



## 1995 ASSEMBLY BILL 591

October 2, 1995 - Introduced by Representatives GARD, HUEBSCH, HUTCHISON, DOBYNS, LADWIG, GROTHMAN, LAZICH, KRUSICK, ZIEGELBAUER, JOHNSRUD, KELSO, KAUFERT, PORTER, AINSWORTH, HAHN, DUFF, GOETSCH, URBAN, MUSSER, GREEN, OTT, HOVEN, OWENS, WALKER, F. LASEE, OLSEN, COLEMAN, NASS, SERATTI, KLUSMAN, FREESE, HANDRICK, VRAKAS, FOTI, SKINDRUD, LORGE, JENSEN, BRANDEMUEHL, OURADA, PROSSER, WARD, POWERS, GUNDERSON, UNDERHEIM, KREIBICH, SILBAUGH, LEHMAN, ZUKOWSKI and SCHNEIDERS, cosponsored by Senators BUETTNER, ZIEN, ROSENZWEIG, WELCH, BRESKE, PETAK, FARROW, FITZGERALD, PANZER, DARLING, A. LASEE, DRZEWIECKI and ANDREA. Referred to Joint survey committee on Tax Exemptions.

1     **AN ACT to repeal** 20.435 (4) (cn), 20.435 (4) (d), 20.435 (4) (dc), 20.435 (4) (de),  
2     20.435 (4) (df), 20.435 (4) (dg), 46.40 (4m), 46.45 (1), 46.979 (2) (a), 49.193 (4)  
3     (j) 4., 49.193 (7), 49.26 (1) (j), 49.27 (5) (e) 2., 49.50 (6e) (a) and 560.14 (1) (a) 2.;  
4     **to renumber** 49.193 (9m) (a) and 49.46 (1) (e); **to renumber and amend**  
5     16.841 (1), 20.435 (4) (dz), 49.124 (1m), 49.46 (1) (cr) and 49.50 (6e) (b); **to**  
6     **consolidate, renumber and amend** 560.14 (1) (a) (intro.) and 1.; **to amend**  
7     13.101 (6) (a), 16.841 (2), 20.435 (1) (b), 20.435 (1) (bm), 20.435 (1) (o), 46.032,  
8     46.215 (1) (k), 46.22 (1) (b) 2. a., 46.22 (1) (b) 2. d., 46.25 (6), 46.253 (2), 46.258  
9     (1), 46.258 (2) (a) 1., 46.40 (1) (a), 46.45 (intro.), 46.45 (6), 46.62 (2), 46.979 (1),  
10    46.979 (2) (a), 46.979 (2) (c) (intro.), 46.98 (1) (b), 46.98 (2) (a), 46.98 (4) (a) 2.,  
11    46.98 (4) (b), 46.986 (1) (b), 46.986 (1) (m), 46.987 (1) (a), 46.987 (2) (a), 46.995  
12    (2) (c), 48.427 (3) (a) 5., 48.428 (2), 48.428 (4), 48.981 (2), 49.015 (2), 49.046 (4)  
13    (f), 49.049 (3), 49.125 (1), 49.181 (1) (intro.), (a), (c), (d), (f) and (g) and (2), 49.19  
14    (4e) (a), 49.19 (11) (a) 1. a. (intro.), 49.19 (20), 49.191 (2), 49.193 (2) (a), 49.193  
15    (4) (g), 49.193 (6) (c), 49.193 (8) (bm), 49.193 (10m), 49.195 (title), 49.195 (1),  
16    49.195 (3), 49.197 (1m), 49.197 (3), 49.197 (4), 49.20 (3), 49.26 (title), 49.26 (1)

1 (e), 49.26 (1) (g) (intro.), 49.26 (1) (g) 1., 49.26 (1) (gm) (intro.), 49.26 (1) (h) 1.  
2 a., 49.26 (1) (hm), 49.26 (1) (hr), 49.30 (1) (intro.), 49.32 (7) (a), 49.32 (9) (a),  
3 49.32 (9) (b), 49.32 (10) (intro.), 49.33 (1) (b), 49.33 (1) (c), 49.33 (9), 49.36 (title),  
4 49.36 (3) (a), 49.36 (3) (g), 49.36 (4), 49.36 (5), 49.36 (6), 49.36 (7), 49.45 (6m) (br)  
5 1., 49.46 (1) (a) 1., 49.46 (1) (a) 1m., 49.46 (1) (a) 6., 49.46 (1) (a) 9., 49.46 (1) (a)  
6 10., 49.46 (1) (a) 11., 49.46 (1) (a) 12., 49.46 (1) (a) 13., 49.46 (1) (cg), 49.46 (1)  
7 (cs), 49.46 (1) (d) 1., 49.47 (4) (a) (intro.), 49.47 (4) (am) (intro.), 49.50 (6k) (a),  
8 49.50 (6k) (b), 49.52 (1) (ad) 1., 49.52 (1) (am), 49.52 (1) (d), 49.52 (5), 49.83,  
9 49.84 (5), 49.95 (4m) (a), 49.96, 59.07 (97), 71.54 (2) (a) (intro.), 106.21 (1) (g),  
10 106.215 (1) (fm), 115.347, 115.40 (4) (b), 115.40 (4) (c) 1., 115.45 (3m) (a) 2.,  
11 119.82 (1) (a) 2., 120.13 (27m), 230.04 (13) (a) and (e) 1. and 2., 230.147 (1),  
12 230.147 (2), 230.147 (3), 767.045 (1) (c) 1., 767.075 (1) (c), 767.15 (1), 767.24 (6)  
13 (c), 767.32 (1) (a), 767.32 (1) (b) 1., 767.47 (6) (a) and (b), 814.61 (13) and 948.22  
14 (4) (b); **to repeal and recreate** 13.101 (6) (a), 46.032, 46.495 (1) (am), 49.124  
15 (3), 49.19 (11) (a) 1. a. (intro.), 49.191 (1), 49.191 (3) (a) and (b), 49.193 (8) (bm),  
16 49.193 (10m), 49.197 (1m), 49.197 (4), 49.20 (3), 49.26 (2) (b), 49.33 (2), 49.33  
17 (8) (a), 49.36 (2) and 49.45 (6m) (br) 1.; and **to create** 16.39 (4) (bm), 16.75 (6)  
18 (bm), 16.75 (6) (bs), 16.841 (1) (b), 20.435 (4) (dz), 20.445 (3) (jm), 46.98 (1) (ar),  
19 46.98 (6), 48.40 (1m), 48.57 (3m), 49.001 (9), 49.124 (1m) (b), 49.124 (1m) (c),  
20 49.141, 49.143, 49.145, 49.146, 49.147, 49.148, 49.149, 49.151, 49.152, 49.153,  
21 49.155, 49.157, 49.159, 49.161, 49.181, 49.19 (4e) (c), 49.193 (2) (am), 49.193 (4)  
22 (k) 1m., 49.193 (4m), 49.193 (6) (e), 49.193 (9m) (ag), 49.193 (12), 49.21 (1) (c),  
23 49.25 (10), 49.27 (13), 49.46 (1) (a) 6m., 49.46 (1) (a) 16., 49.46 (1) (cb), 49.46 (1)  
24 (co) 4., 49.46 (1) (cr) 2., 49.46 (1) (e) 2., 49.465 (7), 49.47 (4) (az), 49.77 (3v),  
25 102.07 (17), 102.07 (18), 102.29 (8), 227.01 (13) (zr) and 227.01 (13) (zs) of the

1 statutes; **relating to:** creating a new public assistance program for families  
2 with dependent children, modifying the sunset of the aid to families with  
3 dependent children program, modifying administration of the food stamp  
4 program, modifying the eligibility requirements of certain recipients of medical  
5 assistance, creating a program to provide payment to a relative, other than a  
6 parent, who is providing care and maintenance for a child, eliminating  
7 postsecondary education and vocational skills training from the job  
8 opportunities and basic skills program, applying the learnfare provisions  
9 statewide to certain individuals who are 6 to 19 years of age, eliminating child  
10 care funded under community aids, modifying eligibility requirements for  
11 low-income and at-risk child care, creating a tax exemption, making  
12 modifications to the job opportunities and basic skills program, making  
13 modifications to the food stamp employment and training program,  
14 consolidating state general purpose revenue appropriations for public  
15 assistance and local aid, providing an exemption from emergency rule  
16 procedures, providing an exemption from rule-making procedures, granting  
17 rule-making authority and making appropriations.

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***Analysis by the Legislative Reference Bureau***

This bill requires the department of health and social services (DHSS) to request a waiver, if necessary, or seek federal legislation, if necessary, to allow the state to receive federal funding to operate a new public assistance program, called Wisconsin works, instead of aid to families with dependent children (AFDC). If the necessary waivers are granted, or the legislation is enacted, individuals who meet certain criteria will be eligible to participate in Wisconsin works. Unlike AFDC, however, Wisconsin works is not an entitlement program. A more detailed description of Wisconsin works follows.

## **TRANSFER OF ECONOMIC SUPPORT FROM HEALTH AND SOCIAL SERVICES TO INDUSTRY, LABOR AND JOB DEVELOPMENT**

Under the 1995-97 biennial budget bill (1995 Wisconsin Act 27), the administration of economic support programs, such as AFDC, is transferred from DHSS (renamed the department of health and family services (DHFS)) to the department of industry, labor and job development (DILJD) (currently known as the department of industry, labor and human relations). Because Wisconsin works is an economic support program that begins no sooner than July 1, 1996, it will be administered by DILJD. If the bill is enacted before July 1, 1996, DHSS is required to seek any necessary waivers from the secretaries of the federal department of health and human services, the federal department of agriculture and the federal social security administration, or to seek enactment of federal legislation, if necessary to receive federal funding to operate Wisconsin works in lieu of the AFDC program. If the bill is enacted after July 1, 1996, DILJD is required to seek any necessary waivers or federal legislation.

### **APPLICABILITY**

If the necessary waivers are granted or the necessary federal legislation is enacted and if DILJD determines that sufficient funding is available to operate Wisconsin works, DILJD may begin implementing Wisconsin works in lieu of the current AFDC program in certain counties or for certain groups no sooner than July 1, 1996, and is required to implement Wisconsin works statewide no later than September 1, 1997. AFDC, as well as existing pilot programs under the AFDC program, would sunset with the statewide implementation of Wisconsin works on January 1, 1999, whichever is sooner.

### **WISCONSIN WORKS AGENCY**

This bill permits DILJD to enter into contracts with any person for the local administration of the Wisconsin works program (Wisconsin works agency). The Wisconsin works agency administers Wisconsin works in a geographical area determined by DILJD. The Wisconsin works agency determines the eligibility of the applicants for all of the components of the Wisconsin works program and provides job search and employment and financial planning services to participants.

### **EMPLOYMENT, TRAINING AND JOB ACCESS LOAN COMPONENTS**

#### ***Eligibility***

An individual is eligible to participate in the Wisconsin works employment, training and job access loan components, described below, if the individual has lived in this state for at least 60 consecutive days before applying for Wisconsin works; is the custodial parent of a dependent child; is at least 18 years old, with certain exceptions; is a member of a Wisconsin works group whose total income does not exceed 115% of the federal poverty line; is a member of a Wisconsin works group whose assets do not exceed \$2,500; and meets certain other nonfinancial eligibility requirements. With certain exceptions, an individual may not participate in the Wisconsin works employment component for more than 60 months which need not be consecutive. Participation in the job opportunities and basic skills program

(JOBS) after the date on which this bill becomes law counts toward the 60-month limit. JOBS is the current employment and training program for AFDC recipients.

A Wisconsin works agency may require an individual who applies for a trial job, community service job or transitional placement (employment position), described below, to participate in job orientation and job search activities while his or her application is being processed. When determining the appropriate placement for a participant, the Wisconsin works agency must give priority to placement of the participant in an unsubsidized job over placement in an employment position. A Wisconsin works agency may require a participant in an employment position to engage in training and job search activities as part of the participant's participation requirement.

### ***Trial jobs***

If the Wisconsin works agency determines that it cannot place an individual in an unsubsidized job, the agency may place the individual in a partially subsidized work placement, called a trial job. The individual may participate in any one trial job for a maximum of 6 months, with the opportunity for a 3-month extension under certain circumstances. An individual may participate in the trial job component for a maximum of 2 years, which may be extended if the Wisconsin works agency determines that local labor market conditions preclude a reasonable job opportunity in an unsubsidized job.

Under this component, the individual is considered an employe of the employer for purposes of worker's compensation coverage and receives minimum wage for each hour actually worked, not to exceed 40 hours per week.

### ***Community service jobs***

If the Wisconsin works agency determines that an individual is unable to obtain unsubsidized employment, and that a trial job is unavailable or inappropriate, the Wisconsin works agency may place the individual in a community service job. The community service job is one that DILJD determines would serve a useful public purpose or the cost of which is at least partially offset by the revenue generated by it. An individual may participate in any one community service job for a maximum of 6 months, with the opportunity for a 3-month extension under certain circumstances. An individual may participate in the community service job component for a maximum of 2 years, which may be extended if the Wisconsin works agency determines that local labor market conditions preclude a reasonable job opportunity in an unsubsidized job.

Under this component, the individual receives a grant equal to 75% of the minimum wage computed for one month of full-time employment. The grant is paid biweekly on a prorated basis. The Wisconsin works agency determines the number of hours the individual will be required to work, not to exceed 40 hours per week, based on criteria established by DILJD. For every hour that the individual fails to participate, his or her grant is reduced by an amount equal to 75% of the minimum wage computed for one hour.

### ***Transitional placement***

If the Wisconsin works agency determines that an individual has been incapacitated for a period of at least 60 days, is needed in the home because of the

illness or incapacity of any other member of the Wisconsin works group or is incapable of performing a trial job or community service job, the Wisconsin works agency may place that individual in a transitional placement. The Wisconsin works agency is required to assign an individual participating in a transitional placement to a work activity. The Wisconsin works agency may require an individual participating in this component to participate in training or education programs; volunteer activities; counseling or physical rehabilitation activities; or alcohol and other drug abuse evaluation, assessment and treatment. An individual may participate in the transitional placement component for a maximum of 2 years, which may be extended under certain circumstances.

Under this component, the individual receives a monthly grant equal to 70% of the minimum wage computed for one month of full-time employment. The Wisconsin works agency determines the number of hours the individual will be required to work, not to exceed 40 hours per week, based on criteria established by DILJD. For every hour that the individual fails to participate, his or her grant is reduced by an amount equal to 70% of the minimum wage computed for one hour.

### ***Job access loans***

The bill permits individuals who meet the financial and nonfinancial eligibility criteria to receive a job access loan if the loan is needed to address an immediate and discrete financial crisis and the loan is needed to obtain or continue employment. The financial crisis may not be the result of the individual's failure to accept a bona fide offer of employment or the individual's termination of a job without good cause. To receive the loan, the individual may not be in default with respect to any previous job access loan or repayment of any wage or grant overpayment. Under the bill, under certain conditions, a custodial parent who is under the age of 18 may obtain a job access loan if he or she will be 18 within 2 months of applying for the loan.

### ***Sanctions***

An individual who refuses to participate 3 times in any Wisconsin works employment component is ineligible to participate in that component. The bill specifies several actions for which a person is considered to refuse to participate, including failing to appear for an interview, voluntarily leaving employment without good cause and losing employment as a result of being discharged for cause.

### ***Supplemental security income***

A custodial parent who receives supplemental security income is not eligible to participate in a Wisconsin works employment position. He or she is instead eligible to receive an additional \$77 per month for each dependent child with respect to whom he or she is a custodial parent.

## **HEALTH CARE COVERAGE**

### ***Medical assistance***

Under current federal law, states are required to provide health care coverage to persons who receive AFDC under the medical assistance (MA) program. In addition, states must provide MA to individuals who meet the requirements of AFDC but who do not actually receive AFDC. Pregnant women are eligible for MA if they meet the income and resource requirements of AFDC. Persons who are no longer

eligible for AFDC payments because of an increase in their income are eligible for MA for 12 months after they lose eligibility for AFDC. Finally, children covered by adoption assistance agreements and children in foster care are eligible for MA. Certain other persons who are known as optional categorically eligible are covered by MA in this state. They include children who are under age 18 who would be eligible for AFDC if they met the definition of dependent child, but who are in privately subsidized foster care or live in institutions; and certain other children and pregnant women who meet certain income requirements.

### ***Health care coverage under Wisconsin works***

Under this bill, persons described above will no longer be eligible for MA. Instead, they are eligible for health care coverage under Wisconsin works, if they meet the income and resource limitations.

A Wisconsin works group (which includes an individual, the dependent children of the individual, the dependent children of the individual's dependent children, the individual's spouse, if the spouse lives with the individual, or the nonmarital parent of the dependent children, if that person lives with the individual) is eligible for health care benefits and services if the income of the group is at or below 165% of the federal poverty line, the group meets certain asset limitations and the individuals of the group meet certain nonfinancial criteria. If the group is already receiving benefits under the health care provisions, the group may continue to receive the benefits if the income of the group is at or below 200% of the federal poverty line. A person in the group who receives supplemental security income is eligible for MA, rather than coverage under Wisconsin works.

A pregnant woman with no dependent children is eligible for health care benefits and services if her income is at or below 165% of the federal poverty line and if she meets certain asset and nonfinancial criteria.

A custodial parent who is under the age of 18 (minor) and the minor's dependent children are eligible for health care benefits and services only if the minor meets either of the following criteria:

1. The minor lives with his or her custodial parent and the income of that parent is at or below 165% of the federal poverty line.
2. The minor is in a court-ordered out-of-home placement or a supported living arrangement supervised by an adult and has an income of 165% of the federal poverty line.

If the child of a minor does not live with the minor, but lives with a relative who is eligible for payments under the kinship care program (described below) with respect to that child, the child is eligible for MA, rather than health coverage under Wisconsin works.

### ***Health plan***

Under the bill, DHFS is required to contract with a health maintenance organization (HMO) or other health provider to provide services under the Wisconsin works health plan. The health plan includes coverage of the care and services required under current federal law under the MA provisions. The health care plan does not include the following:

1. Nonpreventive dental care.

2. Eyeglasses.
3. Hearing aids.
4. Home health, private duty nursing and personal care services in excess of 40 visits per year.
5. Nursing home services in excess of 30 days.
6. Over-the-counter drugs.
7. Treatment of nervous or mental disorders and alcoholism or other drug abuse problems in excess of the minimum coverage required under current law.
8. Other nonmandatory services currently covered by MA.

Individuals are required to pay a monthly premium for the Wisconsin works health plan in accordance with criteria established by DILJD and based on income, resources and family size.

No individual is eligible for health care coverage under Wisconsin works in a month that the individual is eligible for employer-subsidized health care coverage. Employer-subsidized health care coverage is coverage for which the employer pays at least 50% of the cost of coverage for the employee, excluding dependent coverage.

To be eligible for health care coverage under Wisconsin works, the individual may not have had access to employer-subsidized health care coverage within the 18 months immediately preceding application for health care coverage under Wisconsin works, unless the individual lost access to the employer-subsidized health care coverage because the employer terminated the employment for a reason other than misconduct on the part of the employee or the employee terminated the employment for just cause.

## **CHILD CARE SUBSIDY**

### ***Low-income and at-risk child care; current law***

Under current law, a parent who needs child care for a child under 13 years of age to be able to work, who is not receiving AFDC and who is at risk of becoming eligible for AFDC, is eligible for a subsidy for child care. A parent who receives the subsidy is liable for some portion of the cost of the child care received, payable on a sliding scale determined by DHSS. A parent who receives AFDC is also eligible for a child care subsidy if the cost of the child care exceeds the income disregard for child care. Finally, a parent who is gainfully employed who needs child care services and whose family income is not more than 75% of the state's median income is eligible for a child care subsidy and, if the parent's income is at least 50% of the state's median income, is liable for a portion of the child care costs. Currently, "gainfully employed" means working, seeking employment or participating in a training or educational program designed to lead directly to paid employment.

This bill makes several changes in the low-income and at-risk child care program. Under this bill, a parent who is gainfully employed and whose income is at or below 165% of the federal poverty line is eligible for a child care subsidy. Participation in a training and educational program does not qualify as being gainfully employed. All parents who receive a subsidy are liable for a portion of the cost of the child care on a sliding scale based on income and determined by DHSS. This bill also ends the low-income and at-risk child care program when Wisconsin works is implemented statewide.



***Child care subsidy; Wisconsin works***

Under Wisconsin works, a custodial parent of a child who is under the age of 10 is eligible for a child care subsidy if the parent is a member of a Wisconsin works group whose income is at or below 165% of the federal poverty line and if the child care is needed for the custodial parent to attend school as required under the learnfare program, work, seek work or, under specified circumstances, attend an employment training program approved by the Wisconsin works agency.

A person who, under kinship care, is providing care and maintenance for a child under the age of 10, who needs child care services to work, seek work or attend employment training approved by the Wisconsin works agency is also eligible for a child care subsidy.

Any person who receives a child care subsidy, is liable for a portion of the cost of the child care on a sliding scale based on income and determined by DILJD.

**TRANSPORTATION SUBSIDY**

Under the bill, the Wisconsin works agency determines eligibility, in accordance with rules promulgated by DILJD, for subsidies for transportation costs associated with transporting a child to and from a child care provider.

**WISCONSIN WORKS AGENCY CONTRACTS**

This bill allows DILJD (or, before July 1, 1996, DHSS) to contract with a person to administer Wisconsin works. DILJD must award the contract on the basis of a competitive process that is approved by the department of administration (DOA); however, if DOA finds that it is in the best interest of the state to do so, DILJD may award the contract on the basis of a noncompetitive process. If no acceptable provider in a given geographical area is selected under either process, DILJD may administer Wisconsin works directly in that geographical area, or may require the county or counties that comprise that geographical area to administer Wisconsin works for up to 12 months succeeding the statewide implementation of the program. A county, in turn, may contract with any person to administer the program without going through a competitive process. Under current law, state contractual services contracts are supervised and administered by DOA or state agencies to which DOA delegates its authority. Currently, state contractual service contracts are subject to rules of DOA governing conflicts of interest and requirements concerning evaluations of contractors, and are subject to approval by the secretary of employment relations. DOA must report annually to the governor and legislature concerning contractual services procurements. The bill allows the secretary of DOA to exempt Wisconsin works contracts from these requirements. The bill also allows the secretary of DOA to exempt these contracts from preferences for certain procurements and from certain requirements relating to solid waste, recycling and historic preservation. Under the bill, Wisconsin works contracts are, however, subject to requirements for nondiscrimination in state contracting.

Under each contract, the Wisconsin works agency is required to establish a community steering committee to facilitate training and employment opportunities for participants. The Wisconsin works agency is also required to establish a children's services network to provide information about community services available to the children in a Wisconsin works group.

## OTHER

### *Kinship care*

Under current law, a parent or guardian may place a child in the home of a relative without the relative having to be licensed to operate a foster home. Currently, however, a relative who is providing care and maintenance for a child may request a license to operate a foster home for the child and, if the license is granted, may receive an age-related monthly foster care rate, plus supplemental payments, for the care and maintenance of the child.

This bill requires a county department of human services or social services (county department) to make payments, as determined by DHFS, to a relative of a child, other than the child's parent or stepparent, who is providing care and maintenance for the child (kinship care) if all of the following conditions apply:

1. The relative applies for kinship care payments and the county department determines that there is a need for the child to be placed with the relative and that the placement with the relative benefits the child.

2. The county department determines that the child meets one or more of the criteria under which a court assigned to exercise jurisdiction under the children's code (juvenile court) may exercise jurisdiction over a child in need of protection or services or that the child would be at risk of meeting one or more of those criteria if the child were to remain in his or her home.

3. The county department determines, through an assessment, that the child will be safe in the relative's home.

4. The county department conducts a background investigation of the relative and any other adult residing in the relative's home to determine if the relative or other adult has any arrests or convictions that could adversely affect the child or the relative's ability to care for the child.

5. The relative cooperates with the county department in the application process, including applying for other forms of assistance for which the relative may be eligible.

If a county department makes kinship care payments to a relative of a child, the county department must refer to the attorney responsible for child support enforcement the name of the child's parent or parents and require the parent or parents to initiate or continue health care insurance coverage for the child or, if the parent or parents are unable to do so, require the kinship care relative to initiate or continue that coverage. Under the bill, a relative who is receiving kinship care payments may not also receive foster care payments.

Under current law, if the court assigned to exercise jurisdiction under the children's code (juvenile court) terminates the parental rights of both of a child's parents or of a child's only living parent, the juvenile court may transfer guardianship and custody of the child pending adoptive placement to a relative of the child with whom the child resides, if the relative has filed a petition to adopt the child, or, if the juvenile court finds that it is unlikely that the child will be adopted or that adoption is not in the best interests of the child, the juvenile court may place the child under sustaining care in the home of a foster parent or treatment foster parent. This bill permits a juvenile court to place a child in the home of a kinship care relative

pending adoption or to place a child under sustaining care in the home of a kinship relative.

### ***Appropriations***

This bill consolidates the state general purpose revenue appropriations for public assistance and local aids. Under the new appropriation, DILJD (or, before July 1, 1996, DHSS) must allocate specified amounts for specified purposes, such as income maintenance payments and low-income and at-risk child care subsidies. The department is permitted to use up to 30% of the money allocated for any one purpose under the appropriation for any other purpose under the appropriation.

### ***Job opportunities and basic skills program***

Under current law, certain recipients of AFDC are required to participate in the job opportunities and basic skills program (JOBS). JOBS has several components including work supplementation, in which participation is voluntary, and postsecondary education and vocational skills training. This bill makes participation in work supplementation mandatory. In addition, the bill eliminates postsecondary education and vocational skills training from the components of JOBS.

Currently, the department may require an eligible adult caretaker of a child who is at least one year old to participate full-time in JOBS. This bill requires DHSS to request a waiver to require an eligible adult caretaker of a child who is at least 12 weeks old to participate in JOBS full-time.

The community work experience program (CWEP) is a component of JOBS. Currently, no person may be required to work more than 32 hours per week in CWEP. With certain exceptions, no person may be required to work more than 16 weeks in CWEP in a 12-month period. This bill requires DHSS to seek a waiver to require persons to participate in CWEP up to 40 hours per week and up to 6 months in a 12-month period.

### ***Food stamps***

This bill permits DILJD to contract with a Wisconsin works agency to administer the food stamp program for recipients who are Wisconsin works employment position participants and for recipients who are eligible to participate in a Wisconsin works employment position, but do not participate. This bill allows DILJD, to the extent permitted by waiver or federal law, to require all able-bodied food stamp recipients aged 18 to 64, who are eligible to participate in a Wisconsin works employment position to participate in a Wisconsin works employment position instead of the food stamp employment and training program. The bill also allows the DILJD, to the extent permitted by federal law or waiver, to provide food stamps to recipients who are required to work on the basis of the number of hours worked. The number of hours that a recipient would be required to work would be determined by dividing the amount of food stamps received by the federal minimum wage. Every hour that the recipient failed to work would result in a reduction in food stamps in an amount equal to the federal minimum wage.

***Tax***

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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

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

1           **SECTION 1.** 13.101 (6) (a) of the statutes is amended to read:

2           13.101 **(6)** (a) As an emergency measure necessitated by decreased state  
3 revenues and to prevent the necessity for a state tax on general property, the  
4 committee may reduce any appropriation made to any board, commission,  
5 department, the university of Wisconsin system or to any other state agency or  
6 activity by such amount as it deems feasible, not exceeding 25% of the  
7 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg)  
8 and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq)  
9 and (ar), 20.435 (4) (a), ~~(d)~~ (dz) and (e), (6) (a) and (7) (da) or for forestry purposes  
10 under s. 20.370 (1), or any other moneys distributed to any county, city, village, town  
11 or school district. Appropriations of receipts and of a sum sufficient shall for the  
12 purposes of this section be regarded as equivalent to the amounts expended under  
13 such appropriations in the prior fiscal year which ended June 30. All functions of  
14 said state agencies shall be continued in an efficient manner, but because of the  
15 uncertainties of the existing situation no public funds should be expended or  
16 obligations incurred unless there shall be adequate revenues to meet the  
17 expenditures therefor. For such reason the committee may make reductions of such  
18 appropriations as in its judgment will secure sound financial operations of the

1 administration for said state agencies and at the same time interfere least with their  
2 services and activities.

3 **SECTION 2.** 13.101 (6) (a) of the statutes, as affected by 1995 Wisconsin Acts 27  
4 and ... (this act), is repealed and recreated to read:

5 13.101 **(6)** (a) As an emergency measure necessitated by decreased state  
6 revenues and to prevent the necessity for a state tax on general property, the  
7 committee may reduce any appropriation made to any board, commission,  
8 department, the university of Wisconsin system or to any other state agency or  
9 activity by such amount as it deems feasible, not exceeding 25% of the  
10 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg)  
11 and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq)  
12 and (ar), 20.435 (1) (c), (6) (a) and (7) (da) and 20.445 (3) (a) and (dz) or for forestry  
13 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,  
14 village, town or school district. Appropriations of receipts and of a sum sufficient  
15 shall for the purposes of this section be regarded as equivalent to the amounts  
16 expended under such appropriations in the prior fiscal year which ended June 30.  
17 All functions of said state agencies shall be continued in an efficient manner, but  
18 because of the uncertainties of the existing situation no public funds should be  
19 expended or obligations incurred unless there shall be adequate revenues to meet the  
20 expenditures therefor. For such reason the committee may make reductions of such  
21 appropriations as in its judgment will secure sound financial operations of the  
22 administration for said state agencies and at the same time interfere least with their  
23 services and activities.

24 **SECTION 3.** 16.39 (4) (bm) of the statutes is created to read:

1           16.39 (4) (bm) A Wisconsin works group, as defined in s. 49.141 (1) (s), in which  
2 one member is a participant under s. 49.147 (3) to (5).

3           **SECTION 4.** 16.75 (6) (bm) of the statutes is created to read:

4           16.75 (6) (bm) If the secretary determines that it is in the best interest of this  
5 state to do so, he or she may waive any requirement under subs. (1) to (5) with respect  
6 to any contract entered into by the department of industry, labor and job  
7 development under s. 49.143, if the department of industry, labor and job  
8 development presents the secretary with a process for the procurement of contracts  
9 under s. 49.143 and the secretary approves the process. The department of  
10 administration or its designated agent need not publish a class 2 notice under ch. 985  
11 of its intent to award such a contract.

12           **SECTION 5.** 16.75 (6) (bs) of the statutes is created to read:

13           16.75 (6) (bs) Subsections (1) to (5) do not apply to contracts entered into by a  
14 county under s. 49.143 (1) (b).

15           **SECTION 6.** 16.841 (1) of the statutes is renumbered 16.841 (1) (intro.) and  
16 amended to read:

17           16.841 (1) (intro.) In this section, ~~“agency”~~:

18           (a) “Agency” has the meaning given in s. 16.70 (1).

19           **SECTION 7.** 16.841 (1) (b) of the statutes is created to read:

20           16.841 (1) (b) “Child care provider” means a provider licensed under s. 48.65,  
21 certified under s. 48.651 or established or contracted for under s. 120.13 (14).

22           **SECTION 8.** 16.841 (2) of the statutes is amended to read:

23           16.841 (2) The department shall contract with one or more child care providers,  
24 as defined in s. 46.98 (1) (am), to supplement the cost of providing suitable space for  
25 child care services to be offered to the children of employes of agencies whose work

1 stations are located in an area designated by the department comprising the central  
 2 portion of the city of Madison.

3 **SECTION 9.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
 4 the following amounts for the purposes indicated:

5 **1995-96**      **1996-97**

6 **20.435 Health and social services, department**  
 7 **of**

8 (4) ECONOMIC SUPPORT

9 (dz) Public assistance and local assis-

10 tance aids GPR    B    223,578,600      -0-

11 **SECTION 10.** 20.435 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27,  
 12 section 808, is amended to read:

13 20.435 (1) (b) *Medical assistance program benefits.* Biennially, the amounts in  
 14 the schedule to provide the state share of medical assistance program benefits  
 15 administered under s. 49.45, to provide medical assistance program benefits  
 16 administered under s. 49.45 that are not also provided under par. (o), to provide  
 17 health care coverage under s. 49.153 and to fund the pilot project under s. 46.27 (9)  
 18 and (10). Notwithstanding s. 20.002 (1), the department may transfer from this  
 19 appropriation to the appropriation under sub. (3) (kb) funds in the amount of and for  
 20 the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1),  
 21 the department may credit or deposit into this appropriation and may transfer  
 22 between fiscal years funds that it transfers from the appropriation under sub. (3) (kb)  
 23 for the purposes specified in s. 46.485 (3r).

24 **SECTION 11.** 20.435 (1) (bm) of the statutes is amended to read:

1           20.435 (1) (bm) *Medical assistance administration.* Biennially, the amounts  
2 in the schedule to provide the state share of administrative contract costs for the  
3 medical assistance program under s. 49.45 and health care coverage under s. 49.153  
4 and to reimburse insurers for their costs under s. 49.475. No state positions may be  
5 funded in the department of health and social services from this appropriation,  
6 except positions for the performance of duties under a contract in effect before  
7 January 1, 1987, related to the administration of the medical assistance program  
8 between the subunit of the department primarily responsible for administering the  
9 medical assistance program and another subunit of the department.

10           **SECTION 12.** 20.435 (1) (o) of the statutes is amended to read:

11           20.435 (1) (o) *Federal aid; medical assistance.* All federal moneys received for  
12 meeting costs of medical assistance administered under s. 49.45 and for meeting the  
13 costs of health care coverage under s. 49.153.

14           **SECTION 13.** 20.435 (4) (cn) of the statutes is repealed.

15           **SECTION 14.** 20.435 (4) (d) of the statutes, as affected by 1995 Wisconsin Act 27,  
16 section 848, is repealed.

17           **SECTION 15.** 20.435 (4) (dc) of the statutes is repealed.

18           **SECTION 16.** 20.435 (4) (de) of the statutes is repealed.

19           **SECTION 17.** 20.435 (4) (df) of the statutes, as affected by 1995 Wisconsin Act  
20 27, section 853, is repealed.

21           **SECTION 18.** 20.435 (4) (dg) of the statutes is repealed.

22           **SECTION 19.** 20.435 (4) (dz) of the statutes is created to read:

23           20.435 (4) (dz) *Public assistance and local assistance aids.* Biennially, the  
24 amounts in the schedule to be allocated under s. 49.181 for paying child care costs  
25 of individuals who secure unsubsidized employment and lose eligibility for aid to



1 families with dependent children as provided under s. 49.50 (6g); for child care and  
2 related transportation costs under s. 49.50 (7) (e); for child care costs under ss. 46.98  
3 (2m) and (3), 49.193 (8) and 49.50 (6e) and, with the approval of the department, child  
4 care costs under s. 49.50 (6k) (b); for county administered public assistance benefits  
5 under s. 49.52; for payment distribution under s. 49.52 (1) for county administration  
6 of public assistance benefits and medical assistance eligibility determination and  
7 payments to American Indian tribes for administration of public assistance  
8 programs; for the cost of foster care and treatment foster care provided by nonlegally  
9 responsible relatives under state or county administered programs, if the relatives  
10 are licensed to operate foster homes or treatment foster homes under s. 48.62; for  
11 emergency assistance for families with needy children under s. 49.19 (11) (b); for  
12 funeral expenses under 49.30; for the learnfare program under s. 49.50 (7) and for  
13 case management services for learnfare pupils under s. 46.62; for the job  
14 opportunities and basic skills program under s. 49.193; for the work experience and  
15 job training program under s. 46.253; for the food stamp employment and training  
16 project under s. 49.124; for aid to 18-year-old students under s. 49.20; for the  
17 parental responsibility pilot program under s. 49.25; and for the work-not-welfare  
18 pilot program under s. 49.27. Moneys appropriated under this paragraph may be  
19 used to match federal funds received under par. (ps). Payments may be made from  
20 this appropriation to counties for fraud investigation and error reduction under s.  
21 49.197 (1m) and (4).

22 **SECTION 20.** 20.435 (4) (dz) of the statutes, as created by 1995 Wisconsin Act  
23 .... (this act), is renumbered 20.445 (3) (dz) and amended to read:

24 20.445 (3) (dz) *Public assistance and local assistance aids.* Biennially, the  
25 amounts in the schedule to be allocated under s. 49.181 for paying child care costs

1 of individuals who secure unsubsidized employment and lose eligibility for aid to  
2 families with dependent children as provided under s. ~~49.50 (6g)~~ 49.191 (2); for child  
3 care and related transportation costs under s. ~~49.50 (7) (e)~~ ss. 49.155, 49.157 and  
4 49.26 (1) (e); for child care costs under ss. 46.98 (2m) and (3), 49.191 (1) and 49.193  
5 (8) and ~~49.50 (6e)~~ and, with the approval of the department, child care costs under  
6 s. ~~49.50 (6k) (b)~~ 49.191 (3) (b); for county administered public assistance benefits  
7 under s. ~~49.52~~ 49.33; for payment distribution under s. ~~49.52 (1)~~ 49.33 for county  
8 administration of public assistance benefits and medical assistance eligibility  
9 determination and payments to American Indian tribes for administration of public  
10 assistance programs; for payments to Wisconsin works agencies for the Wisconsin  
11 works program under ss. 49.147 to 49.151 and 49.155 to 49.161 and for Wisconsin  
12 works health coverage eligibility determination under s. 49.153 (3); for the cost of  
13 foster care and treatment foster care provided by nonlegally responsible relatives  
14 under state or county administered programs, if the relatives are licensed to operate  
15 foster homes or treatment foster homes under s. 48.62, or for the cost of kinship care  
16 under s. 48.57 (3m); for emergency assistance for families with needy children under  
17 s. 49.19 (11) (b); for funeral expenses under 49.30; for the learnfare program under  
18 s. ~~49.50 (7)~~ 49.26 (1) and for case management services for learnfare pupils under s.  
19 ~~46.62~~ 49.26 (2); for the job opportunities and basic skills program under s. 49.193;  
20 for the work experience and job training program under s. ~~46.253~~ 49.36; for the food  
21 stamp employment and training project under s. 49.124; ~~for aid to 18-year-old~~  
22 ~~students under s. 49.20~~; for the parental responsibility pilot program under s. 49.25;  
23 and for the work-not-welfare pilot program under s. 49.27. Moneys appropriated  
24 under this paragraph may be used to match federal funds received under par. (ps).

1 Payments may be made from this appropriation to counties and Wisconsin works  
2 agencies for fraud investigation and error reduction under s. 49.197 (1m) and (4).

3 **SECTION 21.** 20.445 (3) (jm) of the statutes is created to read:

4 20.445 (3) (jm) *Wisconsin works fees.* All moneys received from fees and other  
5 payments under ss. 49.141 to 49.161 for the purposes of the Wisconsin works  
6 program.

7 **SECTION 22.** 46.032 of the statutes is amended to read:

8 **46.032 Income maintenance administration.** County departments under  
9 ss. 46.215, 46.22 and 46.23 shall annually enter into a contract with the department  
10 detailing the reasonable cost of administering the income maintenance programs  
11 under ss. 49.046, 49.19, 49.45 to 49.47 and 49.50 (7) and the food stamp program  
12 under 7 USC 2011 to 2029 when so appointed by the department. Contracts created  
13 under this section control the distribution of payments under s. 20.435 (4) (~~de~~) (dz)  
14 and (nL) in accordance with the reimbursement method established under s. 49.52  
15 (1) (ad). The department may reduce its payment to any county under s. 20.435 (4)  
16 (~~de~~) (dz) and (nL) if federal reimbursement is withheld due to audits, quality control  
17 samples or program reviews.

18 **SECTION 23.** 46.032 of the statutes, as affected by 1995 Wisconsin Acts 27,  
19 section 2042, and .... (this act), is repealed and recreated to read:

20 **46.032 Income maintenance administration.** County departments under  
21 ss. 46.215, 46.22 and 46.23 shall annually enter into a contract with the department  
22 detailing the reasonable cost of administering the income maintenance programs  
23 under ss. 49.19, 49.45 to 49.47 and 49.50 (7) and the food stamp program under 7  
24 USC 2011 to 2029 when so appointed by the department. Contracts created under  
25 this section control the distribution of payments under s. 20.435 (4) (dz) and (nL) in

1 accordance with the reimbursement method established under s. 49.52 (1) (ad). The  
2 department may reduce its payment to any county under s. 20.435 (4) (dz) and (nL)  
3 if federal reimbursement is withheld due to audits, quality control samples or  
4 program reviews.

5 **SECTION 24.** 46.215 (1) (k) of the statutes is amended to read:

6 46.215 (1) (k) To certify eligibility for and issue food coupons to needy  
7 households in conformity with the federal food stamp act of 1964 as amended, if the  
8 county accepts a contract to do so, and, in addition, the county department of social  
9 services may certify eligibility for and distribute surplus commodities and food  
10 stuffs.

11 **SECTION 25.** 46.22 (1) (b) 2. a. of the statutes, as created by 1995 Wisconsin Act  
12 27, is amended to read:

13 46.22 (1) (b) 2. a. To administer aid to families with dependent children under  
14 s. 49.19. This subdivision paragraph does not apply beginning on the first day of the  
15 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

16 **SECTION 26.** 46.22 (1) (b) 2. d. of the statutes, as created by 1995 Wisconsin Act  
17 27, is amended to read:

18 46.22 (1) (b) 2. d. To certify eligibility for and issue food coupons to needy  
19 households in conformity with 7 USC 2011 to 2029, if the county accepts a contract  
20 to do so.

21 **SECTION 27.** 46.25 (6) of the statutes is amended to read:

22 46.25 (6) The department shall establish, pursuant to federal and state laws,  
23 rules and regulations, a uniform system of fees for services provided under this  
24 section to individuals not receiving aid under s. 49.19 or 49.47 or benefits under s.  
25 49.148. The system of fees may take into account an individual's ability to pay. Any

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

4 **SECTION 28.** 46.253 (2) of the statutes is amended to read:

5 46.253 (2) The department may contract with any county to administer a work  
6 experience and job training program for parents who are not custodial parents and  
7 who fail to pay child support or to meet their children's needs for support as a result  
8 of unemployment or underemployment. The program may provide the kinds of work  
9 experience and job training services available from the program under s. 49.193. The  
10 department shall fund the program from the appropriation under s. 20.435 (4) ~~(df)~~  
11 (dz).

12 **SECTION 29.** 46.258 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
13 section 2158b, is amended to read:

14 46.258 (1) From the appropriation under s. 20.435 (3) (cb), the department  
15 shall award grants to counties for programs to revise child support orders. Each  
16 county receiving a grant shall review child support orders awarded to persons who  
17 receive benefits under s. 49.148 or whose children receive benefits under s. 49.19 and  
18 to persons who do not receive benefits under s. 49.148 and whose children do not  
19 receive benefits under s. 49.19 and shall initiate actions to revise the orders based  
20 on that review. Each county receiving a grant shall review child support orders  
21 awarded to persons who receive benefits under s. 49.148 or whose children receive  
22 benefits under s. 49.19 and child support orders awarded to persons who do not  
23 receive benefits under s. 49.148 and whose children do not receive benefits under s.  
24 49.19 in proportion to the number of those 2 categories of orders in the county's child  
25 support case load. Before a county may initiate an action to revise a child support

1 order under this subsection for a person who does not receive benefits under s. 49.148  
2 and whose children do not receive benefits under s. 49.19, the custodial parent of the  
3 children must voluntarily consent to the revision.

4 **SECTION 30.** 46.258 (2) (a) 1. of the statutes is amended to read:

5 46.258 (2) (a) 1. Provides an incentive for a county to increase its child support  
6 collections for persons who receive benefits under s. 49.148 or whose children receive  
7 benefits under s. 49.19 as well as for persons who do not receive benefits under s.  
8 49.148 and whose children do not receive benefits under s. 49.19.

9 **SECTION 31.** 46.40 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
10 is amended to read:

11 46.40 (1) (a) Within the limits of available federal funds and of the  
12 appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds  
13 for community social, mental health, developmental disabilities and alcohol and  
14 other drug abuse services and for services under ss. 46.51, 46.87, ~~46.98 (2m), (3) and~~  
15 ~~(4g)~~, 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42  
16 and 51.437, and to county aging units ~~and to private nonprofit organizations as~~  
17 ~~authorized under s. 46.98 (2) (a)~~, as provided in subs. (2) to (8).

18 **SECTION 32.** 46.40 (4m) of the statutes, as created by 1995 Wisconsin Act 27,  
19 is repealed.

20 **SECTION 33.** 46.45 (intro.) of the statutes is amended to read:

21 **46.45 Carry-over of community aids funds.** (intro.) Funds allocated by  
22 the department under ss. 46.87 (3) (c) 4. and (4), ~~46.98 (2) (a)~~, 49.52 (1) (d) and 51.423  
23 (2) but not spent or encumbered by counties, governing bodies of federally recognized  
24 American Indian tribes or private nonprofit organizations by December 31 of each  
25 year and funds recovered under ss. 49.52 (2) (b) and 51.423 (15) and deposited in the

1 appropriation under s. 20.435 (7) (b) lapse to the general fund on the succeeding  
2 January 1 unless carried forward to the next calendar year under s. 20.435 (7) (b) or  
3 as follows:

4 **SECTION 34.** 46.45 (1) of the statutes is repealed.

5 **SECTION 35.** 46.45 (6) of the statutes is amended to read:

6 46.45 (6) The department may carry forward 10% of any funds not carried  
7 forward under ~~subs. (1) and sub. (3)~~ for emergencies, for justifiable unit services costs  
8 above planned levels and to provide compensation for increased costs due to  
9 population shifts.

10 **SECTION 36.** 46.495 (1) (am) of the statutes, as affected by 1995 Wisconsin Act  
11 27, section 3132, is repealed and recreated to read:

12 46.495 (1) (am) The department shall reimburse each county from the  
13 appropriations under s. 20.435 (7) (b) and (o) for social services as approved by the  
14 department under ss. 46.215 (1), (2) (c) 1. and (3) and 46.22 (1) (b) 1. d. and (e) 3. a.  
15 except that no reimbursement may be made for the administration of or aid granted  
16 under s. 49.02.

17 **SECTION 37.** 46.62 (2) of the statutes is amended to read:

18 46.62 (2) From the appropriation under s. 20.435 (4) (~~dg~~) (dz), the department  
19 shall allocate funds to county departments for the provision of case management  
20 services to individuals who are required to attend school under s. 49.50 (7) (g) and  
21 their families to improve the school attendance and achievement of those  
22 individuals. At least 75% of the funds that the department allocates under this  
23 subsection to provide case management services to individuals who are 13 to 19 years  
24 of age shall be allocated to a county department of a county with a population of  
25 500,000 or more. A county department is eligible to receive funds under this section

1 to provide case management services to individuals who are 13 to 19 years of age in  
2 a year if 35 or more individuals, 13 to 19 years of age, residing in the county were  
3 sanctioned under s. 49.50 (7) (h) or were subject to the monthly attendance  
4 requirement under s. HSS 201.195 (4) (b) 2., Wis. adm. code, in any month during the  
5 previous year.

6 **SECTION 38.** 46.979 (1) of the statutes is amended to read:

7 46.979 (1) In this section, “child care provider” ~~has the meaning given in s.~~  
8 ~~46.98 (1) (am)~~ means a provider licensed under s. 48.65, certified under s. 48.651 or  
9 established or contracted for under s. 120.13 (14).

10 **SECTION 39.** 46.979 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
11 is amended to read:

12 46.979 (2) (a) From the appropriation under s. 20.435 (7) (o), ~~as allocated in s.~~  
13 ~~46.40 (2m) (e),~~ distribute \$9,998,500 in fiscal year 1995-96 and \$10,099,200 in fiscal  
14 year ~~1996-97~~ for child day care services under s. 46.98 (2m) and (3).

15 **SECTION 40.** 46.979 (2) (a) of the statutes, as affected by 1995 Wisconsin Acts  
16 27 and .... (this act), is repealed.

17 **SECTION 41.** 46.979 (2) (c) (intro.) of the statutes, as affected by 1995 Wisconsin  
18 Act 27, is amended to read:

19 46.979 (2) (c) (intro.) From the appropriation under s. 20.435 (3) (ky), distribute  
20 as follows the federal child care and development block grant funds that are received  
21 under 42 USC 9858 and that are not distributed under par. (a) ~~or~~ (b):

22 **SECTION 42.** 46.98 (1) (ar) of the statutes is created to read:

23 46.98 (1) (ar) “Department” means the department of industry, labor and job  
24 development.

25 **SECTION 43.** 46.98 (1) (b) of the statutes is amended to read:



1           46.98 (1) (b) “Gainfully employed” means working, or seeking employment or  
2     participating in a training or educational program designed to lead directly to paid  
3     employment.

4           **SECTION 44.** 46.98 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
5     is amended to read:

6           46.98 (2) (a) The department shall distribute the funds allocated under s. 46.40  
7     (1) and ~~(2m) (e)~~ for at-risk, low-income and respite child care services under subs.  
8     ~~(2m)~~ and sub. (4g) to private nonprofit child care providers that provide child care  
9     for the children of migrant workers and to county departments under s. 46.215, 46.22  
10    or 46.23. In addition, the department shall distribute the funds allocated under s.  
11    46.40 (1), ~~(2m) (e) and (4m)~~ 49.181 (1) (b) for low-income and respite at-risk child  
12    care services under sub. subs. (2m) and (3) to county departments under s. 46.215,  
13    46.22 or 46.23. The department shall also distribute the funds allocated under s.  
14    49.181 (1) (b) for at-risk and low-income child care services under subs. (2m) and (3)  
15    to private nonprofit child care providers who provide child care for the children of  
16    migrant workers.

17           **SECTION 45.** 46.98 (4) (a) 2. of the statutes is amended to read:

18           46.98 (4) (a) 2. A parent who is gainfully employed, who is in need of child care  
19    services and whose family income is equal to or less than ~~75%~~ 165% of the state  
20    median income. ~~The department shall annually determine the state median income~~  
21    poverty line, as defined in s. 46.30 (1) (c).

22           **SECTION 46.** 46.98 (4) (b) of the statutes is amended to read:

23           46.98 (4) (b) Parents receiving aid under sub. (3) ~~whose family income is equal~~  
24    ~~to or greater than 50% of the state median income~~ are liable for a portion of the cost

1 of child care received, payable in accordance with a schedule developed by the  
2 department based on ability to pay.

3 **SECTION 47.** 46.98 (6) of the statutes is created to read:

4 46.98 (6) SUNSET. This section does not apply beginning on the first day of the  
5 6th month beginning after the date specified in the notice under s. 49.141 (2) (d).

6 **SECTION 48.** 46.986 (1) (b) of the statutes is amended to read:

7 46.986 (1) (b) “Child care provider” ~~has the meaning given in s. 46.98 (1) (am)~~  
8 means a provider licensed under s. 48.65, certified under s. 48.651 or established or  
9 contracted for under s. 120.13 (14).

10 **SECTION 49.** 46.986 (1) (m) of the statutes is amended to read:

11 46.986 (1) (m) “Parent” ~~has the meaning given in s. 46.98 (1) (e)~~ means a parent,  
12 guardian, foster parent, treatment foster parent, legal custodian or a person acting  
13 in the place of a parent.

14 **SECTION 50.** 46.987 (1) (a) of the statutes is amended to read:

15 46.987 (1) (a) “Child care provider” ~~has the meaning given in s. 46.98 (1) (am)~~  
16 means a provider licensed under s. 48.65, certified under s. 48.651 or established or  
17 contracted for under s. 120.13 (14).

18 **SECTION 51.** 46.987 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
19 is amended to read:

20 46.987 (2) (a) From the allocation under s. 46.979 (2) (c) 4. the department may  
21 award grants to child care providers that meet the quality of care standards  
22 established under s. 46.98 (4) (e) or 49.155 (6) to improve the retention of skilled and  
23 experienced child care staff. In awarding grants under this subsection, the  
24 department shall consider the applying child care provider’s total enrollment of

1 children and average enrollment of children who receive or are eligible for publicly  
2 funded care from the child care provider.

3 **SECTION 52.** 46.995 (2) (c) of the statutes is amended to read:

4 46.995 (2) (c) Highest rate, by county population, of participation in the aid to  
5 families with dependent children program under s. 49.19 or the Wisconsin works  
6 program under s. 49.147 (3) to (5).

7 **SECTION 53.** 48.40 (1m) of the statutes is created to read:

8 48.40 (1m) “Kinship care relative” means a person receiving payments under  
9 s. 48.57 (3m) (a) for providing care and maintenance for a child.

10 **SECTION 54.** 48.427 (3) (a) 5. of the statutes is amended to read:

11 48.427 (3) (a) 5. A relative with whom the child resides, if the relative has filed  
12 a petition to adopt the child or if the relative is a kinship care relative.

13 **SECTION 55.** 48.428 (2) of the statutes is amended to read:

14 48.428 (2) When a court places a child in sustaining care after an order under  
15 s. 48.427, the court shall transfer legal custody of the child to the county department  
16 or a licensed child welfare agency, transfer guardianship of the child to an agency  
17 listed in s. 48.427 (3) (a) 1. to 4. and place the child in the home of a licensed foster  
18 parent ~~or~~, licensed treatment foster parent or kinship care relative with whom the  
19 child has resided for 6 months or longer. Pursuant to such a placement, this licensed  
20 foster parent ~~or~~, licensed treatment foster parent or kinship care relative shall be a  
21 sustaining parent with the powers and duties specified in sub. (3).

22 **SECTION 56.** 48.428 (4) of the statutes is amended to read:

23 48.428 (4) Before a licensed foster parent ~~or~~, licensed treatment foster parent  
24 or kinship care relative may be appointed as a sustaining parent, the foster parent  
25 ~~or~~, treatment foster parent or kinship care relative shall execute a contract with the

1 agency responsible for providing services to the child, in which the foster parent or,  
2 treatment foster parent or kinship care relative agrees to provide care for the child  
3 until the child's 18th birthday unless the placement order is changed by the court  
4 because the court finds that the sustaining parents are no longer able or willing to  
5 provide the sustaining care or the court finds that the behavior of the sustaining  
6 parents toward the child would constitute grounds for the termination of parental  
7 rights if the sustaining parent was the birth parent of the child.

8 **SECTION 57.** 48.57 (3m) of the statutes is created to read:

9 48.57 **(3m)** (a) From the reimbursement received under s. 46.495 (1) (d), a  
10 county department shall make payments, as determined by the department under  
11 par. (e), to a relative of a child, other than the child's parent or stepparent, who is  
12 providing care and maintenance for the child if all of the following conditions are met:

13 1. The relative applies to the county department for payments under this  
14 subsection and the county department determines that there is a need for the child  
15 to be placed with the relative and that the placement with the relative benefits the  
16 child.

17 2. The county department determines that the child meets one or more of the  
18 criteria specified in s. 48.13 (1) to (14) or that the child would be at risk of meeting  
19 one or more of those criteria if the child were to remain in his or her home.

20 3. The county department determines, through an assessment, that the child  
21 will be safe in the relative's home.

22 4. The county department conducts a background investigation of the relative  
23 and any other adult residing in the relative's home to determine if the relative or  
24 other adult has any arrests or convictions that could adversely affect the child or the  
25 relative's ability to care for the child.

1           5. The relative cooperates with the county department in the application  
2 process, including applying for other forms of assistance for which the relative may  
3 be eligible.

4           (b) The county department shall refer to the attorney responsible for support  
5 enforcement under s. 59.458 (1) the name of the parent or parents of a child for whom  
6 a payment is made under par. (a).

7           (c) The county department shall require the parent or parents of a child for  
8 whom a payment is made under par. (a) to initiate or continue health care insurance  
9 coverage for the child or, if the parent or parents are unable to initiate or continue  
10 that coverage, the county department shall require the relative to whom a payment  
11 is made under par. (a) to initiate or continue health care insurance coverage for the  
12 child.

13           (cm) A relative who receives a payment under par. (a) is not eligible to receive  
14 a payment under s. 48.62 (4).

15           (d) A county department shall review a placement of a child for which the  
16 county department makes payments under par. (a) not less than every 12 months  
17 after the county department begins making those payments to determine whether  
18 the conditions specified in par. (a) continue to exist. If those conditions do not  
19 continue to exist, the county department shall discontinue making those payments.

20           (e) The department shall determine all of the following:

21           1. The amount and effective date of any payment under par. (a). In determining  
22 the amount of a payment under par. (a), the department shall consider any income  
23 of the child, other than earned income, as defined in 26 USC 32 (c) (2).

24           2. Whether the child is eligible for medical assistance under ss. 49.43 to 49.47,  
25 if no other health care insurance coverage is available to the child.

1           **SECTION 58.** 48.981 (2) of the statutes, as affected by 1993 Wisconsin Act 443,  
2 is amended to read:

3           48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical  
4 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or  
5 mental health professional, social worker, marriage and family therapist,  
6 professional counselor, public assistance worker, including a financial and  
7 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or  
8 counselor, mediator under s. 767.11, child care worker in a day care center or child  
9 caring institution, day care provider, alcohol or other drug abuse counselor, member  
10 of the treatment staff employed by or working under contract with a county  
11 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational  
12 therapist, dietitian, speech-language pathologist, audiologist, emergency medical  
13 technician or police or law enforcement officer having reasonable cause to suspect  
14 that a child seen in the course of professional duties has been abused or neglected  
15 or having reason to believe that a child seen in the course of professional duties has  
16 been threatened with abuse or neglect and that abuse or neglect of the child will occur  
17 shall, except as provided under sub. (2m), report as provided in sub. (3). Any other  
18 person, including an attorney, having reason to suspect that a child has been abused  
19 or neglected or reason to believe that a child has been threatened with abuse or  
20 neglect and that abuse or neglect of the child will occur may make such a report. No  
21 person making a report under this subsection may be discharged from employment  
22 for so doing.

23           **SECTION 59.** 49.001 (9) of the statutes is created to read:

24           49.001 (9) "Wisconsin works agency" means a person under contract under s.  
25 49.143 to administer Wisconsin works under ss. 49.141 to 49.161. If no contract is

1 awarded under s. 49.143, "Wisconsin works agency" means the department of  
2 industry, labor and job development.

3 **SECTION 60.** 49.015 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
4 is amended to read:

5 49.015 (2) RECIPIENTS OF OTHER AID. Except as provided in sub. (3), an  
6 individual is not eligible for relief for a month in which the individual has received  
7 aid to families with dependent children under s. 49.19 or supplemental security  
8 income under 42 USC 1381 to 1383c or has participated in a Wisconsin works  
9 employment position under s. 49.147 (3) to (5) or in which aid to families with  
10 dependent children or, supplemental security income benefits are or a Wisconsin  
11 works employment position is immediately available to the individual.

12 **SECTION 61.** 49.046 (4) (f) of the statutes is amended to read:

13 49.046 (4) (f) The department, after consulting with all elected tribal governing  
14 bodies in this state, shall promulgate rules establishing the allowable costs of  
15 administering this section and shall reimburse each administering agency for its  
16 allowable costs from the appropriation under s. 20.435 (4) ~~(de)~~ (dz).

17 **SECTION 62.** 49.049 (3) of the statutes is amended to read:

18 49.049 (3) The department may provide not more than \$30,600 in each fiscal  
19 year for economic development projects that satisfy the criteria established under  
20 sub. (2) to tribal governing bodies from funds appropriated under s. 20.435 (4) ~~(de)~~  
21 (dz) for the administration of the work experience program under s. 49.047. Funds  
22 not provided for economic development projects shall be expended for the work  
23 experience program.

24 **SECTION 63.** 49.124 (1m) of the statutes, as affected by 1995 Wisconsin Act 27,  
25 is renumbered 49.124 (1m) (a) and amended to read:

1           49.124 (1m) (a) The department shall administer an employment and training  
2 program for recipients under the food stamp program. The department may contract  
3 with a Wisconsin works agency to administer the employment and training program  
4 under this section. Except as provided in par. (b), and to the extent permitted by  
5 federal law or waiver, the department may require able-bodied individuals who are  
6 18 to 64 years of age who are eligible for a Wisconsin works employment position  
7 under s. 49.147 (3) to (5) to participate in a Wisconsin works employment position,  
8 in lieu of the program under this section, as a condition of receiving food stamp  
9 benefits. Except as provided in par. (b), the department may require able-bodied  
10 individuals who are 18 to 64 years of age who are not eligible for a Wisconsin works  
11 employment position to participate in the employment and training program under  
12 this section. To the extent permitted by federal law or waiver, the department may  
13 distribute food stamp benefits on a pay-for-performance basis, as determined under  
14 par. (c). The maximum number of hours an individual may be required to work may  
15 not exceed the amount of food stamp benefits divided by the applicable federal  
16 minimum wage, or 40 hours per week, whichever is less.

17           **SECTION 64.** 49.124 (1m) (b) of the statutes is created to read:

18           49.124 (1m) (b) The department may not require an individual who is a  
19 recipient under the food stamp program and who is the caretaker of a child who is  
20 under the age of 12 weeks to participate in any employment and training program  
21 under par. (a).

22           **SECTION 65.** 49.124 (1m) (c) of the statutes is created to read:

23           49.124 (1m) (c) The amount of food stamp benefits paid to the recipient in a  
24 subsequent month shall be determined as follows:



1           1. The department shall add the recipient's total number of hours of actual  
2 participation in the month to the total number of hours in a month for which the  
3 recipient had good cause, as defined by the department by rule, for not participating  
4 in required activities.

5           2. The department shall subtract the total number of hours determined under  
6 subd. 1. from the recipient's total number of hours of required participation in that  
7 month.

8           3. The department shall multiply the number of hours determined under subd.  
9 2. by the federal minimum hourly wage under 29 USC 206 (a) (1).

10          4. The department shall subtract the dollar amount determined under subd.  
11 3. from the amount of food stamp benefits that the recipient's family would have  
12 received if he or she had participated for the total number of assigned hours.

13           **SECTION 66.** 49.124 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
14 sections 2792 and 3141, is repealed and recreated to read:

15           49.124 (3) DEDUCTIONS FROM INCOME MAINTENANCE PAYMENTS. The department  
16 shall withhold the value of food stamp losses for which a county or federally  
17 recognized American Indian tribe is liable under sub. (2) from the payment to the  
18 county or tribe under s. 20.445 (3) (dz) and (nL) and reimburse the federal  
19 government from the funds withheld.

20           **SECTION 67.** 49.125 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
21 is amended to read:

22           49.125 (1) The department, or a county ~~or~~ an elected governing body of a  
23 federally recognized American Indian tribe or band or a Wisconsin works agency  
24 acting on behalf of the department, may recover overpayments that arise from an  
25 overissuance of food coupons under the food stamp program administered under s.

1 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall be made in accordance with 7 USC  
2 2022.

3 **SECTION 68.** 49.141 of the statutes is created to read:

4 **49.141 Wisconsin works; general provisions. (1) DEFINITIONS.** As used in  
5 ss. 49.141 to 49.161:

6 (a) “Community service job” means a work component of Wisconsin works  
7 administered under s. 49.147 (4).

8 (b) “Custodial parent” means, with respect to a dependent child, a parent who  
9 resides with that child and, if there has been a determination of legal custody with  
10 respect to the dependent child, has legal custody of that child. For the purposes of  
11 this paragraph, “legal custody” has the meaning given in s. 767.001 (2) (a).

12 (c) “Dependent child” means a person who resides with a parent and who is  
13 under the age of 18 or, if the person is a full-time student at a secondary school or  
14 a vocational or technical equivalent and is reasonably expected to complete the  
15 program before attaining the age of 19, is under the age of 19.

16 (d) “Financial and employment planner” means a caseworker employed by a  
17 Wisconsin works agency who provides financial or employment counseling services  
18 to a participant.

19 (e) “Job access loan” means a loan administered under s. 49.147 (6).

20 (f) “Migrant worker” has the meaning given in s. 103.90 (5).

21 (g) “Minimum wage” means the state minimum hourly wage under ch. 104 or  
22 the federal minimum hourly wage under 29 USC 206 (a) (1), whichever is applicable.

23 (h) “Noncustodial parent” means, with respect to a dependent child, a parent  
24 who is not the custodial parent.

1 (i) "Nonmarital coparent" means, with respect to an individual and a  
2 dependent child, a parent who has never been married to the individual, resides with  
3 the dependent child and is either an adjudicated parent or a parent who has signed  
4 and filed with the state registrar under s. 69.15 (3) (b) 3. a statement acknowledging  
5 paternity.

6 (j) "Parent" means either a biological parent, a person who has consented to the  
7 artificial insemination of his wife under s. 891.40, or a parent by adoption.

8 (k) "Participant" means an individual who participates in any component of the  
9 Wisconsin works program.

10 (L) "Strike" has the meaning provided in 29 USC 142 (2).

11 (m) "Transitional placement" means a work component of Wisconsin works  
12 administered under s. 49.147 (5).

13 (n) "Trial job" means a work component of Wisconsin works administered under  
14 s. 49.147 (3).

15 (p) "Wisconsin works" means the assistance program for families with  
16 dependent children, administered under ss. 49.141 to 49.161.

17 (r) "Wisconsin works employment position" means any job or placement under  
18 s. 49.147 (3) to (5).

19 (s) "Wisconsin works group" means an individual, all dependent children with  
20 respect to whom the individual is a custodial parent and all dependent children with  
21 respect to whom the individual's dependent child is a custodial parent. "Wisconsin  
22 works group" includes any nonmarital coparent or any spouse of the individual who  
23 resides in the same household as the individual and any dependent children with  
24 respect to whom the spouse or nonmarital coparent is a custodial parent. "Wisconsin

1 works group” does not include any person who is receiving benefits under s. 49.027  
2 (3) (b).

3 (2) WAIVERS; LEGISLATION. (a) If necessary, the department shall request a  
4 waiver from the secretaries of the federal department of health and human services,  
5 the federal department of agriculture and the federal social security administration  
6 or shall seek the passage of federal legislation to permit the department to conduct  
7 the Wisconsin works program in lieu of the aid to families with dependent children  
8 program under s. 49.19, the job opportunities and basic skills program under s.  
9 49.193, the parental responsibility pilot program under s. 49.25 and the  
10 work-not-welfare program under s. 49.27 and as part of the food stamp program  
11 under 7 USC 2011 to 2029 and the medical assistance program under 42 USC 1396  
12 to 1396u.

13 (b) If a waiver is granted and in effect or legislation is enacted, and if the  
14 department determines that sufficient funds are available, the department may  
15 begin to implement the Wisconsin works program no sooner than July 1, 1996, for  
16 selected counties or groups determined by the department and shall implement the  
17 Wisconsin works program statewide for all groups no later than September 1, 1997.  
18 If a waiver is not granted and in effect or federal legislation is not enacted before  
19 March 30, 1997, the department shall implement the Wisconsin works program  
20 statewide for all groups no later than 3 months after the necessary waiver has been  
21 granted or federal legislation has been enacted.

22 (d) Before implementing the Wisconsin works program, the department shall  
23 publish a notice in the Wisconsin Administrative Register that states the date on  
24 which the department will begin to implement the Wisconsin works program  
25 statewide.

1           **(3) APPLICATIONS.** Any individual may apply for any component of Wisconsin  
2 works. Application for each component of Wisconsin works shall be made on a form  
3 prescribed by the department. The individual shall submit a completed application  
4 form to a Wisconsin works agency in the geographical area specified by the  
5 department under s. 49.143 (6) in which the individual lives and in the manner  
6 prescribed by the department.

7           **(4) NONENTITLEMENT.** Notwithstanding fulfillment of the eligibility  
8 requirements for any component of Wisconsin works, an individual is not entitled to  
9 services or benefits under Wisconsin works.

10           **SECTION 69.** 49.143 of the statutes is created to read:

11           **49.143 Wisconsin works; agency contracts. (1) AWARDING CONTRACTS.** (a)  
12 The department may contract with any person to administer Wisconsin works in a  
13 geographical area determined by the department under sub. (6). The department  
14 may award a contract under this section on the basis of a competitive process  
15 approved by the secretary of administration, or, if the secretary of administration  
16 determines that it is in the best interest of the state to do so, on the basis of a  
17 noncompetitive process.

18           (b) If no acceptable provider in a geographical area is selected under par. (a),  
19 the department may administer Wisconsin works directly in that geographical area,  
20 or, for a period of up to 12 months succeeding the statewide implementation of  
21 Wisconsin works, may require the county or counties that comprise that  
22 geographical area to administer Wisconsin works. Notwithstanding s. 16.75 (1) and  
23 (2m), a county that is required under this paragraph to administer Wisconsin works  
24 may contract with any person without competitive bidding or competitive sealed  
25 proposals to administer Wisconsin works.

1           **(2) CONTRACT REQUIREMENTS.** Each contract under sub. (1) shall contain  
2 performance-based incentives established by the department by rule. The contract  
3 shall require a Wisconsin works agency to do all of the following:

4           (a) Establish a community steering committee. The Wisconsin works agency  
5 shall recommend the members of the committee to the chief executive officer of each  
6 county served by the Wisconsin works agency. The chief executive officer of each  
7 county shall appoint the members of the committee. The number of members that  
8 each chief executive officer appoints to the committee shall be in proportion to the  
9 population of that officer's county relative to the population of each other county  
10 served by the Wisconsin works agency. The committee shall consist of at least 12  
11 members, but not more than 15 members. The members of the committee shall  
12 appoint a chairperson who shall be a person who represents business interests. The  
13 committee shall do all of the following:

14           1. Advise the Wisconsin works agency concerning employment and training  
15 activities.

16           2. Identify and encourage employers to provide permanent jobs for persons who  
17 are eligible for trial jobs or community service jobs.

18           3. Create, and encourage others to create, subsidized jobs for persons who are  
19 eligible for trial jobs or community service jobs.

20           4. Create, and encourage others to create, on-the-job training sites for persons  
21 who are eligible for trial jobs or community service jobs.

22           5. Foster and guide the entrepreneurial efforts of participants who are eligible  
23 for trial jobs or community service jobs.

24           6. Provide mentors, both from its membership and from recruitment of  
25 members of the community, to provide job-related guidance, including assistance in

1 resolving job-related issues and the provision of job leads or references, to persons  
2 who are eligible for trial jobs or community service jobs.

3 7. Coordinate with the governor's council on workforce excellence under s.  
4 106.115 to ensure compatibility of purpose and no duplication of effort.

5 (b) Establish a children's services network. The children's services network  
6 shall provide information about community resources available to the dependent  
7 children in a Wisconsin works group, including charitable food and clothing centers;  
8 the state supplemental food program for women, infants and children under s.  
9 253.06; and child care programs for individuals with incomes at or below 165% of the  
10 poverty line.

11 (c) Employ at least one financial and employment planner. The financial and  
12 employment planner shall work with a participant to facilitate the participant's  
13 achievement of the maximum degree of self-sufficiency. The department shall  
14 ensure that a financial and employment planner employed by a Wisconsin works  
15 agency meets certification and training requirements established by the department  
16 and that appropriate training is provided by a Wisconsin works agency.

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

22 (e) Certify eligibility for and issue food coupons in conformity with 7 USC 2011  
23 to 2029. The agency may subcontract certification of food coupon eligibility for  
24 individuals who do not participate in any component of the Wisconsin works  
25 program.

1 (f) Perform any other tasks specified by the department in the contract that  
2 department determines is necessary for the administration of Wisconsin works.

3 **(3) PERFORMANCE STANDARDS.** The department shall promulgate a rule  
4 establishing performance standards for the administration of Wisconsin works. If  
5 a Wisconsin works agency does not meet the standards established under this  
6 subsection, the department may withhold any or all payment from the Wisconsin  
7 works agency.

8 **(4) AUDITS.** The department may require a Wisconsin works agency to submit  
9 to an independent annual audit paid for by the Wisconsin works agency.

10 **(5) REQUESTS FOR INFORMATION.** (a) In accordance with rules promulgated by  
11 the department, a Wisconsin works agency may request from any person any  
12 information that it determines appropriate and necessary for the administration of  
13 Wisconsin works. Any person in this state shall provide this information within 7  
14 days after receiving a request under this paragraph. The Wisconsin works agency  
15 may disclose information obtained under this paragraph only in the administration  
16 of Wisconsin works.

17 (b) The department may request from any Wisconsin works agency any  
18 information that the department determines appropriate and necessary for the  
19 overall administration of Wisconsin works. A Wisconsin works agency shall provide  
20 the department with the requested information in the manner prescribed by the  
21 department by rule.

22 (c) The department may inspect at any time any Wisconsin works agency's  
23 records as the department determines is appropriate and necessary for the overall  
24 administration of Wisconsin works.



1           **(6) GEOGRAPHICAL AREAS.** The department shall determine the geographical  
2 area for which a Wisconsin works agency will administer Wisconsin works. Except  
3 in counties with a population of 500,000 or more, no geographical area may be  
4 smaller than one county. A geographical area may include more than one county.  
5 The department need not establish the geographical areas by rule.

6           **SECTION 70.** 49.145 of the statutes is created to read:

7           **49.145 Wisconsin works; eligibility for employment positions. (1)**

8           **GENERAL ELIGIBILITY.** In order to be eligible for Wisconsin works employment  
9 positions and job access loans for any month, an individual shall meet the eligibility  
10 requirements under subs. (2) and (3). The department may promulgate rules  
11 establishing additional eligibility criteria and specifying how eligibility criteria are  
12 to be administered. The department may promulgate rules establishing payment  
13 and reporting periods as needed to administer this subsection.

14           **(2) NONFINANCIAL ELIGIBILITY REQUIREMENTS.** An individual is eligible for a  
15 Wisconsin works employment position and a job access loan in a month only if all of  
16 the following nonfinancial eligibility requirements are met:

17           (a) The individual is a custodial parent.

18           (b) The individual has attained the age of 18.

19           (c) The individual is a U.S. citizen or a qualifying alien, as defined by the  
20 department by rule.

21           (d) The individual has resided in this state for at least 60 consecutive days prior  
22 to applying under s. 49.141 (3) and has demonstrated an intent to continue to reside  
23 in this state. This paragraph does not apply to a migrant worker, unless the migrant  
24 worker is applying for a job access loan.

1 (f) The individual fully cooperates in efforts directed at establishing the  
2 paternity of the dependent child and obtaining support payments or any other  
3 payments or property to which that individual and the dependent child may have  
4 rights. Such cooperation shall be in accordance with federal law and regulations and  
5 rules promulgated by the department applicable to paternity establishment and  
6 collection of support payments.

7 (g) The individual furnishes the Wisconsin works agency with any relevant  
8 information that the Wisconsin works agency determines is necessary, consistent  
9 with rules promulgated by the department, within 7 working days after receiving a  
10 request for the information from the Wisconsin works agency.

11 (h) The individual has made a good faith effort, as determined by the Wisconsin  
12 works agency on a case-by-case basis, to obtain employment and has not refused any  
13 bona fide offer of employment within the 180 days immediately preceding  
14 application.

15 (i) The individual is not receiving supplemental security income under 42 USC  
16 1381 to 1383c or state supplemental payments under s. 49.77.

17 (j) On the last day of the month, the individual is not participating in a strike.

18 (k) The individual applies for or provides a social security account number as  
19 required by the department.

20 (L) The individual satisfies other eligibility criteria established by the  
21 department.

22 (m) The individual reports any change in circumstances that may affect his or  
23 her eligibility to the Wisconsin works agency within 10 days after the change.

24 (n) Beginning on the date on which the individual has attained the age of 18,  
25 the total number of months in which the individual has participated in the job

1 opportunities and basic skills program under s. 49.193 or has participated in a  
2 Wisconsin works employment position or both does not exceed 60 months. The  
3 months need not be consecutive. Participation in the job opportunities and basic  
4 skills program under s. 49.193 counts toward the 60-month limit beginning on the  
5 effective date of this paragraph .... [revisor inserts date]. A Wisconsin works agency  
6 may waive the requirements under this paragraph if the Wisconsin works agency  
7 determines, in accordance with rules promulgated by the department, that unusual  
8 circumstances exist that warrant an extension of the participation period.

9 (p) If the individual has applied for Wisconsin works within the 180 days  
10 immediately preceding the current application, the individual has cooperated with  
11 the efforts of a Wisconsin works agency to assist the individual in obtaining  
12 employment.

13 (q) No other individual in the Wisconsin works group is a participant in a  
14 Wisconsin works employment position. This paragraph does not apply to an  
15 individual applying for a job access loan.

16 **(3) FINANCIAL ELIGIBILITY REQUIREMENTS.** An individual is eligible for a  
17 Wisconsin works employment position and a job access loan only if all of the following  
18 financial eligibility requirements are met:

19 (a) *Resource limitations.* The individual is a member of a Wisconsin works  
20 group whose assets do not exceed \$2,500 in combined equity value. In determining  
21 the combined equity value of assets, the Wisconsin works agency shall exclude the  
22 equity value of automobiles up to a total equity value of \$10,000, and one home that  
23 serves as the homestead for the Wisconsin works group.

24 (b) *Income limitations.* The individual is a member of a Wisconsin works group  
25 whose gross income is at or below 115% of the poverty line. In calculating gross

1 income under this paragraph, the Wisconsin works agency shall include all of the  
2 following:

3 1. All earned and unearned income of the individual, except any amount  
4 received under section 32 of the internal revenue code, as defined in s. 71.01 (6), any  
5 amount received under s. 71.07 (9e), any payment made by an employer under  
6 section 3507 of the internal revenue code, as defined in s. 71.01 (6), and any  
7 assistance received under s. 49.148.

8 2. Child support payments received on behalf of a child who is a member of the  
9 Wisconsin works group.

10 3. The income of a nonmarital coparent or of the individual's spouse, if the  
11 spouse resides in the same home as the dependent child. If the spouse is the  
12 stepparent of the individual's dependent child, the income of the spouse does not  
13 include any amount of court-ordered support actually paid for anyone who does not  
14 reside in the home.

15 **(4) REVIEW OF ELIGIBILITY.** A Wisconsin works agency shall periodically review  
16 an individual's eligibility. The individual remains eligible under sub. (3) until the  
17 Wisconsin works group's assets exceed the asset limits for at least 2 months or until  
18 the income of the Wisconsin works group is expected to exceed the income limits for  
19 at least 2 consecutive months.

20 **SECTION 71.** 49.146 of the statutes is created to read:

21 **49.146 Employer criteria.** The department shall establish by rule criteria  
22 that an employer providing a Wisconsin works employment position must meet in  
23 order to employ a participant under s. 49.147 (3) to (5). An employer that does not  
24 meet the criteria established under this section is ineligible to receive any subsidy  
25 for any position provided to a participant.

1           **SECTION 72.** 49.147 of the statutes is created to read:

2           **49.147 Wisconsin works; work programs and job access loans. (1)**

3           GENERAL PROVISIONS. (a) *Definition.* In this section, “unsubsidized employment”  
4           means employment for which the Wisconsin works agency provides no wage subsidy  
5           to the employer.

6           (b) *Required hours.* The Wisconsin works agency shall determine the  
7           maximum number of hours a participant may be required to work in a community  
8           service job or transitional placement in accordance with criteria established by the  
9           department by rule, not to exceed 40 hours per week.

10          **(2) UNSUBSIDIZED EMPLOYMENT.** (a) *Job search, orientation and training*  
11          *activities.* 1. An individual who applies for a Wisconsin works employment position  
12          may be required by the Wisconsin works agency to search for unsubsidized  
13          employment during the period that his or her application is being processed as a  
14          condition of eligibility. A participant in a Wisconsin works employment position shall  
15          search for unsubsidized employment throughout his or her participation. The  
16          department shall define by rule satisfactory search efforts for unsubsidized  
17          employment.

18          2. A Wisconsin works agency may require an applicant for a Wisconsin works  
19          employment position to participate in job orientation during the period that his or  
20          her application is being processed as a condition of eligibility. A Wisconsin works  
21          agency may require a participant in a Wisconsin works employment position to  
22          engage in training activities in accordance with rules promulgated by the  
23          department as part of the participant’s participation requirements.

24          (b) *Job search assistance.* A Wisconsin works agency shall assist a participant  
25          in his or her search for unsubsidized employment. In determining an appropriate

1 placement for a participant, a Wisconsin works agency shall give priority to  
2 placement in unsubsidized employment over placements under subs. (3) to (5).

3 **(3) TRIAL JOBS.** (a) *Administration.* A Wisconsin works agency shall administer  
4 a trial job program as part of its administration of the Wisconsin works program. In  
5 determining an appropriate placement for a participant, a Wisconsin works agency  
6 shall give priority to placement under this subsection over placements under subs.  
7 (4) and (5). The Wisconsin works agency shall pay a wage subsidy, determined by the  
8 department by rule, to an employer that employs a participant under this subsection.

9 (b) *Worker's compensation.* The employer shall provide the participant with  
10 worker's compensation coverage.

11 (c) *Time-limited participation.* A participant under this subsection may  
12 participate in a trial job for a maximum of 6 months, with an opportunity for a  
13 3-month extension under circumstances determined by the department. A  
14 participant may participate in more than one trial job, but may not exceed a total of  
15 24 months of participation under this subsection. The months need not be  
16 consecutive. The department or, with the approval of the department, the Wisconsin  
17 works agency may grant an extension of the 24-month limit if the participant has  
18 made all appropriate efforts to find unsubsidized employment and has been unable  
19 to find unsubsidized employment because local labor market conditions preclude a  
20 reasonable job opportunity for that participant, as determined by a Wisconsin works  
21 agency and approved by the department.

22 **(4) COMMUNITY SERVICE JOB.** (a) *Administration.* A Wisconsin works agency  
23 shall administer a community service job program as part of its administration of  
24 Wisconsin works to improve the employability of individuals who are not otherwise  
25 able to obtain employment, as determined by the Wisconsin works agency, by

1 providing work experience and training to assist them to move promptly into  
2 unsubsidized public or private employment or a trial job. In determining an  
3 appropriate placement for a participant, a Wisconsin works agency shall give  
4 placement under this subsection priority over placements under sub. (5).  
5 Community service jobs shall be limited to projects that the department determines  
6 would serve a useful public purpose or projects the cost of which is partially or wholly  
7 offset by revenue generated from such projects. After each 6 months of an  
8 individual's participation under this subsection and at the conclusion of each  
9 assignment under this subsection, a Wisconsin works agency shall reassess the  
10 individual's employability.

11 (b) *Time-limited participation.* An individual may participate in a community  
12 service job for a maximum of 6 months, with an opportunity for a 3-month extension  
13 under circumstances approved by the department. An individual may participate  
14 in more than one community service job, but may not exceed a total of 24 months of  
15 participation under this subsection. The months need not be consecutive. The  
16 department or, with the approval of the department, the Wisconsin works agency  
17 may grant an extension to the 24-month limit if the Wisconsin works agency  
18 determines that the individual has made all appropriate efforts to find unsubsidized  
19 employment and has been unable to find unsubsidized employment because local  
20 labor market conditions preclude a reasonable employment opportunity in  
21 unsubsidized employment for that participant, as determined by a Wisconsin works  
22 agency and approved by the department, and if the Wisconsin works agency  
23 determines, and the department agrees, that no trial job opportunities are available  
24 in the specified local labor market.

1 (c) *Worker's compensation.* A participant under this subsection is an employe  
2 of the Wisconsin works agency for purposes of worker's compensation coverage,  
3 except to the extent that the person for whom the participant is performing work  
4 agrees to provide worker's compensation coverage.

5 (5) TRANSITIONAL PLACEMENT. (a) *Additional eligibility criteria.* An individual  
6 is eligible to participate in a transitional placement under this subsection if, in  
7 addition to meeting the eligibility requirements under s. 49.145, any of the following  
8 conditions is met with respect to the individual:

9 1. The Wisconsin works agency determines, on the basis of an independent  
10 assessment by the division of vocational rehabilitation or similar agency or business,  
11 that the individual has been incapacitated for a period of at least 60 days.

12 2. The Wisconsin works agency determines that the individual is needed in the  
13 home because of the illness or incapacity of another member of the Wisconsin works  
14 group.

15 3. The Wisconsin works agency determines that the individual is incapable of  
16 performing a trial job or community service job.

17 (b) *Administration.* 1. The Wisconsin works agency shall assign a participant  
18 under this subsection to work activities such as a sheltered workshop, a job similar  
19 to a community service job or a volunteer activity. A Wisconsin works agency may  
20 require a participant under this subsection to participate in any of the following:

21 a. An alcohol and other drug abuse evaluation, assessment and treatment  
22 program.

23 b. A training or education program, as defined by the department by rule.

24 c. Mental health activities, as defined by the department by rule.

25 d. Counseling or physical rehabilitation activities.



1 e. Other activities that the Wisconsin works agency determines are consistent  
2 with the capabilities of the individual.

3 2. An individual may participate in a transitional placement for a maximum  
4 of 24 months. The months need not be consecutive. This period may be extended on  
5 a case-by-case basis by the department or by the Wisconsin works agency with the  
6 approval of the department.

7 (c) *Worker's compensation.* A participant under this subsection is an employe  
8 of the Wisconsin works agency for purposes of worker's compensation coverage,  
9 except to the extent that the person for whom the participant is performing work  
10 agrees to provide worker's compensation coverage.

11 **(6) JOB ACCESS LOAN.** (a) *Additional eligibility criteria.* An individual is eligible  
12 to receive a job access loan if, in addition to meeting the eligibility requirements  
13 under s. 49.145, all of the following conditions are met with respect to the individual:

14 1. The individual needs the loan to address an immediate and discrete financial  
15 crisis. The crisis may not be the result of the individual's failure to accept a bona fide  
16 offer of employment or the individual's termination of a job without good cause.

17 2. The individual needs the loan to obtain or continue employment.

18 3. The individual is not in default with respect to the repayment of any previous  
19 job access loan or repayment of any grant or wage overpayments under this section.

20 (b) *Terms.* The department shall promulgate rules establishing the terms of  
21 any job access loan, including all of the following:

22 1. The maximum and minimum loan amounts in any 12-month period.

23 2. The method of loan disbursement.

24 3. The terms of repayment.

25 4. The interest, if any, to be paid on the loan.

1 (c) *Distribution and administration.* From the appropriation under s. 20.445  
2 (3) (dz), the department shall distribute funds for job access loans to a Wisconsin  
3 works agency, which shall administer the loans in accordance with rules  
4 promulgated by the department.

5 (d) *Minor custodial parents.* An individual who would be eligible for a job access  
6 loan under par. (a), except that the individual has not attained the age of 18, is  
7 eligible under this paragraph if the individual meets the following requirements:

8 1. The individual is in an out-of-home placement or independent living  
9 arrangement supervised by an adult, as defined by the department.

10 2. The individual has graduated from high school or has met the standards  
11 established by the secretary of education for the granting of a declaration of  
12 equivalency of high school graduation under s. 115.29 (4).

13 3. The individual will be 18 years old within 2 months after applying for the  
14 job access loan.

15 **SECTION 73.** 49.148 of the statutes is created to read:

16 **49.148 Wisconsin works; benefits for participants in employment**  
17 **positions.** (1) **BENEFIT LEVELS.** A participant in a Wisconsin works employment  
18 position shall receive the following benefits:

19 (a) *Trial jobs.* For a participant in a trial job, minimum wage for every hour  
20 actually worked in the trial job and for every hour the participant engaged in  
21 required training activities under s. 49.147 (2) (a) 2., not to exceed 40 hours per week  
22 paid by the employer.

23 (b) *Community service jobs.* 1. For a participant in a community service job,  
24 a grant equal to 75% of the minimum wage computed for one month of full-time  
25 employment, paid biweekly on a prorated basis by the Wisconsin works agency. For

1 every hour that the participant misses work without good cause, the Wisconsin  
2 works agency shall reduce the grant amount by an amount equal to 75% of minimum  
3 wage computed for one hour. Good cause shall be determined by the financial and  
4 employment planner in accordance with rules promulgated by the department.

5 2. A participant who is a custodial parent of a child who is 12 weeks old or less  
6 may receive a monthly grant under this paragraph equal to 75% of minimum wage  
7 computed for a month of full-time employment. A Wisconsin works agency may not  
8 require a participant under this subdivision to participate in any employment  
9 activities.

10 (c) *Transitional placements.* For a participant in a transitional placement, a  
11 grant equal to 70% of the minimum wage computed for one month of full-time  
12 employment, paid monthly by the Wisconsin works agency. For every hour that the  
13 participant fails to participate in any required activity without good cause, including  
14 any activity under s. 49.147 (5) (b) 1. a. to e., the Wisconsin works agency shall reduce  
15 the grant amount by an amount equal to 70% of minimum wage computed for one  
16 hour. No grant may be paid for a month in which the participant fails to participate  
17 for more than 75% of the required hours without good cause. Good cause shall be  
18 determined by the financial and employment planner in accordance with rules  
19 promulgated by the department.

20 (2) **BENEFIT REVIEW.** Notwithstanding sub. (1), the department may promulgate  
21 rules establishing benefit levels for participants in Wisconsin works employment  
22 positions that are different from those specified under sub. (1).

23 **SECTION 74.** 49.149 of the statutes is created to read:

24 **49.149 Wisconsin works; education and training.** A Wisconsin works  
25 agency shall do all of the following:

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

4           (2) Provide participants in a Wisconsin works employment position with  
5 soft-skills and life-skills training, as defined by the department by rule.

6           (3) Encourage employers to make training sites available on the business site  
7 for participants.

8           (4) Work with the department of commerce to coordinate the provision of  
9 training to participants in conjunction with employers eligible for the development  
10 zone program under subch. VI of ch. 560.

11           **SECTION 75.** 49.151 of the statutes is created to read:

12           **49.151 Wisconsin works; sanctions.** A participant who refuses to  
13 participate 3 times in any Wisconsin works employment position component is  
14 ineligible to participate in that component. A participant whom the Wisconsin works  
15 agency has determined is ineligible under this section for a particular Wisconsin  
16 works employment position component may be eligible to participate in any other  
17 Wisconsin works employment position component in which the participant has not  
18 refused to participate 3 times. A participant refuses to participate in a Wisconsin  
19 works employment position component if the participant does any of the following:

20           (1) Expresses verbally or in writing to a Wisconsin works agency that he or she  
21 refuses to participate.

22           (2) Fails to appear for an interview with a prospective employer or, if the  
23 participant is in a Wisconsin works transitional placement, fails to appear for an  
24 assigned activity, including an activity under s. 49.147 (5) (b) 1. a. to e., without good  
25 cause, as determined by the Wisconsin works agency.

1           (3) Voluntarily leaves appropriate employment or training without good cause,  
2 as determined by the Wisconsin works agency.

3           (4) Loses employment as a result of being discharged for cause.

4           (5) Demonstrates through other behavior or action, as specified by the  
5 department by rule, that he or she refuses to participate in a Wisconsin works  
6 employment position.

7           **SECTION 76.** 49.152 of the statutes is created to read:

8           **49.152 Agency review of agency decisions. (1) PETITION FOR REVIEW.** Any  
9 individual whose application for Wisconsin works under s. 49.147 (1) to (5) is not  
10 acted upon by the Wisconsin works agency with reasonable promptness after the  
11 filing of the application, as defined by the department by rule, or is denied in whole  
12 or in part, whose benefit is modified or canceled, or who believes the award to be  
13 insufficient, may petition the Wisconsin works agency for a review of such action.  
14 Review is unavailable if the action by the Wisconsin works agency occurred more  
15 than 45 days prior to submission of the petition for review.

16           (2) REVIEW. (a) Upon a timely petition under sub. (1), the Wisconsin works  
17 agency shall give the applicant or participant reasonable notice and opportunity for  
18 a review. The Wisconsin works agency shall render its decision as soon as possible  
19 after the review and shall send a certified copy of its decision to the applicant or  
20 participant. The decision of the Wisconsin works agency is final, but may be revoked  
21 or modified as altered conditions may require. The Wisconsin works agency shall  
22 deny a petition for a review or shall refuse to grant relief if the petitioner does any  
23 of the following:

24           a. Withdraws the petition in writing.

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

4           **SECTION 77.** 49.153 of the statutes is created to read:

5           **49.153 Wisconsin works health plan. (1) DEFINITIONS.** In this section:

6           (a) “Employer-subsidized health care coverage” means health care coverage  
7 for which the employer pays at least 50% of the cost of coverage for the employe,  
8 excluding dependent coverage, or a higher percentage as determined by the  
9 department by rule.

10          (b) “Unsubsidized employer-offered health care coverage” means health  
11 insurance coverage for which the employer pays less than 50% of the cost of coverage  
12 for the employe excluding dependent coverage.

13          **(2) ADMINISTRATION.** The department of health and family services shall  
14 provide health services and benefits under sub. (4) to individuals who have been  
15 determined by a Wisconsin works agency to be eligible under sub. (3) for such services  
16 and benefits. The Wisconsin works agency shall provide the department of health  
17 and family services with a list of eligible individuals.

18          **(3) ELIGIBILITY.** (a) *General provisions.* 1. A Wisconsin works agency shall  
19 determine eligibility for benefits and services under this section, in accordance with  
20 rules promulgated by the department of industry, labor and job development. An  
21 individual who applies for and receives benefits and services under this section is  
22 considered to have assigned to the state any rights to medical support or other  
23 payment of medical expenses from any other person, including rights to unpaid  
24 amounts accrued at the time of application for benefits and services under this  
25 section and any rights to support accruing during the time for which benefits and

1 services under this section are provided. Eligibility for benefits and services under  
2 this section begins on the first day of the month in which the application is made.

3 2. An individual who is eligible for the health care coverage under this section  
4 remains eligible under this section for 12 consecutive months or until the individual  
5 has access to unsubsidized employer-offered health care coverage, whichever is  
6 later.

7 (b) *Wisconsin works groups.* Except as provided in pars. (d) and (e), an  
8 individual who is a member of a Wisconsin works group is eligible for benefits and  
9 services under this section if all of the following conditions apply:

10 1. The individual meets the criteria under s. 49.145 (2) (c), (f), (g), (i), (L) and  
11 (m) and resides in this state.

12 2. The Wisconsin works group meets the resource limitation under s. 49.145 (3)  
13 (a).

14 3. The gross income of the Wisconsin works group is at or below 165% of the  
15 poverty line, or, for a Wisconsin works group that is already receiving health care  
16 coverage under this section, the gross income is at or below 200% of the poverty line.  
17 In calculating the gross income of the Wisconsin works group, the department shall  
18 include income described under s. 49.145 (3) (b) 1. to 3.

19 (c) *Pregnant women.* Except as provided in par. (e), a pregnant woman whose  
20 pregnancy has been medically verified and who has no dependent children is eligible  
21 for benefits and services under this section if she meets the following conditions:

22 1. The woman meets the criteria under s. 49.145 (2) (c), (g), (i), (L) and (m) and  
23 resides in this state.

24 2. The woman meets the resource limitation under s. 49.145 (3) (a).

1           3. The gross income of the woman is at or below 165% of the poverty line. In  
2 calculating gross income under this subdivision, the Wisconsin works agency shall  
3 include income described under s. 49.145 (3) (b) 1. and 3.

4           (d) *Minor parents.* An individual who is a custodial parent and who is under  
5 the age of 18, and any dependent children with respect to whom the individual is a  
6 custodial parent, are eligible for benefits and services under this section only if the  
7 individual meets any of the following conditions:

8           1. The individual resides with his or her custodial parent and the gross income  
9 of the parent does not exceed 165% of the poverty line. In calculating the gross  
10 income of the custodial parent, the department shall include income described under  
11 s. 49.145 (3) (b) 1. to 3.

12           2. The individual is in a court-ordered out-of-home placement or an  
13 independent living arrangement supervised by an adult and the gross income of the  
14 individual does not exceed 165% of the poverty line. In calculating the gross income  
15 of the individual, the department shall include income described under s. 49.145 (3)  
16 (b) 1. to 3.

17           (e) *Access to employer-subsidized health care coverage.* An individual is eligible  
18 for health care coverage under this section only if the individual has not had access  
19 to employer-subsidized health care coverage for the 18 months immediately  
20 preceding application for health care coverage under this section. This paragraph  
21 does not apply to any of the following:

22           1. An individual who has lost access to employer-subsidized health care  
23 coverage within the 18 months immediately preceding application for health care  
24 coverage under this subsection because of the termination by the employer of the  
25 employment relationship for a reason other than misconduct on the part of the



1 employe and who has not had access to employer-subsidized health care coverage  
2 since the termination.

3 2. An individual who has lost access to employer-subsidized health care  
4 coverage within the 18 months immediately preceding application for health care  
5 coverage under this subsection because of the termination by the employe of the  
6 employment relationship for just cause.

7 3. A dependent child who has lost eligibility for employer-subsidized health  
8 care coverage for any reason.

9 (f) *Ineligibility.* No individual is eligible for health care coverage under this  
10 section in a month in which that individual is eligible for employer-subsidized health  
11 care coverage.

12 (4) WISCONSIN WORKS HEALTH PLAN. (a) *Health maintenance organization*  
13 *contract.* The department of health and family services shall contract with one or  
14 more health maintenance organizations or other health care providers to provide  
15 health care services under this subsection. Each contract for the provision of health  
16 care services entered into by the department of health and family services under this  
17 subsection shall be awarded on the basis of a competitive process in accordance with  
18 procedures established by the department of health and family services.

19 (b) *Health care services provided.* 1. Except as provided in subd. 2., the  
20 Wisconsin works health plan shall cover the care and services required under a state  
21 plan for medical assistance under 42 USC 1396d and any additional care and  
22 services established by the department of health and family services by rule.

23 2. The Wisconsin works health plan shall not cover the following goods and  
24 services:

25 a. Nonpreventive dental care.

1           b. Eyeglasses.

2           c. Hearing aids.

3           d. Home health, private duty nursing and personal care services in excess of  
4 40 visits per year.

5           e. Nursing home services in excess of 30 days.

6           f. Over-the-counter drugs.

7           g. Treatment of nervous or mental disorders and alcoholism or other drug abuse  
8 problems in excess of the minimum coverage required under s. 632.89 (2).

9           (c) *Distribution of payments.* From the appropriations under s. 20.435 (1) (b)  
10 and (o), the department of health and family services shall make payments to a  
11 health maintenance organization or other health care provider with which the  
12 department of health and family services has contracted under par. (a) in accordance  
13 with the payment schedule established by the department of health and family  
14 services by rule.

15           (d) *Premiums.* An individual who receives the Wisconsin works health plan  
16 shall pay to the Wisconsin works agency a monthly premium in accordance with  
17 criteria based on income, resources and family size and established by the  
18 department of industry, labor and job development by rule. The employer of a  
19 participant in a trial job shall deduct the premium established by the department of  
20 industry, labor and job development from the participant's wages and shall pay the  
21 premium amount withheld to the Wisconsin works agency. The Wisconsin works  
22 agency shall deduct the established premium on a prorated basis from the biweekly  
23 grant payment of a participant in a community service job and shall deduct the  
24 established premium from the monthly grant of a participant in a transitional  
25 placement.

1           **SECTION 78.** 49.155 of the statutes is created to read:

2           **49.155 Wisconsin works; child care subsidy. (1) ELIGIBILITY.** A Wisconsin  
3 works agency shall determine eligibility for a child care subsidy under this section.  
4 An individual may receive a child care subsidy under this section if the individual  
5 meets all of the following conditions:

6           (a) The individual is a custodial parent of a child who is under the age of 10,  
7 or is a person who, under s. 48.57 (3m), is providing care and maintenance for a child  
8 who is under the age of 10, and child care services are needed in order for the  
9 individual to meet the school attendance requirement under s. 49.26 (1) (ge) or to  
10 work, seek work, or participate in any of the following activities approved by the  
11 Wisconsin works agency:

12           1. Training provided by an employer during the regular hours of employment.  
13           2. Other employment skills training, as defined by the department by rule, if  
14 the individual meets any of the following conditions:

15           a. The individual has been employed in unsubsidized employment for 9  
16 consecutive months and continues to be so employed.

17           b. The individual has successfully participated in a trial job or community  
18 service job for 60 consecutive days and continues to so participate.

19           (b) The individual meets the eligibility conditions under s. 49.145 (2) (c) to (g)  
20 and (3) (a), except that an individual may be eligible for a child care subsidy under  
21 this section regardless of the number of days the individual has resided in this state  
22 prior to applying for the child care subsidy.

23           (c) The individual is a member of a Wisconsin works group whose gross income  
24 is at or below 165% of the poverty line. In calculating the gross income of the

1 Wisconsin works group, the department shall include income described under s.  
2 49.145 (3) (b) 1. to 3.

3 (d) The individual satisfies other eligibility criteria established by the  
4 department by rule.

5 **(2) DISTRIBUTION OF CHILD CARE FUNDS.** From the appropriation under s. 20.445  
6 (3 (dz), the department shall distribute funds allocated for child care services under  
7 this section.

8 **(3) USE OF CHILD CARE FUNDS.** (a) A Wisconsin works agency may provide child  
9 care services itself; purchase child care services from a child care provider; provide  
10 vouchers to an eligible parent for the payment of child care services provided by a  
11 child care provider; reimburse an eligible parent for payments made by the parent  
12 to a child care provider for child care services; adopt, with the approval of the  
13 department, any other arrangement that the Wisconsin works agency considers  
14 appropriate; or use any combination of these methods to provide child care.

15 (b) With the approval of the department, a Wisconsin works agency may spend  
16 moneys distributed under this section for start-up, improvement or expansion of  
17 child care services or facilities or for the recruitment, education or training of persons  
18 providing child care.

19 **(4) CHOICE OF PROVIDER.** An eligible individual shall choose whether the child  
20 care will be provided by a day care provider licensed under s. 48.65, a day care  
21 provider certified under s. 48.651, or a provider of provisional certified family care,  
22 as defined by the department by rule.

23 **(5) LIABILITY FOR PAYMENT.** An individual who receives aid under this section  
24 is liable for a portion of the cost of child care received, payable in accordance with a

1 sliding scale formula established by the department that is based on the individual's  
2 ability to pay.

3 **(6) CHILD CARE RATES AND QUALITY STANDARDS.** (a) The department shall  
4 establish the maximum rate that a Wisconsin works agency may pay for child care  
5 services provided under this section. The department shall set the rate at a  
6 reasonable and customary level that does not preclude eligible individuals from  
7 having a reasonable selection of child care providers.

8 (b) 1. The department shall promulgate rules to establish quality of care  
9 standards for child care providers that are higher than the quality of care standards  
10 required for licensure under s. 48.65 or for certification under s. 48.651. The  
11 standards established by rules promulgated under this subdivision shall consist of  
12 the standards provided for the accreditation of day care centers by the National  
13 Association for the Education of Young Children or any other comparable standards  
14 that the department may establish, including standards regarding the turnover of  
15 child care provider staff and the training and benefits provided for child care  
16 provider staff.

17 2. To the extent permitted under federal law, the department shall also  
18 promulgate rules to establish a system of rates or a program of grants that the  
19 department will pay to child care providers that meet the higher quality of care  
20 standards established by rules promulgated under subd. 1. If a system of rates is  
21 established by the rules promulgated under this subdivision, the rates under that  
22 system shall be higher than the rates established under par. (a).

23 **(7) REFUSAL TO PAY CHILD CARE PROVIDERS.** A Wisconsin works agency may refuse  
24 to pay a child care provider for child care provided under this section if any of the

1 following applies to the child care provider, employe or person living on the premises  
2 where child care is provided:

3 (a) The person has been convicted of a felony or misdemeanor that the  
4 Wisconsin works agency determines substantially relates to the care of children.

5 (b) The person is the subject of a pending criminal charge that the Wisconsin  
6 works agency determines substantially relates to the care of children.

7 (c) The person has been determined under s. 48.981 to have abused or neglected  
8 a child.

9 **SECTION 79.** 49.157 of the statutes is created to read:

10 **49.157 Wisconsin works; transportation assistance. (1) ELIGIBILITY.** In  
11 accordance with rules promulgated by the department, a Wisconsin works agency  
12 shall determine the eligibility of an individual for financial assistance for  
13 transportation costs associated with transporting a child to and from a child care  
14 provider.

15 **(2) DISTRIBUTION OF FUNDS.** The department shall distribute the funds allocated  
16 under s. 49.181 (1) (h) for transportation assistance to Wisconsin works agencies.

17 **SECTION 80.** 49.159 of the statutes is created to read:

18 **49.159 Wisconsin works; noncustodial and minor and other custodial**  
19 **parents. (1) NONCUSTODIAL PARENTS.** An individual who would be eligible under s.  
20 49.145 except that the individual is the noncustodial parent of a dependent child, is  
21 eligible for services under this subsection if the dependent child's custodial parent  
22 is a participant. The Wisconsin works agency may provide job search assistance and  
23 case management designed to enable eligible noncustodial parents to obtain and  
24 retain employment.

1           **(2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.** A  
2 custodial parent who is under the age of 18 is eligible, regardless of that individual's  
3 or that individual's parent's income or assets, to meet with a financial and  
4 employment planner. The financial and employment planner may provide the  
5 individual with information regarding Wisconsin works eligibility, available child  
6 care services, employment and financial planning, family planning services,  
7 community resources, eligibility for food stamps and other food and nutrition  
8 programs.

9           **(3) OTHER CUSTODIAL PARENTS.** A custodial parent in a Wisconsin works group  
10 in which the other custodial parent is a participant in a Wisconsin works  
11 employment position is eligible for employment training and job search assistance  
12 services provided by the Wisconsin works agency.

13           **SECTION 81.** 49.161 of the statutes is created to read:

14           **49.161 Wisconsin works; overpayments.** The department shall recover an  
15 overpayment of benefits paid under s. 49.148 from an individual who continues to  
16 receive benefits under s. 49.148 by reducing the amount of the individual's benefit  
17 payment by no more than 10%.

18           **SECTION 82.** 49.181 of the statutes is created to read:

19           **49.181 Public assistance and local assistance funding. (1) FUNDS**  
20 **DISTRIBUTION.** Except as provided in sub. (2), within the limits of the appropriation  
21 under s. 20.435 (4) (dz), the department shall allocate the following amounts for the  
22 following purposes:

23           (a) *Child care for recipients and former recipients of aid to families with*  
24 *dependent children.* For child care services under s. 49.50 (6g) and for child care  
25 services and related transportation costs under s. 49.50 (6e) (a) or (b) and (6k) (b),

1 the department shall allocate \$4,713,000 in fiscal year 1995-96 and \$5,687,400 in  
2 fiscal year 1996-97.

3 (b) *Low-income and at-risk child care.* For low-income and at-risk child care  
4 services under s. 46.98 (2m) to (4), the department shall allocate \$21,404,100 in fiscal  
5 year 1995-96 and \$21,504,800 in fiscal year 1996-97.

6 (c) *Income maintenance payments to individuals.* For income maintenance  
7 payments to individuals under s. 49.52 and for foster care and treatment foster care  
8 provided by nonlegally responsible relatives under state or county administered  
9 programs, if the relatives are licensed to operate foster homes or treatment foster  
10 homes under s. 48.62, the department shall allocate \$141,277,600 in fiscal year  
11 1995-96 and \$132,968,700 in fiscal year 1996-97.

12 (d) *Public assistance administration and medical assistance eligibility*  
13 *determination.* For payment distribution under s. 49.52 (1) for county  
14 administration of public assistance benefits and medical assistance eligibility  
15 determination, for payments to American Indian tribes for administration of public  
16 assistance benefits, and for fraud investigation and error reduction under s. 49.197  
17 (1m) and (4), the department shall allocate \$28,189,100 in fiscal year 1995-96 and  
18 \$28,864,400 in fiscal year 1996-97.

19 (e) *Emergency assistance for families with needy children.* For emergency  
20 assistance for families with needy children under s. 49.19 (11) (b), the department  
21 shall allocate \$1,659,700 in fiscal year 1995-96 and \$1,659,700 in fiscal year  
22 1996-97.

23 (f) *Learnfare; job opportunities and basic skills program; food stamp*  
24 *employment and training; parental responsibility pilot program.* For the learnfare  
25 program under s. 49.50 (7), the job opportunities and basic skills program under s.



1 49.193, the food stamp employment and training project under s. 49.124 and the  
2 parental responsibility pilot program under s. 49.25, the department shall allocate  
3 \$25,045,800 in fiscal year 1995-96 and \$26,447,100 in fiscal year 1996-97.

4 (g) *Learnfare case management.* For case management for learnfare pupils  
5 under s. 46.62, the department shall allocate \$1,289,300 in fiscal year 1995-96 and  
6 \$1,309,500 in fiscal year 1996-97.

7 (h) *Wisconsin works administration.* For payments to Wisconsin works  
8 agencies under s. 49.52 (1) for administration of Wisconsin works benefits under ss.  
9 49.141 to 49.151 and 49.155 to 49.161, for Wisconsin works health care coverage  
10 eligibility determination under s. 49.153 and for fraud investigation and error  
11 reduction under s. 49.197 (1m) and (4) and for payments to individuals under s.  
12 49.148 for Wisconsin works employment positions and under ss. 49.155 and 49.157  
13 for child care and related transportation services, the department shall allocate \$0  
14 for fiscal year 1996-97.

15 (2) TRANSFER OF FUNDS. With the approval of the secretary of administration,  
16 the department may use up to 30% of the amounts required to be allocated under any  
17 paragraph under sub. (1) for any other purpose described under sub. (1) (a) to (g) in  
18 each fiscal year.

19 **SECTION 83.** 49.181 (1) (intro.), (a), (c), (d), (f) and (g) and (2) of the statutes, as  
20 created by 1995 Wisconsin Act .... (this act), are amended to read:

21 49.181 (1) FUNDS DISTRIBUTION. (intro.) Within the limits of the appropriation  
22 under s. ~~20.435 (4) (dz)~~ 20.445 (3) (dz), the department shall allocate the following  
23 amounts for the following purposes:

24 (a) *Child care for recipients and former recipients of aid to families with*  
25 *dependent children.* For child care services under s. ~~49.50 (6g)~~ 49.191 (2) and for child

1 care services and related transportation costs under s. ~~49.50 (6e)~~ 49.191 (1) (a) or (b)  
2 and ~~(6k) (3)~~ (b), the department shall allocate \$4,713,000 in fiscal year 1995-96 and  
3 \$5,687,400 in fiscal year 1996-97.

4 (c) *Income maintenance payments to individuals.* For income maintenance  
5 payments to individuals under s. ~~49.52 and 49.33~~, for foster care and treatment foster  
6 care provided by nonlegally responsible relatives under state or county administered  
7 programs, if the relatives are licensed to operate foster homes or treatment foster  
8 homes under s. 48.62 and for kinship care under s. 48.57 (3m), the department shall  
9 allocate \$141,277,600 in fiscal year 1995-96 and \$132,968,700 in fiscal year  
10 1996-97.

11 (d) *Public assistance administration and medical assistance eligibility*  
12 *determination.* For payment distribution under s. ~~49.52 (1)~~ 49.33 for county  
13 administration of public assistance benefits and medical assistance eligibility  
14 determination, for payments to American Indian tribes for administration of public  
15 assistance benefits, and for fraud investigation and error reduction under s. 49.197  
16 (1m) and (4), the department shall allocate \$28,189,100 in fiscal year 1995-96 and  
17 \$28,864,400 in fiscal year 1996-97.

18 (f) *Learnfare; job opportunities and basic skills program; food stamp*  
19 *employment and training; parental responsibility pilot program.* For the learnfare  
20 program under s. ~~49.50 (7)~~ 49.26 (1), the job opportunities and basic skills program  
21 under s. 49.193, the food stamp employment and training project under s. 49.124 and  
22 the parental responsibility pilot program under s. 49.25, the department shall  
23 allocate \$25,045,800 in fiscal year 1995-96 and \$26,447,100 in fiscal year 1996-97.

1           (g) *Learnfare case management.* For case management for learnfare pupils  
2 under s. 46.62 49.26 (2), the department shall allocate \$1,289,300 in fiscal year  
3 1995-96 and \$1,309,500 in fiscal year 1996-97.

4           **(2) TRANSFER OF FUNDS.** With the approval of the secretary of administration,  
5 the department may use up to 30% of the amounts required to be allocated under any  
6 paragraph under sub. (1) for any other purpose described under sub. (1) (a) to ~~(g)~~ (h)  
7 in each fiscal year.

8           **SECTION 84.** 49.19 (4e) (a) of the statutes is amended to read:

9           49.19 **(4e)** (a) ~~Except as provided in par. (b), if~~ If a person applying for aid is  
10 under 18 years of age, has never married and is pregnant or has a dependent child  
11 in his or her care, the person is not eligible for aid unless he or she lives in a place  
12 maintained by his or her parent, legal guardian or other adult relative as the  
13 parent's, guardian's or other adult relative's own home or lives in a foster home,  
14 treatment foster home, maternity home or other supportive living arrangement  
15 supervised by an adult.

16           **SECTION 85.** 49.19 (4e) (c) of the statutes is created to read:

17           49.19 **(4e)** (c) The department shall request a waiver from the secretary of the  
18 federal department of health and human services to require, without exception, that  
19 a person applying for aid who is under 18 years of age, has never married and is  
20 pregnant or has a dependent child in his or her care meet the requirements of par.  
21 (a). If a waiver is granted and in effect, par. (b) does not apply.

22           **SECTION 86.** 49.19 (11) (a) 1. a. (intro.) of the statutes, as affected by 1995  
23 Wisconsin Act 12, is amended to read:

24           49.19 **(11)** (a) 1. a. (intro.) ~~Except as provided in subs. (11m) and (11s),~~ monthly  
25 payments made under s. 20.435 (4) ~~(d)~~ (dz) and (p) to persons or to families with

1 dependent children shall be based on family size and shall be at 80% of the total of  
2 the allowances under subds. 2. and 4. plus the following standards of assistance  
3 beginning on September 1, 1987:

4 **SECTION 87.** 49.19 (11) (a) 1. a. (intro.) of the statutes, as affected by 1995  
5 Wisconsin Acts 12, 27 and .... (this act), is repealed and recreated to read:

6 49.19 (11) (a) 1. a. (intro.) Except as provided in subs. (11m) and (11s), monthly  
7 payments made under s. 20.445 (3) (dz) and (p) to persons or to families with  
8 dependent children shall be based on family size and shall be at 80% of the total of  
9 the allowances under subds. 2. and 4. plus the following standards of assistance  
10 beginning on September 1, 1987:

11 **SECTION 88.** 49.19 (20) of the statutes is amended to read:

12 49.19 (20) ~~After December 31, 1998, Beginning on January 1, 1999, or~~  
13 beginning on the first day of the 6th month beginning after the date stated in the  
14 notice under s. 49.141 (2) (d), whichever is sooner, no person is eligible to receive  
15 benefits under this section and no aid may be granted under this section. No  
16 additional notice, other than the enactment of this subsection, is required to be given  
17 under sub. (13) to recipients of aid under this section to terminate their benefits  
18 under this subsection.

19 **SECTION 89.** 49.191 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
20 sections 3089c, 3090 and 3092, is repealed and recreated to read:

21 49.191 (1) CHILD CARE FUNDS FOR CERTAIN RECIEPIENTS OF AID TO FAMILIES WITH  
22 DEPENDENT CHILDREN. Within the limits of funds available under ss. 20.435 (3) (jg)  
23 and 20.445 (3) (dz) and (na), the department shall provide funds for individuals who  
24 are working and who receive aid to families with dependent children to pay child care  
25 costs in excess of the amount of the child care disregard under s. 49.19 (5) (a) and

1 child care costs incurred before the child care disregard under s. 49.19 (5) (a) becomes  
2 available if the child care is provided by a child care provider. This paragraph does  
3 not apply beginning on the first day of the 6th month beginning after the date stated  
4 in the notice under s. 49.141 (2) (d).

5 **SECTION 90.** 49.191 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
6 section 3093c, is amended to read:

7 49.191 (2) CHILD CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH  
8 DEPENDENT CHILDREN. The department shall pay the child care costs of an individual  
9 who secures unsubsidized employment and loses eligibility for aid to families with  
10 dependent children because of earned income or number of hours worked for up to  
11 12 months following the loss of eligibility if the child care is provided by a child care  
12 provider. The department shall establish a formula for assistance based on ability  
13 to pay. The rates for child care services under this subsection shall be determined  
14 under s. 46.98 (4) (d), or, if a higher rate is established under s. 46.98 (4) (e) and if  
15 the child care services meet the quality standards established under s. 46.98 (4) (e),  
16 the rates for child care services under this subsection that meet those standards shall  
17 be determined under s. 46.98 (4) (e). The department shall promulgate rules for the  
18 disbursement of funds under this subsection. This subsection does not apply  
19 beginning on the first day of the 6th month beginning after the date stated in the  
20 notice under s. 49.141 (2) (d).

21 **SECTION 91.** 49.191 (3) (a) and (b) of the statutes, as affected by 1995 Wisconsin  
22 Act 27, are repealed and recreated to read:

23 49.191 (3) (a) County departments under ss. 46.215, 46.22 and 46.23 shall  
24 administer the funds appropriated for the purpose of providing child care under  
25 subs. (1) and (2) for recipients and former recipients of aid under s. 49.19 and under

1 s. 49.26 (1) (e) for participants in the learnfare program. The department shall  
2 allocate funds to county departments under ss. 46.215, 46.22 and 46.23 for the  
3 purposes of this paragraph.

4 (b) Beginning on January 1, 1994, a county department under s. 46.215, 46.22  
5 or 46.23 may, with the approval of the department, provide payment for, or  
6 reimbursement of, child care under sub. (1) or s. 49.193 (8) using funds allocated  
7 under par. (a). The department shall approve or disapprove this use of funds under  
8 criteria established to maximize state and federal funding available for child care.

9 **SECTION 92.** 49.193 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 12,  
10 is amended to read:

11 49.193 (2) (a) The Except as provided in par. (am), the department shall ensure  
12 that all persons required under 42 USC 602 (a) (19) and 42 USC 681 to 687 to  
13 participate in a job opportunities and basic skills training program participate in the  
14 program under this section. In addition, the department shall require a parent or  
15 other caretaker relative of a child who is at least one year of age to participate in the  
16 program under this section on a full-time basis, unless the parent or other caretaker  
17 relative is exempt from participation in the program for a reason other than being  
18 a parent or other caretaker of a child under 3 years of age.

19 **SECTION 93.** 49.193 (2) (am) of the statutes is created to read:

20 49.193 (2) (am) 1. The department shall request a waiver from the secretary  
21 of the federal department of health and human services to permit the application of  
22 subd. 2. If a waiver is granted and in effect, the department shall implement subd.  
23 2. no later than the first day of the 2nd month beginning after the waiver is approved.

24 2. If a waiver is granted and in effect, the department shall require a parent  
25 or other caretaker relative of a child who is at least 12 weeks of age to participate in

1 the program under this section on a full-time basis, unless the parent or other  
2 caretaker relative is exempt from participation for a reason other than being a parent  
3 or other caretaker of a child under 3 years of age.

4 **SECTION 94.** 49.193 (4) (g) of the statutes is amended to read:

5 49.193 (4) (g) Work supplementation, as described in 45 CFR 250.62, in which  
6 participation is ~~voluntary~~ mandatory.

7 **SECTION 95.** 49.193 (4) (j) 4. of the statutes is repealed.

8 **SECTION 96.** 49.193 (4) (k) 1m. of the statutes is created to read:

9 49.193 (4) (k) 1m. Alcohol and other drug abuse prevention, assessment and  
10 treatment programs.

11 **SECTION 97.** 49.193 (4m) of the statutes is created to read:

12 49.193 (4m) ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT  
13 PROGRAM. The department may require participation in an alcohol and other drug  
14 abuse assessment, prevention and treatment program to fulfill employment and  
15 training requirements described in this section.

16 **SECTION 98.** 49.193 (6) (c) of the statutes is amended to read:

17 49.193 (6) (c) ~~No~~ Except as provided in par. (e), no person may be required to  
18 work more than 32 hours per week in a community work experience component. No  
19 person may be required to work more than 16 weeks in a component under this  
20 subsection during a 12-month period, except that a person who is eligible for aid  
21 under s. 49.19 (4) (dm) may be required to work for more than 16 weeks in a  
22 component under this subsection in order to comply with 45 CFR 250.33.

23 **SECTION 99.** 49.193 (6) (e) of the statutes is created to read:

24 49.193 (6) (e) The department shall request a waiver from the secretary of the  
25 federal department of health and human services to allow the department to require

1 a person to work not more than 40 hours per week in a community work experience  
2 component and not more than 6 months in a component under this subsection during  
3 a 12-month period instead of the number of hours and weeks under par. (c). If the  
4 waiver is granted and in effect, the department may require a person to work not  
5 more than 40 hours per week in a community work experience component. If a  
6 waiver is granted and in effect, the department may require a person to work not  
7 more than 6 months in a component under this subsection during a 12-month period,  
8 except that the department may require a person who is eligible for aid under s. 49.19  
9 (4) (dm) to work for more than 6 months in a component under this subsection in  
10 order comply with 45 CFR 250.33.

11 **SECTION 100.** 49.193 (7) of the statutes is repealed.

12 **SECTION 101.** 49.193 (8) (bm) of the statutes is amended to read:

13 49.193 (8) (bm) Beginning on January 1, 1994, a county department under s.  
14 46.215, 46.22 or 46.23 that receives funds to pay or reimburse child care costs under  
15 this subsection ~~or under s. 49.50 (6e) (a)~~ may, with the approval of the department,  
16 use those funds to pay or reimburse child care costs under s. 49.50 (6e) ~~(b)~~, (6g) or (7)  
17 (e). The department shall approve or disapprove of this use of funds under criteria  
18 established to maximize state and federal funding available for child care.

19 **SECTION 102.** 49.193 (8) (bm) of the statutes, as affected by 1995 Wisconsin Acts  
20 27 and .... (this act), is repealed and recreated to read:

21 49.193 (8) (bm) Beginning on January 1, 1994, a county department under s.  
22 46.215, 46.22 or 46.23 that receives funds to pay or reimburse child care costs under  
23 this subsection may, with the approval of the department, use those funds to pay or  
24 reimburse child care costs under s. 49.191 (1) or (2) or 49.26 (1) (e). The department



1 shall approve or disapprove of this use of funds under criteria established to  
2 maximize state and federal funding available for child care.

3 **SECTION 103.** 49.193 (9m) (a) of the statutes, as created by 1995 Wisconsin Act  
4 12, is renumbered 49.193 (9m) (am).

5 **SECTION 104.** 49.193 (9m) (ag) of the statutes is created to read:

6 49.193 **(9m)** (ag) In this subsection, “participant” includes a case head, as  
7 defined by the department by rule, of an aid to families with dependent children case,  
8 even if the needs of the case head have been removed from the case as the result of  
9 a sanction.

10 **SECTION 105.** 49.193 (10m) of the statutes is amended to read:

11 49.193 **(10m)** WORK-FIRST PROGRAM. The department shall select Kenosha  
12 county and additional counties in which to pilot the work-first program under this  
13 subsection. The work-first program shall be conducted as part of the job  
14 opportunities and basic skills program under this section and shall be funded from  
15 s. 20.435 (4) ~~(df)~~ (dz). The work-first program shall seek to increase the amount of  
16 job opportunities and basic skills program services provided to recipients of aid to  
17 families with dependent children and to minimize the time between the date on  
18 which a person in a pilot county first applies for aid to families with dependent  
19 children under s. 49.19 and the date on which the person begins to participate in the  
20 job opportunities and basic skills program under this section.

21 **SECTION 106.** 49.193 (10m) of the statutes, as affected by 1995 Wisconsin Acts  
22 27 and .... (this act), is repealed and recreated to read:

23 49.193 **(10m)** WORK-FIRST PROGRAM. The department shall select Kenosha  
24 county and additional counties in which to pilot the work-first program under this  
25 subsection. The work-first program shall be conducted as part of the job

1 opportunities and basic skills program under this section and shall be funded from  
2 s. 20.445 (3) (dz). The work-first program shall seek to increase the amount of job  
3 opportunities and basic skills program services provided to recipients of aid to  
4 families with dependent children and to minimize the time between the date on  
5 which a person in a pilot county first applies for aid to families with dependent  
6 children under s. 49.19 and the date on which the person begins to participate in the  
7 job opportunities and basic skills program under this section.

8 **SECTION 107.** 49.193 (12) of the statutes is created to read:

9 49.193 (12) SUNSET. Beginning on January 1, 1999, or beginning on the first  
10 day of the 6th month beginning after the date stated in the notice under s. 49.141 (2)  
11 (d), whichever is sooner, no person is eligible to receive benefits under this section  
12 and no aid may be granted under this section. No additional notice, other than  
13 enactment of this subsection, is required to be given to recipients of aid under this  
14 section to terminate their benefits under this subsection.

15 **SECTION 108.** 49.195 (title) of the statutes is amended to read:

16 **49.195 (title) Recovery of aid to families with dependent children and**  
17 **Wisconsin works benefits.**

18 **SECTION 109.** 49.195 (1) of the statutes is amended to read:

19 49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit  
20 under s. 49.148 (1) (b) or (c), 49.153, 49.155 or 49.157 or at any time thereafter  
21 acquires property by gift, inheritance, sale of assets, court judgment or settlement  
22 of any damage claim, or by winning a lottery or prize, the county granting such aid,  
23 or the Wisconsin works agency granting such a benefit, may sue the parent on behalf  
24 of the department to recover the value of that portion of the aid or of the benefit which  
25 does not exceed the amount of the property so acquired. The value of the aid or

1 benefit liable for recovery under this section may not include the value of work  
2 performed by a member of the family in a community work experience program  
3 under s. 46.215 (1) (o), 1991 stats., s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d),  
4 1991 stats., ~~or~~ in a community work experience component under s. 49.193 (6), in a  
5 community service job under s. 49.147 (4) or in a transitional placement under s.  
6 49.147 (5). During the life of the parent, the 10-year statute of limitations may be  
7 pleaded in defense against any suit for recovery under this section; and if such  
8 property is his or her homestead it shall be exempt from execution on the judgment  
9 of recovery until his or her death or sale of the property, whichever occurs first.  
10 Notwithstanding the foregoing restrictions and limitations, where the aid or benefit  
11 recipient is deceased a claim may be filed against any property in his or her estate  
12 and the statute of limitations specified in s. 859.02 shall be exclusively applicable.  
13 The court may refuse to render judgment or allow the claim in any case where a  
14 parent, spouse or child is dependent on the property for support, and the court in  
15 rendering judgment shall take into account the current family budget requirement  
16 as fixed by the U.S. department of labor for the community or as fixed by the  
17 authorities of the community in charge of public assistance. The records of aid or  
18 benefits paid kept by the county ~~or~~, by the department or by the Wisconsin works  
19 agency are prima facie evidence of the value of the aid or benefits furnished. Liability  
20 under this section shall extend to any parent or stepparent whose family receives aid  
21 under s. 49.19 or benefits under s. 49.147 (4) or (5), 49.155 or 49.157 during the period  
22 that he or she is a member of the same household, but his or her liability is limited  
23 to such period. This section does not apply to medical and health assistance  
24 payments for which recovery is prohibited or restricted by federal law or regulation.

1           **SECTION 110.** 49.195 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 is amended to read:

3           49.195 (3) Notwithstanding s. 49.96, the department shall promptly recover all  
4 overpayments made under s. 49.19 or 49.148 (1) (b) or (c), 49.153, 49.155 or 49.157  
5 and shall promulgate rules establishing policies and procedures to administer this  
6 subsection.

7           **SECTION 111.** 49.197 (1m) of the statutes is amended to read:

8           49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
9 ~~(de)~~ (dz), (L), (n) and (nL), the department shall establish a program to investigate  
10 suspected fraudulent activity on the part of recipients of medical assistance under  
11 ss. 49.46 to 49.47, aid to families with dependent children under s. 49.19 and the food  
12 stamp program under 7 USC 2011 to 2029. The department's activities under this  
13 subsection may include, but are not limited to, comparisons of information provided  
14 to the department by an applicant and information provided by the applicant to other  
15 federal, state and local agencies, development of an advisory welfare investigation  
16 prosecution standard and provision of funds to county departments under s. 46.215,  
17 46.22 and 46.23 to encourage activities to detect fraud. The department shall  
18 cooperate with district attorneys regarding fraud prosecutions.

19           **SECTION 112.** 49.197 (1m) of the statutes, as affected by 1995 Wisconsin Acts  
20 27 and .... (this act), is repealed and recreated to read:

21           49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)  
22 (dz), (L), (n) and (nL), the department shall establish a program to investigate  
23 suspected fraudulent activity on the part of recipients of medical assistance under  
24 subch. IV, aid to families with dependent children under s. 49.19 and the food stamp  
25 program under 7 USC 2011 to 2029 and participants in Wisconsin works under ss.

1 49.141 to 49.161. The department's activities under this subsection may include, but  
2 are not limited to, comparisons of information provided to the department by an  
3 applicant and information provided by the applicant to other federal, state and local  
4 agencies, development of an advisory welfare investigation prosecution standard  
5 and provision of funds to county departments under s. 46.215, 46.22 and 46.23 and  
6 to Wisconsin works agencies to encourage activities to detect fraud. The department  
7 shall cooperate with district attorneys regarding fraud prosecutions.

8 **SECTION 113.** 49.197 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
9 is amended to read:

10 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct  
11 activities to reduce payment errors in medical assistance under subch. IV, Wisconsin  
12 works under ss. 49.141 to 49.161, aid to families with dependent children under s.  
13 49.19 and the food stamp program under 7 USC 2011 to 2029. The department shall  
14 fund the activities under this section from the appropriation under s. 20.445 (4) (L).

15 **SECTION 114.** 49.197 (4) of the statutes is amended to read:

16 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide  
17 funds from the appropriations under s. 20.435 (4) ~~(de)~~ (dz), (L) and (Lm) and federal  
18 matching funds from the appropriations under s. 20.435 (4) (n) and (nL) to counties  
19 and governing bodies of federally recognized American Indian tribes administering  
20 medical assistance under ss. 49.43 to 49.47, aid to families with dependent children  
21 under s. 49.19 or the food stamp program under 7 USC 2011 to 2029 to offset  
22 administrative costs of reducing payment errors in those programs.

23 **SECTION 115.** 49.197 (4) of the statutes, as affected by 1995 Wisconsin Acts 27  
24 and ... (this act), is repealed and recreated to read:

1           49.197 (4) ERROR REDUCTION. The department shall provide funds from the  
2           appropriations under s. 20.445 (3) (dz), (L) and (Lm) and federal matching funds from  
3           the appropriations under s. 20.445 (3) (n) and (nL) to persons administering  
4           Wisconsin works under ss. 49.141 to 49.161 or the food stamp program under 7 USC  
5           2011 to 2029 and to counties and governing bodies of federally recognized American  
6           Indian tribes administering medical assistance under subch. IV and aid to families  
7           with dependent children under s. 49.19 to offset administrative costs of reducing  
8           payment errors in those programs.

9           **SECTION 116.** 49.20 (3) of the statutes is amended to read:

10           49.20 (3) PAYMENT. Aid under this section shall be paid from the appropriation  
11           under s. 20.435 (4) ~~(d)~~ (dz) and shall be in an amount equal to that to which the person  
12           would be entitled under s. 49.19 if he or she were 17 years of age, except that if the  
13           person's family became ineligible for aid under s. 49.19 on the person's 18th birthday,  
14           the amount paid shall equal the amount of aid granted to a single person under s.  
15           49.19.

16           **SECTION 117.** 49.20 (3) of the statutes, as affected by 1995 Wisconsin Acts 27  
17           and .... (this act), is repealed and recreated to read:

18           49.20 (3) PAYMENT. Aid under this section shall be paid from the appropriation  
19           under s. 20.445 (3) (dz) and shall be in an amount equal to that to which the person  
20           would be entitled under s. 49.19 if he or she were 17 years of age, except that if the  
21           person's family became ineligible for aid under s. 49.19 on the person's 18th birthday,  
22           the amount paid shall equal the amount of aid granted to a single person under s.  
23           49.19. This subsection does not apply beginning on January 1, 1999, or beginning  
24           on the first day of the 6th month beginning after the date stated in the notice under  
25           s. 49.141 (2) (d).

1           **SECTION 118.** 49.21 (1) (c) of the statutes is created to read:

2           49.21 (1) (c) This subsection does not apply beginning on the first day of the 6th  
3 month beginning after the date stated in the notice under s. 49.141 (2) (d).

4           **SECTION 119.** 49.25 (10) of the statutes is created to read:

5           49.25 (10) SUNSET. Beginning on January 1, 1999, or beginning on the first day  
6 of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),  
7 whichever is sooner, no person is eligible to receive benefits under this section and  
8 no aid may be granted under this section. No additional notice, other than enactment  
9 of this subsection, is required to be given to recipients of aid under this section to  
10 terminate their benefits under this subsection.

11           **SECTION 120.** 49.26 (title) of the statutes, as affected by 1995 Wisconsin Act 27,  
12 is amended to read:

13           49.26 (title) LEARNFARE PILOT PROGRAM.

14           **SECTION 121.** 49.26 (1) (e) of the statutes, as affected by 1995 Wisconsin Act 27,  
15 is amended to read:

16           49.26 (1) (e) For an individual who is a recipient of aid under s. 49.19, or whose  
17 custodial parent is a participant under s. 49.147 (3) to (5), who is the parent with  
18 whom a dependent child lives and who is either subject to the school attendance  
19 requirement under par. (ge) or is under 20 years of age and wants to attend school,  
20 the department shall make a monthly payment to the individual or the child care  
21 provider for the month's child care costs in an amount based on need with the  
22 maximum amount per child equal to the lesser of the actual cost of the care or the  
23 rate established under s. 46.98 (4) (d) ~~or, if a higher rate is established under s. 46.98~~  
24 ~~(4) (e) and if the child care meets the quality standards established under s. 46.98~~  
25 ~~(4) (e), in an amount based on need with the maximum amount per child equal to the~~

**SECTION 121**

1 ~~lesser of the actual cost of the care or the rate established under s. 46.98 (4) (e), 49.155~~  
2 ~~(6) if the individual demonstrates the need to purchase child care services in order~~  
3 ~~to attend school and those services are available from a child care provider.~~

4 **SECTION 122.** 49.26 (1) (g) (intro.) of the statutes, as affected by 1995 Wisconsin  
5 Act 27, is amended to read:

6 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin  
7 works group that includes a participant under s. 49.147 (3), (4) or (5) or who is a  
8 recipient of aid under s. 49.19 is subject to the school attendance requirement under  
9 par. (ge) if all of the following apply:

10 **SECTION 123.** 49.26 (1) (g) 1. of the statutes, as affected by 1995 Wisconsin Act  
11 27, is amended to read:

12 49.26 (1) (g) 1. Before the first day of the fall 1994 school term, as defined in  
13 s. 115.001 (12), the individual is 13 to 19 years of age. Beginning on the first day of  
14 the fall ~~1994-1996~~ school term, as defined in s. 115.001 (12), the individual is ~~13~~ 6 to  
15 19 years of age ~~or the individual lives in a county designated by the department~~  
16 ~~under par. (j) and is required to attend school under that paragraph.~~

17 **SECTION 124.** 49.26 (1) (gm) (intro.) of the statutes, as affected by 1995  
18 Wisconsin Act 27, is amended to read:

19 49.26 (1) (gm) (intro.) The first time that an individual fails to meet the school  
20 attendance requirement under par. (ge), the county department under s. 46.215,  
21 46.22 or 46.23 or the Wisconsin works agency shall do all of the following:

22 **SECTION 125.** 49.26 (1) (h) 1. a. of the statutes, as affected by 1995 Wisconsin  
23 Act 27, is amended to read:

24 49.26 (1) (h) 1. a. The county department under s. 46.215, 46.22 or 46.23 or  
25 Wisconsin works agency complies with par. (gm).



1           **SECTION 126.** 49.26 (1) (hm) of the statutes, as affected by 1995 Wisconsin Act  
2 27, is amended to read:

3           49.26 (1) (hm) The department may require consent to the release of school  
4 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for benefits  
5 under s. 49.147 (3) to (5) or aid under s. 49.19.

6           **SECTION 127.** 49.26 (1) (hr) of the statutes, as affected by 1995 Wisconsin Act  
7 27, is amended to read:

8           49.26 (1) (hr) If an individual subject to the school attendance requirement  
9 under par. (ge) is enrolled in a public school, communications between the school  
10 district and the department or, a county department under s. 46.215, 46.22 or 46.23  
11 or a Wisconsin works agency concerning the individual's school attendance may only  
12 be made by a school attendance officer, as defined under s. 118.16 (1) (a).

13           **SECTION 128.** 49.26 (1) (j) of the statutes, as affected by 1995 Wisconsin Act 27,  
14 is repealed.

15           **SECTION 129.** 49.26 (2) (b) of the statutes, as affected by 1995 Wisconsin Act 27,  
16 section 2322b, is repealed and recreated to read:

17           49.26 (2) (b) From the appropriation under s. 20.445 (3) (dz), the department  
18 shall allocate funds to county departments or Wisconsin works agencies for the  
19 provision of case management services to individuals who are subject to the school  
20 attendance requirement under the learnfare program under sub. (1) and their  
21 families to improve the school attendance and achievement of those individuals. At  
22 least 75% of the funds that the department allocates under this paragraph to provide  
23 case management services to individuals who are 13 to 19 years of age shall be  
24 allocated to a county department or to Wisconsin works agencies in a county with a  
25 population of 500,000 or more. A county or Wisconsin works agency is eligible to

1 receive funds under this subsection to provide case management services to  
2 individuals who are 13 to 19 years of age in a year if 35 or more individuals, 13 to 19  
3 years of age, residing in the county were sanctioned under sub. (1) (h) or were subject  
4 to the monthly attendance requirement under s. HSS 201.195 (4) (b) 2., Wis. adm.  
5 code, in any month during the previous year.

6 **SECTION 130.** 49.27 (5) (e) 2. of the statutes is repealed.

7 **SECTION 131.** 49.27 (13) of the statutes is created to read:

8 49.27 (13) SUNSET. Beginning on January 1, 1999, or beginning on the first day  
9 of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),  
10 whichever is sooner, no person is eligible to receive benefits under this section and  
11 no aid may be granted under this section. No additional notice, other than enactment  
12 of this subsection, is required to be given to recipients of aid under this section to  
13 terminate their benefits under this subsection.

14 **SECTION 132.** 49.30 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
15 Act 27, section 2922, is amended to read:

16 49.30 (1) (intro.) Except as provided in sub. (1m), if any recipient of benefits  
17 under s. 49.153, 49.46 or 49.77, or under 42 USC 1381 to 1385 in effect on May 8,  
18 1980, dies and the estate of the deceased recipient is insufficient to pay the funeral,  
19 burial and cemetery expenses of the deceased recipient, the county or applicable  
20 tribal governing body or organization responsible for burial of the recipient shall pay,  
21 to the person designated by the county department under s. 46.215, 46.22 or 46.23  
22 or applicable tribal governing body or organization responsible for the burial of the  
23 recipient, all of the following:

24 **SECTION 133.** 49.32 (7) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
25 is amended to read:

1           49.32 (7) (a) The department shall conduct a program to periodically verify the  
2           eligibility of recipients of aid to families with dependent children under s. 49.19 and  
3           of participants in Wisconsin works under ss. 49.141 to 49.161 through a check of  
4           school enrollment records of local school boards as provided in s. 118.125 (2) (i).

5           **SECTION 134.** 49.32 (9) (a) of the statutes, as affected by 1995 Wisconsin Act 27  
6           is amended to read:

7           49.32 (9) (a) Each county department under s. 46.215, 46.22 or 46.23  
8           administering aid to families with dependent children shall maintain a monthly  
9           report at its office showing the names and addresses of all persons receiving such aid  
10          together with the amount paid during the preceding month. Each Wisconsin works  
11          agency administering Wisconsin works under ss. 49.141 to 49.161 shall maintain a  
12          monthly report at its office showing the names and addresses of all persons receiving  
13          benefits under s. 49.148 together with the amount paid during the preceding month.

14          Nothing in this paragraph shall be construed to authorize or require the disclosure  
15          in the report of any information (names, addresses, amounts of aid or otherwise)  
16          pertaining to adoptions, or aid furnished for the care of children in foster homes or  
17          treatment foster homes under s. 49.19 (10).

18          **SECTION 135.** 49.32 (9) (b) of the statutes, as affected by 1995 Wisconsin Act 27,  
19          is amended to read:

20          49.32 (9) (b) The report under par. (a) shall be open to public inspection at all  
21          times during regular office hours and may be destroyed after the next succeeding  
22          report becomes available. Any person except any public officer, seeking permission  
23          to inspect such report shall be required to prove his or her identity and to sign a  
24          statement setting forth his or her address and the reasons for making the request  
25          and indicating that he or she understands the provisions of par. (c) with respect to

1 the use of the information obtained. The use of a fictitious name is a violation of this  
2 section. Within 72 hours after any such record has been inspected, the county  
3 department or Wisconsin works agency shall mail to each person whose record was  
4 inspected a notification of that fact and the name and address of the person making  
5 such inspection. The county department or Wisconsin works agency shall keep a  
6 record of such requests.

7 **SECTION 136.** 49.32 (10) (intro.) of the statutes, as affected by 1995 Wisconsin  
8 Act 27, sections 2930 and 3149, is amended to read:

9 **49.32 (10) RELEASE OF RECIPIENT'S ADDRESSES TO LAW ENFORCEMENT OFFICERS.**  
10 (intro.) Each county department under s. 46.215 or 46.22 may release the current  
11 address of a recipient of aid under s. 49.19, and each Wisconsin works agency may  
12 release the current address of a participant in Wisconsin works under ss. 49.141 to  
13 49.161, to a law enforcement officer if the officer meets all of the following conditions:

14 **SECTION 137.** 49.33 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27,  
15 section 2047, is amended to read:

16 **49.33 (1) (b)** "Income maintenance program" means aid to families with  
17 dependent children under s. 49.19, Wisconsin works under ss. 49.141 to 49.161,  
18 medical assistance under subch. IV of ch. 49 or the food stamp program under 7 USC  
19 2011 to 2029.

20 **SECTION 138.** 49.33 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 27,  
21 section 2048, is amended to read:

22 **49.33 (1) (c)** "Income maintenance worker" means a person employed by a  
23 county or, a governing body of a federally recognized American Indian tribe or a  
24 Wisconsin works agency whose duties include determinations or redeterminations  
25 of income maintenance program eligibility.

**SECTION 139**

1           **SECTION 139.** 49.33 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 section 2043, is repealed and recreated to read:

3           **49.33 (2) CONTRACTS.** County departments under ss. 46.215, 46.22 and 46.23  
4 shall annually enter into a contract with the department detailing the reasonable  
5 cost of administering the income maintenance programs under ss. 49.19, 49.26 (1)  
6 and 49.45 to 49.47 and the food stamp program under 7 USC 2011 to 2029 when so  
7 appointed by the department. Contracts created under this section control the  
8 distribution of payments under s. 20.445 (3) (dz) and (nL) in accordance with the  
9 reimbursement method established under s. 49.33 (8). The department may reduce  
10 its payment to any county under s. 20.445 (3) (dz) and (nL) if federal reimbursement  
11 is withheld due to audits, quality control samples or program reviews.

12           **SECTION 140.** 49.33 (8) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
13 section 3130, is repealed and recreated to read:

14           **49.33 (8) (a)** The department shall reimburse each county for reasonable costs  
15 of income maintenance relating to the administration of programs under this  
16 subchapter and subch. IV according to a formula based on workload within the limits  
17 of available state and federal funds under s. 20.445 (3) (dz) and (nL) by contract  
18 under s. 49.33 (2). The amount of reimbursement calculated under this paragraph  
19 and par. (b) is in addition to any reimbursement provided to a county for fraud and  
20 error reduction under s. 49.197 (1m) and (4).

21           **SECTION 141.** 49.33 (9) of the statutes, as created by 1995 Wisconsin Act 27, is  
22 amended to read:

23           **49.33 (9) REIMBURSEMENT FOR INCOME MAINTENANCE BENEFITS.** The department  
24 shall reimburse each county from the appropriations under s. 20.445 (3) ~~(d)~~ (dz) and

1 (p) for 100% of the cost of aid to families with dependent children granted under s.  
2 49.19 and for funeral expenses paid for recipients of aid under s. 49.30.

3 **SECTION 142.** 49.36 (title) of the statutes, as affected by 1995 Wisconsin Act 27,  
4 is amended to read:

5 **49.36 (title) Work experience and job training program for**  
6 **noncustodial parents.**

7 **SECTION 143.** 49.36 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
8 section 2137, is repealed and recreated to read:

9 49.36 (2) The department may contract with any county or Wisconsin works  
10 agency under s. 49.143 to administer a work experience program for parents who are  
11 not custodial parents and who fail to pay child support or to meet their children's  
12 needs for support as a result of unemployment or underemployment. The program  
13 may provide the kinds of work experience available from the program under s. 49.193  
14 or 49.147 (3) or (4). The department shall fund the program from the appropriation  
15 under s. 20.445 (3) (dz).

16 **SECTION 144.** 49.36 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
17 is amended to read:

18 49.36 (3) (a) Except as provided in par. (f), a person ordered to register under  
19 s. 767.295 (2) (a) shall participate in a work experience and job training program if  
20 services are available.

21 **SECTION 145.** 49.36 (3) (g) of the statutes, as affected by 1995 Wisconsin Act 27,  
22 is amended to read:

23 49.36 (3) (g) If the person's child receives benefits under s. 49.19, the liability  
24 under s. 49.195 of a parent who is a member of the child's household is reduced by  
25 the amount of the federal minimum hourly wage under 29 USC 206 (a) (1) for each

1 hour the person participates in a program under this section. This paragraph does  
2 not apply beginning on the first day of the 6th month beginning after the date stated  
3 in the notice under s. 49.141 (2) (d).

4 **SECTION 146.** 49.36 (4) of the statutes, as affected by 1995 Wisconsin Act 27,  
5 is amended to read:

6 49.36 (4) When a person completes 16 weeks of participation in a program  
7 under this section, the county or Wisconsin works agency operating the program  
8 shall inform the clerk of courts, by affidavit, of that completion.

9 **SECTION 147.** 49.36 (5) of the statutes, as affected by 1995 Wisconsin Act 27,  
10 is amended to read:

11 49.36 (5) A person participating in work experience ~~in a county~~ as part of the  
12 program under this section is considered an employe of ~~that~~ the county or Wisconsin  
13 works agency administering the program under this section for purposes of worker's  
14 compensation benefits only.

15 **SECTION 148.** 49.36 (6) of the statutes, as affected by 1995 Wisconsin Act 27,  
16 is amended to read:

17 49.36 (6) A county or Wisconsin works agency administering the program  
18 under this section shall reimburse a person for reasonable transportation costs  
19 incurred because of participation in a program under this section up to a maximum  
20 of \$25 per month.

21 **SECTION 149.** 49.36 (7) of the statutes, as affected by 1995 Wisconsin Act 27,  
22 is amended to read:

23 49.36 (7) The department shall pay a county or Wisconsin works agency \$200  
24 for each person who participates in the program under this section in ~~that county~~ the  
25 region in which the county or Wisconsin works agency administers the program

1 under this section. The county or Wisconsin works agency shall pay any additional  
2 costs of the program.

3 **SECTION 150.** 49.45 (6m) (br) 1. of the statutes is amended to read:

4 49.45 **(6m)** (br) 1. Notwithstanding s. 20.435 (3) (cd), (4) ~~(de)~~ (dz) or (eb) or (7)  
5 (b), the department shall reduce allocations of funds to counties in the amount of the  
6 disallowance from the appropriations under s. 20.435 (3) (cd), (4) ~~(de)~~ (dz) or (eb) or  
7 (7) (b) in accordance with s. 16.544 to the extent applicable.

8 **SECTION 151.** 49.45 (6m) (br) 1. of the statutes, as affected by 1995 Wisconsin  
9 Acts 27 and .... (this act), is repealed and recreated to read:

10 49.45 **(6m)** (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 (1) (bt) or (bu) or  
11 (7) (b) or 20.445 (3) (dz), the department shall reduce allocations of funds to counties  
12 in the amount of the disallowance from the appropriations under s. 20.410 (3) (cd)  
13 or 20.435 (1) (bt) or (bu) or (7) (b), or the department shall direct the department of  
14 industry, labor and job development to reduce allocations of funds to counties or  
15 Wisconsin works agencies in the amount of the disallowance from the appropriation  
16 under s. 20.445 (3) (dz) in accordance with s. 16.544 to the extent applicable.

17 **SECTION 152.** 49.46 (1) (a) 1. of the statutes is amended to read:

18 49.46 **(1)** (a) 1. Any person included in the grant of aid to families with  
19 dependent children and any person who does not receive such aid solely because of  
20 the application of s. 49.19 (11) (a) 7. This subdivision does not apply beginning on  
21 the first day of the 6th month beginning after the date stated in the notice under s.  
22 49.141 (2) (d).

23 **SECTION 153.** 49.46 (1) (a) 1m. of the statutes is amended to read:

24 49.46 **(1)** (a) 1m. Any pregnant woman who meets the resource and income  
25 limits under s. 49.19 (4) (bm) and (es) and whose pregnancy is medically verified.



1 Eligibility continues to the last day of the month in which the 60th day after the last  
2 day of the pregnancy falls. This subdivision does not apply beginning on the first day  
3 of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

4 **SECTION 154.** 49.46 (1) (a) 6. of the statutes is amended to read:

5 49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is considered,  
6 under federal law, to be receiving aid to families with dependent children or  
7 supplemental security income for the purpose of determining eligibility for medical  
8 assistance. This subdivision does not apply beginning on the first day of the 6th  
9 month beginning after the date stated in the notice under s. 49.141 (2) (d).

10 **SECTION 155.** 49.46 (1) (a) 6m. of the statutes is created to read:

11 49.46 (1) (a) 6m. Any person not described in pars. (c) to (e) who is considered,  
12 under federal law, to be receiving supplemental security income for the purpose of  
13 determining eligibility for medical assistance.

14 **SECTION 156.** 49.46 (1) (a) 9. of the statutes is amended to read:

15 49.46 (1) (a) 9. Any pregnant woman not described under subd. 1. or 1m. whose  
16 family income does not exceed 133% of the poverty line for a family the size of the  
17 woman's family. This subdivision does not apply beginning on the first day of the 6th  
18 month beginning after the date stated in the notice under s. 49.141 (2) (d).

19 **SECTION 157.** 49.46 (1) (a) 10. of the statutes is amended to read:

20 49.46 (1) (a) 10. Any child not described under subd. 1. who is under 6 years  
21 of age and whose family income does not exceed 133% of the poverty line for a family  
22 the size of the child's family. This subdivision does not apply beginning on the first  
23 day of the 6th month beginning after the date stated in the notice under s. 49.141 (2)  
24 (d).

25 **SECTION 158.** 49.46 (1) (a) 11. of the statutes is amended to read:

1           49.46 (1) (a) 11. Any child not described under subd. 1. who was born after  
2           September 30, 1983, who has attained the age of 6 but has not attained the age of 19  
3           and whose family income does not exceed 100% of the poverty line for a family the  
4           size of the child's family. This subdivision does not apply beginning on the first day  
5           of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

6           **SECTION 159.** 49.46 (1) (a) 12. of the statutes is amended to read:

7           49.46 (1) (a) 12. Any child not described under subd. 1. who is under 19 years  
8           of age and who meets the resource and income limits under s. 49.19 (4). This  
9           subdivision does not apply beginning on the first day of the 6th month beginning  
10          after the date stated in the notice under s. 49.141 (2) (d).

11          **SECTION 160.** 49.46 (1) (a) 13. of the statutes is amended to read:

12          49.46 (1) (a) 13. Any child who is under one year of age, whose mother was  
13          determined to be eligible under subd. 9. and who lives with his or her mother. This  
14          subdivision does not apply beginning on the first day of the 6th month beginning  
15          after the date stated in the notice under s. 49.141 (2) (d).

16          **SECTION 161.** 49.46 (1) (a) 16. of the statutes is created to read:

17          49.46 (1) (a) 16. Any child who is living with a relative who is eligible to receive  
18          payments under s. 48.57 (3m) with respect to that child, if the department  
19          determines that no other insurance is available to the child.

20          **SECTION 162.** 49.46 (1) (cb) of the statutes is created to read:

21          49.46 (1) (cb) Paragraph (c) does not apply beginning on the first day of the 6th  
22          month beginning after the date stated in the notice under s. 49.141 (2) (d).

23          **SECTION 163.** 49.46 (1) (cg) of the statutes is amended to read:

24          49.46 (1) (cg) Except as provided in par. (cs), medical assistance shall be  
25          provided to a dependent child, a relative with whom the child is living or the spouse

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1 of the relative, if the spouse meets the requirements of s. 49.19 (1) (c) 2. a. or b., for  
2 4 calendar months beginning with the month in which the child, relative or spouse  
3 is ineligible for aid to families with dependent children because of the collection or  
4 increased collection of maintenance or support, if the child, relative or spouse  
5 received aid to families with dependent children in 3 or more of the 6 months  
6 immediately preceding the month in which that ineligibility begins. This paragraph  
7 does not apply beginning on the first day of the 6th month beginning after the date  
8 stated in the notice under s. 49.141 (2) (d).

9 **SECTION 164.** 49.46 (1) (co) 4. of the statutes is created to read:

10 49.46 (1) (co) 4. This paragraph does not apply beginning on the first day of the  
11 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

12 **SECTION 165.** 49.46 (1) (cr) of the statutes is renumbered 49.46 (1) (cr) 1., and  
13 49.46 (1) (cr) 1. b. and c., as renumbered, are amended to read:

14 49.46 (1) (cr) 1. b. Discloses in the application under subd. 1. a. any health  
15 insurance possessed by a member of the family.

16 c. Demonstrates that, but for the loss of the disregards for earned income under  
17 s. 49.19 (5) (a) 4., the family was continuously eligible for aid to families with  
18 dependent children from the date of that loss until the date of the application made  
19 under subd. 1. a.

20 **SECTION 166.** 49.46 (1) (cr) 2. of the statutes is created to read:

21 49.46 (1) (cr) 2. This paragraph does not apply beginning on the first day of the  
22 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

23 **SECTION 167.** 49.46 (1) (cs) of the statutes is amended to read:

24 49.46 (1) (cs) Medical assistance shall be provided to members of a  
25 work-not-welfare group, as defined in s. 49.27 (1) (c), that is eligible for transitional

1 medical assistance coverage under s. 49.27 (8) (c). If the person is or was a member  
2 of a work-not-welfare group, as defined in s. 49.27 (1) (c), and if the period of  
3 ineligibility under s. 49.27 (4) (f) and (g) for that work-not-welfare group has not yet  
4 expired, the person is not eligible for medical assistance under par. (c), (cg), (co) or  
5 (cr), unless the person was a dependent child, as defined in s. 49.19 (1) (a), at the time  
6 that he or she was a member of the work-not-welfare group. This paragraph does  
7 not apply beginning on the first day of the 6th month beginning after the date stated  
8 in the notice under s. 49.141 (2) (d).

9 **SECTION 168.** 49.46 (1) (d) 1. of the statutes is amended to read:

10 49.46 (1) (d) 1. Children who are placed in licensed foster homes or licensed  
11 treatment foster homes by the department and who would be eligible for payment  
12 of aid to families with dependent children in foster homes or treatment foster homes  
13 except that their placement is not made by a county department under s. 46.215,  
14 46.22 or 46.23 will be considered as recipients of aid to families with dependent  
15 children. This subdivision does not apply beginning on the first day of the 6th month  
16 beginning after the date stated in the notice under s. 49.141 (2) (d).

17 **SECTION 169.** 49.46 (1) (e) of the statutes, as affected by 1995 Wisconsin Act 27,  
18 is renumbered 49.46 (1) (e) 1.

19 **SECTION 170.** 49.46 (1) (e) 2. of the statutes is created to read:

20 49.46 (1) (e) 2. Beginning on the first day of the 6th month beginning after the  
21 date stated in the notice under s. 49.141 (2) (d), this paragraph does not apply with  
22 respect to a person who has income and resources within the limitations of s. 49.19  
23 whether or not the person requests or receives a grant of aid under that section.

24 **SECTION 171.** 49.465 (7) of the statutes is created to read:

1           49.465 (7) This section does not apply beginning on the first day of the 6th  
2 month beginning after the date stated in the notice under s. 49.141 (2) (d).

3           **SECTION 172.** 49.47 (4) (a) (intro.) of the statutes is amended to read:

4           49.47 (4) (a) (intro.) Any Except as provided in par. (az), any individual who  
5 meets the limitations on income and resources under pars. (b) and (c) and who  
6 complies with par. (cm) shall be eligible for medical assistance under this section if  
7 such individual is:

8           **SECTION 173.** 49.47 (4) (am) (intro.) of the statutes is amended to read:

9           49.47 (4) (am) ~~An~~ Except as provided in par. (az), an individual who does not  
10 meet the limitation on income in par. (c) is eligible for medical assistance under this  
11 section if the individual is one of the following:

12           **SECTION 174.** 49.47 (4) (az) of the statutes is created to read:

13           49.47 (4) (az) No individual is eligible for medical assistance in a month that  
14 the individual is eligible for health care coverage under s. 49.153.

15           **SECTION 175.** 49.50 (6e) (a) of the statutes is repealed.

16           **SECTION 176.** 49.50 (6e) (b) of the statutes, as affected by 1995 Wisconsin Act  
17 27, section 3091, is renumbered 49.50 (6e) and amended to read:

18           49.50 (6e) Within the limits of funds available under s. 20.435 (4) ~~(en)~~ (dz) and  
19 (na) and (6) (jg), the department shall provide funds for individuals who are working  
20 and who receive aid to families with dependent children to pay child care costs in  
21 excess of the amount of the child care disregard under s. 49.19 (5) (a) and child care  
22 costs incurred before the child care disregard under s. 49.19 (5) (a) becomes available  
23 if the child care is provided by a child care provider.

24           **SECTION 177.** 49.50 (6k) (a) of the statutes is amended to read:

1           49.50 **(6k)** (a) County departments under ss. 46.215, 46.22 and 46.23 shall  
2 administer the funds appropriated for the purpose of providing child care under  
3 subs. (6e) ~~(b)~~ and (6g) for recipients and former recipients of aid under s. 49.19 and  
4 under sub. (7) (e) for participants in the learnfare program. The department shall  
5 allocate funds to county departments under ss. 46.215, 46.22 and 46.23 for the  
6 purposes of this paragraph.

7           **SECTION 178.** 49.50 (6k) (b) of the statutes is amended to read:

8           49.50 **(6k)** (b) Beginning on January 1, 1994, a county department under s.  
9 46.215, 46.22 or 46.23 may, with the approval of the department, provide payment  
10 for, or reimbursement of, child care under s. 49.193 (8) ~~or 49.50 (6e) (a)~~ using funds  
11 allocated under par. (a). The department shall approve or disapprove this use of  
12 funds under criteria established to maximize state and federal funding available for  
13 child care.

14           **SECTION 179.** 49.52 (1) (ad) 1. of the statutes is amended to read:

15           49.52 **(1)** (ad) 1. The department shall reimburse each county for reasonable  
16 costs of income maintenance administration according to a formula based on  
17 workload within the limits of available state and federal funds under s. 20.435 (4)  
18 ~~(de)~~ (dz) and (nL) by contract under s. 46.032. The amount of reimbursement  
19 calculated under this paragraph is in addition to any reimbursement provided to a  
20 county for fraud and error reduction under s. 49.197 (1m) and (4).

21           **SECTION 180.** 49.52 (1) (am) of the statutes is amended to read:

22           49.52 **(1)** (am) The department shall reimburse each county from the  
23 appropriations under s. 20.435 (4) ~~(d)~~ (dz) and (p) and (7) (b) and (o) for 100% of the  
24 cost of aid to families with dependent children granted under s. 49.19, for social  
25 services as approved by the department under ss. 46.215 (1), (2) (c) and (3) and 46.22

1 (1) (b) 8. and (e) 3., and for funeral expenses paid for recipients of aid under s. 49.30,  
2 except that no reimbursement may be made for the administration of or aid granted  
3 under s. 49.02.

4 **SECTION 181.** 49.52 (1) (d) of the statutes, as affected by 1995 Wisconsin Act  
5 27, section 3134m, is amended to read:

6 49.52 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the  
7 department shall distribute the funding for social services, including funding for  
8 foster care or treatment foster care of a child receiving aid under s. 49.19, to county  
9 departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County  
10 matching funds are required for the distributions under s. 46.40 (2), ~~(4m)~~ and (8).  
11 Each county's required match for a year equals 9.89% of the total of the county's  
12 distributions for that year for which matching funds are required plus the amount  
13 the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile  
14 delinquency-related services from its distribution for 1987. Matching funds may be  
15 from county tax levies, federal and state revenue sharing funds or private donations  
16 to the county that meet the requirements specified in s. 51.423 (5). Private donations  
17 may not exceed 25% of the total county match. If the county match is less than the  
18 amount required to generate the full amount of state and federal funds distributed  
19 for this period, the decrease in the amount of state and federal funds equals the  
20 difference between the required and the actual amount of county matching funds.

21 **SECTION 182.** 49.52 (5) of the statutes is amended to read:

22 49.52 (5) The department shall withhold the value of food stamp losses for  
23 which a county or federally recognized American Indian tribe is liable under sub. (4)  
24 from the payment to the county or tribe under s. 20.435 (4) ~~(de)~~ (dz) and (nL) and  
25 reimburse the federal government from the funds withheld.

1           **SECTION 183.** 49.77 (3v) of the statutes is created to read:

2           49.77 (3v) INCREASED SUPPLEMENTAL PAYMENTS TO CUSTODIAL PARENTS. (a) In this  
3 subsection:

4           1. "Custodial parent" has the meaning given in s. 49.141 (1) (b).

5           2. "Dependent child" has the meaning given in s. 49.141 (1) (c).

6           (b) A person who receives payments under this section and who is a custodial  
7 parent shall receive an increased state supplement of \$77 for each dependent child  
8 with respect to whom the person is a custodial parent.

9           **SECTION 184.** 49.83 of the statutes, as affected by 1995 Wisconsin Act 27,  
10 sections 3142 and 3144, is amended to read:

11           **49.83 Limitation on giving information.** Except as provided under s. 49.32  
12 (9) and (10), no person may use or disclose information concerning applicants and  
13 recipients of relief funded by a relief block grant, aid to families with dependent  
14 children, Wisconsin works under ss. 49.141 to 49.161, social services or supplemental  
15 payments under s. 49.77, for any purpose not connected with the administration of  
16 the programs. Any person violating this subsection may be fined not less than \$25  
17 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more  
18 than one year or both.

19           **SECTION 185.** 49.84 (5) of the statutes, as affected by 1995 Wisconsin Act 27,  
20 section 3211, is amended to read:

21           49.84 (5) A person applying for Wisconsin works under ss. 49.141 to 49.161, aid  
22 to families with dependent children under s. 49.19, medical assistance under subch.  
23 IV or food stamp program benefits under 7 USC 2011 to 2029 shall, as a condition  
24 of eligibility, provide a declaration and other verification of citizenship or satisfactory



1 immigration status as required by the department by rule or as required in 42 USC  
2 1320b-7(d).

3 **SECTION 186.** 49.95 (4m) (a) of the statutes, as affected by 1995 Wisconsin Act  
4 27, section 3220, is amended to read:

5 49.95 (4m) (a) Without legal authority, sends or brings a person to a county,  
6 tribal governing body or municipality or advises a person to go to a county, tribal  
7 governing body or municipality for the purpose of obtaining relief funded by a relief  
8 block grant, benefits under the Wisconsin works program under ss. 49.141 to 49.161,  
9 aid to families with dependent children under s. 49.19, medical assistance under  
10 subch. IV or food stamps under 7 USC 2011 to 2029.

11 **SECTION 187.** 49.96 of the statutes, as affected by 1995 Wisconsin Act 27, is  
12 amended to read:

13 **49.96 Assistance grants exempt from levy.** All grants of aid to families with  
14 dependent children, payments made under ss. 49.148 (1) (b) to 49.159, payments  
15 made for social services, cash benefits paid by counties under s. 59.07 (154), and  
16 benefits under s. 49.77 or federal Title XVI, are exempt from every tax, and from  
17 execution, garnishment, attachment and every other process and shall be  
18 inalienable.

19 **SECTION 188.** 59.07 (97) of the statutes is amended to read:

20 **59.07 (97) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT**  
21 **LIABILITY PROGRAM.** The county board shall contract with the department of health  
22 and social services to implement and administer the child and spousal support and  
23 establishment of paternity and the medical support liability programs provided for  
24 by Title IV of the federal social security act. The board may designate by board  
25 resolution any office, officer, board, department or agency as the county designee.

1 The board or its designee shall implement and administer the programs in  
2 accordance with the contract with the state department of health and social services.  
3 The attorneys responsible for support enforcement under s. 59.458 (1), family court  
4 commissioner, clerk of court and all other county officials shall cooperate with the  
5 county and the department as necessary to provide the services required under the  
6 programs. The county shall charge the fee established by the department under s.  
7 46.25 for services provided under this subsection to persons not receiving benefits  
8 under s. 49.148 or 49.153 or assistance under s. 49.19 or 49.47.

9 **SECTION 189.** 71.54 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin  
10 Act 27, is amended to read:

11 71.54 (2) (a) (intro.) Property taxes accrued or rent constituting property taxes  
12 accrued shall be reduced by one-twelfth for each month or portion of a month for  
13 which the claimant received relief from any county under s. 59.07 (154) equal to or  
14 in excess of \$400, participated in Wisconsin works under s. 49.147 (4) or (5) or  
15 received assistance under s. 49.19, except assistance received:

16 **SECTION 190.** 102.07 (17) of the statutes is created to read:

17 102.07 (17) A participant in a trial job under s. 49.147 (3) is an employe of any  
18 employer under this chapter for whom the participant is performing service at the  
19 time of the injury.

20 **SECTION 191.** 102.07 (18) of the statutes is created to read:

21 102.07 (18) A participant in a community service job under s. 49.147 (4) or a  
22 transitional placement under s. 49.147 (5) is an employe of the Wisconsin works  
23 agency, as defined under s. 49.001 (9), for the purposes of this chapter, except to the  
24 extent that the person for whom the participant is performing work agrees to provide  
25 worker's compensation coverage.

1           **SECTION 192.** 102.29 (8) of the statutes is created to read:

2           102.29 (8) No participant in a community service job under s. 49.147 (4) or a  
3           transitional placement under s. 49.147 (5) who, under s. 49.147 (4) (c) or (5) (c), is  
4           provided worker's compensation coverage by a Wisconsin works agency, as defined  
5           under s. 49.001 (9), and who makes a claim for compensation under this chapter may  
6           make a claim or maintain an action in tort against the employer who provided the  
7           community service job from which the claim arose.

8           **SECTION 193.** 106.21 (1) (g) of the statutes, as affected by 1995 Wisconsin Act  
9           27, is amended to read:

10           106.21 (1) (g) "Public assistance" means relief provided by counties under s.  
11           59.07 (154), Wisconsin works under ss. 49.141 to 49.161, aid to families with  
12           dependent children under s. 49.19, medical assistance under subch. IV of ch. 49,  
13           low-income energy assistance under s. 16.385, weatherization assistance under s.  
14           16.39 and the food stamp program under 7 USC 2011 to 2029.

15           **SECTION 194.** 106.215 (1) (fm) of the statutes, as affected by 1995 Wisconsin Act  
16           27, is amended to read:

17           106.215 (1) (fm) "Public assistance" means relief provided by counties under  
18           s. 59.07 (154), Wisconsin works under ss. 49.141 to 49.161, aid to families with  
19           dependent children under s. 49.19, medical assistance under subch. IV of ch. 49,  
20           low-income energy assistance under s. 16.385, weatherization assistance under s.  
21           16.39 and the food stamp program under 7 USC 2011 to 2029.

22           **SECTION 195.** 115.347 of the statutes, as affected by 1995 Wisconsin Act 27, is  
23           amended to read:

24           115.347 (2) Whenever a school district that is located in whole or in part in a  
25           county that has converted to the client assistance for reemployment and economic

1 support data system submits a report under sub. (1) in the prescribed format, the  
2 department of industry, labor and human relations shall determine which children  
3 enrolled in the school district are members of Wisconsin works groups participating  
4 under s. 49.147 (3) to (5) or of families receiving aid to families with dependent  
5 children or food stamps, ~~or both~~, and shall provide the information to the school board  
6 as soon thereafter as possible. The school board shall use the information to directly  
7 certify children as eligible for free or reduced-price meals served by the school  
8 district under federal school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C)  
9 (ii) and (iii).

10 **SECTION 196.** 115.40 (4) (b) of the statutes, as affected by 1995 Wisconsin Act  
11 27, is amended to read:

12 115.40 (4) (b) The secretary and the secretary of health and social services shall  
13 review the applications and jointly determine the grant recipients and the amount  
14 of each grant. A grant may not be awarded to a school board, agency or organization  
15 unless the percentage of the participating school district's membership in the  
16 previous school year for whom aid to families with dependent children was being  
17 received under s. 49.19, or who were members of a Wisconsin works group, as defined  
18 in s. 49.141 (1) (s), with a member who participated under s. 49.147 (3) to (5), was  
19 greater than 5%. In this paragraph, "membership" has the meaning given in s.  
20 121.004 (5).

21 **SECTION 197.** 115.40 (4) (c) 1. of the statutes is amended to read:

22 115.40 (4) (c) 1. Programs that involve a school district that, in the previous  
23 school year, had a high proportion of pupils for whom aid to families with dependent  
24 children was being received under s. 49.19, a high proportion of pupils who were  
25 members of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member

1 who participated under s. 49.147 (3) to (5), a high proportion of pupils who were  
2 children at risk, as defined under s. 118.153 (1) (a), or a high proportion of dropouts,  
3 as defined under s. 118.153 (1) (b).

4 **SECTION 198.** 115.45 (3m) (a) 2. of the statutes is amended to read:

5 115.45 **(3m)** (a) 2. “Low-income pupil” means a pupil for whom aid to families  
6 with dependent children is being received under s. 49.19 or a pupil who is a member  
7 of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is  
8 participating in Wisconsin works under s. 49.147 (3) to (5).

9 **SECTION 199.** 119.82 (1) (a) 2. of the statutes is amended to read:

10 119.82 **(1)** (a) 2. Is receiving aid to families with dependent children under s.  
11 49.19 or is a member of a Wisconsin works group, as defined in s. 49.141 (1) (s), with  
12 a member who is participating in Wisconsin works under s. 49.147 (3) to (5).

13 **SECTION 200.** 120.13 (27m) of the statutes is amended to read:

14 120.13 **(27m)** TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to  
15 and from school for indigent pupils who reside in the school district and who are not  
16 required to be transported under s. 121.54. In this subsection, “indigent pupils”  
17 means pupils eligible for free lunches or reduced-price lunches under 42 USC 1758  
18 or aid to 18-year-old students under s. 49.20 or for whom aid to families with  
19 dependent children is being received under s. 49.19 or who are members of a  
20 Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is  
21 participating in Wisconsin works under s. 49.147 (3) to (5) or any combination  
22 thereof, as determined by the school board. If a school board determines to provide  
23 transportation under this subsection, there shall be reasonable uniformity in the  
24 transportation furnished such pupils whether they attend public or private schools.

1 The cost of transporting pupils under this subsection may not be included in the  
2 school district's shared cost under s. 121.07 (6) (a).

3 **SECTION 201.** 227.01 (13) (zr) of the statutes is created to read:

4 227.01 (13) (zr) Establishes qualification criteria under s. 49.143 for a person  
5 to administer Wisconsin works under ss. 49.141 to 49.161.

6 **SECTION 202.** 227.01 (13) (zs) of the statutes is created to read:

7 227.01 (13) (zs) Establishes geographical areas under s. 49.143 for the  
8 administration of Wisconsin works under ss. 49.141 to 49.161.

9 **SECTION 203.** 230.04 (13) (a) and (e) 1. and 2. of the statutes are amended to  
10 read:

11 230.04 (13) (a) Establish standards for plans to increase state employment of  
12 recipients of aid under s. 49.19 or benefits under s. 49.147 (3) to (5) prepared by  
13 agencies under s. 230.147 (1). The standards shall state the time periods within  
14 which these plans shall be prepared.

15 (e) 1. A description of each agency's effort during that fiscal year to employ  
16 under s. 230.147 persons who received aid under s. 49.19 or benefits under s. 49.147  
17 (3) to (5).

18 2. The number of persons receiving aid under s. 49.19 or benefits under s.  
19 49.147 (3) to (5) who were employed by each agency under s. 230.147 during that  
20 fiscal year and the job title or classification of each position filled under s. 230.147.

21 **SECTION 204.** 230.147 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
22 is amended to read:

23 230.147 (1) Each appointing authority of an agency with more than 100  
24 authorized permanent full-time equivalent positions shall prepare and implement  
25 a plan of action to employ persons who, at the time determined under sub. (4), receive

1 aid under s. 49.19, or benefits under s. 49.147 (3) to (5), with the goal of making the  
2 ratio of those persons occupying permanent positions in the agency to the total  
3 number of persons occupying permanent positions in the agency equal to the ratio  
4 of the average case load receiving aid under s. 49.19, or benefits under s. 49.147 (3)  
5 to (5), in this state in the previous fiscal year to the average number of persons in the  
6 state civilian labor force in the preceding fiscal year, as determined by the  
7 department of industry, labor and human relations.

8 **SECTION 205.** 230.147 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
9 is amended to read:

10 230.147 (2) Each appointing authority of an agency with 100 or fewer  
11 authorized permanent full-time equivalent positions is encouraged to employ  
12 persons who, at the time determined under sub. (4), receive aid under s. 49.19, or  
13 benefits under s. 49.147 (3) to (5), to attempt to make the ratio of those persons  
14 occupying permanent positions in the agency to the total number of persons  
15 occupying permanent positions in the agency equal to the ratio of the average case  
16 load receiving aid under s. 49.19, or benefits under s. 49.147 (3) to (5) in this state  
17 in the previous fiscal year to the average number of persons in the state civilian labor  
18 force in the preceding fiscal year, as determined by the department of industry, labor  
19 and human relations.

20 **SECTION 206.** 230.147 (3) of the statutes is amended to read:

21 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall  
22 make every reasonable effort to employ in permanent full-time equivalent positions  
23 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or  
24 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the

1 department of employment relations to assure that its efforts under this subsection  
2 comply with ch. 230.

3 **SECTION 207.** 560.14 (1) (a) (intro.) and 1. of the statutes are consolidated,  
4 renumbered 560.14 (1) (a) and amended to read:

5 560.14 (1) (a) "Applicable median household income" means the ~~greater of the~~  
6 ~~following:~~ ~~1.~~ The median family income for the county where the household is  
7 located, as determined annually by the U.S. department of housing and urban  
8 development.

9 **SECTION 208.** 560.14 (1) (a) 2. of the statutes is repealed.

10 **SECTION 209.** 767.045 (1) (c) 1. of the statutes is amended to read:

11 767.045 (1) (c) 1. Aid is provided under s. 49.19 or 49.45 on behalf of the child,  
12 or benefits are provided to the child's custodial parent under ss. 49.141 to 49.161, but  
13 the state and its delegate under s. 46.25 (7) are barred by a statute of limitations from  
14 commencing an action under s. 767.45 on behalf of the child.

15 **SECTION 210.** 767.075 (1) (c) of the statutes is amended to read:

16 767.075 (1) (c) Whenever aid under s. 49.19 or 49.45 is provided to a dependent  
17 child or benefits are provided to a Wisconsin works participant under ss. 49.141 to  
18 49.161.

19 **SECTION 211.** 767.15 (1) of the statutes is amended to read:

20 767.15 (1) In any action affecting the family in which either party is a recipient  
21 of benefits under ss. 49.141 to 49.161 or aid under s. 49.19 or 49.45, each party shall,  
22 either within 20 days after making service on the opposite party of any motion or  
23 pleading requesting the court or family court commissioner to order, or to modify a  
24 previous order, relating to child support, maintenance or family support, or before  
25 filing the motion or pleading in court, serve a copy of the motion or pleading upon the



1 child support program designee under s. 59.07 (97) of the county in which the action  
2 is begun.

3 **SECTION 212.** 767.24 (6) (c) of the statutes is amended to read:

4 767.24 (6) (c) In making an order of joint legal custody and periods of physical  
5 placement, the court may specify one parent as the primary caretaker of the child and  
6 one home as the primary home of the child, for the purpose of determining eligibility  
7 for aid under s. 49.19 or benefits under ss. 49.141 to 49.161 or for any other purpose  
8 the court considers appropriate.

9 **SECTION 213.** 767.32 (1) (a) of the statutes is amended to read:

10 767.32 (1) (a) After a judgment or order providing for child support under this  
11 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2) or 948.22 (7), maintenance  
12 payments under s. 767.26 or family support payments under this chapter, or for the  
13 appointment of trustees under s. 767.31, the court may, from time to time, on the  
14 petition, motion or order to show cause of either of the parties, or upon the petition,  
15 motion or order to show cause of the department of health and social services, a  
16 county department under s. 46.215, 46.22 or 46.23 or a child support program  
17 designee under s. 59.07 (97) if an assignment has been made under s. 49.19 (4) (h)  
18 ~~or, 49.153 (3) or~~ 49.45 (19) or if either party or their minor children receive aid under  
19 ch. 49, and upon notice to the family court commissioner, revise and alter such  
20 judgment or order respecting the amount of such maintenance or child support and  
21 the payment thereof, and also respecting the appropriation and payment of the  
22 principal and income of the property so held in trust, and may make any judgment  
23 or order respecting any of the matters that such court might have made in the  
24 original action, except that a judgment or order that waives maintenance payments  
25 for either party shall not thereafter be revised or altered in that respect nor shall the

1 provisions of a judgment or order with respect to final division of property be subject  
2 to revision or modification. A revision, under this section, of a judgment or order with  
3 respect to an amount of child or family support may be made only upon a finding of  
4 a substantial change in circumstances. In any action under this section to revise a  
5 judgment or order with respect to maintenance payments, a substantial change in  
6 the cost of living by either party or as measured by the federal bureau of labor  
7 statistics may be sufficient to justify a revision of judgment or order with respect to  
8 the amount of maintenance, except that a change in an obligor's cost of living is not  
9 in itself sufficient if payments are expressed as a percentage of income.

10 **SECTION 214.** 767.32 (1) (b) 1. of the statutes is amended to read:

11 767.32 (1) (b) 1. Commencement of receipt of aid to families with dependent  
12 children under s. 49.19 or participation in Wisconsin works under ss. 49.141 to  
13 49.161 by either parent since the entry of the last child support order, including a  
14 revision of a child support order under this section.

15 **SECTION 215.** 767.47 (6) (a) and (b) of the statutes are amended to read:

16 767.47 (6) (a) Whenever the state brings the action to determine paternity  
17 pursuant to an assignment under s. 49.153 (3) (a), 49.19 (4) (h) 1. or 49.45 (19), the  
18 natural mother of the child may not be compelled to testify about the paternity of the  
19 child if it has been determined that the mother has good cause for refusing to  
20 cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the  
21 federal regulations promulgated pursuant to this statute, as of July 1, 1981, and  
22 pursuant to any rules promulgated by the department of health and social services  
23 which define good cause in accordance with the federal regulations, as authorized by  
24 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

1 (b) Nothing in par. (a) prevents the state from bringing an action to determine  
2 paternity pursuant to an assignment under s. 49.153 (3) (a), 49.19 (4) (h) 1. or 49.45  
3 (19) where evidence other than the testimony of the mother may establish the  
4 paternity of the child.

5 **SECTION 216.** 814.61 (13) of the statutes, as affected by 1995 Wisconsin Act 27,  
6 is amended to read:

7 814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services,  
8 whenever a person not receiving benefits under s. 49.148 or aid under s. 49.19, 49.46,  
9 49.465, 49.468 or 49.47 files a petition requesting child support, maintenance or  
10 family support payments, \$10 in addition to any other fee required under this  
11 section. This subsection does not apply to a petition filed by the state or its delegate.

12 **SECTION 217.** 948.22 (4) (b) of the statutes is amended to read:

13 948.22 (4) (b) For a person not subject to a court order requiring child,  
14 grandchild or spousal support payments, when the person knows or reasonably  
15 should have known that he or she has a dependent, failure to provide support equal  
16 to at least the amount ~~set forth~~ established by rule by the department of health and  
17 family services under s. 49.19 (11) (a) 46.25 (9) (a) or causing a spouse, grandchild  
18 or child to become a dependent person, or continue to be a dependent person, as  
19 defined in s. 49.01 (2).

20 **SECTION 218. Nonstatutory provisions; industry, labor and job**  
21 **development.**

22 (1) RULES ON QUALIFICATION CRITERIA FOR THE ADMINISTRATION OF WISCONSIN  
23 WORKS.

24 (a) The department of industry, labor and job development shall submit  
25 proposed rules required under sections 49.143 to 49.157 of the statutes, as created

1 by this act, to the legislative council staff for review under section 227.15 (1) of the  
2 statutes no later than August 31, 1996.

3 (b) Using the procedure under section 227.24 of the statutes, the department  
4 of industry, labor and job development shall promulgate rules required under  
5 sections 49.143 to 49.157 of the statutes, as created by this act, for the period before  
6 the effective date of the rules submitted under paragraph (a), but not to exceed the  
7 period authorized under section 227.24 (1) (c) and (2) of the statutes.  
8 Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department  
9 need not provide evidence of the necessity of preservation of the public peace, health,  
10 safety or welfare in promulgating rules under this paragraph.

11 **SECTION 219. Appropriation changes; health and social services.**

12 (1) COMMUNITY AIDS. In the schedule under section 20.005 (3) of the statutes  
13 for the appropriation to the department of health and social services under section  
14 20.435 (7) (b) of the statutes, as affected by the acts of 1995, the dollar amount is  
15 decreased by \$21,404,100 for fiscal year 1995-96 and the dollar amount is decreased  
16 by \$21,504,800 for fiscal year 1996-97 to reflect the deletion of low-income and  
17 at-risk child care from community aids funding.

18 **SECTION 220. Appropriation changes; industry, labor and job**  
19 **development.**

20 (1) PUBLIC ASSISTANCE AND LOCAL AID. In the schedule under section 20.005 (3)  
21 of the statutes for the appropriation to the department of industry, labor and job  
22 development under section 20.445 (3) (dz) of the statutes, as affected by the acts of  
23 1995, the dollar amount is increased by \$218,441,600 for fiscal year 1996-97 for the  
24 purposes for which the appropriation is made.

25 **SECTION 221. Initial applicability.**

