



*rm is run*

DOA:.....Grimsrud, BB0249 - Streamlining Wisconsin Works

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

*(in 1-26)*  
*D-note*

*do not generate*

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

**Analysis by the Legislative Reference Bureau**

**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. W-2 is administered, generally, by W-2 agencies under contracts with DCF. This bill makes a number of miscellaneous changes to W-2, including the following:

1. Eliminating the limits on the lengths of time during which a participant may participate in a particular type of employment position, but retaining the overall lifetime limit for participation of 60 months.
2. Removing the specifications on the number of hours a participant in a community service job placement or a transitional placement may be required to engage in certain job-related activities and in educational or training activities.
3. Requiring use of a single method, as provided under federal law, for measuring the 60-month lifetime limit for an individual's participation in W-2.
4. Requiring DCF to specify guidelines for determining when a participant is demonstrating a refusal to participate, which could result in a reduced benefit amount or in eligibility to participate in a particular employment position, and

requiring a W-2 agency to allow a participant a conciliation period for providing additional documentation to show good cause for not participating.

5. Eliminating the Learnfare program, which subjected individuals who failed to meet certain school attendance requirements to sanctions determined by rule, and the requirement that a W-2 agency establish a community steering committee, and instead requiring W-2 agencies to provide information and services aimed at connecting W-2 participants, youth, and parents with their communities, their schools, employers, workforce development programs, child care providers, and other resources.

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

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

1           **SECTION 1.** 15.207 (24) (a) 7. of the statutes is amended to read:

2           15.207 (24) (a) 7. Subject to par. (d), ~~two~~ Two members who are nominated by  
3 a children's services network established in Milwaukee County under s. 49.143 (2)  
4 (b) and who are residents of the geographical area established under s. 49.143 (6)  
5 that is served by the children's services network.

\*\*\*\*NOTE: Since we are repealing the requirement to establish children's services networks, what do you want to do about nominating these members of the Milwaukee child welfare partnership council? Note that I repealed s. 15.207 (24) (d).

6           **SECTION 2.** 15.207 (24) (d) of the statutes is repealed.

7           **SECTION 3.** 20.437 (2) (dz) of the statutes is amended to read:

8           20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*  
9 *maintenance of effort.* The amounts in the schedule, less the amounts withheld  
10 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works  
11 under ss. 49.141 to 49.161, ~~the learnfare program under s. 49.26,~~ and the work  
12 experience program for noncustodial parents under s. 49.36; for payments to local  
13 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;  
14 and for emergency assistance for families with needy children under s. 49.138.  
15 Payments may be made from this appropriation for any contracts under s. 49.845 (4)

Insert 2-5

1 and for any fraud investigation and error reduction activities under s. 49.197 (1m).  
2 Moneys appropriated under this paragraph may be used to match federal funds  
3 received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
4 department may transfer funds between fiscal years under this paragraph.  
5 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
6 shall credit or deposit into this appropriation account funds for the purposes of this  
7 appropriation that the department transfers from the appropriation account under  
8 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by  
9 December 31 of each year lapse to the general fund on the next January 1 unless  
10 transferred to the next calendar year by the joint committee on finance.

11 **SECTION 4.** 46.215 (1) (j) of the statutes is amended to read:

12 46.215 (1) (j) To make payments in such manner as the department of children  
13 and families may determine for training of recipients, former recipients, and  
14 potential recipients of aid in ~~programs~~ the program established under s. 49.193, 1997  
15 stats., ~~and s. 49.26 (1).~~

16 **SECTION 5.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

17 46.22 (1) (b) 2. e. To make payments in such manner as the department of  
18 children and families may determine for training of recipients, former recipients and  
19 potential recipients of aid in ~~programs~~ the program established under s. 49.193, 1997  
20 stats., ~~and s. 49.26 (1).~~

21 **SECTION 6.** 49.143 (2) (a) of the statutes is repealed.

22 **SECTION 7.** 49.143 (2) (am) of the statutes is created to read:

23 49.143 (2) (am) Provide information and services aimed at connecting  
24 Wisconsin Works participants with their communities and the resources available,  
25 including employer and job connections, mentorships, child care services and

1 providers, the local council on workforce investment, charitable food and clothing  
2 centers, subsidized and low-income housing, and transportation subsidies. The  
3 contract shall include a description of the information and services the Wisconsin  
4 Works agency will provide in fulfillment of the requirement under this paragraph  
5 and how the the information and services will be provided.

6 **SECTION 8.** 49.143 (2) (b) of the statutes is repealed.

7 **SECTION 9.** 49.143 (2) (bm) of the statutes is created to read:

8 49.143 (2) (bm) Provide information and services aimed at connecting youth  
9 and their parents with schools, career development services, and workforce  
10 development programs, including the Youth Apprenticeship Program under s.  
11 106.13 and the Wisconsin Covenant Scholars Program under s. 39.437. The contract  
12 shall include a description of the information and services the Wisconsin Works  
13 agency will provide in fulfillment of the requirement under this paragraph and how  
14 the information and services will be provided.

15 **SECTION 10.** 49.143 (2m) (intro.) of the statutes is amended to read:

16 49.143 (2m) NUTRITION OUTREACH. (intro.) A Wisconsin ~~works~~ Works agency  
17 may establish a nutrition outreach program ~~with the community steering committee~~  
18 ~~established under sub. (2) (a).~~ The Wisconsin ~~works~~ agency and ~~community steering~~  
19 ~~committee~~ and may coordinate with local food pantries and food banks and other  
20 interested parties to increase the supply of food available. Under the outreach  
21 program, the Wisconsin ~~works~~ Works agency may do anything that it determines  
22 would best effect the desired outcome of the program, including any of the following:

23 **SECTION 11.** 49.143 (2m) (f) (intro.) of the statutes is amended to read:

24 49.143 (2m) (f) (intro.) Establish a ~~subcommittee of the community steering~~  
25 committee that includes qualified aliens and that may do any of the following:

1 SECTION 12. 49.145 (2) (n) of the statutes is repealed and recreated to read:

2 49.145 (2) (n) The total number of months in which the individual or an adult  
3 member of the individual's Wisconsin Works group has received assistance, as  
4 defined in XXXX, does not exceed 60 months.

\*\*\*\*NOTE: Based on the description of the desired change, I assumed that there was a federal citation for the definition of "assistance" and that the citation could be included in the text. If that is the case, what is the citation? If that is not the case, I would propose: "Neither the individual nor any adult member of the individual's Wisconsin Works group has exceeded the 60-month federal time limit for the receipt of assistance." Even then it would be good to define "assistance," but not as crucial because of the reference to the federal time limit.

5 SECTION 13. 49.147 (3) (c) of the statutes is repealed.

6 SECTION 14. 49.147 (4) (as) of the statutes is repealed.

7 SECTION 15. 49.147 (4) (at) of the statutes is amended to read:

8 49.147 (4) (at) *Motivational training.* A Wisconsin works Works agency may  
9 require a participant, during the first 2 weeks of participation under this subsection,  
10 to participate in an assessment and motivational training program identified by the  
11 community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works  
12 Works agency may require not more than 40 hours of participation per week under  
13 this paragraph in lieu of the participation requirement under ~~par. (as)~~ pars. (a) and  
14 (am).

15 SECTION 16. 49.147 (4) (av) of the statutes is amended to read:

16 49.147 (4) (av) *Education for 18-year-old and 19-year-old students.* A  
17 Wisconsin works Works agency shall permit a participant under this subsection who  
18 has not attained the age of 20 and who has not obtained a high school diploma or a  
19 declaration of equivalency of high school graduation to attend high school or, at the  
20 option of the participant, to enroll in a course of study meeting the standards  
21 established under s. 115.29 (4) for the granting of a declaration of equivalency of high

Insert 5-4

1 school graduation to satisfy, in whole or in part, the ~~required hours of participation~~  
2 requirement under par. (as) pars. (a) and (am).

3 **SECTION 17.** 49.147 (4) (b) of the statutes is repealed.

4 **SECTION 18.** 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5)  
5 (b) (intro.).

6 **SECTION 19.** 49.147 (5) (b) 1. a. of the statutes is renumbered 49.147 (5) (b) 1m.

7 **SECTION 20.** 49.147 (5) (b) 1. c. of the statutes is renumbered 49.147 (5) (b) 2m.

8 **SECTION 21.** 49.147 (5) (b) 1. d. of the statutes is renumbered 49.147 (5) (b) 3.

9 **SECTION 22.** 49.147 (5) (b) 1. e. of the statutes is renumbered 49.147 (5) (b) 4.

10 **SECTION 23.** 49.147 (5) (b) 2. of the statutes is repealed.

11 **SECTION 24.** 49.147 (5) (bs) of the statutes is repealed.

12 **SECTION 25.** 49.147 (5) (bt) of the statutes is amended to read:

13 49.147 (5) (bt) *Motivational training.* A Wisconsin works Works agency may  
14 require a participant, during the first 2 weeks of participation under this subsection,  
15 to participate in an assessment and motivational training program identified by the  
16 ~~community steering committee under s. 49.143 (2) (a) 10.~~ The Wisconsin works  
17 Works agency may require not more than 40 hours of participation per week under  
18 this paragraph in lieu of the participation requirement under ~~par. (bs)~~ pars. (b) and  
19 (bm).

20 **SECTION 26.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

21 49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except  
22 as provided in par. (bL), a participant under sub. (4) ~~(b)~~ or (5) may participate in a  
23 technical college education program as part of a community service job placement or  
24 transitional placement if all of the following requirements are met:

25 **SECTION 27.** 49.147 (5m) (a) 1. of the statutes is amended to read:

1           49.147 (5m) (a) 1. The Wisconsin ~~works~~ Works agency, in consultation with the  
2           ~~community steering committee established under s. 49.143 (2) (a) and the technical~~  
3           college district board, determines that the technical college education program is  
4           likely to lead to employment.

5           **SECTION 28.** 49.147 (5m) (c) of the statutes is amended to read:

6           49.147 (5m) (c) The Wisconsin ~~works~~ Works agency shall work with the  
7           ~~community steering committee established under s. 49.143 (2) (a) and the technical~~  
8           college district board to monitor the participant's progress in the technical college  
9           education program and the effectiveness of the program in leading to employment.

10          **SECTION 29.** 49.148 (1) (c) of the statutes is amended to read:

11          49.148 (1) (c) *Transitional placements.* For a participant in a transitional  
12          placement under s. 49.147 (5) or in a transitional placement and in technical college  
13          education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin ~~works~~  
14          Works agency. For every hour that the participant fails to participate in any required  
15          activity without good cause, including any activity under s. 49.147 (5) (b) ~~1. a. to e.~~  
16          1m. to 4., the grant amount shall be reduced by \$5.15. Good cause shall be  
17          determined by the financial and employment planner in accordance with rules  
18          promulgated by the department. Good cause shall include required court  
19          appearances for a victim of domestic abuse.

20          **SECTION 30.** 49.148 (1m) (a) of the statutes is amended to read:

21          49.148 (1m) (a) A custodial parent of a child ~~who is~~ 12 weeks old or less ~~and~~  
22          who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a  
23          monthly grant of \$673 unless another adult member of the custodial parent's  
24          Wisconsin ~~works~~ Works group is participating in, or is eligible to participate in, a  
25          Wisconsin ~~works~~ Works employment position or is employed in unsubsidized

1 employment, as defined in s. 49.147 (1) (c). A Wisconsin ~~works~~ Works agency may  
2 not require a participant under this subsection to participate in any employment  
3 positions. Receipt of a grant under this subsection does not constitute participation  
4 in a Wisconsin ~~works~~ Works employment position for purposes of the time ~~limits~~ limit  
5 under s. 49.145 (2) (n) ~~or 49.147 (3) (e), (4) (b) or (5) (b) 2.~~ if the child is born to the  
6 participant not more than 10 months after the date that the participant was first  
7 determined to be eligible for assistance under s. 49.19 or for a Wisconsin ~~works~~ Works  
8 employment position.

9 **SECTION 31.** 49.148 (1m) (b) of the statutes is amended to read:

10 49.148 **(1m)** (b) Receipt of a grant under this subsection constitutes  
11 participation in a Wisconsin ~~works~~ Works employment position for purposes of the  
12 time ~~limits~~ limit ~~under ss. 49.145 (2) (n) and 49.147 (3) (e), (4) (b) or (5) (b)~~  
13 ~~2.~~ if the child is born to the participant more than 10 months after the date that the  
14 participant was first determined to be eligible for assistance under s. 49.19 or for a  
15 Wisconsin ~~works~~ Works employment position unless the child was conceived as a  
16 result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother  
17 did not indicate a freely given agreement to have sexual intercourse or of incest in  
18 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported  
19 to a physician and to law enforcement authorities.

20 **SECTION 32.** 49.148 (4) (b) of the statutes is amended to read:

21 49.148 **(4)** (b) The Wisconsin ~~works~~ Works agency may require an individual  
22 who tests positive for use of a controlled substance under par. (a) to participate in a  
23 drug abuse evaluation, assessment, and treatment program as part of the  
24 participation requirement under s. 49.147 (4) ~~(as)~~ (a) and (am) or (5) ~~(bs)~~ (b) and (bm).

25 **SECTION 33.** 49.151 (1) (b) of the statutes is amended to read:

1           49.151 (1) (b) The participant, or an individual who is in the participant's  
2 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.  
3 49.15 (2), fails, without good cause, as determined by the Wisconsin ~~works~~ Works  
4 agency, to appear for an interview with a prospective employer or, if the participant  
5 is in a Wisconsin ~~works~~ Works transitional placement, the participant fails to appear  
6 for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e. 1m. to~~  
7 4., without good cause, as determined by the Wisconsin ~~works~~ Works agency.

8           **SECTION 34.** 49.1515 of the statutes is created to read:

9           **49.1515 Determining nonparticipation without good cause. (1)**

10           GUIDELINES BY RULE. The department shall by rule specify guidelines for determining  
11 when a participant, or individual in the participant's Wisconsin Works group, who  
12 engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating  
13 a refusal to participate.

14           **(2) ACTIONS BEFORE DETERMINATION.** Before determining under s. 49.151 that  
15 a participant is ineligible to participate in a Wisconsin Works employment position,  
16 the Wisconsin Works agency shall, each time the participant or an individual in the  
17 participant's Wisconsin Works group fails to participate, do all of the following:

18           (a) Determine whether the failure of the participant or individual to participate  
19 is because the participant or individual refuses to participate or is unable to  
20 participate.

21           (b) Ensure that the services offered to the participant or individual are  
22 appropriate for him or her.

23           (c) Determine whether good cause exists for the failure to participate.

24           **(3) CONCILIATION PERIOD FOR COMPLIANCE.** (a) If a Wisconsin Works agency, in  
25 accordance with rules promulgated under sub. (1) and after taking the steps required

1 under sub. (2), determines that a participant or individual has refused to participate  
2 without good cause, the Wisconsin Works agency shall allow the participant or  
3 individual a conciliation period during which he or she may provide additional  
4 documentation of participation or of good cause. The participant shall be allowed to  
5 continue to participate in the employment position during the conciliation period.

6 (b) The department shall by rule establish the length of time for a conciliation  
7 period.

8 **SECTION 35.** 49.153 (1) (c) of the statutes is amended to read:

9 49.153 (1) (c) After providing the notice under par. (a) and the explanation or  
10 the attempts to provide an explanation under par. (b), if the participant has not  
11 already been afforded a conciliation period under s. 49.1515 (3) allow the participant  
12 a reasonable time to rectify the deficiency, failure, or other behavior to avoid the  
13 proposed action.

14 **SECTION 36.** 49.155 (1m) (a) 1. of the statutes is amended to read:

15 49.155 (1m) (a) 1. ~~Meet the Attend school attendance requirement under s.~~  
16 ~~49.26 (1) (ge).~~

17 **SECTION 37.** 49.155 (1m) (a) 1m. (intro.) of the statutes is amended to read:

18 49.155 (1m) (a) 1m. (intro.) Obtain a high school diploma or participate in a  
19 course of study meeting the standards established by the state superintendent of  
20 public instruction for the granting of a declaration of equivalency of high school  
21 graduation, if the individual is not ~~subject to the school attendance requirement~~  
22 ~~under s. 49.26 (1) (ge)~~ enrolled in school and at least one of the following conditions  
23 is met:

24 **SECTION 38.** 49.26 of the statutes is repealed.

25 **SECTION 39.** 49.32 (6) of the statutes is amended to read:

1           **49.32 (6) WELFARE REFORM STUDIES.** The department shall request proposals  
2 from persons in this state for studies of the effectiveness of various program changes,  
3 referred to as welfare reform, to the aid to families with dependent children program,  
4 including the requirement that certain recipients of aid to families with dependent  
5 children with children under age 6 participate in training programs, ~~the learnfare~~  
6 ~~school attendance requirement under s. 49.26 (1) (g)~~ and the modification of the  
7 earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the  
8 effectiveness of the various efforts, including their cost-effectiveness, in helping  
9 individuals gain independence through the securing of jobs and providing financial  
10 incentives and in identifying barriers to independence.

11           **SECTION 40.** 49.79 (1) (fm) of the statutes is created to read:

12           **49.79 (1) (fm)** "School" means any of the following:

- 13           1. A public school, as described in s. 115.01 (1).
- 14           2. A private school, as defined in s. 115.001 (3r).
- 15           3. A technical college pursuant to a contract under s. 118.15 (2).
- 16           4. A course of study meeting the standards established by the state  
17 superintendent of public instruction under s. 115.29 (4) for the granting of a  
18 declaration of equivalency of high school graduation.

19           **SECTION 41.** 49.79 (9) (a) 3. of the statutes is amended to read:

20           **49.79 (9) (a) 3.** The department may not require an individual who is a recipient  
21 under the food stamp program to participate in any employment and training  
22 program under this subsection if that individual is enrolled at least half time in a  
23 school, ~~as defined in s. 49.26 (1) (a) 2.,~~ a training program, or an institution of higher  
24 education.

25           **SECTION 42.** 118.15 (5) (b) 1. of the statutes is repealed.

1           **SECTION 43.** 118.15 (5) (b) 2. of the statutes is renumbered 118.15 (5) (b).

2           **SECTION 44.** 119.82 (title) of the statutes is amended to read:

3           **119.82 (title) Alternative educational programs for learnfare certain**  
4 **pupils.**

5           **SECTION 45.** 119.82 (1m) (c) of the statutes is repealed.

\*\*\*\*NOTE: With the repeal of the criterion under par. (c), is this program (under s. 119.82) still viable?

6           **SECTION 46.** 948.45 (1) of the statutes is amended to read:

7           **948.45 (1) ~~Except as provided in sub. (2), any~~ Any** person 17 years of age or older  
8 who, by any act or omission, knowingly encourages or contributes to the truancy, as  
9 defined under s. 118.16 (1) (c), of a person 17 years of age or under is guilty of a Class  
10 C misdemeanor.

11           **SECTION 47.** 948.45 (2) of the statutes is repealed.

12           **SECTION 9308. Initial applicability; Children and Families.**

13           (1) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The  
14 treatment of sections 49.145 (2) (n), 49.147 (3) (c), (4) (as), (at), (av), and (b), (5) (b)  
15 1. (intro.), a., c., d., and e. and 2., (bs), and (bt), and (5m) (a) (intro.) and 1. and (c),  
16 49.148 (1) (c), (1m) (a) and (b), and (4) (b), 49.151 (1) (b), 49.1515, 49.153 (1) (c), and  
17 49.155 (1m) (a) 1. and 1m. (intro.) of the statutes first applies to individuals  
18 participating in Wisconsin Works on the effective date of this subsection.

19           (2) WISCONSIN WORKS AGENCY CONTRACTS. The treatment of sections 49.143 (2)  
20 (a), (am), (b), and (bm) and (2m) (intro.) and (f) (intro.) and 49.147 (5m) (a) 1. and (c)  
21 of the statutes first applies to Wisconsin Works agencies that enter into agency  
22 contracts or that renew agency contracts on the effective date of this subsection.

23           (3) REPEAL OF LEARNFARE.

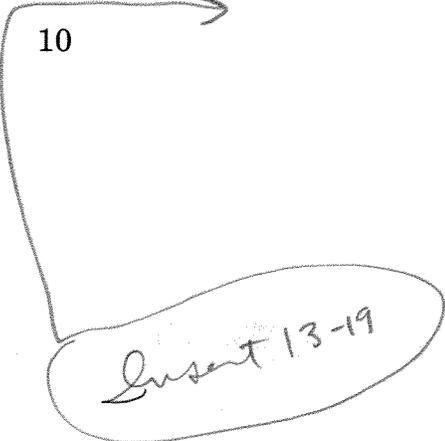
1           (a) *Compulsory school attendance.* The treatment of section 118.15 (5) (b) 1. and  
2 of the statutes first applies to violations occurring on the effective date of this  
3 paragraph.

4           (b) *Alternative educational programs.* The treatment of section 119.82 (title)  
5 and (1m) (c) of the statutes first applies to requests for alternative educational  
6 programs that are made on the effective date of this paragraph.

7           (c) *Contributing to truancy.* The treatment of section 948.45 (1) and (2) of the  
8 statutes first applies to acts or omissions occurring on the effective date of this  
9 paragraph.

10

(END)



Insert 13-19

D-note

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1059/P3ins  
PJK:.....

INSERT 2-5

1 SECTION 1. 15.207 (24) (a) 7. of the statutes is repealed.

2 SECTION 2. 15.207 (24) (c) of the statutes is amended to read:

3 15.207 (24) (c) The members of the council appointed under par. (a) 1., and 6.  
4 and 7. shall be appointed for 3-year terms.

History: 2007 a. 20 ss. 53 to 64, 67; s. 13.92 (1) (bm) 2.

(END OF INSERT 2-5)

INSERT 5-4

5 49.145 (2) (n) Neither the individual nor any adult member of the individual's  
6 Wisconsin Works group has exceeded the 60-month federal time limit for the receipt  
7 of assistance.

(END OF INSERT 5-4)

INSERT 13-19

8 (b) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL. The treatment of  
9 section 15.207 (24) (a) 7., (c), and (d) of the statutes first applies to members of the  
10 Milwaukee child welfare partnership council who would be appointed for terms  
11 beginning after the expiration of the terms of the current members of the council who  
12 were nominated by a children's services <sup>network</sup> established in Milwaukee County under  
13 section 49.143 (2) (b), 2007 stats.

(END OF INSERT 13-19)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1059/P3dn

PJK:...

*Date*

*gf*

Sarah:

I removed the embedded notes in this draft. Note especially that I eliminated the members of the Milwaukee child welfare partnership council [s. 15.207 (24)] who were nominated by the children's services network. Also, I modified the language of s. 49.145 (2) (n) so that no federal citation is needed.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1059/P3dn  
PJK:kjfjf

January 26, 2009

Sarah:

I removed the embedded notes in this draft. Note especially that I eliminated the members of the Milwaukee Child Welfare Partnership Council [s. 15.207 (24)] who were nominated by the children's services network. Also, I modified the language of s. 49.145 (2) (n) so that no federal citation is needed.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)

**Kahler, Pam**

**From:** Grimsrud, Sarah - DOA [Sarah.Grimrud@wisconsin.gov]  
**Sent:** Wednesday, January 28, 2009 5:47 PM  
**To:** Kahler, Pam  
**Subject:** LRB-1059/P3

Hi Pam,

You are going to hate me, but here are changes that need to be made this draft prior to the compilation:

- Section 1: Please reinstate s.15.207(24)(a)7. to read, "Two members who are nominated by the Wisconsin Works agency or agencies in Milwaukee County as determined under s.49.143, who are residents of the geographical areas established under s.49.143(6)."
- Section 2: The members should include those appointed under par. (a)1., 6. and 7.
- Section 5: Repeal entire paragraph. Payments are no longer being made under 49.193, 1997 stats.
- Section 6: Repeal entire paragraph. Payments are no longer being made under 49.193, 1997 stats.
- Section 8:   
 Page 3, Line 22. Please insert "applicants and" after "Works".  
 Page 3, Line 23. Please insert "job creation" after "including"  
 Page 3, Line 24. Please strike "council on" and insert "board" after "investment"  
 Page 4, Line 3. Please insert "to applicants and participants" after "provided"
- Section 10: Page 4, Line 12. Please insert "to applicants and participants" after "provided"
- Section 13: Page 5, Line 2. Please insert "established under 42 USC 608(a)(7)" after "limit"
- Section 15: Please do not repeal 49.147(4)(as). I would like to amend the paragraph as follows, "*Required hours*. Except as provided in pars. (at) and (av) and sub. (5m), a Wisconsin Works agency shall require a participant placed in a community service job program to work in a community service job for the number of hours determined by the Wisconsin Works agency to be appropriate for the participant at the time of application or review, but not to exceed ~~30~~ 40 hours per week. The 40 hours per week shall be a combined total of activities assigned under par. (a) and (am). ~~Except as provided in sub. (5m), a Wisconsin works agency may require a participant placed in a transitional placement to participate in education or training activities under par. (bm) for not more than 12 hours per week.~~
- Section 25: Please do not repeal 49.147(5)(bs). I would like to amend the paragraph as follows, "*Required hours*. Except as provided in par. (bt) and sub. (5m), a Wisconsin Works agency may require a participant placed in a transitional placement to engage in activities under par. (b)1. for up to ~~20~~ 40 hours per week. The 40 hours per week shall be a total of activities assigned under par. (b)1. and education and training hours. ~~Except as provided in sub. (5m), a Wisconsin works agency may require a participant placed in a transitional placement to participate in education or training activities under par. (bm) for not more than 12 hours per week.~~
- Section 28: Page 6, Line 23. Strike "district board"
- Section 29:   
 Page 7, Line 1. Strike "work with the"  
 Page 7, Line 2. Strike "technical"  
 Page 7, Line 3. Strike "college district board"
- New Section: I am not sure if this is necessary to insert, but I would like a new Section amending 49.151(1) (intro.) to state, "REFUSAL TO PARTICIPATE. A participant who refuses to participate as determined in 49.1515, 3 times in any Wisconsin ~~works~~ Works employment position component is

01/29/2009

ineligible to participate in ~~that component of the Wisconsin Works program~~ for 3 months. A participant is also ineligible to participate in the Wisconsin Works program if an individual in the participant's Wisconsin Works group is subject to the work requirement under s.49.15(2) and refuses ~~3 times~~ to participate as required. ~~A participant whom the Wisconsin works agency has determined is ineligible under this section for a particular Wisconsin works employment position component may be eligible to participate in any other Wisconsin works employment position component in which the participant has not refuse to participate 3 times.~~ A participant or an individual who is subject to the work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of the following applies:

- Section 35:  Page 9, Line 10. Please strike "a" and insert "the" before "Wisconsin Works" and add "program" after "Works". Strike "employment position"
- Page 9, Line 11-12. Please strike "each time the participant or an individual in the participant's Wisconsin Works group fails to participate,"
- Page 9, Line 23-25. Strike "may provide additional documentation of participation or of good cause. The participant shall be allowed to continue to participate in the employment position during the conciliation period." and add "must participate in all assigned activities unless good cause exists preventing compliance during the conciliation period."
- I want to add two provisions that the Wisconsin Works agency must do. The first thing a Wisconsin Works agency must do is "Explain to the participant orally in person or by phone, or make reasonable attempts to explain to the participant orally or by phone, the proposed action and the reasons for the proposed action." I also want to add another action at the end of 49.1515 (2) that requires the W-2 agency to "Provide to the participant written notice of the proposed action and of the reasons for the proposed action." after all of the other actions have been completed.
- Section 45: Repeal s.119.82. The program is no longer viable.
- Section 46: Repeal this section. The program under s.119.82 is no longer viable.
- Section 9308: All changes should have an effective date of October 1, 2009 or 30 days after the effective date of the bill.

**Sarah E. Grimsrud**  
**Executive Policy & Budget Analyst**  
**State Budget Office**  
**Division of Executive Budget & Finance**  
**Wisconsin Department of Administration**  
**(608) 266-2288**



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1059/P3

PJK:kjfjf

kjfenwn

vmisrun

DOA:.....Grimsrud, BB0249 - Streamlining Wisconsin Works

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-note

do not  
generate

but retaining an overall requirement of not more than 40 per week

1 AN ACT ~~relating to~~; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. W-2 is administered, generally, by W-2 agencies under contracts with DCF. This bill makes a number of miscellaneous changes to W-2, including the following:

1. Eliminating the limits on the lengths of time during which a participant may participate in a particular type of employment position, but retaining the overall lifetime limit for participation of 60 months.

2. Removing the specifications on the number of hours a participant in a community service job placement or a transitional placement may be required to engage in certain job-related activities and in educational or training activities.

3. Requiring use of a single method, as provided under federal law, for measuring the 60-month lifetime limit for an individual's participation in W-2.

4. Requiring DCF to specify guidelines for determining when a participant is demonstrating a refusal to participate, which could result in a reduced benefit amount or ineligibility to participate in a particular employment position, and

>

Insert A

requiring a W-2 agency to allow a participant a conciliation period for providing additional documentation to show good cause for not participating.

5. Eliminating the Learnfare program, which subjected individuals who failed to meet certain school attendance requirements to sanctions determined by rule, and the requirement that a W-2 agency establish a community steering committee, and instead requiring W-2 agencies to provide information and services aimed at connecting W-2 participants, youth, and parents with their communities, their schools, employers, workforce development programs, child care providers, and other resources.

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

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

SECTION 1. 15.207 (24) (a) 7. of the statutes is repealed.

SECTION 2. 15.207 (24) (c) of the statutes is amended to read:

15.207 (24) (c) The members of the council appointed under par. (a) 1., and 6.  
and 7. shall be appointed for 3-year terms.

SECTION 3. 15.207 (24) (d) of the statutes is repealed.

SECTION 4. 20.437 (2) (dz) of the statutes is amended to read:

20.437 (2) (dz) *Temporary Assistance for Needy Families programs; maintenance of effort.* The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for administration and benefit payments under Wisconsin Works under ss. 49.141 to 49.161, ~~the learnfare program under s. 49.26,~~ and the work experience program for noncustodial parents under s. 49.36; for payments to local governments, organizations, tribal governing bodies, and Wisconsin Works agencies; and for emergency assistance for families with needy children under s. 49.138. Payments may be made from this appropriation for any contracts under s. 49.845 (4) and for any fraud investigation and error reduction activities under s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match federal funds

Insert 2-5

1 received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
2 department may transfer funds between fiscal years under this paragraph.  
3 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
4 shall credit or deposit into this appropriation account funds for the purposes of this  
5 appropriation that the department transfers from the appropriation account under  
6 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by  
7 December 31 of each year lapse to the general fund on the next January 1 unless  
8 transferred to the next calendar year by the joint committee on finance.

9 SECTION 5. 46.215 (1) (j) of the statutes is amended to read: *repealed.*

10 46.215 (1) (j) To make payments in such manner as the department of children  
11 and families may determine for training of recipients, former recipients, and  
12 potential recipients of aid in ~~programs~~ the program established under s. 49.193, 1997  
13 stats., and s. 49.26 (1).

14 SECTION 6. 46.22 (1) (b) 2. e. of the statutes is amended to read: *repealed.*

15 46.22 (1) (b) 2. e. To make payments in such manner as the department of  
16 children and families may determine for training of recipients, former recipients and  
17 potential recipients of aid in ~~programs~~ the program established under s. 49.193, 1997  
18 stats., and s. 49.26 (1).

19 SECTION 7. 49.143 (2) (a) of the statutes is repealed.

20 SECTION 8. 49.143 (2) (am) of the statutes is created to read:

21 49.143 (2) (am) Provide information and services aimed at connecting  
22 Wisconsin Works <sup>→ applicants and</sup> participants with their communities and the resources available,  
23 including <sup>→ job creations</sup> employer and job connections, mentorships, child care services and  
24 providers, the local council on workforce investment, <sup>→ board</sup> charitable food and clothing  
25 centers, subsidized and low-income housing, and transportation subsidies. The

*fix components*

1 contract shall include a description of the information and services the Wisconsin  
2 Works agency will provide in fulfillment of the requirement under this paragraph  
3 and how the the information and services will be provided.

*to applicants and participants*

4 **SECTION 9.** 49.143 (2) (b) of the statutes is repealed.

5 **SECTION 10.** 49.143 (2) (bm) of the statutes is created to read:

6 49.143 (2) (bm) Provide information and services aimed at connecting youth  
7 and their parents with schools, career development services, and workforce  
8 development programs, including the Youth Apprenticeship Program under s.  
9 106.13 and the Wisconsin Covenant Scholars Program under s. 39.437. The contract  
10 shall include a description of the information and services the Wisconsin Works  
11 agency will provide in fulfillment of the requirement under this paragraph and how  
12 the information and services will be provided.

13 **SECTION 11.** 49.143 (2m) (intro.) of the statutes is amended to read:

14 49.143 (2m) NUTRITION OUTREACH. (intro.) A Wisconsin ~~works~~ Works agency  
15 may establish a nutrition outreach program ~~with the community steering committee~~  
16 ~~established under sub. (2) (a).~~ The Wisconsin ~~works~~ Works agency and community steering  
17 ~~committee~~ and may coordinate with local food pantries and food banks and other  
18 interested parties to increase the supply of food available. Under the outreach  
19 program, the Wisconsin ~~works~~ Works agency may do anything that it determines  
20 would best effect the desired outcome of the program, including any of the following:

21 **SECTION 12.** 49.143 (2m) (f) (intro.) of the statutes is amended to read:

22 49.143 (2m) (f) (intro.) Establish a ~~subcommittee of the community steering~~  
23 ~~committee~~ that includes qualified aliens and that may do any of the following:

24 **SECTION 13.** 49.145 (2) (n) of the statutes is repealed and recreated to read:

*established under 42 USC 608(a)(7)*

1 49.145 (2) (n) Neither the individual nor any adult member of the individual's  
2 Wisconsin Works group has exceeded the 60-month federal time limit for the receipt  
3 of assistance.

4 SECTION 14. 49.147 (3) (c) of the statutes is repealed.

5 SECTION 15. 49.147 (4) (as) of the statutes is repealed.

6 SECTION 16. 49.147 (4) (at) of the statutes is amended to read:

7 49.147 (4) (at) *Motivational training*. A Wisconsin works Works agency may  
8 require a participant, during the first 2 weeks of participation under this subsection,  
9 to participate in an assessment and motivational training program identified by the  
10 community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works

11 Works agency may require not more than 40 hours of participation per week under  
12 this paragraph in lieu of the participation requirement under par. (as) pars. (a) and  
13 (am).

14 SECTION 17. 49.147 (4) (av) of the statutes is amended to read:

15 49.147 (4) (av) *Education for 18-year-old and 19-year-old students*. A  
16 Wisconsin works Works agency shall permit a participant under this subsection who  
17 has not attained the age of 20 and who has not obtained a high school diploma or a  
18 declaration of equivalency of high school graduation to attend high school or, at the  
19 option of the participant, to enroll in a course of study meeting the standards  
20 established under s. 115.29 (4) for the granting of a declaration of equivalency of high  
21 school graduation to satisfy, in whole or in part, the required hours of participation  
22 requirement under par. (as) pars. (a) and (am).

23 SECTION 18. 49.147 (4) (b) of the statutes is repealed.

24 SECTION 19. 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5)  
25 (b) (intro.).

*Insert 5-5*

*plain*

*plain*

Quest 6-6

1 SECTION 20. 49.147 (5) (b) 1. a. of the statutes is renumbered 49.147 (5) (b) 1m.

2 SECTION 21. 49.147 (5) (b) 1. c. of the statutes is renumbered 49.147 (5) (b) 2m.

3 SECTION 22. 49.147 (5) (b) 1. d. of the statutes is renumbered 49.147 (5) (b) 3.

4 SECTION 23. 49.147 (5) (b) 1. e. of the statutes is renumbered 49.147 (5) (b) 4.

5 SECTION 24. 49.147 (5) (b) 2. of the statutes is repealed.

6 SECTION 25. 49.147 (5) (bs) of the statutes is repealed.

7 SECTION 26. 49.147 (5) (bt) of the statutes is amended to read:

8 49.147 (5) (bt) *Motivational training*. A Wisconsin works Works agency may  
9 require a participant, during the first 2 weeks of participation under this subsection,  
10 to participate in an assessment and motivational training program identified by the  
11 ~~community steering committee under s. 49.143 (2) (a) 10~~. The Wisconsin works  
12 Works agency may require not more than 40 hours of participation per week under  
13 this paragraph in lieu of the participation requirement under par. (bs) pars. (b) and  
14 (bm).

15 SECTION 27. 49.147 (5m) (a) (intro.) of the statutes is amended to read:

16 49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except  
17 as provided in par. (bL), a participant under sub. (4) (b) or (5) may participate in a  
18 technical college education program as part of a community service job placement or  
19 transitional placement if all of the following requirements are met:

20 SECTION 28. 49.147 (5m) (a) 1. of the statutes is amended to read:

21 49.147 (5m) (a) 1. The Wisconsin works Works agency, in consultation with the  
22 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~  
23 ~~college district board~~, determines that the technical college education program is  
24 likely to lead to employment.

25 SECTION 29. 49.147 (5m) (c) of the statutes is amended to read:

1 49.147 (5m) (c) The Wisconsin ~~works~~ Works agency shall ~~work with the~~ ←  
 2 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~ ←  
 3 ~~college district board to monitor the participant's progress in the technical college~~ ←  
 4 education program and the effectiveness of the program in leading to employment. ✓

5 **SECTION 30.** 49.148 (1) (c) of the statutes is amended to read:

6 49.148 (1) (c) *Transitional placements.* For a participant in a transitional  
 7 placement under s. 49.147 (5) or in a transitional placement and in technical college  
 8 education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin ~~works~~  
 9 Works agency. For every hour that the participant fails to participate in any required  
 10 activity without good cause, including any activity under s. 49.147 (5) (b) ~~1. a. to e.~~  
 11 1m. to 4., the grant amount shall be reduced by \$5.15. Good cause shall be  
 12 determined by the financial and employment planner in accordance with rules  
 13 promulgated by the department. Good cause shall include required court  
 14 appearances for a victim of domestic abuse.

15 **SECTION 31.** 49.148 (1m) (a) of the statutes is amended to read:

16 49.148 (1m) (a) A custodial parent of a child ~~who is~~ 12 weeks old or less ~~and~~  
 17 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a  
 18 monthly grant of \$673 unless another adult member of the custodial parent's  
 19 Wisconsin ~~works~~ Works group is participating in, or is eligible to participate in, a  
 20 Wisconsin ~~works~~ Works employment position or is employed in unsubsidized  
 21 employment, as defined in s. 49.147 (1) (c). A Wisconsin ~~works~~ Works agency may  
 22 not require a participant under this subsection to participate in any employment  
 23 positions. Receipt of a grant under this subsection does not constitute participation  
 24 in a Wisconsin ~~works~~ Works employment position for purposes of the time ~~limits~~ limit  
 25 under s. 49.145 (2) (n) ~~or 49.147 (3) (c), (4) (b) or (5) (b) 2.~~ if the child is born to the

1 participant not more than 10 months after the date that the participant was first  
2 determined to be eligible for assistance under s. 49.19 or for a Wisconsin works Works  
3 employment position.

4 **SECTION 32.** 49.148 (1m) (b) of the statutes is amended to read:

5 49.148 (1m) (b) Receipt of a grant under this subsection constitutes  
6 participation in a Wisconsin works Works employment position for purposes of the  
7 ~~time limits under ss. limit under s. 49.145 (2) (n) and 49.147 (3) (c), (4) (b) or (5) (b)~~  
8 2. if the child is born to the participant more than 10 months after the date that the  
9 participant was first determined to be eligible for assistance under s. 49.19 or for a  
10 Wisconsin works Works employment position unless the child was conceived as a  
11 result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother  
12 did not indicate a freely given agreement to have sexual intercourse or of incest in  
13 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported  
14 to a physician and to law enforcement authorities.

15 **SECTION 33.** 49.148 (4) (b) of the statutes is amended to read:

16 49.148 (4) (b) The Wisconsin works Works agency may require an individual  
17 who tests positive for use of a controlled substance under par. (a) to participate in a  
18 drug abuse evaluation, assessment, and treatment program as part of the  
19 participation requirement under s. 49.147 (4) ~~(as) (a) and (am) or (5) (bs) (b) and (bm).~~

20 **SECTION 34.** 49.151 (1) (b) of the statutes is amended to read:

21 49.151 (1) (b) The participant, or an individual who is in the participant's  
22 Wisconsin works Works group and who is subject to the work requirement under s.  
23 49.15 (2), fails, without good cause, as determined by the Wisconsin works Works  
24 agency, to appear for an interview with a prospective employer or, if the participant  
25 is in a Wisconsin works Works transitional placement, the participant fails to appear

insert 8-19

1 for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e. 1m. to~~  
2 4., without good cause, as determined by the Wisconsin works Works agency.

3 SECTION 35. 49.1515 of the statutes is created to read:

4 **49.1515 Determining nonparticipation without good cause. (1)**

5 GUIDELINES BY RULE. The department shall by rule specify guidelines for determining  
6 when a participant, or individual in the participant's Wisconsin Works group, who  
7 engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating  
8 a refusal to participate.

9 (2) ACTIONS BEFORE DETERMINATION. Before determining under s. 49.151 that  
10 a participant is ineligible to participate in <sup>the</sup> a Wisconsin Works <sup>program</sup> employment position,  
11 the Wisconsin Works agency shall, each time the participant or an individual in the  
12 participant's Wisconsin Works group fails to participate, do all of the following:

13 (a) Determine whether the failure of the participant or individual to participate  
14 is because the participant or individual refuses to participate or is unable to  
15 participate.

16 (b) Ensure that the services offered to the participant or individual are  
17 appropriate for him or her.

18 (c) Determine whether good cause exists for the failure to participate.

19 (3) CONCILIATION PERIOD FOR COMPLIANCE. (a) If a Wisconsin Works agency, in  
20 accordance with rules promulgated under sub. (1) and after taking the steps required  
21 under sub. (2), determines that a participant or individual has refused to participate  
22 without good cause, the Wisconsin Works agency shall allow the participant or  
23 individual a conciliation period during which he or she may provide additional  
24 documentation of participation or of good cause. The participant shall be allowed to  
25 continue to participate in the employment position during the conciliation period.

Insert 9-23

1 (b) The department shall by rule establish the length of time for a conciliation  
2 period.

3 **SECTION 36.** 49.153 (1) (c) of the statutes is amended to read:

4 49.153 (1) (c) After providing the notice under par. (a) and the explanation or  
5 the attempts to provide an explanation under par. (b), if the participant has not  
6 already been afforded a conciliation period under s. 49.1515 (3) allow the participant  
7 a reasonable time to rectify the deficiency, failure, or other behavior to avoid the  
8 proposed action.

9 **SECTION 37.** 49.155 (1m) (a) 1. of the statutes is amended to read:

10 49.155 (1m) (a) 1. ~~Meet the Attend school attendance requirement under s.~~  
11 ~~49.26 (1) (ge).~~

12 **SECTION 38.** 49.155 (1m) (a) 1m. (intro.) of the statutes is amended to read:

13 49.155 (1m) (a) 1m. (intro.) Obtain a high school diploma or participate in a  
14 course of study meeting the standards established by the state superintendent of  
15 public instruction for the granting of a declaration of equivalency of high school  
16 graduation, if the individual is not ~~subject to the school attendance requirement~~  
17 ~~under s. 49.26 (1) (ge)~~ enrolled in school and at least one of the following conditions  
18 is met:

19 **SECTION 39.** 49.26 of the statutes is repealed. ✓

20 **SECTION 40.** 49.32 (6) of the statutes is amended to read:

21 49.32 (6) WELFARE REFORM STUDIES. The department shall request proposals  
22 from persons in this state for studies of the effectiveness of various program changes,  
23 referred to as welfare reform, to the aid to families with dependent children program,  
24 including the requirement that certain recipients of aid to families with dependent  
25 children with children under age 6 participate in training programs, ~~the learnfare~~

8-10-09

1 ~~school attendance requirement under s. 49.26 (1) (g)~~ and the modification of the  
2 earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the  
3 effectiveness of the various efforts, including their cost-effectiveness, in helping  
4 individuals gain independence through the securing of jobs and providing financial  
5 incentives and in identifying barriers to independence.

6 **SECTION 41.** 49.79 (1) (fm) of the statutes is created to read:

7 49.79 (1) (fm) "School" means any of the following:

8 1. A public school, as described in s. 115.01 (1).

9 2. A private school, as defined in s. 115.001 (3r).

10 3. A technical college pursuant to a contract under s. 118.15 (2).

11 4. A course of study meeting the standards established by the state  
12 superintendent of public instruction under s. 115.29 (4) for the granting of a  
13 declaration of equivalency of high school graduation.

14 **SECTION 42.** 49.79 (9) (a) 3. of the statutes is amended to read:

15 49.79 (9) (a) 3. The department may not require an individual who is a recipient  
16 under the food stamp program to participate in any employment and training  
17 program under this subsection if that individual is enrolled at least half time in a  
18 school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of higher  
19 education.

20 **SECTION 43.** 118.15 (5) (b) 1. of the statutes is repealed.

21 **SECTION 44.** 118.15 (5) (b) 2. of the statutes is renumbered 118.15 (5) (b).

22 **SECTION 45.** 119.82 (title) of the statutes is amended to read:

23 **119.82 (title) Alternative educational programs for learnfare certain**

24 **pupils.**

25 **SECTION 46.** 119.82 (1m) (c) of the statutes is repealed.

Insert 11-21

1 SECTION 47. 948.45 (1) of the statutes is amended to read:

2 948.45 (1) ~~Except as provided in sub. (2), any~~ Any person 17 years of age or older  
3 who, by any act or omission, knowingly encourages or contributes to the truancy, as  
4 defined under s. 118.16 (1) (c), of a person 17 years of age or under is guilty of a Class  
5 C misdemeanor.

6 SECTION 48. 948.45 (2) of the statutes is repealed.

7 SECTION 9308. Initial applicability; Children and Families.

8 (1) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The  
9 treatment of sections 49.145 (2) (n), 49.147 (3) (c), (4) (as), (at), (av), and (b), (5) (b)  
10 1. (intro.), a., c., d., and e. and 2., (bs), and (bt), and (5m) (a) (intro.) and 1. and (c),  
11 49.148 (1) (c), (1m) (a) and (b), and (4) (b), 49.151 (1) (b), 49.1515, 49.153 (1) (c), and  
12 49.155 (1m) (a) 1. and 1m. (intro.) of the statutes first applies to individuals  
13 participating in Wisconsin Works on the effective date of this subsection.

14 (2) WISCONSIN WORKS AGENCY CONTRACTS. The treatment of sections 49.143 (2)  
15 (a), (am), (b), and (bm) and (2m) (intro.) and (f) (intro.) and 49.147 (5m) (a) 1. and (c)  
16 of the statutes first applies to Wisconsin Works agencies that enter into agency  
17 contracts or that renew agency contracts on the effective date of this subsection.

18 (3) REPEAL OF LEARNFARE.

19 (a) *Compulsory school attendance.* The treatment of section 118.15 (5) (b) 1. and  
20 2. of the statutes first applies to violations occurring on the effective date of this  
21 paragraph.

22 (b) *Alternative educational programs.* The treatment of section 119.82 (title)  
23 and (1m) (c) of the statutes first applies to requests for alternative educational  
24 programs that are made on the effective date of this paragraph.

1 *b* ~~(c)~~ *Contributing to truancy.* The treatment of section 948.45 (1) and (2) of the  
2 statutes first applies to acts or omissions occurring on the effective date of this  
3 paragraph.

4 *auto ref D* (4) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL. The treatment of section  
5 15.207 (24) (a) 7, *(c)* and (d) of the statutes first applies to members of the Milwaukee  
6 child welfare partnership council who would be appointed for terms beginning after  
7 the expiration of the terms of the current members of the council who were  
8 nominated by a children's services network established in Milwaukee County under  
9 section 49.143 (2) (b), 2007 stats.

10 (END)

*Insert 139*

*D-note*

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1059/lins  
PJK:.....

INSERT A

46  
5. Providing that a W-2 participant who refuses to participate is ineligible for W-2 for three months. Under current law, a W-2 participant who refuses to participate three times is ineligible to participate in that employment position.

(END OF INERT A)

INSERT 2-5

1 SECTION 1. 15.207 (24) (a) 7. of the statutes is amended to read:

strike extra space  
↓

2 15.207 (24) (a) 7. Subject to par. (d), two members who are nominated by  
3 ~~children's services network established~~ the Wisconsin Works agency or agencies in  
4 Milwaukee County under s. 49.143 (2) (b) and who are residents of a geographical  
5 area established under s. 49.143 (6) ~~that is served by the children's services network~~  
6 in Milwaukee County.

History: 2007 a. 20 ss. 53 to 64, 67; s. 13.92 (1) (bm) 2.

7 SECTION 2. 15.207 (24) (d) of the statutes is amended to read:

8 15.207 (24) (d) If the department of children and families establishes more  
9 than one geographical area in Milwaukee County under s. 49.143 (6), the ~~children's~~  
10 ~~services networks established~~ Wisconsin Works agency or agencies in Milwaukee  
11 County under s. 49.143 (2) (b), in nominating members under par. (a) 7., shall  
12 nominate residents of different geographical areas established under s. 49.143 (6)  
13 and, when the term of a member appointed under par. (a) 7. ends or if a vacancy  
14 occurs in the membership of the council under par. (a) 7., ~~those children's services~~  
15 ~~networks~~ the Wisconsin Works agency or agencies shall nominate a resident of a  
16 different geographical area established under s. 49.143 (6) from the geographical

*Ins 2-5 contd*

1 area of the member who is being replaced according to a rotating order of succession  
2 determined by the children's services networks Wisconsin Works agency or agencies.

History: 2007 a. 20 ss. 53 to 64, 67; s. 13.92 (1) (bm) 2.

(END OF INSERT 2-5)

**INSERT 5-5**

3 **SECTION 3.** <sup>✓</sup> 49.147 (4) (as) of the statutes is amended to read:

4 49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and  
5 sub. (5m), a Wisconsin works Works agency shall require a participant placed in a  
6 community service job program to work in a community service job for the number  
7 of hours determined by the Wisconsin works Works agency to be appropriate for the  
8 participant at the time of application or review, but not to exceed 30 hours per week.

9 ~~Except as provided in pars. (at) and (av), a Wisconsin works agency may require a~~  
10 ~~participant placed in the community service job program to participate in education~~  
11 ~~or training activities for not more than 10 hours per week except that the Wisconsin~~  
12 Works agency may not require a participant under this subsection to spend more  
13 than 40 hours per week in combined activities under this subsection. ✓

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

(END OF INSERT 5-5)

**INSERT 6-6**

14 **SECTION 4.** <sup>✓</sup> 49.147 (5) (bs) of the statutes is amended to read:

15 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),  
16 a Wisconsin works Works agency may require a participant placed in a transitional  
17 placement to engage in activities under par. (b) 1. for up to 28 hours per week. Except  
18 as provided in sub. (5m), a Wisconsin works agency may require a participant placed  
19 in a transitional placement to participate in education or training activities under

*Ins 6-6 contd*

1 par. (bm) for not more than 12 hours per week. The Wisconsin Works agency may  
2 not require a participant under this subsection to spend more than 40 hours per week  
3 in combined activities under this subsection. ✓

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

(END OF INSERT 6-6)

*under guidelines*  
*promulgated*

INSERT 8-19

4 **SECTION 5.** ✓ 49.151 (1) (intro.) of the statutes is amended to read:

5 49.151 (1) REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to  
6 participate ~~3 times~~, as determined under s. 49.1515, in any Wisconsin works Works

7 employment position component is ineligible to participate in that component the  
8 Wisconsin Works program for 3 months. A participant is also ineligible to participate

9 in that the Wisconsin works employment position component Works program if an  
10 individual in the participant's Wisconsin works Works group is subject to the work

11 requirement under s. 49.15 (2) and refuses ~~3 times~~ to participate as required. ~~A~~ *strike*  
12 ~~participant whom the Wisconsin works agency has determined is ineligible under~~ *space*

13 ~~this section for a particular Wisconsin works employment position component may~~  
14 ~~be eligible to participate in any other Wisconsin works employment position~~

15 ~~component in which the participant has not refused to participate 3 times. A~~  
16 ~~participant or an individual who is subject to the work requirement under s. 49.15~~

17 (2) demonstrates a refusal to participate if any of the following applies: ✓

History: 1995 a. 289; 1997 a. 27.

(END OF INSERT 8-19)

INSERT 9-23

*Ins 9-23*

*WSP*

1 must participate in all assigned activities unless good cause exists that  
2 prevents compliance during the conciliation period ✓

(END OF INSERT 9-23)

INSERT 10-8

3 SECTION 6. ✓ 49.153 (1) (a) of the statutes is renumbered 49.153 (1) (bm) and  
4 amended to read:

5 49.153 (1) (bm) ~~Provide~~ After providing the explanation under par. (am), ✓  
6 provide to the participant written notice of the proposed action and of the reasons for  
7 the proposed action. ✓

History: 2005 a. 25.

8 SECTION 7. ✓ 49.153 (1) (b) of the statutes is renumbered 49.153 (1) (am) and  
9 amended to read:

10 49.153 (1) (am) ~~After providing written notice, explain~~ Explain to the  
11 participant orally in person or by phone, or make reasonable attempts to explain to  
12 the participant orally in person or by phone, the proposed action and the reasons for  
13 the proposed action. ✓

History: 2005 a. 25.

14 SECTION 8. ✓ 49.153 (1) (c) of the statutes is amended to read:

15 49.153 (1) (c) After providing the ~~notice under par. (a) and the explanation or~~  
16 the attempts to provide an explanation under par. (b), (am) and the notice under par.  
17 (bm), if the participant has not already been afforded a conciliation period under s.  
18 49.1515 (3) allow the participant a reasonable time to rectify the deficiency, failure,  
19 or other behavior to avoid the proposed action. ✓

History: 2005 a. 25.

(END OF INSERT 10-8)

INSERT 11-21

*Ins 11-21*

1           **SECTION 9.** 118.16 (2m) (a) 2. of the statutes is amended to read:  
 2           118.16 (2m) (a) 2. An employee of the school district who is directly involved  
 3           in the provision of a modified program or curriculum under s. 118.15 (1) (d), a  
 4           program for children at risk under s. 118.153 ~~or an alternative educational program~~  
 5           ~~under s. 119.82~~, or any other alternative educational program to children who attend  
 6           the school attended by the truant child, if the school district administrator believes  
 7           that the program or curriculum may be appropriate for the truant child. ✓

History: 1971 c. 164 s. 85; 1975 c. 39; 1979 c. 221, 298; 1985 a. 211; 1987 a. 285; 1993 a. 16, 56, 334, 339, 491; 1995 a. 27 ss. 3947, 9130 (4), 9145 (1); 1995 a. 77; 1997 a. 3, 27, 205, 239; 1999 a. 9; 2001 a. 107; 2005 a. 122.

(END OF INSERT 11-21)

**INSERT 13-9**

9           **SECTION 9408. Effective dates; Children and Families.** ✓

10           (1) MODIFICATIONS TO WISCONSIN WORKS. The treatment of sections 15.207 (24)  
 11           (a) 7, and (d), 20.437 (2) (dz), 46.215 (1) (j), 46.22 (1) (b) 2. e., 49.143 (2) (a), (am), (b),  
 12           and (bm), (2m) (intro.) and (f) (intro.), 49.145 (2) (n), 49.147 (3) (c), (4) (as), (at), (av),  
 13           and (b), (5) (b) 1. (intro.), a., c., d., and e., and 2., (bs), and (bt), (5m) (a) (intro.) and  
 14           1. and (c), 49.148 (1) (c), (1m) (a) and (b), and (4), 49.151 (1) (intro.) and (b), 49.1515,  
 15           49.153 (1) (a), (b), and (c), 49.155 (1m) (a) 1. and 1m. (intro.), 49.26, 49.32 (6), 49.79  
 16           (1) (fm) and (9) (a) 3., 118.15 (5) (b) 1. and 2., 118.16 (2m) (a) 2., 119.82, and 948.45  
 17           (1) of the statutes and SECTION 9308 (1), (2), (3), and (4) of this act take effect on  
 18           October 30, 2009, or on the 30th day beginning after publication, whichever is later. ✓

(END OF INSERT 13-9)

*auto ref A*                      *auto ref B*                      *auto ref C*                      *auto ref D*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1059/1dn

PJK:|:....

nwm

Date

Sarah:

I did not add the notices to s. 49.151<sup>✓</sup> because the notices in s. 49.153<sup>✓</sup> would apply. I reversed the order of the notices in s. 49.153, however, based on your requested order.<sup>✓</sup>

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.wisconsin.gov



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1059/2  
PJK:kjf&nwn:jf

DOA:.....Grimsrud, BB0249 - Streamlining Wisconsin Works  
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

*D-into*

*do NOT*

*stays*

*min is run*

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

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**  
**WISCONSIN WORKS**

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. W-2 is administered, generally, by W-2 agencies under contracts with DCF. This bill makes a number of miscellaneous changes to W-2, including the following:

1. Eliminating the limits on the lengths of time during which a participant may participate in a particular type of employment position, but retaining the overall lifetime limit for participation of 60 months.
2. Removing the specifications on the number of hours a participant in a community service job placement or a transitional placement may be required to engage in certain job-related activities and in educational or training activities but retaining an overall requirement of not more than 40 per week.
3. Requiring use of a single method, as provided under federal law, for measuring the 60-month lifetime limit for an individual's participation in W-2.
4. Requiring DCF to specify guidelines for determining when a participant is demonstrating a refusal to participate, which could result in a reduced benefit amount or ineligibility to participate in a particular employment position.

5. Providing that a W-2 participant who refuses to participate is ineligible for W-2 for three months. Under current law, a W-2 participant who refuses to participate three times is ineligible to participate in that employment position.

6. Eliminating the Learnfare program, which subjected individuals who failed to meet certain school attendance requirements to sanctions determined by rule, and the requirement that a W-2 agency establish a community steering committee, and instead requiring W-2 agencies to provide information and services aimed at connecting W-2 participants, youth, and parents with their communities, their schools, employers, workforce development programs, child care providers, and other resources.

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

---

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

1           **SECTION 1.** 15.207 (24) (a) 7. of the statutes is amended to read:

2           15.207 (24) (a) 7. Subject to par. (d), two members who are nominated by ~~a~~  
3 ~~children's services network established~~ the Wisconsin Works agency or agencies in  
4 Milwaukee County under s. 49.143 (2) (b) and who are residents of ~~the a~~ geographical  
5 area established under s. 49.143 (6) ~~that is served by the children's services network~~  
6 in Milwaukee County.

7           **SECTION 2.** 15.207 (24) (d) of the statutes is amended to read:

8           15.207 (24) (d) If the department of children and families establishes more  
9 than one geographical area in Milwaukee County under s. 49.143 (6), the ~~children's~~  
10 ~~services networks established~~ Wisconsin Works agency or agencies in Milwaukee  
11 County under s. 49.143 (2) (b), in nominating members under par. (a) 7., shall  
12 nominate residents of different geographical areas established under s. 49.143 (6)  
13 and, when the term of a member appointed under par. (a) 7. ends or if a vacancy  
14 occurs in the membership of the council under par. (a) 7., ~~those children's services~~  
15 ~~networks~~ the Wisconsin Works agency or agencies shall nominate a resident of a

Insert 3-3

1 different geographical area established under s. 49.143 (6) from the geographical  
2 area of the member who is being replaced according to a rotating order of succession  
3 determined by the children's services networks Wisconsin Works agency or agencies.

create  
auto reb X

4 SECTION 3. 20.437 (2) (dz) of the statutes is amended to read:

5 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*  
6 *maintenance of effort.* The amounts in the schedule, less the amounts withheld  
7 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works  
8 under ss. 49.141 to 49.161, ~~the learnfare program under s. 49.26,~~ and the work  
9 experience program for noncustodial parents under s. 49.36; for payments to local  
10 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;  
11 and for emergency assistance for families with needy children under s. 49.138.

12 Payments may be made from this appropriation <sup>account</sup> for any contracts under s. 49.845 (4)  
13 and for any fraud investigation and error reduction activities under s. 49.197 (1m).

14 Moneys appropriated under this paragraph may be used to match federal funds  
15 received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
16 department may transfer funds between fiscal years under this paragraph.

17 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
18 shall credit <sup>to</sup> or deposit into this appropriation account funds for the purposes of this

19 appropriation that the department transfers from the appropriation account under  
20 s. 20.435 (7) <sup>(5)</sup> (bc). All funds allocated by the department but not encumbered by  
21 December 31 of each year lapse to the general fund on the next January 1 unless  
22 transferred to the next calendar year by the joint committee on finance.

23 SECTION 4. 46.215 (1) (j) of the statutes is repealed.

24 SECTION 5. 46.22 (1) (b) 2. e. of the statutes is repealed.

25 SECTION 6. 49.143 (2) (a) of the statutes is repealed.

Insert 3-22

as affected by 2009 Wisconsin Act 111 (this act)

1           **SECTION 7.** 49.143 (2) (am) of the statutes is created to read:

2           49.143 (2) (am) Provide information and services aimed at connecting  
3           Wisconsin Works applicants and participants with their communities and the  
4           resources available, including job creation, employer and job connections,  
5           mentorships, child care services and providers, the local workforce investment  
6           board, charitable food and clothing centers, subsidized and low-income housing, and  
7           transportation subsidies. The contract shall include a description of the information  
8           and services the Wisconsin Works agency will provide in fulfillment of the  
9           requirement under this paragraph and how the the information and services will be  
10          provided to applicants and participants.

11          **SECTION 8.** 49.143 (2) (b) of the statutes is repealed.

12          **SECTION 9.** 49.143 (2) (bm) of the statutes is created to read:

13          49.143 (2) (bm) Provide information and services aimed at connecting youth  
14          and their parents with schools, career development services, and workforce  
15          development programs, including the Youth Apprenticeship Program under s.  
16          106.13 and the Wisconsin Covenant Scholars Program under s. 39.437. The contract  
17          shall include a description of the information and services the Wisconsin Works  
18          agency will provide in fulfillment of the requirement under this paragraph and how  
19          the information and services will be provided to applicants and participants.

20          **SECTION 10.** 49.143 (2m) (intro.) of the statutes is amended to read:

21          49.143 (2m) NUTRITION OUTREACH. (intro.) A Wisconsin ~~works~~ Works agency  
22          may establish a nutrition outreach program ~~with the community steering committee~~  
23          ~~established under sub. (2) (a).~~ ~~The Wisconsin works agency and community steering~~  
24          ~~committee~~ and may coordinate with local food pantries and food banks and other  
25          interested parties to increase the supply of food available. Under the outreach

1 program, the Wisconsin works Works agency may do anything that it determines  
2 would best effect the desired outcome of the program, including any of the following:

3 **SECTION 11.** 49.143 (2m) (f) (intro.) of the statutes is amended to read:

4 49.143 (2m) (f) (intro.) Establish a ~~subcommittee of the community steering~~  
5 committee that includes qualified aliens and that may do any of the following:

6 **SECTION 12.** 49.145 (2) (n) of the statutes is repealed and recreated to read:

7 49.145 (2) (n) Neither the individual nor any adult member of the individual's  
8 Wisconsin Works group has exceeded the 60-month federal time limit established  
9 under 42 USC 608 (a) (7) for the receipt of assistance.

10 **SECTION 13.** 49.147 (3) (c) of the statutes is repealed.

11 **SECTION 14.** 49.147 (4) (as) of the statutes is amended to read:

12 49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and  
13 sub. (5m), a Wisconsin works Works agency shall require a participant placed in a  
14 community service job program to work in a community service job for the number  
15 of hours determined by the Wisconsin works Works agency to be appropriate for the  
16 participant at the time of application or review, ~~but not to exceed 30 hours per week.~~  
17 ~~Except as provided in pars. (at) and (av), a Wisconsin works agency may require a~~  
18 ~~participant placed in the community service job program to participate in education~~  
19 ~~or training activities for not more than 10 hours per week~~ except that the Wisconsin  
20 Works agency may not require a participant under this subsection to spend more  
21 than 40 hours per week in combined activities under this subsection.

22 **SECTION 15.** 49.147 (4) (at) of the statutes is amended to read:

23 49.147 (4) (at) *Motivational training.* A Wisconsin works Works agency may  
24 require a participant, during the first 2 weeks of participation under this subsection,  
25 to participate in an assessment and motivational training program identified by the

1 ~~community steering committee under s. 49.143 (2) (a) 10.~~ The Wisconsin works  
2 Works agency may require not more than 40 hours of participation per week under  
3 this paragraph in lieu of the participation requirement under par. (as).

4 **SECTION 16.** 49.147 (4) (av) of the statutes is amended to read:

5 49.147 (4) (av) *Education for 18-year-old and 19-year-old students.* A  
6 Wisconsin works Works agency shall permit a participant under this subsection who  
7 has not attained the age of 20 and who has not obtained a high school diploma or a  
8 declaration of equivalency of high school graduation to attend high school or, at the  
9 option of the participant, to enroll in a course of study meeting the standards  
10 established under s. 115.29 (4) for the granting of a declaration of equivalency of high  
11 school graduation to satisfy, in whole or in part, the ~~required hours of participation~~  
12 requirement under par. (as).

13 **SECTION 17.** 49.147 (4) (b) of the statutes is repealed.

14 **SECTION 18.** 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5)  
15 (b) (intro.).

16 **SECTION 19.** 49.147 (5) (b) 1. a. of the statutes is renumbered 49.147 (5) (b) 1m.

17 **SECTION 20.** 49.147 (5) (b) 1. c. of the statutes is renumbered 49.147 (5) (b) 2m.

18 **SECTION 21.** 49.147 (5) (b) 1. d. of the statutes is renumbered 49.147 (5) (b) 3.

19 **SECTION 22.** 49.147 (5) (b) 1. e. of the statutes is renumbered 49.147 (5) (b) 4.

20 **SECTION 23.** 49.147 (5) (b) 2. of the statutes is repealed.

21 **SECTION 24.** 49.147 (5) (bs) of the statutes is amended to read:

22 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),  
23 a Wisconsin works Works agency may require a participant placed in a transitional  
24 placement to engage in activities under par. (b) 1. ~~for up to 28 hours per week.~~ Except  
25 as provided in sub. (5m), a Wisconsin works agency may require a participant placed

1 ~~in a transitional placement to participate in education or training activities under~~  
2 ~~par. (bm) for not more than 12 hours per week. The Wisconsin Works agency may~~  
3 ~~not require a participant under this subsection to spend more than 40 hours per week~~  
4 ~~in combined activities under this subsection.~~

5 **SECTION 25.** 49.147 (5) (bt) of the statutes is amended to read:

6 49.147 (5) (bt) *Motivational training.* A Wisconsin works Works agency may  
7 require a participant, during the first 2 weeks of participation under this subsection,  
8 to participate in an assessment and motivational training program identified by the  
9 ~~community steering committee under s. 49.143 (2) (a) 10.~~ The Wisconsin works  
10 Works agency may require not more than 40 hours of participation per week under  
11 this paragraph in lieu of the participation requirement under par. (bs).

12 **SECTION 26.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

13 49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except  
14 as provided in par. (bL), a participant under sub. (4) (b) or (5) may participate in a  
15 technical college education program as part of a community service job placement or  
16 transitional placement if all of the following requirements are met:

17 **SECTION 27.** 49.147 (5m) (a) 1. of the statutes is amended to read:

18 49.147 (5m) (a) 1. The Wisconsin works Works agency, in consultation with the  
19 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~  
20 ~~college district board,~~ determines that the technical college education program is  
21 likely to lead to employment.

22 **SECTION 28.** 49.147 (5m) (c) of the statutes is amended to read:

23 49.147 (5m) (c) The Wisconsin works Works agency shall ~~work with the~~  
24 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~

1 college district board to monitor the participant's progress in the technical college  
2 education program and the effectiveness of the program in leading to employment.

3 **SECTION 29.** 49.148 (1) (c) of the statutes is amended to read:

4 49.148 (1) (c) *Transitional placements.* For a participant in a transitional  
5 placement under s. 49.147 (5) or in a transitional placement and in technical college  
6 education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin works  
7 Works agency. For every hour that the participant fails to participate in any required  
8 activity without good cause, including any activity under s. 49.147 (5) (b) ~~1. a. to e.~~  
9 ~~1m. to 4.~~, the grant amount shall be reduced by \$5.15. Good cause shall be  
10 determined by the financial and employment planner in accordance with rules  
11 promulgated by the department. Good cause shall include required court  
12 appearances for a victim of domestic abuse.

13 **SECTION 30.** 49.148 (1m) (a) of the statutes is amended to read:

14 49.148 (1m) (a) A custodial parent of a child who is 12 weeks old or less and  
15 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a  
16 monthly grant of \$673 unless another adult member of the custodial parent's  
17 Wisconsin works Works group is participating in, or is eligible to participate in, a  
18 Wisconsin works Works employment position or is employed in unsubsidized  
19 employment, as defined in s. 49.147 (1) (c). A Wisconsin works Works agency may  
20 not require a participant under this subsection to participate in any employment  
21 positions. Receipt of a grant under this subsection does not constitute participation  
22 in a Wisconsin works Works employment position for purposes of the time limits limit  
23 under s. 49.145 (2) (n) ~~or 49.147 (3) (e), (4) (b) or (5) (b) 2.~~ if the child is born to the  
24 participant not more than 10 months after the date that the participant was first

1 determined to be eligible for assistance under s. 49.19 or for a Wisconsin works Works  
2 employment position.

3 **SECTION 31.** 49.148 (1m) (b) of the statutes is amended to read:

4 49.148 (1m) (b) Receipt of a grant under this subsection constitutes  
5 participation in a Wisconsin works Works employment position for purposes of the  
6 time limits under ~~ss. limit under s.~~ 49.145 (2) (n) and 49.147 (3) (c), (4) (b) or (5) (b)  
7 ~~2.~~ if the child is born to the participant more than 10 months after the date that the  
8 participant was first determined to be eligible for assistance under s. 49.19 or for a  
9 Wisconsin works Works employment position unless the child was conceived as a  
10 result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother  
11 did not indicate a freely given agreement to have sexual intercourse or of incest in  
12 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported  
13 to a physician and to law enforcement authorities.

14 **SECTION 32.** 49.148 (4) (b) of the statutes is amended to read:

15 49.148 (4) (b) The Wisconsin works Works agency may require an individual  
16 who tests positive for use of a controlled substance under par. (a) to participate in a  
17 drug abuse evaluation, assessment, and treatment program as part of the  
18 participation requirement under s. 49.147 (4) ~~(as)~~ (a) and ~~(am)~~ or (5) ~~(bs)~~ (b) and (bm).

19 **SECTION 33.** 49.151 (1) (intro.) of the statutes is amended to read:

20 49.151 (1) REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to  
21 participate ~~3 times, as determined under guidelines promulgated under s. 49.1515,~~  
22 in any Wisconsin works Works employment position component is ineligible to  
23 participate in ~~that component~~ the Wisconsin Works program for 3 months. A  
24 participant is also ineligible to participate in ~~that the Wisconsin works employment~~  
25 ~~position component~~ Works program if an individual in the participant's Wisconsin

1 ~~works~~ Works group is subject to the work requirement under s. 49.15 (2) and refuses  
2 ~~3~~ times to participate as required. ~~A participant whom the Wisconsin works agency~~  
3 ~~has determined is ineligible under this section for a particular Wisconsin works~~  
4 ~~employment position component may be eligible to participate in any other~~  
5 ~~Wisconsin works employment position component in which the participant has not~~  
6 ~~refused to participate 3 times.~~ A participant or an individual who is subject to the  
7 work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of  
8 the following applies:

9 **SECTION 34.** 49.151 (1) (b) of the statutes is amended to read:

10 49.151 (1) (b) The participant, or an individual who is in the participant's  
11 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.  
12 49.15 (2), fails, without good cause, as determined by the Wisconsin ~~works~~ Works  
13 agency, to appear for an interview with a prospective employer or, if the participant  
14 is in a Wisconsin ~~works~~ Works transitional placement, the participant fails to appear  
15 for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e. 1m. to~~  
16 ~~4.~~, without good cause, as determined by the Wisconsin ~~works~~ Works agency.

17 **SECTION 35.** 49.1515 of the statutes is created to read:

18 **49.1515 Determining nonparticipation without good cause. (1)**  
19 **GUIDELINES BY RULE.** The department shall by rule specify guidelines for determining  
20 when a participant, or individual in the participant's Wisconsin Works group, who  
21 engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating  
22 a refusal to participate.

23 **(2) ACTIONS BEFORE DETERMINATION.** Before determining under s. 49.151 that  
24 a participant is ineligible to participate in the Wisconsin Works program, the  
25 Wisconsin Works agency shall do all of the following:

1 (a) Determine whether the failure of the participant or individual to participate  
2 is because the participant or individual refuses to participate or is unable to  
3 participate.

4 (b) Ensure that the services offered to the participant or individual are  
5 appropriate for him or her.

6 (c) Determine whether good cause exists for the failure to participate.

7 **(3) CONCILIATION PERIOD FOR COMPLIANCE.** (a) If a Wisconsin Works agency, in  
8 accordance with rules promulgated under sub. (1) and after taking the steps required  
9 under sub. (2), determines that a participant or individual has refused to participate  
10 without good cause, the Wisconsin Works agency shall allow the participant or  
11 individual a conciliation period during which he or she must participate in all  
12 assigned activities unless good cause exists that prevents compliance during the  
13 conciliation period.

14 (b) The department shall by rule establish the length of time for a conciliation  
15 period.

16 **SECTION 36.** 49.153 (1) (a) of the statutes is renumbered 49.153 (1) (bm) and  
17 amended to read:

18 49.153 (1) (bm) ~~Provide~~ After providing the explanation under par. (am),  
19 provide to the participant written notice of the proposed action and of the reasons for  
20 the proposed action.

21 **SECTION 37.** 49.153 (1) (b) of the statutes is renumbered 49.153 (1) (am) and  
22 amended to read:

23 49.153 (1) (am) ~~After providing written notice, explain~~ Explain to the  
24 participant orally in person or by phone, or make reasonable attempts to explain to

1 the participant orally in person or by phone, the proposed action and the reasons for  
2 the proposed action.

3 **SECTION 38.** 49.153 (1) (c) of the statutes is amended to read:

4 49.153 (1) (c) After providing the ~~notice under par. (a) and the~~ explanation or  
5 the attempts to provide an explanation under par. ~~(b)~~, (am) and the notice under par.  
6 (bm), if the participant has not already been afforded a conciliation period under s.  
7 49.1515 (3) allow the participant a reasonable time to rectify the deficiency, failure,  
8 or other behavior to avoid the proposed action.

9 **SECTION 39.** 49.155 (1m) (a) 1. of the statutes is amended to read:

10 49.155 (1m) (a) 1. ~~Meet the Attend school attendance requirement under s.~~  
11 ~~49.26 (1) (ge).~~

12 **SECTION 40.** 49.155 (1m) (a) 1m. (intro.) of the statutes is amended to read:

13 49.155 (1m) (a) 1m. (intro.) Obtain a high school diploma or participate in a  
14 course of study meeting the standards established by the state superintendent of  
15 public instruction for the granting of a declaration of equivalency of high school  
16 graduation, if the individual is not ~~subject to the school attendance requirement~~  
17 ~~under s. 49.26 (1) (ge)~~ enrolled in school and at least one of the following conditions  
18 is met:

19 **SECTION 41.** 49.26 of the statutes is repealed.

20 **SECTION 42.** 49.32 (6) of the statutes is amended to read:

21 49.32 (6) WELFARE REFORM STUDIES. The department shall request proposals  
22 from persons in this state for studies of the effectiveness of various program changes,  
23 referred to as welfare reform, to the aid to families with dependent children program,  
24 including the requirement that certain recipients of aid to families with dependent  
25 children with children under age 6 participate in training programs, the learnfare

1 ~~school attendance requirement under s. 49.26 (1) (g)~~ and the modification of the  
2 earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the  
3 effectiveness of the various efforts, including their cost-effectiveness, in helping  
4 individuals gain independence through the securing of jobs and providing financial  
5 incentives and in identifying barriers to independence.

6 **SECTION 43.** 49.79 (1) (fm) of the statutes is created to read:

7 49.79 (1) (fm) "School" means any of the following:

- 8 1. A public school, as described in s. 115.01 (1).
- 9 2. A private school, as defined in s. 115.001 (3r).
- 10 3. A technical college pursuant to a contract under s. 118.15 (2).
- 11 4. A course of study meeting the standards established by the state  
12 superintendent of public instruction under s. 115.29 (4) for the granting of a  
13 declaration of equivalency of high school graduation.

14 **SECTION 44.** 49.79 (9) (a) 3. of the statutes is amended to read:

15 49.79 (9) (a) 3. The department may not require an individual who is a recipient  
16 under the food stamp program to participate in any employment and training  
17 program under this subsection if that individual is enrolled at least half time in a  
18 school, as defined in ~~s. 49.26 (1) (a) 2.~~, a training program, or an institution of higher  
19 education.

20 **SECTION 45.** 118.15 (5) (b) 1. of the statutes is repealed.

21 **SECTION 46.** 118.15 (5) (b) 2. of the statutes is renumbered 118.15 (5) (b).

22 **SECTION 47.** 118.16 (2m) (a) 2. of the statutes is amended to read:

23 118.16 (2m) (a) 2. An employee of the school district who is directly involved  
24 in the provision of a modified program or curriculum under s. 118.15 (1) (d), a  
25 program for children at risk under s. 118.153 ~~or an alternative educational program~~

1 ~~under s. 119.82,~~ or any other alternative educational program to children who attend  
2 the school attended by the truant child, if the school district administrator believes  
3 that the program or curriculum may be appropriate for the truant child.

4 **SECTION 48.** 119.82 of the statutes is repealed.

5 **SECTION 49.** 948.45 (1) of the statutes is amended to read:

6 948.45 (1) ~~Except as provided in sub. (2), any~~ Any person 17 years of age or older  
7 who, by any act or omission, knowingly encourages or contributes to the truancy, as  
8 defined under s. 118.16 (1) (c), of a person 17 years of age or under is guilty of a Class  
9 C misdemeanor.

10 **SECTION 50.** 948.45 (2) of the statutes is repealed.

11 **SECTION 9308. Initial applicability; Children and Families.**

12 (1) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The  
13 treatment of sections 49.145 (2) (n), 49.147 (3) (c), (4) (as), (at), (av), and (b), (5) (b)  
14 1. (intro.), a., c., d., and e. and 2., (bs), and (bt), and (5m) (a) (intro.) and 1. and (c),  
15 49.148 (1) (c) (1m) (a) and (b), and (4) (b), 49.151 (1) (intro.) and (b), 49.1515, 49.153  
16 (1) (a), (b), and (c), and 49.155 (1m) (a) 1. and 1m. (intro.) of the statutes first applies  
17 to individuals participating in Wisconsin Works on the effective date of this  
18 subsection.

apply

and the amendment of section 49.148  
(1m)(a) and (b) of the statutes

19 (2) WISCONSIN WORKS AGENCY CONTRACTS. The treatment of sections 49.143 (2)  
20 (a), (am), (b), and (bm) and (2m) (intro.) and (f) (intro.) and 49.147 (5m) (a) 1. and (c)  
21 of the statutes first applies to Wisconsin Works agencies that enter into agency  
22 contracts or that renew agency contracts on the effective date of this subsection.

23 (3) REPEAL OF LEARNFARE.

and the repeal of section 49.143(2)(b) of  
the statutes

1 (a) *Compulsory school attendance.* The treatment of section 118.15 (5) (b) 1. and  
2. of the statutes first applies to violations occurring on the effective date of this  
3 paragraph.

4 (b) *Contributing to truancy.* The treatment of section 948.45 (1) and (2) of the  
5 statutes first applies to acts or omissions occurring on the effective date of this  
6 paragraph.

7 (4) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL. The treatment of section  
8 15.207 (24) (a) 7. and (d) of the statutes first applies to members of the Milwaukee  
9 child welfare partnership council who would be appointed for terms beginning after  
10 the expiration of the terms of the current members of the council who were  
11 nominated by a children's services network established in Milwaukee County under  
12 section 49.143 (2) (b), 2007 stats.

(by SECTION \*)

use autoreb X  
from p. 3

**SECTION 9408. Effective dates; Children and Families.**

14 (1) MODIFICATIONS TO WISCONSIN WORKS. The treatment of sections 15.207 (24)  
15 (a) 7. and (d), 20.437 (2) (dz), 46.215 (1) (j), 46.22 (1) (b) 2. e., 49.143 (2) (a), (am), (b),  
16 and (bm), (2m) (intro.) and (f) (intro.), 49.145 (2) (n), 49.147 (3) (c), (4) (as), (at), (av),  
17 and (b), (5) (b) 1. (intro.), a., c., d., and e., and 2., (bs), and (bt), (5m) (a) (intro.) and  
18 1. and (c), 49.148 (1) (c), (1m) (a) and (b), and (4) (b), 49.151 (1) (intro.) and (b),  
19 49.1515, 49.153 (1) (a), (b), and (c), 49.155 (1m) (a) 1. and 1m. (intro.), 49.26, 49.32  
20 (6), 49.79 (1) (fm) and (9) (a) 3., 118.15 (5) (b) 1. and 2., 118.16 (2m) (a) 2., 119.82, and  
21 948.45 (1) of the statutes and SECTION 9308 (1), (2), (3), and (4) of this act take effect  
22 on October 30, 2009, or on the 30th day beginning after publication, whichever is  
23 later.

the repeal of section 49.143(2)(b) of the statutes

*Amend 3-3*

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

**SECTION 126.** 20.435 (9) (mb) of the statutes is repealed.

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

**SECTION 127.** 20.435 (9) (mc) of the statutes is repealed.

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

**SECTION 128.** 20.435 (9) (md) of the statutes is repealed.

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

**SECTION 129.** 20.435 (9) (me) of the statutes is repealed.

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

**SECTION 130.** 20.435 (9) (n) of the statutes is repealed.

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

**SECTION 131.** 20.435 (9) (na) of the statutes is repealed.

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

**SECTION 132.** 20.435 (9) (nL) of the statutes is repealed.

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

**SECTION 133.** 20.437 (2) (dz) of the statutes is amended to read:

20.437 (2) (dz) *Temporary Assistance for Needy Families programs; maintenance of effort.* The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for administration and benefit payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work experience program for noncustodial parents under s. 49.36; for payments to local governments, organizations, tribal governing bodies, and Wisconsin Works agencies; and for emergency assistance for families with needy children under s. 49.138. Payments may be made from this appropriation account for any contracts under s.

1 49.845 (4) and for any fraud investigation and error reduction activities under s.  
2 49.197 (1m). Moneys appropriated under this paragraph may be used to match  
3 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002  
4 (1), the department may transfer funds between fiscal years under this paragraph.  
5 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
6 shall credit ~~or deposit into~~ to this appropriation account funds for the purposes of this  
7 appropriation that the department transfers from the appropriation account under  
8 s. 20.435 (7) ~~(5)~~ (bc). All funds allocated by the department but not encumbered by  
9 December 31 of each year lapse to the general fund on the next January 1 unless  
10 transferred to the next calendar year by the joint committee on finance.

11 **SECTION 134.** 20.455 (5) (h) of the statutes is amended to read: 2

12 20.455 ~~(5)~~ (h) *Crime victim compensation services.* The amounts in the  
13 schedule to provide crime victim compensation services. All moneys transferred from  
14 the appropriation account under s. 20.435 (6) ~~(5)~~ (hx) shall be credited to this  
15 appropriation account, except that the unencumbered balance on June 30 of each  
16 year shall revert to the appropriation account under s. 20.435 (6) ~~(5)~~ (hx).

17 **SECTION 135.** 20.505 (8) (hm) 6e. of the statutes is amended to read:

18 20.505 ~~(8)~~ (8) (hm) 6e. The amount transferred to s. 20.435 ~~(5)~~ (1) (kb) shall be the  
19 amount in the schedule under s. 20.435 ~~(5)~~ (1) (kb).

20 **SECTION 136.** 20.505 (8) (hm) 18b. of the statutes is amended to read:

21 20.505 ~~(8)~~ (8) (hm) 18b. The amount transferred to s. 20.435 ~~(5)~~ (1) (ke) shall be  
22 the amount in the schedule under s. 20.435 ~~(5)~~ (1) (ke).

23 **SECTION 137.** 20.505 (8) (hm) 18c. of the statutes is amended to read:

24 20.505 ~~(8)~~ (8) (hm) 18c. The amount transferred to s. 20.435 ~~(7)~~ (5) (kL) shall be  
25 the amount in the schedule under s. 20.435 ~~(7)~~ (5) (kL).

(end of ins 3-3)

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1059/2ins  
PJK:kjf&nwn:jf

**INSERT 3-22**

\*\*\*\*NOTE: This is reconciled s. 20.437 (2) (dz). This SECTION has been affected by drafts with the following LRB numbers: LRB-0247 and LRB-1059.

**(END OF INSERT 3-22)**

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1059/2dn

PJK:.....

gs

Grimsrud Palchik  
Sarah Grimsrud and Laurie Palchik:

This draft reconciles LRB-0247, ~~LRB-XXXX~~ and LRB-1059. All of these drafts should continue to appear in the compiled bill. →, and LRB-1396

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1059/2dn  
PJK:cjs:md

January 30, 2009

Sarah Grimsrud and Laurie Palchik:

This draft reconciles LRB-0247, LRB-1059, and LRB-1396. All of these drafts should continue to appear in the compiled bill.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)

**Kahler, Pam**

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**From:** Ryan, Robin  
**Sent:** Wednesday, February 04, 2009 9:00 AM  
**To:** Kahler, Pam  
**Subject:** reconciliation

Pam,

The reconciliation Becky brought gave us yesterday was for 149.43 (2) (b). I amend it for a cross-reference fix with a regular effective date. You repeal it with a delayed effective date. On the master, I added as affected by ... for the repeal.

I didn't touch your underlying draft (1059). Mine is 0394.

Robin