



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1195/2
FFK:nwn:jf

DOA:.....Skwarczek, BB0262 - Transfer the food stamp program from DHS
to DCF

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS administers the Supplemental Nutrition Assistance Program, formerly known as the food stamp program and currently known in Wisconsin as FoodShare, under which eligible low-income individuals and families receive cash assistance to purchase food. This bill transfers the administration of FoodShare to DCF on January 1, 2013. This bill also updates terminology related to the former food stamp program to be consistent with current federal law.

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

SECTION 1. 16.27 (5) (c) of the statutes, as affected by 2011 Wisconsin Act ...

(this act), is amended to read:

16.27 (5) (c) A household entirely composed of persons receiving aid to families with dependent children under s. 49.19, ~~food-stamps~~ supplemental nutrition

assistance program benefits under **7 USC 2011 to 2036**, or supplemental security income or state supplemental payments under **42 USC 1381 to 1383c** or s. 49.39.

****NOTE: This is reconciled s. 16.27 (5) (c). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 2. 16.27 (5) (e) of the statutes is amended to read:

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

SECTION 3. 20.435 (4) (bn) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is repealed.

****NOTE: This is reconciled s. 20.435 (4) (bn). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 4. 20.435 (4) (L) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

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

***NOTE: This is reconciled s. 20.435 (4) (L). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 5. 20.435 (4) (nn) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the federal government for the costs of contracting for the administration of the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and the food stamp program, other than moneys received under par. (pa), for costs to administer income maintenance programs, as defined in s. 49.78 (1) (b).

***NOTE: This is reconciled s. 20.435 (4) (nn). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 6. 20.435 (4) (pa) of the statutes is amended to read:

20.435 (4) (pa) *Federal aid; Medical Assistance and food stamp contracts administration.* All federal moneys received for the federal share of the cost of contracting for payment and services administration and reporting, other than moneys received under par. (nn), to reimburse 3rd parties for their costs under s. 49.475, for administrative contract costs for the food stamp program under s. 49.79, and for services of resource centers under s. 46.283.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 7. 20.435 (4) (pv) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 8. 20.437 (2) (bm) of the statutes is created to read:

20.437 (2) (bm) *Supplemental nutrition assistance program administration.* Biennially, the amounts in the schedule to provide the state share of administrative costs for the supplemental nutrition assistance program under s. 49.37, including

the supplemental nutrition assistance employment and training program under s. 49.37 (9).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9. 20.437 (2) (L) of the statutes is amended to read:

20.437 (2) (L) *Public assistance overpayment recovery, fraud investigation, and error reduction.* All moneys received as the state's share of the recovery of overpayments and incorrect payments under s. 49.191 (3) (c), 1997 stats., and s. 49.195, 1997 stats., and s. 49.373 (2) (a), all moneys received from counties and tribal governing bodies as a result of error reduction activities under ss. 49.197 and 49.845, and all moneys credited to this appropriation account under s. 49.373 (2) (b), for any contracts under s. 49.845 (4), for any activities under s. 49.197 (1m) to investigate fraud relating to the Aid to Families with Dependent Children program, the supplemental nutrition assistance program, and the Wisconsin Works program, for any activities under s. 49.197 (3) to reduce payment errors in the supplemental nutrition assistance program and the Wisconsin Works program, and for costs associated with collection of public assistance overpayments, to pay federal sanctions under the supplemental nutrition assistance program, and for supplemental nutrition assistance program reinvestment activities under reinvestment agreements with the federal department of agriculture that are designed to improve the supplemental nutrition assistance program.

SECTION 10. 20.437 (2) (nn) of the statutes is amended to read:

20.437 (2) (nn) *Federal program operations aid; supplemental nutrition assistance program administration.* All moneys received from the federal government ~~or any of its agencies for the state~~ for administration of continuing

~~programs~~ the supplemental nutrition assistance program under s. 49.37 to be expended for the purposes specified.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 11. 20.437 (2) (pv) of the statutes is amended to read:

20.437 (2) (pv) *Electronic benefits transfer.* All moneys received from the federal government for the electronic transfer of benefits administered by the department of children and families, including the supplemental nutrition assistance program under 7 USC 2011 to 2036, to be expended for the purposes specified. Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 12. 46.215 (1) (k) of the statutes is amended to read:

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

SECTION 13. 46.283 (3) (k) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

46.283 (3) (k) A determination of eligibility for state supplemental payments under s. 49.39, medical assistance under s. 49.46, 49.468, 49.47, or 49.471, or the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to 2029 2036.

***NOTE: This is reconciled s. 46.283 (3) (k). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 14. 48.685 (5) (br) 5. of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent children under s. 49.19, medical assistance under subch. IV of ch. 49, ~~food stamps~~ benefits under the ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395, or health care benefits under the Badger Care health care program under s. 49.665.

****NOTE: This is reconciled s. 48.685 (5) (br) 5. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 15. 49.131 (3) of the statutes is amended to read:

49.131 (3) ~~The Except as provided in s. 49.377 (2), the department may not require a county or tribal governing body to participate in an electronic benefit transfer system under this section if the costs to the county or tribal governing body would be greater than the costs that the county or tribal governing body would incur in delivering the benefits through a system that is not an electronic benefit transfer system.~~

SECTION 16. 49.141 (7) (c) 3. of the statutes is amended to read:

49.141 (7) (c) 3. Fraudulently misstating or misrepresenting his or her identity or place of residence for the purpose of receiving simultaneously in this state and at least one other state benefits under the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to 2029 2036.

SECTION 17. 49.143 (2) (d) of the statutes is amended to read:

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

SECTION 18. 49.155 (1m) (a) 3m. of the statutes is amended to read:

49.155 (1m) (a) 3m. Participate in a job search or work experience component of the ~~food stamp~~ supplemental nutrition assistance employment and training program under s. ~~49.79 (9)~~ 49.37 (9).

SECTION 19. 49.159 (2) of the statutes is amended to read:

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

SECTION 20. 49.173 (3) (a) 2. of the statutes is amended to read:

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

SECTION 21. 49.197 (1m) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2) (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of aid to families with dependent children under s. 49.19, on the part of recipients of benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, 2009 stats., or s. 49.39, and payments for the support of children of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395, on the part of participants in the Wisconsin Works program under ss. 49.141 to 49.161, and, if the department of health services contracts with the department under sub. (5), on the part of recipients of medical assistance under subch. IV, ~~food stamp benefits under the food stamp program under 7 USC 2011 to 2036~~, and health care benefits under the Badger Care health care program under s. 49.665. The department's activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The department shall cooperate with district attorneys regarding fraud prosecutions.

****NOTE: This is reconciled s. 49.197 (1m). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 22. 49.197 (3) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161, the supplemental nutrition assistance program under 7 USC 2011 to 2036, the supplemental security income payments program under s. 49.39, and the program providing payments for the support of children of supplemental security income recipients under s. 49.395, and, if the department of health services contracts with the department under sub. (5), the Medical Assistance program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, and the Badger Care health care program under s. 49.665.

****NOTE: This is reconciled s. 49.197 (3). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 23. 49.197 (4) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health services contracts with the department under sub. (5), the department shall provide funds from the appropriation under s. 20.437 (2) (kx) to counties and governing bodies of federally recognized American Indian tribes administering Medical Assistance under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, and the Badger Care health care program under s. 49.665, as applicable, to offset administrative costs of reducing payment errors in those programs.

****NOTE: This is reconciled s. 49.197 (4). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 24. 49.197 (5) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE AND ~~FOOD STAMPS~~. Notwithstanding s. 49.845 (1) and (2), the department of health services may

contract with the department to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV, food stamp benefits under the food stamp program under ~~7 USC 2011 to 2036~~, and health care benefits under the Badger Care health care program under s. 49.665 and to conduct activities to reduce payment errors in the Medical Assistance program under subch. IV, the food stamp program under ~~7 USC 2011 to 2036~~, and the Badger Care health care program under s. 49.665, as provided in this section.

****NOTE: This is reconciled s. 49.197 (5). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 25. 49.22 (6) of the statutes is amended to read:

49.22 (6) The department shall establish, pursuant to federal and state laws, rules and regulations, a uniform system of fees for services provided under this section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471; benefits under s. 49.148, 49.155, or ~~49.79~~ 49.37; foster care maintenance payments under 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n). The system of fees may take into account an individual's ability to pay. Any fee paid and collected under this subsection may be retained by the county providing the service except for the fee specified in 42 USC 653 (e) (2) for federal parent locator services.

SECTION 26. 49.32 (7) (b) of the statutes is amended to read:

49.32 (7) (b) The department shall conduct a program to periodically match the records of recipients of aid to families with dependent children under s. 49.19 and recipients of benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036 and, if the department of health services contracts with the department under s. 49.197 (5), recipients of medical assistance under subch. IV and

~~food stamp benefits under the food stamp program under 7 USC 2011 to 2036~~ with the records of recipients under those programs in other states. If an agreement with the other states can be obtained, matches with records of states contiguous to this state shall be conducted at least annually.

SECTION 27. 49.32 (7) (c) of the statutes is amended to read:

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

SECTION 28. 49.32 (7) (d) of the statutes is amended to read:

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

SECTION 29. 49.32 (10) (a) (intro.) of the statutes is amended to read:

49.32 (10) (a) (intro.) Each county department under s. 46.215, 46.22, or 46.23 may release the current address of a recipient of ~~food stamps~~ supplemental nutrition assistance program benefits under s. 49.37 or of aid under s. 49.19, and each Wisconsin works agency may release the current address of a participant in Wisconsin works under ss. 49.141 to 49.161, to a law enforcement officer if the officer meets all of the following conditions:

SECTION 30. 49.37 (1m) of the statutes is created to read:

49.37 (1m) ADMINISTRATION BY DEPARTMENT. The department shall administer, and may enter into contracts for the administration of, the supplemental nutrition assistance program in this state. Administration of the supplemental nutrition assistance program includes all of the following:

- (a) Receiving applications.
- (b) Determining eligibility.
- (c) Conducting fraud investigation and fraud prevention activities.
- (d) Implementing error reduction procedures.
- (e) Recovering overpayments of benefits.

SECTION 31. 49.78 (1) (b) of the statutes is amended to read:

49.78 (1) (b) "Income maintenance program" means the Medical Assistance program under subch. IV of ch. 49, the Badger Care health care program under s. 49.665, the ~~food stamp program under 7 USC 2011 to 2036~~, or the cemetery, funeral, and burial expenses program under s. 49.785.

SECTION 32. 49.79 (title) of the statutes is renumbered 49.37 (title) and amended to read:

49.37 (title) Food stamp Supplemental nutrition assistance program administration.

SECTION 33. 49.79 (1) (intro.) of the statutes is renumbered 49.37 (1) (intro.).

SECTION 34. 49.79 (1) (a) of the statutes is renumbered 49.37 (1) (a).

SECTION 35. 49.79 (1) (c) of the statutes is renumbered 49.37 (1) (f) and amended to read:

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

SECTION 36. 49.79 (1) (f) of the statutes is renumbered 49.37 (1) (c).

SECTION 37. 49.79 (1) (g) of the statutes is renumbered 49.37 (1) (g).

SECTION 38. 49.79 (2) of the statutes is renumbered 49.37 (2) and amended to read:

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

SECTION 39. 49.79 (3) (title) of the statutes is renumbered 49.37 (3) (title) and amended to read:

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

SECTION 40. 49.79 (3) (a) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is renumbered 49.37 (3) (a) and amended to read:

49.37 (3) (a) A federally recognized American Indian tribe is liable for all ~~food stamp coupons lost,~~ supplemental nutrition assistance program benefits that are misappropriated, ~~or destroyed~~ while under the tribe’s direct control, except as provided in par. (b).

****NOTE: This is reconciled s. 49.79 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 41. 49.79 (3) (b) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is repealed.

****NOTE: This is reconciled s. 49.79 (3) (b). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 42. 49.79 (3) (c) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is renumbered 49.37 (3) (c) and amended to read:

49.37 (3) (c) A federally recognized American Indian tribe is liable for ~~food stamp coupons mailed~~ supplemental nutrition assistance program benefits incorrectly transferred to members of the tribe ~~and lost in the mail~~ due to incorrect information submitted to the department by the tribe.

****NOTE: This is reconciled s. 49.79 (3) (c). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 43. 49.79 (4) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is renumbered 49.37 (4) and amended to read:

49.37 (4) DEDUCTIONS FROM INCOME MAINTENANCE PAYMENTS. The department shall withhold the value of ~~food stamp~~ any losses for which a federally recognized American Indian tribe is liable under sub. (3) from the payment to the tribe under ~~income maintenance contracts under s. 49.78~~ contracts for the administration of the supplemental nutrition assistance program and reimburse the federal government from the funds withheld.

****NOTE: This is reconciled s. 49.79 (4). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 44. 49.79 (5) (title) of the statutes is renumbered 49.37 (5) (title).

SECTION 45. 49.79 (5) (a) of the statutes is renumbered 49.37 (5) (a) and amended to read:

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

SECTION 46. 49.79 (5) (b) of the statutes is renumbered 49.37 (5) (b).

SECTION 47. 49.79 (6) of the statutes is renumbered 49.37 (6) and amended to read:

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

SECTION 48. 49.79 (7) of the statutes is renumbered 49.37 (7) and amended to read:

49.37 (7) SIMPLIFIED ~~FOOD STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

The department shall develop a simplified ~~food stamp program~~ supplemental nutrition assistance program that meets all of the requirements under P.L. 104-193, section 854, and shall submit the plan to the secretary of the federal department of agriculture for approval. If the secretary of the federal department of agriculture approves the plan, the department shall submit the plan to the secretary of administration for approval. If the secretary of administration approves the plan, the department may implement the plan.

SECTION 49. 49.79 (8) of the statutes, as affected by 2011 Wisconsin Act (this act), is renumbered 49.37 (8) and amended to read:

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

****NOTE: This is reconciled s. 49.79 (8). This SECTION has been affected by drafts with the following LRB numbers: 0151/1 and 1195/1.

SECTION 50. 49.79 (8m) (title) of the statutes is renumbered 49.37 (8m) (title).

SECTION 51. 49.79 (8m) (a) of the statutes is renumbered 49.37 (8m) (a) and amended to read:

49.37 (8m) (a) The department shall allow a prisoner who is applying for the ~~food stamp~~ supplemental nutrition assistance program from a correctional institution in anticipation of being released from the institution to use the address of the correctional institution as his or her address on the application.

SECTION 52. 49.79 (8m) (b) of the statutes is renumbered 49.37 (8m) (b) and amended to read:

49.37 (8m) (b) The department shall allow an employee of a correctional institution who has been authorized by a prisoner of the institution to act on his or her behalf in matters related to the ~~food stamp~~ supplemental nutrition assistance program to receive and conduct telephone calls on behalf of the prisoner in matters related to the ~~food stamp~~ supplemental nutrition assistance program.

SECTION 53. 49.79 (9) (title) of the statutes is renumbered 49.37 (9) (title).

SECTION 54. 49.79 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act ... (this act), is renumbered 49.37 (9) (a) 1. and amended to read:

49.37 (9) (a) 1. The department shall administer an employment and training program for recipients under the ~~food stamp~~ supplemental nutrition assistance program and may contract ~~under s. 49.78~~ with tribal governing bodies to carry out the administrative functions. The department may contract, or a tribal governing body may subcontract, with a Wisconsin Works agency or another provider to administer the employment and training program under this subsection. Except as provided in subds. 2. and 3., the department may require able individuals who are 18 to 60 years of age who are not participants in a Wisconsin Works employment position to participate in the employment and training program under this subsection.

***NOTE: This is reconciled s. 49.79 (9) (a) 1. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 55. 49.79 (9) (a) 2. of the statutes is renumbered 49.37 (9) (a) 2. and amended to read:

49.37 (9) (a) 2. The department may not require an individual who is a recipient under the ~~food stamp~~ supplemental nutrition assistance program and who is the

caretaker of a child under the age of 12 weeks to participate in any employment and training program under this subsection.

SECTION 56. 49.79 (9) (a) 3. of the statutes is renumbered 49.37 (9) (a) 3. and amended to read:

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

SECTION 57. 49.79 (9) (a) 4. of the statutes is renumbered 49.37 (9) (a) 4. and amended to read:

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

SECTION 58. 49.79 (9) (a) 5. of the statutes is renumbered 49.37 (9) (a) 5.

SECTION 59. 49.79 (9) (b) (intro.) of the statutes is renumbered 49.37 (9) (b) (intro.) and amended to read:

49.37 (9) (b) (intro.) An individual who fails to comply with the work requirements under par. (a) without good cause is ineligible to participate in the ~~food stamp~~ supplemental nutrition assistance program as follows:

SECTION 60. 49.79 (9) (b) 1. of the statutes is renumbered 49.37 (9) (b) 1.

SECTION 61. 49.79 (9) (b) 2. of the statutes is renumbered 49.37 (9) (b) 2.

SECTION 62. 49.79 (9) (b) 3. of the statutes is renumbered 49.37 (9) (b) 3.

SECTION 63. 49.793 (title) of the statutes is renumbered 49.373 (title) and amended to read:

49.373 (title) Recovery of ~~food stamps~~ supplemental nutrition assistance program overpayments.

SECTION 64. 49.793 (1) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is renumbered 49.373 (1) and amended to read:

49.373 (1) The department or an elected governing body of a federally recognized American Indian tribe or band acting on behalf of the department, may recover overpayments that arise from an overissuance of ~~food coupons~~ benefits under the ~~food stamp~~ supplemental nutrition assistance program administered under s. 49.78. Recovery shall be made in accordance with [7 USC 2022](#).

****NOTE: This is reconciled s. 49.793 (1). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 65. 49.793 (2) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is renumbered 49.373 (2).

****NOTE: This is reconciled s. 49.793 (2). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 66. 49.795 (title) of the statutes is renumbered 49.375 (title) and amended to read:

49.375 (title) ~~Food stamp~~ Supplemental nutrition assistance program offenses.

SECTION 67. 49.795 (1) (intro.) of the statutes is renumbered 49.375 (1) (intro.).

SECTION 68. 49.795 (1) (a) of the statutes is renumbered 49.375 (1) (a) and amended to read:

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

SECTION 69. 49.795 (1) (b) of the statutes is renumbered 49.375 (1) (b) and amended to read:

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

SECTION 70. 49.795 (1) (c) of the statutes is renumbered 49.375 (1) (c) and amended to read:

49.375 (1) (c) “~~Food stamp~~ Supplemental nutrition assistance program” means the federal food stamp supplemental nutrition assistance program under 7 USC 2011 to ~~2029~~ 2036.

SECTION 71. 49.795 (1) (d) of the statutes is renumbered 49.375 (1) (d) and amended to read:

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

SECTION 72. 49.795 (1) (e) (intro.) of the statutes is renumbered 49.375 (1) (e) (intro.).

SECTION 73. 49.795 (1) (e) 1. of the statutes, as affected by 2011 Wisconsin Act (this act), is renumbered 49.375 (1) (e) 1. and amended to read:

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

***NOTE: This is reconciled s. 49.795 (1) (e) 1. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 74. 49.795 (1) (e) 2. of the statutes, as affected by 2011 Wisconsin Act (this act), is renumbered 49.375 (1) (e) 2. and amended to read:

49.375 (1) (e) 2. A person acting in the course of duties under a contract with the federal government, the state, or a federally recognized American Indian tribe in connection with the ~~food stamp~~ supplemental nutrition assistance program.

***NOTE: This is reconciled s. 49.795 (1) (e) 2. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 75. 49.795 (1) (e) 3. of the statutes is renumbered 49.375 (1) (e) 3.

SECTION 76. 49.795 (1) (e) 4. of the statutes is renumbered 49.375 (1) (e) 4.

SECTION 77. 49.795 (1) (e) 5. of the statutes is renumbered 49.375 (1) (e) 5. and amended to read:

49.375 (1) (e) 5. A person authorized to redeem ~~food coupons~~ supplemental nutrition assistance program benefits under [7 USC 2019](#).

SECTION 78. 49.795 (2) of the statutes is renumbered 49.375 (2) and amended to read:

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

SECTION 79. 49.795 (2m) of the statutes is renumbered 49.375 (2m).

SECTION 80. 49.795 (3) of the statutes is renumbered 49.375 (3) and amended to read:

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

SECTION 81. 49.795 (4) of the statutes is renumbered 49.375 (4) and amended to read:

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

SECTION 82. 49.795 (5) of the statutes is renumbered 49.375 (5) and amended to read:

49.375 (5) No supplier may knowingly obtain ~~food-coupons~~ supplemental nutrition assistance program benefits except as payment for food or knowingly obtain ~~food-coupons~~ supplemental nutrition assistance program benefits from a person who is not an eligible person.

SECTION 83. 49.795 (6) of the statutes is renumbered 49.375 (6) and amended to read:

49.375 (6) No unauthorized person may knowingly obtain, possess, transfer, or use ~~food-coupons~~ supplemental nutrition assistance program benefits.

SECTION 84. 49.795 (7) of the statutes is renumbered 49.375 (7) and amended to read:

49.375 (7) No person may knowingly alter ~~food coupons~~ supplemental nutrition assistance program benefits.

SECTION 85. 49.795 (8) (a) (intro.) of the statutes is renumbered 49.375 (8) (a) (intro.).

SECTION 86. 49.795 (8) (a) 1. of the statutes is renumbered 49.375 (8) (a) 1. and amended to read:

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

SECTION 87. 49.795 (8) (a) 2. of the statutes is renumbered 49.375 (8) (a) 2. and amended to read:

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

SECTION 88. 49.795 (8) (b) (intro.) of the statutes is renumbered 49.375 (8) (b) (intro.).

SECTION 89. 49.795 (8) (b) 1. of the statutes is renumbered 49.375 (8) (b) 1. and amended to read:

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

SECTION 90. 49.795 (8) (b) 2. of the statutes is renumbered 49.375 (8) (b) 2. and amended to read:

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

SECTION 91. 49.795 (8) (c) of the statutes is renumbered 49.375 (8) (c) and amended to read:

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

SECTION 92. 49.795 (8) (d) 1. (intro.) of the statutes is renumbered 49.375 (8) (d) 1. (intro.) and amended to read:

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

SECTION 93. 49.795 (8) (d) 1. a. of the statutes is renumbered 49.375 (8) (d) 1. a.

SECTION 94. 49.795 (8) (d) 1. b. of the statutes is renumbered 49.375 (8) (d) 1. b.

SECTION 95. 49.795 (8) (d) 1. c. of the statutes is renumbered 49.375 (8) (d) 1. c.

SECTION 96. 49.795 (8) (d) 1m. of the statutes is renumbered 49.375 (8) (d) 1m. and amended to read:

49.375 (8) (d) 1m. In addition to the penalties applicable under par. (a), (b), or (c), a court shall permanently suspend from the ~~food stamp~~ supplemental nutrition assistance program a person who has been convicted of an offense under [7 USC 2024](#)

(b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500 or more.

SECTION 97. 49.795 (8) (d) 2. of the statutes, as affected by 2011 Wisconsin Act (this act), is renumbered 49.375 (8) (d) 2.

****NOTE: This is reconciled s. 49.795 (8) (d) 2. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 98. 49.795 (8) (e) 1. (intro.) of the statutes is renumbered 49.375 (8) (e) 1. (intro.) and amended to read:

49.375 (8) (e) 1. (intro.) If a court finds that a person traded a controlled substance, as defined in s. 961.01 (4), for ~~food coupons~~ supplemental nutrition assistance program benefits, the court shall suspend the person from participation in the ~~food stamp~~ supplemental nutrition assistance program as follows:

SECTION 99. 49.795 (8) (e) 1. a. of the statutes is renumbered 49.375 (8) (e) 1. a.

SECTION 100. 49.795 (8) (e) 1. b. of the statutes is renumbered 49.375 (8) (e) 1. b.

SECTION 101. 49.795 (8) (e) 2. of the statutes is renumbered 49.375 (8) (e) 2. and amended to read:

49.375 (8) (e) 2. If a court finds that a person traded firearms, ammunition, or explosives for ~~food coupons~~ supplemental nutrition assistance program benefits, the court shall suspend the person permanently from participation in the ~~food stamp~~ supplemental nutrition assistance program.

SECTION 102. 49.795 (8) (f) of the statutes is renumbered 49.375 (8) (f) and amended to read:

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

SECTION 103. 49.797 (title) of the statutes is renumbered 49.377 (title).

SECTION 104. 49.797 (1) of the statutes is renumbered 49.377 (1) and amended to read:

49.377 (1) DEFINITION. In this section, “~~food stamp program~~” “supplemental nutrition assistance program” means the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to ~~2029~~ 2036 or, if the department determines that the ~~food stamp~~ supplemental nutrition assistance program no longer exists, a nutrition program that the department determines is a successor to the ~~food stamp~~ supplemental nutrition assistance program.

SECTION 105. 49.797 (2) (a) of the statutes is renumbered 49.377 (2) and amended to read:

49.377 (2) Notwithstanding s. 46.028 and except as provided in par. (b) and sub. (8), the The department shall administer a statewide program to deliver ~~food stamp~~ supplemental nutrition assistance program benefits to recipients of ~~food stamp~~ supplemental nutrition assistance program benefits by an electronic benefit transfer system. All suppliers, as defined in s. ~~49.795 (1)~~ 49.375 (1) (d), may participate in the delivery of ~~food stamp~~ supplemental nutrition assistance program benefits under the electronic benefit transfer system. The department shall explore methods by which nontraditional retailers, such as farmers’ markets, may participate in the delivery

of ~~food stamp~~ supplemental nutrition assistance program benefits under the electronic benefit transfer system.

SECTION 106. 49.797 (2) (b) of the statutes is repealed.

SECTION 107. 49.797 (4) of the statutes is renumbered 49.377 (4).

SECTION 108. 49.797 (5) of the statutes is renumbered 49.377 (5).

SECTION 109. 49.797 (6) of the statutes is renumbered 49.377 (6).

SECTION 110. 49.797 (7) of the statutes is renumbered 49.377 (7).

SECTION 111. 49.797 (8) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is repealed.

****NOTE: This is reconciled s. 49.797 (8). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 112. 49.84 (5) of the statutes is amended to read:

49.84 (5) A person applying for Wisconsin works Works under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19, medical assistance under subch. IV, or ~~food stamp~~ supplemental nutrition assistance program benefits under ~~7 USC 2011~~ to ~~2029~~ 2036 shall, as a condition of eligibility, provide a declaration and other verification of citizenship or satisfactory immigration status as required by the department by rule or as required in ~~42 USC 1320b-7~~ (d).

SECTION 113. 49.845 (1) of the statutes, as affected by Wisconsin Act ... (this act), is amended to read:

49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4) (bn), (kz), (L), and (nn), the department of health services shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV, ~~food stamp~~ benefits under the food stamp program under ~~7 USC 2011~~ to ~~2036~~, and health care benefits under the Badger Care health care

program under s. 49.665 and, if the department of children and families contracts with the department of health services under sub. (4), on the part of recipients of aid to families with dependent children under s. 49.19, supplemental security income payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395, recipients of benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036, and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The activities of the department of health services under this subsection may include comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The department of health services shall cooperate with district attorneys regarding fraud prosecutions.

****NOTE: This is reconciled s. 49.845 (1). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 114. 49.845 (2) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health services shall conduct activities to reduce payment errors in the Medical Assistance program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, and the Badger Care health care program under s. 49.665 and, if the department of children and families contracts with the department of health services under sub. (4), in the supplemental security income payments program under s. 49.39, the program

providing payments for the support of children of supplemental security income recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to 49.161, and the supplemental nutrition assistance program under 7 USC 2011 to 2036.

***NOTE: This is reconciled s. 49.845 (2). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 115. 49.845 (4) (title) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY INCOME, AND CARETAKER SUPPLEMENT, AND THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

***NOTE: This is reconciled s. 49.845 (4) (title). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 116. 49.845 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of children and families may contract with the department of health services to investigate suspected fraudulent activity on the part of recipients of aid to families with dependent children under s. 49.19, recipients of supplemental security income payments under s. 49.39, recipients of payments for the support of children of supplemental security income recipients under s. 49.395, recipients of benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036, and participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce payment errors in the supplemental security income payments program under s. 49.39, the program providing payments for the support of children of supplemental security income recipients under s. 49.395, the supplemental nutrition assistance program under 7 USC 2011 to 2036, and Wisconsin Works under

ss. 49.141 to 49.161, as provided in this section. If any employee of the department of health services reasonably suspects that fraudulent activity as described in this subdivision has occurred or is occurring, the employee shall immediately report the facts and circumstances contributing to that suspicion to the employee's immediate supervisor.

***NOTE: This is reconciled s. 49.845 (4) (a) 1. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 117. 49.847 (1) of the statutes is amended to read:

49.847 (1) Subject to ~~ss. s.~~ s. 49.497 (1) and ~~49.793 (1)~~, the department of health services, or a county or elected governing body of a federally recognized American Indian tribe or band acting on behalf of the department, may recover benefits incorrectly paid under any of the programs administered by the department under this chapter.

SECTION 118. 49.847 (2) of the statutes is amended to read:

49.847 (2) The department, county, or elected governing body may recover an overpayment from a family or individual who continues to receive benefits under any program administered by the department under this chapter by reducing the family's or individual's benefit amount. ~~Subject to s. 49.793 (1), the~~ The department may by rule specify other methods for recovering incorrectly paid benefits.

SECTION 119. 49.847 (3) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

49.847 (3) (a) Subject to ~~ss. s.~~ s. 49.497 (2) and ~~49.793 (2)~~, a county or elected governing body may retain a portion of an amount recovered under this section due to the efforts of an employee or officer of the county, tribe, or band, as provided by the department by rule.

****NOTE: This is reconciled s. 49.847 (3). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

SECTION 120. 49.85 (1) of the statutes is amended to read:

49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American Indian tribe or band determines that the department of health services may recover an amount under s. 49.497, ~~49.793~~, or 49.847, or that the department of children and families may recover an amount under s. 49.161 or, 49.195 (3), or 49.373 or collect an amount under s. 49.147 (6) (cm), the county department or governing body shall notify the affected department of the determination. If a Wisconsin Works agency determines that the department of children and families may recover an amount under s. 49.161 or, 49.195 (3), or 49.373 or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works agency shall notify the department of children and families of the determination.

SECTION 121. 49.85 (2) (a) (intro.) of the statutes is amended to read:

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

SECTION 122. 49.85 (2) (b) of the statutes is amended to read:

49.85 (2) (b) At least annually, the department of children and families shall certify to the department of revenue the amounts that, based on the notifications

received under sub. (1) and on other information received by the department of children and families, the department of children and families has determined that it may recover under ~~ss. s.~~ 49.161, and 49.195 (3) and, or 49.373 or collect under s. 49.147 (6) (cm), except that the department of children and families may not certify an amount under this subsection unless it has met the notice requirements under sub. (3) and unless its determination has either not been appealed or is no longer under appeal.

SECTION 123. 49.85 (3) (a) 1. of the statutes is amended to read:

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

SECTION 124. 49.85 (3) (b) 1. of the statutes is amended to read:

49.85 **(3)** (b) 1. Inform the person that the department of children and families intends to certify to the department of revenue an amount that the department of children and families has determined to be due under s. 49.161 ~~or,~~ 49.195 (3), or 49.373, or to be delinquent under a repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

SECTION 125. 49.95 (4m) (a) of the statutes is amended to read:

49.95 **(4m)** (a) Without legal authority, sends or brings a person to a county, tribal governing body, or municipality or advises a person to go to a county, tribal governing body, or municipality for the purpose of obtaining relief funded by a relief block grant, benefits under the Wisconsin ~~works~~ Works program under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19, medical assistance

under subch. IV, or ~~food stamps~~ benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2029 2036.

SECTION 126. 71.07 (2dx) (a) 5. of the statutes is amended to read:

71.07 (2dx) (a) 5. “Member of a targeted group” means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a qualified summer youth employee, as defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036, if the person has been certified in the manner under sub. (2dj) (am) 3. by a designated local agency, as defined in sub. (2dj) (am) 2.

SECTION 127. 71.28 (1dx) (a) 5. of the statutes is amended to read:

71.28 (1dx) (a) 5. “Member of a targeted group” means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an

economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a qualified summer youth employee, as defined in [26 USC 51 \(d\) \(7\)](#), a dislocated worker, as defined in [29 USC 2801 \(9\)](#), or a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance program under [7 USC 2011 to 2036](#), if the person has been certified in the manner under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

SECTION 128. 71.47 (1dx) (a) 5. of the statutes is amended to read:

71.47 (1dx) (a) 5. “Member of a targeted group” means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a qualified summer youth employee, as defined in [26 USC 51 \(d\) \(7\)](#), a dislocated worker, as defined in [29 USC 2801 \(9\)](#), or a ~~food stamp~~ recipient of supplemental nutrition assistance program benefits under [7 USC 2011 to 2036](#), if the person has been certified in the manner under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

SECTION 129. 71.93 (1) (a) 3. of the statutes is amended to read:

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

SECTION 130. 71.93 (1) (a) 4. of the statutes is amended to read:

71.93 (1) (a) 4. An amount that the department of children and families may recover under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect under s. 49.147 (6) (cm), if the department of children and families has certified the amount under s. 49.85.

SECTION 131. 76.636 (1) (e) 13. of the statutes is amended to read:

76.636 (1) (e) 13. A ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036.

SECTION 132. 102.29 (8r) of the statutes is amended to read:

102.29 (8r) No participant in a ~~food stamp~~ supplemental nutrition assistance employment and training program under s. 49.79 (9) 49.37 (9) who, under s. 49.79 (9) (a) ~~5.~~ 49.37 (9) (a) 5., is provided worker's compensation coverage by the department of health services children and families or by a Wisconsin Works agency, as defined in s. 49.001 (9), or other provider under contract with the department of health services children and families or a county department under s. 46.215, 46.22, or 46.23 or tribal governing body to administer the ~~food stamp~~ supplemental nutrition assistance employment and training program and who makes a claim for compensation under this chapter may make a claim or maintain an action in tort against the employer who provided the employment and training from which the claim arose.

SECTION 133. 115.347 (2) of the statutes is amended to read:

115.347 (2) Whenever a school district that is located in whole or in part in a county that has converted to the client assistance for reemployment and economic

support data system submits a report under sub. (1) in the prescribed format, the department of children and families shall determine which children enrolled in the school district are members of Wisconsin Works groups participating under s. 49.147 (3) to (5) or of families receiving aid to families with dependent children or ~~food stamps~~ benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036 and shall provide the information to the school board as soon thereafter as possible. The school board shall use the information to directly certify children as eligible for free or reduced-price meals served by the school district under federal school nutrition programs, pursuant to [42 USC 1758](#) (b) (2) (C) (ii) and (iii).

SECTION 134. 238.30 (4m) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

238.30 (4m) "Member of a targeted group" means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay project position under s. 49.147 (3m), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a dislocated worker, as defined in [29 USC 2801](#) (9), or a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036, if the person has been certified in the manner under [26 USC 51](#) (d) (13) (A) by a designated local agency, as defined in [26 USC 51](#) (d) (12).

****NOTE: This is reconciled s. 238.30 (4m). This SECTION has been affected by drafts with the following LRB numbers: 1465/P3 and 1195/1.

SECTION 135. 812.30 (9) of the statutes is amended to read:

812.30 (9) “Need-based public assistance” means aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical assistance, supplemental security income, ~~food stamps~~ supplemental nutrition assistance program benefits, or benefits received by veterans under s. 45.40 (1m) or under [38 USC 501 to 562](#).

SECTION 136. 812.44 (4) 2. (form) of the statutes is amended to read:

812.44 (4) 2. (form) You receive aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under section s. 59.53 (21) of the Wisconsin Statutes, medical assistance, supplemental security income, ~~food stamps~~ supplemental nutrition assistance program benefits, or veterans benefits based on need under [38 USC 501 to 562](#) or section [45.351 \(1\)](#) of the Wisconsin Statutes, or have received these benefits within the past 6 months.

SECTION 137. 812.44 (5) 2. (form) of the statutes is amended to read:

812.44 (5) 2. (form) I receive, am eligible for, or have within 6 months received, aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under section 59.53 (21) of the Wisconsin Statutes, medical assistance, supplemental security income, ~~food stamps~~ supplemental nutrition assistance program benefits, or veterans benefits based on need under [38 USC 501 to 562](#) or section [45.351 \(1\)](#) of the Wisconsin Statutes.

SECTION 138. 814.29 (1) (d) 1. of the statutes is amended to read:

814.29 (1) (d) 1. That the person is a recipient of means-tested public assistance, including aid to families with dependent children, relief funded by a relief

block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical assistance, supplemental security income, ~~food stamps~~ supplemental nutrition assistance program benefits, or benefits received by veterans under s. 45.40 (1m) or under [38 USC 501 to 562](#).

SECTION 139. 977.01 (2) of the statutes is amended to read:

977.01 (2) "Public assistance" means relief provided by counties under s. 59.53 (21), Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, medical assistance under subch. IV of ch. 49, low-income energy assistance under s. 16.27, weatherization assistance under s. 16.26, and the ~~food stamp~~ supplemental nutrition assistance program under [7 USC 2011 to 2029 2036](#).

SECTION 9121. Nonstatutory provisions; Health Services.

(1) FOOD STAMP PROGRAM TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES.

(a) *Employee transfers.* The classified positions, and incumbent employees holding positions, in the department of health services relating primarily to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, are transferred to the department of children and families. Upon determination of these employees, the secretary of administration may transfer moneys between the general purpose revenue appropriations for the department of health services and the department of children and families, between the program revenue appropriations for the department of health services and the department of children and families, between the program revenue-service appropriations for the department of health services and the department of children and families, between the appropriations of given segregated funds for the department of health services and the department of children and families, and between the federal revenue appropriations for the department of health services and the department of children

and families, if necessary to adjust previously allocated costs in accordance with the transfer of personnel and administrative functions.

(b) *Employee status.* Employees transferred under paragraph (a) shall have the same rights and status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of children and families that they enjoyed in the department of health services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(c) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health services that is primarily related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, shall be transferred to the department of children and families.

(d) *Contracts.* All contracts entered into by the department of health services in effect on the effective date of this paragraph that are primarily related to the related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, remain in effect and are transferred to the department of children and families. The department of children and families shall carry out any such contractual obligations unless modified or rescinded by the department of children and families to the extent allowed under the contract.

(e) *Pending matters.* Any matter pending with the department of health services on the effective date of this paragraph that is primarily related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, is transferred to the department of children and families and all materials submitted to or actions taken by the department of health services with

respect to the pending matter are considered as having been submitted to or taken by the department of children and families.

(f) *Rules and orders.* All rules promulgated by the department of health services that are primarily related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of children and families. All orders issued by the department of health services that are primarily related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department of children and families.

SECTION 9321. Initial applicability; Health Services.

(1) FOOD STAMP TRANSFER; INCOME MAINTENANCE CONTRACTS. The treatment of section 49.78 (1) (b) of the statutes first applies to contracts for the administration of income maintenance programs in 2013.

SECTION 9421. Effective dates; Health Services.

(1) FOOD STAMP PROGRAM TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES. The treatment of sections 16.27 (5) (c) (by SECTION 1) and (e), 20.435 (4) (L) (by SECTION 4), (nn) (by SECTION 5), (pa), and (pv), 20.437 (2) (bm), (L), (nn), and (pv), 46.215 (1) (k), 46.283 (3) (k) (by SECTION 13), 48.685 (5) (br) 5. (by SECTION 14), 49.131 (3), 49.141 (7) (c) 3., 49.143 (2) (d), 49.155 (1m) (a) 3m., 49.159 (2), 49.173 (3) (a) 2., 49.197 (1m) (by SECTION 21), (3) (by SECTION 22), (4) (by SECTION 23), and (5) (by SECTION 24), 49.22 (6), 49.32 (7) (b), (c), and (d), and (10) (a), 49.37 (1m), 49.78 (1) (b), 49.79 (title), (intro.), (1) (a), (c), (f), and (g), (2), (3) (title), (5) (title), (a), and (b), (6),

(7), (8m) (title), (a), and (b), and (9) (title), 2., 3., 4., and 5., and (b) (intro.), 1., 2., and 3., 49.793 (title) and (2) (by SECTION 65), 49.795 (title), (1) (intro.), (a), (b), (c), (d), and (e) (intro.), 3., 4., and 5., (2), (2m), (3), (4), (5), (6), (7), (8) (a) (intro.), 1., and 2., (b) (intro.), 1., and 2, (c), (d) 1. (intro.), a., b., and c. and 1m., (e) 1. (intro.), a., and b. and 2., and (f), 49.797 (title), (1), (2) (a) and (b), (4), (5), (6) and (7), 49.84 (5), 49.845 (1) (by SECTION 113), (2) (by SECTION 114), (4) (title) (by SECTION 115) and (a) 1. (by SECTION 116), 49.847 (1), (2), and (3) (by SECTION 119), 49.85 (1), (2) (a) (intro.) and (b), (3) (a) 1. and (b) 1., 49.95 (4m) (a), 71.07 (2dx) (a) 5., 71.28 (1dx) (a) 5., 71.47 (1dx) (a) 5., 71.93 (1) (a) 3. and 4., 76.636 (1) (e) 13., 102.29 (8r), 115.347 (2), 238.30 (4m) (by SECTION 134), 812.30 (9), 812.44 (4) 2. (form) and (5) 2. (form), 814.29 (1) (d) 1., and 977.01 (2), the repeal of sections 20.435 (4) (bn), 49.79 (3) (b), and 49.797 (8) of the statutes, the renumbering of section 49.795 (8) (d) 2. of the statutes, and the renumbering and amendment of sections 49.79 (3) (a) and (c), (4), (8), and (9) (a) 1., 49.793 (1), and 49.795 (1) (e) 1. and 2. of the statutes and SECTION 9121 (1) of this act take effect on January 1, 2013.

***NOTE: This is reconciled SECTION 9421 (1). This SECTION has been affected by drafts with the following LRB numbers: 0151/1, 1019/4, 1195/1, and 1465/P3.

(END)