



1997 ASSEMBLY BILL 97

February 12, 1997 - Introduced by Representatives VRAKAS and VANDER LOOP, cosponsored by Senators PLACHE and ZIEN. Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 13.83 (3) (f) 2., 15.105 (22), 15.155 (1) (a) 2., 15.197 (11n) (a)
2 1., 15.22, 15.223 (1), 15.223 (2), 15.225 (1), 15.225 (2) (a), 15.225 (2) (c), 15.227
3 (1), 15.227 (3), 15.227 (4), 15.227 (5) (intro.), 15.227 (8), 15.227 (9), 15.227 (11),
4 15.227 (13), 15.227 (14), 15.227 (17) (a), 15.227 (24) (a) (intro.), 15.227 (24) (a)
5 1., 15.94 (2), 16.48 (1) (intro.), 16.48 (2), 16.48 (3), 16.53 (1) (d) 2., 16.75 (6) (bm),
6 16.765 (10), 20.445 (intro.), 20.445 (1) (title), 20.445 (1) (sm), 20.445 (3) (p),
7 20.505 (4) (kp), 20.923 (4) (e) 3., 20.923 (4) (e) 4., 20.923 (4) (f) 4., 36.11 (6) (a)
8 2., 38.30 (1) (b), 38.51 (6) (b) 1., 40.02 (25) (a) 3., 40.02 (54) (f), 40.63 (6), 40.65
9 (2) (a), 40.65 (2) (b) 3., 40.65 (2) (b) 4., 45.35 (6), 45.35 (9), 45.35 (10), 45.397 (2)
10 (a), 45.50 (1) (b), 46.03 (7) (bm), 46.10 (14) (b), 46.10 (14) (e) 4., 46.215 (1) (d),
11 46.215 (1) (j), 46.215 (2) (a) 2., 46.215 (2) (b), 46.215 (2) (c) 2., 46.215 (3), 46.22
12 (1) (b) 2. (intro.), c. and e., 46.22 (1) (b) 3. (intro.) and d., 46.22 (1) (d), 46.22 (1)
13 (e) 1., 46.22 (1) (e) 2., 46.22 (1) (e) 3. b., 46.22 (2g) (d), 46.22 (3m) (b) 12., 46.22
14 (3m) (b) 17. b., 46.23 (3) (a), 46.23 (3) (am) 4., 46.23 (5) (a) 2., 46.23 (5) (b), 46.23

ASSEMBLY BILL 97

1 (5m) (c), 46.23 (6) (a) (intro.), 46.23 (6) (a) 3., 46.247, 46.29 (3) (c), 46.495 (1) (d),
2 46.495 (1) (dc), 46.495 (1) (f) 1., 46.56 (14) (a) (intro.), 46.90 (4) (b) 2. b., 47.01
3 (1m), 48.30 (6), 48.31 (7), 48.357 (5m), 48.36 (1) (b), 48.363 (1), 48.57 (3m) (a)
4 1., 48.57 (3m) (d), 48.57 (3m) (e), 48.57 (3p) (fm) 1., 49.001 (9), 49.11 (1), 49.11
5 (2), 49.153 (3) (a) 1., 49.153 (3) (f) 2., 49.153 (4) (d) 4., 49.193 (1) (c), 49.26 (1) (d),
6 49.45 (6m) (br) 1., 49.45 (40), 49.81 (intro.), 49.82 (1), 49.85 (1), 49.85 (2) (b),
7 49.85 (3) (b) (intro.), 49.85 (3) (b) 1., 49.85 (3) (b) 2., 49.85 (3) (b) 3., 49.85 (3) (b)
8 4., 49.85 (3) (b) 5., 49.85 (4) (b), 49.85 (5), 49.855 (1), 49.855 (2), 49.855 (4),
9 49.855 (4m) (c), 49.855 (5), 49.855 (7), 49.86, 49.89 (2), 49.89 (6), 49.89 (7) (d)
10 2., 49.90 (2), 49.90 (2g), 59.40 (2) (p), 59.53 (5), 59.69 (4e), 60.61 (3m), 62.23 (7)
11 (hm), 66.293 (1) (b), 66.293 (1) (h), 66.46 (6c) (a), 66.46 (6c) (b), 66.521 (6m),
12 69.15 (3) (b) 3., 71.67 (7) (a) and (b) (intro.), 71.67 (7) (c) 2., 71.93 (1) (a) 2., 71.93
13 (1) (a) 4., 77.265 (4), 84.25 (11), 101.055 (8) (ag), 102.01 (2) (ap), 102.01 (2) (em),
14 102.08, 102.42 (8), 102.61 (1m) (c), 102.61 (1m) (f), 102.61 (2), 102.64 (1), 102.64
15 (2), 102.82 (2) (c), 103.001 (3), 103.001 (15), 103.005 (20), 103.10 (12) (a) 2.,
16 103.50 (4), 103.50 (5), 103.50 (6), 104.01 (1), 106.13 (2), 108.02 (10), 108.105,
17 108.13 (4) (b), 108.141 (6) (a), 108.142 (5), 109.01 (1), 111.32 (4), 115.347,
18 118.125 (2) (i), 118.16 (2) (d), 118.163 (2) (e), 167.10 (6m) (f), 175.45 (9), 215.04
19 (1) (f), 227.03 (3m) (a), 227.43 (1) (by), 227.43 (2) (d), 227.43 (3) (d), 227.43 (4)
20 (d), 227.52, 227.59, 230.08 (2) (e) 6., 230.147 (1), 230.147 (2), 234.49 (1) (c),
21 236.335, 301.45 (9), 303.07 (7), 303.21 (1) (a), 443.06 (2) (e), 443.06 (2) (em),
22 445.095 (3), 454.10 (1), 560.15 (1) (intro.), 560.15 (1) (b) 1., 560.15 (3) (c) 6.,
23 560.73 (1) (i) 1., 560.73 (1) (i) 2., 560.75 (11), 560.795 (3) (e), 560.797 (4) (e),
24 565.30 (5), 565.30 (5m), 626.12 (3), 626.125 (3), 626.32 (1) (a), 645.47 (1) (a),
25 767.001 (1d), 769.31 (1), 893.44 (2), 905.15 (1), 938.342 (1) (e), 940.207 (title),

ASSEMBLY BILL 97

1 940.207 (2) (intro.), 940.207 (2) (a), 946.15 (1), 946.15 (2), 946.15 (3) and (4),
2 973.05 (5) (g) and 978.05 (4m); and ***to repeal and recreate*** 46.495 (1) (d),
3 46.495 (1) (dc), 46.495 (1) (f) 1., 48.57 (3m) (d) and 48.57 (3m) (e) of the statutes;
4 **relating to:** changing the name of the department of industry, labor and job
5 development to the department of workforce development.

Analysis by the Legislative Reference Bureau

The 1995-97 budget act changed the name of the department of industry, labor and human relations (DILHR) to the department of industry, labor and job development (DILJD) on July 1, 1996. This bill changes the name of DILJD to the department of workforce development (DWD).

For further information see the ***state and local*** 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:

6 **SECTION 1.** 13.83 (3) (f) 2. of the statutes is amended to read:

7 13.83 **(3)** (f) 2. The department of ~~industry, labor and job~~ workforce
8 development.

9 **SECTION 2.** 15.105 (22) of the statutes is amended to read:

10 15.105 **(22)** STATE USE BOARD. There is created a state use board which is
11 attached to the department of administration under s. 15.03. The board shall consist
12 of 8 members appointed to serve for 4-year terms, including a representative of the
13 department of administration; a representative of the subunit of the department of
14 health and family services which administers mental health laws; a representative
15 of the subunit of the department of ~~industry, labor and job development~~ workforce
16 development which administers vocational rehabilitation laws; 2 representatives of
17 private businesses, one of whom shall represent a small business; one representative

ASSEMBLY BILL 97**SECTION 2**

1 of a work center, as defined in s. 16.752; and one member who does not represent any
2 of the foregoing entities. A member vacates his or her office if the member loses the
3 status upon which his or her appointment is based. In this subsection, "small
4 business" means an independently owned and operated business which is not
5 dominant in its field and which has had less than \$2,500,000 in gross annual sales
6 for each of the 2 previous calendar years or has 25 or fewer employees.

7 **SECTION 3.** 15.155 (1) (a) 2. of the statutes is amended to read:

8 15.155 (1) (a) 2. The secretary of ~~industry, labor and job~~ workforce development
9 or the secretary's designee.

10 **SECTION 4.** 15.197 (11n) (a) 1. of the statutes is amended to read:

11 15.197 (11n) (a) 1. The secretary of ~~industry, labor and job~~ workforce
12 development.

13 **SECTION 5.** 15.22 of the statutes is amended to read:

14 **15.22** (title) **Department of industry, labor and job workforce**
15 **development; creation.** There is created a department of industry, labor and job
16 workforce development under the direction and supervision of the secretary of
17 ~~industry, labor and job~~ workforce development.

18 **SECTION 6.** 15.223 (1) of the statutes is amended to read:

19 15.223 (1) DIVISION OF EQUAL RIGHTS. There is created in the department of
20 ~~industry, labor and job~~ workforce development a division of equal rights.

21 **SECTION 7.** 15.223 (2) of the statutes is amended to read:

22 15.223 (2) DIVISION OF WORKFORCE EXCELLENCE. There is created in the
23 department of ~~industry, labor and job~~ workforce development a division of workforce
24 excellence.

25 **SECTION 8.** 15.225 (1) of the statutes is amended to read:

ASSEMBLY BILL 97

1 15.225 (1) LABOR AND INDUSTRY REVIEW COMMISSION. There is created a labor and
2 industry review commission which is attached to the department of ~~industry, labor~~
3 ~~and job~~ workforce development under s. 15.03, except the budget of the labor and
4 industry review commission shall be transmitted by the department to the governor
5 without change or modification by the department, unless agreed to by the labor and
6 industry review commission.

7 **SECTION 9.** 15.225 (2) (a) of the statutes is amended to read:

8 15.225 (2) (a) *Creation.* There is created a Wisconsin conservation corps board
9 which is attached to the department of ~~industry, labor and job~~ workforce
10 development under s. 15.03.

11 **SECTION 10.** 15.225 (2) (c) of the statutes is amended to read:

12 15.225 (2) (c) *Liaison representatives.* The secretary of agriculture, trade and
13 consumer protection, the secretary of health and family services, the secretary of
14 ~~industry, labor and job~~ workforce development, the secretary of natural resources
15 and the chancellor of the university of Wisconsin-extension, or a designee of such a
16 secretary or the chancellor, shall serve as liaison representatives to the Wisconsin
17 conservation corps board, and provide information to and assist the board. The
18 liaison representatives are not board members and may not vote on any board
19 decision or action.

20 **SECTION 11.** 15.227 (1) of the statutes is amended to read:

21 15.227 (1) EQUAL RIGHTS COUNCIL. There is created in the department of
22 ~~industry, labor and job~~ workforce development an equal rights council consisting of
23 not to exceed 35 members appointed for staggered 3-year terms. Members shall be
24 appointed from the entire state and shall be representative of all races, creeds,
25 groups, organizations and fields of endeavor. The equal rights council shall advise

ASSEMBLY BILL 97**SECTION 11**

1 the secretary of ~~industry, labor and job~~ workforce development and the division of
2 equal rights.

3 **SECTION 12.** 15.227 (3) of the statutes is amended to read:

4 15.227 (3) COUNCIL ON UNEMPLOYMENT COMPENSATION. There is created in the
5 department of ~~industry, labor and job~~ workforce development a council on
6 unemployment compensation appointed by the secretary of ~~industry, labor and job~~
7 workforce development to consist of 5 representatives of employers and 5
8 representatives of employes appointed to serve for 6-year terms and a permanent
9 classified employe of the department of ~~industry, labor and job~~ workforce
10 development who shall serve as nonvoting chairperson. In making appointments to
11 the council, the secretary shall give due consideration to achieving balanced
12 representation of the industrial, commercial, construction, nonprofit and public
13 sectors of the state's economy. One of the employer representatives shall be an owner
14 of a small business or a representative of an association primarily composed of small
15 businesses. In this subsection, "small business" means an independently owned and
16 operated business which is not dominant in its field and which has had less than
17 \$2,000,000 in gross annual sales for each of the previous 2 calendar years or has 25
18 or fewer employes. A member vacates his or her office if the member loses the status
19 upon which his or her appointment is based.

20 **SECTION 13.** 15.227 (4) of the statutes is amended to read:

21 15.227 (4) COUNCIL ON WORKER'S COMPENSATION. There is created in the
22 department of ~~industry, labor and job~~ workforce development a council on worker's
23 compensation appointed by the labor and industry review commission to consist of
24 a member or designated employe of the department of ~~industry, labor and job~~
25 workforce development or the labor and industry review commission as chairperson,

ASSEMBLY BILL 97

1 5 representatives of employers and 5 representatives of employees. The commission
2 shall also appoint 3 representatives of insurers authorized to do a worker's
3 compensation insurance business in this state as nonvoting members of the council.

4 **SECTION 14.** 15.227 (5) (intro.) of the statutes is amended to read:

5 15.227 (5) COUNCIL ON CHILD LABOR. (intro.) There is created in the department
6 of ~~industry, labor and job~~ workforce development a council on child labor to consist
7 of the following:

8 **SECTION 15.** 15.227 (8) of the statutes is amended to read:

9 15.227 (8) COUNCIL ON MIGRANT LABOR. There is created in the department of
10 ~~industry, labor and job~~ workforce development a council on migrant labor.
11 Nonlegislative members shall serve for staggered 3-year terms and shall include 6
12 representatives of employers of migrant workers and 6 representatives of migrant
13 workers and their organizations. Two members of the senate and 2 members of the
14 assembly shall be appointed to act as representatives of the public. Legislative
15 members shall be appointed as are members of standing committees and shall be
16 equally divided between the 2 major political parties.

17 **SECTION 16.** 15.227 (9) of the statutes is amended to read:

18 15.227 (9) CONSTRUCTION WAGE RATE COUNCIL. There is created in the
19 department of ~~industry, labor and job~~ workforce development a construction wage
20 rate council appointed by the labor and industry review commission.

21 **SECTION 17.** 15.227 (11) of the statutes is amended to read:

22 15.227 (11) SELF-INSURERS COUNCIL. There is created in the department of
23 ~~industry, labor and job~~ workforce development a self-insurers council consisting of
24 5 members appointed by the labor and industry review commission for 3-year terms.

25 **SECTION 18.** 15.227 (13) of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 18**

1 15.227 (13) WISCONSIN APPRENTICESHIP COUNCIL. There is created in the
2 department of ~~industry, labor and job~~ workforce development a Wisconsin
3 apprenticeship council appointed by the labor and industry review commission.

4 **SECTION 19.** 15.227 (14) of the statutes is amended to read:

5 15.227 (14) LABOR STANDARDS COUNCIL. There is created in the department of
6 ~~industry, labor and job~~ workforce development a labor standards council appointed
7 by the labor and industry review commission.

8 **SECTION 20.** 15.227 (17) (a) of the statutes is amended to read:

9 15.227 (17) (a) There is created in the department of ~~industry, labor and job~~
10 workforce development a labor and management council to advise the department
11 of ~~industry, labor and job~~ workforce development about sponsoring labor and
12 management conferences and meetings and promoting positive relations between
13 labor and management.

14 **SECTION 21.** 15.227 (24) (a) (intro.) of the statutes is amended to read:

15 15.227 (24) (a) (intro.) There is created in the department of ~~industry, labor and~~
16 ~~job~~ workforce development a governor's council on workforce excellence consisting
17 of the following members:

18 **SECTION 22.** 15.227 (24) (a) 1. of the statutes is amended to read:

19 15.227 (24) (a) 1. The secretary of ~~industry, labor and job~~ workforce
20 development or the secretary's designee.

21 **SECTION 23.** 15.94 (2) of the statutes is amended to read:

22 15.94 (2) The secretary of ~~industry, labor and job~~ workforce development or the
23 secretary's designee.

24 **SECTION 24.** 16.48 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 97

1 16.48 (1) (intro.) On or about January 15 of each odd-numbered year, the
2 secretary of ~~industry, labor and job~~ workforce development shall prepare and furnish
3 to the governor, the speaker of the assembly, the minority leader of the assembly, and
4 the majority and minority leaders of the senate:

5 **SECTION 25.** 16.48 (2) of the statutes is amended to read:

6 16.48 (2) Upon receipt of the statement and report under sub. (1), the governor
7 may convene a special committee consisting of the secretary of ~~industry, labor and~~
8 ~~job~~ workforce development and the legislative leaders specified in sub. (1) to review
9 the statement and report. Upon request of 2 or more of the legislative leaders
10 specified in sub. (1), the governor shall convene such a committee. The committee
11 shall attempt to reach a consensus concerning proposed changes to the
12 unemployment compensation laws and shall submit its recommendations to the
13 governor and legislature concurrently with the statement furnished under sub. (3).

14 **SECTION 26.** 16.48 (3) of the statutes is amended to read:

15 16.48 (3) On or about February 15 of each odd-numbered year, the secretary
16 of ~~industry, labor and job~~ workforce development, under the direction of the governor,
17 shall submit to each member of the legislature an updated statement of
18 unemployment compensation financial outlook which shall contain the information
19 specified in sub. (1) (a), together with the governor's recommendations and an
20 explanation for such recommendations, and a copy of the report required under sub.
21 (1) (b).

22 **SECTION 27.** 16.53 (1) (d) 2. of the statutes is amended to read:

23 16.53 (1) (d) 2. Costs for benefits under ch. 108 which are paid on an actual basis
24 may be charged to and collected from agencies by the secretary on an estimated or
25 premium basis, credited to appropriate appropriations, and paid from the

ASSEMBLY BILL 97**SECTION 27**

1 appropriations on an actual basis. If a billing submitted by the department of
2 ~~industry, labor and job~~ workforce development for payment of a specific claim for
3 benefits under s. 108.15 (7) remains unpaid by the agency to whom the billing is
4 submitted for more than 60 days after the billing is transmitted to the agency by the
5 secretary, the secretary may charge the cost of payment of the billing to the proper
6 appropriation of the agency to whom the billing is submitted without authorization
7 of the agency and notwithstanding any pending dispute concerning agency liability.
8 If it is finally determined that an agency is not liable in whole or in part for payment
9 of a billing previously submitted and paid, the secretary shall credit any refund
10 received to the appropriation from which the billing was paid, if it is available for
11 expenditure, or otherwise to the fund from which the billing was paid. Any credit to
12 a sum sufficient appropriation shall be made only to the fund from which the
13 appropriation is made. In addition, the secretary may charge agencies for the
14 department's costs of estimation, collection and payment of benefits under ch. 108
15 on a prorated basis in accordance with the percentage of costs attributable to each
16 agency. Service charges shall be paid into the appropriation made under s. 20.505
17 (1) (ka).

18 **SECTION 28.** 16.75 (6) (bm) of the statutes is amended to read:

19 16.75 **(6)** (bm) If the secretary determines that it is in the best interest of this
20 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
21 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by
22 the department of ~~industry, labor and job~~ workforce development under s. 49.143, if
23 the department of ~~industry, labor and job~~ workforce development presents the
24 secretary with a process for the procurement of contracts under s. 49.143 and the
25 secretary approves the process.

ASSEMBLY BILL 97

1 **SECTION 29.** 16.765 (10) of the statutes is amended to read:

2 16.765 (10) The department shall refer any individual complaints of
3 discrimination which are subject to investigation under subch. II of ch. 111 to the
4 department of ~~industry, labor and job~~ workforce development.

5 **SECTION 30.** 20.445 (intro.) of the statutes is amended to read:

6 **20.445** (title) ~~Industry, labor and job~~ Workforce development,
7 **department of.** (intro.) There is appropriated to the department of ~~industry, labor~~
8 ~~and job~~ workforce development for the following programs:

9 **SECTION 31.** 20.445 (1) (title) of the statutes is amended to read:

10 20.445 (1) (title) ~~INDUSTRY, LABOR AND JOB~~ WORKFORCE DEVELOPMENT.

11 **SECTION 32.** 20.445 (1) (sm) of the statutes is amended to read:

12 20.445 (1) (sm) *Uninsured employers fund; payments.* From the uninsured
13 employers fund, a sum sufficient to make the payments under s. 102.81 (1) and to
14 obtain reinsurance under s. 102.81 (2). No moneys may be expended or encumbered
15 under this paragraph until the first day of the first July beginning after the day that
16 the secretary of ~~industry, labor and job~~ workforce development files the certificate
17 under s. 102.80 (3) (a).

18 **SECTION 33.** 20.445 (3) (p) of the statutes is amended to read:

19 20.445 (3) (p) *Federal aid; income maintenance payments.* All federal moneys
20 received for meeting costs of county administered public assistance programs under
21 subch. III of ch. 49, the costs of the child and spousal support and establishment of
22 paternity program under s. 49.22 and the cost of child care and related
23 transportation under s. 49.26 (1) (e). Disbursements under s. 46.03 (20) may be made
24 from this appropriation. Any disbursement made under this appropriation to carry
25 out a contract under ss. 49.22 (7) and 59.53 (5) shall be in accordance with the

ASSEMBLY BILL 97**SECTION 33**

1 formula established by the department of ~~industry, labor and job~~ workforce
2 development under s. 49.22 (7).

3 **SECTION 34.** 20.505 (4) (kp) of the statutes is amended to read:

4 20.505 (4) (kp) *Hearings and appeals fees.* The amounts in the schedule for
5 hearings and appeals services to the departments of health and family services and
6 ~~industry, labor and job~~ workforce development. All moneys received from the fees
7 charged under s. 227.43 (3) (c) and (d) shall be credited to this appropriation account.

8 **SECTION 35.** 20.923 (4) (e) 3. of the statutes is amended to read:

9 20.923 (4) (e) 3. ~~Industry, labor and job~~ Workforce development: employment
10 and training: executive director.

11 **SECTION 36.** 20.923 (4) (e) 4. of the statutes is amended to read:

12 20.923 (4) (e) 4. ~~Industry, labor and job~~ Workforce development, department
13 of: labor and industry review commission: member and chairperson.

14 **SECTION 37.** 20.923 (4) (f) 4. of the statutes is amended to read:

15 20.923 (4) (f) 4. ~~Industry, labor and job~~ Workforce development, department of:
16 secretary.

17 **SECTION 38.** 36.11 (6) (a) 2. of the statutes is amended to read:

18 36.11 (6) (a) 2. Make grants equivalent in value to the payment of incidental
19 fees to disabled residents of the state who are recommended and supervised by the
20 department of ~~industry, labor and job~~ workforce development under s. 47.02.

21 **SECTION 39.** 38.30 (1) (b) of the statutes is amended to read:

22 38.30 (1) (b) District boards may receive payments from the department of
23 ~~industry, labor and job~~ workforce development under s. 47.02 to cover the cost of
24 training for resident and nonresident students who are enrolled in district schools
25 and are veterans ineligible for benefits under par. (a).

ASSEMBLY BILL 97

1 **SECTION 40.** 38.51 (6) (b) 1. of the statutes is amended to read:

2 38.51 **(6)** (b) 1. On the job and apprenticeship training program, the
3 department of ~~industry, labor and job~~ workforce development.

4 **SECTION 41.** 40.02 (25) (a) 3. of the statutes is amended to read:

5 40.02 **(25)** (a) 3. The blind employes of the Wisconsin workshop for the blind
6 authorized under s. 47.03 (1) (b), 1989 stats., or of the nonprofit corporation with
7 which the department of ~~industry, labor and job~~ workforce development contracts
8 under s. 47.03 (1m) (a), 1989 stats., as of the beginning of the calendar month
9 following completion of 1,000 hours of service. Persons employed by an employer who
10 are blind when hired shall not be eligible for life insurance premium waiver because
11 of any disability which is directly or indirectly attributed to blindness and may
12 convert life insurance coverage only once under the contract; or

13 **SECTION 42.** 40.02 (54) (f) of the statutes is amended to read:

14 40.02 **(54)** (f) The nonprofit corporation with which the department of ~~industry,~~
15 ~~labor and job~~ workforce development contracts under s. 47.03 (1m) (a), 1989 stats.

16 **SECTION 43.** 40.63 (6) of the statutes is amended to read:

17 40.63 **(6)** Any person entitled to payments under this section who may
18 otherwise be entitled to payments under s. 66.191, 1981 stats., may file with the
19 department and the department of ~~industry, labor and job~~ workforce development a
20 written election to waive payments due under this section and accept in lieu of the
21 payments under this section payments as may be payable under s. 66.191, 1981
22 stats., but no person may receive payments under both s. 66.191, 1981 stats., and this
23 section. However any person otherwise entitled to payments under this section may
24 receive the payments, without waiver of any rights under s. 66.191, 1981 stats.,
25 during any period as may be required for a determination of the person's rights under

ASSEMBLY BILL 97**SECTION 43**

1 s. 66.191, 1981 stats. Upon the final adjudication of the person's rights under s.
2 66.191, 1981 stats., if waiver is filed under this section, the person shall immediately
3 cease to be entitled to payments under this section and the system shall be
4 reimbursed from the award made under s. 66.191, 1981 stats., for all payments made
5 under this section.

6 **SECTION 44.** 40.65 (2) (a) of the statutes is amended to read:

7 40.65 (2) (a) This paragraph applies to participants who first apply for benefits
8 before May 3, 1988. Any person desiring a benefit under this section must apply to
9 the department of ~~industry, labor and job~~ workforce development, which department
10 shall determine whether the applicant is eligible to receive the benefit and the
11 participant's monthly salary. Appeals from the eligibility decision shall follow the
12 procedures under ss. 102.16 to 102.26. If it is determined that an applicant is eligible,
13 the department of ~~industry, labor and job~~ workforce development shall notify the
14 department of employe trust funds and shall certify the applicant's monthly salary.
15 If at the time of application for benefits an applicant is still employed in any capacity
16 by the employer in whose employ the disabling injury occurred or disease was
17 contracted, that continued employment shall not affect that applicant's right to have
18 his or her eligibility to receive those benefits determined in proceedings before the
19 department of ~~industry, labor and job~~ workforce development or the labor and
20 industry review commission or in proceedings in the courts. The department of
21 ~~industry, labor and job~~ workforce development may promulgate rules needed to
22 administer this paragraph.

23 **SECTION 45.** 40.65 (2) (b) 3. of the statutes is amended to read:

24 40.65 (2) (b) 3. The department shall determine whether or not the applicant
25 is eligible for benefits under this section on the basis of the evidence in subd. 2. An

ASSEMBLY BILL 97

1 applicant may appeal a determination under this subdivision to the department of
2 industry, labor and job workforce development.

3 **SECTION 46.** 40.65 (2) (b) 4. of the statutes is amended to read:

4 40.65 (2) (b) 4. In hearing an appeal under subd. 3., the department of ~~industry,~~
5 ~~labor and job~~ workforce development shall follow the procedures under ss. 102.16 to
6 102.26.

7 **SECTION 47.** 45.35 (6) of the statutes is amended to read:

8 45.35 (6) COORDINATION DUTIES. The department shall coordinate the activities
9 of all state agencies and the University of Wisconsin Hospitals and Clinics Authority
10 performing functions relating to the medical, hospital, or other remedial care,
11 placement and training, educational, economic or vocational rehabilitation of
12 persons who served in the armed forces of the United States at any time and who
13 were honorably discharged, including such persons with disabilities whether or not
14 service-connected or war-connected. In particular it shall coordinate the activities
15 of the technical college system board, state selective service administration,
16 department of health and family services, department of ~~industry, labor and job~~
17 workforce development, department of ~~education~~ public instruction, the university
18 of Wisconsin system and other educational institutions, the University of Wisconsin
19 Hospitals and Clinics Authority, and all other departments or agencies performing
20 any of the functions specified, to the end that the benefits provided in this section
21 may be made available to veterans as promptly and effectively as possible.

22 **SECTION 48.** 45.35 (9) of the statutes is amended to read:

23 45.35 (9) VOCATIONAL TRAINING. The department in cooperation with the
24 department of ~~industry, labor and job~~ workforce development shall make available
25 to disabled veterans the benefits of vocational training and guidance, including

ASSEMBLY BILL 97**SECTION 48**

1 veterans who have filed claims for federal rehabilitation benefits and during the
2 pendency of such claims. In cases where such claims are allowed and federal
3 reimbursement is made to the state, such money shall be paid into and become a part
4 of the veterans trust fund.

5 **SECTION 49.** 45.35 (10) of the statutes is amended to read:

6 45.35 (10) PLACEMENT OF VETERANS. The department in cooperation with the
7 department of ~~industry, labor and job~~ workforce development and state selective
8 service administration or any other federal, state or local agency shall formulate and
9 carry out plans for the training and placement of veterans.

10 **SECTION 50.** 45.397 (2) (a) of the statutes is amended to read:

11 45.397 (2) (a) The veteran is enrolled or accepted for enrollment in an
12 institution of higher education, as defined in s. 39.32 (1) (a), in the state or is engaged
13 in a structured on-the-job training program certified by the department of ~~industry,~~
14 ~~labor and job~~ workforce development or the U.S. department of veterans affairs.

15 **SECTION 51.** 45.50 (1) (b) of the statutes is amended to read:

16 45.50 (1) (b) In the event of any dispute arising under par. (a), the matter shall
17 be referred to the department of ~~industry, labor and job~~ workforce development for
18 determination except as the matters pertain to any classified employe of the state,
19 in which case the matter shall be referred to the director of personnel. Orders and
20 determinations of the department of ~~industry, labor and job~~ workforce development
21 under this section may be reviewed in the manner provided in ch. 227.

22 **SECTION 52.** 46.03 (7) (bm) of the statutes is amended to read:

23 46.03 (7) (bm) Maintain a file containing records of artificial inseminations
24 under s. 891.40 and records of declarations of paternal interest under s. 48.025 and
25 of statements acknowledging paternity under s. 69.15 (3) (b). The department shall

ASSEMBLY BILL 97

1 release these records only upon an order of the court except that the department may
2 use nonidentifying information concerning artificial inseminations for the purpose
3 of compiling statistics and except that records relating to declarations of paternal
4 interest and statements acknowledging paternity shall be released to the
5 department of ~~industry, labor and job~~ workforce development or its designee under
6 s. ~~59.07 (97)~~ 59.53 (5) without a court order upon the request of the department of
7 ~~industry, labor and job~~ workforce development or its designee under s. 59.53 (5)
8 pursuant to the program responsibilities under s. 49.22 or by any other person with
9 a direct and tangible interest in the record.

10 **SECTION 53.** 46.10 (14) (b) of the statutes is amended to read:

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

20 **SECTION 54.** 46.10 (14) (e) 4. of the statutes is amended to read:

21 46.10 (14) (e) 4. No employer may use an assignment under this paragraph as
22 a basis for the denial of employment to a person, the discharge of an employe or any
23 disciplinary action against an employe. An employer who denies employment or
24 discharges or disciplines an employe in violation of this subdivision may be fined not
25 more than \$500 and may be required to make full restitution to the aggrieved person,

ASSEMBLY BILL 97**SECTION 54**

1 including reinstatement and back pay. Except as provided in this subdivision,
2 restitution shall be in accordance with s. 973.20. An aggrieved person may apply to
3 the district attorney or to the department of ~~industry, labor and job~~ workforce
4 development for enforcement of this subdivision.

5 **SECTION 55.** 46.215 (1) (d) of the statutes is amended to read:

6 46.215 (1) (d) To make investigations that relate to services under subchs. II,
7 IV and V of ch. 49 upon request by the department of health and family services, to
8 make investigations that relate to juvenile delinquency-related services at the
9 request of the department of corrections and to make investigations that relate to
10 programs under subch. III of ch. 49 upon request by the department of ~~industry, labor~~
11 ~~and job~~ workforce development.

12 **SECTION 56.** 46.215 (1) (j) of the statutes is amended to read:

13 46.215 (1) (j) To make payments in such manner as the department of ~~industry,~~
14 ~~labor and job~~ workforce development may determine for training of recipients,
15 former recipients and potential recipients of aid in programs established under ss.
16 49.193 and 49.26 (1).

17 **SECTION 57.** 46.215 (2) (a) 2. of the statutes is amended to read:

18 46.215 (2) (a) 2. In order to ensure the availability of a full range of care and
19 services, the county department of social services may contract, either directly or
20 through the department of ~~industry, labor and job~~ workforce development, with
21 public or voluntary agencies or others to purchase, in full or in part, care and services
22 under subch. III of ch. 49 which the county department of social services is
23 authorized to furnish. This care and these services may be purchased from the
24 department of ~~industry, labor and job~~ workforce development if the department of
25 ~~industry, labor and job~~ workforce development has staff to furnish the services. If

ASSEMBLY BILL 97

1 the county department of social services has adequate staff, it may sell the care and
2 services directly to another county or state agency.

3 **SECTION 58.** 46.215 (2) (b) of the statutes is amended to read:

4 46.215 (2) (b) A county department of social services may purchase
5 development and training services from the department of health and family
6 services, from the department of ~~industry, labor and job~~ workforce development,
7 from the department of corrections or from other county agencies when the services
8 are available. A county department of social services may sell the development and
9 staff training services to another county or state agency if the county department has
10 adequate staff to provide the services.

11 **SECTION 59.** 46.215 (2) (c) 2. of the statutes is amended to read:

12 46.215 (2) (c) 2. A county department of social services shall develop, under the
13 requirements of s. 49.34, plans and contracts for care and services to be purchased
14 under subch. III of ch. 49. The department of ~~industry, labor and job~~ workforce
15 development may review the contracts and approve them if they are consistent with
16 s. 49.34 and if state or federal funds are available for such purposes. The joint
17 committee on finance may require the department of ~~industry, labor and job~~
18 workforce development to submit the contracts to the committee for review and
19 approval. The department of ~~industry, labor and job~~ workforce development may not
20 make any payments to a county for programs included in a contract under review by
21 the committee.

22 **SECTION 60.** 46.215 (3) of the statutes is amended to read:

23 46.215 (3) PROGRAM BUDGETS. The county department of social services shall
24 submit a final budget to the department of health and family services under s. 46.031
25 (1), to the department of corrections under s. 301.031 (1) and to the department of

ASSEMBLY BILL 97**SECTION 60**

1 ~~industry, labor and job~~ workforce development under s. 49.325 (1), for authorized
2 services.

3 **SECTION 61.** 46.22 (1) (b) 2. (intro.), c. and e. of the statutes are amended to read:

4 46.22 (1) (b) 2. (intro.) A county department of social services shall have the
5 following functions, duties and powers in accordance with the rules promulgated by
6 the department of ~~industry, labor and job~~ workforce development and subject to the
7 supervision of the department of ~~industry, labor and job~~ workforce development:

8 c. To make investigations as provided under subch. III of ch. 49 upon request
9 by the department of ~~industry, labor and job~~ workforce development.

10 e. To make payments in such manner as the department of ~~industry, labor and~~
11 ~~job~~ workforce development may determine for training of recipients, former
12 recipients and potential recipients of aid in programs established under ss. 49.193
13 and 49.26 (1).

14 **SECTION 62.** 46.22 (1) (b) 3. (intro.) and d. of the statutes are amended to read:

15 46.22 (1) (b) 3. (intro.) A county department of social services shall have the
16 following functions, duties and powers in accordance with the rules promulgated and
17 standards established by the department of health and family services and subject
18 to the supervision of the department of ~~industry, labor and job~~ workforce
19 development:

20 d. To submit a final budget to the department of ~~industry, labor and job~~
21 workforce development in accordance with s. 49.325 for services authorized in this
22 subdivision.

23 **SECTION 63.** 46.22 (1) (d) of the statutes is amended to read:

24 46.22 (1) (d) *Merit system; records.* The county department of social services
25 is subject to s. 49.33 (4) to (7). The county department of social services and all county

ASSEMBLY BILL 97

1 officers and employes performing any duties in connection with the administration
2 of aid to families with dependent children shall observe all rules promulgated by the
3 department of ~~industry, labor and job~~ workforce development under s. 49.33 (4) and
4 shall keep records and furnish reports as the department of ~~industry, labor and job~~
5 workforce development requires in relation to their performance of such duties.

6 **SECTION 64.** 46.22 (1) (e) 1. of the statutes is amended to read:

7 46.22 (1) (e) 1. In order to ensure the availability of a full range of care and
8 services, a county department of social services may contract, either directly or
9 through the department of health and family services, the department of ~~industry,~~
10 ~~labor and job~~ workforce development or the department of corrections, with public
11 or voluntary agencies or others to purchase, in full or in part, care and services which
12 the county department of social services is authorized by any statute to furnish in
13 any manner. The services may be purchased from the department of health and
14 family services, the department of ~~industry, labor and job~~ workforce development or
15 the department of corrections if the department of health and family services, the
16 department of ~~industry, labor and job~~ workforce development or the department of
17 corrections has staff to furnish the services. The county department of social
18 services, if it has adequate staff, may sell the care and services directly to another
19 county or state agency.

20 **SECTION 65.** 46.22 (1) (e) 2. of the statutes is amended to read:

21 46.22 (1) (e) 2. A county department of social services may purchase
22 development and training services from the department of health and family
23 services, the department of ~~industry, labor and job~~ workforce development or the
24 department of corrections or from other county agencies if the services are available

ASSEMBLY BILL 97**SECTION 65**

1 or sell the development and staff training services to another county or state agency
2 if the county department of social services has adequate staff to provide the services.

3 **SECTION 66.** 46.22 (1) (e) 3. b. of the statutes is amended to read:

4 46.22 (1) (e) 3. b. A county department of social services shall develop, under
5 the requirements of s. 49.34, plans and contracts for care and services under subch.
6 III of ch. 49 to be purchased. The department of ~~industry, labor and job~~ workforce
7 development may review the contracts and approve them if they are consistent with
8 s. 49.34 and to the extent that state or federal funds are available for such purposes.
9 The joint committee on finance may require the department of ~~industry, labor and~~
10 ~~job~~ workforce development to submit the contracts to the committee for review and
11 approval. The department of ~~industry, labor and job~~ workforce development may not
12 make any payments to a county for programs included in the contract that is under
13 review by the committee.

14 **SECTION 67.** 46.22 (2g) (d) of the statutes is amended to read:

15 46.22 (2g) (d) Prepare, with the assistance of the county social services director
16 under sub. (3m) (b) 5., a proposed budget for submission to the county executive or
17 county administrator, a final budget for submission to the department of health and
18 family services in accordance with s. 46.031 (1) for authorized services, except
19 services under subch. III of ch. 49 or s. 301.08 (2), a final budget for submission to
20 the department of ~~industry, labor and job~~ workforce development in accordance with
21 s. 49.325 for authorized services under subch. III of ch. 49 and a final budget for
22 submission to the department of corrections in accordance with s. 301.031 (1) for
23 authorized juvenile delinquency-related services.

24 **SECTION 68.** 46.22 (3m) (b) 12. of the statutes is amended to read:

ASSEMBLY BILL 97

1 46.22 (3m) (b) 12. Establish priorities in addition to those mandated by the
2 department of health and family services, by the department of ~~industry, labor and~~
3 ~~job~~ workforce development or by the department of corrections.

4 **SECTION 69.** 46.22 (3m) (b) 17. b. of the statutes is amended to read:

5 46.22 (3m) (b) 17. b. Such other reports as are required by the secretary of
6 health and family services, the secretary of ~~industry, labor and job~~ workforce
7 development, the secretary of corrections and the county board of supervisors.

8 **SECTION 70.** 46.23 (3) (a) of the statutes is amended to read:

9 46.23 (3) (a) *Creation.* Upon approval by the secretary of health and family
10 services, by the secretary of corrections and by the secretary of ~~industry, labor and~~
11 ~~job~~ workforce development of a feasibility study and a program implementation plan,
12 the county board of supervisors of any county with a population of less than 500,000,
13 or the county boards of supervisors of 2 or more contiguous counties, each of which
14 has a population of less than 500,000, may establish by resolution a county
15 department of human services on a single-county or multicounty basis to provide the
16 services required under this section. The county department of human services shall
17 consist of the county human services board, the county human services director and
18 necessary personnel.

19 **SECTION 71.** 46.23 (3) (am) 4. of the statutes is amended to read:

20 46.23 (3) (am) 4. No funds may be allocated to any multicounty department of
21 human services until the counties have drawn up a detailed contractual agreement,
22 approved by the secretary of health and family services, by the secretary of
23 corrections and by the secretary of ~~industry, labor and job~~ workforce development,
24 setting forth the plan for joint sponsorship.

25 **SECTION 72.** 46.23 (5) (a) 2. of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 72**

1 46.23 (5) (a) 2. Shall determine administrative and program policies under
2 subch. III of ch. 49 within limits established by the department of ~~industry, labor and~~
3 ~~job~~ workforce development. Policy decisions under subch. III of ch. 49 not reserved
4 by statute for the department of ~~industry, labor and job~~ workforce development may
5 be delegated by the secretary of ~~industry, labor and job~~ workforce development to the
6 county human services board.

7 **SECTION 73.** 46.23 (5) (b) of the statutes is amended to read:

8 46.23 (5) (b) Shall establish priorities in addition to those mandated by the
9 department of health and family services, the department of corrections or the
10 department of ~~industry, labor and job~~ workforce development.

11 **SECTION 74.** 46.23 (5m) (c) of the statutes is amended to read:

12 46.23 (5m) (c) Prepare, with the assistance of the county human services
13 director under sub. (6m) (e), a proposed budget for submission to the county executive
14 or county administrator, a final budget for submission to the department of health
15 and family services in accordance with s. 46.031 (1) for authorized services, except
16 services under subch. III of ch. 49 and juvenile delinquency-related services, a final
17 budget for submission to the department of ~~industry, labor and job~~ workforce
18 development in accordance with s. 49.325 for authorized services under subch. III of
19 ch. 49 and a final budget for submission to the department of corrections in
20 accordance with s. 301.031 for authorized juvenile delinquency-related services.

21 **SECTION 75.** 46.23 (6) (a) (intro.) of the statutes is amended to read:

22 46.23 (6) (a) (intro.) A county human services director appointed under sub. (5)
23 (f) shall have all of the administrative and executive powers and duties of managing,
24 operating, maintaining and improving the programs of the county department of
25 human services, subject to the rules promulgated by the department of health and

ASSEMBLY BILL 97

1 family services for programs, except services or programs under subch. III of ch. 49
2 and juvenile delinquency-related services or programs, subject to the rules
3 promulgated by the department of ~~industry, labor and job~~ workforce development for
4 services or programs under subch. III of ch. 49 and subject to the rules promulgated
5 by the department of corrections for juvenile delinquency-related services or
6 programs. In consultation with the county human services board under sub. (5) and
7 subject to its approval, the county human services director shall prepare:

8 **SECTION 76.** 46.23 (6) (a) 3. of the statutes is amended to read:

9 46.23 (6) (a) 3. Such other reports as are required by the secretary of health and
10 family services, by the secretary of corrections or by the secretary of ~~industry, labor~~
11 ~~and job~~ workforce development and the county board of supervisors in a county with
12 a single-county department of human services or the county boards of supervisors
13 in counties with a multicounty department of human services.

14 **SECTION 77.** 46.247 of the statutes is amended to read:

15 **46.247 Application of child support standard for certain children.** For
16 purposes of determining child support under s. 46.10 (14) (b), the department shall
17 promulgate rules related to the application of the standard established by the
18 department of ~~industry, labor and job~~ workforce development under s. 49.22 (9) to a
19 child support obligation for the care and maintenance of a child who is placed by a
20 court order under s. 48.355, 48.357, 938.183 (2), 938.355 or 938.357 in a residential,
21 nonmedical facility. The rules shall take into account the needs of any person,
22 including dependent children other than the child, whom either parent is legally
23 obligated to support.

24 **SECTION 78.** 46.29 (3) (c) of the statutes is amended to read:

25 46.29 (3) (c) The secretary of ~~industry, labor and job~~ workforce development.

ASSEMBLY BILL 97**SECTION 79**

1 **SECTION 79.** 46.495 (1) (d) of the statutes is amended to read:

2 46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the
3 department of health and family services shall distribute the funding for social
4 services, including funding for foster care or treatment foster care of a child on whose
5 behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22
6 and 46.23 as provided under s. 46.40. From the appropriations under s. 20.445 (3)
7 (cp), (jg) and (md), the department of ~~industry, labor and job~~ workforce development
8 shall distribute funding for at-risk and low-income child care under s. 49.132 (2) (a).
9 County matching funds are required for the distributions under ss. 46.40 (2) and (8)
10 and 49.132 (2) (a). Each county's required match for a year equals 9.89% of the total
11 of the county's distributions for that year for which matching funds are required plus
12 the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for
13 juvenile delinquency-related services from its distribution for 1987. Matching funds
14 may be from county tax levies, federal and state revenue sharing funds or private
15 donations to the county that meet the requirements specified in s. 51.423 (5). Private
16 donations may not exceed 25% of the total county match. If the county match is less
17 than the amount required to generate the full amount of state and federal funds
18 distributed for this period, the decrease in the amount of state and federal funds
19 equals the difference between the required and the actual amount of county
20 matching funds.

21 **SECTION 80.** 46.495 (1) (d) of the statutes, as affected by 1995 Wisconsin Act 404
22 and 1997 Wisconsin Act (this act), is repealed and recreated to read:

23 46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the
24 department shall distribute the funding for social services, including funding for
25 foster care or treatment foster care of a child on whose behalf aid is received under

ASSEMBLY BILL 97

1 s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23 as provided under
2 s. 46.40. County matching funds are required for the distributions under s. 46.40 (2)
3 and (8). Each county's required match for a year equals 9.89% of the total of the
4 county's distributions for that year for which matching funds are required plus the
5 amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile
6 delinquency-related services from its distribution for 1987. Matching funds may be
7 from county tax levies, federal and state revenue sharing funds or private donations
8 to the county that meet the requirements specified in s. 51.423 (5). Private donations
9 may not exceed 25% of the total county match. If the county match is less than the
10 amount required to generate the full amount of state and federal funds distributed
11 for this period, the decrease in the amount of state and federal funds equals the
12 difference between the required and the actual amount of county matching funds.

13 **SECTION 81.** 46.495 (1) (dc) of the statutes is amended to read:

14 46.495 (1) (dc) The department of health and family services shall prorate the
15 amount allocated by that department to any county department under s. 46.215 or
16 46.22 under par. (d) to reflect actual federal funds available. The department of
17 ~~industry, labor and job~~ workforce development shall prorate the amount allocated by
18 that department to any county department under s. 46.215 or 46.22 under par. (d)
19 to reflect actual federal funds available.

20 **SECTION 82.** 46.495 (1) (dc) of the statutes, as affected by 1995 Wisconsin Act
21 404 and 1997 Wisconsin Act (this act), is repealed and recreated to read:

22 46.495 (1) (dc) The department shall prorate the amount allocated to any
23 county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal
24 funds available.

25 **SECTION 83.** 46.495 (1) (f) 1. of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 83**

1 46.495 (1) (f) 1. If any state matching funds allocated by the department of
2 health and family services under par. (d) to match county funds are not claimed, the
3 funds shall be redistributed for the purposes that department designates. If any
4 state matching funds allocated by the department of ~~industry, labor and job~~
5 workforce development under par. (d) to match county funds are not claimed, the
6 funds shall be redistributed for the purposes that department designates.

7 **SECTION 84.** 46.495 (1) (f) 1. of the statutes, as affected by 1995 Wisconsin Act
8 404 and 1997 Wisconsin Act (this act), is repealed and recreated to read:

9 46.495 (1) (f) 1. If any state matching funds allocated under par. (d) to match
10 county funds are not claimed, the funds shall be redistributed for the purposes the
11 department designates.

12 **SECTION 85.** 46.56 (14) (a) (intro.) of the statutes is amended to read:

13 46.56 (14) (a) (intro.) In order to support the development of a comprehensive
14 system of coordinated care for children with severe disabilities and their families, the
15 department shall establish a statewide advisory committee with representatives of
16 county departments, the department of ~~education~~ public instruction, educational
17 agencies, professionals experienced in the provision of services to children with
18 severe disabilities, families with children with severe disabilities, advocates for such
19 families and their children, the subunit of the department of ~~industry, labor and job~~
20 workforce development that administers vocational rehabilitation, the technical
21 college system, health care providers, courts assigned to exercise jurisdiction under
22 chs. 48 and 938, child welfare officials, and other appropriate persons as selected by
23 the department. The department may use an existing committee for this purpose if
24 it has representatives from the listed groups and is willing to perform the required
25 functions. This committee shall do all of the following:

ASSEMBLY BILL 97

1 **SECTION 86.** 46.90 (4) (b) 2. b. of the statutes is amended to read:

2 46.90 (4) (b) 2. b. Any employe of an employer not described in subd. 2. a. who
3 is discharged or otherwise discriminated against may file a complaint with the
4 department of ~~industry, labor and job~~ workforce development under s. 106.06 (5).

5 **SECTION 87.** 47.01 (1m) of the statutes is amended to read:

6 47.01 (1m) "Department" means the department of ~~industry, labor and job~~
7 workforce development.

8 **SECTION 88.** 48.30 (6) of the statutes is amended to read:

9 48.30 (6) If a petition is not contested, the court shall set a date for the
10 dispositional hearing which allows reasonable time for the parties to prepare but is
11 no more than 10 days from the plea hearing for the child who is held in secure custody
12 and no more than 30 days from the plea hearing for a child who is not held in secure
13 custody. If it appears to the court that disposition of the case may include placement
14 of the child outside the child's home, the court shall order the child's parent to provide
15 a statement of income, assets, debts and living expenses to the court or the
16 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
17 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
18 provide, without charge, to any parent ordered to provide a statement of income,
19 assets, debts and living expenses a document setting forth the percentage standard
20 established by the department of ~~industry, labor and job~~ workforce development
21 under s. 49.22 (9) and the manner of its application established by the department
22 of health and family services under s. 46.247 and listing the factors that a court may
23 consider under s. 46.10 (14) (c). If all parties consent the court may proceed
24 immediately with the dispositional hearing.

25 **SECTION 89.** 48.31 (7) of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 89**

1 48.31 (7) At the close of the fact-finding hearing, the court shall set a date for
2 the dispositional hearing which allows a reasonable time for the parties to prepare
3 but is no more than 10 days from the fact-finding hearing for a child in secure custody
4 and no more than 30 days from the fact-finding hearing for a child not held in secure
5 custody. If it appears to the court that disposition of the case may include placement
6 of the child outside the child's home, the court shall order the child's parent to provide
7 a statement of income, assets, debts and living expenses to the court or the
8 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
9 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
10 provide, without charge, to any parent ordered to provide a statement of income,
11 assets, debts and living expenses a document setting forth the percentage standard
12 established by the department of ~~industry, labor and job~~ workforce development
13 under s. 49.22 (9) and the manner of its application established by the department
14 of health and family services under s. 46.247 and listing the factors that a court may
15 consider under s. 46.10 (14) (c). If all parties consent, the court may immediately
16 proceed with a dispositional hearing.

17 **SECTION 90.** 48.357 (5m) of the statutes is amended to read:

18 48.357 (5m) If a proposed change in placement changes a child's placement
19 from a placement in the child's home to a placement outside the child's home, the
20 court shall order the child's parent to provide a statement of income, assets, debts
21 and living expenses to the court or the person or agency primarily responsible for
22 implementing the dispositional order by a date specified by the court. The clerk of
23 court shall provide, without charge, to any parent ordered to provide a statement of
24 income, assets, debts and living expenses a document setting forth the percentage
25 standard established by the department of ~~industry, labor and job~~ workforce

ASSEMBLY BILL 97

1 development under s. 49.22 (9) and the manner of its application established by the
2 department of health and family services under s. 46.247 and listing the factors that
3 a court may consider under s. 46.10 (14) (c). If the child is placed outside the child's
4 home, the court shall determine the liability of the parent in the manner provided
5 in s. 46.10 (14).

6 **SECTION 91.** 48.36 (1) (b) of the statutes is amended to read:

7 48.36 (1) (b) In determining the amount of support under par. (a), the court may
8 consider all relevant financial information or other information relevant to the
9 parent's earning capacity, including information reported to the department of
10 ~~industry, labor and job~~ workforce development, or the county child and spousal
11 support agency, under s. 49.22 (2m). If the court has insufficient information with
12 which to determine the amount of support, the court shall order the child's parent
13 to furnish a statement of income, assets, debts and living expenses, if the parent has
14 not already done so, to the court within 10 days after the court's order transferring
15 custody or designating an alternative placement is entered or at such other time as
16 ordered by the court.

17 **SECTION 92.** 48.363 (1) of the statutes is amended to read:

18 48.363 (1) A child, the child's parent, guardian or legal custodian, any person
19 or agency bound by a dispositional order or the district attorney or corporation
20 counsel in the county in which the dispositional order was entered may request a
21 revision in the order that does not involve a change in placement, including a revision
22 with respect to the amount of child support to be paid by a parent, or the court may
23 on its own motion propose such a revision. The request or court proposal shall set
24 forth in detail the nature of the proposed revision and what new information is
25 available that affects the advisability of the court's disposition. The request or court

ASSEMBLY BILL 97**SECTION 92**

1 proposal shall be submitted to the court. The court shall hold a hearing on the matter
2 if the request or court proposal indicates that new information is available which
3 affects the advisability of the court's dispositional order and prior to any revision of
4 the dispositional order, unless written waivers of objections to the revision are signed
5 by all parties entitled to receive notice and the court approves. If a hearing is held,
6 the court shall notify the child, the child's parent, guardian and legal custodian, all
7 parties bound by the dispositional order, the child's foster parent, treatment foster
8 parent or other physical custodian described in s. 48.62 (2), and the district attorney
9 or corporation counsel in the county in which the dispositional order was entered at
10 least 3 days prior to the hearing. A copy of the request or proposal shall be attached
11 to the notice. If the proposed revision is for a change in the amount of child support
12 to be paid by a parent, the court shall order the child's parent to provide a statement
13 of income, assets, debts and living expenses to the court and the person or agency
14 primarily responsible for implementing the dispositional order by a date specified by
15 the court. The clerk of court shall provide, without charge, to any parent ordered to
16 provide a statement of income, assets, debts and living expenses a document setting
17 forth the percentage standard established by the department of ~~industry, labor and~~
18 ~~job~~ workforce development under s. 49.22 (9) and the manner of its application
19 established by the department of health and family services under s. 46.247 and
20 listing the factors that a court may consider under s. 46.10 (14) (c). If all parties
21 consent, the court may proceed immediately with the hearing. No revision may
22 extend the effective period of the original order.

23 **SECTION 93.** 48.57 (3m) (a) 1. of the statutes is amended to read:

24 48.57 (3m) (a) 1. "Department" means the department of ~~industry, labor and~~
25 ~~job~~ workforce development.

ASSEMBLY BILL 97

1 **SECTION 94.** 48.57 (3m) (d) of the statutes is amended to read:

2 48.57 **(3m)** (d) The county department shall review a placement of a child for
3 which the department of ~~industry, labor and job~~ workforce development makes
4 payments under par. (am) not less than every 12 months after the department of
5 ~~industry, labor and job~~ workforce development begins making those payments to
6 determine whether the conditions specified in par. (am) continue to exist. If those
7 conditions do not continue to exist, the department shall discontinue making those
8 payments.

9 **SECTION 95.** 48.57 (3m) (d) of the statutes, as affected by 1995 Wisconsin Act
10 289 and 1997 Wisconsin Act (this act), is repealed and recreated to read:

11 48.57 **(3m)** (d) A county department shall review a placement of a child for
12 which the county department makes payments under par. (am) not less than every
13 12 months after the county department begins making those payments to determine
14 whether the conditions specified in par. (am) continue to exist. If those conditions
15 do not continue to exist, the county department shall discontinue making those
16 payments.

17 **SECTION 96.** 48.57 (3m) (e) of the statutes is amended to read:

18 48.57 **(3m)** (e) The department of health and family services, in consultation
19 with the department of ~~industry, labor and job~~ workforce development, shall
20 determine whether the child is eligible for medical assistance under ss. 49.43 to
21 49.47.

22 **SECTION 97.** 48.57 (3m) (e) of the statutes, as affected by 1995 Wisconsin Act
23 289 and 1997 Wisconsin Act (this act), is repealed and recreated to read:

24 48.57 **(3m)** (e) The department shall determine whether the child is eligible
25 for medical assistance under ss. 49.43 to 49.47.

ASSEMBLY BILL 97**SECTION 98**

1 **SECTION 98.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

2 48.57 **(3p)** (fm) 1. The county department may provisionally approve the
3 making of payments under sub. (3m) based on the applicant's statement under sub.
4 (3m) (am) 4m. The county department may not finally approve the making of
5 payments under sub. (3m) unless that county department receives information from
6 the department of justice indicating that the conviction record of the applicant under
7 the law of this state is satisfactory according to the criteria specified in par. (g) 1. to
8 3. The department of ~~industry, labor and job~~ workforce development may make
9 payments under sub. (3m) conditioned on the receipt of information from the federal
10 bureau of investigation indicating that the person's conviction record under the law
11 of any other state or under federal law is satisfactory according to the criteria
12 specified in par. (g) 1. to 3.

13 **SECTION 99.** 49.001 (9) of the statutes is amended to read:

14 49.001 **(9)** "Wisconsin works agency" means a person under contract under s.
15 49.143 to administer Wisconsin works under ss. 49.141 to 49.161. If no contract is
16 awarded under s. 49.143, "Wisconsin works agency" means the department of
17 ~~industry, labor and job~~ workforce development.

18 **SECTION 100.** 49.11 (1) of the statutes is amended to read:

19 49.11 **(1)** "Department" means the department of ~~industry, labor and job~~
20 workforce development.

21 **SECTION 101.** 49.11 (2) of the statute is amended to read:

22 49.11 **(2)** "Secretary" means the secretary of ~~industry, labor and job~~ workforce
23 development.

24 **SECTION 102.** 49.153 (3) (a) 1. of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 102**

1 49.153 (3) (a) 1. A Wisconsin works agency shall determine eligibility for
2 benefits and services under this section, in accordance with rules promulgated by the
3 department of health and family services in consultation with the department of
4 ~~industry, labor and job~~ workforce development. The Wisconsin works agency shall
5 make the eligibility determination after the date on which the agency receives a
6 completed application from the individual for services and benefits under this
7 section and shall immediately notify the department of health and family services
8 of that determination. An individual who applies for and receives benefits and
9 services under this section is considered to have assigned to the state any rights to
10 medical support or other payment of medical expenses from any other person,
11 including rights to unpaid amounts accrued at the time of application for benefits
12 and services under this section and any rights to support accruing during the time
13 for which benefits and services under this section are provided. Eligibility for
14 benefits and services under this section begins on the day on which the department
15 of health and family services or the provider issues a health plan membership card.
16 The department of health and family services or the provider shall issue the health
17 plan membership card to an individual after the date on which the Wisconsin works
18 agency notifies the department of health and family services that the individual is
19 eligible.

20 **SECTION 103.** 49.153 (3) (f) 2. of the statutes is amended to read:

21 49.153 (3) (f) 2. The individual fails to pay the established premium in a timely
22 manner, as defined by the department of ~~industry, labor and job~~ workforce
23 development by rule.

24 **SECTION 104.** 49.153 (4) (d) 4. of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 104**

1 49.153 (4) (d) 4. The Wisconsin works agency shall remit to the department of
2 ~~industry, labor and job~~ workforce development in the manner prescribed by the
3 department of ~~industry, labor and job~~ workforce development all premium payments
4 that the Wisconsin works agency receives under this paragraph.

5 **SECTION 105.** 49.193 (1) (c) of the statutes is amended to read:

6 49.193 (1) (c) The department shall coordinate the program under this section
7 with the programs of the department of administration, the department of ~~industry,~~
8 ~~labor and job~~ workforce development, the department of commerce, the department
9 of ~~education~~ public instruction and the technical college system board and with
10 programs operated under the job training partnership act, 29 USC 1501 to 1791j.

11 **SECTION 106.** 49.26 (1) (d) of the statutes is amended to read:

12 49.26 (1) (d) A county department that provides services under this subsection
13 directly shall develop a plan, in coordination with the school districts located in
14 whole or in part in the county, describing the assistance that the county department
15 and school districts will provide to individuals receiving services under this
16 subsection, the number of individuals that will be served and the estimated cost of
17 the services. The county department shall submit the plan to the department of
18 ~~industry, labor and job~~ workforce development and the department of ~~education~~
19 public instruction by August 15, annually.

20 **SECTION 107.** 49.45 (6m) (br) 1. of the statutes is amended to read:

21 49.45 (6m) (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 (1) (bt) or (bu) or
22 (7) (b) or 20.445 (3) (de), the department shall reduce allocations of funds to counties
23 in the amount of the disallowance from the appropriations under s. 20.410 (3) (cd)
24 or 20.435 (1) (bt) or (bu) or (7) (b), or the department shall direct the department of
25 ~~industry, labor and job~~ workforce development to reduce allocations of funds to

ASSEMBLY BILL 97**SECTION 107**

1 counties or Wisconsin works agencies in the amount of the disallowance from the
2 appropriation under s. 20.445 (3) (de) or (dz), in accordance with s. 16.544 to the
3 extent applicable.

4 **SECTION 108.** 49.45 (40) of the statutes is amended to read:

5 49.45 (40) PERIODIC RECORD MATCHES. The department shall cooperate with the
6 department of ~~industry, labor and job~~ workforce development in matching records of
7 medical assistance recipients under s. 49.32 (7).

8 **SECTION 109.** 49.81 (intro.) of the statutes is amended to read:

9 **49.81 Public assistance recipients' bill of rights.** (intro.) The department
10 of health and family services, the department of ~~industry, labor and job~~ workforce
11 development and all public assistance and relief-granting agencies shall respect
12 rights for recipients of public assistance. The rights shall include all rights
13 guaranteed by the U.S. constitution and the constitution of this state, and in addition
14 shall include:

15 **SECTION 110.** 49.82 (1) of the statutes is amended to read:

16 49.82 (1) DEPARTMENTS TO ADVISE COUNTIES. The department of health and
17 family services and the department of ~~industry, labor and job~~ workforce development
18 shall advise all county officers charged with the administration of requirements
19 relating to public assistance programs under this chapter and shall render all
20 possible assistance in securing compliance therewith, including the preparation of
21 necessary blanks and reports. The department of health and family services and the
22 department of ~~industry, labor and job~~ workforce development shall also publish such
23 information as it deems advisable to acquaint persons entitled to public assistance
24 and the public generally with the laws governing public assistance under this
25 chapter.

ASSEMBLY BILL 97**SECTION 111**

1 **SECTION 111.** 49.85 (1) of the statutes is amended to read:

2 49.85 (1) COUNTY DEPARTMENT NOTIFICATION REQUIREMENT. If a county
3 department under s. 46.215, 46.22 or 46.23, a governing body of a federally
4 recognized American Indian tribe or band or a Wisconsin works agency determines
5 that the department of health and family services may recover an amount under s.
6 49.497 or that the department of ~~industry, labor and job~~ workforce development may
7 recover an amount under s. 49.125, 49.161 or 49.195 (3), the county department or
8 governing body shall notify the affected department of the determination.

9 **SECTION 112.** 49.85 (2) (b) of the statutes is amended to read:

10 49.85 (2) (b) At least annually, the department of ~~industry, labor and job~~
11 workforce development shall certify to the department of revenue the amounts that,
12 based on the notifications received under sub. (1) and on other information received
13 by the department of ~~industry, labor and job~~ workforce development, the department
14 of ~~industry, labor and job~~ workforce development has determined that it may recover
15 under ss. 49.125, 49.161 and 49.195 (3), except that the department of ~~industry, labor~~
16 ~~and job~~ workforce development may not certify an amount under this subsection
17 unless it has met the notice requirements under sub. (3) and unless it's
18 determination has either not been appealed or is no longer under appeal.

19 **SECTION 113.** 49.85 (3) (b) (intro.) of the statutes is amended to read:

20 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
21 department of ~~industry, labor and job~~ workforce development shall send a notice to
22 the last-known address of the person from whom that department intends to recover
23 the amount. The notice shall do all of the following:

24 **SECTION 114.** 49.85 (3) (b) 1. of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 114**

1 49.85 (3) (b) 1. Inform the person that the department of ~~industry, labor and~~
2 ~~job~~ workforce development intends to certify to the department of revenue an
3 amount that the department of ~~industry, labor and job~~ workforce development has
4 determined to be due under s. 49.125, 49.161 or 49.195 (3), for setoff from any state
5 tax refund that may be due the person.

6 **SECTION 115.** 49.85 (3) (b) 2. of the statutes is amended to read:

7 49.85 (3) (b) 2. Inform the person that he or she may appeal the determination
8 of the department of ~~industry, labor and job~~ workforce development to certify the
9 amount by requesting a hearing under sub. (4) within 30 days after the date of the
10 letter and inform the person of the manner in which he or she may request a hearing.

11 **SECTION 116.** 49.85 (3) (b) 3. of the statutes is amended to read:

12 49.85 (3) (b) 3. Inform the person that, if the determination of the department
13 of ~~industry, labor and job~~ workforce development is appealed, that department will
14 not certify the amount to the department of revenue while the determination of the
15 department of ~~industry, labor and job~~ workforce development is under appeal.

16 **SECTION 117.** 49.85 (3) (b) 4. of the statutes is amended to read:

17 49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is
18 requested to appeal the determination of the department of ~~industry, labor and job~~
19 workforce development, the person may be precluded from challenging any
20 subsequent setoff of the certified amount by the department of revenue, except on the
21 grounds that the certified amount has been partially or fully paid or otherwise
22 discharged, since the date of the notice.

23 **SECTION 118.** 49.85 (3) (b) 5. of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 118**

1 49.85 (3) (b) 5. Request that the person inform the department of ~~industry,~~
2 ~~labor and job~~ workforce development if a bankruptcy stay is in effect with respect to
3 the person or if the claim has been discharged in bankruptcy.

4 **SECTION 119.** 49.85 (4) (b) of the statutes is amended to read:

5 49.85 (4) (b) If a person has requested a hearing under this subsection, the
6 department of ~~industry, labor and job~~ workforce development shall hold a contested
7 case hearing under s. 227.44, except that the department of ~~industry, labor and job~~
8 workforce development may limit the scope of the hearing to exclude issues that were
9 presented at a prior hearing or that could have been presented at a prior opportunity
10 for hearing.

11 **SECTION 120.** 49.85 (5) of the statutes is amended to read:

12 49.85 (5) **EFFECT OF CERTIFICATION.** Receipt of a certification by the department
13 of revenue shall constitute a lien, equal to the amount certified, on any state tax
14 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
15 of revenue as a setoff under s. 71.93. Certification of an amount under this section
16 does not prohibit the department of health and family services or the department of
17 ~~industry, labor and job~~ workforce development from attempting to recover the
18 amount through other legal means. The department of health and family services
19 or the department of ~~industry, labor and job~~ workforce development shall promptly
20 notify the department of revenue upon recovery of any amount previously certified
21 under this section.

22 **SECTION 121.** 49.855 (1) of the statutes is amended to read:

23 49.855 (1) If a person obligated to provide child support or maintenance is
24 delinquent in making court-ordered payments, or owes an outstanding amount that
25 has been ordered by the court for past support, medical expenses or birth expenses,

ASSEMBLY BILL 97

1 the clerk of circuit court or county support collection designee under s. ~~59.07 (97m)~~
2 59.53 (5m), whichever is appropriate, upon application of the county designee under
3 s. 59.53 (5) or the department of ~~industry, labor and job~~ workforce development, shall
4 certify the delinquent payment or outstanding amount to the department of
5 ~~industry, labor and job~~ workforce development.

6 **SECTION 122.** 49.855 (2) of the statutes is amended to read:

7 49.855 (2) At least annually, the department of ~~industry, labor and job~~
8 workforce development shall provide to the department of revenue the certifications
9 that it receives under sub. (1) and any certifications of delinquencies or outstanding
10 amounts that it receives from another state because the obligor resides in this state.

11 **SECTION 123.** 49.855 (4) of the statutes is amended to read:

12 49.855 (4) The department of revenue shall send that portion of any state or
13 federal tax refunds or credits withheld for delinquent child support or maintenance
14 or past support, medical expenses or birth expenses to the department of ~~industry,~~
15 ~~labor and job~~ workforce development for distribution to the appropriate clerk of
16 circuit court or county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m).
17 The department of ~~industry, labor and job~~ workforce development shall make a
18 settlement at least annually with the department of revenue and with each clerk of
19 circuit court or county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m)
20 who has certified a delinquent obligation or outstanding amount for past support,
21 medical expenses or birth expenses. The settlement shall state the amounts
22 certified, the amounts deducted from tax refunds and credits and returned to the
23 clerk of circuit court or county support collection designee under s. ~~59.07 (97m)~~ 59.53
24 (5m) and the administrative costs incurred by the department of revenue. The
25 department of ~~industry, labor and job~~ workforce development may charge the county

ASSEMBLY BILL 97**SECTION 123**

1 whose clerk of circuit court or [county] support collection designee under s. ~~59.07~~
2 ~~(97m) 59.53 (5m)~~ certified the obligation or outstanding amount the related
3 administrative costs incurred by the department of ~~industry, labor and job~~ workforce
4 development and the department of revenue.

5 **SECTION 124.** 49.855 (4m) (c) of the statutes is amended to read:

6 49.855 **(4m)** (c) Except as provided by order of the court after hearing under
7 par. (b), the department of administration shall continue withholding until the
8 amount certified is recovered in full. The department of administration shall
9 transfer the amounts withheld under this paragraph to the department of ~~industry,~~
10 ~~labor and job~~ workforce development for distribution to the appropriate clerk of
11 court, county support collection designee under s. ~~59.07 (97m) 59.53 (5m)~~ or
12 department of health and family services, whichever is appropriate.

13 **SECTION 125.** 49.855 (5) of the statutes is amended to read:

14 49.855 **(5)** Certification of an obligation to the department of ~~industry, labor~~
15 ~~and job~~ workforce development does not deprive any party of the right to collect the
16 obligation or to prosecute the obligor. The clerk of court or county support collection
17 designee under s. ~~59.07 (97m) 59.53 (5m)~~, whichever is appropriate, shall
18 immediately notify the department of ~~industry, labor and job~~ workforce development
19 of any collection of an obligation that has been certified by the clerk of court or county
20 support collection designee under s. ~~59.07 (97m) 59.53 (5m)~~. The department of
21 ~~industry, labor and job~~ workforce development shall correct the certified obligation
22 according to the amount the county has collected and report the correction to the
23 department of revenue.

24 **SECTION 126.** 49.855 (7) of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 126**

1 49.855 (7) The department of ~~industry, labor and job~~ workforce development
2 may provide a certification under sub. (1) to a state agency or authority under s. 21.49
3 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4),
4 39.47 (2m), 45.351 (2) (c), 45.356 (6), 45.396 (6), 45.74 (6), 145.245 (5m) (b), 234.04
5 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.90 (3) (d) or (3g) (c), 234.905 (3) (d),
6 281.65 (8) (L) or 949.08 (2) (g).

7 **SECTION 127.** 49.86 of the statutes is amended to read:

8 **49.86 Disbursement of funds and facsimile signatures.** Withdrawal or
9 disbursement of moneys deposited in a public depository, as defined in s. 34.01 (5),
10 to the credit of the department of ~~industry, labor and job~~ workforce development or
11 any of its divisions or agencies shall be by check, share draft or other draft signed by
12 the secretary of ~~industry, labor and job~~ workforce development or by one or more
13 persons in the department of ~~industry, labor and job~~ workforce development
14 designated by written authorization of the secretary of ~~industry, labor and job~~
15 workforce development. Such checks, share drafts and other drafts shall be signed
16 personally or by use of a mechanical device adopted by the secretary of ~~industry, labor~~
17 and ~~job~~ workforce development or his or her designees for affixing a facsimile
18 signature. Any public depository shall be fully warranted and protected in making
19 payment on any check, share draft or other draft bearing such facsimile signature
20 notwithstanding that the facsimile may have been placed thereon without the
21 authority of the secretary of ~~industry, labor and job~~ workforce development or his or
22 her designees.

23 **SECTION 128.** 49.89 (2) of the statutes is amended to read:

24 49.89 (2) SUBROGATION. The department of health and family services, the
25 department of ~~industry, labor and job~~ workforce development, a county or an elected

ASSEMBLY BILL 97**SECTION 128**

1 tribal governing body that provides any public assistance under this chapter or
2 under s. 253.05 as a result of the occurrence of an injury, sickness or death that
3 creates a claim or cause of action, whether in tort or contract, on the part of a public
4 assistance recipient or beneficiary or the estate of a recipient or beneficiary against
5 a 3rd party, including an insurer, is subrogated to the rights of the recipient,
6 beneficiary or estate and may make a claim or maintain an action or intervene in a
7 claim or action by the recipient, beneficiary or estate against the 3rd party.

8 **SECTION 129.** 49.89 (6) of the statutes is amended to read:

9 49.89 (6) DEPARTMENTS' DUTIES AND POWERS. The department of health and
10 family services and the department of ~~industry, labor and job~~ workforce development
11 shall enforce their rights under this section and may contract for the recovery of any
12 claim or right of indemnity arising under this section.

13 **SECTION 130.** 49.89 (7) (d) 2. of the statutes is amended to read:

14 49.89 (7) (d) 2. Any county or elected tribal governing body that has made a
15 recovery under this section for which it is eligible to receive an incentive payment
16 under par. (c) shall report such recovery to the department of ~~industry, labor and job~~
17 workforce development within 30 days after the end of the month in which the
18 recovery is made in a manner specified by the department of ~~industry, labor and job~~
19 workforce development.

20 **SECTION 131.** 49.90 (2) of the statutes is amended to read:

21 49.90 (2) Upon failure of these relatives to provide maintenance the authorities
22 or board shall submit to the corporation counsel a report of its findings. Upon receipt
23 of the report the corporation counsel shall, within 60 days, apply to the circuit court
24 for the county in which the dependent person under sub. (1) (a) 1. or the child of a
25 dependent person under sub. (1) (a) 2. resides for an order to compel the

ASSEMBLY BILL 97

1 maintenance. Upon such an application the corporation counsel shall make a
2 written report to the county department under s. 46.215, 46.22 or 46.23, with a copy
3 to the chairperson of the county board of supervisors in a county with a single-county
4 department or the county boards of supervisors in counties with a multicounty
5 department, and to the department of health and family services or the department
6 of ~~industry, labor and job~~ workforce development, whichever is appropriate.

7 **SECTION 132.** 49.90 (2g) of the statutes is amended to read:

8 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a
9 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who
10 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a
11 dependent minor or the child's parent may apply to the circuit court for the county
12 in which the child resides for an order to compel the provision of maintenance. A
13 county department under s. 46.215, 46.22 or 46.23, a county child support agency or
14 the department of ~~industry, labor and job~~ workforce development may initiate an
15 action to obtain maintenance of the child by the child's grandparent under sub. (1)
16 (a) 2., regardless of whether the child receives public assistance.

17 **SECTION 133.** 59.40 (2) (p) of the statutes is amended to read:

18 59.40 (2) (p) Cooperate with the department of ~~industry, labor and job~~
19 workforce development with respect to the child and spousal support and
20 establishment of paternity and medical liability support program under ss. 49.22
21 and 59.53 (5), and provide that department with any information from court records
22 which it requires to administer that program.

23 **SECTION 134.** 59.53 (5) of the statutes is amended to read:

24 59.53 (5) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT
25 LIABILITY PROGRAM. The board shall contract with the department of ~~industry, labor~~

ASSEMBLY BILL 97**SECTION 134**

1 and job workforce development to implement and administer the child and spousal
2 support and establishment of paternity and the medical support liability programs
3 provided for by Title IV of the federal social security act. The board may designate
4 by board resolution any office, officer, board, department or agency as the county
5 designee. The board or its designee shall implement and administer the programs
6 in accordance with the contract with the department of industry, labor and job
7 workforce development. The attorneys responsible for support enforcement under
8 sub. (6) (a), family court commissioner, clerk of court and all other county officials
9 shall cooperate with the county and the department of industry, labor and job
10 workforce development as necessary to provide the services required under the
11 programs. The county shall charge the fee established by the department of industry,
12 labor and job workforce development under s. 49.22 for services provided under this
13 subsection to persons not receiving benefits under s. 49.148, 49.153 or 49.155 or
14 assistance under s. 46.261, 49.19 or 49.47.

15 **SECTION 135.** 59.69 (4e) of the statutes is amended to read:

16 59.69 (4e) MIGRANT LABOR CAMPS. The board may not enact an ordinance or
17 adopt a resolution that interferes with any repair or expansion of migrant labor
18 camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair
19 or expansion is required by an administrative rule that is promulgated by the
20 department of industry, labor and job workforce development under ss. 103.90 to
21 103.97. An ordinance or resolution of the county that is in effect on May 12, 1992,
22 and that interferes with any repair or expansion of existing migrant labor camps that
23 is required by such an administrative rule is void.

24 **SECTION 136.** 60.61 (3m) of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 136**

1 60.61 (3m) MIGRANT LABOR CAMPS. The town board may not enact an ordinance
2 or adopt a resolution that interferes with any repair or expansion of migrant labor
3 camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair
4 or expansion is required by an administrative rule promulgated by the department
5 of ~~industry, labor and job~~ workforce development under ss. 103.90 to 103.97. An
6 ordinance or resolution of the town that is in effect on May 12, 1992, and that
7 interferes with any repair or expansion of existing migrant labor camps that is
8 required by such an administrative rule is void.

9 **SECTION 137.** 62.23 (7) (hm) of the statutes is amended to read:

10 62.23 (7) (hm) *Migrant labor camps.* The council of a city may not enact an
11 ordinance or adopt a resolution that interferes with any repair or expansion of
12 migrant labor camps, as defined in s. 103.90 (3), that are in existence on May 12,
13 1992, if the repair or expansion is required by an administrative rule promulgated
14 by the department of ~~industry, labor and job~~ workforce development under ss. 103.90
15 to 103.97. An ordinance or resolution of a city that is in effect on May 12, 1992, and
16 that interferes with any repair or expansion of existing migrant labor camps that is
17 required by such an administrative rule is void.

18 **SECTION 138.** 66.293 (1) (b) of the statutes is amended to read:

19 66.293 (1) (b) “Department” means the department of ~~industry, labor and job~~
20 workforce development.

21 **SECTION 139.** 66.293 (1) (h) of the statutes is amended to read:

22 66.293 (1) (h) “Secretary” means the secretary of ~~industry, labor and job~~
23 workforce development.

24 **SECTION 140.** 66.46 (6c) (a) of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 140**

1 66.46 (6c) (a) Any person who operates for profit and is paid project costs under
2 sub. (2) (f) 1. a., d., j. and k. in connection with the project plan for a tax incremental
3 district shall notify the department of ~~industry, labor and job~~ workforce development
4 and the area private industry council under the job training partnership act, 29 USC
5 1501 to 1798, of any positions to be filled in the county in which the city which created
6 the tax incremental district is located during the period commencing with the date
7 the person first performs work on the project and ending one year after receipt of its
8 final payment of project costs. The person shall provide this notice at least 2 weeks
9 prior to advertising the position.

10 **SECTION 141.** 66.46 (6c) (b) of the statutes is amended to read:

11 66.46 (6c) (b) Any person who operates for profit and buys or leases property
12 in a tax incremental district from a city for which the city incurs real property
13 assembly costs under sub. (2) (f) 1. c. shall notify the department of ~~industry, labor~~
14 ~~and job~~ workforce development and the area private industry council under the job
15 training partnership act, 29 USC 1501 to 1798, of any position to be filled in the
16 county in which the city creating the tax incremental district is located within one
17 year after the sale or commencement of the lease. The person shall provide this
18 notice at least 2 weeks prior to advertising the position.

19 **SECTION 142.** 66.521 (6m) of the statutes is amended to read:

20 66.521 (6m) NOTIFICATION OF POSITION OPENINGS. A municipality may not enter
21 into a revenue agreement with any person who operates for profit unless that person
22 has agreed to notify the department of ~~industry, labor and job~~ workforce development
23 and the area private industry council under the job training partnership act, 29 USC
24 1501 to 1798, of any position to be filled in that municipality within one year after
25 issuance of the revenue bonds. The person shall provide this notice at least 2 weeks

ASSEMBLY BILL 97

1 before advertising the position. The notice required by this subsection does not affect
2 the offer of employment requirements of sub. (4s).

3 **SECTION 143.** 69.15 (3) (b) 3. of the statutes is amended to read:

4 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
5 a statement acknowledging paternity on a form prescribed by the state registrar and
6 signed by both parents, along with the fee under s. 69.22, the state registrar shall
7 insert the name of the father under subd. 1. The state registrar shall mark the
8 certificate to show that the form is on file. The form shall be available to the
9 department of ~~industry, labor and job~~ workforce development or its designee under
10 s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other
11 person with a direct and tangible interest in the record. The state registrar shall
12 include on the form for the acknowledgment a notice of the information in ss. 767.458
13 (1) (a) to (e) and 767.62.

14 **SECTION 144.** 71.67 (7) (a) and (b) (intro.) of the statutes are amended to read:

15 71.67 (7) (a) The department of ~~industry, labor and job~~ workforce development
16 may, in accordance with s. 108.135, deduct and withhold from any unemployment
17 compensation payment, on a form prepared by the department of ~~industry, labor and~~
18 ~~job~~ workforce development, a portion of the payment as Wisconsin income tax. The
19 department of ~~industry, labor and job~~ workforce development shall deposit the
20 amounts withheld, on a monthly basis, as provided in s. 108.135 (6).

21 (b) (intro.) The department of ~~industry, labor and job~~ workforce development
22 shall furnish to each claimant who receives benefits during any year, on or before
23 January 31 of the succeeding year, at least one legible copy of a written statement
24 showing all of the following:

25 **SECTION 145.** 71.67 (7) (c) 2. of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 145**

1 71.67 (7) (c) 2. The department of ~~industry, labor and job~~ workforce
2 development shall furnish the department of revenue with a copy of any statement
3 that is furnished to the claimant under par. (b).

4 **SECTION 146.** 71.93 (1) (a) 2. of the statutes is amended to read:

5 71.93 (1) (a) 2. A delinquent child support or spousal support obligation that
6 has been reduced to a judgment and has been submitted by an agency of another
7 state to the department of ~~industry, labor and job~~ workforce development for
8 certification under this section.

9 **SECTION 147.** 71.93 (1) (a) 4. of the statutes is amended to read:

10 71.93 (1) (a) 4. An amount that the department of ~~industry, labor and job~~
11 workforce development may recover under s. 49.125 or 49.195 (3), if the department
12 of ~~industry, labor and job~~ workforce development has certified the amount under s.
13 49.85.

14 **SECTION 148.** 77.265 (4) of the statutes is amended to read:

15 77.265 (4) The department of ~~industry, labor and job~~ workforce development
16 may use the returns under s. 106.04.

17 **SECTION 149.** 84.25 (11) of the statute is amended to read:

18 84.25 (11) COMMERCIAL ENTERPRISES. No commercial enterprise, except a
19 vending facility which is licensed by the department of ~~industry, labor and job~~
20 workforce development and operated by blind or visually impaired persons, shall be
21 authorized or conducted within or on property acquired for or designated as a
22 controlled-access highway.

23 **SECTION 150.** 101.055 (8) (ag) of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 150**

1 101.055 (8) (ag) In this subsection, “division of equal rights” means the division
2 of equal rights in the department of ~~industry, labor and job~~ workforce development
3 acting under the authority provided in s. 106.06 (4).

4 **SECTION 151.** 102.01 (2) (ap) of the statutes is amended to read:

5 102.01 (2) (ap) “Department” means the department of ~~industry, labor and job~~
6 workforce development.

7 **SECTION 152.** 102.01 (2) (em) of the statutes is amended to read:

8 102.01 (2) (em) “Secretary” means the secretary of ~~industry, labor and job~~
9 workforce development.

10 **SECTION 153.** 102.08 of the statutes is amended to read:

11 **102.08 Administration for state employes.** The department of
12 administration has responsibility for the timely delivery of benefits payable under
13 this chapter to employes of the state and their dependents and other functions of the
14 state as an employer under this chapter. The department of administration may
15 delegate this authority to employing departments and agencies and require such
16 reports as it deems necessary to accomplish this purpose. The department of
17 administration or its delegated authorities shall file with the department of ~~industry,~~
18 ~~labor and job~~ workforce development the reports that are required of all employers.
19 The department of ~~industry, labor and job~~ workforce development shall monitor the
20 delivery of benefits to state employes and their dependents and shall consult with
21 and advise the department of administration in the manner and at the times
22 necessary to ensure prompt and proper delivery.

23 **SECTION 154.** 102.42 (8) of the statutes is amended to read:

24 102.42 (8) AWARD TO STATE EMPLOYEE. Whenever an award is made by the
25 department in behalf of a state employe, the department of ~~industry, labor and job~~

ASSEMBLY BILL 97**SECTION 154**

1 workforce development shall file duplicate copies of the award with the department
2 of administration. Upon receipt of the copies of the award, the department of
3 administration shall promptly issue a voucher in payment of the award from the
4 proper appropriation under s. 20.865 (1) (fm), (kr) or (ur), and shall transmit one copy
5 of the voucher and the award to the officer, department or agency by whom the
6 affected employe is employed.

7 **SECTION 155.** 102.61 (1m) (c) of the statutes is amended to read:

8 102.61 (1m) (c) The employer or insurance carrier shall pay the reasonable cost
9 of any services provided for an employe by a private rehabilitation counselor under
10 par. (a) and, subject to the conditions and limitations specified in sub. (1r) (a) to (c)
11 and by rule, if the private rehabilitation counselor determines that rehabilitative
12 training is necessary, the reasonable cost of the rehabilitative training program
13 recommended by that counselor, including tuition, fees, books and maintenance and
14 travel expenses. Notwithstanding that the department of ~~industry, labor and job~~
15 workforce development may authorize under s. 102.43 (5) a rehabilitative training
16 program that lasts longer than 80 weeks, a rehabilitative training program that lasts
17 80 weeks or less is presumed to be reasonable.

18 **SECTION 156.** 102.61 (1m) (f) of the statutes is amended to read:

19 102.61 (1m) (f) The department of ~~industry, labor and job~~ workforce
20 development shall promulgate rules establishing procedures and requirements for
21 the private rehabilitation counseling and rehabilitative training process under this
22 subsection. Those rules shall include rules specifying the procedure and
23 requirements for certification of private rehabilitation counselors.

24 **SECTION 157.** 102.61 (2) of the statutes is amended to read:

ASSEMBLY BILL 97

1 102.61 (2) The department of ~~industry, labor and job~~ workforce development,
2 the commission and the courts shall determine the rights and liabilities of the parties
3 under this section in like manner and with like effect as that department, the
4 commission and the courts do other issues under compensation. A determination
5 under this subsection may include a determination based on the evidence regarding
6 the cost or scope of the services provided by a private rehabilitation counselor under
7 sub. (1m) (a) or the cost or reasonableness of a rehabilitative training program
8 developed under sub. (1m) (a).

9 **SECTION 158.** 102.64 (1) of the statutes is amended to read:

10 102.64 (1) Upon request of the department of administration, a representative
11 of the department of justice shall represent the state in cases involving payment into
12 or out of the state treasury under s. 20.865 (1) (fm), (kr) or (ur) or 102.29. The
13 department of justice, after giving notice to the department of administration, may
14 compromise the amount of such payments but such compromises shall be subject to
15 review by the department of ~~industry, labor and job~~ workforce development. If the
16 spouse of the deceased employe compromises his or her claim for a primary death
17 benefit, the claim of the children of such employe under s. 102.49 shall be
18 compromised on the same proportional basis, subject to approval by the department.
19 If the persons entitled to compensation on the basis of total dependency under s.
20 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be
21 compromised on the same proportional basis.

22 **SECTION 159.** 102.64 (2) of the statutes is amended to read:

23 102.64 (2) Upon request of the department of administration, the attorney
24 general shall appear on behalf of the state in proceedings upon claims for
25 compensation against the state. The department of justice shall represent the

ASSEMBLY BILL 97**SECTION 159**

1 interests of the state in proceedings under s. 102.49, 102.59 or 102.66. The
2 department of justice may compromise claims in such proceedings, but the
3 compromises are subject to review by the department of ~~industry, labor and job~~
4 workforce development. Costs incurred by the department of justice in prosecuting
5 or defending any claim for payment into or out of the work injury supplemental
6 benefit fund under s. 102.65, including expert witness and witness fees but not
7 including attorney fees or attorney travel expenses for services performed under this
8 subsection, shall be paid from the work injury supplemental benefit fund.

9 **SECTION 160.** 102.82 (2) (c) of the statutes is amended to read:

10 102.82 (2) (c) The department of justice or, if the department of justice consents,
11 the department of ~~industry, labor and job~~ workforce development may bring an
12 action in circuit court to recover payments and interest owed to the department of
13 ~~industry, labor and job~~ workforce development under this section.

14 **SECTION 161.** 103.001 (3) of the statutes is amended to read:

15 103.001 (3) "Department" means the department of ~~industry, labor and job~~
16 workforce development.

17 **SECTION 162.** 103.001 (15) of the statutes is amended to read:

18 103.001 (15) "Secretary" means the secretary of ~~industry, labor and job~~
19 workforce development.

20 **SECTION 163.** 103.005 (20) of the statutes is amended to read:

21 103.005 (20) The department of ~~industry, labor and job~~ development shall
22 establish a procedure for ~~that~~ the department to provide to the state public defender
23 and the department of administration any information that the department of
24 ~~industry, labor and job~~ development may have concerning an individual's wages to

ASSEMBLY BILL 97

1 assist the state public defender and the department of administration in collecting
2 payment ordered under s. 48.275 (2), 757.66, 973.06 (1) (e) or 977.076 (1).

3 **SECTION 164.** 103.10 (12) (a) 2. of the statutes is amended to read:

4 103.10 (12) (a) 2. The department of ~~industry, labor and job~~ workforce
5 development, if the employe is employed by an employer other than one described
6 in subd. 1.

7 **SECTION 165.** 103.50 (4) of the statutes is amended to read:

8 103.50 (4) CERTIFICATION OF PREVAILING WAGE RATES AND HOURS OF LABOR. The
9 department of ~~industry, labor and job~~ workforce development shall, by May 1 of each
10 calendar year, certify to the department of transportation the prevailing wage rates
11 and the prevailing hours of labor in each area for all trades or occupations commonly
12 employed in the highway construction industry. The certification shall, in addition
13 to the current prevailing wage rates and prevailing hours of labor, include future
14 prevailing wage rates and prevailing hours of labor when such prevailing wage rates
15 and prevailing hours of labor can be determined for any such trade or occupation in
16 any area and shall specify the effective date of those future prevailing wage rates and
17 prevailing hours of labor. If a construction project extends into more than one area
18 there shall be but one standard of prevailing wage rates and prevailing hours of labor
19 for the entire project.

20 **SECTION 166.** 103.50 (5) of the statutes is amended to read:

21 103.50 (5) APPEALS TO GOVERNOR. If the department of transportation considers
22 any determination of the department of ~~industry, labor and job~~ workforce
23 development as to the prevailing wage rates and the prevailing hours of labor in an
24 area to have been incorrect, it may appeal to the governor, whose determination shall
25 be final.

ASSEMBLY BILL 97**SECTION 167**

1 **SECTION 167.** 103.50 (6) of the statutes is amended to read:

2 103.50 (6) CONTENTS OF CONTRACTS. A reference to the prevailing wage rates
3 and the prevailing hours of labor determined under sub. (3) shall be published in the
4 notice issued for the purpose of securing bids for a project. If any contract or
5 subcontract for a project that is subject to this section is entered into, the prevailing
6 wage rates and prevailing hours of labor determined under sub. (3) shall be
7 physically incorporated into and made a part of the contract or subcontract, except
8 that for a minor subcontract, as determined by the department of ~~industry, labor and~~
9 ~~job~~ workforce development, that department shall prescribe by rule the method of
10 notifying the minor subcontractor of the prevailing wage rates and prevailing hours
11 of labor applicable to the minor subcontract. The prevailing wage rates and
12 prevailing hours of labor applicable to a contract or subcontract may not be changed
13 during the time that the contract or subcontract is in force. For the information of
14 the employes working on the project, the prevailing wage rates and prevailing hours
15 of labor determined by the department and the provisions of subs. (2) and (7) shall
16 be kept posted by the department of transportation in at least one conspicuous and
17 easily accessible place on the site of the project.

18 **SECTION 168.** 104.01 (1) of the statutes is amended to read:

19 104.01 (1) "Department" means the department of ~~industry, labor and job~~
20 workforce development.

21 **SECTION 169.** 106.13 (2) of the statutes is amended to read:

22 106.13 (2) The governor's council on workforce excellence, the technical college
23 system board and the department of ~~education~~ public instruction shall assist the
24 department of ~~industry, labor and job~~ workforce development in providing the youth
25 apprenticeship program and school-to-work program under sub. (1).

ASSEMBLY BILL 97

1 **SECTION 170.** 108.02 (10) of the statutes is amended to read:

2 108.02 (10) DEPARTMENT. "Department" means the department of industry,
3 ~~labor and job~~ workforce development.

4 **SECTION 171.** 108.105 of the statutes is amended to read:

5 **108.105 Suspension of agents.** The department may suspend the privilege
6 of any agent to appear before the department at hearings under this chapter for a
7 specified period if the department finds that the agent has engaged in an act of fraud
8 or misrepresentation or repeatedly failed to comply with departmental rules, or has
9 engaged in the solicitation of a claimant solely for the purpose of appearing at a
10 hearing as the claimant's representative for pay. Prior to imposing a suspension
11 under this section, the secretary of industry, ~~labor and job~~ workforce development or
12 the secretary's designee shall conduct a hearing concerning the proposed suspension.
13 The hearing shall be conducted under ch. 227 and the decision of the department may
14 be appealed under s. 227.52.

15 **SECTION 172.** 108.13 (4) (b) of the statutes is amended to read:

16 108.13 (4) (b) A claimant filing a new claim for unemployment compensation
17 shall, at the time of filing the claim, disclose whether or not he or she owes child
18 support obligations. If any such claimant discloses that he or she owes child support
19 obligations and is determined to be eligible for unemployment compensation, the
20 department of industry, ~~labor and job~~ workforce development shall notify the local
21 child support enforcement agency enforcing the obligations that the claimant has
22 been determined to be eligible for unemployment compensation.

23 **SECTION 173.** 108.141 (6) (a) of the statutes is amended to read:

24 108.141 (6) (a) Whenever an extended benefit period is to become effective as
25 a result of a Wisconsin "on" indicator, or an extended benefit period is to be

ASSEMBLY BILL 97**SECTION 173**

1 terminated as a result of a Wisconsin “off” indicator, the secretary of ~~industry, labor~~
2 and job workforce development shall publish it as a class 1 notice under ch. 985.

3 **SECTION 174.** 108.142 (5) of the statutes is amended to read:

4 108.142 (5) PUBLISH INDICATORS. Whenever a Wisconsin supplemental benefit
5 period is to become effective as a result of a Wisconsin “on” indicator under this
6 section, or a Wisconsin supplemental benefit period is to be terminated as a result
7 of a Wisconsin “off” indicator under this section, the secretary of ~~industry, labor and~~
8 job workforce development shall publish it as a class 1 notice under ch. 985.

9 **SECTION 175.** 109.01 (1) of the statutes is amended to read:

10 109.01 (1) “Department” means the department of ~~industry, labor and job~~
11 workforce development.

12 **SECTION 176.** 111.32 (4) of the statutes is amended to read:

13 111.32 (4) “Department” means the department of ~~industry, labor and job~~
14 workforce development.

15 **SECTION 177.** 115.347 of the statutes is amended to read:

16 **115.347 Direct certification of eligibility for school nutrition**
17 **programs.** (1) Beginning in the 1994–95 school year, a school board may submit
18 enrollment data to the department of ~~industry, labor and job~~ workforce development
19 for the purpose of directly certifying children as eligible for free or reduced–price
20 meals under the federal school nutrition programs. The department of ~~industry,~~
21 ~~labor and job~~ workforce development shall prescribe a format for the report.

22 (2) Whenever a school district that is located in whole or in part in a county that
23 has converted to the client assistance for reemployment and economic support data
24 system submits a report under sub. (1) in the prescribed format, the department of
25 ~~industry, labor and job~~ workforce development shall determine which children

ASSEMBLY BILL 97

1 enrolled in the school district are members of Wisconsin works groups participating
2 under s. 49.147 (3) to (5) or of families receiving aid to families with dependent
3 children or food stamps and shall provide the information to the school board as soon
4 thereafter as possible. The school board shall use the information to directly certify
5 children as eligible for free or reduced-price meals served by the school district under
6 federal school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

7 (3) The department shall assist school boards in developing a method for
8 submitting enrollment data to the department of ~~industry, labor and job~~ workforce
9 development under sub. (1).

10 **SECTION 178.** 118.125 (2) (i) of the statutes is amended to read:

11 118.125 (2) (i) Upon request, the school district clerk or his or her designee shall
12 provide the names of pupils who have withdrawn from the public school prior to
13 graduation under s. 118.15 (1) (c) to the technical college district board in which the
14 public school is located or, for verification of eligibility for public assistance under ch.
15 49, to the department of health and family services, the department of ~~industry, labor~~
16 ~~and job~~ workforce development or a county department under s. 46.215, 46.22 or
17 46.23.

18 **SECTION 179.** 118.16 (2) (d) of the statutes is amended to read:

19 118.16 (2) (d) May visit any place of employment in the school district to
20 ascertain whether any minors are employed there contrary to law. The officer shall
21 require that school certificates and lists of minors who are employed there be
22 produced for inspection, and shall report all cases of illegal employment to the proper
23 school authorities and to the department of ~~industry, labor and job~~ workforce
24 development.

25 **SECTION 180.** 118.163 (2) (e) of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 180**

1 118.163 **(2)** (e) An order for the department of ~~industry, labor and human~~
2 ~~relations~~ workforce development to revoke, under s. 103.72, a permit under s. 103.70
3 authorizing the employment of the person.

4 **SECTION 181.** 167.10 (6m) (f) of the statutes is amended to read:

5 167.10 **(6m)** (f) The department of ~~industry, labor and job~~ workforce
6 commerce may inspect at reasonable times the premises on which each person
7 licensed under this subsection manufactures fireworks or devices listed under sub.
8 (1) (e), (f) or (i) to (n).

9 **SECTION 182.** 175.45 (9) of the statutes is amended to read:

10 175.45 **(9)** COOPERATION. The departments of corrections, health and family
11 services and ~~industry, labor and job~~ workforce development shall cooperate with the
12 department of justice in obtaining information under this section. This subsection
13 does not apply after May 31, 1997.

14 **SECTION 183.** 215.04 (1) (f) of the statutes is amended to read:

15 215.04 **(1)** (f) Conduct hearings and take testimony, and to subpoena and swear
16 witnesses at such hearings. The review board shall have the same subpoena powers
17 as are possessed by the department of ~~industry, labor and job~~ workforce development
18 and also the powers granted by s. 885.01 (4);

19 **SECTION 184.** 227.03 (3m) (a) of the statutes is amended to read:

20 227.03 **(3m)** (a) This chapter does not apply to proceedings before the
21 department of ~~industry, labor and job~~ workforce development relating to housing
22 discrimination under s. 106.04 (1) to (8), except as provided in s. 106.04 (6).

23 **SECTION 185.** 227.43 (1) (by) of the statutes is amended to read:

24 227.43 **(1)** (by) Assign a hearing examiner to preside over any hearing of a
25 contested case that is required to be conducted by the department of ~~industry, labor~~

ASSEMBLY BILL 97

1 ~~and job~~ workforce development under subch. III of ch. 49 and that is not conducted
2 by the secretary of ~~industry, labor and job~~ workforce development.

3 **SECTION 186.** 227.43 (2) (d) of the statutes is amended to read:

4 227.43 (2) (d) The department of ~~industry, labor and job~~ workforce development
5 shall notify the division of hearings and appeals of every pending hearing to which
6 the administrator of the division is required to assign a hearing examiner under sub.
7 (1) (by) after the department of ~~industry, labor and job~~ workforce development is
8 notified that a hearing on the matter is required.

9 **SECTION 187.** 227.43 (3) (d) of the statutes is amended to read:

10 227.43 (3) (d) The administrator of the division of hearings and appeals may
11 set the fees to be charged for any services rendered to the department of ~~industry,~~
12 ~~labor and job~~ workforce development by a hearing examiner under this section in a
13 manner consistent with a federally approved allocation methodology. The fees shall
14 cover the total cost of the services.

15 **SECTION 188.** 227.43 (4) (d) of the statutes is amended to read:

16 227.43 (4) (d) The department of ~~industry, labor and job~~ workforce development
17 shall pay all costs of the services of a hearing examiner, including support services,
18 assigned under sub. (1) (by), according to the fees set under sub. (3) (d).

19 **SECTION 189.** 227.52 of the statutes is amended to read:

20 **227.52 Judicial review; decisions reviewable.** Administrative decisions
21 which adversely affect the substantial interests of any person, whether by action or
22 inaction, whether affirmative or negative in form, are subject to review as provided
23 in this chapter, except for the decisions of the department of revenue other than
24 decisions relating to alcohol beverage permits issued under ch. 125, decisions of the
25 department of employe trust funds, the division of banking, the office of credit

ASSEMBLY BILL 97**SECTION 189**

1 unions, the division of savings and loan, the board of state canvassers and those
2 decisions of the department of ~~industry, labor and job~~ workforce development which
3 are subject to review, prior to any judicial review, by the labor and industry review
4 commission, and except as otherwise provided by law.

5 **SECTION 190.** 227.59 of the statutes is amended to read:

6 **227.59 Certification of certain cases from the circuit court of Dane**
7 **county to other circuits.** Any action or proceeding for the review of any order of
8 an administrative officer, commission, department or other administrative tribunal
9 of the state required by law to be instituted in or taken to the circuit court of Dane
10 county except an action or appeal for the review of any order of the department of
11 ~~industry, labor and job~~ workforce development or the department of commerce or
12 findings and orders of the labor and industry review commission which is instituted
13 or taken and is not called for trial or hearing within 6 months after the proceeding
14 or action is instituted, and the trial or hearing of which is not continued by
15 stipulation of the parties or by order of the court for cause shown, shall on the
16 application of either party on 5 days' written notice to the other be certified and
17 transmitted for trial to the circuit court of the county of the residence or principal
18 place of business of the plaintiff or petitioner, where the action or proceeding shall
19 be given preference. Unless written objection is filed within the 5-day period, the
20 order certifying and transmitting the proceeding shall be entered without hearing.
21 The plaintiff or petitioner shall pay to the clerk of the circuit court of Dane county
22 a fee of \$2 for transmitting the record.

23 **SECTION 191.** 230.08 (2) (e) 6. of the statutes is amended to read:

24 230.08 (2) (e) 6. ~~Industry, labor and job~~ Workforce development — 8.

25 **SECTION 192.** 230.147 (1) of the statutes is amended to read:

ASSEMBLY BILL 97

1 230.147 (1) Each appointing authority of an agency with more than 100
2 authorized permanent full-time equivalent positions shall prepare and implement
3 a plan of action to employ persons who, at the time determined under sub. (4), receive
4 aid under s. 49.19, or benefits under s. 49.147 (3) to (5), with the goal of making the
5 ratio of those persons occupying permanent positions in the agency to the total
6 number of persons occupying permanent positions in the agency equal to the ratio
7 of the average case load receiving aid under s. 49.19, or benefits under s. 49.147 (3)
8 to (5), in this state in the previous fiscal year to the average number of persons in the
9 state civilian labor force in the preceding fiscal year, as determined by the
10 department of ~~industry, labor and job~~ workforce development.

11 **SECTION 193.** 230.147 (2) of the statutes is amended to read:

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

22 **SECTION 194.** 234.49 (1) (c) of the statutes is amended to read:

23 234.49 (1) (c) "Eligible beneficiary" means a person for whom the authority has
24 not received a certification from the department of ~~industry, labor and job~~ workforce

ASSEMBLY BILL 97**SECTION 194**

1 development under s. 49.855 (7) or a family who or which falls within the income
2 limits specified in par. (f).

3 **SECTION 195.** 236.335 of the statutes is amended to read:

4 **236.335 Prohibited subdividing; forfeit.** No lot or parcel in a recorded plat
5 may be divided, or used if so divided, for purposes of sale or building development if
6 the resulting lots or parcels do not conform to this chapter, to any applicable
7 ordinance of the approving authority or to the rules of the department of ~~industry,~~
8 ~~labor and job~~ workforce development under s. 236.13. Any person making or causing
9 such a division to be made shall forfeit not less than \$100 nor more than \$500 to the
10 approving authority, or to the state if there is a violation of this chapter or the rules
11 of the department of ~~industry, labor and job~~ workforce development.

12 **SECTION 196.** 301.45 (9) of the statutes, as created by 1995 Wisconsin Act 440,
13 is amended to read:

14 301.45 (9) COOPERATION. The department of health and family services, the
15 department of ~~industry, labor and job~~ workforce development, the department of
16 transportation and all circuit courts shall cooperate with the department of
17 corrections in obtaining information under this section.

18 **SECTION 197.** 303.07 (7) of the statutes is amended to read:

19 303.07 (7) If any inmate of a reforestation camp, in the performance of work
20 in connection with the maintenance of the camp, is injured so as to be permanently
21 incapacitated, or to have materially reduced earning power, the inmate may upon
22 discharge be allowed and paid such compensation as the department of ~~industry,~~
23 ~~labor and job~~ workforce development finds the inmate entitled to. The inmate shall
24 be compensated on the same basis as if the injury had been covered by ch. 102, except
25 that the total paid to any such inmate shall not exceed \$1,000 and may be paid in

ASSEMBLY BILL 97

1 instalments. If the inmate is from an adjoining county such county shall pay such
2 compensation. In case of dispute the procedure for hearing, award and appeal shall
3 be as set forth in ss. 102.16 to 102.26.

4 **SECTION 198.** 303.21 (1) (a) of the statutes is amended to read:

5 303.21 (1) (a) If an inmate of a state institution, in the performance of assigned
6 work is injured so as to be permanently incapacitated or to have materially reduced
7 earning power, the inmate may, upon being released from such institution, either
8 upon parole or upon final discharge, be allowed and paid such compensation as the
9 department of ~~industry, labor and job~~ workforce development finds the inmate
10 entitled to. The inmate shall be compensated on the same basis as if the injury had
11 been covered by ch. 102, except that the total paid to any inmate may not exceed
12 \$10,000 and may be paid in instalments. If the injury results from employment in
13 a prison industry, the payment shall be made from the revolving appropriation for
14 its operation. If there is no revolving appropriation, payment shall be made from the
15 general fund. In case of dispute, the procedure for hearing, award and appeal shall
16 be as set forth in ss. 102.16 to 102.26.

17 **SECTION 199.** 443.06 (2) (e) of the statutes is amended to read:

18 443.06 (2) (e) A record of satisfactory completion of an apprenticeship training
19 course in land surveying prescribed by the department of ~~industry, labor and job~~
20 workforce development, of satisfactory character which indicates that the applicant
21 is competent to be placed in responsible charge of such work, if the applicant has
22 passed an oral and written or written examination administered by the land
23 surveyor section. This paragraph applies to actions of the land surveyor section on
24 applications for land surveyors' certificates that are submitted to the land surveyor
25 section before July 1, 2000.

ASSEMBLY BILL 97**SECTION 200**

1 **SECTION 200.** 443.06 (2) (em) of the statutes is amended to read:

2 443.06 (2) (em) Evidence satisfactory to the land surveyor section that he or
3 she has completed an apprenticeship training course in land surveying prescribed
4 by the department of ~~industry, labor and job~~ workforce development, and has
5 engaged in a period of additional land surveying practice of satisfactory character
6 that indicates that the applicant is competent to practice land surveying and that,
7 when added to the period of the apprenticeship, totals at least 8 years of land
8 surveying practice, if the applicant has passed an oral and written or written
9 examination administered by the land surveyor section. This paragraph applies to
10 actions of the land surveyor section on applications for land surveyors' certificates
11 that are submitted to the land surveyor section after June 30, 2000.

12 **SECTION 201.** 445.095 (3) of the statutes is amended to read:

13 445.095 (3) All apprentices shall be governed by ch. 106 and apprenticeship
14 rules of the department of ~~industry, labor and job~~ workforce development.

15 **SECTION 202.** 454.10 (1) of the statutes is amended to read:

16 454.10 (1) All apprentices shall be indentured and shall be governed by s.
17 106.01, the apprenticeship rules of the department of ~~industry, labor and job~~
18 workforce development and the rules of the examining board.

19 **SECTION 203.** 560.15 (1) (intro.) of the statutes is amended to read:

20 560.15 (1) (intro.) The department, with the advice and assistance of the
21 community response committees created under sub. (3), and in cooperation with the
22 department of ~~industry, labor and job~~ workforce development, shall perform the
23 responsibilities under sub. (2) if the following conditions are met:

24 **SECTION 204.** 560.15 (1) (b) 1. of the statutes is amended to read:

ASSEMBLY BILL 97

1 560.15 (1) (b) 1. The department of ~~industry, labor and job~~ workforce
2 development under s. 109.07 (1m).

3 **SECTION 205.** 560.15 (3) (c) 6. of the statutes is amended to read:

4 560.15 (3) (c) 6. A district office of the department of ~~industry, labor and job~~
5 workforce development.

6 **SECTION 206.** 560.73 (1) (i) 1. of the statutes is amended to read:

7 560.73 (1) (i) 1. Whether a grant diversion project has been established in the
8 county in which the area is located and, if a grant diversion project has not been
9 established, how the local governing body intends to work with the county and the
10 department of ~~industry, labor and job~~ workforce development to establish a grant
11 diversion project.

12 **SECTION 207.** 560.73 (1) (i) 2. of the statutes is amended to read:

13 560.73 (1) (i) 2. How the local governing body will work with the county and
14 department of ~~industry, labor and job~~ workforce development to promote and
15 encourage participation in the grant diversion project by employers in the
16 development zone.

17 **SECTION 208.** 560.75 (11) of the statutes is amended to read:

18 560.75 (11) For the purposes of s. 49.193 (5), notify the department of ~~industry,~~
19 ~~labor and job~~ workforce development when a development zone has been established
20 and of which local governing body helps administer the development zone.

21 **SECTION 209.** 560.795 (3) (e) of the statutes is amended to read:

22 560.795 (3) (e) For purposes of s. 49.193 (5), notify the department of ~~industry,~~
23 ~~labor and job~~ workforce development of the designation of an area as a development
24 opportunity zone and of the local governing body of the area.

25 **SECTION 210.** 560.797 (4) (e) of the statutes is amended to read:

ASSEMBLY BILL 97**SECTION 210**

1 560.797 (4) (e) For purposes of s. 49.193 (5), the department shall notify the
2 department of ~~industry, labor and job~~ workforce development of the designation of
3 an area as an enterprise development zone and of the governing body of any city,
4 village, town or federally recognized American Indian tribe or band in which the area
5 is located.

6 **SECTION 211.** 565.30 (5) of the statutes is amended to read:

7 565.30 (5) WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS
8 OWED THE STATE. The administrator shall report the name, address and social security
9 number of each winner of a lottery prize equal to or greater than \$1,000 to the
10 department of revenue to determine whether the payee of the prize is delinquent in
11 the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered
12 payment of child support or has a debt owing to the state. Upon receipt of a report
13 under this subsection, the department of revenue shall first ascertain based on
14 certifications by the department of ~~industry, labor and job~~ workforce development
15 under s. 49.855 (2) whether any person named in the report is currently delinquent
16 in court-ordered payment of child support and shall next certify to the administrator
17 whether any person named in the report is delinquent in court-ordered payment of
18 child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this
19 certification by the department of revenue or upon court order the administrator
20 shall withhold the certified amount and send it to the department of revenue for
21 remittance to the appropriate agency or person. At the time of remittance, the
22 department of revenue shall charge its administrative expenses to the state agency
23 that has received the remittance. The administrative expenses received by the
24 department of revenue shall be credited to the appropriation under s. 20.566 (1) (h).
25 In instances in which the payee of the prize is delinquent both in payments for state

ASSEMBLY BILL 97

1 taxes and in court-ordered payments of child support, or is delinquent in one or both
2 of these payments and has a debt owing to the state, the amount remitted to the
3 appropriate agency or person shall be in proportion to the prize amount as is the
4 delinquency or debt owed by the payee.

5 **SECTION 212.** 565.30 (5m) of the statutes is amended to read:

6 565.30 **(5m)** WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR
7 FAMILY SUPPORT. The administrator shall report to the department of ~~industry, labor~~
8 ~~and job workforce~~ development the name, address and social security number of each
9 winner of a lottery prize that is payable in instalments. Upon receipt of the report,
10 the department of ~~industry, labor and job workforce~~ development shall certify to the
11 administrator whether any payee named in the report is obligated to provide child
12 support, spousal support, maintenance or family support under s. 767.02 (1) (f) or (g),
13 767.10, 767.23, 767.25, 767.26, 767.261, 767.465 (2m), 767.51 (3) or 948.22 (7) or ch.
14 769 and the amount required to be withheld from the lottery prize under s. 767.265.
15 The administrator shall withhold the certified amount from each payment made to
16 the winner and remit the certified amount to the department of industry, labor and
17 job development.

18 **SECTION 213.** 626.12 (3) of the statutes is amended to read:

19 626.12 **(3)** PHYSICAL IMPAIRMENT. Rates or rating plans may not take into
20 account the physical impairment of employees. Any employer who applies or
21 promotes any oppressive plan of physical examination and rejection of employees or
22 applicants for employment shall forfeit the right to experience rating. If the
23 department of ~~industry, labor and job workforce~~ development determines that
24 grounds exist for such forfeiture it shall file with the commissioner a certified copy
25 of its findings, which shall automatically suspend any experience rating credit for

ASSEMBLY BILL 97**SECTION 213**

1 the employer. The department shall make the determination as prescribed in s.
2 103.005 (5) (b) to (f), (6) to (11), (13) (b) to (d) and (16), so far as such subsections are
3 applicable, subject to review under ch. 227. Restoration of an employer to the
4 advantages of experience rating shall be by the same procedure.

5 **SECTION 214.** 626.125 (3) of the statutes is amended to read:

6 626.125 (3) The bureau shall report annually to the commissioner and the
7 secretary of ~~industry, labor and job~~ workforce development on the status of the
8 program under this section. The report shall include an evaluation of the degree of
9 success achieved by each loss management firm approved under sub. (2) in reducing
10 the worker's compensation loss experience of its clients participating in the program.

11 **SECTION 215.** 626.32 (1) (a) of the statutes is amended to read:

12 626.32 (1) (a) *General.* Every insurer writing any insurance specified under
13 s. 626.03 shall report its insurance in this state to the bureau at least annually, on
14 forms and under rules prescribed by the bureau. The bureau must file, pursuant to
15 rules adopted by the department of ~~industry, labor and job~~ workforce development,
16 a record of such reports with the department. No such information may be made
17 public by the bureau or any of its employees except as required by law and in
18 accordance with its rules.

19 **SECTION 216.** 645.47 (1) (a) of the statutes is amended to read:

20 645.47 (1) (a) *General requirements.* The liquidator shall give notice of the
21 liquidation order as soon as possible by first class mail and either by telegram or
22 telephone to the insurance commissioner of each jurisdiction in which the insurer is
23 licensed to do business, by first class mail and by telephone to the department of
24 ~~industry, labor and job~~ workforce development of this state if the insurer is or has
25 been an insurer of worker's compensation, by first class mail to all insurance agents

ASSEMBLY BILL 97

1 having a duty under s. 645.48, by first class mail to the director of state courts under
2 s. 601.53 (1) if the insurer does a surety business and by first class mail at the
3 last-known address to all persons known or reasonably expected from the insurer's
4 records to have claims against the insurer, including all policyholders. The
5 liquidator also shall publish a class 3 notice, under ch. 985, in a newspaper of general
6 circulation in the county in which the liquidation is pending or in Dane county, the
7 last publication to be not less than 3 months before the earliest deadline specified in
8 the notice under sub. (2).

9 **SECTION 217.** 767.001 (1d) of the statutes is amended to read:

10 767.001 (1d) "Department" means the department of ~~industry, labor and job~~
11 workforce development.

12 **SECTION 218.** 769.31 (1) of the statutes is amended to read:

13 769.31 (1) The department of ~~industry, labor and job~~ workforce development
14 is the state information agency under this chapter.

15 **SECTION 219.** 893.44 (2) of the statutes is amended to read:

16 893.44 (2) An action to recover wages under s. 109.09 shall be commenced
17 within 2 years after the claim is filed with the department of ~~industry, labor and job~~
18 workforce development or be barred.

19 **SECTION 220.** 905.15 (1) of the statutes is amended to read:

20 905.15 (1) An employe of the department of health and family services, the
21 department of ~~industry, labor and job~~ workforce development or a county department
22 under s. 46.215, 46.22 or 46.23 or a member of a governing body of a federally
23 recognized American Indian tribe who is authorized by federal law to have access to
24 or awareness of the federal tax return information of another in the performance of
25 duties under s. 49.19 or 49.45 or 7 USC 2011 to 2049 may claim privilege to refuse

ASSEMBLY BILL 97**SECTION 220**

1 to disclose the information and the source or method by which he or she received or
2 otherwise became aware of the information.

3 **SECTION 221.** 938.342 (1) (e) of the statutes is amended to read:

4 938.342 (1) (e) Order the department of ~~industry, labor and job~~ workforce
5 development to revoke, under s. 103.72, a permit under s. 103.70 authorizing the
6 employment of the person.

7 **SECTION 222.** 940.207 (title) of the statutes is amended to read:

8 **940.207** (title) **Battery or threat to department of commerce or**
9 **department of ~~industry, labor and job~~ workforce development employe.**

10 **SECTION 223.** 940.207 (2) (intro.) of the statutes is amended to read:

11 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
12 cause bodily harm to the person or family member of any department of commerce
13 or department of ~~industry, labor and job~~ workforce development official, employe or
14 agent under all of the following circumstances is guilty of a Class D felony:

15 **SECTION 224.** 940.207 (2) (a) of the statutes is amended to read:

16 940.207 (2) (a) At the time of the act or threat, the actor knows or should have
17 known that the victim is a department of commerce or department of ~~industry, labor~~
18 ~~and job~~ workforce development official, employe or agent or a member of his or her
19 family.

20 **SECTION 225.** 946.15 (1) of the statutes is amended to read:

21 946.15 (1) Any employer, or any agent or employe of an employer, who induces
22 any person who seeks to be or is employed pursuant to a public contract as defined
23 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
24 wage rate determination has been issued by the department of ~~industry, labor and~~
25 ~~job~~ workforce development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local

ASSEMBLY BILL 97

1 governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive
2 or return any part of the compensation to which that person is entitled under his or
3 her contract of employment or under the prevailing wage rate determination issued
4 by the department or local governmental unit, or who reduces the hourly basic rate
5 of pay normally paid to an employe for work on a project on which a prevailing wage
6 rate determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or 103.50
7 (3) during a week in which the employe works both on a project on which a prevailing
8 wage rate determination has been issued and on a project on which a prevailing wage
9 rate determination has not been issued, is guilty of a Class E felony.

10 **SECTION 226.** 946.15 (2) of the statutes is amended to read:

11 946.15 (2) Any person employed pursuant to a public contract as defined in s.
12 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination
13 has been issued by the department of ~~industry, labor and job~~ workforce development
14 under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined
15 in s. 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer
16 or agent of the employer any part of the compensation to which the employe is
17 entitled under his or her contract of employment or under the prevailing wage
18 determination issued by the department or local governmental unit, or who gives up
19 any part of the compensation to which he or she is normally entitled for work on a
20 project on which a prevailing wage rate determination has not been issued under s.
21 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which the person works
22 part-time on a project on which a prevailing wage rate determination has been
23 issued and part-time on a project on which a prevailing wage rate determination has
24 not been issued, is guilty of a Class C misdemeanor.

25 **SECTION 227.** 946.15 (3) and (4) of the statutes are amended to read:

ASSEMBLY BILL 97**SECTION 227**

1 946.15 (3) Any employer or labor organization, or any agent or employe of an
2 employer or labor organization, who induces any person who seeks to be or is
3 employed on a project on which a prevailing wage rate determination has been issued
4 by the department of ~~industry, labor and job~~ workforce development under s. 66.293
5 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293
6 (1) (d), under s. 66.293 (6) to permit any part of the wages to which that person is
7 entitled under the prevailing wage rate determination issued by the department or
8 local governmental unit to be deducted from the person's pay is guilty of a Class E
9 felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a
10 person who is working on a project that is subject to 40 USC 276c.

11 (4) Any person employed on a project on which a prevailing wage rate
12 determination has been issued by the department of ~~industry, labor and job~~
13 workforce development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local
14 governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any
15 part of the wages to which that person is entitled under the prevailing wage rate
16 determination issued by the department or local governmental unit to be deducted
17 from his or her pay is guilty of a Class C misdemeanor, unless the deduction would
18 be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that
19 is subject to 40 USC 276c.

20 **SECTION 228.** 973.05 (5) (g) of the statutes is amended to read:

21 973.05 (5) (g) No employer may use an assignment under sub. (4) (b) as a basis
22 for the denial of employment to a defendant, the discharge of an employe or any
23 disciplinary action against an employe. An employer who denies employment or
24 discharges or disciplines an employe in violation of this paragraph may be fined not
25 more than \$500 and may be required to make full restitution to the aggrieved person,

ASSEMBLY BILL 97

1 including reinstatement and back pay. Restitution shall be in accordance with s.
2 973.20. An aggrieved person may apply to the district attorney or to the department
3 of ~~industry, labor and human relations~~ workforce development for enforcement of
4 this paragraph.

5 **SECTION 229.** 978.05 (4m) of the statutes is amended to read:

6 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the department
7 of ~~industry, labor and job~~ workforce development regarding the fraud investigation
8 program under s. 49.197 (1m).

9 **SECTION 230. Effective dates.** This act takes effect on the day after
10 publication, except as follows:

11 (1) The treatment of section 301.45 (9) of the statutes takes effect on June 1,
12 1997.

13 (2) The repeal and recreation of sections 46.495 (1) (d), 46.495 (1) (dc), 46.495
14 (1) (f) 1., 48.57 (3m) (d) and 48.57 (3m) (e) of the statutes takes effect on July 1, 1997.

15 (END)