



1995 ASSEMBLY BILL 1067

March 21, 1996 – Introduced by Representatives GARD, HUEBSCH and HARSDORF,
cosponsored by Senator BUETTNER. Referred to Committee on Rules.

1 **AN ACT to repeal** 20.435 (3) (cc), 46.03 (7) (b), 46.252, 46.40 (4m), 46.45 (1), 46.98
2 (1) (d), 46.98 (4g) (title), 46.98 (4g) (a), 46.98 (4g) (b), (c) and (d), 46.986 (3) (title),
3 767.02 (3), 767.085 (1) (g) and 767.085 (5); **to renumber** 20.435 (3) (g), 46.25
4 (11), 46.258 (title), 46.979 (title), 46.979 (3), 46.98 (title) and (1) (intro.), (ad),
5 (ag), (am), (b), (bm) and (c), 46.98 (2) (title), 46.98 (2) (b), 46.98 (2m) (title), 46.98
6 (2m) (a), 46.98 (2m) (c) and (d) 1., 46.98 (2m) (d) 2., 46.98 (2r) (title), (a), (b) and
7 (d), 46.98 (3) (title), 46.98 (3) (a) and (b), 46.98 (3) (c), 46.98 (4), 46.98 (5), 46.984
8 (title), 46.984 (1), 46.984 (2) (title), 46.984 (2) (c) and (d) and (3), 46.984 (4) (a),
9 46.984 (4) (intro.), (b) and (c), 46.986 (title), 46.986 (1) (intro.), 46.986 (1) (d), (e),
10 (g), (j) and (k), 46.986 (1) (n), 46.986 (2) (title), 46.986 (2) (b) and (cm), 46.986
11 (6), 46.986 (7), 46.987 (title), 46.987 (1) (intro.), 46.987 (1) (c), 46.987 (2) (title),
12 46.987 (2) (b) and (c), 46.987 (3) (title), 46.987 (3) (b), 46.987 (4) (b), 46.987 (4)
13 (d) to (h) and (5) and 46.987 (6); **to renumber and amend** 16.841 (1), 20.435
14 (3) (cb), 20.435 (3) (ja), 20.435 (3) (jg), 46.25 (title) and (1) to (6), 46.25 (7) and
15 (7m), 46.25 (8) and (9) (a), 46.25 (9) (b), 46.255, 46.258 (1), 46.258 (2) (a) (intro.),
16 46.258 (2) (a) 1., 2. and 3. and (b), 46.979 (1), 46.979 (2) (intro.), 46.979 (2) (b)
17 1., 46.979 (2) (b) 2., 46.979 (2) (c) (intro.), 46.979 (2) (c) 1., 46.979 (2) (c) 2., 46.979

1 (2) (c) 3., 46.979 (2) (c) 4., 46.98 (2) (a), 46.98 (2) (c), 46.982, 46.984 (2) (a), 46.986
2 (1) (b), 46.986 (1) (m), 46.986 (2) (a), 46.987 (1) (a), 46.987 (1) (b), 46.987 (1) (d),
3 46.987 (1) (e), 46.987 (2) (a), 46.987 (3) (a), 46.987 (3) (c), 46.987 (4) (intro.),
4 46.987 (4) (a) and 46.987 (4) (c); *to amend* 16.841 (2), 20.435 (1) (n), 20.435 (7)
5 (o), 20.445 (1) (k), 20.445 (3) (a), 20.445 (3) (n), 20.445 (3) (nL), 20.445 (3) (p),
6 20.855 (7) (j), 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1) (b), 39.30 (2) (e),
7 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.25 (4) (b), 45.351 (2) (c), 45.356 (6),
8 45.396 (6), 45.74 (6), 46.03 (7) (bm), 46.03 (18) (a), 46.10 (14) (b), 46.215 (1) (p),
9 46.22 (1) (b) 1. f., 46.40 (1) (a), 46.45 (intro.), 46.45 (6), 46.49 (1), 46.495 (1) (d),
10 46.979 (2) (a), 48.30 (6), 48.31 (7), 48.357 (5m), 48.36 (1) (b), 48.363 (1), 48.651,
11 49.191 (1) (b), 49.191 (2), 49.193 (8) (a), 49.25 (8) (a), 49.25 (8) (b), 49.26 (1) (e),
12 49.27 (6) (c), 49.27 (10) (c), 49.27 (10) (e), 49.32 (1) (a), 49.83, 49.90 (2), 49.90 (2g),
13 59.07 (97), 59.395 (7), 59.458 (2), 69.03 (14), 69.15 (3) (b) 3., 71.75 (1), 71.75 (9),
14 71.78 (4) (g), 71.80 (3), 71.80 (3m) (a), 71.80 (3m) (b) 2., 71.88 (1) (a), 71.93 (1)
15 (a) 2., 77.59 (5), 101.123 (1) (ad), 108.13 (4) (b), 108.13 (4) (f), 119.72 (2) (a),
16 119.72 (2) (b), 144.25 (8) (L), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59
17 (3) (c), 234.65 (3) (f), 234.90 (3) (d), 234.90 (3g) (c), 234.905 (3) (d), 560.14 (1) (a)
18 2., 565.30 (5), 565.30 (5m), 767.045 (1) (c) 1., 767.045 (1) (c) 2., 767.075 (1) (a),
19 767.075 (1) (b), 767.075 (2) (a), 767.075 (2) (b), 767.077 (intro.), 767.078 (1) (d)
20 1. c., 767.078 (1) (d) 3., 767.08 (3), 767.085 (2) (b), 767.085 (2m) (a) 2., 767.13 (7),
21 767.15 (2), 767.23 (1n), 767.25 (1g), 767.25 (1j), 767.25 (4m) (d) 2., 767.25 (4m)
22 (e) 1., 767.262 (1) (b), 767.262 (3), 767.265 (6) (c), 767.27 (3) (b), 767.27 (4),
23 767.29 (1), 767.29 (2), 767.295 (2) (a) 2., 767.295 (2) (c), 767.32 (1) (a), 767.32 (1)
24 (b) 4., 767.32 (1) (c) 1., 767.32 (2), 767.32 (4), 767.33 (1), 767.45 (6m), 767.45 (7),
25 767.455 (6), 767.47 (6) (a), 767.51 (3m) (d) 2., 767.51 (3m) (e) 1., 767.51 (4g),

1 767.51 (4m), 767.52 (3), 767.53 (2), 769.31 (1), 949.08 (2) (g) and 978.06 (6); **to**
2 **repeal and recreate** 20.435 (1) (n), 20.445 (3) (n) and 20.445 (3) (nL); and **to**
3 **create** 16.841 (1) (b), 20.445 (3) (cp), 49.13, 103.005 (18) and 767.001 (1d) of the
4 statutes; **relating to:** transferring the bureau of child support and the office of
5 child care from the department of health and family services to the department
6 of industry, labor and job development, granting rule-making authority and
7 making appropriations.

Analysis by the Legislative Reference Bureau

The bureau of child support, in the department of health and social services (DHSS), administers the child and spousal support program and the tax intercept program. The main purposes of the child and spousal support program are to establish paternity and to establish, modify and enforce child and spousal support obligations. Under this program, DHSS also acts as a state location service for similar agencies in other states. It is under this program that DHSS is directed to establish the child support percentage standard, which specifies a standard percentage of a parent's income that a court must order a parent to pay for the support of a minor child in paternity and divorce matters.

Under the tax intercept program, DHSS provides certifications of delinquencies in the payment of child support or maintenance to the department of revenue (DOR). DOR "intercepts" and sends any portion of a state or federal income tax refund that is owed to the delinquent obligor to DHSS to be forwarded to the appropriate clerk of court for distribution to the obligee.

This bill transfers the bureau of child support to the department of industry, labor and human relations (DILHR) on July 1, 1996, (on which date DILHR's name is changed to the department of industry, labor and job development (DILJD). Besides transferring all responsibilities, the transfer includes all positions and incumbent employes, rules and orders, tangible personal property, contracts, assets and liabilities, appropriations and appropriated funds associated with the bureau of child support.

Under current law, the office of child care in DHSS administers various programs relating to child care. Those programs include the distribution of state and federal funds to provide child care for low-income families (low-income child care), families that are at risk of becoming eligible for aid to families with dependent children (at-risk child care) and families that need child care to prevent or remedy child abuse or neglect, to alleviate stress in the family or to preserve the family unit (respite child care). The office of child care in DHSS also administers child care licensing and grant programs for the start-up and expansion of child care services, and for child care resource and referral services and for child care quality

improvement. This bill transfers responsibility for the administration of those child care programs, except child care licensing, to DILJD on July 1, 1996. Besides transferring that responsibility, the bill also transfers to DILJD certain positions and incumbent employees and all tangible personal property, contracts, assets and liabilities, pending matters, appropriations and appropriated funds primarily related to the office of child care in DHSS, except those contracts, assets and liabilities, pending matters, appropriations and appropriated funds and that tangible personal property primarily related to child care licensing.

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.** 16.841 (1) of the statutes is renumbered 16.841 (1) (intro.) and
2 amended to read:

3 16.841 (1) (intro.) In this section, “agency”:

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

5 **SECTION 2.** 16.841 (1) (b) of the statutes is created to read:

6 16.841 (1) (b) “Child care provider” means a provider licensed under s. 48.65,
7 certified under s. 48.651 or established or contracted for under s. 120.13 (14).

8 **SECTION 3.** 16.841 (2) of the statutes is amended to read:

9 16.841 (2) The department shall contract with one or more child care providers,
10 as defined in s. 46.98 (1) (am), to supplement the cost of providing suitable space for
11 child care services to be offered to the children of employees of agencies whose work
12 stations are located in an area designated by the department comprising the central
13 portion of the city of Madison.

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

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**20.445 Industry, labor and job development,
department of**

(3) ECONOMIC SUPPORT

(cp) At-risk and low-income child
care

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SECTION 5. 20.435 (1) (n) of the statutes is repealed and recreated to read:

20.435 (1) (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs and all moneys transferred from the appropriation account under sub. (3) (kx), to be expended for the purposes specified.

SECTION 6. 20.435 (1) (n) of the statutes, as affected by 1995 Wisconsin Act ...

(this act), is amended to read:

20.435 (1) (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs and all moneys transferred from the appropriation account under sub. (3) (kx), to be expended for the purposes specified.

SECTION 7. 20.435 (3) (cb) of the statutes, as affected by 1995 Wisconsin Act 27,

is renumbered 20.445 (3) (cb) and amended to read:

20.445 (3) (cb) *Child support collection — county administration.* The amounts in the schedule for the county child support order revision programs under s. 46.258 49.23 (1), for state incentive payments under s. 46.258 49.23 (2), for assistance to counties in establishing paternity and obtaining child support and for payments to

1 Milwaukee County under s. 49.25 (8) (b) to fund an additional family court
2 commissioner.

3 **SECTION 8.** 20.435 (3) (cc) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is repealed.

5 **SECTION 9.** 20.435 (3) (g) of the statutes, as affected by 19 Wisconsin Act 27, is
6 renumbered 20.445 (3) (g).

7 **SECTION 10.** 20.435 (3) (ja) of the statutes, as affected by 1995 Wisconsin Act
8 27, is renumbered 20.445 (3) (ja) and amended to read:

9 20.445 (3) (ja) *Child support state operations — fees.* All moneys received from
10 fees charged under s. ~~46.25~~ 49.22 (8) and from fees charged and incentive payments
11 and collections retained under s. ~~46.25~~ 49.22 (7m), for administering the program
12 under s. ~~46.25~~ 49.22 and all other purposes specified in s. ~~46.25~~ 49.22.

13 **SECTION 11.** 20.435 (3) (jg) of the statutes, as affected by 1995 Wisconsin Act
14 27, section 926, is renumbered 20.445 (3) (jg) and amended to read:

15 20.445 (3) (jg) *State child care program operations.* All moneys transferred
16 from ~~sub. s. 20.435~~ (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993
17 stats., for the purposes of providing child care services under ss. ~~46.98~~ 49.132 (2m),
18 and (3) ~~and (4g)~~ and 49.191 (1) (b) and (2), and for providing training for child care
19 providers, ~~and for automating state child care licensing.~~ All moneys transferred
20 from ~~sub. s. 20.435~~ (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993
21 stats., shall be distributed in the calendar year immediately following the transfer
22 according to an expenditure plan that is determined by the department and approved
23 by the secretary of administration.

24 **SECTION 12.** 20.435 (7) (o) of the statutes, as affected by 1995 Wisconsin Act 27,
25 is amended to read:

1 20.435 (7) (o) *Federal aid; community aids.* All federal moneys received in
2 amounts pursuant to allocation plans developed by the department for the provision
3 or purchase of services authorized under par. (b) and s. 46.70; all federal moneys
4 received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985;
5 ~~all federal child care and development block grant funds received under 42 USC 9858~~
6 ~~that are allocated under s. 46.40 (2m) (e) for distribution under s. 46.98 (2); all federal~~
7 ~~moneys received as child care grants under 42 USC 603 (n) as allocated under s. 46.40~~
8 ~~(2m) (e) and distributed under s. 46.98 (2); and all unanticipated federal social~~
9 services block grant funds received under 42 USC 1397 to 1397e, in accordance with
10 s. 46.49 (2), for distribution under s. 46.40. Disbursements from this appropriation
11 may be made directly to counties for social and mental hygiene services under s.
12 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal
13 requirements for the disbursement of federal funds.

14 **SECTION 13.** 20.445 (1) (k) of the statutes is amended to read:

15 20.445 (1) (k) *Fees.* All moneys received from fees charged to counties and to
16 ~~the department of health and social services under ss. 46.25 49.22 (8) and 108.13 (4)~~
17 (f) for administrative costs incurred in the enforcement of child and spousal support
18 obligations under 42 USC 654.

19 **SECTION 14.** 20.445 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
20 is amended to read:

21 20.445 (3) (a) *General program operations.* The amounts in the schedule for
22 general program operations relating to economic support, including field services
23 and administrative services, and for administering the program under s. 49.22 and
24 all other purposes specified in s. 49.22. No moneys may be expended under this
25 paragraph for the program under, or any other purpose specified in, s. 49.22 unless

1 moneys appropriated under par. (ja) are insufficient for the purposes specified under
2 that paragraph.

3 **SECTION 15.** 20.445 (3) (cp) of the statutes is created to read:

4 20.445 (3) (cp) *At-risk and low-income child care.* The amounts in the schedule
5 for at-risk and low-income child care under s. 49.132.

6 **SECTION 16.** 20.445 (3) (n) of the statutes, as created by 1995 Wisconsin Act 27,
7 is amended to read:

8 20.445 (3) (n) *Federal program operations.* All moneys received from the
9 federal government or any of its agencies for the state administration of continuing
10 programs and all moneys transferred from the appropriation accounts under s.
11 20.435 (3) (n) and (8) (n), to be expended for the purposes specified.

12 **SECTION 17.** 20.445 (3) (n) of the statutes, as affected by 1995 Wisconsin Act
13 (this act), is repealed and recreated to read:

14 20.445 (3) (n) *Federal program operations.* All moneys received from the
15 federal government or any of its agencies for the state administration of continuing
16 programs to be expended for the purposes specified.

17 **SECTION 18.** 20.445 (3) (nL) of the statutes, as created by 1995 Wisconsin Act
18 27, is amended to read:

19 20.445 (3) (nL) *Federal program local assistance.* All moneys received from the
20 federal government or any of its agencies for continuing programs and all moneys
21 transferred from the appropriation account under s. 20.435 (3) (nL), to be expended
22 as local assistance for the purposes specified, except that the following amounts shall
23 lapse from this appropriation to the general fund: in each calendar year, 55% of the
24 federal moneys made available to support prosecution of welfare fraud in this state,
25 as determined by the secretary of administration.

1 **SECTION 19.** 20.445 (3) (nL) of the statutes, as affected by 1995 Wisconsin Act
2 (this act), is repealed and recreated to read:

3 20.445 (3) (nL) *Federal program local assistance.* All moneys received from the
4 federal government or any of its agencies for continuing programs to be expended as
5 local assistance for the purposes specified, except that the following amounts shall
6 lapse from this appropriation to the general fund: in each calendar year, 55% of the
7 federal moneys made available to support prosecution of welfare fraud in this state,
8 as determined by the secretary of administration.

9 **SECTION 20.** 20.445 (3) (p) of the statutes, as affected by 1995 Wisconsin Act 27,
10 is amended to read:

11 20.445 (3) (p) *Federal aid; income maintenance payments.* All federal moneys
12 received for meeting costs of county administered public assistance programs under
13 subch. III of ch. 49, the costs of the child and spousal support and establishment of
14 paternity program under s. ~~46.25~~ 49.22 and the cost of child care and related
15 transportation under s. 49.26 (1) (e). Disbursements under s. 46.03 (20) may be made
16 from this appropriation. Any disbursement made under this appropriation to carry
17 out a contract under ss. ~~46.25~~ 49.22 (7) and 59.07 (97) shall be in accordance with the
18 formula established by the department of ~~health and social services~~ industry, labor
19 and job development under s. ~~46.25~~ 49.22 (7).

20 **SECTION 21.** 20.855 (7) (j) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is amended to read:

22 20.855 (7) (j) *Delinquent support and maintenance payments.* All moneys
23 received under s. ~~46.255~~ 49.855 for child support, maintenance, medical expenses or
24 birth expenses, to be distributed to clerks of court.

25 **SECTION 22.** 21.49 (2) (e) of the statutes is amended to read:

1 21.49 (2) (e) Delinquent in child support or maintenance payments and who
2 does not owe past support, medical expenses or birth expenses, as established by the
3 receipt by the department of a certification under s. ~~46.255~~ 49.855 (7).

4 **SECTION 23.** 36.11 (6) (b) of the statutes is amended to read:

5 36.11 (6) (b) The board may not make a grant under par. (a) to a person if it
6 receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in
7 child support or maintenance payments or owes past support, medical expenses or
8 birth expenses.

9 **SECTION 24.** 36.25 (14) of the statutes is amended to read:

10 36.25 (14) GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant
11 program for minority and disadvantaged graduate students enrolled in the system.
12 The grants shall be awarded from the appropriation under s. 20.285 (4) (b). The
13 board shall give preference in awarding grants under this subsection to residents of
14 this state. The board may not make a grant under this subsection to a person if it
15 receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in
16 child support or maintenance payments or owes past support, medical expenses or
17 birth expenses.

18 **SECTION 25.** 36.34 (1) (b) of the statutes is amended to read:

19 36.34 (1) (b) The board shall establish a grant program for minority
20 undergraduates enrolled in the system. The board shall designate all grants under
21 this subsection as Lawton grants. Grants shall be awarded from the appropriation
22 under s. 20.285 (4) (dd). The board may not make a grant under this subsection to
23 a person if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is
24 delinquent in child support or maintenance payments or owes past support, medical
25 expenses or birth expenses.

1 **SECTION 26.** 39.30 (2) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 39.30 (2) (e) The department may not make a grant to a student if the
4 department receives a certification under s. ~~46.255~~ 49.855 (7) that the student is
5 delinquent in child support or maintenance payments or owes past support, medical
6 expenses or birth expenses.

7 **SECTION 27.** 39.38 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
8 section 1887g, is amended to read:

9 39.38 (2) Grants under this section shall be based on financial need, as
10 determined by the department. The maximum grant shall not exceed \$2,200 per
11 year, of which not more than \$1,100 may be from the appropriation under s. 20.235
12 (1) (fb). State aid from this appropriation may be matched by a contribution from a
13 federally recognized American Indian tribe or band that is deposited in the general
14 fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall
15 be awarded to students for full-time or part-time attendance at any accredited
16 institution of higher education in this state. The department may not make a grant
17 under this section to a student if the department receives a certification under s.
18 ~~46.255~~ 49.855 (7) that the student is delinquent in child support or maintenance
19 payments or owes past support, medical expenses or birth expenses. Grants shall
20 be renewable for up to 5 years if a recipient remains in good academic standing at
21 the institution that he or she is attending. The American Indian language and
22 culture education board shall advise the department on the allocation of grants to
23 students enrolled less than half-time.

24 **SECTION 28.** 39.435 (6) of the statutes, as affected by 1995 Wisconsin Act 27,
25 is amended to read:

1 39.435 (6) The department may not make a grant under this section to a person
2 if the department receives a certification under s. ~~46.255~~ 49.855 (7) that the person
3 is delinquent in child support or maintenance payments or owes past support,
4 medical expenses or birth expenses.

5 **SECTION 29.** 39.44 (4) of the statutes, as affected by 1995 Wisconsin Act 27, is
6 amended to read:

7 39.44 (4) The department shall notify an institution or school receiving funds
8 under sub. (2) if the department receives a certification under s. ~~46.255~~ 49.855 (7)
9 that a student is delinquent in child support or maintenance payments or owes past
10 support, medical expenses or birth expenses. An institution or school may not award
11 a grant under this section to a student if it receives a notification under this
12 subsection concerning that student.

13 **SECTION 30.** 39.47 (2m) of the statutes, as affected by 1995 Wisconsin Act 27,
14 is amended to read:

15 39.47 (2m) No resident of this state may receive a waiver of nonresident tuition
16 under this section if the department receives a certification under s. ~~46.255~~ 49.855
17 (7) that the resident is delinquent in child support or maintenance payments or owes
18 past support, medical expenses or birth expenses.

19 **SECTION 31.** 45.25 (4) (b) of the statutes is amended to read:

20 45.25 (4) (b) The department may not provide reimbursement under sub. (2)
21 to an individual who is delinquent in child support or maintenance payments or who
22 owes past support, medical expenses or birth expenses, as established by the receipt
23 by the department of a certification under s. ~~46.255~~ 49.855.

24 **SECTION 32.** 45.351 (2) (c) of the statutes is amended to read:

1 45.351 (2) (c) No person may receive a loan under this subsection if the
2 department receives a certification under s. ~~46.255~~ 49.855 (7) that the person is
3 delinquent in child support or maintenance payments or owes past support, medical
4 expenses or birth expenses.

5 **SECTION 33.** 45.356 (6) of the statutes is amended to read:

6 45.356 (6) No person may receive a loan under this section if the department
7 receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in
8 child support or maintenance payments or owes past support, medical expenses or
9 birth expenses.

10 **SECTION 34.** 45.396 (6) of the statutes is amended to read:

11 45.396 (6) The department may not make a grant to a person under this section
12 if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent
13 in child support or maintenance payments or owes past support, medical expenses
14 or birth expenses.

15 **SECTION 35.** 45.74 (6) of the statutes is amended to read:

16 45.74 (6) DELINQUENT SUPPORT PAYMENTS. It has received a certification under
17 s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance
18 payments or owes past support, medical expenses or birth expenses.

19 **SECTION 36.** 46.03 (7) (b) of the statutes is repealed.

20 **SECTION 37.** 46.03 (7) (bm) of the statutes is amended to read:

21 46.03 (7) (bm) Maintain a file containing records of artificial inseminations
22 under s. 891.40 and records of declarations of paternal interest under s. 48.025 and
23 of statements acknowledging paternity under s. 69.15 (3) (b). The department shall
24 release these records only upon an order of the court except that the department may
25 use nonidentifying information concerning artificial inseminations for the purpose

1 of compiling statistics and except that records relating to declarations of paternal
2 interest and statements acknowledging paternity ~~may be used~~ shall be released to
3 the department of industry, labor and job development or its designee under s. 59.07
4 (97) without a court order upon the request of the department of industry, labor and
5 job development or its designee under s. 59.07 (97) pursuant to the program
6 responsibilities under s. ~~46.25~~ 49.22 or by any other person with a direct and tangible
7 interest in the record.

8 **SECTION 38.** 46.03 (18) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
9 is amended to read:

10 46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department of
11 health and family services shall establish a uniform system of fees for services
12 provided or purchased by the department of health and family services, or a county
13 department under s. 46.215, 46.22, 51.42 or 51.437, except for services provided
14 under subch. III of ch. 49; services relating to adoption; services provided to courts;
15 ~~child support and paternity establishment services to recipients of aid to families~~
16 ~~with dependent children;~~ outreach, information and referral services; or where, as
17 determined by the department of health and family services, a fee is administratively
18 unfeasible or would significantly prevent accomplishing the purpose of the service.
19 A county department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees
20 which it collects under this program to cover the cost of such services. The
21 department of health and family services shall report to the joint committee on
22 finance no later than March 1 of each year on the number of children placed for
23 adoption by the department of health and family services during the previous year
24 and the costs to the state for services relating to such adoptions.

1 **SECTION 39.** 46.10 (14) (b) of the statutes, as affected by 1995 Wisconsin Act 77,
2 is amended to read:

3 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
4 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
5 parent's minor child who has been placed by a court order under s. 48.355, 48.357,
6 938.183 (2), 938.355 or 938.357 in a residential, nonmedical facility such as a group
7 home, foster home, treatment foster home, child caring institution or juvenile
8 correctional institution shall be determined by the court by using the percentage
9 standard established by the department of industry, labor and job development
10 under s. ~~46.25~~ 49.22 (9) (a) and by applying the percentage standard in the manner
11 established by the department under s. ~~46.25~~ (9) (b) 46.247.

12 **SECTION 40.** 46.215 (1) (p) of the statutes is amended to read:

13 46.215 (1) (p) To establish and administer the child care program under s. ~~46.98~~
14 49.132.

15 **SECTION 41.** 46.22 (1) (b) 1. f. of the statutes, as affected by 1995 Wisconsin Act
16 27, is amended to read:

17 46.22 (1) (b) 1. f. To establish and administer the child care program under s.
18 ~~46.98~~ 49.132.

19 **SECTION 42.** 46.25 (title) and (1) to (6) of the statutes are renumbered 49.22
20 (title) and (1) to (6), and 49.22 (1), as renumbered, is amended to read:

21 49.22 (1) There is created a child and spousal support and establishment of
22 paternity and medical liability support program in the department. The purpose of
23 this program is to establish paternity when possible, to establish or modify support
24 obligations, to enforce support obligations owed by parents to their children and
25 maintenance obligations owed to spouses or former spouses with whom the children

1 reside in this state or owed in other states if the support order was issued in this state
2 or owed in other states if the parent, spouse or former spouse resides in this state,
3 to locate persons who are alleged to have taken their child in violation of s. 948.31
4 or of similar laws in other states, and to locate and value property of any person
5 having a support duty. To accomplish the objectives of this program and of other
6 assistance programs under ~~ch. 49~~ this chapter, county and state agencies will
7 cooperate with one another to implement a child and spousal support and paternity
8 establishment program in accordance with state and federal laws, regulations and
9 rules and to assure proper distribution of benefits of all assistance programs
10 authorized under ~~ch. 49~~ this chapter.

11 **SECTION 43.** 46.25 (7) and (7m) of the statutes, as affected by 1995 Wisconsin
12 Act 27, are renumbered 49.22 (7) and (7m), and 49.22 (7), as renumbered, is amended
13 to read:

14 49.22 (7) The department may represent the state in any action to establish
15 paternity or to establish or enforce a support or maintenance obligation. The
16 department may delegate its authority to represent the state in any action to
17 establish paternity or to establish or enforce a support or maintenance obligation
18 under this section to an attorney responsible for support enforcement under s. 59.458
19 (1) pursuant to a contract entered into under s. 59.07 (97). The department shall
20 ensure that any such contract is for an amount reasonable and necessary to assure
21 quality service. The department may, by such a contract, authorize a county to
22 contract with any attorney, collection agency or other person to collect unpaid child
23 support or maintenance. If a county fails to fully implement the programs under s.
24 59.07 (97), the department may implement them and may contract with any
25 appropriate person to obtain necessary services. The department of ~~industry, labor~~

1 ~~and human relations may transfer funds appropriated under s. 20.445 (3) (p) to the~~
2 ~~department of health and social services for the purpose of shall establish a formula~~
3 ~~for disbursing the transferred funds, under a formula established by the department~~
4 ~~of health and social services, appropriated under s. 20.445 (3) (p) to carry out a~~
5 ~~contract under this subsection.~~

6 **SECTION 44.** 46.25 (8) and (9) (a) of the statutes are renumbered 49.22 (8) and
7 (9), and 49.22 (8), as renumbered, is amended to read:

8 49.22 (8) The department may charge other states and counties seeking
9 collection of child and spousal support for any administrative costs it incurs in
10 providing services related to interstate child support collections, the federal parent
11 locator service under 42 USC 653, the interception of unemployment compensation
12 under 42 USC 654 or the withholding of state and federal income tax refunds under
13 s. ~~46.255~~ 49.855 and 42 USC 664.

14 **SECTION 45.** 46.25 (9) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
15 is renumbered 46.247 and amended to read:

16 **46.247** (title) **Application of child support standard for certain**
17 **children.** For purposes of determining child support under s. 46.10 (14) (b), the
18 department shall promulgate separate rules related to the application of the
19 standard established by the department of industry, labor and job development
20 ~~under par. (a) s. 49.22 (9)~~ to a child support obligation for the care and maintenance
21 of a child who is placed by a court order under s. 48.355 or 48.357 in a residential,
22 nonmedical facility. The rules shall take into account the needs of any person,
23 including dependent children other than the child, whom either parent is legally
24 obligated to support.

25 **SECTION 46.** 46.25 (11) of the statutes is renumbered 49.22 (11).

1 **SECTION 47.** 46.252 of the statutes, as created by 1995 Wisconsin Act 27, is
2 repealed.

3 **SECTION 48.** 46.255 of the statutes is renumbered 49.855, and 49.855 (1), (2),
4 (4), (4m) (b) and (c), (5) and (7), as renumbered, are amended to read:

5 49.855 (1) If a person obligated to provide child support or maintenance is
6 delinquent in making court-ordered payments, or owes an outstanding amount that
7 has been ordered by the court for past support, medical expenses or birth expenses,
8 the clerk of circuit court, upon application of the county designee under s. 59.07 (97)
9 or the department of industry, labor and job development, shall certify the
10 delinquent payment or outstanding amount to the department of industry, labor and
11 job development.

12 (2) At least annually, the department of ~~health and social services~~ industry,
13 labor and job development shall provide to the department of revenue the
14 certifications that it receives under sub. (1) and any certifications of delinquencies
15 or outstanding amounts that it receives from another state because the obligor
16 resides in this state.

17 (4) The department of revenue shall send that portion of any state or federal
18 tax refunds or credits withheld for delinquent child support or maintenance or past
19 support, medical expenses or birth expenses to the department of ~~health and social~~
20 ~~services~~ industry, labor and job development for distribution to the appropriate clerk
21 of circuit court. The department of ~~health and social services~~ industry, labor and job
22 development shall make a settlement at least annually with the department of
23 revenue and with each clerk of circuit court who has certified a delinquent obligation
24 or outstanding amount for past support, medical expenses or birth expenses. The
25 settlement shall state the amounts certified, the amounts deducted from tax refunds

1 and credits and returned to the clerk of circuit court and the administrative costs
2 incurred by the department of revenue. The department of ~~health and social services~~
3 industry, labor and job development may charge the county whose clerk of circuit
4 court certified the obligation or outstanding amount the related administrative costs
5 incurred by the department of ~~health and social services~~ industry, labor and job
6 development and the department of revenue.

7 (4m) (b) The department of revenue may provide a certification that it receives
8 under sub. (2) or (2m) to the department of administration. Upon receipt of the
9 certification, the department of administration shall determine whether the obligor
10 is a vendor or is receiving any other payments from this state, except for wages,
11 retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this
12 chapter or ch. 49 46 or 108. If the department of administration determines that the
13 obligor is a vendor or is receiving payments from this state, except for wages,
14 retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this
15 chapter or ch. 49 46 or 108, it shall begin to withhold the amount certified from those
16 payments and shall notify the obligor that the state intends to reduce any payments
17 due the obligor by the amount the obligor is delinquent under the support or
18 maintenance order, by the outstanding amount for past support, medical expenses
19 or birth expenses under the court order or by the amount due under s. 46.10 (4). The
20 notice shall provide that within 20 days after receipt of the notice the obligor may
21 request a hearing before the circuit court rendering the order. An obligor may, within
22 20 days after receiving notice, request a hearing under this paragraph. Within 10
23 days after receiving a request for hearing under this paragraph, the court shall set
24 the matter for hearing. The family court commissioner may conduct the hearing.
25 Pending further order by the court or family court commissioner, the clerk of circuit

1 court may not disburse the payments withheld from the obligor. The sole issues at
2 the hearing are whether the obligor owes the amount certified and, if not and it is
3 a support or maintenance order, whether the money withheld shall be paid to the
4 obligor or held for future support or maintenance.

5 (c) Except as provided by order of the court after hearing under par. (b), the
6 department of administration shall continue withholding until the amount certified
7 is recovered in full. The department of administration shall transfer the amounts
8 withheld under this paragraph to the department of ~~health and social services~~
9 industry, labor and job development for distribution to the appropriate clerk of court,
10 or to the department of health and family services, whichever is appropriate.

11 (5) Certification of an obligation to the department of ~~health and social services~~
12 industry, labor and job development does not deprive any party of the right to collect
13 the obligation or to prosecute the obligor. The clerk of court shall immediately notify
14 the department of industry, labor and job development of any collection of an
15 obligation that has been certified by the clerk of court. The department of industry,
16 labor and job development shall correct the certified obligation according to the
17 amount the county has collected and report the correction to the department of
18 revenue.

19 (7) The department of industry, labor and job development may provide a
20 certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11
21 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m),
22 45.351 (2) (c), 45.356 (6), 45.396 (6), 45.74 (6), 144.25 (8) (L), 145.245 (5m) (b), 234.04
23 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.90 (3) (d) or (3g) (c), 234.905 (3) (d)
24 or 949.08 (2) (g).

25 **SECTION 49.** 46.258 (title) of the statutes is renumbered 49.23 (title).

1 **SECTION 50.** 46.258 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
2 section 2158b, is renumbered 49.23 (1) and amended to read:

3 49.23 (1) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the
4 department shall award grants to counties for programs to revise child support
5 orders. Each county receiving a grant shall review child support orders awarded to
6 persons whose children receive benefits under s. 49.19 and to persons whose children
7 do not receive benefits under s. 49.19 and shall initiate actions to revise the orders
8 based on that review. Each county receiving a grant shall review child support orders
9 awarded to persons whose children receive benefits under s. 49.19 and child support
10 orders awarded to persons whose children do not receive benefits under s. 49.19 in
11 proportion to the number of those 2 categories of orders in the county's child support
12 case load. Before a county may initiate an action to revise a child support order under
13 this subsection for a person whose children do not receive benefits under s. 49.19, the
14 custodial parent of the children must voluntarily consent to the revision.

15 **SECTION 51.** 46.258 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin
16 Act 27, section 2160b, is renumbered 49.23 (2) (a) (intro.) and amended to read:

17 49.23 (2) (a) (intro.) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the
18 department shall provide state incentive payments, in a total amount of not less than
19 \$259,000 in each fiscal year, to counties that meet the child support collection and
20 child support administrative efficiency criteria, according to a distribution formula
21 determined by the department that does all of the following:

22 **SECTION 52.** 46.258 (2) (a) 1., 2. and 3. and (b) of the statutes are renumbered
23 49.23 (2) (a) 1., 2. and 3. and (b), and 49.23 (2) (a) 3. and (b), as renumbered, are
24 amended to read:

1 49.23 (2) (a) 3. Provides for state incentive payments to a county in an amount
2 such that the total of state and federal incentive payments to the county is not more
3 than 5% more than the costs of the county's child support program under s. ~~46.25~~
4 49.22.

5 (b) A county that receives a state incentive payment under par. (a) may use the
6 funds only to pay the costs of its child support program under s. ~~46.25~~ 49.22.

7 **SECTION 53.** 46.40 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
8 is amended to read:

9 46.40 (1) (a) Within the limits of available federal funds and of the
10 appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds
11 for community social, mental health, developmental disabilities and alcohol and
12 other drug abuse services and for services under ss. 46.51, 46.87, ~~46.98 (2m), (3) and~~
13 ~~(4g)~~, 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42
14 and 51.437, and to county aging units and to private nonprofit organizations as
15 authorized under s. 46.98 (2) (a), as provided in subs. (2) to (8).

16 **SECTION 54.** 46.40 (4m) of the statutes, as created by 1995 Wisconsin Act 27,
17 is repealed.

18 **SECTION 55.** 46.45 (intro.) of the statutes, as affected by 1995 Wisconsin Act 27,
19 is amended to read:

20 **46.45 Carry-over of community aids funds.** (intro.) Funds allocated by
21 the department under ss. 46.495 (1) (d), 46.87 (3) (c) 4. and (4), ~~46.98 (2) (a)~~ and 51.423
22 (2) but not spent or encumbered by counties, governing bodies of federally recognized
23 American Indian tribes or private nonprofit organizations by December 31 of each
24 year and funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and deposited in
25 the appropriation under s. 20.435 (7) (b) lapse to the general fund on the succeeding

1 January 1 unless carried forward to the next calendar year under s. 20.435 (7) (b) or
2 as follows:

3 **SECTION 56.** 46.45 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is
4 repealed.

5 **SECTION 57.** 46.45 (6) of the statutes is amended to read:

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

10 **SECTION 58.** 46.49 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is
11 amended to read:

12 46.49 (1) Subject to ss. 46.40 (1) (b) and 46.48 (15) (b), if the department
13 receives unanticipated federal community mental health services block grant funds
14 under 42 USC 300x to 300x-9, federal prevention and treatment of substance abuse
15 block grant funds under 42 USC 300x-21 to 300x-35, ~~federal child care grant funds~~
16 ~~under 42 USC 603 (n), or~~ foster care and adoption assistance payments under 42
17 USC 670 to 679a ~~or child care and development block grant funds under 42 USC 9858~~
18 and it proposes to allocate the unanticipated funds so that an allocation limit in s.
19 46.40 is exceeded, the department shall submit a plan for the proposed allocation to
20 the secretary of administration. If the secretary of administration approves the plan,
21 he or she shall submit it to the joint committee on finance. If the cochairpersons of
22 the committee do not notify the secretary of administration that the committee has
23 scheduled a meeting for the purpose of reviewing the plan within 14 working days
24 after the date of his or her submittal, the department may implement the plan,
25 notwithstanding any allocation limits under s. 46.40. If within 14 working days after

1 the date of the submittal by the secretary of administration the cochairpersons of the
2 committee notify him or her that the committee has scheduled a meeting for the
3 purpose of reviewing the plan, the department may implement the plan,
4 notwithstanding s. 46.40, only with the approval of the committee.

5 **SECTION 59.** 46.495 (1) (d) of the statutes, as affected by 1995 Wisconsin Act 27,
6 is amended to read:

7 46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the
8 department shall distribute the funding for social services, including funding for
9 foster care or treatment foster care of a child receiving aid under s. 49.19, to county
10 departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County
11 matching funds are required for the distributions under s. 46.40 (2), ~~(4m)~~ and (8).
12 Each county's required match for a year equals 9.89% of the total of the county's
13 distributions for that year for which matching funds are required plus the amount
14 the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile
15 delinquency-related services from its distribution for 1987. Matching funds may be
16 from county tax levies, federal and state revenue sharing funds or private donations
17 to the county that meet the requirements specified in s. 51.423 (5). Private donations
18 may not exceed 25% of the total county match. If the county match is less than the
19 amount required to generate the full amount of state and federal funds distributed
20 for this period, the decrease in the amount of state and federal funds equals the
21 difference between the required and the actual amount of county matching funds.

22 **SECTION 60.** 46.979 (title) of the statutes is renumbered 49.131 (title).

23 **SECTION 61.** 46.979 (1) of the statutes is renumbered 49.131 (1) and amended
24 to read:

1 49.131 (1) In this section “child care provider” has the meaning given in s. 46.98
2 ~~(1) (am)~~ means a provider licensed under s. 48.65, certified under s. 48.651 or
3 established or contracted for under s. 120.13 (14).

4 **SECTION 62.** 46.979 (2) (intro.) of the statutes is renumbered 49.131 (2) (intro.)
5 and amended to read:

6 49.131 (2) (intro.) Subject to ss. s. 16.54 (2) and 46.49 (1), the department shall,
7 within the limits of the availability of the federal child care and development block
8 grant funds received under 42 USC 9858, do all of the following:

9 **SECTION 63.** 46.979 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
10 is amended to read:

11 46.979 (2) (a) From the appropriation under s. ~~20.435 (7) (e)~~, as allocated in s.
12 ~~46.40 (2m) (e)~~ 20.445 (3) (md), distribute \$9,998,500 in fiscal year 1995-96 and
13 \$10,099,200 in fiscal year 1996-97 for child day care services under s. ~~46.98~~ 49.132
14 (2m) and (3).

15 **SECTION 64.** 46.979 (2) (b) 1. of the statutes, as affected by 1995 Wisconsin Act
16 27, section 2355, is renumbered 49.131 (2) (b) 1. and amended to read:

17 49.131 (2) (b) 1. From the appropriation under s. ~~20.435 (3) (kx)~~ 20.445 (3) (mc),
18 distribute \$190,800 in fiscal year 1995-96 and \$197,700 in fiscal year 1996-97 for
19 the purposes of providing technical assistance for child care providers and of
20 administering the child care programs funded under s. ~~20.435 (3) (ky) and (7) (b) and~~
21 ~~(e)~~ 20.445 (3) (cp) and (md).

22 **SECTION 65.** 46.979 (2) (b) 2. of the statutes, as affected by 1995 Wisconsin Act
23 27, is renumbered 49.131 (2) (b) 2. and amended to read:

24 49.131 (2) (b) 2. From the appropriation under s. ~~20.435 (6)~~ 20.445 (3) (mc)
25 distribute ~~\$948,300 in fiscal year 1995-96 and~~ transfer \$1,026,800 in fiscal year

1 1996-97 to the appropriation under s. 20.435 (6) (kx) for the purpose of day care
2 center licensing under s. 48.65.

3 **SECTION 66.** 46.979 (2) (c) (intro.) of the statutes, as affected by 1995 Wisconsin
4 Act 27, is renumbered 49.131 (2) (c) (intro.) and amended to read:

5 49.131 (2) (c) (intro.) From the appropriation under s. ~~20.435 (3) (ky)~~ 20.445 (3)
6 (md), distribute as follows the federal child care and development block grant funds
7 that are received under 42 USC 9858 and that are not distributed under par. (a) or
8 (b):

9 **SECTION 67.** 46.979 (2) (c) 1. of the statutes, as affected by 1995 Wisconsin Act
10 27, is renumbered 49.131 (2) (c) 1. and amended to read:

11 49.131 (2) (c) 1. For grants under s. ~~46.986~~ 49.136 (2) for the start-up and
12 expansion of child day care services, and for child day care start-up and expansion
13 planning, \$430,000 in fiscal year 1995-96 and \$226,400 in fiscal year 1996-97.

14 **SECTION 68.** 46.979 (2) (c) 2. of the statutes, as affected by 1995 Wisconsin Act
15 27, is renumbered 49.131 (2) (c) 2. and amended to read:

16 49.131 (2) (c) 2. For grants under s. ~~46.984~~ 49.134 (2) for child day care resource
17 and referral services, \$960,000 in fiscal year 1995-96 and \$960,000, in fiscal year
18 1996-97.

19 **SECTION 69.** 46.979 (2) (c) 3. of the statutes, as affected by 1995 Wisconsin Act
20 27, is renumbered 49.131 (2) (c) 3. and amended to read:

21 49.131 (2) (c) 3. For grants under s. ~~46.987~~ 49.137 (3) to assist child care
22 providers in meeting the quality of care standards established under s. ~~46.98~~ 49.132
23 (4) (e) and for a system of rates or a program of grants, as provided under s. ~~46.98~~
24 49.132 (4) (e), to reimburse child care providers that meet those quality of care
25 standards, \$1,559,200 in fiscal year 1995-96 and \$1,576,700 in fiscal year 1996-97.

1 If an amount distributed under this subdivision will not be fully expended, the
2 department may transfer the unexpended funds to the distribution under subd. 4.

3 **SECTION 70.** 46.979 (2) (c) 4. of the statutes, as affected by 1995 Wisconsin Act
4 27, is renumbered 49.131 (2) (c) 4. and amended to read:

5 49.131 (2) (c) 4. For grants under s. ~~46.987~~ 49.137 (2) and contracts under s.
6 ~~46.987~~ 49.137 (4) to improve the quality of child day care services in this state,
7 \$450,000 in fiscal year 1995-96 and \$450,000 in fiscal year 1996-97, plus any
8 amounts that the department transfers to this distribution under subd. 3.

9 **SECTION 71.** 46.979 (3) of the statutes is renumbered 49.131 (3).

10 **SECTION 72.** 46.98 (title) and (1) (intro.), (ad), (ag), (am), (b), (bm) and (c) of the
11 statutes are renumbered 49.132 (title) and (1) (intro.), (ad), (ag), (am), (b), (bm) and
12 (c).

13 **SECTION 73.** 46.98 (1) (d) of the statutes is repealed.

14 **SECTION 74.** 46.98 (2) (title) of the statutes is renumbered 49.132 (2) (title).

15 **SECTION 75.** 46.98 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
16 is renumbered 49.132 (2) (a) and amended to read:

17 49.132 (2) (a) The department shall distribute the funds allocated under s.
18 ~~46.40 (1) and (2m) (c)~~ 49.13 for at-risk, and low-income ~~and respite~~ child care
19 services under subs. (2m) and ~~(4g)~~ (3) to county departments under s. 46.215, 46.22
20 or 46.23. In addition, the department shall distribute the funds allocated under s.
21 ~~46.40 (1), (2m) (c) and (4m)~~ 49.13 for at-risk and low-income ~~and respite~~ child care
22 services under ~~sub.~~ subs. (2m) and (3) to private nonprofit child care providers who
23 provide child care for the children of migrant workers.

24 **SECTION 76.** 46.98 (2) (b) of the statutes is renumbered 49.132 (2) (b).

1 **SECTION 77.** 46.98 (2) (c) of the statutes is renumbered 49.132 (2) (c) and
2 amended to read:

3 49.132 (2) (c) A county may use up to 5% of the funds distributed under par.
4 (a) to its county department under s. 46.215, 46.22 or 46.23 for the costs of
5 administering the programs under subs. (2m), and (3) and (4g).

6 **SECTION 78.** 46.98 (2m) (title) of the statutes is renumbered 49.132 (2m) (title).

7 **SECTION 79.** 46.98 (2m) (a) of the statutes, as affected by 1995 Wisconsin Act
8 27, is renumbered 49.132 (2m) (a).

9 **SECTION 80.** 46.98 (2m) (c) and (d) 1. of the statutes are renumbered 49.132
10 (2m) (c) and (d) 1.

11 **SECTION 81.** 46.98 (2m) (d) 2. of the statutes, as affected by 1995 Wisconsin Act
12 27, is renumbered 49.132 (2m) (d) 2.

13 **SECTION 82.** 46.98 (2r) (title), (a), (b) and (d) of the statutes are renumbered
14 49.132 (2r) (title), (a), (b) and (d).

15 **SECTION 83.** 46.98 (3) (title) of the statutes is renumbered 49.132 (3) (title).

16 **SECTION 84.** 46.98 (3) (a) and (b) of the statutes, as affected by 1995 Wisconsin
17 Act 27, are renumbered 49.132 (3) (a) and (b).

18 **SECTION 85.** 46.98 (3) (c) of the statutes is renumbered 49.132 (3) (c).

19 **SECTION 86.** 46.98 (4) of the statutes is renumbered 49.132 (4).

20 **SECTION 87.** 46.98 (4g) (title) of the statutes is repealed.

21 **SECTION 88.** 46.98 (4g) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
22 is repealed.

23 **SECTION 89.** 46.98 (4g) (b), (c) and (d) of the statutes are repealed.

24 **SECTION 90.** 46.98 (5) of the statutes, as affected by 1995 Wisconsin Act 27, is
25 renumbered 49.132 (5).

1 **SECTION 91.** 46.982 of the statutes is renumbered 49.133, and 49.133 (intro.),
2 as renumbered, is amended to read:

3 **49.133 Refusal to pay child care providers.** (intro.) The department or a
4 county department under s. 46.215, 46.22 or 46.23 may refuse to pay a child care
5 provider for child care provided under s. ~~46.98~~ 49.132 or any other program if any of
6 the following applies to the child care provider, employe or person living on the
7 premises where child care is provided:

8 **SECTION 92.** 46.984 (title) of the statutes is renumbered 49.134 (title).

9 **SECTION 93.** 46.984 (1) of the statutes is renumbered 49.134 (1).

10 **SECTION 94.** 46.984 (2) (title) of the statutes is renumbered 49.134 (2) (title).

11 **SECTION 95.** 46.984 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
12 is renumbered 49.134 (2) (a) and amended to read:

13 49.134 (2) (a) From the allocation under s. ~~46.979~~ 49.131 (2) (c) 2., the
14 department shall make grants to local agencies to fund child care resource and
15 referral services provided by those local agencies. The department shall provide an
16 allocation formula to determine the amount of a grant awarded under this section.

17 **SECTION 96.** 46.984 (2) (c) and (d) and (3) of the statutes are renumbered 49.134
18 (2) (c) and (d) and (3).

19 **SECTION 97.** 46.984 (4) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
20 is renumbered 49.134 (4) (a).

21 **SECTION 98.** 46.984 (4) (intro.), (b) and (c) of the statutes are renumbered
22 49.134 (4) (intro.), (b) and (c).

23 **SECTION 99.** 46.986 (title) of the statutes is renumbered 49.136 (title).

24 **SECTION 100.** 46.986 (1) (intro.) of the statutes is renumbered 49.136 (1)
25 (intro.).

SECTION 101

1 **SECTION 101.** 46.986 (1) (b) of the statutes is renumbered 49.136 (1) (b) and
2 amended to read:

3 49.136 (1) (b) “Child care provider” ~~has the meaning given in s. 46.98 (1) (am)~~
4 means a provider licensed under s. 48.65, certified under s. 48.651 or established or
5 contracted for under s. 120.13 (14).

6 **SECTION 102.** 46.986 (1) (d), (e), (g), (j) and (k) of the statutes are renumbered
7 49.136 (1) (d), (e), (g), (j) and (k).

8 **SECTION 103.** 46.986 (1) (m) of the statutes is renumbered 49.136 (1) (m) and
9 amended to read:

10 49.136 (1) (m) “Parent” ~~has the meaning given in s. 46.98 (1) (e)~~ means a parent,
11 guardian, foster parent, treatment foster parent, legal custodian or a person acting
12 in the place of a parent.

13 **SECTION 104.** 46.986 (1) (n) of the statutes is renumbered 49.136 (1) (n).

14 **SECTION 105.** 46.986 (2) (title) of the statutes is renumbered 49.136 (2) (title).

15 **SECTION 106.** 46.986 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
16 27, is renumbered 49.136 (2) (a) and amended to read:

17 49.136 (2) (a) From the allocation under s. ~~46.979~~ 49.131 (2) (c) 1., the
18 department shall award grants for the start-up or expansion of child care services.

19 **SECTION 107.** 46.986 (2) (b) and (cm) of the statutes, as affected by 1995
20 Wisconsin Act 27, are renumbered 49.136 (2) (b) and (cm).

21 **SECTION 108.** 46.986 (3) (title) of the statutes is repealed.

22 **SECTION 109.** 46.986 (6) of the statutes is renumbered 49.136 (6).

23 **SECTION 110.** 46.986 (7) of the statutes, as affected by 1995 Wisconsin Act 27,
24 is renumbered 49.136 (7).

25 **SECTION 111.** 46.987 (title) of the statutes is renumbered 49.137 (title).

1 **SECTION 112.** 46.987 (1) (intro.) of the statutes is renumbered 49.137 (1)
2 (intro.).

3 **SECTION 113.** 46.987 (1) (a) of the statutes is renumbered 49.137 (1) (a) and
4 amended to read:

5 49.137 (1) (a) “Child care provider” has the meaning given in s. ~~46.98 (1) (am)~~
6 means a provider licensed under s. 48.65, certified under s. 48.651 or established or
7 contracted for under s. 120.13 (14).

8 **SECTION 114.** 46.987 (1) (b) of the statutes is renumbered 49.137 (1) (b) and
9 amended to read:

10 49.137 (1) (b) “Day care center” has the meaning given in s. ~~46.986~~ 49.136 (1)
11 (d).

12 **SECTION 115.** 46.987 (1) (c) of the statutes, as affected by 1995 Wisconsin Act
13 27, is renumbered 49.137 (1) (c).

14 **SECTION 116.** 46.987 (1) (d) of the statutes is renumbered 49.137 (1) (d) and
15 amended to read:

16 49.137 (1) (d) “Family day care center” has the meaning given in s. ~~46.986~~
17 49.136 (1) (j).

18 **SECTION 117.** 46.987 (1) (e) of the statutes is renumbered 49.137 (1) (e) and
19 amended to read:

20 49.137 (1) (e) “Group day care center” has the meaning given in s. ~~46.986~~ 49.136
21 (1) (k).

22 **SECTION 118.** 46.987 (2) (title) of the statutes is renumbered 49.137 (2) (title).

23 **SECTION 119.** 46.987 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
24 27, is renumbered 49.137 (2) (a) and amended to read:

1 49.137 (2) (a) From the allocation under s. ~~46.979~~ 49.131 (2) (c) 4., the
2 department may award grants to child care providers that meet the quality of care
3 standards established under s. ~~46.98~~ 49.132 (4) (e) to improve the retention of skilled
4 and experienced child care staff. In awarding grants under this subsection, the
5 department shall consider the applying child care provider's total enrollment of
6 children and average enrollment of children who receive or are eligible for publicly
7 funded care from the child care provider.

8 **SECTION 120.** ~~46.987~~ (2) (b) and (c) of the statutes are renumbered 49.137 (2)
9 (b) and (c).

10 **SECTION 121.** ~~46.987~~ (3) (title) of the statutes is renumbered 49.137 (3) (title).

11 **SECTION 122.** ~~46.987~~ (3) (a) of the statutes, as affected by 1995 Wisconsin Act
12 27, is renumbered 49.137 (3) (a) and amended to read:

13 49.137 (3) (a) From the allocation under s. ~~46.979~~ 49.131 (2) (c) 3., the
14 department may award grants to child care providers for assistance in meeting the
15 quality of care standards established under s. ~~46.98~~ 49.132 (4) (e).

16 **SECTION 123.** ~~46.987~~ (3) (b) of the statutes is renumbered 49.137 (3) (b).

17 **SECTION 124.** ~~46.987~~ (3) (c) of the statutes is renumbered 49.137 (3) (c) and
18 amended to read:

19 49.137 (3) (c) A child care provider that is awarded a grant under this
20 subsection shall use the grant funds to attempt to meet the quality of care standards
21 established under s. ~~46.98~~ 49.132 (4) (e) within 24 months after receipt of the grant.

22 **SECTION 125.** ~~46.987~~ (4) (intro.) of the statutes, as affected by 1995 Wisconsin
23 Act 27, is renumbered 49.137 (4) (intro.) and amended to read:

24 49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the
25 allocation under s. ~~46.979~~ 49.131 (2) (c) 4., the department may contract with one or

1 more agencies for the provision of training and technical assistance to improve the
2 quality of child care provided in this state. The training and technical assistance
3 activities contracted for under this subsection may include any of the following
4 activities:

5 **SECTION 126.** 46.987 (4) (a) of the statutes is renumbered 49.137 (4) (a) and
6 amended to read:

7 49.137 (4) (a) Developing and recommending to the department a system of
8 higher reimbursement rates or a program of grants for child care providers that meet
9 the quality of care standards established under s. ~~46.98~~ 49.132 (4) (e).

10 **SECTION 127.** 46.987 (4) (b) of the statutes is renumbered 49.137 (4).

11 **SECTION 128.** 46.987 (4) (c) of the statutes is renumbered 49.137 (4) (c) and
12 amended to read:

13 49.137 (4) (c) Disseminating to the public information about child care that
14 meets the quality of care standards established under s. ~~46.98~~ 49.132 (4) (e).

15 **SECTION 129.** 46.987 (4) (d) to (h) and (5) of the statutes are renumbered 49.137
16 (4) (d) to (h) and (5).

17 **SECTION 130.** 46.987 (6) of the statutes, as affected by 1995 Wisconsin Act 27,
18 is renumbered 49.137 (6).

19 **SECTION 131.** 48.30 (6) of the statutes, as affected by 1995 Wisconsin Act 77,
20 is amended to read:

21 48.30 (6) If a petition is not contested, the court shall set a date for the
22 dispositional hearing which allows reasonable time for the parties to prepare but is
23 no more than 10 days from the plea hearing for the child who is held in secure custody
24 and no more than 30 days from the plea hearing for a child who is not held in secure
25 custody. If it appears to the court that disposition of the case may include placement

1 of the child outside the child's home, the court shall order the child's parent to provide
2 a statement of income, assets, debts and living expenses to the court or the
3 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
4 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
5 provide, without charge, to any parent ordered to provide a statement of income,
6 assets, debts and living expenses a document setting forth the percentage standard
7 established by the department of industry, labor and job development under s. 46.25
8 49.22 (9) and the manner of its application established by the department of health
9 and family services under s. 46.247 and listing the factors that a court may consider
10 under s. 46.10 (14) (c). If all parties consent the court may proceed immediately with
11 the dispositional hearing.

12 **SECTION 132.** 48.31 (7) of the statutes is amended to read:

13 48.31 (7) At the close of the fact-finding hearing, the court shall set a date for
14 the dispositional hearing which allows a reasonable time for the parties to prepare
15 but is no more than 10 days from the fact-finding hearing for a child in secure custody
16 and no more than 30 days from the fact-finding hearing for a child not held in secure
17 custody. If it appears to the court that disposition of the case may include placement
18 of the child outside the child's home, the court shall order the child's parent to provide
19 a statement of income, assets, debts and living expenses to the court or the
20 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
21 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
22 provide, without charge, to any parent ordered to provide a statement of income,
23 assets, debts and living expenses a document setting forth the percentage standard
24 established by the department of industry, labor and job development under s. 46.25
25 49.22 (9) and the manner of its application established by the department of health

1 and family services under s. 46.247 and listing the factors that a court may consider
2 under s. 46.10 (14) (c). If all parties consent, the court may immediately proceed with
3 a dispositional hearing.

4 **SECTION 133.** 48.357 (5m) of the statutes is amended to read:

5 48.357 (5m) If a proposed change in placement changes a child's placement
6 from a placement in the child's home to a placement outside the child's home, the
7 court shall order the child's parent to provide a statement of income, assets, debts
8 and living expenses to the court or the person or agency primarily responsible for
9 implementing the dispositional order by a date specified by the court. The clerk of
10 court shall provide, without charge, to any parent ordered to provide a statement of
11 income, assets, debts and living expenses a document setting forth the percentage
12 standard established by the department of industry, labor and job development
13 under s. 46.25 49.22 (9) and the manner of its application established by the
14 department of health and family services under s. 46.247 and listing the factors that
15 a court may consider under s. 46.10 (14) (c). If the child is placed outside the child's
16 home, the court shall determine the liability of the parent in the manner provided
17 in s. 46.10 (14).

18 **SECTION 134.** 48.36 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 77,
19 is amended to read:

20 48.36 (1) (b) In determining the amount of support under par. (a), the court may
21 consider all relevant financial information or other information relevant to the
22 parent's earning capacity, including information reported to the department of
23 industry, labor and job development, or the county child and spousal support agency,
24 under s. 46.25 49.22 (2m). If the court has insufficient information with which to
25 determine the amount of support, the court shall order the child's parent to furnish

1 a statement of income, assets, debts and living expenses, if the parent has not
2 already done so, to the court within 10 days after the court's order transferring
3 custody or designating an alternative placement is entered or at such other time as
4 ordered by the court.

5 **SECTION 135.** 48.363 (1) of the statutes is amended to read:

6 48.363 (1) A child, the child's parent, guardian or legal custodian, any person
7 or agency bound by a dispositional order or the district attorney or corporation
8 counsel in the county in which the dispositional order was entered may request a
9 revision in the order that does not involve a change in placement, including a revision
10 with respect to the amount of child support to be paid by a parent, or the court may
11 on its own motion propose such a revision. The request or court proposal shall set
12 forth in detail the nature of the proposed revision and what new information is
13 available that affects the advisability of the court's disposition. The request or court
14 proposal shall be submitted to the court. The court shall hold a hearing on the matter
15 if the request or court proposal indicates that new information is available which
16 affects the advisability of the court's dispositional order and prior to any revision of
17 the dispositional order, unless written waivers of objections to the revision are signed
18 by all parties entitled to receive notice and the court approves. If a hearing is held,
19 the court shall notify the parent, child, guardian and legal custodian, all parties
20 bound by the dispositional order and the district attorney or corporation counsel in
21 the county in which the dispositional order was entered at least 3 days prior to the
22 hearing. A copy of the request or proposal shall be attached to the notice. If the
23 proposed revision is for a change in the amount of child support to be paid by a parent,
24 the court shall order the child's parent to provide a statement of income, assets, debts
25 and living expenses to the court and the person or agency primarily responsible for

1 implementing the dispositional order by a date specified by the court. The clerk of
2 court shall provide, without charge, to any parent ordered to provide a statement of
3 income, assets, debts and living expenses a document setting forth the percentage
4 standard established by the department of industry, labor and job development
5 under s. ~~46.25~~ 49.22 (9) and the manner of its application established by the
6 department of health and family services under s. 46.247 and listing the factors that
7 a court may consider under s. 46.10 (14) (c). If all parties consent, the court may
8 proceed immediately with the hearing. No revision may extend the effective period
9 of the original order.

10 **SECTION 136.** 48.651 of the statutes is amended to read:

11 **48.651 Certification of day care providers.** Each county department shall
12 certify, according to the standards adopted by the department under s. 46.03 (21),
13 each day care provider from whom it purchases services under s. 46.036 on or after
14 January 1, 1985, and each day care provider that provides day care services to
15 parents pursuant to a voucher provided under s. ~~46.98~~ 49.132 (3) (c) on or after
16 January 1, 1985, unless the provider is a day care center licensed under s. 48.65 or
17 is established or contracted for under s. 120.13 (14).

18 **SECTION 137.** 49.13 of the statutes is created to read:

19 **49.13 At-risk and low-income child care.** Within the limits of available
20 federal funds and the appropriation under s. 20.445 (3) (cp), the department shall
21 distribute under s. 49.132 (2) not more than \$21,504,800 in fiscal year 1996-97.

22 **SECTION 138.** 49.191 (1) (b) of the statutes, as affected by 1995 Wisconsin Act
23 27, is amended to read:

24 49.191 (1) (b) Within the limits of funds available under ~~ss. 20.435 (3) (jg) and~~
25 s. 20.445 (3) (cn), (jg) and (na), the department shall provide funds for individuals

1 who are working and who receive aid to families with dependent children to pay child
2 care costs in excess of the amount of the child care disregard under s. 49.19 (5) (a)
3 and child care costs incurred before the child care disregard under s. 49.19 (5) (a)
4 becomes available if the child care is provided by a child care provider.

5 **SECTION 139.** 49.191 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
6 section 3093c, is amended to read:

7 49.191 (2) CHILD CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH
8 DEPENDENT CHILDREN. The department shall pay the child care costs of an individual
9 who secures unsubsidized employment and loses eligibility for aid to families with
10 dependent children because of earned income or number of hours worked for up to
11 12 months following the loss of eligibility if the child care is provided by a child care
12 provider. The department shall establish a formula for assistance based on ability
13 to pay. The rates for child care services under this subsection shall be determined
14 under s. ~~46.98~~ 49.132 (4) (d), or, if a higher rate is established under s. ~~46.98~~ 49.132
15 (4) (e) and if the child care services meet the quality standards established under s.
16 ~~46.98~~ 49.132 (4) (e), the rates for child care services under this subsection that meet
17 those standards shall be determined under s. ~~46.98~~ 49.132 (4) (e). The department
18 shall promulgate rules for the disbursement of funds under this subsection.

19 **SECTION 140.** 49.193 (8) (a) of the statutes, as affected by 1995 Wisconsin Act
20 12, is amended to read:

21 49.193 (8) (a) The department shall pay child care costs of persons with
22 approved employability plans who are participating in the program under this
23 section and of persons who are participating in orientation and job search activities
24 required under sub. (3m). Payment or reimbursement shall be in an amount based
25 on need, with the maximum amount per child equal to the lesser of the actual cost

1 of care or the rate established under s. ~~46.98~~ 49.132 (4) (d), or, if a higher rate is
2 established under s. ~~46.98~~ 49.132 (4) (e) and if the child care meets the quality
3 standards established under s. ~~46.98~~ 49.132 (4) (e), payment or reimbursement for
4 child care that meets those standards shall be in an amount based on need, with the
5 maximum amount per child equal to the lesser of the actual cost of the care or the
6 rate established under s. ~~46.98~~ 49.132 (4) (e).

7 **SECTION 141.** 49.25 (8) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
8 section 2896b, is amended to read:

9 49.25 (8) (a) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the
10 department of ~~health and social services~~ shall provide funds to pilot counties for
11 assistance in establishing paternity and obtaining child support.

12 **SECTION 142.** 49.25 (8) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
13 section 2898b, is amended to read:

14 49.25 (8) (b) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the
15 department of ~~health and social services~~ shall provide funds to Milwaukee county to
16 fund an additional family court commissioner.

17 **SECTION 143.** 49.26 (1) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
18 is amended to read:

19 49.26 (1) (e) For an individual who is a recipient of aid under s. 49.19, who is
20 the parent with whom a dependent child lives and who is either subject to the school
21 attendance requirement under par. (ge) or is under 20 years of age and wants to
22 attend school, the department shall make a monthly payment to the individual or the
23 child care provider for the month's child care costs in an amount based on need with
24 the maximum amount per child equal to the lesser of the actual cost of the care or
25 the rate established under s. ~~46.98~~ 49.132 (4) (d) or, if a higher rate is established

1 under s. ~~46.98~~ 49.132 (4) (e) and if the child care meets the quality standards
2 established under s. ~~46.98~~ 49.132 (4) (e), in an amount based on need with the
3 maximum amount per child equal to the lesser of the actual cost of the care or the
4 rate established under s. ~~46.98~~ 49.132 (4) (e), if the individual demonstrates the need
5 to purchase child care services in order to attend school and those services are
6 available from a child care provider.

7 **SECTION 144.** 49.27 (6) (c) of the statutes, as affected by 1995 Wisconsin Act 27,
8 is amended to read:

9 49.27 (6) (c) *Benefits.* A county department under s. 46.215, 46.22 or 46.23 shall
10 provide assistance in paying the child care costs of a work-not-welfare group that
11 is eligible to receive benefits under this paragraph if the child care is provided by a
12 child care provider, as defined in s. ~~46.98~~ 49.132 (1) (am). The formula for
13 determining the amount of assistance shall be the same as the formula established
14 by the department under s. 49.191 (2). The rates for child care services under this
15 paragraph shall be determined under s. ~~46.98~~ 49.132 (4) (d), or, if a higher rate is
16 established under s. ~~46.98~~ 49.132 (4) (e) and if the child care services meet the quality
17 standards established under s. ~~46.98~~ 49.132 (4) (e), the rates for child care services
18 under this paragraph that meet those standards shall be determined under s. ~~46.98~~
19 49.132 (4) (e). The department shall promulgate rules for the disbursement of funds
20 under this paragraph.

21 **SECTION 145.** 49.27 (10) (c) of the statutes is amended to read:

22 49.27 (10) (c) *Children's services network.* Each county department under s.
23 46.215, 46.22 or 46.23 entering into a contract with the department under par. (a)
24 shall establish a children's services network. The children's services network shall
25 provide information about community resources available to the children in a

1 work-not-welfare group during the work-not-welfare group's benefit period and
2 the work-not-welfare group's period of ineligibility under sub. (4) (f), including
3 charitable food and clothing centers; the state supplemental food program for
4 women, infants and children under s. 253.06; and child care programs under s. 46.98
5 49.132.

6 **SECTION 146.** 49.27 (10) (e) of the statutes, as affected by 1995 Wisconsin Act
7 27, section 2915b, is amended to read:

8 49.27 (10) (e) *Child support assistance.* From the appropriation under s. 20.435
9 20.445 (3) (cb), the department of health and social services may provide funds to
10 pilot counties for assistance in establishing paternity and obtaining child support.

11 **SECTION 147.** 49.32 (1) (a) of the statutes, as created by 1995 Wisconsin Act 27,
12 is amended to read:

13 49.32 (1) (a) The department shall establish a uniform system of fees for
14 services provided or purchased under this subchapter by the department, or a county
15 department under s. 46.215, 46.22 or 46.23, except as provided in s. 49.22 (6) and
16 except where, as determined by the department, a fee is administratively unfeasible
17 or would significantly prevent accomplishing the purpose of the service. A county
18 department under s. 46.215, 46.22 or 46.23 shall apply the fees which it collects
19 under this program to cover the cost of such services.

20 **SECTION 148.** 49.83 of the statutes, as affected by 1995 Wisconsin Act 27,
21 sections 3142 and 3144, is amended to read:

22 **49.83 Limitation on giving information.** Except as provided under s. 49.32
23 (9) and (10), no person may use or disclose information concerning applicants and
24 recipients of relief funded by a relief block grant, aid to families with dependent
25 children, social services, child and spousal support and establishment of paternity

1 services under s. 49.22 or supplemental payments under s. 49.77, for any purpose not
2 connected with the administration of the programs. Any person violating this
3 ~~subsection~~ section may be fined not less than \$25 nor more than \$500 or imprisoned
4 in the county jail not less than 10 days nor more than one year or both.

5 **SECTION 149.** 49.90 (2) of the statutes is amended to read:

6 49.90 (2) Upon failure of these relatives to provide maintenance the authorities
7 or board shall submit to the corporation counsel a report of its findings. Upon receipt
8 of the report the corporation counsel shall, within 60 days, apply to the circuit court
9 for the county in which the dependent person under sub. (1) (a) 1. or the child of a
10 dependent person under sub. (1) (a) 2. resides for an order to compel the
11 maintenance. Upon such an application the corporation counsel shall make a
12 written report to the county department under s. 46.215, 46.22 or 46.23, with a copy
13 to the chairperson of the county board of supervisors in a county with a single-county
14 department or the county boards of supervisors in counties with a multicounty
15 department, and to the department of health and social services or the department
16 of industry, labor and job development, whichever is appropriate.

17 **SECTION 150.** 49.90 (2g) of the statutes, as affected by 1995 Wisconsin Act 27,
18 is amended to read:

19 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a
20 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who
21 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a
22 dependent minor or the child's parent may apply to the circuit court for the county
23 in which the child resides for an order to compel the provision of maintenance. A
24 county department under s. 46.215, 46.22 or 46.23, a county child support agency or
25 the department of ~~health and social services~~ industry, labor and job development

1 may initiate an action to obtain maintenance of the child by the child's grandparent
2 under sub. (1) (a) 2., regardless of whether the child receives public assistance.

3 **SECTION 151.** 59.07 (97) of the statutes is amended to read:

4 59.07 (97) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT
5 LIABILITY PROGRAM. The county board shall contract with the department of health
6 and social services industry, labor and job development to implement and administer
7 the child and spousal support and establishment of paternity and the medical
8 support liability programs provided for by Title IV of the federal social security act.
9 The board may designate by board resolution any office, officer, board, department
10 or agency as the county designee. The board or its designee shall implement and
11 administer the programs in accordance with the contract with the state department
12 of health and social services industry, labor and job development. The attorneys
13 responsible for support enforcement under s. 59.458 (1), family court commissioner,
14 clerk of court and all other county officials shall cooperate with the county and the
15 department of industry, labor and job development as necessary to provide the
16 services required under the programs. The county shall charge the fee established
17 by the department of industry, labor and job development under s. ~~46.25~~ 49.22 for
18 services provided under this subsection to persons not receiving assistance under s.
19 49.19 or 49.47.

20 **SECTION 152.** 59.395 (7) of the statutes is amended to read:

21 59.395 (7) Cooperate with the department of health and social services
22 industry, labor and job development with respect to the child and spousal support
23 and establishment of paternity and medical liability support program under ss.
24 ~~46.25~~ 49.22 and 59.07 (97), and provide that department with any information from
25 court records which it requires to administer that program.

1 **SECTION 153.** 59.458 (2) of the statutes is amended to read:

2 59.458 (2) Attorneys responsible for support enforcement under sub. (1) shall
3 institute, commence, appear in or perform other prescribed duties in actions or
4 proceedings under ss. ~~46.25~~ 49.22 (7), 59.07 (97), 767.075, 767.08 and 767.45 and ch.
5 769.

6 **SECTION 154.** 69.03 (14) of the statutes is amended to read:

7 69.03 (14) Provide hospitals with a pamphlet containing information for
8 parents about birth certificates including how to add the name of the father of a child
9 whose parents were not married at any time from the conception to the birth of the
10 child to the birth certificate under s. 69.15 (3) (b) or, if the father will not sign an
11 affidavit, through a paternity action; the legal significance and future medical
12 advantages to the child of having the father's name inserted on the birth certificate;
13 and the availability of services under s. ~~46.25~~ 49.22.

14 **SECTION 155.** 69.15 (3) (b) 3. of the statutes is amended to read:

15 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
16 a statement acknowledging paternity on a form prescribed by the state registrar and
17 signed by both parents, along with the fee under s. 69.22, the state registrar shall
18 insert the name of the father under subd. 1. The state registrar shall mark the
19 certificate to show that the form is on file. The form shall be available to the
20 department of industry, labor and job development or its designee under s. 59.07 (97)
21 pursuant to the program responsibilities under s. ~~46.25~~ 49.22 or to any other person
22 with a direct and tangible interest in the record. The state registrar shall include
23 on the form for the acknowledgment a notice of the information in ss. 767.458 (1) (a)
24 to (e) and 767.62.

1 **SECTION 156.** 71.75 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 71.75 (1) Except as provided in ss. ~~46.255~~ 49.855, 71.77 (5) and (7) (b) and
4 71.935, the provisions for refunds and credits provided in this section shall be the
5 only method for the filing and review of claims for refund of income and surtaxes, and
6 no person may bring any action or proceeding for the recovery of such taxes other
7 than as provided in this section.

8 **SECTION 157.** 71.75 (9) of the statutes, as affected by 1995 Wisconsin Act 27,
9 is amended to read:

10 71.75 (9) All refunds under this chapter are subject to attachment under ss.
11 ~~46.255~~ 49.855, 71.93 and 71.935.

12 **SECTION 158.** 71.78 (4) (g) of the statutes is amended to read:

13 71.78 (4) (g) Employes of this state, to the extent that the department of
14 revenue deems the examination necessary for the employes to perform their duties
15 under contracts or agreements between the department and any other department,
16 division, bureau, board or commission of this state relating to the administration of
17 tax laws or child and spousal support enforcement under s. ~~46.25~~ 49.22.

18 **SECTION 159.** 71.80 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
19 is amended to read:

20 71.80 (3) CREDITING OF OVERPAYMENTS ON INDIVIDUAL OR SEPARATE RETURNS. In
21 the case of any overpayment, refundable credit or refund on an individual or separate
22 return, the department of revenue, within the applicable period of limitations, may
23 credit the amount of overpayment, refundable credit or refund including any interest
24 allowed, against any liability in respect to any tax collected by the department, a debt
25 under s. 71.93 or 71.935 or a certification under s. ~~46.255~~ 49.855 on the part of the

1 person who made the overpayment or received the refundable credit or the refund
2 and shall refund any balance to the person. The department shall presume that the
3 overpayment, refundable credit or refund is nonmarital property of the filer. Within
4 2 years after the crediting, the spouse or former spouse of the person filing the return
5 may file a claim for a refund of amounts credited by the department if the spouse or
6 former spouse shows by clear and convincing evidence that all or part of the state tax
7 overpayment, refundable credit or refund was nonmarital property of the
8 nonobligated spouse.

9 **SECTION 160.** 71.80 (3m) (a) of the statutes, as affected by 1995 Wisconsin Act
10 27, is amended to read:

11 71.80 **(3m)** (a) Against any liability of either spouse or both spouses in respect
12 to an amount owed the department, a certification under s. ~~46.255~~ 49.855 that is
13 subject to s. 766.55 (2) (b) or a debt under s. 71.93 or 71.935 that is subject to s. 766.55
14 (2) (b) and that was incurred during marriage by a spouse after December 31, 1985,
15 or after both spouses are domiciled in this state, whichever is later, except as
16 provided in s. 71.10 (6) (a) and (b) and (6m).

17 **SECTION 161.** 71.80 (3m) (b) 2. of the statutes, as affected by 1995 Wisconsin
18 Act 27, is amended to read:

19 71.80 **(3m)** (b) 2. In respect to a debt under s. 71.93 or 71.935 or a certification
20 under s. ~~46.255~~ 49.855 if that debt or certification is not subject to s. 766.55 (2) (b).

21 **SECTION 162.** 71.88 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
22 is amended to read:

23 71.88 **(1)** (a) *Contested assessments and claims for refund.* Except for refunds
24 set off under s. 71.93 in respect to which appeal is to the agency to which the debt is
25 owed, except for refunds set off under s. 71.935 in respect to which an appeal is held

1 under procedures that the department of revenue establishes and except for refunds
2 set off under s. ~~46.255~~ 49.855 in respect to which a hearing is held before the circuit
3 court, any person feeling aggrieved by a notice of additional assessment, refund, or
4 notice of denial of refund may, within 60 days after receipt of the notice, petition the
5 department of revenue for redetermination. A petition or an appeal by one spouse
6 is a petition or an appeal by both spouses. The department shall make a
7 redetermination on the petition within 6 months after it is filed.

8 **SECTION 163.** 71.93 (1) (a) 2. of the statutes is amended to read:

9 71.93 (1) (a) 2. A delinquent child support or spousal support obligation that
10 has been reduced to a judgment and has been submitted by an agency of another
11 state to the department of ~~health and social services~~ industry, labor and job
12 development for certification under this section.

13 **SECTION 164.** 77.59 (5) of the statutes is amended to read:

14 77.59 (5) The department may offset the amount of any refund for a period,
15 together with interest on the refund, against deficiencies for another period, and
16 against penalties and interest on the deficiencies, or against any amount of whatever
17 kind, due and owing on the books of the department from the person claiming the
18 refund. If the refund is to be paid to a buyer, the department may also set off amounts
19 in the manner in which it sets off income tax and franchise tax refunds under s. 71.93
20 and may set off amounts for child support or maintenance or both in the manner in
21 which it sets off income taxes under ss. ~~46.255~~ 49.855 and 71.93 (3), (6) and (7).

22 **SECTION 165.** 101.123 (1) (ad) of the statutes is amended to read:

23 101.123 (1) (ad) "Day care center" has the meaning given in s. ~~46.986~~ 49.136
24 (1) (d).

25 **SECTION 166.** 103.005 (18) of the statutes is created to read:

1 103.005 (18) The department shall administer the child support and paternity
2 establishment programs under subch. III of ch. 49, as well as perform other functions
3 related to child support that are specified in ch. 49.

4 **SECTION 167.** 108.13 (4) (b) of the statutes is amended to read:

5 108.13 (4) (b) A claimant filing a new claim for unemployment compensation
6 shall, at the time of filing the claim, disclose whether or not he or she owes child
7 support obligations. If any such claimant discloses that he or she owes child support
8 obligations and is determined to be eligible for unemployment compensation, the
9 department of industry, labor and human relations shall, ~~upon request of the~~
10 ~~department of health and social services,~~ notify the state or local child support
11 enforcement agency enforcing the obligations that the claimant has been determined
12 to be eligible for unemployment compensation.

13 **SECTION 168.** 108.13 (4) (f) of the statutes is amended to read:

14 108.13 (4) (f) This subsection applies only if appropriate arrangements are
15 made for the ~~state or~~ local child support enforcement agency to reimburse the
16 department for administrative costs incurred by the department that are
17 attributable to the interception of unemployment compensation for child support
18 obligations.

19 **SECTION 169.** 119.72 (2) (a) of the statutes is amended to read:

20 119.72 (2) (a) Children with a parent eligible for day care funds under s. 46.98
21 49.132 (4) (a) 1. to 3.

22 **SECTION 170.** 119.72 (2) (b) of the statutes, as affected by 1995 Wisconsin Act
23 27, is amended to read:

24 119.72 (2) (b) Children with a parent in need of child care services funded under
25 s. 46.40 (2) 49.132.

1 **SECTION 171.** 144.25 (8) (L) of the statutes is amended to read:

2 144.25 **(8)** (L) A grant may not be made to an individual if the department
3 receives a certification under s. ~~46.255~~ 49.855 (7) that the individual is delinquent
4 in child support or maintenance payments or owes past support, medical expenses
5 or birth expenses.

6 **SECTION 172.** 145.245 (5m) (b) of the statutes is amended to read:

7 145.245 **(5m)** (b) The department shall notify a governmental unit if it receives
8 a certification under s. ~~46.255~~ 49.855 (7) that an individual is delinquent in child
9 support or maintenance payments or owes past support, medical expenses or birth
10 expenses. The department or a governmental unit shall deny an application under
11 this section if the department receives a certification under s. ~~46.255~~ 49.855 (7) that
12 the applicant or an individual who would be directly benefited by the grant is
13 delinquent in child support or maintenance payments or owes past support, medical
14 expenses or birth expenses.

15 **SECTION 173.** 234.04 (2) of the statutes is amended to read:

16 234.04 **(2)** The authority may make or participate in the making and enter into
17 commitments for the making of long-term mortgage loans to eligible sponsors of
18 housing projects for occupancy by persons and families of low and moderate income,
19 or for the making of homeownership mortgage loans or housing rehabilitation loans
20 to persons and families of low and moderate income, an applicant under s. 234.59 or
21 other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon
22 the determination by the authority that they are not otherwise available from
23 private lenders upon reasonably equivalent terms and conditions. The authority
24 may not make a loan to a person if it receives a certification under s. ~~46.255~~ 49.855
25 (7) that the person is delinquent in child support or maintenance payments or owes

1 past support, medical expenses or birth expenses. The authority may employ, for
2 such compensation as it determines, the services of any financial institution in
3 connection with any loan.

4 **SECTION 174.** 234.49 (1) (c) of the statutes is amended to read:

5 234.49 (1) (c) "Eligible beneficiary" means a person for whom the authority has
6 not received a certification from the department of ~~health and social services~~
7 industry, labor and job development under s. ~~46.255~~ 49.855 (7) or a family who or
8 which falls within the income limits specified in par. (f).

9 **SECTION 175.** 234.59 (3) (c) of the statutes is amended to read:

10 234.59 (3) (c) The authority shall notify an eligible lender if it receives a
11 certification under s. ~~46.255~~ 49.855 (7) that a person is delinquent in child support
12 or maintenance payments or owes past support, medical expenses or birth expenses.
13 An eligible lender may not make a loan to an applicant if it receives notification under
14 this paragraph concerning the applicant.

15 **SECTION 176.** 234.65 (3) (f) of the statutes is amended to read:

16 234.65 (3) (f) The authority has not received a certification under s. ~~46.255~~
17 49.855 (7) that the person receiving the loan is delinquent in child support or
18 maintenance payments or owes past support, medical expenses or birth expenses.

19 **SECTION 177.** 234.90 (3) (d) of the statutes is amended to read:

20 234.90 (3) (d) The authority has not received a certification under s. ~~46.255~~
21 49.855 (7) that the farmer is delinquent in making child support or maintenance
22 payments or owes past support, medical expenses or birth expenses.

23 **SECTION 178.** 234.90 (3g) (c) of the statutes is amended to read:

1 234.90 **(3g)** (c) The authority has not received a certification under s. 46.255
2 49.855 (7) that the farmer is delinquent in making child support or maintenance
3 payments or owes past support, medical expenses or birth expenses.

4 **SECTION 179.** 234.905 (3) (d) of the statutes is amended to read:

5 234.905 **(3)** (d) The authority has not received a certification under s. 46.255
6 49.855 (7) that the farmer is delinquent in making child support or maintenance
7 payments or owes past support, medical expenses or birth expenses.

8 **SECTION 180.** 560.14 (1) (a) 2. of the statutes, as affected by 1995 Wisconsin Act
9 27, is amended to read:

10 560.14 **(1)** (a) 2. The state median income as determined by the department of
11 ~~health and family services~~ industry, labor and job development under s. 46.98 49.132
12 (4) (a) 3.

13 **SECTION 181.** 565.30 (5) of the statutes is amended to read:

14 565.30 **(5)** WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS
15 OWED THE STATE. The administrator shall report the name, address and social security
16 number of each winner of a lottery prize equal to or greater than \$1,000 to the
17 department of revenue to determine whether the payee of the prize is delinquent in
18 the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered
19 payment of child support or has a debt owing to the state. Upon receipt of a report
20 under this subsection, the department of revenue shall first ascertain based on
21 certifications by the department of ~~health and social services~~ industry, labor and job
22 development under s. 46.255 49.855 (2) whether any person named in the report is
23 currently delinquent in court-ordered payment of child support and shall next
24 certify to the administrator whether any person named in the report is delinquent
25 in court-ordered payment of child support or payment of state taxes under ch. 71,

1 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon
2 court order the administrator shall withhold the certified amount and send it to the
3 department of revenue for remittance to the appropriate agency or person. At the
4 time of remittance, the department of revenue shall charge its administrative
5 expenses to the state agency that has received the remittance. The administrative
6 expenses received by the department of revenue shall be credited to the
7 appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is
8 delinquent both in payments for state taxes and in court-ordered payments of child
9 support, or is delinquent in one or both of these payments and has a debt owing to
10 the state, the amount remitted to the appropriate agency or person shall be in
11 proportion to the prize amount as is the delinquency or debt owed by the payee.

12 **SECTION 182.** 565.30 (5m) of the statutes is amended to read:

13 565.30 (5m) WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR
14 FAMILY SUPPORT. The administrator shall report to the department of ~~health and~~
15 ~~social services~~ industry, labor and job development the name, address and social
16 security number of each winner of a lottery prize that is payable in instalments.
17 Upon receipt of the report, the department of ~~health and social services~~ industry,
18 labor and job development shall certify to the administrator whether any payee
19 named in the report is obligated to provide child support, spousal support,
20 maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25,
21 767.26, 767.261, 767.465 (2m), 767.51 (3), 767.65 (24) [ch. 769] or 948.22 (7) and the
22 amount required to be withheld from the lottery prize under s. 767.265. The
23 administrator shall withhold the certified amount from each payment made to the
24 winner and remit the certified amount to the department of ~~health and social~~
25 ~~services~~ industry, labor and job development.

1 **SECTION 183.** 767.001 (1d) of the statutes is created to read:

2 767.001 (1d) "Department" means the department of industry, labor and job
3 development.

4 **SECTION 184.** 767.02 (3) of the statutes is repealed.

5 **SECTION 185.** 767.045 (1) (c) 1. of the statutes is amended to read:

6 767.045 (1) (c) 1. Aid is provided under s. 49.19 or 49.45 on behalf of the child,
7 but the state and its delegate under s. ~~46.25~~ 49.22 (7) are barred by a statute of
8 limitations from commencing an action under s. 767.45 on behalf of the child.

9 **SECTION 186.** 767.045 (1) (c) 2. of the statutes is amended to read:

10 767.045 (1) (c) 2. An application for legal services has been filed with the child
11 support program under s. ~~46.25~~ 49.22 on behalf of the child, but the state and its
12 delegate under s. ~~46.25~~ 49.22 (7) are barred by a statute of limitations from
13 commencing an action under s. 767.45 on behalf of the child.

14 **SECTION 187.** 767.075 (1) (a) of the statutes is amended to read:

15 767.075 (1) (a) An action to establish paternity whenever there is a completed
16 application for legal services filed with the child support program under s. ~~46.25~~
17 49.22 or whenever s. 767.45 (6m) applies.

18 **SECTION 188.** 767.075 (1) (b) of the statutes is amended to read:

19 767.075 (1) (b) An action to establish or enforce a child support or maintenance
20 obligation whenever there is a completed application for legal services filed with the
21 child support program under s. ~~46.25~~ 49.22.

22 **SECTION 189.** 767.075 (2) (a) of the statutes is amended to read:

23 767.075 (2) (a) Except as provided in par. (b), in any action affecting the family
24 under a child support enforcement program, an attorney acting under s. ~~46.25~~ 49.22
25 or 59.07 (97), including any district attorney or corporation counsel, represents only

1 the state. Child support services provided by an attorney as specified in sub. (1) do
2 not create an attorney-client relationship with any other party.

3 **SECTION 190.** 767.075 (2) (b) of the statutes is amended to read:

4 767.075 (2) (b) Paragraph (a) does not apply to an attorney who is employed
5 by the department of ~~health and social services~~ under s. ~~46.25~~ 49.22 or a county under
6 s. 59.07 (97) or 59.458 (1) to act as the guardian ad litem of the minor child for the
7 purpose of establishing paternity.

8 **SECTION 191.** 767.077 (intro.) of the statutes is amended to read:

9 **767.077 Support for dependent child.** (intro.) The state or its delegate
10 under s. ~~46.25~~ 49.22 (7) shall bring an action for support of a minor child under s.
11 767.02 (1) (f) or, if appropriate, for paternity determination and child support under
12 s. 767.45 whenever the child's right to support is assigned to the state under s. 49.19
13 (4) (h) 1. b. if all of the following apply:

14 **SECTION 192.** 767.078 (1) (d) 1. c. of the statutes, as affected by 1995 Wisconsin
15 Act 27, is amended to read:

16 767.078 (1) (d) 1. c. The parent who is absent from the home works, on average,
17 less than 32 hours per week and is not participating in an employment training
18 program that meets criteria established by the department of ~~industry, labor and~~
19 ~~human relations~~.

20 **SECTION 193.** 767.078 (1) (d) 3. of the statutes, as affected by 1995 Wisconsin
21 Act 27, is amended to read:

22 767.078 (1) (d) 3. Subdivisions 1. and 2. only apply while the department of
23 ~~industry, labor and human relations~~ conducts the program under s. 49.25.

24 **SECTION 194.** 767.08 (3) of the statutes is amended to read:

1 767.08 (3) If the state or any subdivision thereof furnishes public aid to a
2 spouse or dependent child for support and maintenance and the spouse, person with
3 legal custody or nonlegally responsible relative fails or refuses to institute an
4 appropriate court action under this chapter to provide for the same, the person in
5 charge of county welfare activities, the county child support program designee under
6 s. 59.07 (97) or the state department of ~~health and social services~~ is a real party in
7 interest under s. 767.075 and shall initiate an action under this section, for the
8 purpose of obtaining support and maintenance. Any attorney employed by the state
9 or any subdivision thereof may initiate an action under this section. The title of the
10 action shall be "In re the support or maintenance of A.B. (Child)".

11 **SECTION 195.** 767.085 (1) (g) of the statutes is repealed.

12 **SECTION 196.** 767.085 (2) (b) of the statutes is amended to read:

13 767.085 (2) (b) The clerk of court shall provide without charge, to each person
14 filing a petition requesting child support, a document setting forth the percentage
15 standard established by the department of ~~health and social services~~ under s. ~~46.25~~
16 49.22 (9) and listing the factors which a court may consider under s. 767.25 (1m).

17 **SECTION 197.** 767.085 (2m) (a) 2. of the statutes is amended to read:

18 767.085 (2m) (a) 2. Shall be accompanied by a document, provided without
19 charge by the clerk of court, setting forth the percentage standard established by the
20 department of ~~health and social services~~ under s. ~~46.25~~ 49.22 (9) and listing the
21 factors which a court may consider under s. 767.25 (1m).

22 **SECTION 198.** 767.085 (5) of the statutes is repealed.

23 **SECTION 199.** 767.13 (7) of the statutes is amended to read:

1 767.13 (7) COOPERATION. Each family court commissioner shall cooperate with
2 the county and the department of health and social services to ensure that all
3 dependent children receive reasonable and necessary child support.

4 **SECTION 200.** 767.15 (2) of the statutes is amended to read:

5 767.15 (2) In any appeal of any action affecting the family in which support or
6 maintenance of a child of any party is at issue, the person who initiates the appeal
7 shall notify the department of health and social services of the appeal by sending a
8 copy of the notice of appeal to the department.

9 **SECTION 201.** 767.23 (1n) of the statutes is amended to read:

10 767.23 (1n) Before making any temporary order under sub. (1), the court or
11 family court commissioner shall consider those factors which the court is required
12 by this chapter to consider before entering a final judgment on the same subject
13 matter. If the court or family court commissioner makes a temporary child support
14 order that deviates from the amount of support that would be required by using the
15 percentage standard established by the department of health and social services
16 under s. ~~46.25~~ 49.22 (9), the court or family court commissioner shall comply with the
17 requirements of s. 767.25 (1n). A temporary order under sub. (1) may be based upon
18 the written stipulation of the parties, subject to the approval of the court or the family
19 court commissioner. Temporary orders made by the family court commissioner may
20 be reviewed by the court as provided in s. 767.13 (6).

21 **SECTION 202.** 767.25 (1g) of the statutes is amended to read:

22 767.25 (1g) In determining child support payments, the court may consider all
23 relevant financial information or other information relevant to the parent's earning
24 capacity, including information reported to the department of health and social
25 services, or the county child and spousal support agency, under s. ~~46.25~~ 49.22 (2m).

1 **SECTION 203.** 767.25 (1j) of the statutes is amended to read:

2 767.25 (1j) Except as provided in sub. (1m), the court shall determine child
3 support payments by using the percentage standard established by the department
4 of ~~health and social services~~ under s. ~~46.25~~ 49.22 (9).

5 **SECTION 204.** 767.25 (4m) (d) 2. of the statutes is amended to read:

6 767.25 (4m) (d) 2. Provide family coverage of health care expenses for the child,
7 if eligible for coverage, upon application by the parent, the child's other parent, the
8 department of ~~health and social services~~ or the county designee under s. 59.07 (97).

9 **SECTION 205.** 767.25 (4m) (e) 1. of the statutes, as affected by 1995 Wisconsin
10 Act 27, is amended to read:

11 767.25 (4m) (e) 1. If a parent who has been ordered by a court to provide
12 coverage of the health care expenses of a child who is eligible for medical assistance
13 under subch. IV of ch. 49 receives payment from a 3rd party for the cost of services
14 provided to the child but does not pay the health care provider for the services or
15 reimburse the department of ~~health and social services~~ or any other person who paid
16 for the services on behalf of the child, the department of ~~health and social services~~
17 may obtain a judgment against the parent for the amount of the 3rd party payment.

18 **SECTION 206.** 767.262 (1) (b) of the statutes is amended to read:

19 767.262 (1) (b) If one party receives services under s. ~~46.25~~ 49.22 or services
20 provided by the state or county as a result of an assignment of income under s. 49.19,
21 order the other party to pay any fee chargeable under s. ~~46.25~~ 49.22 (6) or the cost
22 of services rendered by the state or county under s. 49.19.

23 **SECTION 207.** 767.262 (3) of the statutes is amended to read:

1 767.262 (3) The court may order that the amount be paid directly to the
2 attorney or to the state or the county providing services under s. ~~46.25~~ 49.22 or 49.19,
3 who may enforce the order in its name.

4 **SECTION 208.** 767.265 (6) (c) of the statutes, as affected by 1993 Wisconsin Act
5 481, is amended to read:

6 767.265 (6) (c) No employer may use an assignment under this section or s.
7 767.23 (1) (L), 767.25 (4m) (c) or 767.51 (3m) (c) as a basis for the denial of
8 employment to a person, the discharge of an employe or any disciplinary action
9 against an employe. An employer who denies employment or discharges or
10 disciplines an employe in violation of this paragraph may be fined not more than
11 \$500 and may be required to make full restitution to the aggrieved person, including
12 reinstatement and back pay. Except as provided in this paragraph, restitution shall
13 be in accordance with s. 973.20. An aggrieved person may apply to the district
14 attorney or to the department of industry, labor and human relations for enforcement
15 of this paragraph.

16 **SECTION 209.** 767.27 (3) (b) of the statutes is amended to read:

17 767.27 (3) (b) The clerk of circuit court shall provide information from court
18 records to the department of ~~health and social services~~ under s. 59.395 (7).

19 **SECTION 210.** 767.27 (4) of the statutes is amended to read:

20 767.27 (4) Failure by either party timely to file a complete disclosure statement
21 as required by this section shall authorize the court to accept as accurate any
22 information provided in the statement of the other party or obtained under s. ~~46.25~~
23 49.22 (2m) by the department of ~~health and social services~~ or the county child and
24 spousal support agency.

25 **SECTION 211.** 767.29 (1) of the statutes is amended to read:

1 767.29 (1) All orders or judgments providing for temporary or permanent
2 maintenance, child support or family support payments shall direct the payment of
3 all such sums to the clerk of the court for the use of the person for whom the same
4 has been awarded. A party securing an order for temporary maintenance, child
5 support or family support payments shall forthwith file the order, together with all
6 pleadings in the action, with the clerk of the court. Except as provided in sub. (1m),
7 the clerk shall disburse the money so received under the judgment or order within
8 15 days and take receipts therefor, unless the clerk is unable to disburse the moneys
9 because they were paid by check or other draft drawn upon an account containing
10 insufficient funds. All moneys received or disbursed under this section shall be
11 entered in a record kept by the clerk, which shall be open to inspection by the
12 department of ~~health and social services~~ for the administration of the child and
13 spousal support and establishment of paternity program under s. ~~46.25~~ 49.22, the
14 parties to the action and their attorneys, and the family court commissioner. If the
15 maintenance, child support or family support payments adjudged or ordered to be
16 paid shall not be paid to the clerk at the time provided in the judgment or order, the
17 clerk or the family court commissioner of the county shall take such proceedings as
18 either of them deems advisable to secure the payment of the sum including
19 enforcement by contempt proceedings under ch. 785 or by other means. Copies of any
20 order issued to compel the payment shall be mailed to counsel who represented each
21 party when the maintenance, child support or family support payments were
22 awarded. In case any fees of officers in any of the proceedings, including the
23 compensation of the family court commissioner at the rate of \$50 per day unless the
24 commissioner is on a salaried basis, is not collected from the person proceeded

1 against, the fees shall be paid out of the county treasury upon the order of the
2 presiding judge and the certificate of the clerk of the court.

3 **SECTION 212.** 767.29 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is amended to read:

5 767.29 (2) If any party entitled to maintenance payments or support money,
6 or both, is receiving public assistance under ch. 49, the party may assign the party's
7 right thereto to the county department under s. 46.215, 46.22 or 46.23 granting such
8 assistance. Such assignment shall be approved by order of the court granting the
9 maintenance payments or support money, and may be terminated in like manner;
10 except that it shall not be terminated in cases where there is any delinquency in the
11 amount of maintenance payments and support money previously ordered or
12 adjudged to be paid to the assignee without the written consent of the assignee or
13 upon notice to the assignee and hearing. When an assignment of maintenance
14 payments or support money, or both, has been approved by the order, the assignee
15 shall be deemed a real party in interest within s. 803.01 but solely for the purpose
16 of securing payment of unpaid maintenance payments or support money adjudged
17 or ordered to be paid, by participating in proceedings to secure the payment thereof.
18 Notwithstanding assignment under this subsection, and without further order of the
19 court, the clerk of court, upon receiving notice that a party or a minor child of the
20 parties is receiving aid under s. 49.19, shall forward all support assigned under s.
21 49.19 (4) (h) 1. or 49.45 (19) to the department of industry, labor and human relations.

22 **SECTION 213.** 767.295 (2) (a) 2. of the statutes, as affected by 1995 Wisconsin
23 Act 27, is amended to read:

1 767.295 (2) (a) 2. The parent works, on average, less than 32 hours per week,
2 and is not participating in an employment or training program which meets
3 guidelines established by the department of industry, labor and human relations.

4 **SECTION 214.** 767.295 (2) (c) of the statutes, as affected by 1995 Wisconsin Act
5 27, is amended to read:

6 767.295 (2) (c) If the court enters an order under par. (a), it shall order the
7 parent to pay child support equal to the amount determined by applying the
8 percentage standard established under s. ~~46.25~~ 49.22 (9) to the income a person
9 would earn by working 40 hours per week for the federal minimum hourly wage
10 under 29 USC 206 (a) (1) or equal to the amount of child support that the parent was
11 ordered to pay in the most recent determination of support under this chapter. The
12 child support obligation ordered under this paragraph continues until the parent
13 makes timely payment in full for 3 consecutive months or until the person
14 participates in the program under s. 49.36 for 16 weeks, whichever comes first. The
15 court shall provide in its order that the parent must make child support payments
16 calculated under s. 767.25 (1j) or (1m) or 767.51 (4m) or (5) after the obligation to
17 make payments ordered under this paragraph ceases.

18 **SECTION 215.** 767.32 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
19 77, is amended to read:

20 767.32 (1) (a) After a judgment or order providing for child support under this
21 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2), 938.355 (2) (b) 4.,
22 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or
23 family support payments under this chapter, or for the appointment of trustees
24 under s. 767.31, the court may, from time to time, on the petition, motion or order to
25 show cause of either of the parties, or upon the petition, motion or order to show cause

1 of the department of health and social services, a county department under s. 46.215,
2 46.22 or 46.23 or a child support program designee under s. 59.07 (97) if an
3 assignment has been made under s. 49.19 (4) (h) or 49.45 (19) or if either party or
4 their minor children receive aid under ch. 49, and upon notice to the family court
5 commissioner, revise and alter such judgment or order respecting the amount of such
6 maintenance or child support and the payment thereof, and also respecting the
7 appropriation and payment of the principal and income of the property so held in
8 trust, and may make any judgment or order respecting any of the matters that such
9 court might have made in the original action, except that a judgment or order that
10 waives maintenance payments for either party shall not thereafter be revised or
11 altered in that respect nor shall the provisions of a judgment or order with respect
12 to final division of property be subject to revision or modification. A revision, under
13 this section, of a judgment or order with respect to an amount of child or family
14 support may be made only upon a finding of a substantial change in circumstances.
15 In any action under this section to revise a judgment or order with respect to
16 maintenance payments, a substantial change in the cost of living by either party or
17 as measured by the federal bureau of labor statistics may be sufficient to justify a
18 revision of judgment or order with respect to the amount of maintenance, except that
19 a change in an obligor's cost of living is not in itself sufficient if payments are
20 expressed as a percentage of income.

21 **SECTION 216.** 767.32 (1) (b) 4. of the statutes is amended to read:

22 767.32 (1) (b) 4. A difference between the amount of child support ordered by
23 the court to be paid by the payer and the amount that the payer would have been
24 required to pay based on the percentage standard established by the department of
25 ~~health and social services~~ under s. ~~46.25~~ 49.22 (9) if the court did not use the

1 percentage standard in determining the child support payments and did not provide
2 the information required under s. 46.10 (14) (d), 767.25 (1n) or 767.51 (5d), whichever
3 is appropriate.

4 **SECTION 217.** 767.32 (1) (c) 1. of the statutes is amended to read:

5 767.32 (1) (c) 1. Unless the amount of child support is expressed in the
6 judgment or order as a percentage of parental income, a change in the payer's
7 income, evidenced by information received by the department of ~~health and social~~
8 ~~services~~, or the county child and spousal support agency, under s. ~~46.25~~ 49.22 (2m)
9 or by other information, from the payer's income determined by the court in its most
10 recent judgment or order for child support, including a revision of a child support
11 order under this section.

12 **SECTION 218.** 767.32 (2) of the statutes is amended to read:

13 767.32 (2) Except as provided in sub. (2m) or (2r), if the court revises a
14 judgment or order with respect to child support payments, it shall do so by using the
15 percentage standard established by the department of ~~health and social services~~
16 under s. ~~46.25~~ 49.22 (9).

17 **SECTION 219.** 767.32 (4) of the statutes is amended to read:

18 767.32 (4) In any case in which the state is a real party in interest under s.
19 767.075, the department of ~~health and social services~~ shall review the support
20 obligation periodically and whenever circumstances so warrant, petition the court
21 for revision of the judgment or order with respect to the support obligation.

22 **SECTION 220.** 767.33 (1) of the statutes is amended to read:

23 767.33 (1) An order for child support under s. 767.23 or 767.25 may provide for
24 an adjustment in the amount to be paid based on a change in the obligor's income,
25 as reported on the disclosure form under s. 767.27 (2m) or as disclosed to the

1 department of ~~health and social services~~ or county child and spousal support agency
2 under s. ~~46.25~~ 49.22 (2m). The order may specify the date on which the annual
3 adjustment becomes effective. No adjustment may be made unless the order so
4 provides and the party receiving payments applies for an adjustment as provided in
5 sub. (2). An adjustment under this section may be made only once in any year.

6 **SECTION 221.** 767.45 (6m) of the statutes is amended to read:

7 767.45 (6m) The attorney designated under sub. (6) (a) shall commence an
8 action under this section on behalf of the state within 6 months after receiving
9 notification under s. 69.03 (15) that no father is named on the birth certificate of a
10 child who is a resident of the county if paternity has not been adjudicated, except in
11 situations under s. 69.14 (1) (g) and (h) and as provided by the department of ~~health~~
12 ~~and social services~~ by rule.

13 **SECTION 222.** 767.45 (7) of the statutes is amended to read:

14 767.45 (7) The clerk of court shall provide without charge, to each person
15 bringing an action under this section, except to the state under sub. (1) (g) or (6m),
16 a document setting forth the percentage standard established by the department of
17 ~~health and social services~~ under s. ~~46.25~~ 49.22 (9) and listing the factors which a
18 court may consider under s. 767.51 (5).

19 **SECTION 223.** 767.455 (6) of the statutes is amended to read:

20 767.455 (6) DOCUMENT. The summons served on the respondent shall be
21 accompanied by a document, provided without charge by the clerk of court, setting
22 forth the percentage standard established by the department of ~~health and social~~
23 ~~services~~ under s. ~~46.25~~ 49.22 (9) and listing the factors which a court may consider
24 under s. 767.51 (5).

25 **SECTION 224.** 767.47 (6) (a) of the statutes is amended to read:

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

10 **SECTION 225.** 767.51 (3m) (d) 2. of the statutes is amended to read:

11 767.51 **(3m)** (d) 2. Provide family coverage of health care expenses for the child,
12 if eligible for coverage, upon application by the parent, the child's other parent, the
13 department of ~~health and social services~~ or the county designee under s. 59.07 (97).

14 **SECTION 226.** 767.51 (3m) (e) 1. of the statutes, as affected by 1995 Wisconsin
15 Act 27, is amended to read:

16 767.51 **(3m)** (e) 1. If a parent who has been ordered by a court to provide
17 coverage of the health care expenses of a child who is eligible for medical assistance
18 under subch. IV of ch. 49 receives payment from a 3rd party for the cost of services
19 provided to the child but does not pay the health care provider for the services or
20 reimburse the department of ~~health and social services~~ or any other person who paid
21 for the services on behalf of the child, the department of ~~health and social services~~
22 may obtain a judgment against the parent for the amount of the 3rd party payment.

23 **SECTION 227.** 767.51 (4g) of the statutes is amended to read:

24 767.51 **(4g)** In determining child support payments, the court may consider all
25 relevant financial information or other information relevant to the parent's earning

1 capacity, including information reported to the department of ~~health and social~~
2 ~~services~~, or the county child and spousal support agency, under s. ~~46.25~~ 49.22 (2m).

3 **SECTION 228.** 767.51 (4m) of the statutes is amended to read:

4 767.51 (4m) Except as provided in sub. (5), the court shall determine child
5 support payments by using the percentage standard established by the department
6 of ~~health and social services~~ under s. ~~46.25~~ 49.22 (9).

7 **SECTION 229.** 767.52 (3) of the statutes is amended to read:

8 767.52 (3) This section does not prevent an attorney responsible for support
9 enforcement under s. 59.458 (1) or any other attorney employed under s. ~~46.25~~ 49.22
10 or 59.07 (97) from appearing in any paternity action as provided under s. 767.45 (6).

11 **SECTION 230.** 767.53 (2) of the statutes is amended to read:

12 767.53 (2) The clerk of circuit court shall provide information from court
13 records to the department of ~~health and social services~~ under s. 59.395 (7).

14 **SECTION 231.** 769.31 (1) of the statutes is amended to read:

15 769.31 (1) The department of ~~health and social services~~ industry, labor and job
16 development is the state information agency under this chapter.

17 **SECTION 232.** 949.08 (2) (g) of the statutes is amended to read:

18 949.08 (2) (g) Has been certified to the department under s. ~~46.255~~ 49.855 (7)
19 as being delinquent in child support or maintenance payments or as owing past
20 support, medical expenses or birth expenses.

21 **SECTION 233.** 978.06 (6) of the statutes is amended to read:

22 978.06 (6) No district attorney, deputy district attorney or assistant district
23 attorney may appear in a civil action or proceeding under s. ~~46.25~~ 49.22 (7), 59.07
24 (97), 767.075, 767.08 or 767.45 or ch. 769.

25 **SECTION 234. Nonstatutory provisions; health and family services.**

1 (1) TRANSFER OF CHILD SUPPORT AND PATERNITY PROGRAMS.

2 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and
3 liabilities of the department of health and family services that are primarily related
4 to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this
5 act, as determined by the secretary of administration, shall become the assets and
6 liabilities of the department of industry, labor and job development.

7 (b) *Position and employe transfers.*

8 1. On the effective date of this subdivision, 5.73 FTE GPR positions in the
9 department of health and family services funded from the appropriation under
10 section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, and the
11 incumbent employes holding those positions are transferred to the department of
12 industry, labor and job development to be funded from the appropriation under
13 section 20.445 (3) (a) of the statutes, as affected by the acts of 1995.

14 2. On the effective date of this subdivision, 13.26 FTE GPR positions in the
15 department of health and family services funded from the appropriation under
16 section 20.435 (3) (cc) of the statutes, as affected by the acts of 1995, and the
17 incumbent employes holding those positions are transferred to the department of
18 industry, labor and job development to be funded from the appropriation under
19 section 20.445 (3) (a) of the statutes, as affected by the acts of 1995.

20 3. On the effective date of this subdivision, 0.5 FTE GPR position in the
21 department of health and family services funded from the appropriation under
22 section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, and the
23 incumbent employe holding that position is transferred to the department of health
24 and family services to be funded from the appropriation under section 20.435 (1) (a)
25 of the statutes, as affected by the acts of 1995.

1 4. On the effective date of this subdivision, 0.5 FTE PR position in the
2 department of health and family services funded from the appropriation under
3 section 20.435 (3) (kx) of the statutes, as affected by the acts of 1995, and the
4 incumbent employe holding that position is transferred to the department of health
5 and family services, and the position becomes 0.5 FTE FED position to be funded
6 from the appropriation under section 20.435 (1) (n) of the statutes, as affected by the
7 acts of 1995.

8 5. On the effective date of this subdivision, 2.89 FTE PR positions in the
9 department of health and family services funded from the appropriation under
10 section 20.435 (3) (ja) of the statutes, as affected by the acts of 1995, and the
11 incumbent employes holding those positions are transferred to the department of
12 industry, labor and job development to be funded from the appropriation under
13 section 20.445 (3) (ja) of the statutes, as affected by the acts of 1995.

14 6. On the effective date of this subdivision, 42.12 FTE FED positions in the
15 department of health and family services funded from the appropriation under
16 section 20.435 (3) (n) of the statutes, as affected by the acts of 1995, and the
17 incumbent employes holding those positions are transferred to the department of
18 industry, labor and job development to be funded from the appropriation under
19 section 20.445 (3) (n) of the statutes, as affected by the acts of 1995.

20 7. On the effective date of this subdivision, 0.34 FTE GPR position in the
21 department of health and family services funded from the appropriation under
22 section 20.435 (8) (a) of the statutes, as affected by the acts of 1995, and the
23 incumbent employe holding that position is transferred to the department of
24 industry, labor and job development, and the position becomes 0.34 FTE PR position

1 to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as
2 affected by the acts of 1995.

3 8. On the effective date of this subdivision, 21.5 FTE PR positions in the
4 department of health and family services funded from the appropriation under
5 section 20.435 (8) (k) of the statutes, as affected by the acts of 1995, and the
6 incumbent employes holding those positions are transferred to the department of
7 industry, labor and job development to be funded from the appropriation under
8 section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995.

9 9. On the effective date of this subdivision, 0.66 FTE FED position in the
10 department of health and family services funded from the appropriation under
11 section 20.435 (8) (n) of the statutes, as affected by the acts of 1995, and the
12 incumbent employe holding that position is transferred to the department of
13 industry, labor and job development, and the position becomes 0.66 FTE PR position
14 to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as
15 affected by the acts of 1995.

16 10. On the effective date of this subdivision, 1.0 FTE FED position in the
17 department of health and family services funded from the appropriation under
18 section 20.435 (8) (pz) of the statutes, as affected by the acts of 1995, and the
19 incumbent employe holding that position is transferred to the department of
20 industry, labor and job development, and the position becomes 1.0 FTE PR position
21 to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as
22 affected by the acts of 1995.

23 (c) *Employe status.* Employes transferred under paragraph (b) have all the
24 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
25 statutes in the department of industry, labor and job development that they enjoyed

1 in the department of health and family services immediately before the transfer.
2 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
3 has attained permanent status in class is required to serve a probationary period.

4 (d) *Tangible personal property.* On the effective date of this paragraph, all
5 tangible personal property, including records, of the department of health and family
6 services that is primarily related to the programs in sections 49.22, 49.23 and 49.855
7 of the statutes, as affected by this act, as determined by the secretary of
8 administration, is transferred to the department of industry, labor and job
9 development.

10 (e) *Contracts.* All contracts entered into by the department of health and social
11 services in effect on the effective date of this paragraph, that are primarily related
12 to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this
13 act, as determined by the secretary of administration, remain in effect and are
14 transferred to the department of industry, labor and job development. The
15 department of industry, labor and job development shall carry out any such
16 contractual obligations until modified or rescinded by the department of industry,
17 labor and job development to the extent allowed under the contracts.

18 (f) *Rules and orders.*

19 1. All rules promulgated by the department of health and social services that
20 are in effect on the effective date of this subdivision, and that are primarily related
21 to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this
22 act, remain in effect until their specified expiration date or until amended or
23 repealed by the department of industry, labor and job development. All orders issued
24 by the department of health and social services that are in effect on the effective date
25 of this subdivision, and that are primarily related to the programs in sections 49.22,

1 49.23 and 49.855 of the statutes, as affected by this act, remain in effect until their
2 specified expiration date or until modified or rescinded by the department of
3 industry, labor and job development.

4 2. The secretary of health and family services and the secretary of industry,
5 labor and job development shall meet and specify the apportionment of rules and
6 standards, between the 2 departments, with respect to the supervision of employes
7 of county departments under sections 46.215, 46.22 and 46.23 of the statutes with
8 respect to the administration of the programs under sections 49.22, 49.23 and 49.855
9 of the statutes, as affected by this act, in order to effect the intent of this act.

10 (g) *Pending matters.* Any matter pending with the department of health and
11 family services on the effective date of this paragraph, that is primarily related to any
12 of the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this
13 act, is transferred to the department of industry, labor and job development and all
14 materials submitted to or actions taken by the department of health and social
15 services with respect to the pending matter are considered as having been submitted
16 to or taken by the department of industry, labor and job development.

17 (2) CHILD CARE SUBUNIT TRANSFER.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
19 liabilities of the department of health and family services primarily related to the
20 subunit of the department of health and family services that administers child care
21 programs, as determined by the secretary of administration, shall become the assets
22 and liabilities of the department of industry, labor and job development, except that
23 those assets and liabilities of the department of health and family services primarily
24 related to child care licensing shall remain the assets and liabilities of the
25 department of health and family services.

1 (b) *Employe transfers.* On the effective date of this paragraph, 1.5 FTE GPR
2 and 3.5 FTE PR positions having duties primarily related to the administration of
3 child care programs, as determined by the secretary of administration, and the
4 incumbent employes holding those positions are transferred from the department of
5 health and family services to the department of industry, labor and job development.

6 (c) *Employe status.* Employes transferred under paragraph (b) to the
7 department of industry, labor and job development have all the rights and the same
8 status under subchapter V of chapter 111 and chapter 230 of the statutes, in the
9 department of industry, labor and job development that they enjoyed in the subunit
10 of the department of health and family services that administers child care programs
11 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe
12 so transferred who has attained permanent status in class is required to serve a
13 probationary period.

14 (d) *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property, including records, of the department of health and family
16 services that is primarily related to the functions of the subunit of the department
17 of health and family services that administers child care programs, as determined
18 by the secretary of administration, is transferred to the department of industry, labor
19 and job development, except that the tangible personal property, including records,
20 of the department of health and family services primarily related to child care
21 licensing remain in the department of health and family services.

22 (e) *Contracts.* All contracts entered into by the department of health and family
23 services primarily related to the subunit of the department of health and family
24 services that administers child care programs in effect on the effective date of this
25 paragraph remain in effect and are transferred to the department of industry, labor

1 and job development, except that those contracts primarily related to child care
2 licensing remain in the department of health and family services. The secretary of
3 industry, labor and job development shall carry out any such contractual obligations,
4 except that the secretary of health and family services shall carry out any contractual
5 obligations primarily related to child care licensing.

6 (f) *Contracts of the subunit of the department of health and family services that*
7 *administers child care programs.* All contracts entered into by the subunit of the
8 department of health and family services that administers child care programs in
9 effect on the effective date of this paragraph remain in effect and are transferred to
10 the department of industry, labor and job development, except those contracts
11 primarily related to child care licensing shall remain in the department of health and
12 family services. The department of industry, labor and job development shall carry
13 out any such contractual obligations, except that the secretary of health and family
14 services shall carry out any contractual obligations primarily related to child care
15 licensing.

16 (g) *Rules and orders.* All rules promulgated by the department of health and
17 family services primarily related to the subunit of the department of health and
18 family services that administers child care programs that are in effect on the
19 effective date of this paragraph remain in effect until their specified expiration date
20 or until amended or repealed by the department of industry, labor and job
21 development, except that those rules promulgated by the department of health and
22 family services primarily related to child care licensing remain in effect until their
23 expiration date or until amended or repealed by the department of health and family
24 services. All orders issued by the department of health and family services primarily
25 related to the subunit of the department of health and family services that

1 administers child care programs that are in effect on the effective date of this
2 paragraph remain in effect until their specified expiration date or until modified or
3 rescinded by the department of industry, labor and child care programs, except that
4 those orders issued by the department of health and job development primarily
5 related to child care licensing remain in effect until their expiration date or until
6 modified or rescinded by the department of health and family services.

7 (h) *Pending matters.* Any matter pending with the department of health and
8 family services on the effective date of this paragraph primarily related to the
9 subunit of the department of health and family services that administers child care
10 programs, except any matter primarily related to child care licensing, is transferred
11 to the department of industry, labor and job development, and all materials
12 submitted to or actions taken by the department of health and family services before
13 the effective date of this paragraph with respect to pending matters, except pending
14 matters primarily related to child care licensing, are considered as having been
15 submitted to or taken by the department of industry, labor and job development.

16 **SECTION 235. Appropriation changes; health and family services.**

17 (1) TRANSFER OF CHILD SUPPORT AND PATERNITY PROGRAMS.

18 (a) There is transferred from the appropriation to the department of health and
19 family services under section 20.435 (3) (a) of the statutes, as affected by the acts of
20 1995, to the appropriation to the department of health and family services under
21 section 20.435 (1) (a) of the statutes, as affected by the acts of 1995, \$25,300 in fiscal
22 year 1996-97.

23 (b) There is transferred from the appropriation to the department of health and
24 family services under section 20.435 (3) (a) of the statutes, as affected by the acts of
25 1995, to the appropriation to the department of industry, labor and job development

1 under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$1,271,700
2 in fiscal year 1996-97.

3 (c) On the effective date of this paragraph, the unencumbered balance of the
4 appropriation to the department of health and family services under section 20.435
5 (3) (cc) of the statutes, as affected by the acts of 1995, is transferred to the
6 appropriation to the department of industry, labor and job development under
7 section 20.445 (3) (a) of the statutes, as affected by the acts of 1995.

8 (d) There is transferred from the appropriation to the department of health and
9 family services under section 20.435 (3) (kx) of the statutes, as affected by the acts
10 of 1995, to the appropriation to the department of health and family services under
11 section 20.435 (1) (n) of the statutes, as affected by the acts of 1995, \$25,200 in fiscal
12 year 1996-97.

13 (e) There is transferred from the appropriation to the department of health and
14 family services under section 20.435 (3) (n) of the statutes, as affected by the acts of
15 1995, to the appropriation to the department of industry, labor and job development
16 under section 20.445 (3) (n) of the statutes, as affected by the acts of 1995, \$6,131,600
17 in fiscal year 1996-97.

18 (f) There is transferred from the appropriation to the department of health and
19 family services under section 20.435 (3) (nL) of the statutes, as affected by the acts
20 of 1995, to the appropriation to the department of industry, labor and job
21 development under section 20.445 (3) (nL) of the statutes, as affected by the acts of
22 1995, \$39,796,300 in fiscal year 1996-97.

23 (g) There is transferred from the appropriation to the department of health and
24 family services under section 20.435 (8) (a) of the statutes, as affected by the acts of
25 1995, to the appropriation to the department of industry, labor and job development

1 under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$37,900
2 in fiscal year 1996-97.

3 (h) There is transferred from the appropriation to the department of health and
4 family services under section 20.435 (8) (k) of the statutes, as affected by the acts of
5 1995, to the appropriation to the department of industry, labor and job development
6 under section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995,
7 \$1,218,800 in fiscal year 1996-97.

8 (i) There is transferred from the appropriation to the department of health and
9 family services under section 20.435 (8) (n) of the statutes, as affected by the acts of
10 1995, to the appropriation to the department of industry, labor and job development
11 under section 20.445 (3) (n) of the statutes, as affected by the acts of 1995, \$73,700
12 in fiscal year 1996-97.

13 (j) There is transferred from the appropriation to the department of health and
14 family services under section 20.435 (8) (pz) of the statutes, as affected by the acts
15 of 1995, to the appropriation to the department of industry, labor and job
16 development under section 20.445 (1) (kc) of the statutes, as affected by the acts of
17 1995, \$51,400 in fiscal year 1996-97.

18 (k) In the schedule under section 20.005 (3) of the statutes for the appropriation
19 to the department of health and family services under section 20.435 (1) (a) of the
20 statutes, as affected by the acts of 1995, the dollar amount is increased by \$25,300
21 for fiscal year 1996-97 to increase funding for the purposes for which the
22 appropriation is made.

23 (l) In the schedule under section 20.005 (3) of the statutes for the appropriation
24 to the department of health and family services under section 20.435 (3) (a) of the
25 statutes, as affected by the acts of 1995, the dollar amount is decreased by \$1,297,000

1 for fiscal year 1996-97 to decrease funding for the purposes for which the
2 appropriation is made.

3 (m) In the schedule under section 20.005 (3) of the statutes for the
4 appropriation to the department of health and family services under section 20.435
5 (8) (a) of the statutes, as affected by the acts of 1995, the dollar amount is decreased
6 by \$37,900 for fiscal year 1996-97 to decrease funding for the purposes for which the
7 appropriation is made.

8 (n) In the schedule under section 20.005 (3) of the statutes for the appropriation
9 to the department of health and family services under section 20.435 (8) (k) of the
10 statutes, as affected by the acts of 1995, the dollar amount is decreased by \$1,218,800
11 for fiscal year 1996-97 to decrease funding for the purposes for which the
12 appropriation is made.

13 (2) COMMUNITY AIDS. In the schedule under section 20.005 (3) of the statutes for
14 the appropriation to the department of health and family services under section
15 20.435 (7) (b) of the statutes, as affected by the acts of 1995, the dollar amount is
16 decreased by \$5,163,300 for fiscal year 1996-97 to reflect the deletion of low-income
17 and at-risk child care from community aids funding.

18 (3) TRANSFER OF CHILD CARE TO DEPARTMENT OF INDUSTRY, LABOR AND JOB
19 DEVELOPMENT.

20 (a) There is transferred from the appropriation to the department of health and
21 family services under section 20.435 (3) (a) of the statutes, as affected by the acts of
22 1995, to the appropriation to the department of industry, labor and job development
23 under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$69,900
24 in fiscal year 1996-97.

1 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
2 to the department of health and family services under section 20.435 (3) (a) of the
3 statutes, as affected by the acts of 1995, the dollar amount is decreased by \$69,900
4 for fiscal year 1996-97 to decrease funding for the administration of child care
5 programs.

6 (c) There is transferred from the appropriation to the department of health and
7 family services under section 20.435 (6) (a) of the statutes, as affected by the acts of
8 1995, to the appropriation to the department of industry, labor and job development
9 under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$27,400
10 in fiscal year 1996-97.

11 (d) In the schedule under section 20.005 (3) of the statutes for the appropriation
12 to the department of health and family services under section 20.435 (6) (a) of the
13 statutes, as affected by the acts of 1995, the dollar amount is decreased by \$27,400
14 for fiscal year 1996-97 to decrease funding for the administration of child care
15 programs.

16 (e) There is transferred from the appropriation to the department of health and
17 family services under section 20.435 (6) (kx) of the statutes, as affected by the acts
18 of 1995, to the appropriation to the department of industry, labor and job
19 development under section 20.445 (3) (n) of the statutes, as affected by the acts of
20 1995, \$27,500 in fiscal year 1996-97.

21 (f) There is transferred from the appropriation to the department of health and
22 family services under section 20.435 (6) (mc) of the statutes, as affected by the acts
23 of 1995, to the appropriation to the department of industry, labor and job
24 development under section 20.445 (3) (mc) of the statutes, as affected by the acts of
25 1995, \$1,224,500 in fiscal year 1996-97.

1 (g) There is transferred from the appropriation to the department of health and
2 family services under section 20.435 (7) (b) of the statutes, as affected by the acts of
3 1995, to the appropriation to the department of industry, labor and job development
4 under section 20.445 (3) (cp) of the statutes, as affected by the acts of 1995,
5 \$5,163,300 in fiscal year 1996-97.

6 (h) There is transferred from the appropriation to the department of health and
7 family services under section 20.435 (7) (md) of the statutes, as affected by the acts
8 of 1995, to the appropriation to the department of industry, labor and job
9 development under section 20.445 (3) (md) of the statutes, as affected by the acts of
10 1995, \$3,213,100 in fiscal year 1996-97.

11 (i) There is transferred from the appropriation to the department of health and
12 family services under section 20.435 (7) (o) of the statutes, as affected by the acts of
13 1995, to the appropriation to the department of industry, labor and job development
14 under section 20.445 (3) (md) of the statutes, as affected by the acts of 1995,
15 \$15,928,700 in fiscal year 1996-97.

16 **SECTION 236. Appropriation changes; industry, labor and job**
17 **development.**

18 (1) TRANSFER OF CHILD SUPPORT AND PATERNITY PROGRAMS.

19 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
20 to the department of industry, labor and job development under section 20.445 (1)
21 (kc) of the statutes, as affected by the acts of 1995, the dollar amount is increased by
22 \$1,381,800 for fiscal year 1996-97 to increase funding for the purposes for which the
23 appropriation is made.

24 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
25 to the department of industry, labor and job development under section 20.445 (3) (a)

1 of the statutes, as affected by the acts of 1995, the dollar amount is increased by
2 \$1,836,500 for fiscal year 1996-97 to increase funding for the purposes for which the
3 appropriation is made.

4 (2) CHILD CARE ADMINISTRATION. In the schedule under section 20.005 (3) of the
5 statutes for the appropriation to the department of industry, labor and job
6 development under section 20.445 (3) (a) of the statutes, as affected by the acts of
7 1995, the dollar amount increased by \$97,300 for fiscal year 1996-97 to increase
8 funding for the administration of child care programs.

9 **SECTION 237. Effective dates.** This act takes effect on July 1, 1996, or on the
10 day after publication, whichever is later, except as follows:

11 (1) The amendment of section 20.435 (1) (n) of the statutes and the repeal and
12 recreation of section 20.445 (3) (n) and (nL) of the statutes take effect on July 1, 1997.

13 (END)