

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3902/BJ

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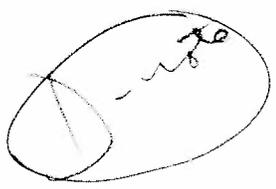
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



regen

1 AN ACT ^{regen} *to repeal* 20.235 (1) (b), 20.235 (1) (fd), 20.235 (1) (fe), 20.235 (1) (ff),
2 20.235 (1) (fg), 20.235 (1) (fj), 20.235 (1) (gm), 20.235 (1) (k), 20.235 (1) (ke),
3 20.235 (1) (km), 20.505 (8) (hm) 4i., 20.505 (8) (hm) 10., 36.11 (6) (c), 38.04 (7m),
4 39.285, 39.30, 39.31, 39.38, 39.435, 39.44, 49.148 (1m) (a) (intro.), 49.148 (1m)
5 (a) 2. and 49.148 (1m) (c) 3.; *to renumber and amend* 49.147 (1m) (a) and
6 49.148 (1m) (a) 1.; *to amend* 5.02 (6m) (f), 16.27 (2) (a), 16.27 (5) (intro.), 16.27
7 (5) (b), 16.303 (1) (a), 16.306 (2) (a), 20.285 (1) (gb), 36.25 (49), 39.39 (2) (b), 39.45
8 (1) (a), 39.45 (1) (b), 49.147 (1m) (title), 49.147 (4) (am), 49.147 (4) (as), 49.147
9 (4) (av), 49.147 (5) (bm), 49.147 (5) (bs), 49.147 (5m) (a) (intro.), 49.147 (5m) (bL),
10 49.148 (1) (b) 1., 49.148 (1) (b) 1m. d., 49.148 (1) (b) 3., 49.148 (1) (c), 49.148 (1m)
11 (title), 49.148 (1m) (c) 1., 49.148 (1m) (c) 2., 49.155 (5) (a), 49.155 (6g) (a) 2.,
12 49.155 (6g) (a) 3., 49.159 (4), 66.1201 (9) (a), 71.53 (2) (c), 118.60 (2) (a) 1. b.,
13 119.23 (2) (a) 1. b., 234.03 (intro.), 234.04 (1), 234.04 (2), 234.04 (3), 234.06 (1),
14 234.06 (3), 234.49 (2) (a) (intro.), 234.59 (2) (intro.), 234.592 (2) (intro.), 944.21
15 (8) (b) 4. and 948.11 (4) (b) 4.; and *to create* 16.27 (5m), 16.3025, 16.305 (2) (d),

1 16.306 (2) (c), 36.11 (59), 39.28 (7), 49.143 (4m), 49.147 (1m) (a) 2., 49.147 (1m)
2 (a) 3., 49.148 (5), 49.155 (1m) (c) 4., 49.155 (6g) (a) 5., 49.79 (1m), 49.79 (7c),
3 49.79 (7h), 49.79 (11), 49.823, 49.97, 66.1204, 71.07 (9e) (h), 71.53 (2) (g), 115.34
4 (3) and 234.038 of the statutes; **relating to:** education and training under
5 Wisconsin Works; reducing Wisconsin Works benefits; eliminating Wisconsin
6 Works grants for unmarried, pregnant women at risk; a minimum copayment,
7 maximum child care hours, and reducing income based on marriage for
8 eligibility under Wisconsin Shares; changes to the food stamp program relating
9 to financial eligibility for benefits, allowing an election to reduce benefits,
10 recouping unused benefits, and prohibiting supplier discounts; prohibiting
11 advertising concerning means-tested public assistance on radio or television;
12 requiring consideration of the income and assets of all individuals in a
13 household for purposes of eligibility for any means-tested public assistance;
14 eligibility requirements for persons or families of low and moderate income to
15 receive certain housing, housing assistance, grants, loans, or benefits from the
16 Wisconsin Housing and Economic Development Authority, the Department of
17 Administration, and local housing authorities; reducing the authority of local
18 housing authorities; eligibility requirement for purposes of receiving
19 low-income energy assistance; prohibiting new claims under the earned
20 income tax credit; limiting eligibility for the homestead tax credit; elimination
21 of certain grant programs administered by the Higher Educational Aids Board
22 and transfer of the unencumbered balances in the appropriations for those
23 programs to the University of Wisconsin System for the purpose of tuition
24 reduction; consideration of the income and assets of both parents of a student
25 under 22 years of age for purposes of awarding a grant or scholarship to such

- 1 a student and the permissible uses of grant or scholarship moneys awarded;
 2 income eligibility requirements for enrollment in a private school participating
 3 in a parental choice program; the school lunch program.

Analysis by the Legislative Reference Bureau

This is a partial analysis. A complete analysis will be provided in a subsequent version of this draft.

Low-income energy assistance

Under current law, the Department of Administration (DOA) administers a program that provides low-income energy assistance to eligible households, including households with incomes of less than 60 percent of the statewide median household income and households composed entirely of individuals receiving Aid to Families with Dependent Children or Supplemental Security Income. This bill provides that for purposes of determining eligibility for low-income energy assistance, the income of a household that includes a married couple is reduced by \$10,000. This bill also makes ineligible for low-income energy assistance a household with assets that exceed \$2,000 in cash equity value or with a vehicle having an equity value of \$10,000 or greater, unless a member of the household is disabled or aged 62 or older. Finally, under the bill, DOA may not notify a household of the household's eligibility for low-income energy assistance more than twice in a 12-month period.

Department of Administration low-income housing assistance

Under current law, DOA may make grants or loans, directly or through agents designated by DOA, to persons or families of low and moderate income to defray housing costs, including utility costs, and may make grants to community-based organizations, organizations operated for profit, or housing authorities to improve the ability of these entities to provide housing opportunities for persons or families of low and moderate income.

This bill requires DOA to impose limits on eligibility and housing for families and persons of low and moderate income seeking housing assistance directly or indirectly through DOA. Under the requirement, persons or families of low and moderate income who receive assistance with housing, housing costs, utility-related costs, or grants or loans from any project or program administered by DOA as described above, are subject to the following limitations:

1. A person or family of low or moderate income is restricted to housing in which the square footage is less than 50 percent of the average square footage for a rental unit of average rental value in the county in which the person or family resides. In order to satisfy this requirement, DOA may require that more than two unrelated persons or families of low or moderate income be housed in one housing unit. ~~This limitation does not apply to a person who is disabled or aged 62 or older.~~

2. With two exceptions, persons or families of low or moderate income with assets that exceed \$2,000 in cash equity value or with a vehicle having an equity

unless the person is, or family includes a person who is
 the disabled or aged 62 or older

value of \$10,000 or greater may not receive housing or assistance with housing costs or utility-related costs from DOA. This limitation does not apply to a person who is disabled or aged 62 or older.

3. For purposes of determining eligibility for low-income housing assistance, the income of any individual who is not related to the applicant and who is living in the applicant's home at the time of the application must be included in the applicant's income.

If DOA determines that it may not implement the limitations and prohibitions established under the bill without a waiver of federal law from the federal Department of Housing and Urban Development (HUD) and that a waiver of federal law is available, DOA must apply for and obtain a waiver from HUD before it may implement the limitations.

Wisconsin Housing and Economic Development Authority low-income housing assistance

Under current law, the Wisconsin Housing and Economic Development Authority (WHEDA) administers several programs that provide assistance to persons and families of low and moderate income in obtaining housing. Eligibility for the programs is determined under the Wisconsin statutes and under federal law, including the Housing Choice Voucher Program administered by HUD. Funding for these programs is provided from a number of sources, including bonds issued by WHEDA under its statutory authority and from the federal government.

This bill requires WHEDA to impose the following limits on eligibility for families and persons of low and moderate income seeking housing assistance directly or indirectly through WHEDA:

1. No person may receive housing assistance from HUD through WHEDA unless the person is disabled or aged 62 or older. The bill defines "disabled" to mean blind as established under federal law or disabled as established under federal law.

2. Persons or families of low and moderate income who receive housing or housing assistance directly or indirectly from WHEDA are subject to the following limitations: *unless the person is, or the family includes a person who is disabled or aged 62 or older*

a. A person or family of low or moderate income must be restricted to housing in which the square footage is less than 50 percent of the average square footage for a rental unit of average rental value in the county in which the person or family resides. In order to satisfy this requirement, WHEDA may require that more than two unrelated persons or families of low or moderate income be housed in one housing unit. This limitation does not apply to a person who is disabled or aged 62 or older.

b. With two exceptions, persons or families of low or moderate income with assets that exceed \$2,000 in cash equity value or with a vehicle having an equity value of \$10,000 or greater may not receive housing or housing assistance from WHEDA. This limitation does not apply to a person who is disabled or aged 62 or older.

c. For purposes of determining eligibility for housing or housing assistance from WHEDA, the income of any individual who is not related to the applicant and

who is living in the applicant's home at the time of the application must be included in the applicant's income.

If WHEDA determines that it may not implement the limitations and prohibitions established under the bill without a waiver of federal law from HUD and that a waiver of federal law is available, WHEDA must apply for and obtain a waiver from HUD before it may implement the limitations.

Taxation

Under federal law, the earned income tax credit (EITC) is a refundable tax credit for low-income workers. If the amount of the claim exceeds the worker's tax liability, the claimant receives a check for the excess amount from the Internal Revenue Service. The amount of the credit for which a claimant is eligible is based, in part, on whether the claimant has no qualifying children, one qualifying child, or more than one qualifying child.

Under current law, the refundable Wisconsin EITC may be claimed in an amount equal to a certain percentage of the federal basic EITC. To be eligible for the Wisconsin EITC, an individual must have one or more qualifying children. The Wisconsin EITC is equal to 4 percent of the federal credit if the claimant has one qualifying child, 11 percent of the federal credit if the claimant has two qualifying children, and 34 percent of the federal credit if the claimant has three or more qualifying children.

Under this bill, no new claims under the Wisconsin EITC may be filed for a taxable year that begins after December 31, 2014.

Under current law, the homestead tax credit may be claimed by an individual who is at least 18 years of age and who is not, in general, claimed as a dependent for federal income tax purposes in the year to which the claim relates. Under this bill, for claims filed for taxable years that begin after December 31, 2014, a claimant must be at least 55 years old to claim the homestead tax credit.

Local housing authorities

Generally under current law, a local housing authority may acquire, lease, and operate approved housing projects, and may provide for the construction, reconstruction, improvement, alteration, or repair of any housing project. Under this bill, after the effective date of the bill, a local housing authority may not provide for the construction of low-income housing unless it is for individuals age 55 and above. In addition, the bill prohibits a local housing authority from requesting more money for low-income housing.

Parental choice program pupil eligibility

Under the parental choice programs, a pupil who is a member of a family that has a total family income that does not exceed 3.0 times the poverty level may attend a private school at state expense under certain conditions. When verifying a family's income, the Department of Revenue must first deduct \$7,000. This bill increases the deduction to \$30,000.

School lunch program

This bill prohibits a school board from providing to a pupil's parent or guardian more than two notices describing eligibility criteria for the school lunch program in any school year.

Higher education grants and scholarships

Under current law, the Higher Educational Aids Board (HEAB) awards certain grants based on financial need. Those grants include Wisconsin higher education grants for students enrolled in public institutions of higher education or tribal colleges in this state (WHEG grants), tuition grants for students enrolled in private institutions of higher education in this state (tuition grants), Indian student assistance grants to assist Indian students who are residents of this state (Indian student assistance grants), and minority undergraduate retention grants to assist minority students enrolled in private institutions of higher education or technical colleges in this state (minority undergraduate retention grants).

This bill eliminates WHEG grants, tuition grants, Indian student assistance grants, and minority undergraduate retention grants, transfers the unencumbered balances in the appropriations for those grants to the Board of Regents of the University of Wisconsin (UW) System (Board of Regents), and directs the Board of Regents to use the amount so transferred to reduce the tuition charged to enroll in educational programs in the UW System.

The bill also prohibits HEAB from awarding any state financial assistance, and the Board of Regents from awarding any scholarship, that is based on financial need to a student under 22 years of age who is a dependent of his or her parents unless the calculation of the student's financial need includes consideration of the income and assets of both of the student's parents. In addition, the bill requires state financial assistance awarded by HEAB and scholarship moneys awarded by the Board of Regents to be used only for tuition, fees, books, and educational supplies.

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

- 1 **SECTION 1.** 5.02 (6m) (f) of the statutes is amended to read:
- 2 5.02 (**6m**) (f) An unexpired identification card issued by a university or college
- 3 in this state that is accredited, as defined in s. 39.30 (1) (d), 2011 stats., that contains
- 4 the date of issuance and signature of the individual to whom it is issued and that
- 5 contains an expiration date indicating that the card expires no later than 2 years
- 6 after the date of issuance if the individual establishes that he or she is enrolled as
- 7 a student at the university or college on the date that the card is presented.

1 **SECTION 2.** 16.27 (2) (a) of the statutes is amended to read:

2 16.27 (2) (a) The department shall administer low-income energy assistance
3 as provided in this section to assist an eligible household to meet the costs of home
4 energy with low-income home energy assistance benefits authorized under 42 USC
5 8621 to 8629. Neither the department nor any county department, local government
6 agency, or private nonprofit organization with which the department contracts to
7 administer assistance under this section may notify a household that the household
8 is eligible for assistance under this section more than 2 times in a 12-month period.

9 **SECTION 3.** 16.27 (5) (intro.) of the statutes is amended to read:

10 16.27 (5) ELIGIBILITY. (intro.) Subject to the requirements of subs. (4) (b) and
11 (8), and except as provided in sub. (5m), the following shall receive low-income
12 energy assistance under this section:

13 **SECTION 4.** 16.27 (5) (b) of the statutes is amended to read:

14 16.27 (5) (b) A household with income which is not more than 60 percent of the
15 statewide median household income. The income for a household that includes a
16 married couple is reduced by \$10,000 before the determination of eligibility is made
17 under this paragraph.

18 **SECTION 5.** 16.27 (5m) of the statutes is created to read:

19 16.27 (5m) LIMITATIONS ON ELIGIBILITY. (a) 1. Except as provided in subd. 2., a
20 household with assets that exceed \$2,000 in combined equity value or with a vehicle
21 having an equity value of \$10,000 or greater is not eligible for low-income energy
22 assistance under this section.

23 2. Subdivision 1. does not apply if any individual member of the household is
24 disabled, as defined in s. 49.468 (1) (a) 1., or is aged 62 or older.

1 (b) If the department determines it may not implement the limitation under
2 par. (a) 1. without a waiver from the federal department of health and human
3 services and that such a waiver may be requested under federal law, the department
4 shall request a waiver from the secretary of the federal department of health and
5 human services. If a waiver that is consistent with par. (a) 1. is granted and in effect,
6 the department shall implement the limitation on eligibility under par. (a) 1. If a
7 waiver is required, the department may not implement the limitation on eligibility
8 under par. (a) 1. unless a waiver is granted and in effect.

9 SECTION 6. 16.3025 of the statutes is created to read:

10 **16.3025 State housing programs; limitations.** (1) *Except as provided in sub. (2),* The department shall
11 ensure that all of the following requirements are satisfied in connection with
12 housing, housing costs, utility-related costs, grants, or loans provided, directly or
13 indirectly, under ss. 16.301 to 16.315 by the department or by a community-based
14 organization, housing authority, or designated agent under s. 16.304 to persons and
15 families of low and moderate income:

16 (a) Any housing provided to a person or family of low or moderate income is
17 restricted to housing in which the square footage is less than 50 percent of the
18 average square footage for a rental unit of average rental value in the county in which
19 the person or family resides. To satisfy the requirements of this paragraph, the
20 department may require that more than 2 unrelated persons or families of low or
21 moderate income be housed in one housing unit. *This paragraph does not apply to*
22 *a person who is, or a family that includes, a person who is disabled, as defined in s.*
23 *49.468 (1) (a) 1., or is aged 62 or older.*

24 (b) A person or family with assets that exceed \$2,000 in combined equity value
25 or with a vehicle having an equity value of \$10,000 or greater is not eligible for

XXXXX Note: Please confirm that this language is consistent with your intent.

1 assistance with housing, housing costs, or utility-related costs under this
2 subchapter or eligible to benefit from any grants or loans made under this
3 subchapter. This paragraph does not apply to a person who is, or a family that
4 includes, a person who is disabled, as defined in s. 49.468 (1) (a) 1., or is aged 62 or
5 older.

6 (c) For purposes of determining eligibility for any assistance under this
7 subchapter, an applicant's income includes the income of any person who ^{is not}
8 ~~related to the applicant who is living in the applicant's home at the time of the~~ ^{spent at least 15 nights}
9 ~~date of the application.~~ ^{during the 60-day period immediately before}

10 (B) - (3) (2) If the department determines it may not implement the limitations on
11 eligibility and housing under sub. (1) without a waiver from the federal department
12 of housing and urban development and that such a waiver may be requested under
13 federal law, the department shall request a waiver. If a waiver that is consistent with
14 sub. (1) is granted and in effect, the department shall implement the limitations on
15 eligibility and housing under sub. (1). The department may not implement any
16 limitation under sub. (1) for which a waiver is required unless a waiver as to that
17 limitation is granted and in effect.

18 SECTION 7. 16.303 (1) (a) of the statutes is amended to read:

19 16.303 (1) (a) Subject to sub. (2) and the limitations on eligibility and housing
20 under s. 16.3025, make grants or loans, directly or through agents designated under
21 s. 16.304, from the appropriation under s. 20.505 (7) (b) to persons or families of low
22 or moderate income to defray housing costs of the person or family.

23 SECTION 8. 16.305 (2) (d) of the statutes is created to read:

(B) (2) The requirements in sub. (1)(a) to (c) do not apply to a person who is, or a family that includes, a person who is disabled, as defined in s. 49.468 (1)(a) 1., or is aged 62 or older.

1 16.305 (2) (d) The department determines that the grant is consistent with and
2 will not be used in violation of the limitations on eligibility and housing under s.
3 16.3025.

4 **SECTION 9.** 16.306 (2) (a) of the statutes is amended to read:

5 16.306 (2) (a) From the appropriation under s. 20.505 (7) (fm), the department
6 may award a grant to an eligible applicant for the purpose of providing transitional
7 housing and associated supportive services to homeless individuals and families if
8 the conditions under ~~par.~~ pars. (b) and (c) are satisfied. The department shall ensure
9 that the funds for the grants are reasonably balanced among geographic areas of the
10 state, consistent with the quality of applications submitted.

11 **SECTION 10.** 16.306 (2) (c) of the statutes is created to read:

12 16.306 (2) (c) A recipient of a grant under par. (a) shall agree to comply with
13 the limitations on eligibility and housing for persons and families of low and
14 moderate income under s. 16.3025.

15 **SECTION 11.** 20.235 (1) (b) of the statutes is repealed.

16 **SECTION 12.** 20.235 (1) (fd) of the statutes is repealed.

17 **SECTION 13.** 20.235 (1) (fe) of the statutes, as affected by 2013 Wisconsin Act
18 20, is repealed.

19 **SECTION 14.** 20.235 (1) (ff) of the statutes is repealed.

20 **SECTION 15.** 20.235 (1) (fg) of the statutes is repealed.

21 **SECTION 16.** 20.235 (1) (fj) of the statutes is repealed.

22 **SECTION 17.** 20.235 (1) (gm) of the statutes is repealed.

23 **SECTION 18.** 20.235 (1) (k) of the statutes is repealed.

24 **SECTION 19.** 20.235 (1) (ke) of the statutes, as created by 2013 Wisconsin Act
25 20, is repealed.

1 **SECTION 20.** 20.235 (1) (km) of the statutes is repealed.

2 **SECTION 21.** 20.285 (1) (gb) of the statutes, as affected by 2013 Wisconsin Act
3 20, section 250h, is amended to read:

4 20.285 (1) (gb) *General program operations.* All moneys received from the
5 operation of educational programs and related programs to carry out the purposes
6 for which received, including the transfer of funds to par. (gj). In each fiscal year, the
7 Board of Regents shall transfer no more than \$20,338,500 from this appropriation
8 account to the medical assistance trust fund. ~~In fiscal year 2013–14, the amount in~~
9 ~~the schedule under s. 20.235 (1) (ke) shall be transferred from this appropriation~~
10 ~~account to the appropriation account under s. 20.235 (1) (ke).~~

11 **SECTION 22.** 20.505 (8) (hm) 4i. of the statutes is repealed.

12 **SECTION 23.** 20.505 (8) (hm) 10. of the statutes is repealed.

13 **SECTION 24.** 36.11 (6) (c) of the statutes is repealed.

14 **SECTION 25.** 36.11 (59) of the statutes is created to read:

15 36.11 (59) SCHOLARSHIPS BASED ON FINANCIAL NEED. The board may not award
16 a scholarship that is based in whole or in part on financial need to any student under
17 the age of 22 who is a dependent of his or her parents unless the board's calculation
18 of financial need includes consideration of the income and assets of both of the
19 student's parents. Scholarship moneys awarded by the board may be used only for
20 tuition, fees, books, and educational supplies.

21 **SECTION 26.** 36.25 (49) of the statutes is amended to read:

22 36.25 (49) ACADEMIC FEE INCREASE GRANTS. The board may make grants to
23 resident undergraduate students ~~who do not receive grants under s. 39.435 that are~~
24 ~~payable from the appropriation under s. 20.235 (1) (fe),~~ whose annual family income
25 is less than \$60,000, and who have unmet financial need. Beginning in fiscal year

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1 2011–12, the board may make a grant under this subsection only to those students
2 enrolled in the system during fiscal year 2010–11 who maintain continuous
3 enrollment. A grant to a student under this subsection shall be in an amount
4 determined by the board that corresponds to any increase, or any portion of an
5 increase, in academic fees charged to the student, but may not exceed the amount of
6 the student's unmet need. The board may not make a grant under this subsection
7 to a student whose name appears on the statewide support lien docket under s.
8 49.854 (2) (b), unless the student provides to the board a payment agreement that
9 has been approved by the county child support agency under s. 59.53 (5) and that is
10 consistent with rules promulgated under s. 49.858 (2) (a).

11 **SECTION 27.** 38.04 (7m) of the statutes is repealed.

12 **SECTION 28.** 39.28 (7) of the statutes is created to read:

13 39.28 (7) The board may not provide any state financial assistance under this
14 subchapter that is based in whole or in part on financial need to any student under
15 the age of 22 who is a dependent of his or her parents unless the board's calculation
16 of financial need includes consideration of the income and assets of both of the
17 student's parents. Moneys awarded under this subchapter may be used only for
18 tuition, fees, books, and educational supplies.

19 **SECTION 29.** 39.285 of the statutes is repealed.

20 **SECTION 30.** 39.30 of the statutes is repealed.

21 **SECTION 31.** 39.31 of the statutes is repealed.

22 **SECTION 32.** 39.38 of the statutes is repealed.

23 **SECTION 33.** 39.39 (2) (b) of the statutes is amended to read:

24 39.39 (2) (b) Promulgate rules to administer this section, including rules
25 establishing loan amounts and the criteria and procedures for loan forgiveness and

1 for selecting loan recipients. Loan recipients shall be selected on the basis of
2 financial need, as determined by the board, ~~using the needs analysis methodology~~
3 ~~used under s. 39.435.~~

4 **SECTION 34.** 39.435 of the statutes, as affected by 2013 Wisconsin Act 20, is
5 repealed.

6 **SECTION 35.** 39.44 of the statutes is repealed.

7 **SECTION 36.** 39.45 (1) (a) of the statutes is amended to read:

8 39.45 (1) (a) “Institution of higher education” means a public or private
9 nonprofit educational institution meeting the requirements of s. 39.30, 2011 stats.,
10 or s. 39.435, 2011 stats., for the purpose of awarding grants under those sections.

11 **SECTION 37.** 39.45 (1) (b) of the statutes is amended to read:

12 39.45 (1) (b) “Resident student” has the meaning specified in s. 39.30 (1) (e),
13 2011 stats.

14 **SECTION 38.** 49.143 (4m) of the statutes is created to read:

15 49.143 (4m) CASE MONITORING AUDITS. The department shall develop and
16 implement a case monitoring audit process to ensure that Wisconsin Works agencies
17 are adequately monitoring the activities of all participants.

18 **SECTION 39.** 49.147 (1m) (title) of the statutes is amended to read:

19 49.147 (1m) (title) ~~EDUCATIONAL NEEDS~~ EDUCATION AND TRAINING ASSESSMENT.

20 **SECTION 40.** 49.147 (1m) (a) of the statutes is renumbered 49.147 (1m) (a) 1.
21 and amended to read:

22 49.147 (1m) (a) 1. A Wisconsin Works agency shall conduct an ~~educational~~
23 ~~needs~~ education and training assessment of each individual who applies for a
24 Wisconsin Works employment position. If the individual and the Wisconsin Works
25 agency determine that the individual needs, or would benefit from, education or

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1 training activities, ~~including a course of study meeting the standards established~~
2 ~~under s. 115.29 (4) (a) for the granting of a declaration of equivalency of high school~~
3 ~~graduation to better prepare the individual for employment, if the Wisconsin Works~~
4 ~~agency determines under subd. 2. that the individual would likely be successful in~~
5 ~~education or training activities~~, and if the Wisconsin Works agency determines that
6 the individual is eligible for a Wisconsin Works employment position, the Wisconsin
7 Works agency shall include education or training activities specified in subd. 3. in
8 any employability plan developed for the individual.

9 **SECTION 41.** 49.147 (1m) (a) 2. of the statutes is created to read:

10 49.147 (1m) (a) 2. A Wisconsin Works agency shall determine whether an
11 individual would likely be successful in education or training activities on the basis
12 of the following factors:

- 13 a. Whether the individual has the ability to read and write.
- 14 b. Whether the individual is able to perform basic arithmetic functions.
- 15 c. Whether the individual is able to keep appointments on time.
- 16 d. Whether the individual has stable housing.
- 17 e. Whether the individual has ties to the local community.
- 18 f. Whether the individual has the support of his or her family.
- 19 g. The individual's general educational background.

20 **SECTION 42.** 49.147 (1m) (a) 3. of the statutes is created to read:

21 49.147 (1m) (a) 3. An individual may participate in education or training
22 activities for a total of no more than 18 months, which need not be consecutive, and,
23 if the individual is employed, only if his or her employer approves it. The department
24 shall specify the maximum time during which an individual may receive classroom
25 instruction as part of an individual's education or training activities. Education or

1 training activities in which the individual may participate include any of the
2 following determined appropriate for the individual by the Wisconsin Works agency
3 and the individual's employer, if any:

4 a. A course of study meeting the standards established under s. 115.29 (4) for
5 the granting of a declaration of equivalency of high school graduation.

6 b. Technical college courses and other educational courses that provide an
7 employment skill.

8 c. Employer-sponsored training.

9 d. English as a 2nd language courses.

10 e. Adult basic education courses.

11 **SECTION 43.** 49.147 (4) (am) of the statutes is amended to read:

12 49.147 (4) (am) *Education or training activities.* A Subject to the requirements
13 under s. 49.147 (1m) (a), a participant under this subsection may be required to
14 participate in education and training activities assigned as part of an employability
15 plan developed by the Wisconsin works Works agency. The department shall
16 establish by rule permissible education and training under this paragraph, which
17 shall include a course of study meeting the standards established under s. 115.29 (4)
18 for the granting of a declaration of equivalency of high school graduation, technical
19 college courses, employer-sponsored training, and educational courses that provide
20 an employment skill. Permissible education under this paragraph shall also include
21 English as a 2nd language courses that the Wisconsin works agency determines
22 would facilitate an individual's efforts to obtain employment and adult basic
23 education courses education and training activities in which a participant may be
24 required to participate under this paragraph shall be those under s. 49.147 (1m) (a)

SECTION 43

1 3. that the Wisconsin ~~works~~ Works agency determines would facilitate ~~an~~ the
2 individual's efforts to obtain employment.

3 **SECTION 44.** 49.147 (4) (as) of the statutes is amended to read:

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

13 **SECTION 45.** 49.147 (4) (av) of the statutes is amended to read:

14 49.147 (4) (av) *Education for 18-year-old and 19-year-old students.* ~~–A–~~
15 Notwithstanding the requirements under s. 49.147 (1m) (a), a Wisconsin Works
16 agency shall permit a participant under this subsection who has not attained the age
17 of 20 and who has not obtained a high school diploma or a declaration of equivalency
18 of high school graduation to attend high school or, at the option of the participant,
19 to enroll in a course of study meeting the standards established under s. 115.29 (4)
20 for the granting of a declaration of equivalency of high school graduation to satisfy,
21 in whole or in part, the participation requirement under par. (as).

***NOTE: Is this how you want the paragraph above amended?

22 **SECTION 46.** 49.147 (5) (bm) of the statutes is amended to read:

23 49.147 (5) (bm) *Education ~~or~~ and training activities.* ~~–A–~~ Subject to the
24 requirements under s. 49.147 (1m) (a), a participant under this subsection may be

1 required to participate in education and training activities assigned as part of an
2 employability plan developed by the Wisconsin works Works agency. The
3 department shall establish by rule permissible education and training under this
4 paragraph, which shall include a course of study meeting the standards established
5 under s. 115.29 (4) for the granting of a declaration of equivalency of high school
6 graduation, technical college courses, employer-sponsored training, and
7 educational courses that provide an employment skill. Permissible education under
8 this paragraph shall also include English as a 2nd language courses that the
9 Wisconsin works agency determines would facilitate an individual's efforts to obtain
10 employment and adult basic education courses education and training activities in
11 which a participant may be required to participate under this paragraph shall be
12 those under s. 49.147 (1m) (a) 3. that the Wisconsin works Works agency determines
13 would facilitate an the individual's efforts to obtain employment.

14 **SECTION 47.** 49.147 (5) (bs) of the statutes is amended to read:

15 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),
16 a Wisconsin Works agency may require a participant placed in a transitional
17 placement to participate in education or training activities for not more than ~~12~~ 10
18 hours per week and to engage in activities under par. (b) 1., but may not require a
19 participant under this subsection to spend more than 40 hours per week in combined
20 activities under this subsection.

21 **SECTION 48.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

22 49.147 (5m) (a) (intro.) To the extent permitted under 42 USC 607, and except
23 as provided in par. (bL), notwithstanding the requirements under s. 49.147 (1m) (a),
24 a participant under sub. (4) or (5) may participate in a technical college education

1 program as part of a community service job placement or transitional placement if
2 all of the following requirements are met:

****NOTE: Is this how you want the paragraph above amended or would you prefer to repeal it?

3 **SECTION 49.** 49.147 (5m) (bL) of the statutes is amended to read:

4 49.147 (5m) (bL) ~~A~~ Notwithstanding the length of time specified in s. 49.147
5 (1m) (a) 3., a participant may participate under this subsection for the duration of
6 the technical college education program, except that the participant may not
7 participate under this subsection for more than 2 years.

****NOTE: Is this how you want the paragraph above amended?

Insert 18-7 →

8 **SECTION 50.** 49.148 (1) (b) 1. of the statutes, as affected by 2013 Wisconsin Act
9 20, is amended to read:

10 49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a
11 community service job under s. 49.147 (4), a monthly grant of \$653 \$633. For every
12 hour that the participant misses work or education or training activities without
13 good cause, the grant amount shall be reduced by \$5. Good cause shall be determined
14 by the financial and employment planner in accordance with rules promulgated by
15 the department. Good cause shall include required court appearances for a victim
16 of domestic abuse. If a participant in a community service job under s. 49.147 (4) is
17 required to work fewer than 30 hours per week because the participant has
18 unsubsidized employment, as defined in s. 49.147 (1), the grant amount under this
19 paragraph shall equal the amount specified under subd. 1m. minus \$5 for each hour
20 that the participant misses work or education or training activities without good
21 cause.

22 **SECTION 51.** 49.148 (1) (b) 1m. d. of the statutes is amended to read:

1 49.148 (1) (b) 1m. d. For a participant placed in a community service job for
2 more than 20 hours per week, ~~\$653~~ \$633.

3 **SECTION 52.** 49.148 (1) (b) 3. of the statutes, as affected by 2013 Wisconsin Act
4 20, is amended to read:

5 49.148 (1) (b) 3. For a participant in a community service job who participates
6 in technical college education under s. 49.147 (5m), a monthly grant of ~~\$653~~ \$633.
7 For every hour that the participant misses work or other required activities without
8 good cause, the grant amount shall be reduced by \$5. Good cause shall be determined
9 by the financial and employment planner in accordance with rules promulgated by
10 the department. Good cause shall include required court appearances for a victim
11 of domestic abuse.

12 **SECTION 53.** 49.148 (1) (c) of the statutes, as affected by 2013 Wisconsin Act 20,
13 is amended to read:

14 49.148 (1) (c) *Transitional placements.* For a participant in a transitional
15 placement under s. 49.147 (5) or in a transitional placement and in technical college
16 education under s. 49.147 (5m), a monthly grant of ~~\$608~~ \$588. For every hour that
17 the participant fails to participate in any required activity without good cause,
18 including any activity under s. 49.147 (5) (b) 1. a. to d., the grant amount shall be
19 reduced by \$5. Good cause shall be determined by the financial and employment
20 planner in accordance with rules promulgated by the department. Good cause shall
21 include required court appearances for a victim of domestic abuse.

22 **SECTION 54.** 49.148 (1m) (title) of the statutes is amended to read:

23 49.148 (1m) (title) CUSTODIAL PARENT OF INFANT; ~~UNMARRIED; PREGNANT WOMAN.~~

24 **SECTION 55.** 49.148 (1m) (a) (intro.) of the statutes is repealed.

SECTION 56

1 **SECTION 56.** 49.148 (1m) (a) 1. of the statutes is renumbered 49.148 (1m) (am)
2 and amended to read:

3 49.148 (1m) (am) ~~A~~ *Subject to sub. (2), a* custodial parent of a child 8 weeks old or less who meets
4 the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly grant
5 of \$653, unless another adult member of the custodial parent’s Wisconsin Works
6 group is participating in, or is eligible to participate in, a Wisconsin Works
7 employment position or is employed in unsubsidized employment, as defined in s.
8 49.147 (1).

9 **SECTION 57.** 49.148 (1m) (a) 2. of the statutes is repealed.

10 **SECTION 58.** 49.148 (1m) (c) 1. of the statutes is amended to read:

11 49.148 (1m) (c) 1. Receipt of a grant under this subsection by a participant
12 ~~under par. (a) 1.~~ does not constitute participation in a Wisconsin Works employment
13 position if the child is born to the participant not more than 10 months after the date
14 that the participant was first determined to be eligible for assistance under s. 49.19
15 or for a Wisconsin Works employment position.

16 **SECTION 59.** 49.148 (1m) (c) 2. of the statutes is amended to read:

17 49.148 (1m) (c) 2. Receipt of a grant under this subsection by a participant
18 ~~under par. (a) 1.~~ constitutes participation in a Wisconsin Works employment position
19 if the child is born to the participant more than 10 months after the date that the
20 participant was first determined to be eligible for assistance under s. 49.19 or for a
21 Wisconsin Works employment position unless the child was conceived as a result of
22 a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother did not
23 indicate a freely given agreement to have sexual intercourse or in violation of s.
24 948.02 or 948.025 or as a result of incest in violation of s. 944.06 or 948.06 and that

Insert 21-3

1 incest or sexual assault has been reported to a physician and to law enforcement
2 authorities.

3 SECTION 60. 49.148 (1m) (c) 3. of the statutes is repealed.

4 SECTION 61. 49.148 (5) of the statutes is created to read:

5 49.148 (5) BONUSES PROHIBITED. The department or a Wisconsin Works agency
6 may not pay a bonus or other monetary reward to a participant for remaining at a
7 job for a particular length of time.

8 SECTION 62. 49.155 (1m) (c) 4. of the statutes is created to read:

Insert 21-11

9

9 49.155 (1m) (c) 4. ^{a.} If the individual is married, ^{the} gross income ^{of the individual's family} shall be reduced
10 by \$20,000 before gross income as a percentage of the poverty line is calculated under
11 subd. 1., (g., 1h.) 1m., 2., or 3.

11

12 SECTION 63. 49.155 (5) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
13 is amended to read:

14 49.155 (5) (a) An individual receiving a subsidy under this section is liable for
15 the difference, if any, between the cost of the child care provided by the child care
16 provider or providers selected by the individual and the subsidy amount, except that
17 the department shall require a minimum copayment of \$2 per hour of child care per
18 child. The department shall specify minimum or estimated copayment amounts
19 based on family size, income level, and other factors, a schedule of which will be
20 available in electronic form on the department's Internet site and in paper form.

21 SECTION 64. 49.155 (6g) (a) 2. of the statutes is amended to read:

22 49.155 (6g) (a) 2. Except as provided in subd. 3., and subject to subd. 5., the
23 department shall authorize no more than 12 hours of child care per day per child.

24 SECTION 65. 49.155 (6g) (a) 3. of the statutes is amended to read:

SECTION 65

1 49.155 (6g) (a) 3. ~~The Subject to subd. 5., the~~ department may authorize more
2 than 12 hours, not exceeding 16 hours, of child care per day for a child whose parent
3 provides written documentation of work or transportation requirements that exceed
4 12 hours in a day.

5 **SECTION 66.** 49.155 (6g) (a) 5. of the statutes is created to read:

6 49.155 (6g) (a) 5. The department may not authorize more than 40 hours of
7 child care per week for a child.

8 **SECTION 67.** 49.159 (4) of the statutes is amended to read:

9 49.159 (4) PREGNANT WOMEN. A pregnant woman whose pregnancy is medically
10 verified, and who would be eligible under s. 49.145 except that she is not a custodial
11 parent of a dependent child, ~~and who does not satisfy the requirements under s.~~
12 ~~49.148 (1m) (a) 2.~~ is eligible for employment training and job search assistance
13 services provided by the Wisconsin Works agency.

14 **SECTION 68.** 49.79 (1m) of the statutes is created to read:

15 49.79 (1m) FINANCIAL ELIGIBILITY. (a) A household of one or more individuals
16 is not eligible to receive food stamp benefits under this section unless all of the
17 following apply:

18 1. Subject to par. (b), the gross income of the household does not exceed 130
19 percent of the poverty line.

20 2. Subject to par. (b), the net income of the household does not exceed 100
21 percent of the poverty line.

22 3. Except as provided in subd. 4., the household does not have countable assets
23 of more than \$2,000 in value.

24 4. If the household includes an individual who is 60 years of age or older, an
25 individual who is blind, as defined in s. 47.01 (1), or an individual who is disabled,

1 as defined in s. 49.155 (1) (aL), the household does not have countable assets of more
2 than \$3,200 in value.

3 (b) If the household includes a married couple, the household's gross income
4 and net income shall be reduced by \$15,000 before the calculations are made under
5 par. (a) 1. and 2.

6 **SECTION 69.** 49.79 (7c) of the statutes is created to read:

7 49.79 (7c) NO ONLINE APPLICATIONS. The department may not allow or accept
8 online applications for benefits under this section. Any person who seeks benefits
9 under this section must apply to the department or its designated agent in person.

10 **SECTION 70.** 49.79 (7h) of the statutes is created to read:

11 49.79 (7h) REDUCTION IN, AND RECOUPMENT OF, BENEFITS. To the extent permitted
12 under federal law, the department shall implement a system for distributing benefits
13 under this section that does all of the following:

14 (a) Allows an individual who is an applicant or recipient to elect to receive food
15 stamp benefits in an amount that is less than the amount for which the individual
16 or the individual's household is eligible.

17 (b) Recoups after the end of each month benefits received for that month that
18 were not used in that month. The department shall use the amount of unused
19 benefits recouped under this paragraph to provide benefits under this section.

20 **SECTION 71.** 49.79 (11) of the statutes is created to read:

21 49.79 (11) DISCOUNTS PROHIBITED. No supplier, as defined in s. 49.795 (1) (d),
22 may offer or provide a discount on the cost of food or other items that may be
23 purchased with food stamp benefits by reason of the use of food stamp benefits to
24 purchase the food or other items.

25 **SECTION 72.** 49.823 of the statutes is created to read:

SECTION 72

1 **49.823 Determination of income and assets.** (1) In this section,
2 “means–tested public assistance” means any services, benefits, or other assistance
3 that is provided to individuals or families under this chapter and for which income
4 or assets is a factor in determining eligibility.

5 (2) Notwithstanding any provision in this chapter to the contrary and to the
6 extent permitted under federal law, when determining an individual’s or a family’s
7 eligibility for any means–tested public assistance, the department of health services
8 or the department of children and families shall take into consideration the income
9 or assets, as the case may be, of every individual who resides in the individual’s or
10 family’s household.

***NOTE: You may need to define “household” for purposes of this subsection.
There are a number of definitions in current law. See ss. 16.27 (1) (c), 66.1105 (2) (bq),
71.07 (3m) (a) 5. and (5m) (a) 3., 71.28 (2m) (a) 5., 71.47 (2m) (a) 5., 71.52 (4), 71.58 (5),
71.613 (1) (ge), and 287.17 (1) (h).

***NOTE: Do you want to specify particular programs that this provision would
apply to? As currently drafted, it applies to all programs in ch. 49, including Medical
Assistance. The federal programs may have eligibility requirements that are in conflict
with this provision.

11 (3) If the department of health services or the department of children and
12 families determines that it may not without a waiver from the federal government
13 implement the requirement under sub. (2) with respect to any program administered
14 by that department that provides means–tested public assistance and that such a
15 waiver may be requested under federal law, the department of health services or the
16 department of children and families shall request a waiver from the appropriate
17 federal agency. If such a waiver is requested with respect to a program, the
18 department requesting the waiver may not implement the requirement under sub.
19 (2) with respect to the program unless the waiver is granted and in effect.

20 **SECTION 73.** 49.97 of the statutes is created to read:

1 **49.97 Prohibition on advertising.** (1) In this section, “means–tested public
2 assistance” means any services, benefits, or other assistance that is provided to
3 individuals or families under this chapter and for which income or assets is a factor
4 in determining eligibility.

5 (2) The department of health services and the department of children and
6 families may not by radio or television advertise the availability of, or provide any
7 other information concerning, means–tested public assistance.

8 **SECTION 74.** 66.1201 (9) (a) of the statutes is amended to read:

9 66.1201 (9) (a) Within its area of operation to prepare, carry out, acquire, lease
10 and operate housing projects approved by the council; to provide for the construction,
11 reconstruction, improvement, alteration or repair of any housing project or any part
12 of a housing project, except that after the effective date of this paragraph [LRB
13 inserts date], an authority may not provide for the construction of low–income
14 housing unless it is for individuals age 55 and above, nor may an authority request
15 more money for low–income housing.

****NOTE: Does this paragraph meet your intent? Would you like a definition for
“low–income housing?” One possibility is to create a definition similar to the one in s.
70.11 (4a) (b); does that definition meet your intent? Some statutes, such as s. 254.34 (1)
(h) 2., do not define the term.

Also, your instructions say “local governments/housing authorities cannot request
more money for low income (sic) housing unless it is for seniors.” I’m not sure what this
means; it’s drafted according to your instructions, but I’m not sure of its legal effect. From
whom do local governments/housing authorities request money? From whom are they
prohibited from requesting money? I’ll need further instructions on this provision before
it may be included in an introducible draft.

16 **SECTION 75.** 66.1204 of the statutes is created to read:

17 **66.1204 Limitations on eligibility.** (1) (a) In its role under 42 USC 1437f
18 as a public housing agency, as defined in 24 CFR 982.4 (b), an authority may not
19 provide assistance payments to any person unless the person satisfies one of the
20 following:

SECTION 75

- 1 1. The person is disabled, as defined in s. 49.468 (1) (a) 1.
- 2 2. The person is age 62 or older.
- 3 (b) ^{Except as provided in par. (c),} An authority shall ensure that all of the following requirements are
- 4 satisfied in connection with housing or housing assistance provided directly or
- 5 indirectly by the authority, or by a state public body with which it contracts, to any
- 6 person of low income:

7 1. Any housing provided to a person of low income is restricted to housing in

8 which the square footage is less than 50 percent of the average square footage for a

9 rental unit of average rental value in the county in which the person of low income

10 resides. To satisfy the requirements of this subdivision, the authority may require

11 that more than 2 unrelated persons of low income be housed in one housing unit. This

12 subdivision does not apply to a person who is disabled, as defined in s. 49.468 (1) (a)

13 1., or is aged 62 or older.

14 2. A person or family with assets that exceed \$2,000 in combined equity value

15 or with a vehicle having an equity value of \$10,000 or greater is not eligible for

16 housing or housing assistance under this subchapter. This subdivision does not

17 apply to a person who is disabled, as defined in s. 49.468 (1) (a) 1., or is aged 62 or

18 older.

19 3. For purposes of determining eligibility for any assistance under this

20 subchapter, an applicant's income includes the income of any person who is not

21 related to the applicant who is living ^{spent at least 15 nights} in the applicant's home at the time of the

22 application. _{during the 60-day period immediately before the date of}

23 (2) If an authority determines it may not implement the limitations on

24 eligibility and housing under sub. (1) without a waiver from the federal department

25 of housing and urban development and that such a waiver may be requested under

(c) The requirements in par (b) 1. to 3. do not apply to a person who is disabled, as defined in s. 49.468 (1)(a) 1., or is aged 62 or older.

1 federal law, the authority shall request a waiver. If a waiver that is consistent with
2 sub. (1) is granted and in effect, an authority shall implement the limitations on
3 eligibility and housing under sub. (1). An authority may not implement any
4 limitation under sub. (1) for which a waiver is required unless a waiver as to that
5 limitation is granted and in effect.

6 **SECTION 76.** 71.07 (9e) (h) of the statutes is created to read:

7 71.07 (9e) (h) For taxable years beginning after December 31, 2014, no new
8 claims for a credit under this subsection may be filed.

9 **SECTION 77.** 71.53 (2) (c) of the statutes is amended to read:

10 71.53 (2) (c) ~~The~~ Except as provided in par. (g), the claimant was under 18 years
11 of age at the close of the year to which the claim relates.

12 **SECTION 78.** 71.53 (2) (g) of the statutes is created to read:

13 71.53 (2) (g) For claims filed for taxable years beginning after December 31,
14 2014, the claimant was under 55 years of age at the close of the year to which the
15 claim relates.

****NOTE: Your instructions state that you'd like to include child support in the definition of income for calculating eligibility for the homestead tax credit. I think this is already the case under the current law definition of "income" in s. 71.52 (6), which states, in part: "(6) 'Income' means the sum of Wisconsin adjusted gross income and the following amounts, to the extent not included in Wisconsin adjusted gross income: maintenance payments (except foster care maintenance and supplementary payments excludable under section 131 of the internal revenue code), **support money...**" so I did not amend this definition.

16 **SECTION 79.** 115.34 (3) of the statutes is created to read:

17 115.34 (3) A school board may not provide to a pupil's parent or guardian more
18 than 2 notices that describe the eligibility criteria for the school lunch program in any
19 school year.

20 **SECTION 80.** 118.60 (2) (a) 1. b. of the statutes is amended to read:

SECTION 80

1 118.60 (2) (a) 1. b. The private school submits to the department of public
2 instruction the names, addresses, social security numbers, and other state and
3 federal tax identification numbers, if any, of the pupil's parents or legal guardians
4 that reside in the same household as the pupil, whether and to whom the parents or
5 legal guardians are married, the names of all of the other members of the pupil's
6 family residing in the same household as the pupil, and the school year for which
7 family income is being verified under this subd. 1. b. The department of revenue
8 shall review the information submitted under this subd. 1. b. and shall verify the
9 eligibility or ineligibility of the pupil to participate in the program under this section
10 on the basis of family income. In this subdivision, "family income" means federal
11 adjusted gross income of the parents or legal guardians residing in the same
12 household as the pupil for the tax year preceding the school year for which family
13 income is being verified under this subd. 1. b. or, if not available, for the tax year
14 preceding the tax year preceding the school year for which family income is being
15 verified under this subd. 1. b. Family income for a family in which the pupil's parents
16 are married or in which the pupil's legal guardians are married shall be reduced by
17 ~~\$7,000~~ \$30,000 before the verification is made under this subd. 1. b. The department
18 of revenue may take no other action on the basis of the information submitted under
19 this subd. 1. b. If the department of revenue is unable to verify family income or to
20 verify whether the pupil is eligible or ineligible to participate in the program under
21 this section on the basis of family income, the department of revenue shall notify the
22 department of public instruction of this fact and the department of public instruction
23 shall utilize an alternative process, to be established by the department of public
24 instruction, to determine whether the pupil is eligible to participate in the program
25 under this section on the basis of family income. The department of public

1 instruction may not request any additional verification of income from the family of
2 a pupil once the department of revenue has verified that the pupil is eligible to
3 participate in the program under this section on the basis of family income. The
4 department of public instruction shall establish a procedure for determining family
5 income eligibility for those pupils for whom no social security number or state or
6 federal tax identification number has been provided.

7 **SECTION 81.** 119.23 (2) (a) 1. b. of the statutes is amended to read:

8 119.23 (2) (a) 1. b. The private school submits to the department of public
9 instruction the names, addresses, social security numbers, and other state and
10 federal tax identification numbers, if any, of the pupil's parents or legal guardians
11 that reside in the same household as the pupil, whether and to whom the parents or
12 legal guardians are married, the names of all of the other members of the pupil's
13 family residing in the same household as the pupil, and the school year for which
14 family income is being verified under this subd. 1. b. The department of revenue
15 shall review the information submitted under this subd. 1. b. and shall verify the
16 eligibility or ineligibility of the pupil to participate in the program under this section
17 on the basis of family income. In this subdivision, "family income" means federal
18 adjusted gross income of the parents or legal guardians residing in the same
19 household as the pupil for the tax year preceding the school year for which family
20 income is being verified under this subd. 1. b. or, if not available, for the tax year
21 preceding the tax year preceding the school year for which family income is being
22 verified under this subd. 1. b. Family income for a family in which the pupil's parents
23 are married or in which the pupil's legal guardians are married shall be reduced by
24 ~~\$7,000~~ \$30,000 before the verification is made under this subd. 1. b. The department
25 of revenue may take no other action on the basis of the information submitted under

1 this subd. 1. b. If the department of revenue is unable to verify family income or to
2 verify whether the pupil is eligible or ineligible to participate in the program under
3 this section on the basis of family income, the department of revenue shall notify the
4 department of public instruction of this fact and the department of public instruction
5 shall utilize an alternative process, to be established by the department of public
6 instruction, to determine whether the pupil is eligible to participate in the program
7 under this section on the basis of family income. The department of public
8 instruction may not request any additional verification of income from the family of
9 a pupil once the department of revenue has verified that the pupil is eligible to
10 participate in the program under this section on the basis of family income. The
11 department of public instruction shall establish a procedure for determining family
12 income eligibility for those pupils for whom no social security number or state or
13 federal tax identification number has been provided.

14 **SECTION 82.** 234.03 (intro.) of the statutes is amended to read:

15 **234.03 Powers of authority.** (intro.) The Subject to the limitations on
16 eligibility for projects or programs and housing benefiting persons and families of low
17 and moderate income under s. 234.038, the authority shall have all the powers
18 necessary or convenient to implement this chapter, including the following powers
19 in connection with its projects or programs, in addition to all other powers granted
20 by this chapter:

21 **SECTION 83.** 234.038 of the statutes is created to read:

22 **234.038 Limitations on eligibility for projects or programs and**
23 **housing benefiting persons and families of low and moderate income. (1)**

24 (a) In its role under 42 USC 1437f as a public housing agency, as defined in 24 CFR

1 982.4 (b), the authority may not provide assistance payments to any person unless
2 the person satisfies one of the following:

3 1. The person is disabled, as defined in s. 49.468 (1) (a) 1.

4 2. The person is aged 62 or older.

5 (b) *Except as provided in par. (c),* The authority shall ensure that all of the following requirements are
6 satisfied in connection with housing or housing assistance provided directly or
7 indirectly by the authority or by an eligible sponsor, housing corporation, financial
8 institution, limited-profit entity, or nonprofit corporation to persons and families of
9 low and moderate income:

10 1. Any housing provided to a person or family of low or moderate income is
11 restricted to housing in which the square footage is less than 50 percent of the
12 average square footage for a rental unit of average rental value in the county in which
13 the person or family resides. To satisfy the requirements of this subdivision, the
14 authority may require that more than 2 unrelated persons or families of low or
15 moderate income be housed in one housing unit. This subdivision does not apply to
16 a person who is, or a family that includes, a person who is disabled, as defined in s.
17 49.468 (1) (a) 1., or is aged 62 or older.

18 2. A person or family with assets that exceed \$2,000 in combined equity value
19 or with a vehicle having an equity value of \$10,000 or greater is not eligible for
20 housing or housing assistance under this chapter. This subdivision does not apply
21 to a person who is, or a family that includes, a person who is disabled, as defined in
22 s. 49.468 (1) (a) 1., or is aged 62 or older.

23 3. For purposes of determining eligibility for any assistance under this
24 subchapter, an applicant's income includes the income of any person who is not

spent at least 15 nights

1 related to the applicant who is living in the applicant's home at the time of the
2 *date of the application.* *during the 60-day period immediately before*

3 (2) If the authority determines it may not implement the limitations on
4 eligibility and housing under sub. (1) without a waiver from the federal department
5 of housing and urban development and that such a waiver may be requested under
6 federal law, the authority shall request a waiver. If a waiver that is consistent with
7 sub. (1) is granted and in effect, the authority shall implement the limitations on
8 eligibility and housing under sub. (1). The authority may not implement any
9 limitation under sub. (1) for which a waiver is required unless a waiver as to that
10 limitation is granted and in effect.

11 SECTION 84. 234.04 (1) of the statutes is amended to read:

12 234.04 (1) The Subject to the limitations on eligibility for projects or programs
13 and housing benefiting persons and families of low and moderate income under s.
14 234.038, the authority may make or participate in the making of construction loans
15 to eligible sponsors of housing projects for the construction or rehabilitation of
16 housing for persons and families of low and moderate income. Such loans shall be
17 made only upon the determination by the authority that construction loans are not
18 otherwise available from private lenders upon reasonably equivalent terms and
19 conditions.

20 SECTION 85. 234.04 (2) of the statutes is amended to read:

21 234.04 (2) The Subject to the limitations on eligibility for projects or programs
22 and housing benefiting persons and families of low and moderate income under s.
23 234.038, the authority may make or participate in the making and enter into
24 commitments for the making of long-term mortgage loans to eligible sponsors of
25 housing projects for occupancy by persons and families of low and moderate income,

(c) The requirements in par (b) 1. to 3. do not apply to a person who is, or a family that includes, a person who is disabled, as defined in s. 49.468(1)(a) 1., or is aged 62 or older. 0

1 or for the making of homeownership mortgage loans or housing rehabilitation loans
2 or loans for the refinancing of qualified subprime loans under s. 234.592 to persons
3 and families of low and moderate income, an applicant under s. 234.59 or 234.592,
4 or other eligible beneficiaries as defined in s. 234.49. The loans may be made only
5 upon the determination by the authority that they are not otherwise available from
6 private lenders upon reasonably equivalent terms and conditions. The authority
7 may not make a loan to a person whose name appears on the statewide support lien
8 docket under s. 49.854 (2) (b), unless the person provides to the authority a payment
9 agreement that has been approved by the county child support agency under s. 59.53
10 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a). The
11 authority may employ, for such compensation as it determines, the services of any
12 financial institution in connection with any loan.

13 **SECTION 86.** 234.04 (3) of the statutes is amended to read:

14 234.04 (3) The Subject to the limitations on eligibility for projects or programs
15 and housing benefiting persons and families of low and moderate income under s.
16 234.038, the authority may make or participate in the making and enter into
17 commitments for the making of loans to any banking institution, savings bank,
18 savings and loan association or credit union organized under the laws of this or any
19 other state or of the United States having an office in this state, if the authority first
20 determines that the proceeds of such loans will be utilized for the purpose of making
21 long-term mortgage loans to persons or families of low and moderate income, or for
22 the purpose of providing residential housing for occupancy by persons or families of
23 low and moderate income, or for the purpose of making housing rehabilitation loans.

24 **SECTION 87.** 234.06 (1) of the statutes is amended to read:

1 234.06 (1) The Subject to the limitations on eligibility for projects or programs
2 and housing benefiting persons and families of low and moderate income under s.
3 234.038, the authority may, as authorized in the state housing strategy plan under
4 s. 16.302, use the moneys held in the housing development fund to make temporary
5 loans to eligible sponsors, with or without interest, and with such security for
6 repayment, if any, as the authority determines reasonably necessary and
7 practicable, solely from the housing development fund, to defray development costs
8 for the construction of proposed housing projects for occupancy by persons and
9 families of low and moderate income. No temporary loan may be made unless the
10 authority may reasonably anticipate that satisfactory financing may be obtained by
11 the eligible sponsor for the permanent financing of the housing project.

12 **SECTION 88.** 234.06 (3) of the statutes is amended to read:

13 234.06 (3) The Subject to the limitations on eligibility for projects or programs
14 and housing benefiting persons and families of low and moderate income under s.
15 234.038, the authority may, as authorized in the state housing strategy plan under
16 s. 16.302, use the moneys held in the housing development fund to establish and
17 administer programs of grants to counties, municipalities, and eligible sponsors of
18 housing projects for persons of low and moderate income, to pay organizational
19 expenses, administrative costs, social services, technical services, training expenses,
20 or costs incurred or expected to be incurred by counties, municipalities, or sponsors
21 for land and building acquisition, construction, improvements, renewal,
22 rehabilitation, relocation, or conservation under a plan to provide housing or related
23 facilities, if the costs are not reimbursable from other private or public loan, grant,
24 or mortgage sources.

25 **SECTION 89.** 234.49 (2) (a) (intro.) of the statutes is amended to read:

1 234.49 (2) (a) (intro.) The Subject to the limitations on eligibility for projects
2 or programs and housing benefiting persons and families of low and moderate
3 income under s. 234.038, the authority has the following powers for the purpose of
4 implementing this section, in addition to all other powers granted by this chapter:

5 **SECTION 90.** 234.59 (2) (intro.) of the statutes is amended to read:

6 234.59 (2) (intro.) The authority shall, subject to the limitations on eligibility
7 for projects or programs and housing benefiting persons and families of low and
8 moderate income under s. 234.038, establish and administer a homeownership
9 mortgage loan program to encourage homeownership and to facilitate the
10 acquisition or rehabilitation of eligible property by applicants. To implement the
11 program, the authority:

12 **SECTION 91.** 234.592 (2) (intro.) of the statutes is amended to read:

13 234.592 (2) (intro.) The authority shall, subject to the limitations on eligibility
14 for projects or programs and housing benefiting persons and families of low and
15 moderate income under s. 234.038, establish and administer a qualified subprime
16 loan refinancing program to encourage homeownership and to facilitate the
17 retention of eligible property by applicants. To implement the program, the
18 authority:

19 **SECTION 92.** 944.21 (8) (b) 4. of the statutes is amended to read:

20 944.21 (8) (b) 4. Any institution of higher education that is accredited, as
21 described in s. 39.30 (1) (d), 2011 stats., and is exempt from taxation under section
22 501 (c) (3) of the internal revenue code.

23 **SECTION 93.** 948.11 (4) (b) 4. of the statutes is amended to read:

1 948.11 (4) (b) 4. Any institution of higher education that is accredited, as
2 described in s. 39.30 (1) (d), 2011 stats., and is exempt from taxation under section
3 501 (c) (3) of the internal revenue code, as defined in s. 71.01 (6).

4 **SECTION 94. Nonstatutory provisions.**

5 (1) TRANSFER TO UNIVERSITY OF WISCONSIN SYSTEM OF UNENCUMBERED BALANCES
6 IN REPEALED HIGHER EDUCATIONAL AIDS BOARD APPROPRIATIONS. Notwithstanding
7 section 20.002 (3m) of the statutes, on the effective date of this subsection, there is
8 transferred to the appropriation account under section 20.285 (1) (k) of the statutes
9 an amount equal to the unencumbered balances in the appropriation accounts under
10 section 20.235 (1) (b), (fd), (fe), (ff), (fg), (fj), (gm), (k), (ke), and (km) of the statutes,
11 as affected by this act, on the day before the effective date of this subsection. The
12 board of regents of the University of Wisconsin System shall use the amount
13 transferred under this subsection to reduce the tuition charged to enroll in
14 educational programs in that system.

15 **SECTION 95. Initial applicability.**

16 (1) WISCONSIN SHARES ELIGIBILITY. The treatment of section 49.155 (1m) (c) 4.
17 of the statutes first applies to eligibility and continued eligibility determinations
18 that are made on the effective date of this subsection.

19 (2) FOOD STAMP ELIGIBILITY. The treatment of section 49.79 (1m) of the statutes
20 first applies to eligibility and continued eligibility determinations that are made on
21 the effective date of this subsection.

22 (3) ELIGIBILITY FOR LOW-INCOME ENERGY ASSISTANCE. The treatment of section
23 16.27 (5) (intro.) and (b) and (5m) of the statutes first applies to the eligibility of
24 households applying for low-income energy assistance under section 16.27 (4) of the
25 statutes on the effective date of this subsection or, if the department of

1 administration determines under section 16.27 (5m) (b) of the statutes, as created
2 by this act, that a federal waiver is needed, on the first day on which the waiver is
3 granted and in effect.

4 (4) ELIGIBILITY FOR HOUSING ASSISTANCE; DEPARTMENT OF ADMINISTRATION. The
5 treatment of sections 16.3025, 16.303 (1) (a), 16.305 (2) (d), and 16.306 (2) (a) and (c)
6 of the statutes first applies to housing, housing costs, utility-related costs, grants,
7 or loans provided, directly or indirectly, by the department of administration to
8 persons and families of low and moderate income on the effective date of this
9 subsection or, if the department of administration determines under section 16.3025
10 of the statutes, as created by this act, that a federal waiver is needed, on the first day
11 on which the waiver is granted and in effect.

12 (5) ELIGIBILITY FOR HOUSING ASSISTANCE; WISCONSIN HOUSING AND ECONOMIC
13 DEVELOPMENT AUTHORITY. The treatment of sections 234.03 (intro.), 234.038, 234.04
14 (1), (2), and (3), 234.06 (1) and (3), 234.49 (2) (a) (intro.), 234.59 (2) (intro.), and
15 234.592 (2) (intro.) of the statutes first applies to assistance payments, housing,
16 housing assistance, grants, or loans provided, directly or indirectly, by the Wisconsin
17 Housing and Economic Development Authority to persons and families of low and
18 moderate income on the effective date of this subsection or, if the Wisconsin Housing
19 and Economic Development Authority determines under section 234.038 (2) of the
20 statutes, as created by this act, that a federal waiver is needed, on the first day on
21 which the waiver is granted and in effect.

22 (6) ELIGIBILITY FOR HOUSING ASSISTANCE; LOCAL HOUSING AUTHORITIES. The
23 treatment of section 66.1204 of the statutes first applies to assistance payments,
24 housing, housing assistance, grants, or loans provided, directly or indirectly, by a
25 housing authority created under subchapter XII of chapter 66 of the statutes to a

1 person of low income on the effective date of this subsection or, if such an authority
2 determines under section 66.1204 (2) of the statutes, as created by this act, that a
3 federal waiver is needed, on the first day on which the waiver is granted and in effect.

4 (7) HIGHER EDUCATION GRANTS AND SCHOLARSHIPS. The treatment of sections
5 36.11 (59) and 39.28 (7) of the statutes first applies to a grant or scholarship awarded
6 for the 2015–16 academic year.

7 (8) PARENTAL CHOICE PROGRAMS. The treatment of sections 118.60 (2) (a) 1. b. and
8 119.23 (2) (a) 1. b. of the statutes first applies to eligibility to participate in a parental
9 choice program in the 2014–15 school year.

10 **SECTION 96. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) SCHOOL LUNCH PROGRAM. The treatment of section 115.34 (3) of the statutes
13 takes effect on July 1, 2014.

14 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3902/P2ins
PJK:.....

f m is run

INSERT 18-7

X

1 **SECTION 1.** 49.148 (1) (intro.) of the statutes is amended to read:
2 49.148 (1) BENEFIT AND WAGE LEVELS FOR PARTICIPANTS IN EMPLOYMENT POSITIONS.
3 (intro.) A Subject to sub. (2), a participant in a Wisconsin Works employment position
4 shall receive the following wages or benefits:

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2009 a. 28; 2011 a. 32, 257; 2013 a. 20; s. 13.92 (2) (i).
(END OF INSERT 18-7)

INSERT 21-3

5 **SECTION 2.** 49.148 (2) of the statutes is created to read:
6 49.148 (2) REDUCTION IN AMOUNT BASED ON RECEIPT OF OTHER BENEFITS. (a) In
7 this subsection, "other public assistance benefits" means all of the following:

8 1. Child support.

***NOTE: If this is child support being paid by a noncustodial parent, it is not public assistance. If you wish to include this item, a term other than "public assistance" should be used.

9 2. Food stamp benefits.

10 3. Any amount claimed under the earned income tax credit.

11 4. Low-income energy assistance under s. 16.27.

12 5. Federal rental assistance under 42 USC 1437f.

***NOTE: Are there any other items you want to include in this list? See my Drafter's Note.

13 (b) If a participant in a community service job or transitional placement or a
14 participant under sub. (1m) receives any other public assistance benefits, the
15 department shall reduce the amount of the grant paid to the participant under sub.
16 (1) (b) or (c) or sub. (1m) by doing all of the following:

17 1. Calculating the monthly amount or value of the other public assistance
18 benefits received by the participant.

Ins 21-3 cont'd

1
2
3
4
5

1 2. Deducting the monthly amount or value calculated under subd. 1 from the
 2 participant's monthly grant amount specified under sub. (1) (b) or (c) or sub. (1m),
 3 whichever is applicable, except that the amount deducted under this subdivision
 4 from the monthly grant amount specified in sub. (1) (b) or (c) or sub. (1m), whichever
 5 is applicable, may not exceed that applicable monthly grant amount.

****NOTE: I did not include any reduction for a participant under sub. (1) (a). Those participants receive a wage for hours actually worked and the employer, not the participant, receives a subsidy. I assumed that you did not want the participant's wages or the employer's subsidy reduced.

(END OF INSERT 21-3)

INSERT 21-11

6 b. If the child's biological or adoptive parents are married, the gross income of
 7 the child's biological or adoptive family shall be reduced by \$20,000 before gross
 8 income as a percentage of the poverty line is calculated under subd. 1g. or 1h.

(END OF INSERT 21-11)

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

LRB-3902/P2dn

PJK:.....

leev

date

There are a number of different options for indicating what benefits you want to deduct from a Wisconsin Works participant's monthly grant:

1. You could list those specific benefits, as I have done in this version of the draft, although I do not know if there are others you want to include. As mentioned in the draft, if you want to include "child support," a term other than "public assistance" should be used.
2. You could use a general description, such as ^{any} benefits or assistance received from the state or federal government. _{any}
3. You could have DCF specify the benefits or assistance by rule.

The draft contains some embedded notes. Do you want to make any changes on the basis of those notes, or is the draft fine with respect to the issues raised in the notes?

Pamela J. Kahler
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E-mail: pam.kahler@legis.wisconsin.gov

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

LRB-3902/P2dn
PJK:eev:jf

February 25, 2014

There are a number of different options for indicating what benefits you want to deduct from a Wisconsin Works participant's monthly grant:

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Pamela J. Kahler
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Kahler, Pam

From: VerVelde, Rachel
Sent: Wednesday, February 26, 2014 5:51 PM
To: Kahler, Pam
Subject: RE: Draft review: LRB -3902/P2 Topic: Various modifications to programs for low-income persons

Hi Pam,

Senator Grothman answered the questions that were in the draft. Let me know if you have any questions about his responses.

Thanks,

Rachel A. VerVelde

Chief of Staff - Office of Senator Glenn Grothman
20th Senate District
Rachel.VerVelde@legis.wi.gov
608-266-7513

- ✓1) Drafter's Note: Incorporate option #3
- ✓2) Page 9: Yes
- ✓3) Page 16: Yes
- ✓4) Page 18: Yes
- ✓5) Page 21 #1: See Drafter's note response
- ✓6) Page 21 #2: See Drafter's note response
- ✓7) Page 22: Yes
- ✓8) Page 25 #1: 16.27 (1) (c)
- ✓9) Page 25 #2: Keep as drafted
- ✓10) Page 26 #1: No
- ✓11) Page 26, Line 20: add "additional" in the following line, "more money for additional low-income housing."
- ✓12) Page 28: Ok

From: LRB.Legal
Sent: Tuesday, February 25, 2014 2:16 PM
To: Sen.Grothman
Subject: Draft review: LRB -3902/P2 Topic: Various modifications to programs for low-income persons

Following is the PDF version of draft LRB -3902/P2 and drafter's note.