

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0319/1dn
TAY:pk:jf

October 26, 1998

Representative Schneider:

1. Under current federal law, states must achieve certain minimum work participation rates to receive a Temporary Assistance to Needy Families grant. For fiscal year 1999, the minimum work participation rate for single-parent households is 35% (which increases to 50% by 2002). For 2-parent families, the work participation rate must equal 90% beginning in fiscal year 1999. These rates may be lowered, however, by the secretary of the federal Department of Health and Human Services for states that experience a significant decline in their case loads. It is expected that Wisconsin will be subject to lower participation rate requirements because of its dramatic decrease in the case load.

Federal law also defines what activities may be considered work for purposes of fulfilling the participation requirement. The activities include not more than 12 months (with respect to any individual) of vocational training. Although federal law allows certain education to count as work, it also limits the number of people that a state may treat as engaged in work by reason of participation in permitted education. Currently, not more than 30% of the number of all individuals "who are treated as engaged in work for a month may consist of individuals who are determined to be engaged in work for the month by reason of participation in vocational educational training or by reason of participation" in secondary or vocational education as a teen parent.

Because it is possible that allowing participation in technical college for all W-2 participants who wish to pursue that course would cause Wisconsin to fail to meet the federal minimum participation requirements, I have included the phrase "To the extent permitted under [federal law]". However, it is at least as likely that full implementation of the educational component created in this draft would not impede Wisconsin's ability to achieve the minimum participation requirements.

2. Under current (state) law, a person in a CSJ or transitional placement may be required to engage in education or training activities for 10 to 12 hours per week. Permissible education and training include courses leading to a high school diploma (or equivalent). Thus, a person who has not completed high school may be given an opportunity to do so, although, unless the person is 18 or 19 years old, it will not likely be the person's primary activity under a CSJ or transitional placement. Did you want to allow full-time attendance in a course leading to a high school diploma to count as fulfillment of the work requirement under a CSJ or transitional placement?

3. Section 49.147 (4) was repealed and recreated by 1997 Wisconsin Act 27 effective February 1, 1999. To avoid complicated double-drafting, I have included a delayed effective date in this draft of February 1, 1999. Okay?

If you have any questions about this draft, or if any part of it does not meet your intent, I would be happy to meet with you to discuss the draft and any changes you may wish to make to it.

Tina A. Yacker
Legislative Attorney
261-6927