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RMR

DOA:.....Sajna - W-2 contracts and chapter 20 cleanups

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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AN ACT <sup>Don't
Sen Cat</sup> relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, certain federal economic support programs require that a state maintain or increase its average annual expenditures for those programs. This is commonly referred to as a maintenance-of-effort requirement.

This bill allows the department of workforce development (DWD) to expend moneys from its general program operations for economic support programs appropriation account for services to identify maintenance-of-effort funds.

Currently, under the learnfare program, a child between the ages of 6 and 17 who is the dependant child of a recipient of benefits under the Wisconsin works (W-2) program must meet a school attendance requirement to avoid the imposition of certain sanctions. Currently, DWD has the authority to expend moneys for a study of the school attendance requirement under the learnfare program for children who are 6 to 12 years of age. This bill eliminates that authority.

Under current law, DWD was required to award initial contracts to administer W-2 to counties or tribal governing bodies that elected to administer W-2 and that met performance standards under the former aid to families with dependent children program, commonly known as AFDC. This bill modifies the contract provision to direct DWD to award subsequent contracts to W-2 agencies that met the performance standards ~~under~~ the immediately preceding contract ^{period}

during

This bill also repeals or modifies the language in several of DWD's appropriations and other statutes to eliminate references to programs that are no longer in effect.

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:

1 **SECTION 1.** 20.445 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 20.445 (3) (a) *General program operations.* The amounts in the schedule for
4 general program operations relating to economic support, including field services
5 ~~and,~~ administrative services and services related to identifying
6 maintenance-of-effort funds, for costs associated with receiving and disbursing
7 support and support-related payments, including any contract costs, and for
8 administering the program under s. 49.22 and all other purposes specified in s. 49.22.
9 No moneys may be expended under this paragraph for the program under, or any
10 other purpose specified in, s. 49.22 unless moneys appropriated under par. (ja) are
11 insufficient for the purposes specified under that paragraph.

12 **SECTION 2.** 20.445 (3) (br) of the statutes is amended to read:

13 20.445 (3) (br) *Public assistance reform studies.* As a continuing appropriation,
14 the amounts in the schedule for the studies of public assistance reform under s. 49.32
15 (6), ~~for a study of the school attendance requirement under the learnfare pilot~~
16 ~~program for children who are 6 to 12 years of age and for the evaluation of the~~
17 ~~parental responsibility pilot program under s. 49.25 (9).~~

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

1 20.445 (3) (cm) *Wisconsin works child care*. The amounts in the schedule for
2 paying child care subsidies under s. 49.155. ~~Before October 1, 1997, moneys~~
3 ~~appropriated under this paragraph may be used to fund child care costs of~~
4 ~~individuals who secure unsubsidized employment and lose eligibility for aid to~~
5 ~~families with dependent children as provided under s. 49.191 (2), for child care and~~
6 ~~related transportation costs under s. 49.26 (1) (e), for at risk and low income child~~
7 ~~care under s. 49.132, 1995 stats., and for child care costs under ss. 49.191 (1) and~~
8 ~~49.193 (8).~~

9 **SECTION 4.** 20.445 (3) (dz) of the statutes, as affected by 1997 Wisconsin Act 27,
10 section 627b, is amended to read:

11 20.445 (3) (dz) *Wisconsin works and other public assistance administration and*
12 *benefits*. The amounts in the schedule for administration and benefit payments
13 under Wisconsin works under ss. 49.141 to 49.161, ~~the job opportunities and basic~~
14 ~~skills program under s. 49.193, the learnfare program under s. 49.26, the work~~
15 ~~experience and job search program under s. 49.36, and the food stamp program under~~
16 ~~s. 49.124 and the parental responsibility pilot program under s. 49.25; for payment~~
17 ~~distribution under s. 49.33 (8) for county administration of public assistance benefits~~
18 ~~and medical assistance eligibility determination and payments to American Indian~~
19 ~~tribes for administration of public assistance programs; to provide state aid for~~
20 ~~county administered public assistance programs for which reimbursement is~~
21 ~~provided under s. 49.33 (9); for child care costs under ss. 49.191 (1) and (2), 49.193~~
22 ~~(8) and 49.26 (1) (e); for the new hope project under s. 49.37; for aid to 18 year old~~
23 ~~students under s. 49.20; for funeral expenses under s. 49.30; and to transfer to the~~
24 ~~appropriation account under s. 20.835 (2) (k) the amount determined by the~~
25 ~~department of revenue under s. 49.175 (1) (b) 2. Payments may be made from this~~

1 appropriation to counties for fraud investigation and error reduction under s. 49.197
2 (1m) and (4). Moneys appropriated under this paragraph may be used to match
3 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
4 (1), the department may transfer funds between fiscal years under this paragraph.
5 All funds allocated by the department but not encumbered by December 31 of each
6 year lapse to the general fund on the next January 1 unless transferred to the next
7 calendar year by the joint committee on finance.

8 **SECTION 5.** 20.445 (3) (jg) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 6.** 20.445 (3) (jm) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 7.** 20.445 (3) (L) of the statutes is amended to read:

11 20.445 (3) (L) *Welfare fraud and error reduction; state operations.* From the
12 moneys received as the state's share of the recovery of overpayments and incorrect
13 payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),
14 ~~49.191 (3) (e), 49.195~~ and 49.497 (1), the amounts in the schedule for the
15 department's activities to reduce error and fraud in the food stamp, aid to families
16 with dependent children, Wisconsin works program and medical assistance
17 programs.

18 **SECTION 8.** 20.445 (3) (Lm) of the statutes is amended to read:

19 20.445 (3) (Lm) *Welfare fraud and error reduction; local assistance.* From the
20 moneys received as the state's share of the recovery of overpayments and incorrect
21 payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),
22 ~~49.191 (3) (e), 49.195~~ and 49.497 (1), all moneys not appropriated under par. (L) for

1 county and tribal activities to reduce error and fraud in the food stamp, aid to
2 families with dependent children, Wisconsin works program and medical assistance
3 program.

4 **SECTION 9.** 46.215 (1) (j) of the statutes is amended to read:

5 46.215 (1) (j) To make payments in such manner as the department of
6 workforce development may determine for training of recipients, former recipients
7 and potential recipients of aid in programs established under ~~ss. s.~~ 49.193, 1997
8 stats., and s. 49.26 (1).

9 **SECTION 10.** 46.22 (1) (b) 2. a. of the statutes is repealed.

10 **SECTION 11.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

11 46.22 (1) (b) 2. e. To make payments in such manner as the department of
12 workforce development may determine for training of recipients, former recipients
13 and potential recipients of aid in programs established under ~~ss. 49.193, 1997 stats.~~,
14 and 49.26 (1).

15 **SECTION 12.** 49.141 (2) of the statutes is repealed.

16 **SECTION 13.** 49.141 (2g) (a) of the statutes is renumbered 49.141 (2g).

17 **SECTION 14.** 49.141 (2g) (b) of the statutes is repealed.

18 **SECTION 15.** 49.143 (1) (a) of the statutes is amended to read:

19 49.143 (1) (a) Except as provided in par. (am), the department may award a
20 contract, on the basis of a competitive process approved by the secretary of
21 administration, to any person to administer Wisconsin works in a geographical area
22 determined by the department under sub. (6). ~~The department shall award contracts~~
23 ~~under this paragraph before the date that is specified in s. 49.141 (2) (d).~~

24 **SECTION 16.** 49.143 (1) (am) 1. of the statutes is repealed and recreated to read:

1 49.143 (1) (am) 1. The department shall contract with a Wisconsin works
2 agency to administer Wisconsin works if that agency has met the performance
3 standards established by the department ~~under~~ ^{during} the immediately preceding contract. ^{period}
4 The contract shall be for a term of at least 2 years. A Wisconsin works agency may
5 elect not to enter into a contract under this subdivision if the Wisconsin works agency
6 informs the department by the date established by the department that the
7 Wisconsin works agency has made that election.

8 **SECTION 17.** 49.143 (1) (am) 2. of the statutes is amended to read:

9 49.143 (1) (am) 2. A ~~county or tribal governing body~~ Wisconsin works agency
10 that has not met the ~~aid to families with dependent children caseload~~ performance
11 standards established by the department may apply for a contract under the
12 competitive process established under par. (a).

13 **SECTION 18.** 49.143 (1) (at) of the statutes is repealed.

14 **SECTION 19.** 49.145 (2) (n) 1. a. of the statutes is amended to read:

15 49.145 (2) (n) 1. a. The job opportunities and basic skills program under s.
16 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job
17 opportunities and basic skills program ~~begins to count~~ counts toward the 60-month
18 limit ~~beginning on October 1, 1996~~.

19 **SECTION 20.** 49.155 (1m) (c) 3. of the statutes is amended to read:

20 49.155 (1m) (c) 3. The individual was eligible for a child care subsidy under s.
21 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care subsidy
22 on or after May 10, 1996, but lost the subsidy solely because of increased income, and
23 the gross income of the individual's family is at or below 200% of the poverty line for
24 a family the size of the individual's family. This subdivision does not apply to an

1 individual whose family's gross income increased to more than 200% of the poverty
2 line for a family the size of the individual's family.

3 **SECTION 21.** 49.175 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
4 Act 27, section 1857pm, is amended to read:

5 49.175 (1) FUNDS DISTRIBUTION. (intro.) Except as provided in sub. (2), within
6 the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em),
7 (jg), (jL), (k), (L), (Lm), (mc), (md), (nL), (pm) and (ps), the department shall allocate
8 the following amounts for the following purposes:

9 **SECTION 22.** 49.175 (1) (d) of the statutes is repealed.

10 **SECTION 23.** 49.185 (5) of the statutes is amended to read:

11 49.185 (5) APPLICABILITY. This section applies beginning on ~~the date stated in~~
12 ~~the notice under s. 49.141 (2) (d), or on November 1, 1997, whichever is later.~~

13 **SECTION 24.** 49.19 (11s) (a) of the statutes is amended to read:

14 49.19 (11s) (a) The department shall conduct a demonstration project under
15 this subsection pursuant to a waiver from the secretary of the federal department of
16 health and human services beginning on January 1, 1996. To the extent permitted
17 in the waiver, the department may apply pars. (b) to (d) to all recipients of aid under
18 this section or to a test group of recipients of aid under this section determined by
19 the department. Paragraphs (b) to (d) do not apply to persons who are subject to s.
20 49.25, 1997 stats., and shall apply only while a waiver under this paragraph is in
21 effect and only with respect to recipients covered by the waiver.

22 **SECTION 25.** 49.19 (20) (a) of the statutes is amended to read:

23 49.19 (20) (a) Beginning on January 1, 1999, or beginning on the first day of
24 the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),
25 1997 stats., whichever is sooner, no person is eligible to receive benefits under this

1 section and no aid may be granted under this section. No additional notice, other
2 than the enactment of this paragraph, is required to be given under sub. (13) to
3 recipients of aid under this section to terminate their benefits under this paragraph.

4 **SECTION 26.** 49.191 of the statutes is repealed.

5 **SECTION 27.** 49.193 of the statutes is repealed.

6 **SECTION 28.** 49.195 (1) of the statutes is amended to read:

7 49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit
8 under s. 49.148, 49.155 or 49.157 or at any time thereafter acquires property by gift,
9 inheritance, sale of assets, court judgment or settlement of any damage claim, or by
10 winning a lottery or prize, the county granting such aid, or the Wisconsin works
11 agency granting such a benefit, may sue the parent on behalf of the department to
12 recover the value of that portion of the aid or of the benefit which does not exceed the
13 amount of the property so acquired. The value of the aid or benefit liable for recovery
14 under this section may not include the value of work performed by a member of the
15 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,
16 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work
17 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,
18 the 10-year statute of limitations may be pleaded in defense against any suit for
19 recovery under this section; and if such property is his or her homestead it shall be
20 exempt from execution on the judgment of recovery until his or her death or sale of
21 the property, whichever occurs first. Notwithstanding the foregoing restrictions and
22 limitations, where the aid or benefit recipient is deceased a claim may be filed against
23 any property in his or her estate and the statute of limitations specified in s. 859.02
24 shall be exclusively applicable. The court may refuse to render judgment or allow
25 the claim in any case where a parent, spouse or child is dependent on the property

1 for support, and the court in rendering judgment shall take into account the current
2 family budget requirement as fixed by the U.S. department of labor for the
3 community or as fixed by the authorities of the community in charge of public
4 assistance. The records of aid or benefits paid kept by the county, by the department
5 or by the Wisconsin works agency are prima facie evidence of the value of the aid or
6 benefits furnished. Liability under this section shall extend to any parent or
7 stepparent whose family receives aid under s. 49.19 or benefits under s. 49.148,
8 49.155 or 49.157 during the period that he or she is a member of the same household,
9 but his or her liability is limited to such period. This section does not apply to medical
10 and health assistance payments for which recovery is prohibited or restricted by
11 federal law or regulation.

12 **SECTION 29.** 49.20 of the statutes is repealed.

13 **SECTION 30.** 49.21 of the statutes is repealed.

14 **SECTION 31.** 49.25 of the statutes is repealed.

15 **SECTION 32.** 49.26 (1) (h) 1. as. of the statutes is amended to read:

16 49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed
17 to show good cause for not cooperating with case management efforts in a hearing.
18 ~~If the individual is a recipient of aid under s. 49.19, the hearing shall be requested~~
19 ~~and held under s. 49.21 (1). If the individual is a member of a Wisconsin works group,~~
20 ~~as defined in s. 49.141 (1) (s), the~~ The hearing shall be requested and held under s.
21 49.152. The department shall determine by rule the criteria for good cause.

22 **SECTION 33.** 49.27 of the statutes is repealed.

23 **SECTION 34.** 49.36 (2) of the statutes is amended to read:

24 49.36 (2) The department may contract with any county to administer a work
25 experience and job training program for parents who are not custodial parents and

1 who fail to pay child support or to meet their children's needs for support as a result
2 of unemployment or underemployment. The program may provide the kinds of work
3 experience and job training services available from the program under s. 49.193,
4 1997 stats., or s. 49.147 (3) or (4). The program may also include job search and job
5 orientation activities. The department shall fund the program from the
6 appropriation under s. 20.445 (3) (dz).

7 **SECTION 35.** 49.36 (3) (g) of the statutes is repealed.

8 **SECTION 36.** 49.89 (7) (c) of the statutes is amended to read:

9 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the
10 amount recovered because of benefits paid under s. 49.19, ~~49.20~~, s. 49.20, 1997 stats.,
11 and 49.30 or 253.05. The incentive payment shall be taken from the state share of
12 the sum recovered, except that the incentive payment for an amount recovered
13 because of benefits paid under s. 49.19 shall be considered an administrative cost
14 under s. 49.19 for the purpose of claiming federal funding.

15 **SECTION 37.** 73.03 (35) of the statutes is amended to read:

16 73.03 (35) To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di),
17 (2dj), (2dL), (2dr), (2ds) or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or
18 (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or (4) (am) if granting the
19 full amount claimed would violate ~~the a~~ requirement under s. ~~560.797 (4) (e)~~ 560.785
20 or would bring the total of the credits granted to that claimant under ~~s. 560.797 (4)~~
21 ~~(e), or the total of the credits granted to that claimant under~~ all of those subsections,
22 over the limit for that claimant under s. 560.768, 560.795 (2) (b) or 560.797 (5) (b).

23 **SECTION 38.** 102.29 (9) of the statutes is amended to read:

24 102.29 (9) No participant in a work experience component of a job opportunities
25 and basic skills program who, under s. 49.193 (6) (a), is 1997 stats., was considered

1 to be an employe of the agency administering that program, or who, under s. 49.193
2 (6) (a), ~~is 1997 stats., was~~ provided worker's compensation coverage by the person
3 administering the work experience component, and who makes a claim for
4 compensation under this chapter may make a claim or maintain an action in tort
5 against the employer who provided the work experience from which the claim arose.

6 This subsection does not apply to injuries occurring after February 28, 1998.

7 **SECTION 39.** 106.115 (1) (b) of the statutes is repealed.

8 **SECTION 40.** 106.18 of the statutes is repealed.

9 **SECTION 41.** 120.13 (27m) of the statutes is amended to read:

10 **120.13 (27m) TRANSPORTATION OF INDIGENT PUPILS.** Provide transportation to
11 and from school for indigent pupils who reside in the school district and who are not
12 required to be transported under s. 121.54. In this subsection, "indigent pupils"
13 means pupils who are eligible for free lunches or reduced-price lunches under 42
14 USC 1758 or aid to 18-year-old students under s. 49.20 or for whom aid to families
15 with dependent children is being received under s. 49.19 or who are members of a
16 Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is
17 participating in Wisconsin works under s. 49.147 (3) to (5) or any combination
18 thereof, as determined by the school board. If a school board determines to provide
19 transportation under this subsection, there shall be reasonable uniformity in the
20 transportation furnished such pupils whether they attend public or private schools.
21 The cost of transporting pupils under this subsection may not be included in the
22 school district's shared cost under s. 121.07 (6) (a).

23 **SECTION 42.** 253.10 (3) (d) 1. of the statutes is amended to read:

24 **253.10 (3) (d) 1.** Geographically indexed materials that are designed to inform
25 a woman about public and private agencies, including adoption agencies, and

1 services that are available to provide information on family planning, as defined in
2 s. 253.07 (1) (a), including natural family planning information, to provide
3 ultrasound imaging services, to assist her if she has received a diagnosis that her
4 unborn child has a disability or if her pregnancy is the result of sexual assault or
5 incest and to assist her through pregnancy, upon childbirth and while the child is
6 dependent. The materials shall include a comprehensive list of the agencies
7 available, a description of the services that they offer and a description of the manner
8 in which they may be contacted, including telephone numbers and addresses, or, at
9 the option of the department, the materials shall include a toll-free, 24-hour
10 telephone number that may be called to obtain an oral listing of available agencies
11 and services in the locality of the caller and a description of the services that the
12 agencies offer and the manner in which they may be contacted. The materials shall
13 provide information on the availability of governmentally funded programs that
14 serve pregnant women and children. Services identified for the woman shall include
15 ~~aid to families with dependent children under s. 49.19~~, medical assistance for
16 pregnant women and children under s. 49.47 (4) (am), ~~the job opportunities and basic~~
17 ~~skills program under s. 49.193~~, the availability of family or medical leave under s.
18 103.10, the Wisconsin works program under ss. 49.141 to 49.161, child care services,
19 child support laws and programs and the credit for expenses for household and
20 dependent care and services necessary for gainful employment under section 21 of
21 the internal revenue code. The materials shall state that it is unlawful to perform
22 an abortion for which consent has been coerced, that any physician who performs or
23 induces an abortion without obtaining the woman's voluntary and informed consent
24 is liable to her for damages in a civil action and is subject to a civil penalty, that the
25 father of a child is liable for assistance in the support of the child, even in instances

1 in which the father has offered to pay for an abortion, and that adoptive parents may
2 pay the costs of prenatal care, childbirth and neonatal care. The materials shall
3 include information, for a woman whose pregnancy is the result of sexual assault or
4 incest, on legal protections available to the woman and her child if she wishes to
5 oppose establishment of paternity or to terminate the father's parental rights. The
6 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
7 tone services are obtainable by pregnant women who wish to use them and shall
8 describe the services.

9 **SECTION 43.** 560.75 (11) of the statutes is repealed.

10 **SECTION 44.** 560.795 (3) (e) of the statutes is repealed.

11 **SECTION 45.** 560.797 (4) (e) of the statutes is repealed.

12 **SECTION 46.** 767.078 (1) (b) (intro.) of the statutes is amended to read:

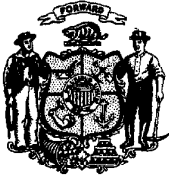
13 767.078 (1) (b) (intro.) Except as provided in par. (c) ~~or (d)~~, in a case involving
14 a dependent child, if the child's parent who is absent from the home is not employed,
15 the court shall order that parent to do one or more of the following:

16 **SECTION 47.** 767.078 (1) (c) of the statutes is amended to read:

17 767.078 (1) (c) An order is not required under par. (b) ~~or (d)~~ if the court makes
18 written findings that there is good cause for not issuing the order.

19 **SECTION 48.** 767.078 (1) (d) of the statutes is repealed.

20 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1186/4
TAY:kmg:jf

~~NOTE~~ TODAY

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9 No moneys may be expended under this paragraph for the program under, or any
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20 ~~county administered public assistance programs for which reimbursement is~~
21 ~~provided under s. 49.33 (9); for child care costs under ss. 49.191 (1) and (2), 49.193~~
22 ~~(8) and 49.26 (1) (e); for the new hope project under s. 49.37; for aid to 18-year-old~~
23 ~~students under s. 49.20; for funeral expenses under s. 49.30; and to transfer to the~~
24 ~~appropriation account under s. 20.835 (2) (k) the amount determined by the~~
25 ~~department of revenue under s. 49.175 (1) (b) 2. Payments may be made from this~~

g

1 appropriation to counties for fraud investigation and error reduction under s. 49.197
2 (1m) and (4). Moneys appropriated under this paragraph may be used to match
3 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
4 (1), the department may transfer funds between fiscal years under this paragraph.
5 All funds allocated by the department but not encumbered by December 31 of each
6 year lapse to the general fund on the next January 1 unless transferred to the next
7 calendar year by the joint committee on finance.

8 **SECTION 5.** 20.445 (3) (jg) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 6.** 20.445 (3) (jm) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 7.** 20.445 (3) (L) of the statutes is amended to read:

11 20.445 (3) (L) *Welfare fraud and error reduction; state operations.* From the
12 moneys received as the state's share of the recovery of overpayments and incorrect
13 payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),
14 ~~49.191 (3) (e), 49.195~~ and 49.497 (1), the amounts in the schedule for the
15 department's activities to reduce error and fraud in the food stamp, aid to families
16 with dependent children, Wisconsin works program and medical assistance
17 programs.

18 **SECTION 8.** 20.445 (3) (Lm) of the statutes is amended to read:

19 20.445 (3) (Lm) *Welfare fraud and error reduction; local assistance.* From the
20 moneys received as the state's share of the recovery of overpayments and incorrect
21 payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),
22 ~~49.191 (3) (e), 49.195~~ and 49.497 (1), all moneys not appropriated under par. (L) for

1 county and tribal activities to reduce error and fraud in the food stamp, aid to
2 families with dependent children, Wisconsin works program and medical assistance
3 program.

4 **SECTION 9.** 46.215 (1) (j) of the statutes is amended to read:

5 46.215 (1) (j) To make payments in such manner as the department of
6 workforce development may determine for training of recipients, former recipients
7 and potential recipients of aid in programs established under ~~ss. s.~~ 49.193, 1997
8 stats., and s. 49.26 (1).

9 **SECTION 10.** 46.22 (1) (b) 2. a. of the statutes is repealed.

10 **SECTION 11.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

11 46.22 (1) (b) 2. e. To make payments in such manner as the department of
12 workforce development may determine for training of recipients, former recipients
13 and potential recipients of aid in programs established under ss. 49.193, 1997 stats.,
14 and 49.26 (1).

15 **SECTION 12.** 49.141 (2) of the statutes is repealed.

16 **SECTION 13.** 49.141 (2g) (a) of the statutes is renumbered 49.141 (2g).

17 **SECTION 14.** 49.141 (2g) (b) of the statutes is repealed.

18 **SECTION 15.** 49.143 (1) (a) of the statutes is amended to read:

19 49.143 (1) (a) Except as provided in par. (am), the department may award a
20 contract, on the basis of a competitive process approved by the secretary of
21 administration, to any person to administer Wisconsin works in a geographical area
22 determined by the department under sub. (6). ~~The department shall award contracts~~
23 ~~under this paragraph before the date that is specified in s. 49.141 (2) (d).~~

24 **SECTION 16.** 49.143 (1) (am) 1. of the statutes is repealed and recreated to read:

1 49.143 (1) (am) 1. The department shall contract with a Wisconsin works
2 agency to administer Wisconsin works if that agency has met the performance
3 standards established by the department during the immediately preceding contract
4 period. The contract shall be for a term of at least 2 years. A Wisconsin works agency
5 may elect not to enter into a contract under this subdivision if the Wisconsin works
6 agency informs the department by the date established by the department that the
7 Wisconsin works agency has made that election.

8 **SECTION 17.** 49.143 (1) (am) 2. of the statutes is amended to read:

9 49.143 (1) (am) 2. ~~A county or tribal governing body~~ Wisconsin works agency
10 that has not met the ~~aid to families with dependent children caseload~~ performance
11 standards established by the department may apply for a contract under the
12 competitive process established under par. (a).

13 **SECTION 18.** 49.143 (1) (at) of the statutes is repealed.

14 **SECTION 19.** 49.145 (2) (n) 1. a. of the statutes is amended to read:

15 49.145 (2) (n) 1. a. The job opportunities and basic skills program under s.
16 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job
17 opportunities and basic skills program ~~begins to count~~ counts toward the 60-month
18 limit ~~beginning on October 1, 1996.~~

19 **SECTION 20.** 49.155 (1m) (c) 3. of the statutes is amended to read:

20 49.155 (1m) (c) 3. The individual was eligible for a child care subsidy under s.
21 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care subsidy
22 on or after May 10, 1996, but lost the subsidy solely because of increased income, and
23 the gross income of the individual's family is at or below 200% of the poverty line for
24 a family the size of the individual's family. This subdivision does not apply to an

1 individual whose family's gross income increased to more than 200% of the poverty
2 line for a family the size of the individual's family.

3 **SECTION 21.** 49.175 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
4 Act 27, section 1857pm, is amended to read:

5 49.175 (1) FUNDS DISTRIBUTION. (intro.) Except as provided in sub. (2), within
6 the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em),
7 ~~(g)~~, (jL), (k), (L), (Lm), (mc), (md), (nL), (pm) and (ps), the department shall allocate
8 the following amounts for the following purposes:

9 **SECTION 22.** 49.175 (1) (d) of the statutes is repealed.

10 **SECTION 23.** 49.185 (5) of the statutes is amended to read:

11 49.185 (5) APPLICABILITY. This section applies beginning on the date stated in
12 the notice under s. 49.141 (2) (d), or on November 1, 1997, whichever is later.

13 **SECTION 24.** 49.19 (11s) (a) of the statutes is amended to read:

14 49.19 (11s) (a) The department shall conduct a demonstration project under
15 this subsection pursuant to a waiver from the secretary of the federal department of
16 health and human services beginning on January 1, 1996. To the extent permitted
17 in the waiver, the department may apply pars. (b) to (d) to all recipients of aid under
18 this section or to a test group of recipients of aid under this section determined by
19 the department. Paragraphs (b) to (d) do not apply to persons who are subject to s.
20 49.25, 1997 stats. and shall apply only while a waiver under this paragraph is in
21 effect and only with respect to recipients covered by the waiver.

22 **SECTION 25.** 49.19 (20) (a) of the statutes is amended to read:

23 49.19 (20) (a) Beginning on January 1, 1999, or beginning on the first day of
24 the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),
25 1997 stats., whichever is sooner, no person is eligible to receive benefits under this

1 section and no aid may be granted under this section. No additional notice, other
2 than the enactment of this paragraph, is required to be given under sub. (13) to
3 recipients of aid under this section to terminate their benefits under this paragraph.

4 **SECTION 26.** 49.191 of the statutes is repealed.

5 **SECTION 27.** 49.193 of the statutes is repealed.

6 **SECTION 28.** 49.195 (1) of the statutes is amended to read:

7 49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit
8 under s. 49.148, 49.155 or 49.157 or at any time thereafter acquires property by gift,
9 inheritance, sale of assets, court judgment or settlement of any damage claim, or by
10 winning a lottery or prize, the county granting such aid, or the Wisconsin works
11 agency granting such a benefit, may sue the parent on behalf of the department to
12 recover the value of that portion of the aid or of the benefit which does not exceed the
13 amount of the property so acquired. The value of the aid or benefit liable for recovery
14 under this section may not include the value of work performed by a member of the
15 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,
16 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work
17 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,
18 the 10-year statute of limitations may be pleaded in defense against any suit for
19 recovery under this section; and if such property is his or her homestead it shall be
20 exempt from execution on the judgment of recovery until his or her death or sale of
21 the property, whichever occurs first. Notwithstanding the foregoing restrictions and
22 limitations, where the aid or benefit recipient is deceased a claim may be filed against
23 any property in his or her estate and the statute of limitations specified in s. 859.02
24 shall be exclusively applicable. The court may refuse to render judgment or allow
25 the claim in any case where a parent, spouse or child is dependent on the property

1 for support, and the court in rendering judgment shall take into account the current
 2 family budget requirement as fixed by the U.S. department of labor for the
 3 community or as fixed by the authorities of the community in charge of public
 4 assistance. The records of aid or benefits paid kept by the county, by the department
 5 or by the Wisconsin works agency are prima facie evidence of the value of the aid or
 6 benefits furnished. Liability under this section shall extend to any parent or
 7 stepparent whose family receives aid under s. 49.19 or benefits under s. 49.148,
 8 49.155 or 49.157 during the period that he or she is a member of the same household,
 9 but his or her liability is limited to such period. This section does not apply to medical
 10 and health assistance payments for which recovery is prohibited or restricted by
 11 federal law or regulation.

12 **SECTION 29.** 49.20 of the statutes is repealed.

13 **SECTION 30.** 49.21 of the statutes is repealed.

14 **SECTION 31.** 49.25 of the statutes is repealed.

15 **SECTION 32.** 49.26 (1) (h) 1. as. of the statutes is amended to read:

16 49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed
 17 to show good cause for not cooperating with case management efforts in a hearing.
 18 ~~If the individual is a recipient of aid under s. 49.19, the hearing shall be requested~~
 19 ~~and held under s. 49.21 (1). If the individual is a member of a Wisconsin works group,~~
 20 ~~as defined in s. 49.141 (1) (s), the~~ The hearing shall be requested and held under s.
 21 49.152. The department shall determine by rule the criteria for good cause.

22 **SECTION 33.** 49.27 of the statutes is repealed.

23 **SECTION 34.** 49.36 (2) of the statutes is amended to read:

24 49.36 (2) The department may contract with any county [✓] to administer a work
 25 experience and job training program for parents who are not custodial parents and
or Wisconsin works agency

1 who fail to pay child support or to meet their children's needs for support as a result
2 of unemployment or underemployment. The program may provide the kinds of work
3 experience and job training services available from the program under s. 49.193,
4 1997 stats., or s. 49.147 (3) or (4). The program may also include job search and job
5 orientation activities. The department shall fund the program from the
6 appropriation under s. 20.445 (3) (dz).

Amended
NOTE: This is reconciled s. 49.36(2). This section has been affected by the following LRB drafts: 0786/1 and 1186/3.

7 **SECTION 35.** 49.36 (3) (g) of the statutes is repealed.

Reconciled
NOTE: This is reconciled s. 49.36(3)(g). This section has been affected by the following LRB drafts: 0786/1 and 1186/3.

8 **SECTION 36.** 49.89 (7) (c) of the statutes is amended to read:

9 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the
10 amount recovered because of benefits paid under s. 49.19, ~~49.20~~, s. 49.20, 1997 stats.
11 and 49.30 or 253.05. The incentive payment shall be taken from the state share of
12 the sum recovered, except that the incentive payment for an amount recovered
13 because of benefits paid under s. 49.19 shall be considered an administrative cost
14 under s. 49.19 for the purpose of claiming federal funding.

15 **SECTION 37.** 73.03 (35) of the statutes is amended to read:

16 73.03 (35) To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di),
17 (2dj), (2dL), (2dr), (2ds) or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or
18 (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or (4) (am) if granting the
19 full amount claimed would violate the a requirement under s. ~~560.797 (4) (e)~~ 560.785
20 or would bring the total of the credits granted to that claimant under s. ~~560.797 (4)~~
21 ~~(e), or the total of the credits granted to that claimant under~~ all of those subsections,
22 over the limit for that claimant under s. 560.768, 560.795 (2) (b) or 560.797 (5) (b).

23 **SECTION 38.** 102.29 (9) of the statutes is amended to read:

24 102.29 (9) No participant in a work experience component of a job opportunities
25 and basic skills program who, under s. 49.193 (6) (a), is 1997 stats., was considered

1 to be an employe of the agency administering that program, or who, under s. 49.193
2 (6) (a), is 1997 stats., was provided worker's compensation coverage by the person
3 administering the work experience component, and who makes a claim for
4 compensation under this chapter may make a claim or maintain an action in tort
5 against the employer who provided the work experience from which the claim arose.
6 This subsection does not apply to injuries occurring after February 28, 1998.

7 **SECTION 39.** 106.115 (1) (b) of the statutes is repealed.

8 **SECTION 40.** 106.18 of the statutes is repealed.

9 **SECTION 41.** 120.13 (27m) of the statutes is amended to read:

10 **120.13 (27m) TRANSPORTATION OF INDIGENT PUPILS.** Provide transportation to
11 and from school for indigent pupils who reside in the school district and who are not
12 required to be transported under s. 121.54. In this subsection, "indigent pupils"
13 means pupils who are eligible for free lunches or reduced-price lunches under 42
14 ~~USC 1758 or aid to 18-year-old students under s. 49.20 or for whom aid to families~~
15 ~~with dependent children is being received under s. 49.19~~ or who are members of a
16 Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is
17 participating in Wisconsin works under s. 49.147 (3) to (5) or any combination
18 thereof, as determined by the school board. If a school board determines to provide
19 transportation under this subsection, there shall be reasonable uniformity in the
20 transportation furnished such pupils whether they attend public or private schools.
21 The cost of transporting pupils under this subsection may not be included in the
22 school district's shared cost under s. 121.07 (6) (a).

23 **SECTION 42.** 253.10 (3) (d) 1. of the statutes is amended to read:

24 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform
25 a woman about public and private agencies, including adoption agencies, and

1 services that are available to provide information on family planning, as defined in
2 s. 253.07 (1) (a), including natural family planning information, to provide
3 ultrasound imaging services, to assist her if she has received a diagnosis that her
4 unborn child has a disability or if her pregnancy is the result of sexual assault or
5 incest and to assist her through pregnancy, upon childbirth and while the child is
6 dependent. The materials shall include a comprehensive list of the agencies
7 available, a description of the services that they offer and a description of the manner
8 in which they may be contacted, including telephone numbers and addresses, or, at
9 the option of the department, the materials shall include a toll-free, 24-hour
10 telephone number that may be called to obtain an oral listing of available agencies
11 and services in the locality of the caller and a description of the services that the
12 agencies offer and the manner in which they may be contacted. The materials shall
13 provide information on the availability of governmentally funded programs that
14 serve pregnant women and children. Services identified for the woman shall include
15 ~~aid to families with dependent children under s. 49.19,~~ medical assistance for
16 pregnant women and children under s. 49.47 (4) (am), ~~the job opportunities and basic~~
17 ~~skills program under s. 49.193,~~ the availability of family or medical leave under s.
18 103.10, the Wisconsin works program under ss. 49.141 to 49.161, child care services,
19 child support laws and programs and the credit for expenses for household and
20 dependent care and services necessary for gainful employment under section 21 of
21 the internal revenue code. The materials shall state that it is unlawful to perform
22 an abortion for which consent has been coerced, that any physician who performs or
23 induces an abortion without obtaining the woman's voluntary and informed consent
24 is liable to her for damages in a civil action and is subject to a civil penalty, that the
25 father of a child is liable for assistance in the support of the child, even in instances

1 in which the father has offered to pay for an abortion, and that adoptive parents may
2 pay the costs of prenatal care, childbirth and neonatal care. The materials shall
3 include information, for a woman whose pregnancy is the result of sexual assault or
4 incest, on legal protections available to the woman and her child if she wishes to
5 oppose establishment of paternity or to terminate the father's parental rights. The
6 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
7 tone services are obtainable by pregnant women who wish to use them and shall
8 describe the services.

9 **SECTION 43.** 560.75 (11) of the statutes is repealed.

10 **SECTION 44.** 560.795 (3) (e) of the statutes is repealed.

11 **SECTION 45.** 560.797 (4) (e) of the statutes is repealed.

12 **SECTION 46.** 767.078 (1) (b) (intro.) of the statutes is amended to read:

13 767.078 (1) (b) (intro.) Except as provided in par. (c) ~~or (d)~~, in a case involving
14 a dependent child, if the child's parent who is absent from the home is not employed,
15 the court shall order that parent to do one or more of the following:

16 **SECTION 47.** 767.078 (1) (c) of the statutes is amended to read:

17 767.078 (1) (c) An order is not required under par. (b) ~~or (d)~~ if the court makes
18 written findings that there is good cause for not issuing the order.

19 **SECTION 48.** 767.078 (1) (d) of the statutes is repealed.

20

(END) ✓

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

LRB-1186/4dn

TAY::

↑
JL

This draft reconciles LRB-0702/5, LRB-0786/1 and LRB-1186/3. All of these drafts should continue to appear in the compiled bill.

This draft eliminates the treatment of s. 20.445 (3) (dz).[✓] That treatment is in LRB-0702/6.

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

LRB-1186/4dn
TAY:jlg:km

February 3, 1999

This draft reconciles LRB-0702/5, LRB-0786/1 and LRB-1186/3. All of these drafts should continue to appear in the compiled bill.

This draft eliminates the treatment of s. 20.445 (3) (dz). That treatment is in LRB-0702/6.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1186/4

TAY:kmg:km

DOA:.....Sajna - W-2 contracts and chapter 20 cleanups

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, certain federal economic support programs require that a state maintain or increase its average annual expenditures for those programs. This is commonly referred to as a maintenance-of-effort requirement.

This bill allows the department of workforce development (DWD) to expend moneys from its general program operations for economic support programs appropriation account for services to identify maintenance-of-effort funds.

Currently, under the learnfare program, a child between the ages of 6 and 17 who is the dependant child of a recipient of benefits under the Wisconsin works (W-2) program must meet a school attendance requirement to avoid the imposition of certain sanctions. Currently, DWD has the authority to expend moneys for a study of the school attendance requirement under the learnfare program for children who are 6 to 12 years of age. This bill eliminates that authority.

Under current law, DWD was required to award initial contracts to administer W-2 to counties or tribal governing bodies that elected to administer W-2 and that met performance standards under the former aid to families with dependent children program, commonly known as AFDC. This bill modifies the contract provision to direct DWD to award subsequent contracts to W-2 agencies that met the performance standards during the immediately preceding contract period.

This bill also repeals or modifies the language in several of DWD's appropriations and other statutes to eliminate references to programs that are no longer in effect.

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:

1 **SECTION 1.** 20.445 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 20.445 (3) (a) *General program operations.* The amounts in the schedule for
4 general program operations relating to economic support, including field services
5 ~~and,~~ administrative services and services related to identifying
6 maintenance-of-effort funds, for costs associated with receiving and disbursing
7 support and support-related payments, including any contract costs, and for
8 administering the program under s. 49.22 and all other purposes specified in s. 49.22.
9 No moneys may be expended under this paragraph for the program under, or any
10 other purpose specified in, s. 49.22 unless moneys appropriated under par. (ja) are
11 insufficient for the purposes specified under that paragraph.

12 **SECTION 2.** 20.445 (3) (br) of the statutes is amended to read:

13 20.445 (3) (br) *Public assistance reform studies.* As a continuing appropriation,
14 the amounts in the schedule for the studies of public assistance reform under s. 49.32
15 ~~(6), for a study of the school attendance requirement under the learnfare pilot~~
16 ~~program for children who are 6 to 12 years of age and for the evaluation of the~~
17 ~~parental responsibility pilot program under s. 49.25 (9).~~

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

1 20.445 (3) (cm) *Wisconsin works child care*. The amounts in the schedule for
2 paying child care subsidies under s. 49.155. ~~Before October 1, 1997, moneys~~
3 ~~appropriated under this paragraph may be used to fund child care costs of~~
4 ~~individuals who secure unsubsidized employment and lose eligibility for aid to~~
5 ~~families with dependent children as provided under s. 49.191 (2), for child care and~~
6 ~~related transportation costs under s. 49.26 (1) (e), for at-risk and low-income child~~
7 ~~care under s. 49.132, 1995 stats., and for child care costs under ss. 49.191 (1) and~~
8 ~~49.193 (8).~~

9 **SECTION 4.** 20.445 (3) (jg) of the statutes is repealed.

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 5.** 20.445 (3) (jm) of the statutes is repealed.

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 6.** 20.445 (3) (L) of the statutes is amended to read:

12 20.445 (3) (L) *Welfare fraud and error reduction; state operations*. From the
13 moneys received as the state's share of the recovery of overpayments and incorrect
14 payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),
15 ~~49.191 (3) (e), 49.195 and 49.497 (1)~~, the amounts in the schedule for the
16 department's activities to reduce error and fraud in the food stamp, aid to families
17 with dependent children, Wisconsin works program and medical assistance
18 programs.

19 **SECTION 7.** 20.445 (3) (Lm) of the statutes is amended to read:

20 20.445 (3) (Lm) *Welfare fraud and error reduction; local assistance*. From the
21 moneys received as the state's share of the recovery of overpayments and incorrect
22 payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),

1 ~~49.191 (3) (e), 49.195~~ and 49.497 (1), all moneys not appropriated under par. (L) for
2 county and tribal activities to reduce error and fraud in the food stamp, aid to
3 families with dependent children, Wisconsin works program and medical assistance
4 program.

5 **SECTION 8.** 46.215 (1) (j) of the statutes is amended to read:

6 46.215 (1) (j) To make payments in such manner as the department of
7 workforce development may determine for training of recipients, former recipients
8 and potential recipients of aid in programs established under ~~ss. s. 49.193, 1997~~
9 ~~stats., and s. 49.26 (1).~~

10 **SECTION 9.** 46.22 (1) (b) 2. a. of the statutes is repealed.

11 **SECTION 10.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

12 46.22 (1) (b) 2. e. To make payments in such manner as the department of
13 workforce development may determine for training of recipients, former recipients
14 and potential recipients of aid in programs established under ~~ss. 49.193, 1997 stats.,~~
15 and 49.26 (1).

16 **SECTION 11.** 49.141 (2) of the statutes is repealed.

17 **SECTION 12.** 49.141 (2g) (a) of the statutes is renumbered 49.141 (2g).

18 **SECTION 13.** 49.141 (2g) (b) of the statutes is repealed.

19 **SECTION 14.** 49.143 (1) (a) of the statutes is amended to read:

20 49.143 (1) (a) Except as provided in par. (am), the department may award a
21 contract, on the basis of a competitive process approved by the secretary of
22 administration, to any person to administer Wisconsin works in a geographical area
23 determined by the department under sub. (6). ~~The department shall award contracts~~
24 ~~under this paragraph before the date that is specified in s. 49.141 (2) (d).~~

25 **SECTION 15.** 49.143 (1) (am) 1. of the statutes is repealed and recreated to read:

1 49.143 (1) (am) 1. The department shall contract with a Wisconsin works
2 agency to administer Wisconsin works if that agency has met the performance
3 standards established by the department during the immediately preceding contract
4 period. The contract shall be for a term of at least 2 years. A Wisconsin works agency
5 may elect not to enter into a contract under this subdivision if the Wisconsin works
6 agency informs the department by the date established by the department that the
7 Wisconsin works agency has made that election.

8 **SECTION 16.** 49.143 (1) (am) 2. of the statutes is amended to read:

9 49.143 (1) (am) 2. A ~~county or tribal governing body~~ Wisconsin works agency
10 that has not met the ~~aid to families with dependent children caseload~~ performance
11 standards established by the department may apply for a contract under the
12 competitive process established under par. (a).

13 **SECTION 17.** 49.143 (1) (at) of the statutes is repealed.

14 **SECTION 18.** 49.145 (2) (n) 1. a. of the statutes is amended to read:

15 49.145 (2) (n) 1. a. The job opportunities and basic skills program under s.
16 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job
17 opportunities and basic skills program ~~begins to count~~ counts toward the 60-month
18 limit ~~beginning on October 1, 1996.~~

19 **SECTION 19.** 49.155 (1m) (c) 3. of the statutes is amended to read:

20 49.155 (1m) (c) 3. The individual was eligible for a child care subsidy under s.
21 49.191 (2), 1997 stats. on or after May 10, 1996, and received a child care subsidy
22 on or after May 10, 1996, but lost the subsidy solely because of increased income, and
23 the gross income of the individual's family is at or below 200% of the poverty line for
24 a family the size of the individual's family. This subdivision does not apply to an

1 individual whose family's gross income increased to more than 200% of the poverty
2 line for a family the size of the individual's family.

3 **SECTION 20.** 49.175 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
4 Act 27, section 1857pm, is amended to read:

5 49.175 (1) FUNDS DISTRIBUTION. (intro.) Except as provided in sub. (2), within
6 the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em),
7 (~~ig~~), (jL), (k), (L), (Lm), (mc), (md), (nL), (pm) and (ps), the department shall allocate
8 the following amounts for the following purposes:

9 **SECTION 21.** 49.175 (1) (d) of the statutes is repealed.

10 **SECTION 22.** 49.185 (5) of the statutes is amended to read:

11 49.185 (5) APPLICABILITY. This section applies beginning on ~~the date stated in~~
12 ~~the notice under s. 49.141 (2) (d), or on~~ November 1, 1997, ~~whichever is later.~~

13 **SECTION 23.** 49.19 (11s) (a) of the statutes is amended to read:

14 49.19 (11s) (a) The department shall conduct a demonstration project under
15 this subsection pursuant to a waiver from the secretary of the federal department of
16 health and human services beginning on January 1, 1996. To the extent permitted
17 in the waiver, the department may apply pars. (b) to (d) to all recipients of aid under
18 this section or to a test group of recipients of aid under this section determined by
19 the department. Paragraphs (b) to (d) do not apply to persons who are subject to s.
20 49.25, 1997 stats., and shall apply only while a waiver under this paragraph is in
21 effect and only with respect to recipients covered by the waiver.

22 **SECTION 24.** 49.19 (20) (a) of the statutes is amended to read:

23 49.19 (20) (a) Beginning on January 1, 1999, or beginning on the first day of
24 the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),
25 1997 stats., whichever is sooner, no person is eligible to receive benefits under this

1 section and no aid may be granted under this section. No additional notice, other
2 than the enactment of this paragraph, is required to be given under sub. (13) to
3 recipients of aid under this section to terminate their benefits under this paragraph.

4 **SECTION 25.** 49.191 of the statutes is repealed.

5 **SECTION 26.** 49.193 of the statutes is repealed.

6 **SECTION 27.** 49.195 (1) of the statutes is amended to read:

7 49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit
8 under s. 49.148, 49.155 or 49.157 or at any time thereafter acquires property by gift,
9 inheritance, sale of assets, court judgment or settlement of any damage claim, or by
10 winning a lottery or prize, the county granting such aid, or the Wisconsin works
11 agency granting such a benefit, may sue the parent on behalf of the department to
12 recover the value of that portion of the aid or of the benefit which does not exceed the
13 amount of the property so acquired. The value of the aid or benefit liable for recovery
14 under this section may not include the value of work performed by a member of the
15 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,
16 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work
17 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,
18 the 10-year statute of limitations may be pleaded in defense against any suit for
19 recovery under this section; and if such property is his or her homestead it shall be
20 exempt from execution on the judgment of recovery until his or her death or sale of
21 the property, whichever occurs first. Notwithstanding the foregoing restrictions and
22 limitations, where the aid or benefit recipient is deceased a claim may be filed against
23 any property in his or her estate and the statute of limitations specified in s. 859.02
24 shall be exclusively applicable. The court may refuse to render judgment or allow
25 the claim in any case where a parent, spouse or child is dependent on the property

1 for support, and the court in rendering judgment shall take into account the current
2 family budget requirement as fixed by the U.S. department of labor for the
3 community or as fixed by the authorities of the community in charge of public
4 assistance. The records of aid or benefits paid kept by the county, by the department
5 or by the Wisconsin works agency are prima facie evidence of the value of the aid or
6 benefits furnished. Liability under this section shall extend to any parent or
7 stepparent whose family receives aid under s. 49.19 or benefits under s. 49.148,
8 49.155 or 49.157 during the period that he or she is a member of the same household,
9 but his or her liability is limited to such period. This section does not apply to medical
10 and health assistance payments for which recovery is prohibited or restricted by
11 federal law or regulation.

12 **SECTION 28.** 49.20 of the statutes is repealed.

13 **SECTION 29.** 49.21 of the statutes is repealed.

14 **SECTION 30.** 49.25 of the statutes is repealed.

15 **SECTION 31.** 49.26 (1) (h) 1. as. of the statutes is amended to read:

16 49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed
17 to show good cause for not cooperating with case management efforts in a hearing.
18 ~~If the individual is a recipient of aid under s. 49.19, the hearing shall be requested~~
19 ~~and held under s. 49.21 (1). If the individual is a member of a Wisconsin works group,~~
20 ~~as defined in s. 49.141 (1) (s), the~~ The hearing shall be requested and held under s.
21 49.152. The department shall determine by rule the criteria for good cause.

22 **SECTION 32.** 49.27 of the statutes is repealed.

23 **SECTION 33.** 49.36 (2) of the statutes is amended to read:

24 49.36 (2) The department may contract with any county or Wisconsin works
25 agency to administer a work experience and job training program for parents who

1 are not custodial parents and who fail to pay child support or to meet their children's
2 needs for support as a result of unemployment or underemployment. The program
3 may provide the kinds of work experience and job training services available from
4 the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The program may
5 also include job search and job orientation activities. The department shall fund the
6 program from the appropriation under s. 20.445 (3) (dz).

****NOTE: This is reconciled s. 49.36 (2). This section has been affected by the
following LRB drafts: -0786/1 and 1186/3.

7 **SECTION 34.** 49.36 (3) (g) of the statutes is repealed.

****NOTE: This is reconciled s. 49.36 (3) (g). This section has been affected by the
following LRB drafts: -0786/1 and 1186/3.

8 **SECTION 35.** 49.89 (7) (c) of the statutes is amended to read:

9 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the
10 amount recovered because of benefits paid under s. 49.19, ~~49.20~~, s. 49.20, 1997 stats.,
11 and 49.30 or 253.05. The incentive payment shall be taken from the state share of
12 the sum recovered, except that the incentive payment for an amount recovered
13 because of benefits paid under s. 49.19 shall be considered an administrative cost
14 under s. 49.19 for the purpose of claiming federal funding.

15 **SECTION 36.** 73.03 (35) of the statutes is amended to read:

16 73.03 (35) To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di),
17 (2dj), (2dL), (2dr), (2ds) or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or
18 (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or (4) (am) if granting the
19 full amount claimed would violate the a requirement under s. ~~560.797 (4) (e)~~ 560.785
20 or would bring the total of the credits granted to that claimant under s. ~~560.797 (4)~~
21 ~~(e), or the total of the credits granted to that claimant under~~ all of those subsections,
22 over the limit for that claimant under s. 560.768, 560.795 (2) (b) or 560.797 (5) (b).

1 **SECTION 37.** 102.29 (9) of the statutes is amended to read:

2 102.29 (9) No participant in a work experience component of a job opportunities
3 and basic skills program who, under s. 49.193 (6) (a), ~~is 1997 stats., was~~ considered
4 to be an employe of the agency administering that program, or who, under s. 49.193
5 (6) (a), ~~is 1997 stats., was~~ provided worker's compensation coverage by the person
6 administering the work experience component, and who makes a claim for
7 compensation under this chapter may make a claim or maintain an action in tort
8 against the employer who provided the work experience from which the claim arose.
9 This subsection does not apply to injuries occurring after February 28, 1998.

10 **SECTION 38.** 106.115 (1) (b) of the statutes is repealed.

11 **SECTION 39.** 106.18 of the statutes is repealed.

12 **SECTION 40.** 120.13 (27m) of the statutes is amended to read:

13 120.13 (27m) TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to
14 and from school for indigent pupils who reside in the school district and who are not
15 required to be transported under s. 121.54. In this subsection, "indigent pupils"
16 means pupils who are eligible for free lunches or reduced-price lunches under 42
17 USC 1758 ~~or aid to 18 year old students under s. 49.20 or for whom aid to families~~
18 ~~with dependent children is being received under s. 49.19~~ or who are members of a
19 Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is
20 participating in Wisconsin works under s. 49.147 (3) to (5) or any combination
21 thereof, as determined by the school board. If a school board determines to provide
22 transportation under this subsection, there shall be reasonable uniformity in the
23 transportation furnished such pupils whether they attend public or private schools.
24 The cost of transporting pupils under this subsection may not be included in the
25 school district's shared cost under s. 121.07 (6) (a).

1 **SECTION 41.** 253.10 (3) (d) 1. of the statutes is amended to read:

2 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform
3 a woman about public and private agencies, including adoption agencies, and
4 services that are available to provide information on family planning, as defined in
5 s. 253.07 (1) (a), including natural family planning information, to provide
6 ultrasound imaging services, to assist her if she has received a diagnosis that her
7 unborn child has a disability or if her pregnancy is the result of sexual assault or
8 incest and to assist her through pregnancy, upon childbirth and while the child is
9 dependent. The materials shall include a comprehensive list of the agencies
10 available, a description of the services that they offer and a description of the manner
11 in which they may be contacted, including telephone numbers and addresses, or, at
12 the option of the department, the materials shall include a toll-free, 24-hour
13 telephone number that may be called to obtain an oral listing of available agencies
14 and services in the locality of the caller and a description of the services that the
15 agencies offer and the manner in which they may be contacted. The materials shall
16 provide information on the availability of governmentally funded programs that
17 serve pregnant women and children. Services identified for the woman shall include
18 ~~aid to families with dependent children under s. 49.19,~~ medical assistance for
19 pregnant women and children under s. 49.47 (4) (am), ~~the job opportunities and basic~~
20 ~~skills program under s. 49.193,~~ the availability of family or medical leave under s.
21 103.10, the Wisconsin works program under ss. 49.141 to 49.161, child care services,
22 child support laws and programs and the credit for expenses for household and
23 dependent care and services necessary for gainful employment under section 21 of
24 the internal revenue code. The materials shall state that it is unlawful to perform
25 an abortion for which consent has been coerced, that any physician who performs or

1 induces an abortion without obtaining the woman's voluntary and informed consent
2 is liable to her for damages in a civil action and is subject to a civil penalty, that the
3 father of a child is liable for assistance in the support of the child, even in instances
4 in which the father has offered to pay for an abortion, and that adoptive parents may
5 pay the costs of prenatal care, childbirth and neonatal care. The materials shall
6 include information, for a woman whose pregnancy is the result of sexual assault or
7 incest, on legal protections available to the woman and her child if she wishes to
8 oppose establishment of paternity or to terminate the father's parental rights. The
9 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
10 tone services are obtainable by pregnant women who wish to use them and shall
11 describe the services.

12 **SECTION 42.** 560.75 (11) of the statutes is repealed.

13 **SECTION 43.** 560.795 (3) (e) of the statutes is repealed.

14 **SECTION 44.** 560.797 (4) (e) of the statutes is repealed.

15 **SECTION 45.** 767.078 (1) (b) (intro.) of the statutes is amended to read:

16 767.078 (1) (b) (intro.) Except as provided in par. (c) or (d), in a case involving
17 a dependent child, if the child's parent who is absent from the home is not employed,
18 the court shall order that parent to do one or more of the following:

19 **SECTION 46.** 767.078 (1) (c) of the statutes is amended to read:

20 767.078 (1) (c) An order is not required under par. (b) ~~or (d)~~ if the court makes
21 written findings that there is good cause for not issuing the order.

22 **SECTION 47.** 767.078 (1) (d) of the statutes is repealed.

23 (END)