfare program. [s. 49.26.]
- Wisconsin Shares; child care subsidy. [s. 49.155.]
- Refusal to pay child care providers. [s. 49.133.]

Under the draft, subch. III is entitled “Children and Families; Other Support Services” and includes the following provisions of current law, renumbering provisions where necessary:

- Child care resource and referral service grants. [s. 49.134.]
- Child care start-up and expansion. [s. 49.136.]
- Child care quality improvement. [s. 49.137.]

- Early childhood excellence initiative. [s. 49.1375.]
- Emergency shelter funding. [s. 49.139.]
- Wisconsin Trust Account Foundation. [s. 49.1635.]
- Domestic abuse grants. [s. 49.165.]
- Alcohol and other drug abuse treatment grant program. [s. 49.167.]
- Literacy grants. [s. 49.169.]
- Research; investigation. [s. 49.273.]
- Cooperation with federal government. [s. 49.275.]
- Loss of eligibility. [s. 49.29.]
- County department budgets and contracts. [s. 49.325.]
- Purchase of care and services. [s. 49.34.]
- Rates for residential care centers, group homes, and child welfare agencies. [s. 49.343.]
- Cost of care and maintenance; liability; collection and deportation counsel; collections; court actions; recovery. [s. 49.345.]
- Menominee Enterprises, Inc., bonds, acquisition. [s. 49.38.]
- No action against members of the Menominee Indian tribe in certain cases. [s. 49.385.]

Under the draft, subch. IV is entitled “Health; Medical Assistance” and includes the same provisions as included in current subch. IV. The only change to this subchapter is the creation of s. 49.44 which is entitled “Department duties” and includes the provisions of s. 49.45 (2).

Under the draft, subch. V is entitled “Health; Other Support and Medical Programs and Relief Block Grants” and includes the following provisions of current law, renumbering provisions where necessary:

- Definitions. [s. 49.66.]
- BadgerCare. [s. 49.665.]
- Aid for treatment of kidney disease. [s. 49.68.]
- Recovery from estates. [s. 49.682.]
- Cystic fibrosis aids. [s. 49.683.]
- Hemophilia treatment services. [s. 49.685.]
- AZT and pentamidine reimbursement program. [s. 49.686.]

- Disease aids; patient requirements; rebate agreements; cost containment. [s. 49.687.]
- Prescription drug assistance for elderly persons. [s. 49.688.]
- County home; establishment. [s. 49.70.]
- County homes; commitments; admissions. [s. 49.703.]
- County hospitals; establishment. [s. 49.71.]
- County hospitals; admissions. [s. 49.713.]
- County infirmaries; establishment. [s. 49.72.]
- County infirmaries; admissions; standards. [s. 49.723.]
- County infirmaries; cost of treatment; care and maintenance of patients. [s. 49.726.]
- County infirmaries; fees and expenses of proceedings. [s. 49.729.]
- Residential care institutions; establishment. [s. 49.73.]
- Institutions subject to chapter 150. [s. 49.74.]
- Department duties relating to hunger prevention. [s. 49.76.]
- State supplemental payments. [s. 49.77.]
- Payment for the support of children of supplemental security income recipients. [s. 49.776.]
- Payment of support arrears. [s. 49.776.]
- Food stamp administration. [s. 49.79.]
- Recovery of food stamps. [s. 49.793.]
- Food stamp offenses. [s. 49.795.]
- Electronic benefit transfer. [s. 49.797.]
- Legislative declaration (relief block grants). [s. 49.002.]
- Definitions. [s. 49.01.]
- Relief eligibility. [s. 49.015.]
- Relief block grant administration. [s. 49.02.]
- Relief block grants to counties with a population of 500,000 or more; medical relief. [s. 49.025.]
- Relief block grants to counties with a population of less than 500,000; medical and nonmedical relief. [s. 49.027.]

- Block grants to tribal governing bodies; medical relief. [s. 49.029.]
- Payment of relief block grants to counties. [s. 49.031.]
- Recovery of relief and other assistance. [s. 49.08.]

Under the draft, subch. V is entitled “Children and Families; Child Support” and includes the following provisions of current law, renumbering provisions where necessary:

- Child and spousal support; establishment of paternity; medical liability. [s. 49.22.]
- Ordering genetic tests. [s. 49.225.]
- Program for publication of delinquent child support obligors. [s. 49.227.]
- Child support incentive payments. [s. 49.24.]
- Incentive payments for identifying children with health insurance. [s. 49.25.]
- Delinquent support payments; pension plans. [s. 49.852.]
- Financial records matching program. [s. 49.853.]
- Liens against property for delinquent support payments. [s. 49.854.]
- Certification of delinquent payments. [s. 49.855.]
- Notification of delinquent payments. [s. 49.856.]
- Administrative enforcement of support; denial, nonrenewal, restriction, and suspension of licenses. [s. 49.857.]
- General provisions related to administrative support enforcement. [s. 49.858.]

**COMMENT:** This draft does not modify cross references that will need to be changed if provisions of ch. 49 are renumbered. Once the committee determines the organization of the chapter, those changes will be drafted.

- 1       **SECTION 1.** 49.002 of the statutes is renumbered 49.80.
- 2       **SECTION 2.** 49.01 of the statutes is renumbered 49.801.
- 3       **SECTION 3.** 49.015 of the statutes is renumbered 49.802.
- 4       **SECTION 4.** 49.02 of the statutes is renumbered 49.803.
- 5       **SECTION 5.** 49.025 of the statutes is renumbered 49.804.

1       **SECTION 6.** 49.027 of the statutes is renumbered 49.805.

2       **SECTION 7.** 49.029 of the statutes is renumbered 49.806.

3       **SECTION 8.** 49.031 of the statutes is renumbered 49.807.

4       **SECTION 9.** 49.08 of the statutes is renumbered 49.808.

5       **SECTION 10.** 49.11 of the statutes is renumbered 49.05.

6       **SECTION 11.** 49.114 of the statutes is renumbered 49.066.

7       **SECTION 12.** 49.133 of the statutes is renumbered 49.20.

**COMMENT:** Should this provision be repealed because the same  
          provisions are contained in s. 49.155 (7)?

8       **SECTION 13.** 49.134 of the statutes is renumbered 49.204.

9       **SECTION 14.** 49.136 of the statutes is renumbered 49.205.

10      **SECTION 15.** 49.137 of the statutes is renumbered 49.207.

11      **SECTION 16.** 49.1375 of the statutes is renumbered 49.209.

12      **SECTION 17.** 49.139 of the statutes is renumbered 49.213.

13      **SECTION 18.** 49.1452 of the statutes is renumbered 49.813.

14      **SECTION 19.** 49.1455 of the statutes is renumbered 49.815.

15      **SECTION 20.** 49.155 of the statutes is renumbered 49.199.

16      **SECTION 21.** 49.161 of the statutes is renumbered 49.191.

17      **SECTION 22.** 49.1635 of the statutes is renumbered 49.215.

18      **SECTION 23.** 49.165 of the statutes is renumbered 49.217.

19      **SECTION 24.** 49.167 of the statutes is renumbered 49.219.

20      **SECTION 25.** 49.169 of the statutes is renumbered 49.221.

21      **SECTION 26.** 49.22 of the statutes is renumbered 49.811.

22      **SECTION 27.** 49.225 of the statutes is renumbered 49.817.

1       **SECTION 28.** 49.227 of the statutes is renumbered 49.819.

2       **SECTION 29.** 49.24 of the statutes is renumbered 49.821.

3       **SECTION 30.** 49.25 of the statutes is renumbered 49.823.

4       **SECTION 31.** 49.26 of the statutes is renumbered 49.198.

5       **SECTION 32.** 49.27 of the statutes is renumbered 49.064.

6       **SECTION 33.** 49.32 of the statutes is renumbered 49.06.

7       **SECTION 34.** 49.35 of the statutes is renumbered 49.062.

8       **SECTION 35.** 49.36 of the statutes is renumbered 49.165.

9       **SECTION 36.** 49.44 (title) of the statutes is created to read:

10      **49.44 (title) Department duties.**

11      **SECTION 37.** 49.45 (2) of the statutes is renumbered 49.44.

12      **SECTION 38.** 49.78 of the statutes is renumbered 49.003.

13      **SECTION 39.** 49.81 of the statutes is renumbered 49.005.

14      **SECTION 40.** 49.82 of the statutes is renumbered 49.007.

15      **SECTION 41.** 49.825 of the statutes is renumbered 49.009.

16      **SECTION 42.** 49.826 of the statutes is renumbered 49.011.

17      **SECTION 43.** 49.83 of the statutes is renumbered 49.013.

18      **SECTION 44.** 49.84 of the statutes is renumbered 49.017.

19      **SECTION 45.** 49.845 of the statutes is renumbered 49.019.

20      **SECTION 46.** 49.847 of the statutes is renumbered 49.021.

21      **SECTION 47.** 49.85 of the statutes is renumbered 49.023.

22      **SECTION 48.** 49.86 of the statutes is renumbered 49.035.

23      **SECTION 49.** 49.90 of the statutes is renumbered 49.039.

24      **SECTION 50.** 49.95 of the statutes is renumbered 49.041.



**COMMENT:** WLC: 0017/1 proposes to move s. 49.95, relating to general penalties for public assistance violations, to s. 946.93 in the criminal code.

**SECTION 51.** 49.96 of the statutes is renumbered 49.043.

**SECTION 52.** Subchapter I (title) of chapter 49 [precedes 49.001 to 49.043] of the statutes are created to read:

**CHAPTER 49**

**SUBCHAPTER 1 (TITLE)**

**GENERAL PROVISIONS**

**SECTION 53.** Subchapter II (title) of chapter 49 [precedes 49.05 to 49.20] of the statutes are created to read:

**CHAPTER 49**

**SUBCHAPTER II**

**CHILDREN AND FAMILIES; WISCONSIN WORKS, AID TO FAMILIES, AND**

**CHILD CARE SUBSIDY**

**SECTION 54.** Subchapter III (title) of chapter 49 [precedes 49.201 to 49.385] of the statutes are created to read:

**CHAPTER 49**

**SUBCHAPTER III**

**CHILDREN AND FAMILIES; OTHER SUPPORT SERVICES**

**SECTION 55.** Subchapter IV (title) of chapter 49 [precedes 49.43 to 49.499] of the statutes are created to read:

**CHAPTER 49**

**SUBCHAPTER IV**

**HEALTH; MEDICAL ASSISTANCE**

1           **SECTION 56.** Subchapter V (title) of chapter 49 [precedes 49.66 to 49.808] of the statutes  
2 are created to read:

3                                   **CHAPTER 49**

4                                   SUBCHAPTER V

5                   HEALTH; OTHER SUPPORT AND MEDICAL PROGRAMS AND RELIEF BLOCK

6                                   GRANTS

7           **SECTION 57.** Subchapter VI (title) of chapter 49 [precedes 49.811 to 49.858] of the  
8 statutes are created to read:

9                                   **CHAPTER 49**

10                                  SUBCHAPTER VI

11                   CHILDREN AND FAMILIES; CHILD SUPPORT

12                                  **(END)**