



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1059/3

PJK:kjf&nwp:md

3
stay for m is run

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

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-note

do not go out

1 AN ACT *f*; 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

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.

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 account for any contracts under s.
13 49.845 (4) and for any fraud investigation and error reduction activities under s.
14 49.197 (1m). Moneys appropriated under this paragraph may be used to match
15 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
16 (1), the 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 or deposit into~~ to 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) (5) (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.** 20.437 (2) (dz) of the statutes, as affected by 2009 Wisconsin Act

24 (this act), is amended to read:

1 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
2 *maintenance of effort.* The amounts in the schedule, less the amounts withheld
3 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works
4 under ss. 49.141 to 49.161, ~~the learnfare program under s. 49.26,~~ and the work
5 experience program for noncustodial parents under s. 49.36; for payments to local
6 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
7 and for emergency assistance for families with needy children under s. 49.138.
8 Payments may be made from this appropriation account for any contracts under s.
9 49.845 (4) and for any fraud investigation and error reduction activities under s.
10 49.197 (1m). Moneys appropriated under this paragraph may be used to match
11 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
12 (1), the department may transfer funds between fiscal years under this paragraph.
13 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
14 shall credit to this appropriation account funds for the purposes of this appropriation
15 that the department transfers from the appropriation account under s. 20.435 (5)
16 (bc). All funds allocated by the department but not encumbered by December 31 of
17 each year lapse to the general fund on the next January 1 unless transferred to the
18 next calendar year by the joint committee on finance.

****NOTE: This is reconciled s. 20.437 (2) (dz). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0247/1 and LRB-1059/1.

19 **SECTION 5.** 46.215 (1) (j) of the statutes is repealed.

20 **SECTION 6.** 46.22 (1) (b) 2. e. of the statutes is repealed.

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

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

Wisconsin Act ... (this act)

1 49.143 (2) (am) Provide information and services aimed at connecting
2 Wisconsin Works applicants and participants with their communities and the
3 resources available, including job creation, employer and job connections,
4 mentorships, child care services and providers, the local workforce investment
5 board, charitable food and clothing centers, subsidized and low-income housing, and
6 transportation subsidies. The contract shall include a description of the information
7 and services the Wisconsin Works agency will provide in fulfillment of the
8 requirement under this paragraph and how the the information and services will be
9 provided to applicants and participants.

Inserts - 10

→ as affected by 2009

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

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

12 49.143 (2) (bm) Provide information and services aimed at connecting youth
13 and their parents with schools, career development services, and workforce
14 development programs, including the Youth Apprenticeship Program under s.
15 106.13 and the Wisconsin Covenant Scholars Program under s. 39.437. The contract
16 shall include a description of the information and services the Wisconsin Works
17 agency will provide in fulfillment of the requirement under this paragraph and how
18 the information and services will be provided to applicants and participants.

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

20 49.143 (2m) NUTRITION OUTREACH. (intro.) A Wisconsin works Works agency
21 may establish a nutrition outreach program ~~with the community steering committee~~
22 ~~established under sub. (2) (a). The Wisconsin works agency and community steering~~
23 ~~committee~~ and may coordinate with local food pantries and food banks and other
24 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 12.** 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 13.** 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 14.** 49.147 (3) (c) of the statutes is repealed.

11 **SECTION 15.** 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 16.** 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 17.** 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 18.** 49.147 (4) (b) of the statutes is repealed.

14 **SECTION 19.** 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5)
15 (b) (intro.).

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

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

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

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

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

21 **SECTION 25.** 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 26.** 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 27.** 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 28.** 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 29.** 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 30.** 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 31.** 49.148 (4) (b) of the statutes is amended to read:

14 49.148 (4) (b) The Wisconsin works Works agency may require an individual
15 who tests positive for use of a controlled substance under par. (a) to participate in a
16 drug abuse evaluation, assessment, and treatment program as part of the
17 participation requirement under s. 49.147 (4) ~~(as)~~ (a) and (am) or (5) ~~(bs)~~ (b) and (bm).

18 **SECTION 32.** 49.151 (1) (intro.) of the statutes is amended to read:

19 49.151 (1) REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to
20 participate ~~3 times, as determined under guidelines promulgated under s. 49.1515,~~
21 in any Wisconsin works Works employment position component is ineligible to
22 participate in that component the Wisconsin Works program for 3 months. A
23 participant is also ineligible to participate in that the Wisconsin works employment
24 position component Works program if an individual in the participant's Wisconsin
25 works Works group is subject to the work requirement under s. 49.15 (2) and refuses

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

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

9 49.151 (1) (b) The participant, or an individual who is in the participant's
10 Wisconsin works Works group and who is subject to the work requirement under s.
11 49.15 (2), fails, without good cause, as determined by the Wisconsin works Works
12 agency, to appear for an interview with a prospective employer or, if the participant
13 is in a Wisconsin works Works transitional placement, the participant fails to appear
14 for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e. 1m. to~~
15 4., without good cause, as determined by the Wisconsin works Works agency.

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

17 **49.1515 Determining nonparticipation without good cause. (1)**
18 GUIDELINES BY RULE. The department shall by rule specify guidelines for determining
19 when a participant, or individual in the participant's Wisconsin Works group, who
20 engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating
21 a refusal to participate.

22 **(2) ACTIONS BEFORE DETERMINATION.** Before determining under s. 49.151 that
23 a participant is ineligible to participate in the Wisconsin Works program, the
24 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 35.** 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 36.** 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 37.** 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 38.** 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 39.** 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 40.** 49.26 of the statutes is repealed.

20 **SECTION 41.** 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 42.** 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 43.** 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 44.** 118.15 (5) (b) 1. of the statutes is repealed.

21 **SECTION 45.** 118.15 (5) (b) 2. of the statutes is renumbered 118.15 (5) (b).

22 **SECTION 46.** 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 47.** 119.82 of the statutes is repealed.

5 **SECTION 48.** 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 49.** 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) and (4) (b), 49.151 (1) (intro.) and (b), 49.1515, 49.153 (1) (a), (b), and
16 (c), and 49.155 (1m) (a) 1. and 1m. (intro.) of the statutes and the amendment of
17 section 49.148 (1m) (a) and (b) of the statutes first apply to individuals participating
18 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), and (bm) and (2m) (intro.) and (f) (intro.) and 49.147 (5m) (a) 1. and (c) of
21 the statutes and the repeal of section 49.143 (2) (b) of the statutes first apply to
22 Wisconsin Works agencies that enter into agency contracts or that renew agency
23 contracts on the effective date of this subsection.

24 (3) REPEAL OF LEARNFARE.

1 (a) *Compulsory school attendance.* The treatment of section 118.15 (5) (b) 1. and
2 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.

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

24 (END)

D-4050

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Insert 5-10

X V X X NOTE: This is recorded s. 49.143(2)(b). ✓

This section has been affected by drafts with the
following LRB#s: LRB-0394 and LRB-1059. ✓

(end of 5-10)

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

LRB-1059/2dn 3

PJK:cjs:md
BT
v u w x y z

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.

LRB-0394/1

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

LRB-1059/3dn
PJK:kjf:md

February 4, 2009

Sarah Grimsrud and Laurie Palchik:

This draft reconciles LRB-0247/1, LRB-0394/1, LRB-1059/1, and LRB-1396/3. All of these drafts should continue to appear in the compiled bill.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
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Kahler, Pam

From: Grimsrud, Sarah - DOA [Sarah.Grimsrud@wisconsin.gov]
Sent: Tuesday, February 10, 2009 12:05 PM
To: Kahler, Pam
Subject: RE: LRB 1059/2 and LRB 0314/1

Yes, both phrases should remain part of the new draft. Thank you for catching this Pam!

Sarah

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

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, February 10, 2009 10:42 AM
To: Grimsrud, Sarah - DOA
Subject: RE: LRB 1059/2 and LRB 0314/1

Sarah:

For the first change [s. 49.145 (2) (n) 1. (intro.)], current law says, "...under any of the following *or any combination of the following*..." The proposed change leaves out, "any combination of the following." I assume that should stay in, right? Also, current law says, "Except as provided in subd. 4." I assume that should stay in, too, since subd. 4. appears to be an exception (although I'm not sure it is an exception to the federal law cited). Should I keep both of those phrases?

Pam

From: Grimsrud, Sarah - DOA [mailto:Sarah.Grimsrud@wisconsin.gov]
Sent: Tuesday, February 10, 2009 9:33 AM
To: Kahler, Pam
Subject: LRB 1059/2 and LRB 0314/1

Hi Pam,

I know it is really late in the game, but can I need to make a couple of changes to this drafts. I have included the exact changes needed, so hopefully you can cut and paste this into the drafts.

LRB 1059/2 changes needed:

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

49.145 (2)(n) 1. The total number of months in which the individual or an adult member of the individual's Wisconsin Works group has received assistance under any of the following, does not exceed the federal time limit established under 42 USC 608 (a)(7), whether or not consecutive:

- a. The job opportunities and basic skills program under s. 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job opportunities and basic skills program counts toward the 60-month limit.
- b. A Wisconsin Works employment position.
- c. Any program in this state or in any other state funded by a federal block grant for temporary assistance for needy families under title I of P.L. 104-193, if the individual received benefits under that program that

02/10/2009

were attributable to funds provided by the federal government.

~~2. Except as provided in subd. 4., in calculating the number of months in which the individual participated under subd. 1., the Wisconsin works agency shall include any month in which any adult member of a Wisconsin works group participated in a Wisconsin works employment position, if the individual was a member of that Wisconsin works group during that month.~~

~~3.2.~~ A Wisconsin ~~w~~Works agency may extend the time limit under this paragraph only if the Wisconsin ~~w~~Works agency determines, in accordance with rules promulgated by the department, that unusual circumstances exist that warrant an extension of the participation period.

~~4.3.~~ In calculating the number of months under subd. 1. ~~and 2.~~, a Wisconsin ~~works~~ Works agency...

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

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

LRB 0314/1 changes needed:

Section 4. Please add reference to 49.175(2)(mf) in the list of appropriations in the intro.

Section 5. Please add reference to 49.175(2)(mf) in the list of appropriations in the intro.

Thanks Pam,

Sarah

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



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1059/3
PJK:kjf&nwn:md

4
pms

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

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-note
pp 6, 8, 14, 15
do not get cut

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

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.

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 account for any contracts under s.
13 49.845 (4) and for any fraud investigation and error reduction activities under s.
14 49.197 (1m). Moneys appropriated under this paragraph may be used to match
15 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
16 (1), the 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 ~~or deposit into~~ to 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) (5) (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.** 20.437 (2) (dz) of the statutes, as affected by 2009 Wisconsin Act

24 (this act), is amended to read:

1 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
2 *maintenance of effort.* The amounts in the schedule, less the amounts withheld
3 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works
4 under ss. 49.141 to 49.161, ~~the learnfare program under s. 49.26,~~ and the work
5 experience program for noncustodial parents under s. 49.36; for payments to local
6 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
7 and for emergency assistance for families with needy children under s. 49.138.
8 Payments may be made from this appropriation account for any contracts under s.
9 49.845 (4) and for any fraud investigation and error reduction activities under s.
10 49.197 (1m). Moneys appropriated under this paragraph may be used to match
11 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
12 (1), the department may transfer funds between fiscal years under this paragraph.
13 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
14 shall credit to this appropriation account funds for the purposes of this appropriation
15 that the department transfers from the appropriation account under s. 20.435 (5)
16 (bc). All funds allocated by the department but not encumbered by December 31 of
17 each year lapse to the general fund on the next January 1 unless transferred to the
18 next calendar year by the joint committee on finance.

****NOTE: This is reconciled s. 20.437 (2) (dz). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0247/1 and LRB-1059/1.

19 **SECTION 5.** 46.215 (1) (j) of the statutes is repealed.

20 **SECTION 6.** 46.22 (1) (b) 2. e. of the statutes is repealed.

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

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

1 49.143 (2) (am) Provide information and services aimed at connecting
2 Wisconsin Works applicants and participants with their communities and the
3 resources available, including job creation, employer and job connections,
4 mentorships, child care services and providers, the local workforce investment
5 board, charitable food and clothing centers, subsidized and low-income housing, and
6 transportation subsidies. The contract shall include a description of the information
7 and services the Wisconsin Works agency will provide in fulfillment of the
8 requirement under this paragraph and how the the information and services will be
9 provided to applicants and participants.

10 **SECTION 9.** 49.143 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
11 (this act), is repealed.

 ****NOTE: This is reconciled s. 49.143 (2) (b). This SECTION has been affected by
 drafts with the following LRB numbers: LRB-0394 and LRB-1059.

12 **SECTION 10.** 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 11.** 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~~

1 ~~committee and~~ may coordinate with local food pantries and food banks and other
2 interested parties to increase the supply of food available. Under the outreach
3 program, the Wisconsin ~~works~~ Works agency may do anything that it determines
4 would best effect the desired outcome of the program, including any of the following:

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

6 49.143 (2m) (f) (intro.) Establish a subcommittee ~~of the community steering~~
7 committee that includes qualified aliens and that may do any of the following:

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

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

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

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

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

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

Insert 6-11

1 49.147 (4) (at) *Motivational training*. A Wisconsin ~~works~~ Works agency may
2 require a participant, during the first 2 weeks of participation under this subsection,
3 to participate in an assessment and motivational training program identified by the
4 ~~community steering committee under s. 49.143 (2) (a) 10~~. The Wisconsin ~~works~~
5 Works agency may require not more than 40 hours of participation per week under
6 this paragraph in lieu of the participation requirement under par. (as).

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

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

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

17 **SECTION 19.** 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5)
18 (b) (intro.).

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

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

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

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

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

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

1 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),
2 a Wisconsin works Works agency may require a participant placed in a transitional
3 placement to engage in activities under par. (b) 1. ~~for up to 28 hours per week. Except~~
4 ~~as provided in sub. (5m), a Wisconsin works agency may require a participant placed~~
5 ~~in a transitional placement to participate in education or training activities under~~
6 ~~par. (bm) for not more than 12 hours per week. The Wisconsin Works agency may~~
7 ~~not require a participant under this subsection to spend more than 40 hours per week~~
8 ~~in combined activities under this subsection.~~

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

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

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

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

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

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

add striking

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

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

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

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

16 **SECTION 31.** 49.148 (4) (b) of the statutes is amended to read:

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

21 **SECTION 32.** 49.151 (1) (intro.) of the statutes is amended to read:

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

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

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

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

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

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

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

4 (a) Determine whether the failure of the participant or individual to participate
5 is because the participant or individual refuses to participate or is unable to
6 participate.

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

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

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

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

19 **SECTION 35.** 49.153 (1) (a) of the statutes is renumbered 49.153 (1) (bm) and
20 amended to read:

21 49.153 (1) (bm) ~~Provide~~ After providing the explanation under par. (am),
22 provide to the participant written notice of the proposed action and of the reasons for
23 the proposed action.

24 **SECTION 36.** 49.153 (1) (b) of the statutes is renumbered 49.153 (1) (am) and
25 amended to read:

1 49.153 (1) (am) ~~After providing written notice, explain~~ Explain to the
2 participant orally in person or by phone, or make reasonable attempts to explain to
3 the participant orally in person or by phone, the proposed action and the reasons for
4 the proposed action.

5 **SECTION 37.** 49.153 (1) (c) of the statutes is amended to read:

6 49.153 (1) (c) ~~After providing the notice under par. (a) and the explanation or~~
7 ~~the attempts to provide an explanation under par. (b),~~ (am) and the notice under par.
8 (bm), if the participant has not already been afforded a conciliation period under s.
9 49.1515 (3) allow the participant a reasonable time to rectify the deficiency, failure,
10 or other behavior to avoid the proposed action.

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

12 49.155 (1m) (a) 1. ~~Meet the~~ Attend school attendance requirement under s.
13 ~~49.26 (1) (ge).~~

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

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

21 **SECTION 40.** 49.26 of the statutes is repealed.

22 **SECTION 41.** 49.32 (6) of the statutes is amended to read:

23 49.32 (6) **WELFARE REFORM STUDIES.** The department shall request proposals
24 from persons in this state for studies of the effectiveness of various program changes,
25 referred to as welfare reform, to the aid to families with dependent children program,

1 including the requirement that certain recipients of aid to families with dependent
2 children with children under age 6 participate in training programs, ~~the learnfare~~
3 ~~school attendance requirement under s. 49.26 (1) (g)~~ and the modification of the
4 earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the
5 effectiveness of the various efforts, including their cost-effectiveness, in helping
6 individuals gain independence through the securing of jobs and providing financial
7 incentives and in identifying barriers to independence.

8 **SECTION 42.** 49.79 (1) (fm) of the statutes is created to read:

9 49.79 (1) (fm) "School" means any of the following:

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

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

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

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

16 **SECTION 43.** 49.79 (9) (a) 3. of the statutes is amended to read:

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

22 **SECTION 44.** 118.15 (5) (b) 1. of the statutes is repealed.

23 **SECTION 45.** 118.15 (5) (b) 2. of the statutes is renumbered 118.15 (5) (b).

24 **SECTION 46.** 118.16 (2m) (a) 2. of the statutes is amended to read:

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

7 **SECTION 47.** 119.82 of the statutes is repealed.

8 **SECTION 48.** 948.45 (1) of the statutes is amended to read:

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

13 **SECTION 49.** 948.45 (2) of the statutes is repealed.

1. (intro.) and a., 2.,
and 4. (intro.)

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

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

22 (2) WISCONSIN WORKS AGENCY CONTRACTS. The treatment of sections 49.143 (2)
23 (a), (am), and (bm) and (2m) (intro.) and (f) (intro.) and 49.147 (5m) (a) 1. and (c) of
24 the statutes and the repeal of section 49.143 (2) (b) of the statutes first apply to

1 Wisconsin Works agencies that enter into agency contracts or that renew agency
2 contracts on the effective date of this subsection.

3 (3) REPEAL OF LEARNFARE.

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

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

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

17 (1) MODIFICATIONS TO WISCONSIN WORKS. The treatment of sections 15.207 (24)
18 (a) 7. and (d), 20.437 (2) (dz) (by SECTION 4), 46.215 (1) (j), 46.22 (1) (b) 2. e., 49.143
19 (2) (a), (am), and (bm), (2m) (intro.) and (f) (intro.), 49.145 (2) (n), 49.147 (3) (c), (4)
20 (as), (at), (av), and (b), (5) (b) 1. (intro.), a., c., d., and e., and 2., (bs), and (bt), (5m)
21 (a) (intro.) and 1. and (c), 49.148 (1) (c) and (4) (b), 49.151 (1) (intro.) and (b), 49.1515,
22 49.153 (1) (a), (b), and (c), 49.155 (1m) (a) 1. and 1m. (intro.), 49.26, 49.32 (6), 49.79
23 (1) (fm) and (9) (a) 3., 118.15 (5) (b) 1. and 2., 118.16 (2m) (a) 2., 119.82, and 948.45
24 (1) of the statutes, the repeal of section 49.143 (2) (b) of the statutes, and SECTION

1. (intro.)
2. and 3. and 4.
7. and 8.
4. (intro.)

1 9308 (1), (2), (3), and (4) of this act take effect on October 30, 2009, or on the 30th day
2 beginning after publication, whichever is later.

3 (END)

D-note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1059/4ins
PJK:.....

INSERT 6-11

1 **SECTION 1.** 49.145 (2) (n) 1. (intro.) of the statutes is amended to read:

2 49.145 (2) (n) 1. (intro.) Except as provided in subd. 4., ~~beginning on the date~~
3 ~~on which the individual has attained the age of 18~~, the total number of months in
4 which the individual or any adult member of the individual's Wisconsin works Works
5 group has ~~participated in, or has received benefits under,~~ received assistance under
6 any of the following or any combination of the following does not exceed ~~60 months~~
7 the federal time limit established under 42 USC 608 (a) (7), whether or not
8 consecutive:

9 History: 1995 a. 289; 1997 a. 27, 191, 237, 283; 1999 a. 9; 2001 a. 16; 2005 a. 25.

9 **SECTION 2.** 49.145 (2) (n) 1. a. of the statutes is amended to read:

10 49.145 (2) (n) 1. a. The job opportunities and basic skills program under s.
11 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job
12 opportunities and basic skills program counts toward the ~~60-month~~ time limit.

13 History: 1995 a. 289; 1997 a. 27, 191, 237, 283; 1999 a. 9; 2001 a. 16; 2005 a. 25.

13 **SECTION 3.** 49.145 (2) (n) 2. of the statutes is repealed.

14 **SECTION 4.** 49.145 (2) (n) 4. (intro.) of the statutes is amended to read:

15 49.145 (2) (n) 4. (intro.) In calculating the number of months under subds. subd.
16 1. ~~and 2.~~, a Wisconsin works Works agency shall exclude, to the extent permitted
17 under federal law, any month during which any adult in the Wisconsin works Works
18 group participated in any activity listed under subd. 1. a. to c. while living on a
19 federally recognized American Indian reservation, in an Alaskan Native village or,
20 in Indian country, as defined in 18 USC 1151, occupied by an Indian tribe, if, during
21 that month, all of the following applied:

History: 1995 a. 289; 1997 a. 27, 191, 237, 283; 1999 a. 9; 2001 a. 16; 2005 a. 25.

(END OF INSERT 6-11)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1059/4dn

PJK: *kgf*

Date

Sarah Grimsrud and Laurie Palchik:

This draft reconciles LRB-0247/1, LRB-0394/1, LRB-1059/1, and LRB-1396/3. All of these drafts should continue to appear in the compiled bill.

Although s. 49.145 (2) (n) 1. (intro.) is changed to refer to receiving assistance, s. 49.145 (2) (n) 1. a. refers to participation, s. 49.145 (2) (n) 1. c. refers to receiving benefits, 49.145 (2) (n) 3. refers to an extension of the participation period, and s. 49.145 (2) (n) 4. refers to participating in any activity listed under subd. 1. a. to c. I hope this is not a problem. Let me know, however, if you need this changed.

Pamela J. Kahler
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1059/4dn
PJK:kjf:jf

February 10, 2009

Sarah Grimsrud and Laurie Palchik:

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Although s. 49.145 (2) (n) 1. (intro.) is changed to refer to receiving assistance, s. 49.145 (2) (n) 1. a. refers to participation, s. 49.145 (2) (n) 1. c. refers to receiving benefits, 49.145 (2) (n) 3. refers to an extension of the participation period, and s. 49.145 (2) (n) 4. refers to participating in any activity listed under subd. 1. a. to c. I hope this is not a problem. Let me know, however, if you need this changed.

Pamela J. Kahler
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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1059/4
PJK:kjf&nwn:jf

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

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

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.

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 account for any contracts under s.
13 49.845 (4) and for any fraud investigation and error reduction activities under s.
14 49.197 (1m). Moneys appropriated under this paragraph may be used to match
15 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
16 (1), the 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 ~~or deposit into~~ to 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) (5) (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.** 20.437 (2) (dz) of the statutes, as affected by 2009 Wisconsin Act

24 (this act), is amended to read:

1 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
2 *maintenance of effort.* The amounts in the schedule, less the amounts withheld
3 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works
4 under ss. 49.141 to 49.161, ~~the learnfare program under s. 49.26,~~ and the work
5 experience program for noncustodial parents under s. 49.36; for payments to local
6 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
7 and for emergency assistance for families with needy children under s. 49.138.
8 Payments may be made from this appropriation account for any contracts under s.
9 49.845 (4) and for any fraud investigation and error reduction activities under s.
10 49.197 (1m). Moneys appropriated under this paragraph may be used to match
11 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
12 (1), the department may transfer funds between fiscal years under this paragraph.
13 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
14 shall credit to this appropriation account funds for the purposes of this appropriation
15 that the department transfers from the appropriation account under s. 20.435 (5)
16 (bc). All funds allocated by the department but not encumbered by December 31 of
17 each year lapse to the general fund on the next January 1 unless transferred to the
18 next calendar year by the joint committee on finance.

***NOTE: This is reconciled s. 20.437 (2) (dz). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0247/1 and LRB-1059/1.

19 **SECTION 5.** 46.215 (1) (j) of the statutes is repealed.

20 **SECTION 6.** 46.22 (1) (b) 2. e. of the statutes is repealed.

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

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

1 49.143 (2) (am) Provide information and services aimed at connecting
2 Wisconsin Works applicants and participants with their communities and the
3 resources available, including job creation, employer and job connections,
4 mentorships, child care services and providers, the local workforce investment
5 board, charitable food and clothing centers, subsidized and low-income housing, and
6 transportation subsidies. The contract shall include a description of the information
7 and services the Wisconsin Works agency will provide in fulfillment of the
8 requirement under this paragraph and how the the information and services will be
9 provided to applicants and participants.

10 **SECTION 9.** 49.143 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
11 (this act), is repealed.

 ***NOTE: This is reconciled s. 49.143 (2) (b). This SECTION has been affected by
 drafts with the following LRB numbers: LRB-0394 and LRB-1059.

12 **SECTION 10.** 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 11.** 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

1 ~~committee and~~ may coordinate with local food pantries and food banks and other
2 interested parties to increase the supply of food available. Under the outreach
3 program, the Wisconsin ~~works~~ Works agency may do anything that it determines
4 would best effect the desired outcome of the program, including any of the following:

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

6 49.143 (2m) (f) (intro.) Establish a ~~subcommittee of the community steering~~
7 committee that includes qualified aliens and that may do any of the following:

8 **SECTION 13.** 49.145 (2) (n) 1. (intro.) of the statutes is amended to read:

9 49.145 (2) (n) 1. (intro.) Except as provided in subd. 4., ~~beginning on the date~~
10 ~~on which the individual has attained the age of 18,~~ the total number of months in
11 which the individual or any adult member of the individual's Wisconsin ~~works~~ Works
12 group has ~~participated in, or has received benefits under,~~ received assistance under
13 any of the following or any combination of the following does not exceed ~~60 months~~
14 the federal time limit established under 42 USC 608 (a) (7), whether or not
15 consecutive:

16 **SECTION 14.** 49.145 (2) (n) 1. a. of the statutes is amended to read:

17 49.145 (2) (n) 1. a. The job opportunities and basic skills program under s.
18 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job
19 opportunities and basic skills program counts toward the ~~60-month~~ time limit.

20 **SECTION 15.** 49.145 (2) (n) 2. of the statutes is repealed.

21 **SECTION 16.** 49.145 (2) (n) 4. (intro.) of the statutes is amended to read:

22 49.145 (2) (n) 4. (intro.) In calculating the number of months under ~~subds.~~ subd.
23 1. ~~and 2.,~~ a Wisconsin ~~works~~ Works agency shall exclude, to the extent permitted
24 under federal law, any month during which any adult in the Wisconsin ~~works~~ Works
25 group participated in any activity listed under subd. 1. a. to c. while living on a

1 federally recognized American Indian reservation, in an Alaskan Native village or,
2 in Indian country, as defined in 18 USC 1151, occupied by an Indian tribe, if, during
3 that month, all of the following applied:

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

5 **SECTION 18.** 49.147 (4) (as) of the statutes is amended to read:

6 49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and
7 sub. (5m), a Wisconsin ~~works~~ Works agency shall require a participant placed in a
8 community service job program to work in a community service job for the number
9 of hours determined by the Wisconsin ~~works~~ Works agency to be appropriate for the
10 participant at the time of application or review, ~~but not to exceed 30 hours per week.~~
11 ~~Except as provided in pars. (at) and (av), a Wisconsin works agency may require a~~
12 ~~participant placed in the community service job program to participate in education~~
13 ~~or training activities for not more than 10 hours per week~~ except that the Wisconsin
14 Works agency may not require a participant under this subsection to spend more
15 than 40 hours per week in combined activities under this subsection.

16 **SECTION 19.** 49.147 (4) (at) of the statutes is amended to read:

17 49.147 (4) (at) *Motivational training.* A Wisconsin ~~works~~ Works agency may
18 require a participant, during the first 2 weeks of participation under this subsection,
19 to participate in an assessment and motivational training program ~~identified by the~~
20 ~~community steering committee under s. 49.143 (2) (a) 10.~~ The Wisconsin ~~works~~
21 Works agency may require not more than 40 hours of participation per week under
22 this paragraph in lieu of the participation requirement under par. (as).

23 **SECTION 20.** 49.147 (4) (av) of the statutes is amended to read:

24 49.147 (4) (av) *Education for 18-year-old and 19-year-old students.* A
25 Wisconsin ~~works~~ Works agency shall permit a participant under this subsection who

1 has not attained the age of 20 and who has not obtained a high school diploma or a
2 declaration of equivalency of high school graduation to attend high school or, at the
3 option of the participant, to enroll in a course of study meeting the standards
4 established under s. 115.29 (4) for the granting of a declaration of equivalency of high
5 school graduation to satisfy, in whole or in part, the ~~required hours of participation~~
6 requirement under par. (as).

7 **SECTION 21.** 49.147 (4) (b) of the statutes is repealed.

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

10 **SECTION 23.** 49.147 (5) (b) 1. a. of the statutes is renumbered 49.147 (5) (b) 1m.

11 **SECTION 24.** 49.147 (5) (b) 1. c. of the statutes is renumbered 49.147 (5) (b) 2m.

12 **SECTION 25.** 49.147 (5) (b) 1. d. of the statutes is renumbered 49.147 (5) (b) 3.

13 **SECTION 26.** 49.147 (5) (b) 1. e. of the statutes is renumbered 49.147 (5) (b) 4.

14 **SECTION 27.** 49.147 (5) (b) 2. of the statutes is repealed.

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

16 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),
17 a Wisconsin works Works agency may require a participant placed in a transitional
18 placement to engage in activities under par. (b) 1. ~~for up to 28 hours per week. Except~~
19 ~~as provided in sub. (5m), a Wisconsin works agency may require a participant placed~~
20 ~~in a transitional placement to participate in education or training activities under~~
21 ~~par. (bm) for not more than 12 hours per week. The Wisconsin Works agency may~~
22 ~~not require a participant under this subsection to spend more than 40 hours per week~~
23 ~~in combined activities under this subsection.~~

24 **SECTION 29.** 49.147 (5) (bt) of the statutes is amended to read:

1 49.147 (5) (bt) *Motivational training*. A Wisconsin works Works agency may
2 require a participant, during the first 2 weeks of participation under this subsection,
3 to participate in an assessment and motivational training program ~~identified by the~~
4 ~~community steering committee under s. 49.143 (2) (a) 10~~. The Wisconsin works
5 Works agency may require not more than 40 hours of participation per week under
6 this paragraph in lieu of the participation requirement under par. (bs).

7 **SECTION 30.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

8 49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except
9 as provided in par. (bL), a participant under sub. (4) (b) or (5) may participate in a
10 technical college education program as part of a community service job placement or
11 transitional placement if all of the following requirements are met:

12 **SECTION 31.** 49.147 (5m) (a) 1. of the statutes is amended to read:

13 49.147 (5m) (a) 1. The Wisconsin works Works agency, ~~in consultation with the~~
14 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~
15 ~~college district board~~, determines that the technical college education program is
16 likely to lead to employment.

17 **SECTION 32.** 49.147 (5m) (c) of the statutes is amended to read:

18 49.147 (5m) (c) The Wisconsin works Works agency shall ~~work with the~~
19 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~
20 ~~college district board~~ to monitor the participant's progress in the technical college
21 education program and the effectiveness of the program in leading to employment.

22 **SECTION 33.** 49.148 (1) (c) of the statutes is amended to read:

23 49.148 (1) (c) *Transitional placements*. For a participant in a transitional
24 placement under s. 49.147 (5) or in a transitional placement and in technical college
25 education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin works

1 Works agency. For every hour that the participant fails to participate in any required
2 activity without good cause, including any activity under s. 49.147 (5) (b) ~~1. a. to e.~~
3 1m. to 4., the grant amount shall be reduced by \$5.15. Good cause shall be
4 determined by the financial and employment planner in accordance with rules
5 promulgated by the department. Good cause shall include required court
6 appearances for a victim of domestic abuse.

7 **SECTION 34.** 49.148 (4) (b) of the statutes is amended to read:

8 49.148 (4) (b) The Wisconsin ~~works~~ Works agency may require an individual
9 who tests positive for use of a controlled substance under par. (a) to participate in a
10 drug abuse evaluation, assessment, and treatment program as part of the
11 participation requirement under s. 49.147 (4) ~~(as)~~ (a) and (am) or (5) ~~(bs)~~ (b) and (bm).

12 **SECTION 35.** 49.151 (1) (intro.) of the statutes is amended to read:

13 49.151 (1) REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to
14 participate ~~3 times, as determined under guidelines promulgated under s. 49.1515,~~
15 in any Wisconsin ~~works~~ Works employment position component is ineligible to
16 participate in that component the Wisconsin Works program for 3 months. A
17 participant is also ineligible to participate in that the Wisconsin works employment
18 position component Works program if an individual in the participant's Wisconsin
19 ~~works~~ Works group is subject to the work requirement under s. 49.15 (2) and refuses
20 ~~3 times to participate as required. A participant whom the Wisconsin works agency~~
21 ~~has determined is ineligible under this section for a particular Wisconsin works~~
22 ~~employment position component may be eligible to participate in any other~~
23 ~~Wisconsin works employment position component in which the participant has not~~
24 ~~refused to participate 3 times.~~ A participant or an individual who is subject to the

1 work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of
2 the following applies:

3 **SECTION 36.** 49.151 (1) (b) of the statutes is amended to read:

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

11 **SECTION 37.** 49.1515 of the statutes is created to read:

12 **49.1515 Determining nonparticipation without good cause. (1)**
13 GUIDELINES BY RULE. The department shall by rule specify guidelines for determining
14 when a participant, or individual in the participant's Wisconsin Works group, who
15 engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating
16 a refusal to participate.

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

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

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

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

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

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

10 **SECTION 38.** 49.153 (1) (a) of the statutes is renumbered 49.153 (1) (bm) and
11 amended to read:

12 49.153 (1) (bm) ~~Provide~~ After providing the explanation under par. (am),
13 provide to the participant written notice of the proposed action and of the reasons for
14 the proposed action.

15 **SECTION 39.** 49.153 (1) (b) of the statutes is renumbered 49.153 (1) (am) and
16 amended to read:

17 49.153 (1) (am) ~~After providing written notice, explain~~ Explain to the
18 participant orally in person or by phone, or make reasonable attempts to explain to
19 the participant orally in person or by phone, the proposed action and the reasons for
20 the proposed action.

21 **SECTION 40.** 49.153 (1) (c) of the statutes is amended to read:

22 49.153 (1) (c) After providing the ~~notice under par. (a) and the explanation or~~
23 the attempts to provide an explanation under par. (b), (am) and the notice under par.
24 (bm), if the participant has not already been afforded a conciliation period under s.

1 49.1515 (3) allow the participant a reasonable time to rectify the deficiency, failure,
2 or other behavior to avoid the proposed action.

3 **SECTION 41.** 49.155 (1m) (a) 1. of the statutes is amended to read:

4 49.155 **(1m)** (a) 1. ~~Meet the Attend school attendance requirement under s.~~
5 ~~49.26 (1) (g).~~

6 **SECTION 42.** 49.155 (1m) (a) 1m. (intro.) of the statutes is amended to read:

7 49.155 **(1m)** (a) 1m. (intro.) Obtain a high school diploma or participate in a
8 course of study meeting the standards established by the state superintendent of
9 public instruction for the granting of a declaration of equivalency of high school
10 graduation, if the individual is not ~~subject to the school attendance requirement~~
11 ~~under s. 49.26 (1) (g)~~ enrolled in school and at least one of the following conditions
12 is met:

13 **SECTION 43.** 49.26 of the statutes is repealed.

14 **SECTION 44.** 49.32 (6) of the statutes is amended to read:

15 49.32 **(6)** WELFARE REFORM STUDIES. The department shall request proposals
16 from persons in this state for studies of the effectiveness of various program changes,
17 referred to as welfare reform, to the aid to families with dependent children program,
18 including the requirement that certain recipients of aid to families with dependent
19 children with children under age 6 participate in training programs, ~~the learnfare~~
20 ~~school attendance requirement under s. 49.26 (1) (g)~~ and the modification of the
21 earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the
22 effectiveness of the various efforts, including their cost-effectiveness, in helping
23 individuals gain independence through the securing of jobs and providing financial
24 incentives and in identifying barriers to independence.

25 **SECTION 45.** 49.79 (1) (fm) of the statutes is created to read:

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

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

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

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

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

8 **SECTION 46.** 49.79 (9) (a) 3. of the statutes is amended to read:

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

14 **SECTION 47.** 118.15 (5) (b) 1. of the statutes is repealed.

15 **SECTION 48.** 118.15 (5) (b) 2. of the statutes is renumbered 118.15 (5) (b).

16 **SECTION 49.** 118.16 (2m) (a) 2. of the statutes is amended to read:

17 118.16 (2m) (a) 2. An employee of the school district who is directly involved
18 in the provision of a modified program or curriculum under s. 118.15 (1) (d), a
19 program for children at risk under s. 118.153 ~~or an alternative educational program~~
20 ~~under s. 119.82,~~ or any other alternative educational program to children who attend
21 the school attended by the truant child, if the school district administrator believes
22 that the program or curriculum may be appropriate for the truant child.

23 **SECTION 50.** 119.82 of the statutes is repealed.

24 **SECTION 51.** 948.45 (1) of the statutes is amended to read:

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

5 **SECTION 52.** 948.45 (2) of the statutes is repealed.

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

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

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

20 (3) REPEAL OF LEARNFARE.

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

1 (b) *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 (4) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL. The treatment of section
5 15.207 (24) (a) 7. 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 **SECTION 9408. Effective dates; Children and Families.**

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

21 (END)