

2003 DRAFTING REQUEST

Bill

Received: 12/23/2002

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-8219**

By/Representing: **Fath**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Fath - BB0323,

Topic:

Create transitional subsidized private sector jobs under W-2

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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03

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Replace community service and trial jobs under W-2 with transitional subsidized private sector jobs

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CPH

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1-13-3

STATUTORY LANGUAGE REQUEST
2003-05 BIENNIAL BUDGET

TOPIC: Changes to the W-2 Program
TEAM: EDUC
ANALYST: Fath *GF*
AGENCY: DWD
NUMBER: 445

BB 0323

Date: January 2, 2003
To: Steve Miller, LRB
From: Erin Fath, DOA
Subject: Statutory Language Request

Changes to the W-2 Program

Pam Kahler has already received drafting instructions pertaining to proposed changes for the W-2 program. The changes are related primarily to replacing existing W-2 employment placements with temporary, transitional wage-paying jobs.

I am submitting this memo now to get the drafting request into DOA's statutory language tracking system as a DOA statutory language request item.

If you have any questions, please call me at 6-8219, or send me an email at: erin.fath@doa.state.wi.us.

Thank you.

add BB no.
later

and to offer them the
work support they may need to

W-2 Reform

Goal: The primary purpose of W-2 should be to connect low-income unemployed workers to the labor market. This should be based on offering transitional, temporary, minimum-wage jobs that produce useful work for taxpayers to those, who after a reasonable job search have been unsuccessful in finding private sector employment and do not qualify for unemployment insurance.

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assets

1. The provisions of W-2 relating to grants to persons required to engage in work activity, work activity, the W-2 Transition program, the Community Service Jobs program, the Trial Jobs program, the functions and responsibilities of W-2 agencies, and all other facets of W-2 relating to employment would be repealed.

2. The provisions of W-2 relating to grants to persons with a child no older than 12 weeks, Kinship Care, Caretaker Supplement, and child care would remain in place.
49.148 (1m)
49.155
ch 48 SSF stopp? 49.775

3. In place of the provisions repealed by Paragraph # 1, a new program of Transitional Subsidized Private Sector Employment would be created. NOTE: It is important to use exactly these words in order to avoid problems with the IRS's definition of earned income.

A. The following individuals would be eligible to apply for Transitional Private Sector Employment: Wisconsin residents, at least 18 years of age but no more than 65 years of age, with incomes below the federal poverty line, with assets no greater than the current W-2 asset limits (NOTE: I'd like to double-check whether to retain the current asset test or modify it), who are either ineligible for Unemployment Insurance or have exhausted their UI benefits, and who have shown to the satisfaction of the W-2 agency that for at least four 2 weeks (or such shorter or longer period as DWD shall determine) they have actively and in good faith sought to obtain regular wage-paying employment but have been unable to find a job. The W-2 agencies would handle the application process, determine initial eligibility, and re-determine eligibility at every six months (or such shorter or longer period as DWD shall determine.)

Unless
waived
by
DWD?

Simply define as:
Transitional Jobs

ask STK →

B. Eligible individuals would be offered Transitional Private Sector Jobs, based on the following priority system, up to the limits of the total number of Transitional Private Sector

Jobs available statewide. -First, custodial parents who are furthest below the federal poverty line. Second, non-custodial parents who are furthest below the poverty line. Third, all other adults based on how far they fall below the poverty line. DWD would manage the list of transitional private sector jobs. Upon being notified by the W-2 agency that a person is eligible, DWD would link the individual to 1 or more Qualified Employers that could offer them a minimum wage paying job. The job must be reasonably accessible to the individual. If DWD projects that there will not be a sufficient number of jobs available to meet the demand, authorize it to create wait lists or modify the parameters of the program for new entrants to manage the caseload within existing resources. DWD shall notify the legislature of its intent to make these program modifications. ~~The W-2 agencies would determine, based on this priority system, which eligible person can be offered a job and who must be wait-listed.~~ Retain current law language that no individual is entitled to a Transitional Private Sector Placement.

as possible

95

agency rules?

49,141 (4)

C. There would be no arbitrary categories of Transitional Private Sector Jobs. Jobs would be designed flexibly by the Qualified Private Sector Employers (to be explained) to meet the needs of the eligible individuals to whom the jobs are offered. All eligible persons would be employees of their respective Qualified Private Sector Employers. The Qualified Private Sector Employers would be *their* employer. All Transitional Private Sector Jobs would have the following characteristics: (1) They must provide at least 25 hours per week of work but no more than 30 hours per week of work in order to allow the eligible individual sufficient time to continue to seek for regular employment (unless employment between 30 and 40 is recommended by the W-2 Agency, consistent with DWD guidelines). Note: work could be designed to include taking care of a disabled child or relative or working in a shelter workshop for those individuals that the W-2 agencies determine to be potentially SSI eligible or to have a small probability of being able to get and keep a minimum wage job. Each Qualified Private Sector Employer would provide the number of jobs with

job

the person

(1) allow an eligible person to be offered a job

(2)

2 types

in the regular private sector

~~different hours of work per week~~ that was specified in its contract with DWD. (2) Each Transitional Private Sector Job must pay the federal minimum wage for each hour of work actually performed. There would be no "good cause" exception or any other exception to this rule, however, an individual and an employer can agree to allow the individual to "make-up" the lost hours. (3) Eligible persons are to be treated just like all other private sector workers with respect to Workers Compensation, payroll taxes (FICA and Medicare), income tax withholding, eligibility for state and federal tax credits such as the EITC, and all other state and federal laws governing workers. The only exception is Unemployment Insurance. The work they do and wages they earn in Transitional Private Sector Jobs would not qualify for UI. (4) Consistent with the prior point, eligible persons would be "offered" a Transitional Private Sector Job (i.e., not "provided" with "work activity," would "accept" the job (i.e., not "receive" it), would be required to do the work assigned by their workplace supervisors, would work before being paid (i.e., wouldn't receive their wages in advance), would be paid weekly, would either be paid at the worksite or have their paychecks mailed to their homes (they would be asked to decide this, and could alter the decision at any time), would receive a paycheck (i.e., not a grant), would have taxes and other legally required deductions taken out of their paycheck and receive (together with their paycheck) a pay slip that shows how much has been deducted and what for, could be fired for misconduct or repeated failure to show up for work or failure to perform their jobs satisfactorily (consistent with guidelines provided by DWD), and each January would receive a W-2 form as required by federal law. Note: if a person is fired, they would be allowed to reapply after they successfully meet the job search requirement but they would move to the end of the waiting list, if one existed. If a person believes that they have been wrongfully fired, they can appeal to DWD.

✓
✓
D. While employed, eligible persons would generally continued to actively search for regular, i.e., private sector or government, employment. The W-2 Agency could create exceptions to this requirement for persons whose

requirement

✓ productivity is so low that it is highly unlikely that they will ever qualify for a regular job (consistent with guidelines provided by DWD). Otherwise, everyone must spend several hours every week looking for an unsubsidized job. The W-2 Agencies would decide how many hours, and could modify their determinations, based on DWD guidelines. This obligation of eligible persons to seek regular employment is a condition of their employment by their respective Qualified Private Sector Employers. Eligible persons will be fired by their Qualified Private Sector Employers, regardless of how well they're performing "on the job," if their W-2 Agencies determine that they are not making a good faith effort to seek private sector employment as required.

reapply, etc ✓
E. Eligible persons would generally be able to hold a particular Transitional Private Sector Job for no more than six months. The goal is for them to remain in these jobs temporarily— for only so long as is needed to obtain a regular wage-paying job. After six months, their employment in the *particular* job would be terminated, ~~unless their W-2 Agency determined that it is highly unlikely that they will ever qualify for a regular job (consistent with guidelines provided by DWD).~~ they were granted an extension. There would be an overall 2 year time limit for each individual but W-2 agencies could also request extensions of this limit from DWD. For a two week period following termination (shorter or longer if DWD so provides), eligible persons must seek regular work on a full-time basis. *6 month?*

F. If the full-time job search is made in good faith but is unsuccessful, the eligible person could again apply for a Transitional Private Sector Job, and (based on the priority system for allocating such jobs) could again be offered such a job. The rules for the first job would be exactly the same as the rules for second, third, or subsequent Transitional Private Sector Job.

✓
ed G. At any point after an eligible person has been employed in a particular Transitional Private Sector Job for more than two weeks, and after the Qualified Private Sector Employer has determined that the eligible person's work performance has been satisfactory, the eligible person and W-2 Agency may

agree to reduce the number of hours of paid work down ~~work down~~ to 15 hours per week, and pay the eligible person a training stipend that replaces 980% of the wages the eligible person is giving up, for a period not to exceed three months (unless the W-2 Agency recommends a longer period, based on DWD guidelines) if the eligible person enrolls in and faithfully participates in an education or training program that the eligible person and W-2 Agency agree has a high probability of giving the eligible person the skills required to fill one or more jobs that are vacant in the local economy. The termination of the eligible person's employment as described in Paragraph E will simultaneously terminate this stipend & training ~~substitutions~~ substitution."

6 mo?
2 yrs?

H. All Transitional Private Sector Jobs shall be real jobs. They must involve the performance of useful work that benefits the community. Retain existing nonsupplant language. ~~No such job can replace an existing government job, or replace a government job that existed in the past.~~ Each Qualified Private Sector Employer and DWD shall consult closely with labor unions representing public sector employees in designing Transitional Private Sector Jobs so as to comply with these requirements.

→ 49.141
(5)

4. DWD shall seek proposals from not-for-profit corporations to serve as Qualified Private Sector Employers for W-2. Each Qualified Private Sector Employer must be capable of successfully functioning as the employer of record for eligible persons to whom Transitional Private Sector Jobs are offered, of creating useful jobs that benefit the community and otherwise comply with the program, of providing effective supervision, of handling payroll and taxes and other financial matters in a responsible manner, of coordinating closely and cooperatively with the W-2 agencies for the counties it serves, etc. Qualified Private Sector Employers shall be reimbursed 100% of the wages they pay to eligible persons (NOTE: stipends for persons in training would be paid by the W-2 agencies, drawing on an account established and monitored by DWD), 100% of the employer's share of payroll taxes (FICA, Medicare,) and Workers' Comp and other statutorily-required costs, and the amount for supervision and overhead specified in their contracts with DWD.

5. W-2 Agencies shall be responsible for handling ~~for~~ the application and enrollment process, monitoring the progress of eligible persons who are working in Transitional Private Sector Jobs, working with them to decide when a substitution of stipend & training for a portion of paid work is appropriate, and overseeing their movement into regular jobs. Upon applying for the program, persons shall be required to allow DWD access to their past and future UIW wage records. DWD's contracts with W-2 agencies may include a provision that provides a W-2 agency with incentive payments that are proportional to the increase in "regular" earnings (i.e., excluding wages from Transitional Private Sector Jobs) that eligible persons served by the W-2 Agency experience when earnings prior to eligibility are compared with earnings following successful transition into the regular economy. W-2 Agencies shall also be responsible for providing eligible persons with information and assistance in obtaining the work supports for which they're eligible, i.e., the Earned Income Tax Credit, child care, and health insurance.

W-2 agencies

must set up a system for following up how long?

6. DWD shall be responsible for the overall program, including selecting and managing contracts with Qualified Private Sector Employers and selecting and managing contracts with W-2 Agencies. Modify existing contracts to specify that (either extend current contracts for 6 months (Jan 04-June04) or to have new a 6-month contract period based on the right of first selection results in the current contract??). DWD to begin new contracts under the revised program July 1, 2004. These contracts would last at least 1 and up to 2 years (would this be a competitive process too??). After that, DWD shall follow a competitive process for determining W-2 agencies as well as Qualified Employers.

DWD

7. ~~An individual should apply to the W-2 agency in their county of residence. In Milwaukee, any resident of Wisconsin may apply to any Milwaukee W-2 agency for W-2 eligibility, a Transitional Private Sector Job or other work support services from any W-2 agency. County boundaries or W-2 Agency region boundaries in Milwaukee shall not be used to turn anybody away.~~ Payments to W-2 agencies shall reflect the number of individuals served.

who that nec be one in every county?

49.147 (2) (a) 1. but get rid of 2.

~~the first sentence~~ (b) keep first sentence

(1) → (b)

(2) → (a)

good faith

help w/ underside
requirement to read

if engaged = good faith effort, then they get an
since offer a territorial job

but person has to continue read

do education needs assessment → joint effort
between par & agency

budget available -

(1m) (not just basic education)

↓
fund needs

keep WC language
keep (b)

↓
budget
available

change to
49.148 (1m) 6 months (not 12 wks)

incorporate DWI draft
& auto will change

Same funding as current GPR & TANF

s. 16.54 ← s. 49.175
exception in

s. 49.143 (2) (a) get rid of (b) ~~keep~~ keep
✓ (1) is okay w/ no (c), (cg), (cm) ok to keep
(ct) get rid of ← start
✓ (d), (em) → all rest ok

(3) ok
(3g) owned as requested by DWD - only savings acct
(4) ok
(5), (6) all ok

49.145(2)(a) → get rid of
in (h) subsidized employment

~~add~~ add ~~job~~

(h) 1. keep 60 months
a. keep
b. ~~job~~ job don't want keep

(g) ~~ok~~ keep

✓ (3) keep some financials

~~49.146~~ 49.146 keep w/ extra criteria
part 4. in there

49.147 (1) (c) ~~more~~ ~~over~~ ~~drop~~ repeal



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1256/2

PJK: A.....

JLD

NOW

DOA:.....Fath - BB0323, Replace community service and trial jobs under W-2 with transitional subsidized private sector jobs

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

~~Here soon~~
- 10/1/03
D-note

do not
generate

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES ✓

WISCONSIN WORKS ✓

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.445 (3) (dz) of the statutes is amended to read:

3 20.445 (3) (dz) *Wisconsin works* Works ✓ and other public assistance
4 administration and benefits. The amounts in the schedule, less the amounts
5 withheld under s. 49.143 (3), for administration and benefit payments under
6 Wisconsin works Works ✓ under ss. 49.141 to 49.161, the learnfare program under s.
7 49.26, the work experience and job search program under s. 49.36, and the food

1 stamp employment and training program under s. 49.13; for employer
 2 reimbursements, participant stipends, and education and training costs under
 3 Wisconsin Works ✓ under ss. 49.141 to 49.161; ✓ for payments to counties, tribal
 4 governing bodies, and Wisconsin works Works ✓ agencies; for hospital paternity
 5 incentive payments under s. 69.14 (1) (cm); ✓ for ~~job training services under the~~
 6 ~~workforce attachment and advancement program under s. 49.173~~; ✓ and for funeral
 7 expenses under s. 49.30. Payments may be made from this appropriation to counties
 8 for fraud investigation and error reduction under s. 49.197 (1m). Moneys
 9 appropriated under this paragraph may be used to match federal funds received
 10 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
 11 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.
 12 20.001 (3) and 20.002 (1), the department of health and family services shall credit
 13 or deposit into this appropriation account funds for the purposes of this
 14 appropriation that the department transfers from the appropriation account under
 15 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
 16 December 31 of each year lapse to the general fund on the next January 1 unless
 17 transferred to the next calendar year by the joint committee on finance.

→ NOTE: BUD

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109.

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

19 20.445 (3) (e) *Job access loans.* Biennially, the amounts in the schedule for job
 20 access loans under s. ~~49.147 (6)~~ 49.1471. ✓

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109.

21 **SECTION 3.** 20.445 (3) (jL) of the statutes is amended to read:

SECTION #. RP. 20.865(4)(K) ✓
**** NOTE: BUD

1 20.445 (3) (jL) Job access loan repayments. All moneys received from
2 repayments of loans made under s. 49.147 (6) 49.1471 for the purpose of making
3 loans under s. 49.147 (6) 49.1471.

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109.

4 SECTION 4. 49.015 (2) of the statutes is amended to read:

5 49.015 (2) RECIPIENTS OF OTHER AID. Except as provided in sub. (3), an
6 individual is not eligible for relief for a month in which the individual has received
7 aid to families with dependent children under s. 49.19 or supplemental security
8 income under 42 USC 1381 to 1383c or has participated in a Wisconsin works Works
9 employment position under s. 49.147 (3) to (5), as defined in s. 49.141 (1) (r), or in
10 which aid to families with dependent children, supplemental security income
11 benefits, or a Wisconsin works Works employment position is immediately available
12 to the individual.

History: 1985 a. 120; 1987 a. 27, 399; 1991 a. 313; 1993 a. 99; 1995 a. 27 ss. 2669 to 2682, 2687b, 2710; 1995 a. 289; 1999 a. 9.

13 SECTION 5. 49.13 (2) (cm) of the statutes is amended to read:

14 49.13 (2) (cm) The amount of food stamp benefits paid to a recipient who is a
15 participant in a Wisconsin works Works employment position under s. 49.147 (4),
16 2001 stats., or s. 49.147 (5), 2001 stats., shall be calculated based on the pre-sanction
17 benefit amount received s. 49.148, 2001 stats.

History: 2001 a. 16 ss. 1656ti, 1656tjm to 1656tp, 1656uu.

18 SECTION 6. 49.136 (2) (b) of the statutes is amended to read:

19 49.136 (2) (b) The department shall attempt to award grants under this section
20 to head start agencies designated under 42 USC 9836, employers that provide or
21 wish to provide child care services for their employees, family day care centers, group
22 day care centers and day care programs for the children of student parents,

1 organizations that provide child care for sick children, and child care providers that
 2 employ participants or former participants in a Wisconsin ~~works~~ [✓] Works employment
 3 position under s. ~~49.147 (3) to (5)~~, as defined in s. ~~49.141~~ [✓] (1) (r).

History: 1991 a. 275; 1993 a. 16; 1995 a. 27, 289; 1995 a. 404 ss. ~~17~~ [✓] to 141; Stats. 1995 s. 49.136; 1997 a. 27; 1999 a. 9.

4 **SECTION 7.** 49.141 (1) (a) of the statutes is repealed.

5 **SECTION 8.** 49.141 (1) (e) of the statutes is amended to read:

6 49.141 (1) (e) “Job access loan” means a loan administered under s. ~~49.147 (6)~~ [✓]
 7 49.1471. [✓]

History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. 105, 109.

8 **SECTION 9.** 49.141 (1) (m) of the statutes is amended to read:

9 49.141 (1) (m) “Transitional placement subsidized private sector job” means a
 10 the work component of Wisconsin ~~works~~ [✓] Works administered under s. ~~49.147 (5)~~ [✓].

History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. 105, 109 [✓]

11 **SECTION 10.** 49.141 (1) (n) of the statutes is repealed.

12 **SECTION 11.** 49.141 (1) (o) of the statutes is created to read:

13 49.141 (1) (o) “Unsubsidized employment” means employment for which the
 14 department [✓] or a Wisconsin Works agency provides no wage subsidy or
 15 reimbursement to the employer, including [✓] self-employment and entrepreneurial
 16 activities.

17 **SECTION 12.** 49.141 (1) (om) of the statutes is created to read:

18 49.141 (1) (om) “Wages” has the meaning given in s. 109.01 (3). [✓]

19 **SECTION 13.** 49.141 (1) (p) of the statutes is amended to read:

20 49.141 (1) (p) “Wisconsin ~~works~~ [✓] Works” means the ~~assistance employment and~~
 21 work-support program for families with dependent children [✓] low-income adults,
 22 administered under ss. 49.141 to 49.161. [✓]

History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. 105, 109.

23 **SECTION 14.** 49.141 (1) (r) of the statutes is amended to read:

1 49.141 (1) (r) “Wisconsin ~~works~~ [✓] Works employment position” means any job or
2 placement under s. 49.147 (3) to (5), 2001 stats., or a transitional subsidized private
3 sector job under s. 49.147.

4 History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. 105, 109.

4 **SECTION 15.** 49.141 (3) of the statutes is amended to read:

5 49.141 (3) APPLICATIONS. Any individual may apply [✓] ~~for any component of~~ to
6 participate in Wisconsin ~~works~~ Works. Application for ~~each component of~~
7 participation in Wisconsin ~~works~~ Works shall be made on a form prescribed by the
8 department. The individual shall submit a completed application form to a
9 Wisconsin ~~works~~ Works [✓] agency in the geographical area specified by the department
10 under s. 49.143 (6) in which the individual lives and in the manner prescribed by the
11 department.

12 History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. 105, 109.

12 **SECTION 16.** 49.141 (4) of the statutes is amended to read:

13 49.141 (4) NONENTITLEMENT. Notwithstanding fulfillment of the eligibility
14 requirements for ~~any component of participation in~~ Wisconsin ~~works~~ Works, an
15 individual is not entitled to services or benefits under Wisconsin ~~works~~ Works.

16 History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. 105, 109.

16 **SECTION 17.** 49.141 (5) (a) of the statutes is amended to read:

17 49.141 (5) (a) Have the effect of filling a vacancy created by an employer
18 terminating a regular employee or otherwise reducing its work force for the purpose
19 of hiring an individual under s. 49.147 [✓] (3), ~~(4) or (5).~~

20 History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. 105, 109.

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

21 49.143 (1) (a) 1. Award a contract, on the basis of a competitive process
22 approved by the secretary of administration, to any person to administer Wisconsin
23 ~~works~~ Works as provided in ss. 49.141 to 49.161 [✓] in a geographical area determined

1 by the department under sub. (6). The competitive process shall include cost and
2 prior experience criteria.

3 History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16.

3 **SECTION 19.** 49.143 (1) (a) 2. of the statutes is amended to read:

4 49.143 (1) (a) 2. Contract with a Wisconsin ~~works~~ Works agency to administer
5 Wisconsin ~~works~~ Works as provided in ss. [✓]49.141 to 49.161 if that agency has met the
6 performance standards established by the department under sub. (3), during the
7 immediately preceding contract period.

8 History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16.

8 **SECTION 20.** 49.143 (2) (a) 2. of the statutes is amended to read:

9 49.143 (2) (a) 2. Identify and encourage employers to provide permanent jobs
10 for persons who are eligible for ~~trial jobs or community service~~ transitional
11 subsidized private sector [✓] jobs.

12 History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16.

12 **SECTION 21.** 49.143 (2) (a) 3. of the statutes is amended to read:

13 49.143 (2) (a) 3. Create, and encourage others to create, subsidized jobs for
14 persons who are eligible for ~~trial jobs or community service~~ transitional subsidized
15 private sector [✓] jobs.

16 History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16.

16 **SECTION 22.** 49.143 (2) (a) 4. of the statutes is amended to read:

17 49.143 (2) (a) 4. Create, and encourage others to create, on-the-job training
18 sites for persons who are eligible for ~~trial jobs or community service~~ transitional
19 subsidized private sector [✓] jobs.

20 History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16.

20 **SECTION 23.** 49.143 (2) (a) 5. of the statutes is amended to read:

1 49.143 (2) (a) 5. Foster and guide the entrepreneurial efforts of participants
2 who are eligible for ~~trial jobs or community service~~ [✓] transitional subsidized private
3 sector jobs.

History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16.

4 **SECTION 24.** 49.143 (2) (a) 6. of the statutes is amended to read:

5 49.143 (2) (a) 6. Provide mentors, both from its membership and from
6 recruitment of members of the community, to provide job-related guidance,
7 including assistance in resolving job-related issues and the provision of job leads or
8 references, to persons who are eligible for ~~trial jobs or community service~~ transitional
9 subsidized private sector [✓] jobs.

History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16.

10 **SECTION 25.** 49.143 (2) (ct) of the statutes is repealed.

11 **SECTION 26.** 49.143 (2) (f) of the statutes is renumbered 49.143 (2) (g) and
12 amended to read:

13 49.143 (2) (g) Perform any other tasks specified by the department in the
14 contract that the department determines are necessary for the administration of
15 Wisconsin works Works [✓].

History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16.

16 **SECTION 27.** 49.143 (2) (fm) of the statutes is created to read:

17 49.143 (2) (fm) Provide to every participant information about and assistance
18 in obtaining any work supports for which the participant is eligible, such as child
19 care, health insurance, and income tax credits and refunds.

20 **SECTION 28.** 49.143 (3g) (a) (intro.) and [✓] 4. of the statutes are consolidated,
21 renumbered 49.143 (3g) (am) [✓] and amended to read:

22 49.143 (3g) (am) The department shall base any performance bonus
23 calculation that it makes for Wisconsin works Works [✓] agencies only on all of the

1 following performance criteria: 4. ~~Wages~~ [✓] wages and benefits earned by former
2 participants in Wisconsin ~~works~~ [✓] Works employment positions.

History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16[✓]

3 SECTION 29. 49.143 (3g) (a) 1. of the statutes is repealed.

4 SECTION 30. 49.143 (3g) (a) 2. of the statutes is repealed.

5 SECTION 31. 49.143 (3g) (a) 3. of the statutes is repealed.

6 SECTION 32. 49.143 (3g) (a) 5. of the statutes is repealed.

7 SECTION 33. 49.143 (3g) (a) 6. of the statutes is repealed.

8 SECTION 34. 49.145 (1) of the statutes is amended to read:

9 49.145 (1) GENERAL ELIGIBILITY. In order to be eligible for a Wisconsin ~~works~~
10 Works employment positions and position or job access loans [✓] loan for any month, an
11 individual shall meet the eligibility requirements under subs. (2) and (3). The
12 department may promulgate rules establishing additional eligibility criteria and
13 specifying how eligibility criteria are to be administered. The department may
14 promulgate rules establishing payment and reporting periods as needed to
15 administer this subsection.

History: 1995 a. 289; 1997 a. 27, 191, 237, 283; 1999 a. 9; 2001 a. 16[✓]

16 SECTION 35. 49.145 (2) (a) of the statutes is repealed.

17 SECTION 36. 49.145 (2) (b) of the statutes is amended to read:

18 49.145 (2) (b) The individual ~~has attained the age of~~ is at least 18 years of age
19 but not more than 65 years of age.[✓]

History: 1995 a. 289; 1997 a. 27, 191, 237, 283; 1999 a. 9; 2001 a. 16.

20 SECTION 37. 49.145 (2) (h) of the statutes is amended to read:

21 49.145 (2) (h) The individual, for at least 2 weeks immediately before applying,
22 has made a good faith effort, as determined by the Wisconsin ~~works~~ [✓] Works agency
23 on a case-by-case basis, to obtain unsubsidized [✓] employment and has not refused any

1 bona fide offer of employment within the 180 days immediately preceding
2 application.

3 History: 1995 a. 289; 1997 a. 27, 191, 237, 283; 1999 a. 9; 2001 a. 16.

3 SECTION 38. 49.146 (title) of the statutes is amended to read:

4 49.146 (title) **Employer criteria, selection, and reimbursement.**

5 History: 1995 a. 289.

5 SECTION 39. 49.146 of the statutes is renumbered 49.146 (1) and amended to
6 read:

7 49.146 (1) ELIGIBILITY CRITERIA. To eligible to employ a participant under s.
8 49.147, an employer must be a corporation described under section 501 (c) (3) or (4)
9 of the Internal Revenue Code and exempt from taxation under section 501 (a) of the
10 Internal Revenue Code. The department shall establish by rule additional criteria
11 that an employer providing a Wisconsin ~~works~~ Works employment position must
12 meet in order to employ a participant under s. 49.147 ~~(3) to (5)~~. An employer that does
13 not meet the criteria established under this section subsection is ineligible ~~to receive~~
14 ~~any subsidy for any position provided to a participant~~ for reimbursement of costs
15 under sub. (3).

16 History: 1995 a. 289.

16 SECTION 40. 49.146 (2) of the statutes is created to read:

17 49.146 (2) SELECTION. The department shall request from employers proposals
18 for employing participants under s. 49.147. The department shall select, and enter
19 into contracts with, employers that meet the criteria established under sub. (1) and
20 that demonstrate the ability to do all of the following:

21 (a) Create useful transitional subsidized private sector jobs that benefit the
22 community.

23 (b) Provide effective supervision for participants.

24 (c) Manage payroll, taxes, and other financial matters in a responsible manner.

1 (d) Coordinate closely and cooperatively with any Wisconsin Works agency
2 serving a geographic area in which the employer is located.

3 (e) Comply in all respects with the Wisconsin Works program.

4 → SECTION #. 49.146 (3); CR
49.146(3) REIMBURSEMENT. An employer that employs a participant under s. 49.147

5 shall be reimbursed by the department for 100% of the employer's costs that are
6 attributable to employment of the participant under s. 49.147, including any of the
7 following:

8 (a) Wages.

9 (b) Federal social security taxes.

10 (c) State and federal unemployment contributions or taxes.

***NOTE: This issue is not resolved yet.

11 (d) Worker's compensation insurance premiums, if any.

12 (e) Liability insurance premiums, if any.

13 (f) Supervisory costs and other overhead as specified in the employer's contract
14 with the department.

15 SECTION 41. 49.1465 of the statutes is created to read:

16 **49.1465 Education and training.** (1) EDUCATIONAL NEEDS ASSESSMENT. A
17 Wisconsin Works agency shall conduct an educational needs assessment of each
18 individual who applies for a Wisconsin Works employment position. If the individual
19 and the Wisconsin Works agency determine that the individual needs, or would
20 benefit from, education or training activities, including a course of study meeting the
21 standards established under s. 115.29 (4) for the granting of a declaration of
22 equivalency of high school graduation, the Wisconsin Works agency shall include
23 education or training activities in any employability plan developed for the

1 individual. The Wisconsin Works agency shall pay for the education or training
2 services identified in the employability plan to the extent that funds are available.

3 (2) PROGRAM AND EMPLOYER COORDINATION. A Wisconsin Works agency shall do
4 all of the following:

****NOTE: The paragraphs in this subsection come from s. 49.149.

5 SECTION 42. 49.147 of the statutes is repealed and recreated to read:

6 **49.147 Wisconsin Works; transitional subsidized private sector jobs.**

7 (1) JOB OFFERS. (a) Subject to pars. (b) and (c), an individual who applies for a
8 Wisconsin Works employment position and who meets the eligibility requirements
9 under s. 49.145 shall be offered a transitional subsidized private sector job at a
10 reasonably accessible location with one or more employers selected under s. 49.146
11 (2).

12 (b) Job offers under par. (a) shall be limited by the number of employers selected
13 under s. 49.146 (2) and the number and types of employment positions available with
14 each employer, as provided in the employer's contract with the department. If the
15 number of participants exceeds, or the department determines that the number of
16 participants will exceed, the number of transitional subsidized private sector jobs
17 available, the department may do any of the following:

- 18 1. Create waiting lists of participants.
19 2. By rule modify program requirements for new participants so as to manage
20 the anticipated caseload within existing resources.

21 (c) If the department creates waiting lists under par. (b) 1., the department
22 shall offer transitional subsidized private sector jobs to participants on waiting lists
23 in the following order of priority:

1 1. Except as provided in subd. 4. ✓ and subject to s. 49.152 (3) (a), ✓ custodial
2 parents, in order of priority based on income, giving the highest priority to custodial
3 parents with the lowest incomes.

4 2. Except as provided in subd. 4. and subject to s. 49.152 (3) (a), noncustodial
5 parents, in order of priority based on income, giving the highest priority to
6 noncustodial parents with the lowest incomes.

7 3. Except as provided in subd. 4. and subject to s. 49.152 (3) (a), participants
8 not specified under subds. 1. and 2., ✓ in order of priority based on income, giving the
9 highest priority to participants with the lowest incomes.

10 4. Subject to s. 49.152 (3) (a), ✓ any participant who was terminated from
11 employment in a transitional subsidized private sector job under sub. ✓ (3) (a) or (5)
12 (c) and who reapplies for participation in a Wisconsin Works employment position
13 after meeting the unsubsidized ✓ employment search requirement under s. ✓ 49.145 (2)
14 (h).

15 (2) JOBS DESCRIPTION. ✓ (a) To the extent possible, each transitional subsidized
16 private sector job shall be designed by the employer, in consultation with the
17 department, to meet the needs and fit the abilities of the participant to whom the job
18 is offered. Each transitional subsidized private sector job shall involve the
19 performance of useful work that benefits the community. Employers offering
20 transitional subsidized private sector jobs and the department shall consult with
21 labor unions representing public sector employees on the design of transitional
22 subsidized private sector jobs.

23 (b) Notwithstanding par. (a), ✓ the department may design transitional
24 subsidized private sector jobs that do any of the following:

1 1. Allow a participant to work in a sheltered workshop, as defined in s. 104.01
2 (6), if the department determines that the participant is unlikely to be able to obtain
3 or retain employment at a minimum wage.

4 2. Allow a participant to care for a disabled child or other relative of the
5 participant.

6 (c) Unless a different number of hours is recommended on a case-by-case basis
7 by the Wisconsin Works agency in accordance with guidelines established by the
8 department, each transitional subsidized private sector job shall provide at least 25
9 hours, but not more than 30 hours, of work per week to allow a participant time to
10 continue to search for unsubsidized employment, as required under sub. (5).

11 (3) EMPLOYER-EMPLOYEE RELATIONSHIP AND WAGES. (a) Except as otherwise
12 provided in this section or in a contract between the department and the employer,
13 a participant who accepts a transitional subsidized private sector job with an
14 employer selected under s. 49.146 (2) is an employee of that employer for all purposes
15 and in all respects. The participant shall be supervised in the same manner as the
16 employer's other employees, shall be covered under the employer's worker's
17 compensation coverage, and shall receive his or her paycheck in the same manner
18 as the other employees, with appropriate payroll deductions. A participant working
19 in a transitional subsidized private sector job may be terminated from employment
20 by the employer, in accordance with guidelines established by the department, for
21 misconduct, failure to perform work satisfactorily, or repeated unexcused absences
22 from work. A participant who believes that he or she has been wrongfully
23 terminated under this subsection ~~and under s. 49.146 (2)~~ from a transitional subsidized
24 private sector job may appeal the termination to the department.

1 (b) Each participant working in a transitional subsidized private sector job
2 shall be paid by the employer at the prevailing federal minimum wage for hours
3 actually worked.

4 (4) PARTICIPATION LIMITS AND REQUIREMENTS. (a) A participant under this section
5 may be employed in any one transitional subsidized private sector job for a maximum
6 of 6 months, unless granted an extension by the Wisconsin Works agency. Subject
7 to the limit in par. (b), a participant may be employed in more than one transitional
8 subsidized private sector job, but must reapply to participate after his or her
9 eligibility for employment in each transitional subsidized private sector job
10 terminates and must satisfy the unsubsidized employment search requirement
11 under s. 49.145 (2) (h) before each reapplication.

12 (b) A participant's employment under this section may not exceed a total of 24
13 months, which need not be consecutive. The department or, with the approval of the
14 department, the Wisconsin Works agency may grant an extension of the 24-month
15 limit on a case-by-case basis if the participant has made all appropriate search
16 efforts but has been unable to find unsubsidized employment because local labor
17 market conditions preclude a reasonable job opportunity for that participant, as
18 determined by a Wisconsin Works agency and approved by the department.

19 (5) UNSUBSIDIZED EMPLOYMENT SEARCH. (a) Except as provided in par. (b), and
20 except for any time during which the participant is pursuing education or training
21 under sub. (6), a participant in a Wisconsin Works employment position shall search
22 for unsubsidized employment throughout his or her participation, including any
23 time during which the participant is on a waiting list under sub. (1) (c). The
24 Wisconsin Works agency shall determine, in accordance with guidelines established
25 by the department, the number of hours that a participant should reasonably spend

1 searching for unsubsidized employment and shall assist the participant in his or her
2 search. The department shall define by rule satisfactory search efforts for
3 unsubsidized employment.

4 (b) A Wisconsin Works agency may grant a participant an exception to the
5 requirement under par. (a) if the Wisconsin Works agency determines, in accordance
6 with guidelines established by the department, that it unlikely that the participant
7 will be able to obtain unsubsidized employment.

8 (c) If the Wisconsin Works agency determines that a participant working in a
9 transitional subsidized private sector job is not making satisfactory or good faith
10 efforts to seek unsubsidized employment, the participant shall be terminated from
11 his or her employment in the transitional subsidized private sector job.

12 (6) EDUCATION OR TRAINING SUBSTITUTION. (a) If a participant has been employed
13 in a transitional subsidized private sector job for at least 2 weeks and the employer
14 determines that the participant's work performance has been satisfactory, the
15 participant and the Wisconsin Works agency may agree to substitute, for a portion
16 of the participant's work hours and wages, an education or training program under
17 which all of the following occur:

18 1. The participant enrolls in an education or training program that the
19 participant and Wisconsin Works agency agree has a high probability of enabling the
20 participant to acquire skills necessary for unsubsidized employment.

21 2. The participant's work hours in the transitional subsidized private sector
22 job are reduced to 15 hours per week.

23 3. The Wisconsin Works agency pays the participant a stipend equal to 90% of
24 the wages that the participant would have earned in the transitional subsidized
25 private sector job if his or her hours had not been reduced.

*Participant who believes that he or she has been wrongfully terminated under this
substitution may appeal the termination to the department.*

1 (b) A stipend under par. (a) 3. ✓ may not be paid for longer than 3 months, unless
2 the Wisconsin Works agency recommends a longer period in accordance with
3 guidelines established by the department. In no case, however, may the stipend be
4 paid after the participant's eligibility for employment in the transitional subsidized
5 private sector job terminates under sub. (4). ✓

6 SECTION 43. 49.1471 of the statutes is created to read:

7 49.1471 Wisconsin Works; job access loans. (1) ADDITIONAL ELIGIBILITY

8 CRITERIA. An individual is eligible to receive a job access loan if, in addition to meeting
9 the eligibility requirements under s. 49.145, ✓ ^{the individual meets} all of the following conditions ~~as set~~ ✓

10 (a) The individual needs the loan to address an immediate and discrete
11 financial crisis. The crisis may not be the result of the individual's failure to accept
12 a bona fide offer of employment or the individual's termination of a job without good
13 cause.

14 (b) The individual needs the loan to obtain or continue employment.
15 Fulfillment of this requirement includes a loan that is needed to repair or purchase
16 a vehicle that is needed to obtain or continue employment.

17 (c) The individual is not in default with respect to the repayment of any
18 previous job access loan or repayment of any grant or wage overpayments under the
19 Wisconsin Works program.

20 (d) The individual is not a migrant worker.

21 (2) TERMS. ✓ The department shall promulgate rules establishing the terms of
22 any job access loan, including all of the following:

23 (a) The maximum and minimum loan amounts in any 12-month period.

24 (b) The method of loan disbursement.

1 (c) The terms and conditions of repayment. The rules promulgated under this
2 ~~subdivision~~ ^{paragraph} shall provide for repayment by performance of in-kind[✓] services. The
3 rules shall establish criteria that the Wisconsin Works agency shall use to approve
4 in-kind repayment of loans.

5 (3) DISTRIBUTION AND ADMINISTRATION. [✓] From the appropriations under s. 20.445
6 (3) (e), (jL)^{plain} and (md), the department shall distribute funds for job access loans to
7 a Wisconsin Works agency, which shall administer the loans in accordance with rules
8 promulgated by the department.

9 (4) MINOR CUSTODIAL PARENTS. An individual who would be eligible for a job
10 access loan under sub. (1),[✓] except that the individual has not attained the age of 18,
11 is eligible under this subsection[✓] if the individual meets the following requirements:

12 (a) The individual is in an out-of-home placement or independent living
13 arrangement supervised by an adult, as defined by the department.

14 (b) The individual has graduated from high school or has met the standards
15 established by the state superintendent of public instruction for the granting of a
16 declaration of equivalency of high school graduation under s. 115.29 (4).[✓]

17 (c) The individual will be 18[✓] years old within 2 months after applying for the
18 job access loan.

19 SECTION 44. 49.148 (title) of the statutes is amended to read:

20 49.148 (title) ~~Wisconsin works; wages and~~ [✓] Works; custodial parent
21 benefits.

22 History: 1995 a. 289; 1997 a. 27; 1999 a. 9.

22 SECTION 45. 49.148 (1)[✓] of the statutes is repealed.

23 SECTION 46. 49.148 (1m) (title) of the statutes is repealed.

1 **SECTION 47.** 49.148 (1m) (a) of the statutes is renumbered 49.148 (1c) and
2 amended to read:

3 49.148 (1c) MONTHLY GRANT. A person who meets the eligibility requirements
4 under s. 49.145 (2) and (3) and who is a custodial parent of a child who is 12 weeks
5 6 months old or less and who meets the eligibility requirements under s. 49.145 (2)
6 and (3) may receive a monthly grant of \$673 unless another adult member of the
7 custodial parent's Wisconsin works Works group is participating in, or is eligible to
8 participate in, a Wisconsin works Works employment position or is employed in
9 unsubsidized employment, as defined in s. 49.147 (1) (e). A Wisconsin works Works
10 agency may not require a participant under this subsection section to participate in
11 any employment positions.

12 (2) PARTICIPATION EQUIVALENTS. (a) Receipt of a grant under this subsection
13 section does not constitute participation in a Wisconsin works Works employment
14 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (e), (4) (b)
15 or (5) (b) 2. (4) if the child is born to the participant not more than 10 months after
16 the date that the participant was first determined to be eligible for assistance under
17 s. 49.19 or for a Wisconsin works Works employment position.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9.

18 **SECTION 48.** 49.148 (1m) (b) of the statutes is renumbered 49.148 (2) (b) and
19 amended to read:

20 49.148 (2) (b) Receipt of a grant under this subsection section constitutes
21 participation in a Wisconsin works Works employment position for purposes of the
22 time limits under ss. 49.145 (2) (n) and 49.147 (3) (e), (4) (b) or (5) (b) 2. (4) if the child
23 is born to the participant more than 10 months after the date that the participant
24 was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin

1 ~~works~~ Works employment position unless the child was conceived as a result of a
2 sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother did not
3 indicate a freely given agreement to have sexual intercourse or of incest in violation
4 of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a
5 physician and to law enforcement authorities.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9.

6 SECTION 49. 49.148 (3) of the statutes is created to read:

7 49.148 (3) FAMILY FUNCTIONING ACTIVITIES. A person who is eligible for a grant
8 under this section [✓] and who is a custodial parent of a child who is at least 6 weeks old
9 but not more than 6 months old shall participate in activities related to family
10 functioning that are recommended by the Wisconsin Works agency. The activities
11 may include health screening for the child and instruction and training in family
12 formation, family planning, and parenting skills. The activities required under this
13 ~~paragraph~~ ^{subsection} may be provided through home visits and may be coordinated with
14 services provided by the department of health and family services, such as prenatal
15 care coordination services and services under the safe and stable families program.

16 SECTION 50. 49.148 (4) of the statutes is renumbered 49.147 (7) and ~~amended~~
17 to read:

18 49.147 (7) ~~DRUG TESTING~~ ^{Keep} (a) A Wisconsin ~~works~~ Works agency shall require
19 a participant in a ~~community service job or transitional placement~~ transitional
20 subsidized private sector job who, after August 22, 1996, was convicted in any state
21 or federal court of a felony that had as an element possession, use, or distribution of
22 a controlled substance to submit to a test for use of a controlled substance as a
23 condition of continued eligibility. If the test results are positive, the Wisconsin ~~works~~
24 Works agency shall decrease the presanction benefit amount for that participant by

1 not more than 15% for not fewer than 12 months, or for the remainder of the
 2 participant's period of participation in a community service job or transitional
 3 placement, if less than 12 months. If, at the end of 12 months, the individual is still
 4 a participant in a community service job or transitional placement and submits to
 5 another test for use of a controlled substance and if the results of the test are
 6 negative, the Wisconsin ~~works~~ Works agency shall discontinue the reduction under
 7 this paragraph.

****NOTE: How should this be modified since there is no longer a benefit to reduce?

8 (b) The Wisconsin ~~works~~ Works agency may require an individual who tests
 9 positive for use of a controlled substance under par. (a) to participate in a drug abuse
 10 evaluation, assessment, and treatment program as ~~part of the participation~~
 11 ~~requirement under s. 49.147 (4) (as) or (5) (bs).~~

12 (c) Paragraph (a) does not apply if the participant was convicted more than 5
 13 years prior to the date on which the participant applied or reapplied for a Wisconsin
 14 ~~works~~ Works employment position.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9.

15 **SECTION 51.** 49.149 (intro.) of the statutes is repealed.

16 **SECTION 52.** 49.149 (1) of the statutes is renumbered 49.1465 (2) (a).

17 **SECTION 53.** 49.149 (3) of the statutes is renumbered 49.1465 (2) (b).

18 **SECTION 54.** 49.149 (4) of the statutes is renumbered 49.1465 (2) (c).

19 **SECTION 55.** 49.15 (3) (a) of the statutes is amended to read:

20 49.15 (3) (a) Unsubsidized employment, as defined in s. 49.147 (1) (e).

History: 1997 a. 27; 1999 a. 32.

****NOTE: Awaiting further instructions on s. 49.15.

21 **SECTION 56.** 49.151 of the statutes is repealed.

22 **SECTION 57.** 49.152 (1) of the statutes is amended to read:

1 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any
2 component of Wisconsin works Works is not acted upon by the Wisconsin works
3 Works agency with reasonable promptness after the filing of the application, as
4 defined by the department by rule, or is denied in whole or in part, whose benefit,
5 wage, or stipend[✓] is modified or canceled, or who believes that the benefit, wage, or
6 stipend was calculated incorrectly or that the Wisconsin Works employment position
7 in which the individual was placed or which the individual was offered is
8 inappropriate, may petition the Wisconsin works Works agency for a review of such
9 action. Review is unavailable if the action by the Wisconsin works Works agency
10 occurred more than 45 days prior to submission of the petition for review.

History: 1995 a. 289; 1997 a. 27.

11 **SECTION 58.** 49.152 (3) (a) of the statutes is amended to read:

12 49.152 (3) (a) If, following review under sub. (2), the Wisconsin works Works
13 agency or the department determines that an individual, whose application for a
14 Wisconsin works Works employment position was denied based on eligibility, was in
15 fact eligible, or that the individual was placed in or offered an inappropriate
16 Wisconsin works Works employment position, the Wisconsin works Works agency
17 shall ~~place~~ offer the individual in the first available Wisconsin works Works
18 employment position that is appropriate for that individual, as determined by the
19 Wisconsin works Works agency or the department. ~~An individual who is placed in~~
20 ~~a Wisconsin works employment position under this paragraph is eligible for the~~
21 ~~benefit for that position under s. 49.148 beginning on the date on which the~~
22 ~~individual begins participation under s. 49.147.~~[✓]

History: 1995 a. 289; 1997 a. 27.

23 **SECTION 59.** 49.152 (3) (b) of the statutes is amended to read:

1 49.152 (3) (b) If, following review under sub. (2), the Wisconsin works Works
 2 agency or the department determines that a participant's [✓]benefit, wage, or stipend
 3 was improperly modified or canceled, or was calculated incorrectly, the Wisconsin
 4 works Works agency shall restore the benefit, wage, or stipend to the level
 5 determined to be appropriate by the Wisconsin works Works agency or by the
 6 department retroactive to the date on which the benefit, wage, or stipend [✓]was first
 7 improperly modified or canceled or incorrectly calculated.

History: 1995 a. 289; 1997 a. 27.

8 **SECTION 60.** 49.155 (1m) (a) 3. of the statutes is amended to read:

9 49.155 (1m) (a) 3. Work in a Wisconsin works Works [✓]employment position,
 10 including participation in job search, ~~orientation and training~~ activities under s.
 11 49.147 (2) (a) [✓](5) and in education or training activities under s. [✓]49.1465 or 49.147
 12 (3) (am), (4) (am) or (5) (bm) [✓](6).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16.

13 **SECTION 61.** 49.155 (1m) (a) 3. of the statutes is amended to read:

14 49.155 (1m) (a) 3. Work in a Wisconsin works Works employment position,
 15 including participation in job search, ~~orientation and training~~ activities under s.
 16 49.147 (2) (a) [✓](5) and in education or training activities under s. [✓]49.1465 or 49.147
 17 (3) (am), (4) (am) or (5) (bm) [✓](6).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16.

18 **SECTION 62.** 49.159 of the statutes is repealed.

19 **SECTION 63.** 49.173 of the statutes is repealed.

20 **SECTION 64.** 49.175 (1) (n) of the statutes is amended to read:

21 49.175 (1) (n) *Job access loans.* For job access loans under s. [✓]49.147 (6) 49.1471,
 22 \$600,000 in each fiscal year.

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; s. 13.93 (1) (b).

23 **SECTION 65.** 49.179 of the statutes is repealed.

SECTION #. RP. 49.175(1)(n) ✓

1 **SECTION 66.** 49.26 (1) (e) of the statutes is amended to read:

2 49.26 (1) (e) For an individual who is a recipient of aid under s. 49.19, or whose
3 custodial parent is a participant under s. 49.147 (3) to (5), who is the parent with
4 whom a dependent child lives and who is subject to the school attendance
5 requirement under par. (ge), the department shall make a monthly payment to the
6 individual or the child care provider for the month's child care costs in an amount
7 based on need with the maximum amount per child equal to the lesser of the actual
8 cost of the care or the rate established under s. 49.155 (6) if the individual
9 demonstrates the need to purchase child care services in order to attend school and
10 those services are available from a child care provider.

11 History: 1995 a. 27 ss. 2319 to 2324, 2898g to 2898r, 3101 to 3120b, 9130 (4), 9145 (1); 1995 a. 289; 1997 a. 3, 27, 239; 1999 a. 9.

11 **SECTION 67.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

12 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
13 works Works group that includes a participant under s. 49.147 (3), (4) or (5) or who
14 is a recipient of aid under s. 49.19 is subject to the school attendance requirement
15 under par. (ge) if all of the following apply:

16 History: 1995 a. 27 ss. 2319 to 2324, 2898g to 2898r, 3101 to 3120b, 9130 (4), 9145 (1); 1995 a. 289; 1997 a. 3, 27, 239; 1999 a. 9.

16 **SECTION 68.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

17 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin works
18 Works group that includes a participant under s. 49.147 (3), (4) or (5) and who fails
19 to meet the school attendance requirement under par. (ge) is subject to a monthly
20 sanction.

21 History: 1995 a. 27 ss. 2319 to 2324, 2898g to 2898r, 3101 to 3120b, 9130 (4), 9145 (1); 1995 a. 289; 1997 a. 3, 27, 239; 1999 a. 9.

21 **SECTION 69.** 49.26 (1) (hm) of the statutes is amended to read:

1 49.26 (1) (hm) The department may require consent to the release of school
 2 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for benefits
 3 participation under s. 49.147 (3) to (5) or aid under s. 49.19.

History: 1995 a. 27 ss. 2319 to 2324, 2898g to 2898r, 3101~~h~~^o, 3120b, 9130 (4), 9145 (1); 1995 a. 289; 1997 a. 3, 27, 239; 1999 a. 9.

4 **SECTION 70.** 49.32 (4) of the statutes is repealed.

5 **SECTION 71.** 49.36 (2) of the statutes is amended to read:

6 49.36 (2) The department may contract with any county, tribal governing body,
 7 or Wisconsin works Works agency to administer a work experience and job training
 8 program for parents who are not custodial parents and who fail to pay child support
 9 or to meet their children's needs for support as a result of unemployment or
 10 underemployment. The program may provide the kinds of work experience and job
 11 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
 12 (3) or, 2001 stats., s. 49.147 (4), 2001 stats., or s. 49.147. The program may also
 13 include job search and job orientation activities. The department shall fund the
 14 program from the appropriation under s. 20.445 (3) (dz).

History: 1987 a. 413; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2135 to 2142; 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16.

15 **SECTION 72.** 49.96 of the statutes is amended to read:

16 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
 17 dependent children, payments made under ~~ss. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or~~
 18 ~~(e) or (1m) or 49.149 to 49.159~~ payments made for social services, cash benefits paid
 19 by counties under s. 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are
 20 exempt from every tax, and from execution, garnishment, attachment, and every
 21 other process and shall be inalienable.

49.155 or 49.157
 ↓

History: 1973 c. 147; 1987 a. 27, 399; 1989 a. 278; 1995 a. 27 s. 2940; Stats. 1995 s. 49.96; 1995 a. 201, 289; 1997 a. 27, 35, 105.

22 **SECTION 73.** 71.07 (2dj) (am) 4h. of the statutes is amended to read:

23 71.07 (2dj) (am) 4h. Modify section 51 (a) of the internal revenue code so that
 24 the amount of the credit is 25% of the qualified first-year wages if the wages are paid

1 to an applicant for a Wisconsin ~~works~~ Works employment position for service either
2 in an unsubsidized position or in a trial job under s. 49.147 (3), 2001 stats., and so
3 that the amount of the credit is 20% of the qualified first-year wages if the wages are
4 not paid to such an applicant.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27
ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109.

5 **SECTION 74.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

6 71.07 (2dx) (a) 5. “Member of a targeted group” means a person who resides
7 in an empowerment zone, or an enterprise community, that the U.S. government
8 designates, a person who is employed in an unsubsidized job but meets the eligibility
9 requirements under s. 49.145 (2) and (3) for a Wisconsin ~~works~~ Works employment
10 position, ~~a person who is employed in a trial job, as defined in s. 49.141 (1) (n),~~ a
11 person who is eligible for child care assistance under s. 49.155, a person who is a
12 vocational rehabilitation referral, an economically disadvantaged youth, an
13 economically disadvantaged veteran, a supplemental security income recipient, a
14 general assistance recipient, an economically disadvantaged ex-convict, a qualified
15 summer youth employee, as defined in 26 USC 51 (d) (7), a dislocated worker, as
16 defined in 29 USC 2801 (9), or a food stamp recipient; if the person has been certified
17 in the manner under sub. (2dj) (am) 3. by a designated local agency, as defined in sub.
18 (2dj) (am) 2.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27
ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109.

19 **SECTION 75.** 71.07 (2dx) (b) 2. of the statutes is amended to read:

20 71.07 (2dx) (b) 2. The amount determined by multiplying the amount
21 determined under s. 560.785 (1) (b) by the number of full-time jobs created in a

① development zone and filled by a member of a targeted group and by then subtracting
 2 the subsidies paid under s. 49.147 (3) (a) for those jobs. plain
Δ

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109.

3 **SECTION 76.** 71.07 (2dx) (b) 3. of the statutes is amended to read:

4 71.07 (2dx) (b) 3. The amount determined by multiplying the amount
 5 determined under s. 560.785 (1) (c) by the number of full-time jobs created in a
 6 development zone and not filled by a member of a targeted group and by then
 7 subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109.

8 **SECTION 77.** 71.07 (2dx) (b) 4. of the statutes is amended to read:

9 71.07 (2dx) (b) 4. The amount determined by multiplying the amount
 10 determined under s. 560.785 (1) (bm) by the number of full-time jobs retained, as
 11 provided in the rules under s. 560.785, excluding jobs for which a credit has been
 12 claimed under sub. (2dj), in an enterprise development zone under s. 560.797 and for
 13 which significant capital investment was made and by then subtracting the
 14 subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109.

15 **SECTION 78.** 71.07 (2dx) (b) 5. of the statutes is amended to read:

16 71.07 (2dx) (b) 5. The amount determined by multiplying the amount
 17 determined under s. 560.785 (1) (c) by the number of full-time jobs retained, as
 18 provided in the rules under s. 560.785, excluding jobs for which a credit has been
 19 claimed under sub. (2dj), in a development zone and not filled by a member of a
 20 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for
 21 those jobs.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109.

22 **SECTION 79.** 71.28 (1dj) (am) 4h. of the statutes is amended to read:

1 71.28 (1dj) (am) 4h. Modify section 51 (a) of the internal revenue code so that
2 the amount of the credit is 25% of the qualified first-year wages if the wages are paid
3 to an applicant for a Wisconsin ~~works~~ Works employment position for service either
4 in an unsubsidized position or in a trial job under s. 49.147 (3), 2001 stats., and so
5 that the amount of the credit is 20% of the qualified first-year wages if the wages are
6 not paid to such an applicant.

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

7 **SECTION 80.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

8 71.28 (1dx) (a) 5. “Member of a targeted group” means a person who resides
9 in an empowerment zone, or an enterprise community, that the U.S. government
10 designates, a person who is employed in an unsubsidized job but meets the eligibility
11 requirements under s. 49.145 (2) and (3) for a Wisconsin ~~works~~ Works employment
12 position, ~~a person who is employed in a trial job, as defined in s. 49.141 (1) (n),~~ a
13 person who is eligible for child care assistance under s. 49.155, a person who is a
14 vocational rehabilitation referral, an economically disadvantaged youth, an
15 economically disadvantaged veteran, a supplemental security income recipient, a
16 general assistance recipient, an economically disadvantaged ex-convict, a qualified
17 summer youth employee, as defined in 26 USC 51 (d) (7), a dislocated worker, as
18 defined in 29 USC 2801 (9), or a food stamp recipient; if the person has been certified
19 in the manner under sub. (1dj) (am) 3. by a designated local agency, as defined in sub.
20 (1dj) (am) 2.

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

21 **SECTION 81.** 71.28 (1dx) (b) 2. of the statutes is amended to read:

22 71.28 (1dx) (b) 2. The amount determined by multiplying the amount
23 determined under s. 560.785 (1) (b) by the number of full-time jobs created in a

1 development zone and filled by a member of a targeted group^{plain} and by then subtracting
 2 the subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

3 **SECTION 82.** 71.28 (1dx) (b) 3. of the statutes is amended to read:

4 71.28 (1dx) (b) 3. The amount determined by multiplying the amount
 5 determined under s. 560.785 (1) (c) by the number of full-time jobs created in a
 6 development zone and not filled by a member of a targeted group[✓] and by then
 7 subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

8 **SECTION 83.** 71.28 (1dx) (b) 4. of the statutes is amended to read:

9 71.28 (1dx) (b) 4. The amount determined by multiplying the amount
 10 determined under s. 560.785 (1) (bm) by the number of full-time jobs retained, as
 11 provided in the rules under s. 560.785, excluding jobs for which a credit has been
 12 claimed under sub. (1dj), in an enterprise development zone under s. 560.797 and for
 13 which significant capital investment was made[✓] and by then subtracting the
 14 subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

15 **SECTION 84.** 71.28 (1dx) (b) 5. of the statutes is amended to read:

16 71.28 (1dx) (b) 5. The amount determined by multiplying the amount
 17 determined under s. 560.785 (1) (c) by the number of full-time jobs retained, as
 18 provided in the rules under s. 560.785, excluding jobs for which a credit has been
 19 claimed under sub. (1dj), in a development zone and not filled by a member of a
 20 targeted group[✓] and by then subtracting the subsidies paid under s. 49.147 (3) (a) for
 21 these jobs.

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

22 **SECTION 85.** 71.47 (1dj) (am) 4h. of the statutes is amended to read:

1 71.47 (1dj) (am) 4h. Modify section 51 (a) of the internal revenue code so that
2 the amount of the credit is 25% of the qualified first-year wages if the wages are paid
3 to an applicant for a Wisconsin ~~works~~ Works employment position for service either
4 in an unsubsidized position or in a trial job under s. 49.147 (3), 2001 stats., and so
5 that the amount of the credit is 20% of the qualified first-year wages if the wages are
6 not paid to such an applicant.

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

7 **SECTION 86.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

8 71.47 (1dx) (a) 5. “Member of a targeted group” means a person who resides
9 in an empowerment zone, or an enterprise community, that the U.S. government
10 designates, a person who is employed in an unsubsidized job but meets the eligibility
11 requirements under s. 49.145 (2) and (3) for a Wisconsin ~~works~~ Works employment
12 position, ^{strike} ~~a person who is employed in a trial job, as defined in s. 49.141 (1) (n),~~ a
13 person who is eligible for child care assistance under s. 49.155, a person who is a
14 vocational rehabilitation referral, an economically disadvantaged youth, an
15 economically disadvantaged veteran, a supplemental security income recipient, a
16 general assistance recipient, an economically disadvantaged ex-convict, a qualified
17 summer youth employee, as defined in 26 USC 51 (d) (7), a dislocated worker, as
18 defined in 29 USC 2801 (9), or a food stamp recipient; if the person has been certified
19 in the manner under sub. (1dj) (am) 3. by a designated local agency, as defined in sub.
20 (1dj) (am) 2.

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

21 **SECTION 87.** 71.47 (1dx) (b) 2. of the statutes is amended to read:

22 71.47 (1dx) (b) 2. The amount determined by multiplying the amount
23 determined under s. 560.785 (1) (b) by the number of full-time jobs created in a

1 development zone and filled by a member of a targeted group^{plain} and by then subtracting
2 the subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

3 SECTION 88. 71.47 (1dx) (b) 3. of the statutes is amended to read:

4 71.47 (1dx) (b) 3. The amount determined by multiplying the amount
5 determined under s. 560.785 (1) (c) by the number of full-time jobs created in a
6 development zone and not filled by a member of a targeted group and by then
7 subtracting the subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

8 SECTION 89. 71.47 (1dx) (b) 4. of the statutes is amended to read:

9 71.47 (1dx) (b) 4. The amount determined by multiplying the amount
10 determined under s. 560.785 (1) (bm) by the number of full-time jobs retained, as
11 provided in the rules under s. 560.785, excluding jobs for which a credit has been
12 claimed under sub. (1dj), in an enterprise development zone under s. 560.797 and for
13 which significant capital investment was made and by then subtracting the
14 subsidies paid under s. 49.147 (3) (a) for those jobs.

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

15 SECTION 90. 71.47 (1dx) (b) 5. of the statutes is amended to read:

16 71.47 (1dx) (b) 5. The amount determined by multiplying the amount
17 determined under s. 560.785 (1) (c) by the number of full-time jobs retained, as
18 provided in the rules under s. 560.785, excluding jobs for which a credit has been
19 claimed under sub. (1dj), in a development zone and not filled by a member of a
20 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) for
21 those jobs.

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16.

22 SECTION 91. 71.54 (2) (a) (intro.) of the statutes is amended to read:

1 71.54 (2) (a) (intro.) Property taxes accrued or rent constituting property taxes
2 accrued shall be reduced by one-twelfth for each month or portion of a month for
3 which the claimant received relief from any county under s. 59.53 (21) equal to or in
4 excess of \$400, participated in Wisconsin ~~works~~ Works under s. ~~49.147 (4) or (5) or~~
5 49.148 ~~(1m)~~, or received assistance under s. 49.19, except assistance received:

History: 1987 a. 312; 1989 a. 31, 198, 336; 1995 a. 27, 201, 289; 1997 a. 35; 1999 a. 9; 1999 a. 150 s. 672.

6 **SECTION 92.** 102.07 (17m) of the statutes is amended to read:

7 102.07 (17m) A participant in a ~~trial~~ transitional subsidized private sector job
8 under s. 49.147 ~~(3)~~ is an employee of any employer under this chapter for whom the
9 participant is performing service at the time of the injury.

History: 1975 c. 147 s. 54; 1975 c. 224; 1977 c. 29; 1979 c. 278; 1981 c. 325; 1983 a. 27, 98; 1985 a. 29, 83, 135; 1985 a. 150 s. 4; 1985 a. 176, 332; 1987 a. 63; 1989 a. 31, 64, 359; 1993 a. 16, 81, 112, 399; 1995 a. 24, 77, 96, 117, 225, 281, 289, 417; 1997 a. 35, 38, 118; 1999 a. 14, 162; 2001 a. 37.

10 **SECTION 93.** 102.07 (18) of the statutes is repealed.

11 **SECTION 94.** 102.29 (8m) of the statutes is amended to read:

12 102.29 (8m) No participant in a community service job under s. 49.147 (4), 2001
13 stats., or a transitional placement under s. 49.147 (5), 2001 stats., who, under s.
14 49.147 (4) (c), 2001 stats., or s. 49.147 (5) (c), 2001 stats., is provided worker's
15 compensation coverage by a Wisconsin ~~works~~ Works agency, as defined under s.
16 49.001 (9), and who makes a claim for compensation under this chapter may make
17 a claim or maintain an action in tort against the employer who provided the
18 community service job or transitional placement from which the claim arose.

History: 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37.

19 **SECTION 95.** 115.347 (2) of the statutes is amended to read:

20 115.347 (2) Whenever a school district that is located in whole or in part in a
21 county that has converted to the client assistance for reemployment and economic
22 support data system submits a report under sub. (1) in the prescribed format, the
23 department of workforce development shall determine which children enrolled in the

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

7 History: 1993 a. 168; 1995 a. 27 ss. 3872, 9130 (4), 9145 (1); 1995 a. 289; 1997 a. 3, 27.

7 **SECTION 96.** 115.45 (3m) (a) 2. of the statutes is amended to read:

8 115.45 (3m) (a) 2. “Low-income pupil” means a pupil for whom aid to families
9 with dependent children is being received under s. 49.19 or a pupil who is a member
10 of a Wisconsin ~~works~~ Works group, as defined in s. 49.141 (1) (s), with a member who
11 is participating in Wisconsin ~~works~~ Works under s. 49.147 (3) to (5).

History: 1985 a. 29, 120, 224; 1987 a. 27 s. 1762m; Stats. 1987 s. 115.45; 1987 a. 186; 1989 a. 31; 1991 a. 39, 157, 269; 1995 a. 27 ss. 3886, 3887, 9145 (1); 1995 a. 289; 1997 a. 27.

12 **SECTION 97.** 119.82 (1) (a) 2. of the statutes is amended to read:

13 119.82 (1) (a) 2. Is receiving aid to families with dependent children under s.
14 49.19 or is a member of a Wisconsin ~~works~~ Works group, as defined in s. 49.141 (1)
15 (s), with a member who is participating in Wisconsin ~~works~~ Works under s. 49.147
16 (3) to (5).

History: 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 4021, 9145 (1); 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 104.

17 **SECTION 98.** 120.13 (27m) of the statutes is amended to read:

18 120.13 (27m) TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to
19 and from school for indigent pupils who reside in the school district and who are not
20 required to be transported under s. 121.54. In this subsection, “indigent pupils”
21 means pupils who are eligible for free lunches or reduced-price lunches under 42
22 USC 1758 or who are members of a Wisconsin ~~works~~ Works group, as defined in s.
23 49.141 (1) (s), with a member who is participating in Wisconsin ~~works~~ Works under

1 s. 49.147 [✓](3) to (5) or any combination thereof, as determined by the school board.
 2 If a school board determines to provide transportation under this subsection, there
 3 shall be reasonable uniformity in the transportation furnished such pupils whether
 4 they attend public or private schools. The cost of transporting pupils under this
 5 subsection may not be included in the school district's shared cost under s. 121.07 (6)
 6 (a).

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105.

7 **SECTION 99.** 230.04 (13) of the statutes is repealed.

8 **SECTION 100.** 230.147 [✓] of the statutes is repealed.

9 **SECTION 101.** 767.47 (6) (a) of the statutes is amended to read:

10 767.47 (6) (a) Whenever the state brings the action to determine paternity
 11 pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4)
 12 (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, or 49.157 [✓] ~~or 49.159~~,
 13 the natural mother of the child may not be compelled to testify about the paternity
 14 of the child if it has been determined that the mother has good cause for refusing to
 15 cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the
 16 federal regulations promulgated pursuant to this statute, as of July 1, 1981, and
 17 pursuant to any rules promulgated by the department which define good cause in
 18 accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B) in
 19 effect on July 1, 1981.

History: 1979 c. 352; 1981 c. 20 s. 2202 (20) (m); 1981 c. 359 ss. 13, 17; 1983 a. 447; 1987 a. 413; 1989 a. 31, 122, 212; 1993 a. 395, 481; 1995 a. 27 s. 9126 (19); 1995 a. 77, 100, 275, 289, 404; 1997 a. 27, 105, 191, 252; 1999 a. 185.

20 **SECTION 102.** 767.47 (6) (b) of the statutes is amended to read:

21 767.47 (6) (b) Nothing in par. (a) prevents the state from bringing an action to
 22 determine paternity pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b)
 23 2., 49.19 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, or

1 49.157 ~~or 49.159~~[✓], where evidence other than the testimony of the mother may
2 establish the paternity of the child.

History: 1979 c. 352; 1981 c. 20 s. 2202 (20) (m); 1981 c. 359 ss. 13, 17; 1983 a. 447; 1987 a. 413; 1989 a. 31, 122, 212; 1993 a. 395, 481; 1995 a. 27 s. 9126 (19); 1995 a. 77, 100, 275, 289, 404; 1997 a. 27, 105, 191, 252; 1999 a. 185.

3 **SECTION 9345. Initial applicability; revenue.**[✓]

4 (1) DEVELOPMENT ZONES AND HOMESTEAD TAX CREDITS.[✓] The treatment of sections
5 71.07 (2dx) (a) 5.[✓] and (b) 2., 3., 4.,^{✓✓✓} and 5.,[✓] 71.28 (1dx) (a) 5.[✓] and (b) 2., 3., 4., and 5.,[✓]
6 71.47 (1dx) (a) 5. and (b) 2., 3., 4., and 5.,[✓] and 71.54 (2) (a) (intro.)[✓] of the statutes first
7 applies to taxable years beginning on January 1, 2004.[✓]

8 (END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1256/7 dn

PJK:n:....

Jld

date

1. Numerous references were made in the written drafting instructions to "guidelines" of the department. I used that language in the draft. Do you want any (or all) of those references to "guidelines" to refer to "rules" instead?

2. Note proposed s. 49.147 (2) (b). Who is the employer that pays wages to someone who cares for a child or relative?

3. Do you want the effective date to be the date ^{on which} the budget passes or a different date?

4. How do you want to deal with the current W-2 agencies and contracts?

5. How do you want to deal with people currently participating in Wisconsin Works employment positions? Does their participation simply terminate when it would have otherwise and then they may reapply for a transitional subsidized private sector job under the new provisions?

6. This preliminary draft does not include all of the changes to s. 49.148 (1m). The additional changes will most likely be worked out in a separate draft and then incorporated into this draft, either before or when the entire budget is compiled and reconciled.

7. Take a look at current law s. 49.147 (4), which is now proposed s. 49.147 (7). How should par. (a) be amended?

8. It was indicated to me that s. 49.15 would require some changes, which I have not yet received.

9. Note how I amended s. 49.152. Do you want any changes? wages and

10. How do you want s. 49.161 amended? Would overpayments apply to grants under current law s. 49.148 (1m) and stipends under proposed s. 49.147?

11. Except for the tax provisions, I have not yet addressed initial applicability ~~for this~~. The initial applicability for the tax provisions assumes, perhaps incorrectly, that there will no longer be any individuals in the "old" employment positions after ~~January 1, 2004~~

December 31, 2003

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Draft insert

Inset D-note

wages or stipends
under

12. Do you want to add a cross-reference to proposed

A. 49.147 to any of the following sections:

- a. 49.13 (2) (cm) ✓ (this is amended in the draft but you may want something different)
- b. 49.145 (2) (i) ✓, (3) (b) 1. ✓
- c. 49.195 (1) ✓, (3) ✓
- d. 49.22 (6) ✓
- e. 49.30 (1) (intro.) ✓
- f. 49.32 (9) (a) ✓, (10m) (a) ✓
- g. 59.53 (5) (a) ✓
- h. 767.47 (6) (a) ✓, (b) ✓
- i. 814.61 (13) ✓

(end of ins. D-note)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1256/P1dn
PJK:jld:rs

January 13, 2003

1. Numerous references were made in the written drafting instructions to "guidelines" of the department. I used that language in the draft. Do you want any (or all) of those references to "guidelines" to refer to "rules" instead?
2. Note proposed s. 49.147 (2) (b). Who is the employer that pays wages to someone who cares for a child or relative?
3. Do you want the effective date to be the date on which the budget passes or a different date?
4. How do you want to deal with the current W-2 agencies and contracts?
5. How do you want to deal with people currently participating in Wisconsin Works employment positions? Does their participation simply terminate when it would have otherwise and then they may reapply for a transitional subsidized private sector job under the new provisions?
6. This preliminary draft does not include all of the changes to s. 49.148 (1m). The additional changes will most likely be worked out in a separate draft and then incorporated into this draft, either before or when the entire budget is compiled and reconciled.
7. Take a look at current law s. 49.148 (4), which is now proposed s. 49.147 (7). How should par. (a) be amended?
8. It was indicated to me that s. 49.15 would require some changes, which I have not yet received.
9. Note how I amended s. 49.152. Do you want any changes?
10. How do you want s. 49.161 amended? Would overpayments apply to grants under current law s. 49.148 (1m) and wages and stipends under proposed s. 49.147?
11. Except for the tax provisions, I have not yet addressed initial applicability. The initial applicability for the tax provisions assumes, perhaps incorrectly, that there will no longer be any individuals in the "old" employment positions after December 31, 2003.

12. Do you want to add a cross-reference to wages or stipends under proposed s. 49.147 to any of the following sections:

- a. 49.13 (2) (cm) (this is amended in the draft but you may want something different)
- b. 49.145 (2) (i), (3) (b) 1.
- c. 49.195 (1), (3)
- d. 49.22 (6)
- e. 49.30 (1) (intro.)
- f. 49.32 (9) (a), (10m) (a)
- g. 59.53 (5) (a)
- h. 767.47 (6) (a), (b)
- i. 814.61 (13)

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Kahler, Pam

From: Fath, Erin
Sent: Friday, January 17, 2003 1:23 PM
To: Kahler, Pam
Subject: RE: W-2 draft

Pam I'll look over the individual sections again, but I agree with you in general (and I think David R would also) that we wouldn't want to repay wages they earned and were taxed on for items that involve acquiring property, etc. I'll confirm as soon as I get a chance to look it over more closely. I may not get to it until this weekend (I will likely be in both days, so if you're in and have questions, you may as well call me).

FYI - In our meeting yesterday, I said I would send you information some the non-stat language that we'd like to put in the draft:

We'd like to include a provision that directs the Department to investigate ways to utilize other (non-TANF) federal funding, including, but not limited to, Workforce Investment Act funding, to create a more seamless system of employment and education/training services to all low-income adults in the state. For now, let's require the Dept. to report to DOA on their finding by December 31, 2003. This reporting date may change or the requirement may come out, but let's at least get it in there.

If you've got questions about this provision, please call me.

-Erin

-----Original Message-----

From: Kahler, Pam
Sent: Friday, January 17, 2003 9:55 AM
To: Fath, Erin
Subject: W-2 draft

Hi, Erin:

Sorry to bug you about this again, but as I was adding the sections listed in no. 12 of my D-note to the draft and amending them, it struck me that it doesn't make sense (to me, anyway) to add wages under s. 49.147 to all of them. Many of the sections deal with recouping benefits paid if the participant acquires property or something like that. Does it make sense to require someone to repay wages that they have actually worked for and even paid taxes on? It seems like the only one to benefit from that would be the employer who got free labor. Adding stipends make more sense, though, since they are in the nature of a grant. Let me know what you (Jenny and David) think. Thanks.

Pam