

1 (e) Contract for any legal services required for the district.

2 (f) Subject to sub. (8), procure liability insurance covering its officers,
3 employees, and agents, insurance against any loss in connection with its property
4 and other assets, and other necessary insurance; establish and administer a plan of
5 self-insurance; or, subject to an agreement under s. 66.0301, participate in a
6 governmental plan of insurance or self-insurance.

7 (7) DIRECTOR; DUTIES. The director appointed under sub. (6) (a) shall do all of
8 the following:

9 (a) Manage the property and business of the district and manage the employees
10 of the district, subject to the general control of the board.

11 (b) Comply with the bylaws and direct enforcement of all policies and
12 procedures adopted by the board.

13 (c) Perform duties in addition to those specified in pars. (a) and (b) as are
14 prescribed by the board.

15 (8) EMPLOYMENT AND EMPLOYEE BENEFITS OF CERTAIN EMPLOYEES. (a) The
16 Milwaukee County child welfare district board shall do all of the following:

17 1. If the district offers employment to any individual who was previously
18 employed by the county, who while employed by the county performed duties relating
19 to the same or a substantially similar function for which the individual is offered
20 employment by the district, and whose wages, hours, and conditions of employment
21 were established in a collective bargaining agreement with the county under subch.
22 IV of ch. 111 that is in effect on the date on which the individual commences
23 employment with the district, with respect to that individual, abide by the terms of
24 the collective bargaining agreement concerning the individual's compensation and
25 benefits until the time of the expiration of that collective bargaining agreement or

1 adoption of a collective bargaining agreement with the district under subch. IV of ch.
2 111 covering the individual as an employee of the district, whichever occurs first.

3 2. If the district offers employment to any individual who was previously
4 employed by the county and who while employed by the county performed duties
5 relating to the same or a substantially similar function for which the individual is
6 offered employment by the district, but whose wages, hours, and conditions of
7 employment were not established in a collective bargaining agreement with the
8 county under subch. IV of ch. 111 that is in effect on the date on which the individual
9 commences employment with the district, with respect to that individual, initially
10 provide that individual the same compensation and benefits that he or she received
11 while employed by the county.

12 3. If the district offers employment to any individual who was previously
13 employed by the county and who while employed by the county performed duties
14 relating to the same or a substantially similar function for which the individual is
15 offered employment by the district, with respect to that individual, recognize all
16 years of service with the county for any benefit provided or program operated by the
17 district for which an employee's years of service may affect the provision of the
18 benefit or the operation of the program.

19 4. If the county has not established its own retirement system for county
20 employees, adopt a resolution that the *Milwaukee County child welfare* district be included within the
21 provisions of the Wisconsin retirement system under s. 40.21 (1). In this resolution,
22 the Milwaukee County child welfare district shall agree to recognize 100% of the
23 prior creditable service of its employees earned by the employees while employed by
24 the district.

1 (b) The county board of supervisors of the area of jurisdiction of the district
2 shall do all of the following:

3 1. If the county has established its own retirement system for county
4 employees, provide that district employees are eligible to participate in the county
5 retirement system.

6 2. Provide that, subject to the terms of any applicable collective bargaining
7 agreement as provided in par. (a) 1., district employees are eligible to receive health
8 care coverage under any county health insurance plan that is offered to county
9 employees.

10 3. Provide that, subject to the terms of any applicable collective bargaining
11 agreement as provided in par. (a) 1., district employees are eligible to participate in
12 any deferred compensation or other benefit plan offered by the county to county
13 employees, including disability and long-term care insurance coverage and income
14 continuation insurance coverage.

15 **(9) CONFIDENTIALITY OF RECORDS.** No record, as defined in s. 19.32 (2), of the
16 Milwaukee County child welfare district that contains personally identifiable
17 information, as defined in s. 19.62 (5), concerning an individual who receives services
18 from the district may be disclosed by the district without the individual's informed
19 consent, except as permitted under s. 48.78 (2).

20 **(10) OBLIGATIONS AND DEBTS NOT THOSE OF COUNTY.** The obligations and debts
21 of the Milwaukee County child welfare district are not the obligations or debts of the
22 county that created the district.

23 **(11) ASSISTANCE TO MILWAUKEE COUNTY CHILD WELFARE DISTRICT.** From moneys
24 in the county treasury that are not appropriated to some other purpose, the county
25 board of supervisors of the county that created the district may appropriate moneys

1 to the Milwaukee County child welfare district as a gift or may lend moneys to the
2 district.

3 (12) DISSOLUTION. Subject to the performance of its contractual obligations and
4 to prior approval by the secretary of the department, the Milwaukee County child
5 welfare district may be dissolved by the joint action of the district board and county
6 board of supervisors of the county that created the district. If the district is dissolved,
7 the property of the district shall be transferred to the county board of supervisors of
8 the county that created the district except that if the district has funds in a risk
9 reserve, disposition of those funds shall be made under the terms of the district's
10 contract with the department.”.

11 *b0898/2.12* **819.** Page 583, line 2: after that line insert:

12 *b0898/2.12* “SECTION 1636n. 48.75 (1b) of the statutes is amended to read:
13 48.75 (1b) In this section, “public licensing agency” means a county
14 department or, in a county having a population of 500,000 or more, the department
15 or, with the approval of the department, the Milwaukee County child welfare district.

16 *b0898/2.12* SECTION 1636p. 48.78 (1) of the statutes is amended to read:

17 48.78 (1) In this section, unless otherwise qualified, “agency” means the
18 department, a county department, a licensed child welfare agency, the Milwaukee
19 County child welfare district, a licensed day care center, or a licensed maternity
20 hospital.

21 *b0898/2.12* SECTION 1651h. 48.981 (1) (ag) of the statutes is amended to
22 read:

23 48.981 (1) (ag) “Agency” means a county department, the department in a
24 county having a population of 500,000 or more or, a licensed child welfare agency

1 under contract with a county department ~~or the department in a county having a~~
2 ~~population of 500,000 or more to perform investigations under this section, or, if~~
3 ~~contracted by the department to perform investigations under this section in a~~
4 ~~county having a population of 500,000 or more, a licensed child welfare agency or the~~
5 ~~Milwaukee County child welfare district.”.~~

6 *b0898/2.13* **820.** Page 583, line 6: delete “a licensed child”.

7 *b0898/2.14* **821.** Page 583, line 7: delete “welfare” and substitute “a
8 licensed child welfare”.

9 *b0898/2.15* **822.** Page 583, line 13: delete “a licensed child welfare” and
10 substitute “a licensed child welfare”.

11 *b0898/2.16* **823.** Page 583, line 15: delete “licensed child welfare” and
12 substitute “licensed child welfare”.

13 *b0898/2.17* **824.** Page 583, line 17: delete “a licensed child welfare”.

14 *b0898/2.18* **825.** Page 583, line 22: delete “a licensed child welfare” and
15 substitute “a licensed child welfare”.

16 *b0898/2.19* **826.** Page 584, line 3: delete “licensed child welfare”.

17 *b0898/2.20* **827.** Page 584, line 13: delete lines 13 to 25.

18 *b0898/2.21* **828.** Page 585, line 1: delete lines 1 to 9 and substitute:

19 *b0898/2.21* “SECTION 1651tb. 48.981 (3) (c) 2. a. of the statutes is amended
20 to read:

21 48.981 (3) (c) 2. a. If the person making the investigation is an employee of the
22 county department or, in a county having a population of 500,000 or more, the
23 department or a licensed child welfare agency under contract with the department

1 and he or she determines that it is consistent with the child's best interest in terms
2 of physical safety and physical health to remove the child from his or her home for
3 immediate protection, he or she shall take the child into custody under s. 48.08 (2)
4 or 48.19 (1) (c) and deliver the child to the intake worker under s. 48.20.

5 ***b0898/2.21* SECTION 1651td.** 48.981 (3) (c) 2m. a. of the statutes is amended
6 to read:

7 48.981 (3) (c) 2m. a. If the person making the investigation is an employee of
8 the county department or, in a county having a population of 500,000 or more, the
9 department or a licensed child welfare agency under contract with the department
10 and he or she determines that it is consistent with the best interest of the unborn
11 child in terms of physical safety and physical health to take the expectant mother
12 into custody for the immediate protection of the unborn child, he or she shall take the
13 expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm), or 48.193 (1) (c) and
14 deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

15 ***b0898/2.21* SECTION 1651tf.** 48.981 (3) (c) 3. of the statutes is amended to
16 read:

17 48.981 (3) (c) 3. If the county department or, in a county having a population
18 of 500,000 or more, the department or a licensed child welfare agency under contract
19 with the department determines that a child, any member of the child's family, or the
20 child's guardian or legal custodian is in need of services or that the expectant mother
21 of an unborn child is in need of services, the county department, or department or
22 ~~licensed child welfare~~ agency shall offer to provide appropriate services or to make
23 arrangements for the provision of services. If the child's parent, guardian, or legal
24 custodian or the expectant mother refuses to accept the services, the county
25 department, or department or ~~licensed child welfare~~ agency may request that a

1 petition be filed under s. 48.13 alleging that the child who is the subject of the report
2 or any other child in the home is in need of protection or services or that a petition
3 be filed under s. 48.133 alleging that the unborn child who is the subject of the report
4 is in need of protection or services.

5 ***b0898/2.21* SECTION 1651th.** 48.981 (3) (c) 4. of the statutes is amended to
6 read:

7 48.981 (3) (c) 4. The county department or, in a county having a population of
8 500,000 or more, the department or a licensed child welfare agency under contract
9 with the department shall determine, within 60 days after receipt of a report,
10 whether abuse or neglect has occurred or is likely to occur. The determination shall
11 be based on a preponderance of the evidence produced by the investigation. A
12 determination that abuse or neglect has occurred may not be based solely on the fact
13 that the child's parent, guardian, or legal custodian in good faith selects and relies
14 on prayer or other religious means for treatment of disease or for remedial care of the
15 child. In making a determination that emotional damage has occurred, the county
16 department or, in a county having a population of 500,000 or more, the department
17 or a licensed child welfare agency under contract with the department shall give due
18 regard to the culture of the subjects. This subdivision does not prohibit a court from
19 ordering medical services for the child if the child's health requires it.

20 ***b0898/2.21* SECTION 1651tj.** 48.981 (3) (c) 5m. of the statutes is amended to
21 read:

22 48.981 (3) (c) 5m. If the county department or, in a county having a population
23 of 500,000 or more, the department or a licensed child welfare agency under contract
24 with the department determines under subd. 4. that a specific person has abused or
25 neglected a child, the county department, or department or licensed child welfare

1 agency, within 15 days after the date of the determination, shall notify the person in
2 writing of the determination, the person's right to appeal the determination, and the
3 procedure by which the person may appeal the determination, and the person may
4 appeal the determination in accordance with the procedures established by the
5 department under this subdivision. The department shall promulgate rules
6 establishing procedures for conducting an appeal under this subdivision. Those
7 procedures shall include a procedure permitting an appeal under this subdivision to
8 be held in abeyance pending the outcome of any criminal proceedings or any
9 proceedings under s. 48.13 based on the alleged abuse or neglect or the outcome of
10 any investigation that may lead to the filing of a criminal complaint or a petition
11 under s. 48.13 based on the alleged abuse or neglect.

12 *b0898/2.21* SECTION 1651tk. 48.981 (3) (c) 7. of the statutes is amended to
13 read:

14 48.981 (3) (c) 7. The county department or, in a county having a population of
15 500,000 or more, the department or a licensed child welfare agency under contract
16 with the department shall cooperate with law enforcement officials, courts of
17 competent jurisdiction, tribal governments, and other human services agencies to
18 prevent, identify, and treat child abuse and neglect and unborn child abuse. The
19 county department or, in a county having a population of 500,000 or more, the
20 department or a licensed child welfare agency under contract with the department
21 shall coordinate the development and provision of services to abused and neglected
22 children, to abused unborn children to families in which child abuse or neglect has
23 occurred, to expectant mothers who have abused their unborn children, to children
24 and families when circumstances justify a belief that abuse or neglect will occur, and

1 to the expectant mothers of unborn children when circumstances justify a belief that
2 unborn child abuse will occur.

3 *b0898/2.21* SECTION 1651tm. 48.981 (3) (c) 8. of the statutes is amended to
4 read:

5 48.981 (3) (c) 8. Using the format prescribed by the department, each county
6 department shall provide the department with information about each report that
7 the county department receives or that is received by a licensed child welfare agency
8 that is under contract with the county department and about each investigation that
9 the county department or a licensed child welfare agency under contract with the
10 county department conducts. Using the format prescribed by the department, a
11 licensed child welfare an agency under contract with the department shall provide
12 the department with information about each report that the ~~child welfare~~ agency
13 receives and about each investigation that the ~~child welfare~~ agency conducts. This
14 information shall be used by the department to monitor services provided by county
15 departments or ~~licensed child welfare~~ agencies under contract with county
16 departments or the department. The department shall use nonidentifying
17 information to maintain statewide statistics on child abuse and neglect and on
18 unborn child abuse, and for planning and policy development purposes.

19 *b0898/2.21* SECTION 1651tn. 48.981 (3) (cm) of the statutes is amended to
20 read:

21 48.981 (3) (cm) ~~Contract with licensed child welfare agencies.~~ Contract with
22 agencies. A county department may contract with a licensed child welfare agency to
23 fulfill the county department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 6.,
24 6m., and 8. The department may contract with a licensed child welfare agency or
25 with the Milwaukee County child welfare district to fulfill the department's duties

1 specified under par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 6., 6m., 7., 8., and 9. in a county
2 having a population of 500,000 or more. The confidentiality provisions specified in
3 sub. (7) shall apply to any licensed child welfare agency with which a county
4 department or the department contracts and to the Milwaukee County child welfare
5 district, if the department contracts with the district.

6 *b0898/2.21* SECTION 1651to. 48.981 (3) (d) of the statutes is amended to
7 read:

8 48.981 (3) (d) *Independent investigation.* 1. In this paragraph, “agent”
9 includes, but is not limited to, a foster parent, treatment foster parent, or other
10 person given custody of a child or a human services professional employed by a
11 county department under s. 51.42 or 51.437 or by ~~a child welfare~~ an agency who is
12 working with a child or an expectant mother of an unborn child under contract with
13 or under the supervision of the department in a county having a population of
14 500,000 or more or a county department under s. 46.22.

15 2. If an agent or employee of an agency required to investigate under this
16 subsection is the subject of a report, or if the agency determines that, because of the
17 relationship between the agency and the subject of a report, there is a substantial
18 probability that the agency would not conduct an unbiased investigation, the agency
19 shall, after taking any action necessary to protect the child or unborn child, notify
20 the department. Upon receipt of the notice, the department, in a county having a
21 population of less than 500,000, ~~or a county department or child welfare~~ an agency
22 designated by the department in any county shall conduct an independent
23 investigation. If the department designates a county department under s. 46.22,
24 46.23, 51.42, or 51.437, that county department shall conduct the independent
25 investigation. If a licensed child welfare agency or the Milwaukee County child

1 welfare district agrees to conduct the independent investigation, the department
2 may designate the child welfare agency or district to do so. The powers and duties
3 of the department or designated ~~county department or child welfare~~ agency making
4 an independent investigation are those given to county departments under par. (c).

5 ***b0898/2.21* SECTION 1651tp.** 48.981 (5) of the statutes is amended to read:

6 48.981 (5) CORONER'S REPORT. Any person or official required to report cases of
7 suspected child abuse or neglect who has reasonable cause to suspect that a child
8 died as a result of child abuse or neglect shall report the fact to the appropriate
9 medical examiner or coroner. The medical examiner or coroner shall accept the
10 report for investigation and shall report the findings to the appropriate district
11 attorney; to the department or, in a county having a population of 500,000 or more,
12 to a ~~licensed child welfare~~ an agency under contract with the department; to the
13 county department; and, if the institution making the report initially is a hospital,
14 to the hospital.

15 ***b0898/2.21* SECTION 1651tr.** 48.981 (7) (a) 5. of the statutes is amended to
16 read:

17 48.981 (7) (a) 5. A professional employee of a county department under s. 51.42
18 or 51.437 who is working with the child or the expectant mother of the unborn child
19 under contract with or under the supervision of the county department under s. 46.22
20 or, in a county having a population of 500,000 or more, the department or a ~~licensed~~
21 ~~child welfare~~ agency under contract with the department.

22 ***b0898/2.21* SECTION 1651tt.** 48.981 (7) (a) 6. of the statutes is amended to
23 read:

24 48.981 (7) (a) 6. A multidisciplinary child abuse and neglect or unborn child
25 abuse team recognized by the county department or, in a county having a population

1 of 500,000 or more, the department or a ~~licensed child welfare~~ agency under contract
2 with the department.

3 ***b0898/2.21* SECTION 1651tv.** 48.981 (7) (a) 6m. of the statutes is amended to
4 read:

5 48.981 (7) (a) 6m. A person employed by a child advocacy center recognized by
6 the county board, the county department or, in a county having a population of
7 500,000 or more, the department or a ~~licensed child welfare~~ agency under contract
8 with the department, to the extent necessary to perform the services for which the
9 center is recognized by the county board, the county department, the department, or
10 the ~~licensed child welfare~~ agency.

11 ***b0898/2.21* SECTION 1651tx.** 48.981 (7) (a) 15. of the statutes is amended to
12 read:

13 48.981 (7) (a) 15. A child fatality review team recognized by the county
14 department or, in a county having a population of 500,000 or more, the department
15 or a ~~licensed child welfare~~ agency under contract with the department.

16 ***b0898/2.21* SECTION 1651w.** 48.981 (8) (a) of the statutes is amended to read:

17 48.981 (8) (a) The department, the county departments, and a ~~licensed child~~
18 ~~welfare~~ an agency under contract with the department in a county having a
19 population of 500,000 or more to the extent feasible shall conduct continuing
20 education and training programs for staff of the department, the county
21 departments, a ~~licensed child welfare agency~~ the agencies under contract with the
22 department or a county department, law enforcement agencies, and the tribal social
23 services departments, persons, and officials required to report, the general public,
24 and others as appropriate. The programs shall be designed to encourage reporting
25 of child abuse and neglect and of unborn child abuse, to encourage self-reporting and

1 voluntary acceptance of services, and to improve communication, cooperation, and
2 coordination in the identification, prevention, and treatment of child abuse and
3 neglect and of unborn child abuse. Programs provided for staff of the department,
4 county departments, and ~~licensed child welfare~~ agencies under contract with county
5 departments or, ~~in a county having a population of 500,000 or more,~~ the department
6 whose responsibilities include the investigation or treatment of child abuse or
7 neglect shall also be designed to provide information on means of recognizing and
8 appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a). The
9 department, the county departments, and ~~a licensed child welfare~~ an agency under
10 contract with the department in a county having a population of 500,000 or more
11 shall develop public information programs about child abuse and neglect and about
12 unborn child abuse.

13 *b0898/2.21* SECTION 1651x. 48.981 (8) (c) of the statutes is amended to read:
14 48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the
15 department, a county department, or ~~a licensed child welfare~~ an agency under
16 contract with the department in a county having a population of 500,000 or more may
17 contract with any public or private organization ~~which~~ that meets the standards set
18 by the department. In entering into the contracts the department, county
19 department, or ~~licensed child welfare~~ agency shall give priority to parental
20 organizations combating child abuse and neglect or unborn child abuse.”

21 *b0909/3.1* 829. Page 586, line 13: after that line insert:

22 *b0909/3.1* “SECTION 1656h. 48.985 (5) of the statutes is created to read:

23 48.985 (5) MILWAUKEE CHILD WELFARE AIDS. Of the amounts received under 42
24 USC 620 to 626 and credited to the appropriation account under s. 20.435 (3) (nL),

1 the department shall transfer \$58,600 in fiscal year 2001–02 and \$66,800 in fiscal
2 year 2002–03 to the appropriation account under s. 20.435 (3) (kw) and shall expend
3 those moneys to provide services to children and families under s. 48.48 (17).”.

4 ***b1095/3.10* 830.** Page 586, line 14: delete “**SECTION 1656tym**” and
5 substitute “**SECTION 1656sy**”.

****NOTE: Corrects numbering.

6 ***b0927/1.1* 831.** Page 588, line 4: after that line insert:

7 ***b0927/1.1* “SECTION 1656tkf.** 49.124 (1m) (e) of the statutes is created to
8 read:

9 49.124 (1m) (e) 1. In this paragraph, “area” means a county or combination of
10 counties; a city; a village; a town; a smaller geographic region of a county, city, village
11 or town; or a federally recognized American Indian reservation.

12 2. The department shall request a waiver from the secretary of the federal
13 department of agriculture to permit the department to waive the work requirement
14 under par. (a) for any group of individuals, as authorized under 7 USC 2015, who
15 meet any of the following requirements:

16 a. The group resides in an area determined by the department to have an
17 unemployment rate of over 10%.

18 b. The group resides in an area that the department determines does not have
19 a sufficient number of jobs to provide employment for that group of individuals.

20 3. If the waiver under subd. 2. is granted and in effect, the department shall
21 implement the waiver.

22 ***b0927/1.1* SECTION 1656tkg.** 49.124 (1m) (e) of the statutes, as created by
23 2001 Wisconsin Act (this act), is renumbered 49.13 (2) (e).”.

1 ***b1064/3.1* SECTION 1657fd.** 49.141 (2g) (b) of the statutes is amended to read:
2 49.141 (2g) (b) The legislative audit bureau shall file ~~the~~ each audit no later
3 than ~~July 1, 2000,~~ January 1 of each odd-numbered year in the manner described
4 under s. 13.94 (1) (b).

5 ***b1064/3.1* SECTION 1657ff.** 49.141 (2g) (c) of the statutes is created to read:
6 49.141 (2g) (c) The department shall pay all or a portion of the costs of
7 conducting the audits, as requested by the legislative audit bureau.”.

8 ***b0968/3.1* 835.** Page 593, line 21: delete “par.” and substitute “pars. (ak)
9 and”.

10 ***b0968/3.2* 836.** Page 594, line 13: after that line insert:

11 ***b0968/3.2* “SECTION 1657k.** 49.143 (1) (ak) of the statutes is created to read:
12 49.143 (1) (ak) If a Wisconsin works agency that is not a county department
13 under s. 46.215, 46.22, or 46.23 elects under par. (ag) not to enter into a contract
14 under par. (a) 2., the department shall contract with the county department under
15 s. 46.215, 46.22, or 46.23 of the county in which the Wisconsin works agency
16 administered Wisconsin works, to administer Wisconsin works in the geographical
17 area for which the Wisconsin works agency contracted. A county department may
18 elect not to enter into a contract under this paragraph if the county department
19 notifies the department by the date established by the department. If a county
20 department elects not to enter into a contract under this paragraph, the department
21 shall award contracts under the competitive process under par. (a) 1.”.

22 ***b0968/3.3* 837.** Page 594, line 16: delete “If” and substitute
23 “Notwithstanding par. (ak), if”.

1 ***b0968/3.4* 838.** Page 594, line 24: delete “~~or (am)~~” and substitute “or (~~am~~)
2 (~~ak~~)”.

3 ***b0968/3.5* 839.** Page 595, line 1: delete “~~or (am)-1.~~” and substitute “or (~~am~~)
4 ~~1.~~ (~~ak~~)”.

5 ***b0968/3.6* 840.** Page 595, line 22: delete “~~or (am)~~” and substitute “or (~~am~~)
6 (~~ak~~)”.

7 ***b0965/1.1* 841.** Page 595, line 25: after that line insert:

8 ***b0965/1.1* “SECTION 1660bf.** 49.143 (2) (g) of the statutes is created to read:
9 49.143 (2) (g) Base any bonuses paid to employees of the Wisconsin works
10 agency, or to any person with whom the Wisconsin works agency subcontracts to
11 administer any part of Wisconsin works, on the employee’s or person’s success in
12 helping participants increase their income above the federal poverty line and report
13 quarterly to the department on the bonuses paid to any employee or person with
14 whom the Wisconsin works agency contracts to administer any part of Wisconsin
15 works. The department shall specify criteria for determining whether a bonus may
16 be paid as specified in this paragraph.”.

17 ***b0903/1.1* 842.** Page 596, line 2: delete “TRANSFER OF FUNDING ALLOCATIONS
18 PROHIBITED.” and substitute “CONTRACT PROHIBITIONS. (a)”.

19 ***b0963/1.1* 843.** Page 596, line 2: delete “TRANSFER OF FUNDING ALLOCATIONS
20 PROHIBITED.” and substitute “CONTRACT PROHIBITIONS. (a)”.

21 ***b0903/1.2* 844.** Page 596, line 6: delete “(a)” and substitute “1.”.

22 ***b0963/1.2* 845.** Page 596, line 6: delete “(a)” and substitute “1.”.

23 ***b0895/2.1* 846.** Page 596, line 7: after that line insert:

1 ***b0895/2.1*** “SECTION 1660dp. 49.143 (3g) (a) 1. of the statutes is amended to
2 read:

3 49.143 (3g) (a) 1. The placement of participants in Wisconsin works
4 employment positions into unsubsidized employment, as defined in s. 49.147 (1) (e).”.

5 ***b0903/1.4* 847.** Page 596, line 7: after that line insert:

6 “(b) No Wisconsin works agency may expend moneys that are provided under
7 a contract under sub. (1) to conduct public relations activities unless the public
8 relations activities are directly related to providing community outreach and
9 informing participants about the services available under Wisconsin works.”.

10 ***b0963/1.4* 848.** Page 596, line 7: after that line insert:

11 “(b) Each contract under sub. (1) shall specify that a Wisconsin works agency
12 may not use moneys that are provided under the contract to pay any portion of a
13 salary of an employee of the Wisconsin works agency, or of a person with whom the
14 Wisconsin works agency contracts to administer any part of Wisconsin works, that
15 exceeds the amount paid the governor under s. 20.923 (2) (c).”.

16 ***b0903/1.3* 849.** Page 596, line 7: delete “(b)” and substitute “2.”.

17 ***b0963/1.3* 850.** Page 596, line 7: delete “(b)” and substitute “2.”.

18 ***b0895/2.2* 851.** Page 597, line 3: after that line insert:

19 ***b0895/2.2*** “SECTION 1660hb. 49.145 (3) (b) 1. of the statutes is amended to
20 read:

21 49.145 (3) (b) 1. All earned and unearned income of the individual, except any
22 amount received under section 32 of the ~~internal revenue code~~ Internal Revenue
23 Code, as defined in s. 71.01 (6), any amount received under s. 71.07 (9e), any payment
24 made by an employer under section 3507 of the ~~internal revenue code~~ Internal

1 Revenue Code, as defined in s. 71.01 (6), any student financial aid received under any
2 federal or state program, any scholarship used for tuition and books, and any
3 assistance received under s. 49.148. In determining the earned and unearned
4 income of the individual, the Wisconsin works agency may not include income earned
5 by a dependent child of the individual.

6 *b0895/2.2* SECTION 1660jd. 49.147 (1) (intro.) of the statutes is repealed.

7 *b0895/2.2* SECTION 1660jg. 49.147 (1) (c) of the statutes is renumbered
8 49.141 (1) (nm).

9 *b0895/2.2* SECTION 1660jj. 49.147 (2) (c) of the statutes is created to read:
10 49.147 (2) (c) *Interference with education prohibited.* A participant's
11 participation in unsubsidized employment may not interfere with the participant's
12 education under sub. (5m).

13 *b0895/2.2* SECTION 1660jk. 49.147 (4) (am) of the statutes is amended to
14 read:

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

1 employment and adult basic education courses that the Wisconsin works agency
2 determines would facilitate an individual's efforts to obtain employment.

3 ***b0895/2.2* SECTION 1660jL.** 49.147 (4) (as) of the statutes is renumbered
4 49.147 (4) (as) 1. and amended to read:

5 49.147 (4) (as) 1. Except as provided in pars. (at) ~~and~~, (av), and (d) and sub. (5m)
6 and subject to subd. 3., a Wisconsin works agency shall require a participant placed
7 in a community service job program to work in a community service job for the
8 number of hours determined by the Wisconsin works agency to be appropriate for the
9 participant at the time of application or review, but not to exceed 30 hours per week.

10 2. Except as provided in pars. (at) ~~and~~, (av), and (d) and subject to subd. 3., a
11 Wisconsin works agency may require a participant placed in the community service
12 job program to participate in education or training activities under par. (am) for not
13 more than ~~10~~ 20 hours per week.

14 ***b0895/2.2* SECTION 1660jn.** 49.147 (4) (as) 3. of the statutes is created to
15 read:

16 49.147 (4) (as) 3. No participant may be required to participate in the
17 community service job program for more than 40 hours per week.

18 ***b0895/2.2* SECTION 1660jp.** 49.147 (4) (av) of the statutes is amended to read:

19 49.147 (4) (av) *Education for 18-year-old and 19-year-old students.* A
20 Wisconsin works agency shall permit a participant under this subsection who has not
21 attained the age of 20 and who has not obtained a high school diploma or a
22 declaration of equivalency of high school graduation to attend high school or, at the
23 option of the participant, to enroll in a course of study meeting the standards
24 established under s. 115.29 (4) for the granting of a declaration of equivalency of high

1 school graduation to satisfy, ~~in whole or in part~~, the required hours of participation
2 under par. (as).

3 *b0895/2.2* SECTION 1660jt. 49.147 (4) (d) of the statutes is created to read:

4 49.147 (4) (d) *Interference with education or training activities prohibited.* No
5 participant may be assigned work activities under this subsection that interfere with
6 the participant's education or training activities under par. (am) or with the
7 participant's education under par. (av) or sub. (5m).

8 *b0895/2.2* SECTION 1660jv. 49.147 (5) (bm) of the statutes is amended to
9 read:

10 49.147 (5) (bm) *Education or training activities.* A participant under this
11 subsection may be required to participate in education and training activities
12 assigned as part of an employability plan developed by the Wisconsin works agency.
13 The department shall establish by rule permissible education and training under
14 this paragraph, which shall include a course of study meeting the standards
15 established under s. 115.29 (4) for the granting of a declaration of equivalency of high
16 school graduation, technical college courses, employer-sponsored training, and
17 educational courses that provide an employment skill. Permissible education under
18 this paragraph shall also include English as a 2nd language courses that the
19 Wisconsin works agency determines would facilitate an individual's efforts to obtain
20 employment and adult basic education courses that the Wisconsin works agency
21 determines would facilitate an individual's efforts to obtain employment.

22 *b0895/2.2* SECTION 1660jw. 49.147 (5) (bs) of the statutes is renumbered
23 49.147 (5) (bs) 1. and amended to read:

24 49.147 (5) (bs) 1. Except as provided in ~~par. pars.~~ (bt) and (d) and sub. (5m) and
25 subject to subd. 3., a Wisconsin works agency may require a participant placed in a

1 transitional placement to engage in activities under par. (b) 1. for up to 28 hours per
2 week.

3 2. Except as provided in par. (d) and sub. (5m) and subject to subd. 3., a
4 Wisconsin works agency may require a participant placed in a transitional
5 placement to participate in education or training activities under par. (bm) for not
6 more than ~~12~~ 20 hours per week.

7 ***b0895/2.2* SECTION 1661jy.** 49.147 (5) (bs) 3. of the statutes is created to read:

8 49.147 (5) (bs) 3. No participant may be required to participate in a transitional
9 placement for more than 40 hours per week.

10 ***b0895/2.2* SECTION 1660kb.** 49.147 (5) (d) of the statutes is created to read:

11 49.147 (5) (d) *Interference with education or training activities prohibited.* No
12 participant may be assigned work activities under this subsection that interfere with
13 the participant's education or training activities under par. (bm) or with the
14 participant's education under sub. (5m).

15 ***b0895/2.2* SECTION 1660kn.** 49.147 (5m) (a) (intro.) of the statutes is
16 renumbered 49.147 (5m) (ar) (intro.) and amended to read:

17 49.147 (5m) (ar) (intro.) To the extent permitted under 42 USC 607, and except
18 as provided in par. (bL), a participant under sub. (2), ~~(4) (b)~~, or (5) may elect to
19 participate in a self-initiated technical college education program or a self-initiated
20 2-year degree program offered by a college campus as part of a an unsubsidized
21 employment placement, a community service job placement, or a transitional
22 placement if all of the following requirements are met:

23 ***b0895/2.2* SECTION 1660kp.** 49.147 (5m) (a) 1. of the statutes is renumbered

24 49.147 (5m) (ar) 1. and amended to read:

1 49.147 (5m) (ar) 1. The Wisconsin works agency, in consultation with the
2 community steering committee established under s. 49.143 (2) (a) and, as
3 appropriate, the technical college district board or college campus, determines that
4 the ~~technical college~~ education program is likely to lead to employment.

5 ***b0895/2.2* SECTION 1660kq.** 49.147 (5m) (a) 2. of the statutes is renumbered
6 49.147 (5m) (ar) 2. and amended to read:

7 49.147 (5m) (ar) 2. The participant maintains full-time status in the ~~technical~~
8 ~~college~~ education program, as determined by the technical college or college campus
9 that the participant attends, and regularly attends all classes.

10 ***b0895/2.2* SECTION 1660ks.** 49.147 (5m) (a) 3. of the statutes is renumbered
11 49.147 (5m) (ar) 3. and amended to read:

12 49.147 (5m) (ar) 3. The participant maintains a grade point average of at least
13 2.0, or the equivalent as determined by the technical college or college campus.

14 ***b0895/2.2* SECTION 1660kt.** 49.147 (5m) (a) 4. of the statutes is renumbered
15 49.147 (5m) (ar) 4. and amended to read:

16 49.147 (5m) (ar) 4. The participant is employed or engages in unsubsidized
17 employment or in work activities under a community service job or transitional
18 ~~placement for 25 hours per week in addition to participation under this subsection.~~

19 ***b0895/2.2* SECTION 1660kw.** 49.147 (5m) (ag) of the statutes is created to
20 read:

21 49.147 (5m) (ag) In this subsection “college campus” has the meaning given in
22 s. 36.05 (6m).

23 ***b0895/2.2* SECTION 1660La.** 49.147 (5m) (bg) of the statutes is created to
24 read:

1 49.147 (5m) (bg) No Wisconsin works agency may require a participant under
2 this subsection to be employed under sub. (2) or to engage in work or other activities
3 under sub. (4) or (5) for more than 25 hours per week in addition to participation
4 under this subsection.

5 ***b0895/2.2* SECTION 1660Lc.** 49.147 (5m) (bL) of the statutes is amended to
6 read:

7 49.147 (5m) (bL) A participant may elect to participate under this subsection
8 for the duration of the ~~technical college~~ education program, except that the
9 participant may not participate under this subsection for more than 2 years.

10 ***b0895/2.2* SECTION 1660Lf.** 49.147 (5m) (c) of the statutes is amended to
11 read:

12 49.147 (5m) (c) The Wisconsin works agency shall work with the community
13 steering committee established under s. 49.143 (2) (a) and, as appropriate, the
14 technical college district board or college campus to monitor the participant's
15 progress in the ~~technical college~~ education program and the effectiveness of the
16 program in leading to employment.

17 ***b0895/2.2* SECTION 1660Lm.** 49.148 (1) (b) 1. of the statutes is amended to
18 read:

19 49.148 (1) (b) 1. Except as provided in ~~subd. subds. 1m. and 3.~~, for a participant
20 in a community service job under s. 49.147 (4), a monthly grant of \$673, paid by the
21 Wisconsin works agency. For every hour that the participant misses work or
22 education or training activities without good cause, the grant amount shall be
23 reduced by \$5.15. Good cause shall be determined by the financial and employment
24 planner in accordance with rules promulgated by the department. Good cause shall
25 include required court appearances for a victim of domestic abuse. ~~If a participant~~

1 ~~in a community service job under s. 49.147 (4) is required to work fewer than 30 hours~~
2 ~~per week because the participant has unsubsidized employment, as defined in s.~~
3 ~~49.147 (1) (c), the grant amount under this paragraph shall equal the amount~~
4 ~~specified under subd. 1m. minus \$5.15 for each hour that the participant misses work~~
5 ~~or education or training activities without good cause.~~

6 *b0895/2.2* SECTION 1660Lo. 49.148 (1) (b) 1m. (intro) of the statutes is
7 amended to read:

8 49.148 (1) (b) 1m. (intro.) ~~Except as provided in subd. 1., the Wisconsin works~~
9 ~~agency shall pay~~ For a participant in a community service job who is required to work
10 less than 30 hours per week because he or she has unsubsidized employment, the
11 following amounts minus \$5.15 for each hour that the participant misses work or
12 education or training activities without good cause as determined under subd. 1.:

13 *b0895/2.2* SECTION 1660Lq. 49.148 (1) (b) 3. of the statutes is amended to
14 read:

15 49.148 (1) (b) 3. For a participant in a community service job who participates
16 in ~~technical college~~ a self-initiated education program under s. 49.147 (5m), a
17 monthly grant of \$673, paid by the Wisconsin works agency. For every hour that the
18 participant misses work or other required activities without good cause, the grant
19 amount shall be reduced by \$5.15. Good cause shall be determined by the financial
20 and employment planner in accordance with rules promulgated by the department.
21 Good cause shall include required court appearances for a victim of domestic abuse.

22 *b0895/2.2* SECTION 1660Lr. 49.148 (1) (c) of the statutes is amended to read:

23 49.148 (1) (c) *Transitional placements.* For a participant in a transitional
24 placement under s. 49.147 (5) or in a transitional placement and in ~~technical college~~
25 a self-initiated education program under s. 49.147 (5m), a grant of \$628, paid

1 monthly by the Wisconsin works agency. For every hour that the participant fails
2 to participate in any required activity without good cause, including any activity
3 under s. 49.147 (5) (b) 1. a. to e., the grant amount shall be reduced by \$5.15. Good
4 cause shall be determined by the financial and employment planner in accordance
5 with rules promulgated by the department. Good cause shall include required court
6 appearances for a victim of domestic abuse.

7 ***b0895/2.2* SECTION 1660Lt.** 49.148 (1) (cm) of the statutes is created to read:

8 49.148 (1) (cm) *Participants in unsubsidized employment and postsecondary*
9 *education.* 1. For a participant who is placed in unsubsidized employment and who
10 elects to participate in a self-initiated education program under s. 49.147 (5m), the
11 following amounts minus \$5.15 for each hour that the participant does not
12 participate in assigned activities without good cause as determined under subd. 2.:

13 a. For a participant who participates in the education program for not more
14 than 10 hours per week, one-third of the amount specified in par. (b) 1.

15 b. For a participant who participates in the education program for not more
16 than 15 hours per week, one-half of the amount specified in par. (b) 1.

17 c. For a participant who participates in the education program for more than
18 15 hours but not more than 20 hours per week, two-thirds of the amount specified
19 in par. (b) 1.

20 2. Good cause shall be determined by the financial and employment planner.
21 Good cause shall include required court appearances for a victim of domestic abuse.

22 ***b0895/2.2* SECTION 1660Lv.** 49.148 (1m) (a) of the statutes is amended to
23 read:

24 49.148 (1m) (a) A custodial parent of a child who is 12 weeks old or less and
25 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a

1 monthly grant of \$673 unless another adult member of the custodial parent's
2 Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin
3 works employment position or is employed in unsubsidized employment, ~~as defined~~
4 ~~in s. 49.147 (1) (e)~~. A Wisconsin works agency may not require a participant under
5 this subsection to participate in any employment positions. Receipt of a grant under
6 this subsection does not constitute participation in a Wisconsin works employment
7 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b)
8 or (5) (b) 2. if the child is born to the participant not more than 10 months after the
9 date that the participant was first determined to be eligible for assistance under s.
10 49.19 or for a Wisconsin works employment position.

11 *b0895/2.2* SECTION 1660s. 49.15 (3) (a) of the statutes is amended to read:
12 49.15 (3) (a) Unsubsidized employment, ~~as defined in s. 49.147 (1) (e)~~.”

13 *b0905/1.1* 852. Page 597, line 3: after that line insert:

14 *b0905/1.1* “SECTION 1660p. 49.148 (2m) of the statutes is created to read:
15 49.148 (2m) PAY PERIOD. Benefits under this section shall be paid on the first
16 day of each month. Each payment made under this subsection shall be for any
17 participation from the 26th day of the month immediately preceding the month that
18 immediately precedes the month in which the payment is made through the 25th day
19 of the month that immediately precedes the month in which the payment is made.
20 A payment may be prorated to account for participation that begins after the start
21 of the payment period.”

22 *b0923/1.1* 853. Page 597, line 3: after that line insert:

23 *b0923/1.1* “SECTION 1660h. 49.145 (2) (n) 3m. of the statutes is created to
24 read:

1 49.145 (2) (n) 3m. The department shall promulgate rules specifying the
2 procedures for extending the time limit under this paragraph.”.

3 ***b0970/1.2* 854.** Page 597, line 3: after that line insert:

4 ***b0970/1.2* “SECTION 1660hc.** 49.145 (2) (f) 1. a. and b. of the statutes are
5 amended to read:

6 49.145 (2) (f) 1. a. Every parent in the individual’s Wisconsin works group fully
7 cooperates in good faith with efforts directed at establishing the paternity of any
8 minor child of that parent regardless of whether the parent is the custodial or
9 noncustodial parent of that child. Such cooperation shall be in accordance with
10 federal law and regulations and rules promulgated by the department applicable to
11 paternity establishment and may not be required if the department determines that
12 the parent has good cause for refusing to cooperate, as determined by the department
13 in accordance with federal law and regulations. “Good cause” includes a
14 determination by the department under s. 49.1473 that the parent’s cooperation
15 would make it more difficult for the parent to escape domestic abuse or would
16 unfairly penalize individuals who are or have been victimized by domestic abuse or
17 who are at risk of further domestic abuse.

18 b. Every parent in the individual’s Wisconsin works group fully cooperates in
19 good faith with efforts directed at obtaining support payments or any other payments
20 or property to which that parent and any minor child of that parent may have rights
21 or for which that parent may be responsible, regardless of whether the parent is the
22 custodial or noncustodial parent of the minor child. Such cooperation shall be in
23 accordance with federal law and regulations and rules promulgated by the
24 department applicable to collection of support payments and may not be required if

1 the department determines that the parent has good cause for refusing to cooperate,
2 as determined by the department in accordance with federal law and regulations.
3 “Good cause” includes a determination by the department under s. 49.1473 that the
4 parent’s cooperation would make it more difficult for the parent to escape domestic
5 abuse or would unfairly penalize individuals who are or have been victimized by
6 domestic abuse or who are at risk of further domestic abuse.

7 *b0970/1.2* SECTION 1660he. 49.145 (2) (n) 1. (intro.) of the statutes is
8 amended to read:

9 49.145 (2) (n) 1. (intro.) Except as provided in ~~subd. subds. 3. and 4.~~, beginning
10 on the date on which the individual has attained the age of 18, the total number of
11 months in which the individual or any adult member of the individual’s Wisconsin
12 works group has participated in, or has received benefits under, any of the following
13 or any combination of the following does not exceed 60 months, whether or not
14 consecutive:

15 *b0970/1.2* SECTION 1660hg. 49.145 (2) (n) 3. of the statutes is renumbered
16 49.145 (2) (n) 3. (intro.) and amended to read:

17 49.145 (2) (n) 3. (intro.) A Wisconsin works agency may extend the time limit
18 under this paragraph ~~only if the~~ if any of the following requirements is met:

19 a. The Wisconsin works agency determines, in accordance with rules
20 promulgated by the department, that unusual circumstances exist that warrant an
21 extension of the participation period.

22 *b0970/1.2* SECTION 1660hk. 49.145 (2) (n) 3. b. of the statutes is created to
23 read:

24 49.145 (2) (n) 3. b. The Wisconsin works agency determines under s. 49.1473
25 that an individual’s compliance with the participation time limit under this

1 paragraph would make it more difficult for the individual to escape domestic abuse
2 or would unfairly penalize individuals who are or have been victimized by domestic
3 abuse or who are at risk of further domestic abuse.

4 *b0970/1.2* SECTION 1660kb. 49.147 (3) (am) of the statutes is amended to
5 read:

6 49.147 (3) (am) *Education or training activities.* ~~A~~ Except as provided in sub.
7 (5g), a trial job includes education and training activities, as prescribed by the
8 employer as an integral part of work performed in the trial job employment.

9 *b0970/1.2* SECTION 1660kd. 49.147 (3) (c) of the statutes is renumbered
10 49.147 (3) (c) 1. and amended to read:

11 49.147 (3) (c) 1. A participant under this subsection may participate in a trial
12 job for a maximum of 3 months, ~~with an opportunity for~~ except that a Wisconsin
13 works agency may grant the participant a 3-month extension under circumstances
14 determined by the Wisconsin works agency and may grant the participant an
15 extension of the time period as provided under subd. 3.

16 2. A participant may participate in more than one trial job, but may not exceed
17 a total of 24 months of participation under this subsection. The months need not be
18 consecutive. The department or, with the approval of the department, the Wisconsin
19 works agency may grant an extension of the 24-month limit on a case-by-case basis
20 if the participant has made all appropriate efforts to find unsubsidized employment
21 and has been unable to find unsubsidized employment because local labor market
22 conditions preclude a reasonable job opportunity for that participant, as determined
23 by a Wisconsin works agency and approved by the department. The department, or,
24 with the approval of the department, the Wisconsin works agency, may also grant the
25 participant an extension of the 24-month time limit as provided under subd. 3.

1 ***b0970/1.2* SECTION 1660ke.** 49.147 (3) (c) 3. of the statutes is created to read:

2 49.147 (3) (c) 3. The department or Wisconsin works agency may grant a
3 participant an extension to a time limit under subd. 1. or 2. if the department or
4 Wisconsin works agency determines under s. 49.1473 that the participant's
5 compliance with the time limits would make it more difficult for the participant to
6 escape domestic abuse or would unfairly penalize individuals who are or have been
7 victimized by domestic abuse or who are at risk of further domestic abuse.

8 ***b0970/1.2* SECTION 1660Lc.** 49.147 (4) (as) of the statutes is amended to
9 read:

10 49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and
11 ~~sub. subs. (5g) and (5m)~~, a Wisconsin works agency shall require a participant placed
12 in a community service job program to work in a community service job for the
13 number of hours determined by the Wisconsin works agency to be appropriate for the
14 participant at the time of application or review, but not to exceed 30 hours per week.
15 Except as provided in pars. (at) and (av), a Wisconsin works agency may require a
16 participant placed in the community service job program to participate in education
17 or training activities for not more than 10 hours per week.

18 ***b0970/1.2* SECTION 1660Lg.** 49.147 (4) (b) of the statutes is renumbered
19 49.147 (4) (b) 1. and amended to read:

20 49.147 (4) (b) 1. An individual may participate in a community service job for
21 a maximum of 6 months, ~~with an opportunity for~~ except that a Wisconsin works
22 agency may grant the individual a 3-month extension under circumstances
23 approved by the department and may grant the individual an extension of the time
24 limit as provided under subd. 3.

1 2. An individual may participate in more than one community service job, but
2 may not exceed a total of 24 months of participation under this subsection. The
3 months need not be consecutive. The department or, with the approval of the
4 department, the Wisconsin works agency may grant an extension to the 24-month
5 limit on a case-by-case basis if the Wisconsin works agency determines that the
6 individual has made all appropriate efforts to find unsubsidized employment and
7 has been unable to find unsubsidized employment because local labor market
8 conditions preclude a reasonable employment opportunity in unsubsidized
9 employment for that participant, as determined by a Wisconsin works agency and
10 approved by the department, and if the Wisconsin works agency determines, and the
11 department agrees, that no trial job opportunities are available in the specified local
12 labor market. The department, or, with the approval of the department, the
13 Wisconsin works agency, may also grant the individual an extension of the 24-month
14 time limit as provided under subd. 3.

15 ***b0970/1.2* SECTION 1660Ln.** 49.147 (4) (b) 3. of the statutes is created to read:

16 49.147 (4) (b) 3. The department or Wisconsin works agency may grant a
17 participant an extension to the time limits under subd. 1. or 2. if the department or
18 Wisconsin works agency determines under s. 49.1473 that the participant's
19 compliance with the time limits would make it more difficult for the participant to
20 escape domestic abuse or would unfairly penalize individuals who are or have been
21 victimized by domestic abuse or who are at risk of further domestic abuse.

22 ***b0970/1.2* SECTION 1660nc.** 49.147 (5) (b) 1. (intro.) of the statutes is
23 amended to read:

24 49.147 (5) (b) 1. (intro.) The Except as provided in sub. (5g), the Wisconsin
25 works agency shall assign a participant under this subsection to work activities such

1 as a community rehabilitation program, as defined by the department, a job similar
2 to a community service job or a volunteer activity. A Wisconsin works agency may
3 require a participant under this subsection to participate in any of the following:

4 ***b0970/1.2* SECTION 1660ng.** 49.147 (5) (b) 2. of the statutes is renumbered
5 49.147 (5) (b) 2. a. and amended to read:

6 49.147 (5) (b) 2. a. An individual may participate in a transitional placement
7 for a maximum of 24 months. The months need not be consecutive. This period time
8 limit may be extended on a case-by-case basis by the department or by the Wisconsin
9 works agency with the approval of the department.

10 ***b0970/1.2* SECTION 1660nk.** 49.147 (5) (b) 2. b. of the statutes is created to
11 read:

12 49.147 (5) (b) 2. b. The department or, with the approval of the department, a
13 Wisconsin works agency may also extend the time limit under subd. 2. a. if the
14 department or Wisconsin works agency determines under s. 49.1473 that the
15 participant's compliance with the time limit would make it more difficult for the
16 participant to escape domestic abuse or would unfairly penalize individuals who are
17 or have been victimized by domestic abuse or who are at risk of further domestic
18 abuse.

19 ***b0970/1.2* SECTION 1660no.** 49.147 (5g) of the statutes is created to read:

20 49.147 (5g) TEMPORARY WAIVERS. If a Wisconsin works agency determines under
21 s. 49.1473 that a participant's compliance with any of the hours of work or other
22 activities assigned to the participant under sub. (3), (4), or (5) would make it more
23 difficult for the participant to escape domestic abuse or would unfairly penalize
24 individuals who are or have been victimized by domestic abuse or who are at risk of

1 further domestic abuse, the Wisconsin works agency may temporarily waive or
2 reduce any of these assigned hours.

3 *b0970/1.2* SECTION 1660p. 49.1473 of the statutes is created to read:

4 **49.1473 Wisconsin works; family violence option. (1) UNIVERSAL**
5 NOTIFICATION. (a) A Wisconsin works agency shall notify each individual applying for
6 or participating in the Wisconsin works program of all of the following:

7 1. That, if the individual is or has been a victim of domestic abuse or is at risk
8 of further domestic abuse, he or she may not be required to meet certain eligibility
9 requirements or participation requirements for the Wisconsin works program if the
10 individual's compliance with the eligibility requirements or participation
11 requirements would make it more difficult for the individual to escape domestic
12 abuse or would unfairly penalize individuals who are or have been victimized by
13 domestic abuse or who are at risk of further domestic abuse.

14 2. That any information provided to the Wisconsin works agency or the
15 department by the individual regarding domestic abuse shall remain confidential.

16 3. That counseling and supportive services are available for past and present
17 victims of domestic abuse and for individuals who are at risk of further domestic
18 abuse.

19 (b) A Wisconsin works agency shall provide the individual with the information
20 under par. (a) orally and in writing at the time that the individual applies for the
21 Wisconsin works program and at the time that the individual's eligibility for or
22 progress in the Wisconsin works program is reviewed. Subject to sub. (5), the
23 department shall promulgate rules specifying procedures for notifying individuals
24 of the information under par. (a).

1 **(2) SCREENING AND TRAINING.** (a) Subject to sub. (5), the department shall
2 promulgate rules for screening victims of domestic abuse and for the training of
3 Wisconsin works agency employees in domestic abuse issues. The rules shall allow
4 an individual to voluntarily and confidentially disclose that he or she is or has been
5 a victim of domestic abuse or is at risk of further domestic abuse. The rules shall also
6 specify the evidence that is sufficient to establish that an individual is or has been
7 a victim of domestic abuse or is at risk of further domestic abuse. Each Wisconsin
8 works employee who determines an individual's eligibility for the Wisconsin works
9 program or who reviews an individual's progress in the Wisconsin works program
10 shall be trained in domestic abuse issues in accordance with the rules promulgated
11 under this paragraph.

12 (b) Subject to sub. (5), each Wisconsin works agency shall establish procedures,
13 in accordance with the rules promulgated by the department under par. (a), for
14 screening victims of domestic abuse.

15 **(3) REFERRAL.** If a Wisconsin works agency employee identifies an individual
16 as a past or present victim of domestic abuse or determines that the individual is at
17 risk of domestic abuse or if the individual identifies himself or herself as a past or
18 present victim of domestic abuse or as an individual who is at risk of further abuse,
19 the Wisconsin works agency shall provide the individual with information on
20 community-based domestic abuse services, including information on shelters or
21 programs for battered individuals, sexual assault provider services, medical
22 services, sexual assault nurse examiners services, domestic violence and sexual
23 assault hotlines, legal and medical counseling and advocacy, mental health care,
24 counseling, and support groups. The Wisconsin works agency shall provide the
25 information to the individual orally and in writing in accordance with guidelines

1 developed by the department. The Wisconsin works agency shall also provide
2 referrals for community-based counseling and supportive service providers to the
3 individual if the individual elects to receive the services.

4 (4) EXTENSION OF TIME LIMITS AND TEMPORARY WAIVER OF PARTICIPATION
5 REQUIREMENTS. (a) If a Wisconsin works agency identifies an individual as a victim
6 of domestic abuse or if the individual identifies himself or herself as a victim of
7 domestic abuse, the department or Wisconsin works agency shall review whether to
8 grant the individual an extension of the participation time limits as provided under
9 ss. 49.145 (2) (n) 3. b. and 49.147 (3) (c) 3., (4) (b) 3., and (5) (b) 2. b., whether to
10 temporarily waive required hours of work or other required activities as provided
11 under s. 49.147 (5g), and whether the participant has good cause for missing
12 assigned work or other required activities as provided under s. 49.148 (1) (b) 4. or (c)
13 or for not cooperating with paternity establishment efforts and the collection of
14 support under s. 49.145 (2) (f) 1.

15 (b) If the department or Wisconsin works agency grants the individual an
16 extension of any of the participation time limits or temporarily waives participation
17 requirements as provided under par. (a), the Wisconsin works agency shall develop
18 a services plan for the individual. The plan shall include all of the following:

19 1. Any required hours of work or training activities that are temporarily waived
20 and the period of time during which the temporary waiver is in effect.

21 2. The period of time that any participation time limit is extended for the
22 individual.

23 3. The counseling or support services that may be provided to the individual
24 by the Wisconsin works agency or community domestic violence or sexual assault
25 organizations.

1 (c) The services plan shall be reviewed by the Wisconsin works agency at least
2 every 6 months.

3 (d) To the extent consistent with granting an extension or temporary waiver
4 under this section, the services plan shall be designed to lead to work for the
5 individual.

6 (5) RULES. Before promulgating any rules to implement this section and
7 establishing the procedures under sub. (2) (b) and guidelines under sub. (3), the
8 department and Wisconsin works agencies shall consult with all of the following:

9 (a) Statewide domestic violence and sexual assault organizations that have
10 extensive experience in developing and providing professional training on the issues
11 and barriers faced by victims of domestic violence and sexual assault for
12 professionals and organizations seeking to effectively address domestic violence and
13 sexual assault issues.

14 (b) The Milwaukee Commission on Domestic Violence and Sexual Assault.

15 *b0970/1.2* SECTION 1660rc. 49.148 (1) (intro.) (except 49.148 (1) (title)) of the
16 statutes is repealed.

17 *b0970/1.2* SECTION 1660org. 49.148 (1) (a) of the statutes is amended to read:

18 49.148 (1) (a) *Trial jobs.* ~~For a~~ A participant in a trial job, shall receive the
19 amount established in the contract between the Wisconsin works agency and the
20 trial job employer, but not less than minimum wage for every hour actually worked
21 in the trial job, not to exceed 40 hours per week paid by the employer. Hours spent
22 participating in education and training activities under s. 49.147 (3) (am) or in
23 counseling or support services for victims of domestic abuse shall be included in
24 determining the number of hours actually worked.

1 ***b0970/1.2* SECTION 1660rj.** 49.148 (1) (b) 1. of the statutes is amended to
2 read:

3 49.148 (1) (b) 1. Except as provided in subd. subds. 1m., for and 3., a Wisconsin
4 works agency shall pay a participant in a community service job under s. 49.147 (4),
5 a monthly grant of \$673, paid by the Wisconsin works agency. For every hour that
6 the participant misses work or education or training activities without good cause,
7 as determined under subd. 4., the grant amount shall be reduced by \$5.15. Good
8 cause shall be determined by the financial and employment planner in accordance
9 with rules promulgated by the department. Good cause shall include required court
10 appearances for a victim of domestic abuse. If a participant in a community service
11 job under s. 49.147 (4) is required to work fewer than 30 hours per week because the
12 participant has unsubsidized employment, as defined in s. 49.147 (1) (c), the grant
13 amount under this paragraph shall equal the amount specified under subd. 1m.
14 minus \$5.15 for each hour that the participant misses work or education or training
15 activities without good cause.

16 ***b0970/1.2* SECTION 1660rk.** 49.148 (1) (b) 1m. (intro.) of the statutes is
17 amended to read:

18 49.148 (1) (b) 1m. (intro.) ~~Except as provided in subd. 1., the~~ A Wisconsin works
19 agency shall pay a participant in a community service job who is required to work
20 less than 30 hours per week because he or she has unsubsidized employment, as
21 defined in s. 49.147 (1) (c), the following amounts minus \$5.15 for each hour that the
22 participant misses work or education or training activities without good cause as
23 determined under subd. 4.:

24 ***b0970/1.2* SECTION 1660rm.** 49.148 (1) (b) 3. of the statutes is amended to
25 read:

1 49.148 (1) (b) 3. ~~For a A Wisconsin works agency shall pay a participant in a~~
2 community service job who participates in technical college education under s.
3 49.147 (5m), a monthly grant of \$673, ~~paid by the Wisconsin works agency.~~ For every
4 hour that the participant misses work or other required activities without good
5 cause, as determined under subd. 4., the grant amount shall be reduced by \$5.15.
6 ~~Good cause shall be determined by the financial and employment planner in~~
7 ~~accordance with rules promulgated by the department. Good cause shall include~~
8 ~~required court appearances for a victim of domestic abuse.~~

9 ***b0970/1.2* SECTION 1660rp.** 49.148 (1) (b) 4. of the statutes is created to read:

10 49.148 (1) (b) 4. Good cause under subds. 1., 1m., and 3. shall be determined
11 by the financial and employment planner in accordance with rules promulgated by
12 the department. “Good cause” includes making required court appearances for a
13 victim of domestic abuse or a determination by a Wisconsin works agency under s.
14 49.1473 that meeting required hours of work or education or training activities
15 would make it more difficult for the individual to escape domestic abuse or would
16 unfairly penalize the individual.

17 ***b0970/1.2* SECTION 1660rs.** 49.148 (1) (c) of the statutes is amended to read:

18 49.148 (1) (c) *Transitional placements.* For a participant in a transitional
19 placement under s. 49.147 (5) or in a transitional placement and in technical college
20 education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin works
21 agency. For every hour that the participant fails to participate in any required
22 activity without good cause, including any activity under s. 49.147 (5) (b) 1. a. to e.,
23 the grant amount shall be reduced by \$5.15. Good cause shall be determined by the
24 financial and employment planner in accordance with rules promulgated by the
25 department. “Good cause shall include” includes making required court

1 appearances for a victim of domestic abuse or a determination by a Wisconsin works
2 agency under s. 49.1473 that meeting required hours of activities would make it more
3 difficult for the participant to escape domestic abuse or would unfairly penalize
4 individuals who are or have been victimized by domestic abuse or who are at risk of
5 further domestic abuse.

6 ***b0970/1.2* SECTION 1660s.** 49.152 (1) of the statutes is amended to read:

7 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any
8 component of Wisconsin works is not acted upon by the Wisconsin works agency with
9 reasonable promptness after the filing of the application, as defined by the
10 department by rule, or is denied in whole or in part, whose benefit is modified or
11 canceled, ~~or~~ who believes that the benefit was calculated incorrectly or that the
12 employment position in which the individual was placed is inappropriate, or who
13 believes that he or she should have been granted an extension of the participation
14 time limits under s. 49.145 (2) (n) 3. b. or 49.147 (3) (c) 3., (4) (b) 3., or (5) (b) 2. b. may
15 petition the Wisconsin works agency for a review of such action. Review is
16 unavailable if the action by the Wisconsin works agency occurred more than 45 days
17 prior to submission of the petition for review.”.

18 ***b1096/2.17* 855.** Page 597, line 3: after that line insert:

19 ***b1096/2.17* “SECTION 1660t.** 49.1475 of the statutes is amended to read:

20 **49.1475 Follow-up services.** Following any follow-up period required by the
21 contract entered into under s. 49.143, a Wisconsin works agency may provide case
22 management services for an individual who moves from a Wisconsin works
23 employment position to unsubsidized employment to help the individual retain the
24 unsubsidized employment. Case management services may include the provision of

1 employment skills training; English as a 2nd language classes, if the Wisconsin
2 works agency determines that the course will facilitate the individual's efforts to
3 retain employment; a course of study meeting the standards established under s.
4 115.29 (4) for the granting of a declaration of equivalency of high school graduation;
5 or other remedial education courses. A Wisconsin works agency shall coordinate case
6 management services with a program offered by a technical college under s. 38.34.
7 The Wisconsin works agency may provide case management services regardless of
8 the individual's income and asset levels.”.

9 *b0900/1.2* **856.** Page 600, line 22: delete lines 22 to 25.

10 *b0900/1.3* **857.** Page 601, line 1: delete lines 1 and 2 and substitute:

11 *b0900/1.3* “**SECTION 1676b.** 49.155 (3m) (d) of the statutes is amended to
12 read:

13 49.155 (3m) (d) No funds distributed under par. (a) may be used ~~to provide for~~
14 child care services that are provided for a child by a person child care provider who
15 is the parent of the child or who resides with the child, unless the county determines
16 that the care is necessary because of a special health condition of the child or the child
17 care provider is licensed under s. 48.65 and is not a parent of the child.”.

18 *b0961/2.1* **858.** Page 601, line 2: after that line insert:

19 *b0961/2.1* “**SECTION 1676p.** 49.173 (1) (intro.) of the statutes is amended to
20 read:

21 49.173 (1) (intro.) The department shall distribute ~~the funds to Wisconsin~~
22 ~~works agencies and to local workforce development boards established under 29 USC~~
23 2832 allocated under s. 49.175 (1) (u) to county departments under s. 46.215, 46.22,
24 or 46.23 and to nonprofit organizations to provide all of the following to any person

1 who is eligible for the federal temporary assistance to needy families program under
2 42 USC 601 et. seq.:

3 *b0961/2.1* SECTION 1676r. 49.173 (2) of the statutes is repealed.

4 *b0961/2.1* SECTION 1676t. 49.173 (3) of the statutes is repealed.”.

5 *b1030/1.1* 859. Page 602, line 6: delete lines 6 to 22 and substitute:

6 *b1030/1.1* “SECTION 1682bc. 49.175 (1) (d) of the statutes is repealed and
7 recreated to read:

8 49.175 (1) (d) *Community reinvestment*. 1. ‘Contracts for 1997 to 1999’. For
9 the payment of community reinvestment funds that are earned as part of contracts
10 entered into under s. 49.143 having a term that begins on September 1, 1997, and
11 ends on ~~December~~ 1, 1999, \$20,849,000 in fiscal year 2001–02.

12 2. ~~d~~ ‘Contracts for 2000 and 2001.’ For the payment of community reinvestment
13 funds that are earned as part of contracts entered into under s. 49.143 having a term
14 that begins on January 1, 2000, and ends on December ~~1~~³¹, 2001, \$2,769,900 in fiscal
15 year 2001–02 and \$5,539,700 in fiscal year 2002–03.

16 *b1030/1.1* SECTION 1682cd. 49.175 (1) (d) 1. of the statutes, as created by
17 2001 Wisconsin Act (this act), is repealed.

18 *b1030/1.1* SECTION 1682cf. 49.175 (1) (d) 2. of the statutes, as affected by
19 2001 Wisconsin Act (this act), is renumbered 49.175 (1) (d).”.

20 *~~b1095/3.11~~* 860. Page 602, line 12: delete “December 1” and substitute
21 “December 31”.

****NOTE: Corrects a date.

22 *b0900/1.4* 861. Page 604, line 2: delete “\$274,500,000” and substitute
23 “\$274,580,000”.

1 ***b0900/1.5* 862.** Page 604, line 3: delete “\$305,550,000” and substitute
2 “\$305,630,000”.

3 ***b0740/2.1* 863.** Page 604, line 14: delete “\$11,145,900” and substitute
4 “\$11,395,900”.

5 ***b0740/2.2* 864.** Page 604, line 14: delete “\$2,500,000” and substitute
6 “\$2,750,000”.

7 ***b0747/1.4* 865.** Page 605, line 3: after that line insert:

8 ***b0747/1.4*** “SECTION 1696m. 49.175 (1) (zo) of the statutes is created to read:
9 49.175 (1) (zo) *After-school care program.* For the transfer of moneys to the
10 department of public instruction for the after-school care grant program under 2001
11 Wisconsin Act (this act), section 9140 (6w), \$150,000 in fiscal year 2002–03.”.

12 ***b1001/1.1* 866.** Page 605, line 15: delete “\$500,000” and substitute
13 “\$1,000,000”.

14 ***b0950/1.2* 867.** Page 607, line 14: after that line insert:

15 ***b0950/1.2*** “SECTION 1714e. 49.175 (1) (zp) of the statutes is created to read:
16 49.175 (1) (zp) *Manufacturing job training.* For a grant to the Northwest Side
17 Community Development Corporation, Inc., in the city of Milwaukee to conduct a
18 manufacturing job training program for persons who are eligible to receive
19 temporary assistance for needy families under 42 USC 601 to 619, \$250,000 in fiscal
20 year 2001–02. The department may not distribute moneys allocated under this
21 paragraph unless the department determines that the use of those moneys for the
22 program specified in this paragraph is allowable under the federal temporary
23 assistance for needy families program under 42 USC 601 to 619.”.

24 ***b1024/2.3* 868.** Page 607, line 14: after that line insert:

1 ***b1024/2.3*** “SECTION 1714v. 49.175 (1) (zv) of the statutes is created to read:
2 49.175 (1) (zv) *Treatment and prevention of childhood sexual abuse.* For the
3 transfer of moneys from the appropriation account under s. 20.445 (3) (md) to the
4 appropriation account under s. 20.455 (5) (kv) in fiscal year 2003–04 and in each
5 fiscal year thereafter, at least 1% of the amount of federal moneys received under the
6 temporary assistance for needy families block grant program under 42 USC 601 et
7 seq. in the fiscal year in which the amount is transferred.”.

8 ***b1096/2.18* 869.** Page 607, line 14: after that line insert:

9 ***b1096/2.18*** “SECTION 1714p. 49.175 (1) (zq) of the statutes is created to read:
10 49.175 (1) (zq) *Job retention skills development programs.* For the transfer of
11 moneys to the technical college system board for implementation costs for job
12 retention skills development programs under s. 38.34, \$200,000 in fiscal year
13 2001–02.”.

14 ***b1058/2.13* 870.** Page 621, line 12: after that line insert:

15 ***b1058/2.13*** “SECTION 1750g. 49.45 (2) (a) 25. of the statutes is created to
16 read:

17 49.45 (2) (a) 25. Disseminate to health care professionals providing services
18 under the early and periodic screening, diagnosis and treatment program under 42
19 CFR 441, and to parents or guardians of children eligible for services under the
20 program, information on the availability of, and coverage for, topical fluoride varnish
21 under that program and on the efficacy of topical fluoride varnish treatments in
22 preventing early childhood caries.”.

23 ***b1041/1.1* 871.** Page 622, line 14: delete lines 14 to 21.

24 ***b1220/1.1* 872.** Page 622, line 21: after that line insert:

1 ***b1220/1.1*** “SECTION 1770q. 49.45 (6n) of the statutes is created to read:

2 49.45 (6n) USE OF FUNDS BY NURSING FACILITIES IN CONNECTION WITH UNION
3 ORGANIZING. (a) In this subsection:

4 1. “Labor organization” means any employee organization in which employees
5 participate and that exists primarily for the purpose of engaging in collective
6 bargaining with any employer concerning grievances, labor disputes, wages, hours
7 or conditions of employment, or the promotion and advancement of the professional
8 or occupational standards and the welfare of its members and families and any
9 organization established for the same purposes composed of individuals or affiliates
10 of any such employee organization.

11 2. “Nursing facility” means a nursing home, as defined in s. 50.01 (3), or a
12 community-based residential facility that is licensed under s. 50.03 and that is
13 certified by the department of health and family services to provide medical
14 assistance services equivalent to those provided by a nursing home.

15 (b) No nursing facility that has received money that is appropriated under s.
16 20.435 (4) (b), (o), or (w) may use any of that money to influence the decision of any
17 individual to support or oppose a labor organization that represents or seeks to
18 represent the individual or to become a member of a labor organization. This
19 paragraph does not prohibit a person, if otherwise permitted by law, to negotiate or
20 administer a collective bargaining agreement or to perform any action that is
21 required by law or the terms of a collective bargaining agreement. This paragraph
22 does not apply to any money received before January 1, 2002.

23 (c) 1. The department shall accept complaints from any individual who alleges
24 that a nursing facility is violating par. (b). The department shall notify the nursing
25 facility that is the subject of the complaint within 7 days after receiving it and shall

1 direct the nursing facility to provide the department, within 10 days after the
2 department notifies it of the complaint, records showing that it did not violate par.
3 (b).

4 2. Notwithstanding subd. 1., the department may not require a nursing facility
5 to maintain records relating to this subsection in any particular form.

6 (d) The attorney general may bring an action to enforce par. (b). If the court
7 determines that a nursing facility has violated par. (b), the court shall order the
8 nursing facility to repay to the state an amount equal to the amount that the nursing
9 facility received under s. 20.435 (4) (b), (o), or (w) and spent in connection with the
10 nursing facility's violation. The nursing facility shall also forfeit an amount equal
11 to twice the total amount that the nursing facility spent in connection with the
12 nursing facility's violation. The court may also order injunctive relief and any other
13 equitable relief that is appropriate.

14 (e) 1. Any person other than the attorney general may bring an action to enforce
15 par. (b), but only if all of the following apply:

16 a. The person filed with the department a written complaint under par. (c)
17 alleging a violation of par. (b).

18 b. No earlier than 20 days after filing the complaint under par. (c) the person
19 filed with the attorney general a copy of that complaint, a written description of the
20 disposition of the complaint, and a written notice that the person intended to bring
21 an enforcement action under this paragraph.

22 c. At least 60 days have elapsed since the person complied with subd. 1. b.

23 d. The attorney general did not bring an action to enforce par. (b) against the
24 subject of the complaint filed under subd. 1. a. before the expiration of the time period
25 specified in subd. 1. c.

1 e. The complaint that the person files in his or her action is substantially based
2 on the complaint that the person filed under subd. 1. a.

3 2. If, in an action brought under this paragraph, the court determines that a
4 nursing facility violated par. (b), the court shall impose any penalty that would have
5 been required and may order any relief that would have been permitted if the action
6 had been brought under par. (d). Any forfeiture ordered under this subdivision shall
7 be paid to the state.

8 (f) Notwithstanding s. 803.09 (1), any person may intervene in an action
9 brought under par. (d) or (e).

10 (g) If the court determines that a nursing facility violated par. (b) in a case
11 brought under par. (d) or (e), the court shall order the nursing facility to pay the
12 plaintiff's reasonable litigation costs, including a reasonable attorney fee,
13 notwithstanding s. 814.04 (1). If a person has intervened in a case under par. (f), the
14 court shall order the nursing facility or to pay the intervenor's reasonable litigation
15 costs, including a reasonable attorney fee, notwithstanding s. 814.04 (1), if the court
16 determines that the intervenor made a substantial contribution to the plaintiffs in
17 prosecuting the action.

18 (h) 1. If an operator or owner of a nursing facility discharges, demotes,
19 threatens, or otherwise discriminates against an individual regarding compensation
20 or terms, conditions, or privileges of employment because the individual or anyone
21 acting at the request of the individual provided or attempted to provide information
22 to the department or the attorney general regarding possible violations of par. (b),
23 the individual may bring a civil action for any damages resulting from that
24 discharge, demotion, threat, or discrimination. The action shall be commenced
25 within 3 years after the discharge, demotion, threat, or discrimination or be barred.

1 If the plaintiff proves by a preponderance of the evidence that the discharge,
2 demotion, threat, or discrimination occurred, the court may grant any appropriate
3 relief, including the following:

- 4 a. Reinstatement of the individual to his or her former position.
- 5 b. Compensatory damages.
- 6 c. Costs, and notwithstanding s. 814.04 (1), reasonable attorney fees.
- 7 d. Other relief to remedy past discrimination.

8 (2) An individual may not bring an action under subd. 1. if he or she did any
9 of the following:

- 10 a. Deliberately caused or participated in the violation of par. (b).
- 11 b. Knowingly or recklessly provided substantially false information to the
12 department regarding a violation of par. (b).

13 (i) Any individual who knowingly authorizes the use of money received under
14 s. 20.435 (4) (b), (o), or (w) in conjunction with a violation of par. (b) shall forfeit all
15 of the following:

- 16 1. \$1,000 for each violation.
- 17 2. The amount of money that the person authorized to be used under sub. (1)
18 (intro.).”.

19 *b0738/1.1* **873.** Page 627, line 2: after that line insert:

20 *b0738/1.1* “SECTION 10778d. 49.45 (6v) (b) of the statutes is amended to read:

21 49.45 (6v) (b) The Beginning on September 1, 2002, and annually thereafter,
22 the department shall, each year, submit to the joint committee on finance a report
23 for the previous fiscal year, except for the 1997–98 fiscal year, that provides
24 information on the utilization of beds by recipients of medical assistance in facilities

1 ~~and a discussion and detailed projection of the likely balances, expenditures,~~
2 ~~encumbrances and carry over of currently appropriated amounts in the~~
3 ~~appropriation accounts under s. 20.435 (4) (b) and (e) for the immediately prior 2~~
4 ~~consecutive fiscal years.~~

5 *b0738/1.1* SECTION 1778h. 49.45 (6v) (c) of the statutes is amended to read:
6 49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds
7 by recipients of medical assistance in facilities is less than estimates for that
8 utilization reflected in the intentions of the joint committee on finance, legislature
9 and governor, as expressed by them in the budget determinations, the department
10 shall include a proposal to transfer moneys from the appropriation under s. 20.435
11 (4) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose of increasing
12 funding for the community options program under s. 46.27. The amount proposed
13 for transfer may not reduce the balance in the appropriation account under s. 20.435
14 (4) (b) below an amount necessary to ensure that that appropriation account will end
15 the current fiscal year or the current fiscal biennium with a positive balance. The
16 secretary shall transfer the amount identified under the proposal decreased during
17 the most recently completed fiscal year from the utilization of beds by recipients of
18 medical assistance in facilities in the next most recently completed fiscal year, the
19 department shall multiply the difference between the number of days of care
20 provided to the recipients in the facilities in each of those prior 2 consecutive fiscal
21 years by the average daily costs of care in the facilities for the most recently
22 completed fiscal year. The average daily costs of care shall be calculated by dividing
23 the total of medical assistance expenditures for care in facilities for the most recently
24 completed fiscal year by the total number of days of care provided in facilities in that
25 fiscal year.

1 ***b0738/1.1* SECTION 1778p.** 49.45 (6v) (d) of the statutes is created to read:

2 49.45 (6v) (d) If par. (c) applies and if the amount calculated under par. (c) is
3 positive, the department's report under par. (b) shall include a proposal to transfer
4 an amount equal to the portion of the amount calculated under par. (c) that is the
5 state share of medical assistance expenditures from the appropriation account under
6 s. 20.435 (4) (b) to the appropriation account under s. 20.435 (7) (bd) for the purpose
7 of increasing funding for the long-term support community options program under
8 s. 46.27. If the cochairpersons of the joint committee on finance do not notify the
9 secretary within 14 working days after the date on which the department submits
10 the proposal that the committee has scheduled a meeting for the purpose of
11 reviewing the proposal, the secretary shall transfer the amount identified under the
12 proposal. If, within 14 working days after the date on which the department submits
13 the proposal, the cochairpersons of the joint committee on finance notify the
14 secretary that the committee has scheduled a meeting for the purpose of reviewing
15 the proposal, the secretary may transfer moneys from the appropriation account
16 under s. 20.435 (4) (b) to the appropriation account under s. 20.435 (7) (bd) only as
17 approved by the committee.

18 ***b0738/1.1* SECTION 1778r.** 49.45 (6v) (e) of the statutes is created to read:

19 49.45 (6v) (e) Of the amount required to be transferred by the secretary under
20 par. (d), 40% shall be expended for services as specified under s. 46.27 (7) and 60%
21 shall be expended for services as specified under s. 46.27 (11).”.

22 ***b1057/2.2* 874.** Page 627, line 2: after that line insert:

23 ***b1057/2.2* “SECTION 1778g.** 49.45 (6um) of the statutes is created to read:

1 **49.45 (6um) SUPPLEMENTAL GRANTS TO FACILITIES IN MILWAUKEE.** (a) In this
2 subsection:

- 3 1. “Medicare” has the meaning given in sub. (3) (L) 1. b.
- 4 2. “Minority group member” has the meaning given in s. 146.185 (1) (f).
- 5 3. “Nursing home” means a nursing home that is licensed under s. 50.03 and
6 that is certified by the department as a provider of medical assistance.

7 (b) Notwithstanding sub. (6m), from the appropriations under s. 20.435 (4) (b)
8 and (o), to ensure the availability of nursing home services in the city of Milwaukee,
9 the department may award grants in each fiscal year to an applying nursing home
10 that meets all of the following criteria:

- 11 1. The nursing home is located in the city of Milwaukee.
- 12 2. Patient occupancy of the nursing home is at least 80% of the nursing home’s
13 licensed bed capacity.
- 14 3. More than 90% of the nursing home’s residents are eligible for medical
15 assistance, including those who have dual eligibility for medical assistance and
16 medicare.
- 17 4. The nursing home is not affiliated with a religious organization from which
18 the nursing home receives operating support.
- 19 5. The nursing home is certified as a medicare provider.
- 20 6. At least 75% of the nursing home’s employees are minority group members.

21 (c) Funding for grants under par. (b) shall be based on the total cost of the
22 nursing home’s services per patient who is a recipient of medical assistance or \$140
23 per patient day for a patient who is a recipient of medical assistance, whichever is
24 less, less any payment received under s. 49.45 (6m).”.

1 ***b1058/2.14* 875.** Page 629, line 22: after that line insert:

2 ***b1058/2.14* "SECTION 1787r.** 49.45 (24h) of the statutes is created to read:

3 49.45 (24h) DENTAL SERVICES REIMBURSEMENT RATES. Rates of reimbursement
4 for dental services for each year shall equal the fee at which 75% of dentists in the
5 east north central region charge equal or lesser amounts, as specified in the most
6 recently published annual Survey of Dental Fees of the American Dental
7 Association.”.

8 ***b1038/2.1* 876.** Page 630, line 7: after that line insert:

9 ***b1038/2.1* "SECTION 1789t.** 49.45 (39) (b) 1. of the statutes is renumbered
10 49.45 (39) (b) 1. a. and amended to read:

11 49.45 (39) (b) 1. a. If a school district or a cooperative educational service
12 agency elects to provide school medical services and meets all requirements under
13 par. (c), the department shall, except as provided in subd. 1. b., reimburse the school
14 district or the cooperative educational service agency for 60% of the federal share of
15 allowable charges for the school medical services that it provides and, as specified
16 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
17 and Visually Impaired or the Wisconsin School for the Deaf elects to provide school
18 medical services and meets all requirements under par. (c), the department shall
19 reimburse the department of public instruction for 60% of the federal share of
20 allowable charges for the school medical services that the Wisconsin Center for the
21 Blind and Visually Impaired or the Wisconsin School for the Deaf provides and, as
22 specified in subd. 2., for allowable administrative costs. A school district, cooperative
23 educational service agency, the Wisconsin Center for the Blind and Visually
24 Impaired or the Wisconsin School for the Deaf may submit, and the department shall

1 allow, claims for common carrier transportation costs as a school medical service
2 unless the department receives notice from the federal health care financing
3 administration that, under a change in federal policy, the claims are not allowed. If
4 the department receives the notice, a school district, cooperative educational service
5 agency, the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin
6 School for the Deaf may submit, and the department shall allow, unreimbursed
7 claims for common carrier transportation costs incurred before the date of the change
8 in federal policy. The department shall promulgate rules establishing a methodology
9 for making reimbursements under this paragraph. All other expenses for the school
10 medical services provided by a school district or a cooperative educational service
11 agency shall be paid for by the school district or the cooperative educational service
12 agency with funds received from state or local taxes. The school district, the
13 Wisconsin Center for the Blind and Visually Impaired, the Wisconsin School for the
14 Deaf or the cooperative educational service agency shall comply with all
15 requirements of the federal department of health and human services for receiving
16 federal financial participation.

17 *b1038/2.1* SECTION 1789u. 49.45 (39) (b) 1. b. of the statutes is created to
18 read:

19 49.45 (39) (b) 1. b. Beginning on July 1, 2003, the department shall, under this
20 section, annually reimburse a school district and a cooperative educational service
21 agency and shall reimburse the department of public instruction for the Wisconsin
22 Center for the Blind and Visually Impaired and the Wisconsin School for the Deaf
23 for 90% of the federal share of allowable charges received for school medical services
24 in excess of \$16,100,000. The reimbursement shall be based on the proportion of total
25 school medical services for the school year that was provided by each school district,

1 cooperative educational service agency, the Wisconsin Center for the Blind and
2 Visually Impaired, and the Wisconsin School for the Deaf.”

3 *b1046/1.3* **877.** Page 630, line 14: after that line insert:

4 *b1046/1.3* **SECTION 1791h.** 49.45 (47) (c) of the statutes is amended to read:

5 49.45 (47) (c) The biennial fee for the certification required under par. (b) of an
6 adult day care center is ~~\$89, plus a biennial fee of \$17.80 per client, based on the~~
7 ~~number of clients that the adult day care center is certified to serve~~ \$100. Fees
8 collected under this paragraph shall be credited to the appropriation account under
9 s. 20.435 (6) (jm).

10 *b1046/1.3* **SECTION 1791i.** 49.45 (47) (d) of the statutes is repealed.”

11 *b0741/2.2* **878.** Page 632, line 4: after that line insert:

12 *b0741/2.2* **SECTION 1799f.** 49.46 (1) (a) 5m. of the statutes is created to read:

13 49.46 (1) (a) 5m. Any individual who is at least 18 years of age but under 20
14 years of age and who, on his or her 18th birthday, was in foster care, or treatment
15 foster care placement under ch. 48 or 938, as determined by the department.”

16 *b1058/2.15* **879.** Page 634, line 15: after that line insert:

17 *b1058/2.15* **SECTION 1805f.** 49.46 (2) (b) 1m. of the statutes is created to
18 read:

19 49.46 (2) (b) 1m. Dental hygienists’ services, limited to services that are
20 payable under subd. 1. and that are within the scope of practice of a dental
21 hygienist.”

22 *b0742/2.2* **880.** Page 642, line 20: after that line insert:

23 *b0742/2.2* **SECTION 1833k.** 49.496 (3) (a) (intro.) of the statutes is amended
24 to read:

1 49.496 (3) (a) (intro.) ~~Except as provided in par. (b), the~~ The department may
2 not recover from the estate of a recipient any amount of medical assistance paid on
3 behalf of the recipient, except that the department shall file a claim against the
4 estate of a recipient for all of the following unless already recovered by the
5 department under this section:

6 ***b0742/2.2* SECTION 1834g.** 49.496 (3) (a) 2. d. of the statutes is repealed.

7 ***b0742/2.2* SECTION 1834j.** 49.496 (3) (a) 3. of the statutes is created to read:

8 49.496 (3) (a) 3. Any medical assistance services that are required to be
9 recovered under 42 USC 1396p.

10 ***b0742/2.2* SECTION 1834k.** 49.496 (3) (b) of the statutes is amended to read:

11 49.496 (3) (b) ~~–A– Notwithstanding par. (a), a claim under par. (a) is not~~
12 ~~allowable if the decedent has a surviving child who is under age 21 or disabled or a~~
13 ~~surviving spouse.”.~~

14 ***b1059/2.7* 881.** Page 646, line 22: after that line insert:

15 ***b1059/2.7* “SECTION 1838gb.** 49.688 of the statutes is created to read:

16 **49.688 Prescription drug assistance for elderly persons. (1)** In this
17 section:

18 (a) “Generic name” has the meaning given in s. 450.12 (1) (b).

19 (b) “Poverty line” means the nonfarm federal poverty line for the continental
20 United States, as defined by the federal department of labor under 42 USC 9902 (2).

21 (c) “Prescription drug” means a prescription drug, as defined in s. 450.01 (20),
22 that is included in the drugs specified under s. 49.46 (2) (b) 6. h. and that is
23 manufactured by a drug manufacturer that enters into a rebate agreement in force
24 under sub. (6).

1 (d) “Prescription order” has the meaning given in s. 450.01 (21).

2 (e) “Program payment rate” means the rate of payment made for the identical
3 drug specified under s. 49.46 (2) (b) 6. h., plus 5%, plus a dispensing fee that is equal
4 to the dispensing fee permitted to be charged for prescription drugs for which
5 coverage is provided under s. 49.46 (2) (b) 6. h.

6 (2) (a) A person to whom all of the following applies is eligible to purchase a
7 prescription drug for the amounts specified in sub. (5) (a) 1. and 2.:

8 1. The person is a resident, as defined in s. 27.01 (10) (a), of this state.

9 2. The person is at least 65 years of age.

10 3. The person is not a recipient of medical assistance.

11 4. The person’s annual household income, as determined by the department,
12 does not exceed 300% of the federal poverty line for a family the size of the person’s
13 eligible family.

14 5. The person pays the program enrollment fee specified in sub. (3) (a).

15 (b) A person to whom par. (a) 1. to 3. and 5. applies, but whose annual household
16 income, as determined by the department, exceeds 300% of the federal poverty line
17 for a family the size of the persons’ eligible family, is eligible to purchase a
18 prescription drug at the amounts specified in sub. (5) (a) 4. only during the remaining
19 amount of any 12-month period in which the person has first paid the annual
20 deductible specified in sub. (3) (b) 2. a. in purchasing prescription drugs at the retail
21 price and has then paid the annual deductible specified in sub. (3) (b) 2. b.

22 (3) Program participants shall pay all of the following:

23 (a) For each 12-month benefit period, a program enrollment fee of \$20.

24 (b) 1. For each 12-month benefit period, for a person specified in sub. (2) (a),
25 a deductible for prescription drugs of \$500, except that a person whose annual

1 household income, as determined by the department, is 175% or less of the federal
2 poverty line for a family the size of the person's eligible family pays no deductible.

3 2. For each 12-month benefit period, for a person specified in sub. (2) (b), a
4 deductible for prescription drugs that equals all of the following:

5 a. The difference between the person's annual household income and 300% of
6 the federal poverty line for a family the size of the person's eligible family.

7 b. Five hundred dollars.

8 (c) After payment of any applicable deductible under par. (b), all of the
9 following:

10 1. A copayment of \$5 for each prescription drug that bears only a generic name.

11 2. A copayment of \$10 for each prescription drug that does not bear only a
12 generic name.

13 (d) Notwithstanding s. 49.002, if a person who is eligible under this section has
14 other available coverage for payment of a prescription drug, this section applies only
15 to costs for prescription drugs for the persons that are not covered under the person's
16 other available coverage.

17 (4) The department shall devise and distribute a form for application for the
18 program under sub. (2), shall determine eligibility for each 12-month benefit period
19 of applicants and shall issue to eligible persons a prescription drug card for use in
20 purchasing prescription drugs, as specified in sub. (5). The department shall
21 promulgate rules that specify the criteria to be used to determine household income
22 under sub. (2) (a) 4. and (b) and (3) (b) 1.

23 (5) (a) Beginning September 1, 2002, as a condition of participation by a
24 pharmacy or pharmacist in the program under s. 49.45, 49.46, or 49.47, the
25 pharmacy or pharmacist may not charge a person who presents a valid prescription

1 order and a card indicating that he or she meets eligibility requirements under sub.
2 (2) an amount for a prescription drug under the order that exceeds the following:

3 1. For a deductible, as specified in sub. (3) (b) 1. and 2. b., the program payment
4 rate.

5 2. After any applicable deductible under subd. 1. is charged, the copayment, as
6 applicable, that is specified in sub. (3) (c) 1. or 2. No dispensing fee may be charged
7 to a person under this subdivision.

8 3. For a deductible, as specified in sub. (3) (b) 2. a., the retail price.

9 4. After the deductible under subd. 3. is charged, the copayment, as applicable,
10 that is specified in sub. (3) (c) 1. or 2. No dispensing fee may be charged to a person
11 under this subdivision.

12 (b) The department shall calculate and transmit to pharmacies and
13 pharmacists that are certified providers of medical assistance amounts that may be
14 used in calculating charges under par. (a). The department shall periodically update
15 this information and transmit the updated amounts to pharmacies and pharmacists.

16 (6) The department, or an entity with which the department contracts, shall
17 provide to a drug manufacturer that sells drugs for prescribed use in this state
18 documents designed for use by the manufacturer in entering into a rebate agreement
19 with the department or entity that is modeled on the rebate agreement specified
20 under 42 USC 1396r–8. A rebate agreement under this subsection shall include all
21 of the following as requirements:

22 (a) That the manufacturer shall make rebate payments for each prescription
23 drug of the manufacturer that is prescribed for and purchased by persons who meet
24 criteria under sub. (2) (a) and persons who meet criteria under sub. (2) (b) and have
25 paid the deductible under sub. (3) (b) 2. a., to the state treasurer to be credited to the

1 appropriation account under s. 20.435 (4) (j), each calendar quarter or according to
2 a schedule established by the department.

3 (b) That the amount of the rebate payment shall be determined by a method
4 specified in 42 USC 1396r–8 (c).

5 (7) From the appropriation accounts under s. 20.435 (4) (bv) and (j), beginning
6 September 1, 2002, the department shall, under a schedule that is identical to that
7 used by the department for payment of pharmacy provider claims under medical
8 assistance, provide to pharmacies and pharmacists payments for prescription drugs
9 sold by the pharmacies or pharmacists to persons eligible under sub. (2) who have
10 paid the deductible specified under sub. (3) (b) 1. or 2. or who, under sub. (3) (b) 1.,
11 are not required to pay a deductible. The payment for each prescription drug under
12 this subsection shall be at the program payment rate, minus any copayment paid by
13 the person under sub. (5) (a) 2. or 4., and plus, if applicable, incentive payments that
14 are similar to those provided under s. 49.45 (8v). The department shall devise and
15 distribute a claim form for use by pharmacies and pharmacists under this subsection
16 and may limit payment under this subsection to those prescription drugs for which
17 payment claims are submitted by pharmacists or pharmacies directly to the
18 department. The department may apply to the program under this section the same
19 utilization and cost control procedures that apply under rules promulgated by the
20 department to medical assistance under subch. IV of ch. 49.

21 (8) The department shall, under methods promulgated by the department by
22 rule, monitor compliance by pharmacies and pharmacists that are certified providers
23 of medical assistance with the requirements of sub. (5) and shall annually report to
24 the legislature under s. 13.172 (2) concerning the compliance. The report shall
25 include information on any pharmacies or pharmacists that discontinue

1 participation as certified providers of medical assistance and the reasons given for
2 the discontinuance.

3 (9) (a) The department shall promulgate rules relating to prohibitions on fraud
4 that are substantially similar to applicable provisions under s. 49.49 (1) (a).

5 (b) A person who is convicted of violating a rule promulgated by the department
6 under par. (a) in connection with that person's furnishing of prescription drugs under
7 this section may be fined not more than \$25,000, or imprisoned for not more than 7
8 years and 6 months, or both.

9 (c) A person other than a person specified in par. (b) who is convicted of violating
10 a rule promulgated by the department under par. (a) may be fined not more than
11 \$10,000, or imprisoned for not more than one year, or both.

12 (10) If federal law is amended to provide coverage for prescription drugs for
13 outpatient care as a benefit under medicare or to provide similar coverage under
14 another program, the department shall submit to appropriate standing committees
15 of the legislature under s. 13.172 (3) a report that contains an analysis of the
16 differences between such a federal program and the program under this section and
17 that provides recommendations concerning alignment, if any, of the differences.

18 (11) Except as provided in subs. (8) to (10) and except for the department's
19 rule-making requirements and authority, the department may enter into a contract
20 with an entity to perform the duties and exercise the powers of the department under
21 this section."

22 *b0813/1.1* **882.** Page 656, line 10: after that line insert:

23 *b0813/1.1* "SECTION 1966v. 51.30 (4) (b) 10m. of the statutes is amended to
24 read: