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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1256/2
PJK:jld&cs&kg:cph

v m is run

DOA:.....Fath – BB0323, Create transitional subsidized private sector jobs under W-2

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

now
(pp. 2, 3, 4,
20, 37)
do not
generate

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Wisconsin Works program

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, is eligible for a child care subsidy under the W-2 program if the individual needs child care services in order to participate in various educational or work activities. The W-2 program is administered overall by DWD, and DWD contracts with W-2 agencies to administer the program on the local level. The W-2 program is funded with federal Temporary Assistance for Needy Families (TANF) block grant money, federal child care block grant moneys, and state general purpose revenue. In general, an individual may not participate in W-2 more than five years, which need not be continuous.

Current employment positions

The work components under W-2, called employment positions, consist of three categories: trial job, community service job, and transitional placement. Employers

for all employment positions must meet criteria established by DWD by rule, and all participants in all employment positions must search for unsubsidized employment the entire time that they are participating in any W-2 employment position.

Trial jobs. When determining which employment position is the most appropriate placement for a participant, a W-2 agency must give the highest priority to trial jobs. A participant in a trial job is paid, by his or her employer in the trial job, at least the minimum wage for every hour actually worked, but not exceeding 40 hours per week, including education and training activities, which are required as part of a trial job. The W-2 agency pays a wage subsidy of \$300 per month for full-time employment of a W-2 participant to a trial job employer that agrees to make a good faith effort to retain the participant as a permanent unsubsidized employee after the trial job terminates. For part-time employment, a trial job employer is paid a portion of \$300 per month, based on the number of hours the participant works. The employer is responsible for providing worker's compensation coverage for a trial job employee. Unless the W-2 agency grants an extension, a participant may work in any one trial job for up to three months, and for up to 24 months, which need not be consecutive, in more than one trial job.

Community service jobs. A W-2 agency must give higher priority to community service jobs than to a transitional placement when placing a W-2 participant. Community service jobs are limited to projects that DWD determines will serve a useful public purpose or that will generate revenue that will wholly or partially offset the project's cost. A participant in a community service job may not work more than 30 hours per week and may be required to participate in education or training activities for up to ten hours per week. A participant in a community service job who works more than 20 hours per week receives, from the W-2 agency, a monthly grant of \$673. The grant amount is reduced if the participant works 20 or fewer hours per week. In addition, the monthly grant that a participant would receive based on the number of his or her work hours is reduced by \$5.15 for every hour of work that a participant misses without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a community service job. Unless the W-2 agency grants an extension, a participant may work in any one community service job for up to six months, and for up to 24 months, which need not be consecutive, in more than one community service job.

~~Transitional~~ placement. A W-2 participant may be placed in a transitional placement if he or she has been or will be incapacitated for at least 60 days, is needed at home because of the illness or incapacity of a member of his or her household, or is determined to be incapable of performing a trial job or community service job. A transitional placement may consist of work activities in a community rehabilitation program, a job similar to a community service job, or volunteer activities. A participant in a transitional placement may be required to engage in the work activities for up to 28 hours per week and in educational and training activities for up to 12 hours per week. A participant in a transitional placement may be required to participate in mental health activities, counseling or rehabilitation activities, or alcohol and other drug abuse treatment. A participant in a transitional placement receives, from the W-2 agency, a monthly grant of \$628. The grant amount is reduced

(I)
Transitional ✓

by \$5.15 for every hour that a participant fails to participate in any required activity without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a transitional placement. Unless the W-2 agency grants an extension, a participant may participate in a transitional placement for up to 24 months, which need not be consecutive.

New employment position

Transitional subsidized private sector jobs. This bill creates a new employment position in the W-2 program, called a transitional subsidized private sector job. A W-2 agency must give placement in a transitional subsidized private sector job the same priority as placement in a community service job. If a W-2 agency determines that placement in either a transitional subsidized private sector job or a community service job is appropriate for a participant, the participant must be allowed to choose between the two placements. A participant who chooses placement in a transitional subsidized private sector job will be offered a choice of one or more jobs in locations that are reasonably accessible to the participant.

An employer for a transitional subsidized private sector job must be a nonprofit corporation selected by DWD in a request-for-proposals process. To be selected, an employer must show, among other things, the ability to create useful transitional subsidized private sector jobs that benefit the community. An employer that is selected and that employs a participant in a transitional subsidized private sector job will be reimbursed by DWD for up to 100% of the employer's costs that are attributable to employing the participant, including wages, federal social security taxes, worker's compensation and liability insurance premiums, unemployment contributions or taxes, if any, and supervisory and other overhead costs.

Each transitional subsidized private sector job will be designed by the employer, in consultation with DWD and the W-2 agency, for the participant who is offered the job. DWD may design a transitional subsidized private sector job that allows a participant to work in ~~subsidized private sector~~ or to care for a severely disabled child or other relative. Each transitional subsidized private sector job must provide between 25 and 30 hours of work per week. A participant in a transitional subsidized private sector job is an employee of his or her employer for all purposes and must be paid at least the federal minimum wage by the employer for each hour actually worked. DWD may require that a participant in a transitional subsidized private sector job be given a sick leave benefit.

After a participant has been working satisfactorily in a transitional subsidized private sector job for at least two weeks, the participant and W-2 agency, in consultation with the employer, may enter into an agreement under which the participant would enroll in an education or training program that would enable the participant to acquire skills leading to unsubsidized employment, the participant's hours in the transitional subsidized private sector job would be reduced to between 15 and 20 hours, and the W-2 agency would pay the participant a stipend equal to 90% of what the participant would have earned in the transitional subsidized private sector job if his or her hours had not been reduced. An education stipend may be paid for no longer than three months or until the transitional subsidized private sector job terminates, whichever is the shorter time.

supported employment

Unless the W-2 agency grants an extension, a participant may work in any one transitional subsidized private sector job for up to six months, and for up to 24 months, which need not be consecutive, in more than one transitional subsidized private sector job. A participant in a transitional subsidized private sector job may be terminated by his or her employer for misconduct, failure to perform work satisfactorily, or repeated unexcused absences. A participant may also be terminated from a transitional subsidized private sector job by the W-2 agency for not making a good faith effort to seek unsubsidized employment. In either case, a participant who believes that he or she was wrongfully terminated may appeal the termination to DWD.

~~W-2 program~~ ^{v.g.} program changes and studies

Under current law, a person who meets the eligibility requirements for the W-2 program and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to participate in a W-2 employment position. The bill increases the maximum age of the child so that the custodial parent of a child who is six months old or less may receive the monthly grant and may not be required to participate in an employment position. Also under the bill, in spite of the employment position placement priorities that W-2 agencies are required to follow, W-2 agencies are directed to provide a participant in a W-2 employment position with flexibility to participate in other categories of employment positions, at the participant's request.

The bill directs DWD to conduct a study to determine the best ways to assist low-income custodial parents and other at-risk low-income adults in entering and successfully participating in the labor market. DWD must submit a report with its findings and recommendations to the governor and legislature. The bill also directs DWD to investigate ways in which federal funding other than TANF block grants can be used to create a more seamless system of employment and education training services for low-income adults in the state and to submit a report on its findings to DOA.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 20.445 (3) (dz) of the statutes is amended to read:
- 2 20.445 (3) (dz) *Wisconsin works Works and other public assistance*
- 3 *administration and benefits.* The amounts in the schedule, less the amounts
- 4 withheld under s. 49.143 (3), for administration, employer reimbursements,
- 5 participant stipends, education and training costs, and benefit payments under

✓
Caretaker of newborn infant

1 SECTION 34. 49.147 (5) (a) 3. of the statutes is amended to read:

2 49.147 (5) (a) 3. The Wisconsin ~~works~~ Works agency determines that the
3 individual is incapable of performing a trial job, transitional subsidized private
4 sector job, or community service job.

5 SECTION 35. 49.147 (6) of the statutes is renumbered 49.1471, and 49.1471
6 (title), (1) (c), (2) (c) and (4) (intro.), as renumbered, are amended to read:

7 49.1471 (title) **Job Wisconsin Works; job access loan loans.**

8 (1) (c) The individual is not in default with respect to the repayment of any
9 previous job access loan or repayment of any grant ~~or~~ wage, or stipend overpayments
10 under ~~this section~~ Wisconsin Works.

11 (2) (c) The terms and conditions of repayment. The rules promulgated under
12 this ~~subdivision~~ paragraph shall provide for repayment by performance of in-kind
13 services. The rules shall establish criteria that the Wisconsin ~~works~~ Works agency
14 shall use to approve in-kind repayment of loans.

15 (4) MINOR CUSTODIAL PARENTS. (intro.) An individual who would be eligible for
16 a job access loan under ~~par. (a)~~ sub. (1), except that the individual has not attained
17 the age of 18, is eligible under this ~~paragraph~~ subsection if the individual meets the
18 following requirements:

19 SECTION 36. 49.147 (6m) of the statutes is created to read:

20 49.147 (6m) PLACEMENT FLEXIBILITY. Notwithstanding the placement priorities
21 specified in subs. (3) to (5), a Wisconsin Works agency shall, at the request of a
22 participant, allow the participant flexibility to participate in one or more work
23 components that are different from the one initially determined by the Wisconsin
24 Works agency to be appropriate for the participant.

25 SECTION 37. 49.148 (1) (intro.) of the statutes is amended to read:

1 Investment Act funding, may be used by the state to create a more seamless system
2 of employment and education and training services for low-income adults in the
3 state. The department of workforce development shall submit a report on the
4 findings of its investigation to the department of administration no later than
5 December 31, 2003.

6 (3) STUDY ON ASSISTANCE WITH LABOR MARKET PARTICIPATION. The department of
7 workforce development shall conduct a study to determine the best ways to assist
8 low-income custodial parents and other at-risk low-income adults in entering and
9 successfully participating in the labor market. The department of workforce
10 development is encouraged, in conducting the study, to consult with other state
11 agencies, public and private organizations, and individuals with expertise in the
12 subject area. The department of workforce development shall, no later than June 30,
13 2004, submit a report on the results of the study, including the department's findings
14 and recommendations, to the legislature in the manner provided in section 13.172
15 (2) of the statutes and to the governor.

16 **SECTION 9459. Effective dates; workforce development.**

17 (1) WISCONSIN WORKS. The treatment of sections 20.445 (3) (dz), (e), and (jL),
18 49.015 (2), 49.13 (2) (cm), 49.136 (2) (b), 49.141 (1) (e), (mc), (o), and (om), (4), and (5)
19 (a), 49.143 (2) (a) 4., 5., and 6., (f), and (fm) and (3g) (a) 4., 49.145 (1), (2) (i) and (s),
20 and (3) (b) 1., 49.1465, 49.147 (title), (1), (1m), (2) (a) 1., (3) (a), (3m), (4) (a), (5) (a)
21 3., (6), and (6m), 49.148 (1) (intro.), (am), and (b) 1., (1m) (a) and (b), and (4) (a) and
22 (b), 49.149 (intro.), (1), (3), and (4), 49.15 (3) (a), 49.152 (1) and (3) (a) and (b), 49.155
23 (1m) (a) 3., 49.161 (4), 49.1635 (1), 49.175 (1) (n), 49.179, 49.195 (title), (1), and (3),
24 49.22 (6), 49.26 (1) (g) (intro.), (h) 1s. b., and (hm), 49.30 (1) (intro.), 49.32 (4), (9) (a),
25 (10) (b), and (10m) (a), 49.36 (2), 49.95 (4m) (a) and (11), 49.96, 59.53 (5) (a), 102.07

Handwritten annotations: a vertical oval containing the number '20' with an arrow pointing to line 20, and a circle containing the number '21' with an arrow pointing to line 21.

1 (17m), 227.01 (13) (zL), 767.045 (1) (c) 1., 767.075 (1) (c) and (cm), 767.15 (1), 767.24
2 (6) (c), 767.47 (6) (a) and (b), and 814.61 (13) of the statutes, the renumbering and
3 amendment of section 49.146 of the statutes, the amendment of section 49.146 (title)
4 of the statutes, and the creation of section 49.146 (2) of the statutes take effect on
5 January 1, 2004.

6 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1256/A
PJK:jld&cs&kg:ch

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r m is n

DOA:.....Fath – BB0323, Create transitional subsidized private sector jobs under W-2

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

note
do not get cut

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Wisconsin Works program

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, is eligible for a child care subsidy under the W-2 program if the individual needs child care services in order to participate in various educational or work activities. The W-2 program is administered overall by DWD, and DWD contracts with W-2 agencies to administer the program on the local level. The W-2 program is funded with federal Temporary Assistance for Needy Families (TANF) block grant money, federal child care block grant moneys, and state general purpose revenue. In general, an individual may not participate in W-2 more than five years, which need not be continuous.

Current employment positions

The work components under W-2, called employment positions, consist of three categories: trial job, community service job, and transitional placement. Employers

for all employment positions must meet criteria established by DWD by rule, and all participants in all employment positions must search for unsubsidized employment the entire time that they are participating in any W-2 employment position.

Trial jobs. When determining which employment position is the most appropriate placement for a participant, a W-2 agency must give the highest priority to trial jobs. A participant in a trial job is paid, by his or her employer in the trial job, at least the minimum wage for every hour actually worked, but not exceeding 40 hours per week, including education and training activities, which are required as part of a trial job. The W-2 agency pays a wage subsidy of \$300 per month for full-time employment of a W-2 participant to a trial job employer that agrees to make a good faith effort to retain the participant as a permanent unsubsidized employee after the trial job terminates. For part-time employment, a trial job employer is paid a portion of \$300 per month, based on the number of hours the participant works. The employer is responsible for providing worker's compensation coverage for a trial job employee. Unless the W-2 agency grants an extension, a participant may work in any one trial job for up to three months, and for up to 24 months, which need not be consecutive, in more than one trial job.

Community service jobs. A W-2 agency must give higher priority to community service jobs than to a transitional placement when placing a W-2 participant. Community service jobs are limited to projects that DWD determines will serve a useful public purpose or that will generate revenue that will wholly or partially offset the project's cost. A participant in a community service job may not work more than 30 hours per week and may be required to participate in education or training activities for up to ten hours per week. A participant in a community service job who works more than 20 hours per week receives, from the W-2 agency, a monthly grant of \$673. The grant amount is reduced if the participant works 20 or fewer hours per week. In addition, the monthly grant that a participant would receive based on the number of his or her work hours is reduced by \$5.15 for every hour of work that a participant misses without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a community service job. Unless the W-2 agency grants an extension, a participant may work in any one community service job for up to six months, and for up to 24 months, which need not be consecutive, in more than one community service job.

Transitional placement. A W-2 participant may be placed in a transitional placement if he or she has been or will be incapacitated for at least 60 days, is needed at home because of the illness or incapacity of a member of his or her household, or is determined to be incapable of performing a trial job or community service job. A transitional placement may consist of work activities in a community rehabilitation program, a job similar to a community service job, or volunteer activities. A participant in a transitional placement may be required to engage in the work activities for up to 28 hours per week and in educational and training activities for up to 12 hours per week. A participant in a transitional placement may be required to participate in mental health activities, counseling or rehabilitation activities, or alcohol and other drug abuse treatment. A participant in a transitional placement receives, from the W-2 agency, a monthly grant of \$628. The grant amount is reduced

by \$5.15 for every hour that a participant fails to participate in any required activity without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a transitional placement. Unless the W-2 agency grants an extension, a participant may participate in a transitional placement for up to 24 months, which need not be consecutive.

New employment position

Transitional subsidized private sector jobs. This bill creates a new employment position in the W-2 program, called a transitional subsidized private sector job. A W-2 agency must give placement in a transitional subsidized private sector job the same priority as placement in a community service job. If a W-2 agency determines that placement in either a transitional subsidized private sector job or a community service job is appropriate for a participant, the participant must be allowed to choose between the two placements. A participant who chooses placement in a transitional subsidized private sector job will be offered a choice of one or more jobs in locations that are reasonably accessible to the participant.

Employers =

~~approved~~ for a transitional subsidized private sector job must be ~~approved~~ selected by DWD in a request-for-proposals process. To be selected, an employer must show, among other things, the ability to create useful transitional subsidized private sector jobs ~~that benefit the community~~. An employer that is selected and that employs a participant in a transitional subsidized private sector job will be reimbursed by DWD for up to 100% of the employer's costs that are attributable to employing the participant, including wages, federal social security taxes, worker's compensation and liability insurance premiums, unemployment contributions or taxes, if any, and supervisory and other overhead costs.

Each transitional subsidized private sector job will be designed by the employer, in consultation with DWD and the W-2 agency, for the participant who is offered the job. DWD may design a transitional subsidized private sector job that allows a participant to work in supported employment or to care for a severely disabled child or other relative. Each transitional subsidized private sector job must provide between 25 and 30 hours of work per week. A participant in a transitional subsidized private sector job is an employee of his or her employer for all purposes and must be paid at least the federal minimum wage by the employer for each hour actually worked. DWD may require that a participant in a transitional subsidized private sector job be given a sick leave benefit.

After a participant has been working satisfactorily in a transitional subsidized private sector job for at least two weeks, the participant and W-2 agency, in consultation with the employer, may enter into an agreement under which the participant would enroll in an education or training program that would enable the participant to acquire skills leading to unsubsidized employment, the participant's hours in the transitional subsidized private sector job would be reduced to between 15 and 20 hours, and the W-2 agency would pay the participant a stipend equal to 90% of what the participant would have earned in the transitional subsidized private sector job if his or her hours had not been reduced. ~~An education stipend may be paid for no longer than three months after the transitional subsidized private sector job terminates, whichever is the shorter time.~~

Unless the W-2 agency recommends a longer period in accordance with guidelines established by DWD, the stipend may be paid after

Unless the W-2 agency grants an extension, a participant may work in any one transitional subsidized private sector job for up to six months, and for up to 24 months, which need not be consecutive, in more than one transitional subsidized private sector job. A participant in a transitional subsidized private sector job may be terminated by his or her employer for misconduct, failure to perform work satisfactorily, or repeated unexcused absences. A participant may also be terminated from a transitional subsidized private sector job by the W-2 agency for not making a good faith effort to seek unsubsidized employment. In either case, a participant who believes that he or she was wrongfully terminated may appeal the termination to DWD.

Caretaker of newborn infant program change and studies

Under current law, a person who meets the eligibility requirements for the W-2 program and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to participate in a W-2 employment position. The bill increases the maximum age of the child so that the custodial parent of a child who is six months old or less may receive the monthly grant and may not be required to participate in an employment position.

The bill directs DWD to conduct a study to determine the best ways to assist low-income custodial parents and other at-risk low-income adults in entering and successfully participating in the labor market. DWD must submit a report with its findings and recommendations to the governor and legislature. The bill also directs DWD to investigate ways in which federal funding other than TANF block grants can be used to create a more seamless system of employment and education training services for low-income adults in the state and to submit a report on its findings to DOA.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

as offered by 2003 Wisconsin Act ... (this act)

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

(see p. 37)
auto ref 1

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

20.445 (3) (dz) ~~Wisconsin works~~ Works and other public assistance

~~administration and benefits~~ The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for administration, employer reimbursements, participant stipends, education and training costs, and benefit payments under

Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, the learnfare program under s. 49.26, the work experience ~~and job search~~ and job search program under s. 49.36, ~~and the food~~ for custodial parents and plain

Temporary Assistance for Needy Families programs; maintenance of effort

SECTION 1

job access loans under s. 49.147 (6)

local governments, organizations

- 1 stamp employment and training program under s. 49.148 for payments to counties,
- 2 tribal governing bodies, and Wisconsin Works agencies; for ~~hospital~~ ^{permanency}
- 3 ~~incentive payments under s. 69.14 (1)(b) for job training services~~ under the
- 4 workforce attachment and advancement program under s. 49.173; and for ~~national~~
- 5 ~~expenses under s. 49.30~~. Payments may be made from this appropriation to counties
- 6 for fraud investigation and error reduction under s. 49.197 (1m). Moneys
- 7 appropriated under this paragraph may be used to match federal funds received
- 8 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
- 9 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.
- 10 20.001 (3) and 20.002 (1), the department of health and family services shall credit
- 11 or deposit into this appropriation account funds for the purposes of this
- 12 appropriation that the department transfers from the appropriation account under
- 13 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
- 14 December 31 of each year lapse to the general fund on the next January 1 unless
- 15 transferred to the next calendar year by the joint committee on finance.

for emergency assistance for families with needy children under s. 49.138;

plain
program activities

in recommended s. 20.445 (3) (a-z) ✓. This section has been affected by LRB-0190, LRB-1243, and LRB-1256.

plain

Note: reconciliation

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

auto ref 3

SECTION 2. 20.445 (3) (e) of the statutes is amended to read:
20.445 (3) (e) Job access loans. Biennially, the amounts in the schedule for job access loans under s. 49.147 (6) 49.1471.

as affected by 2003 Wisconsin Act ... (this act),

SECTION 3. 20.445 (3) (jL) of the statutes is amended to read:
20.445 (3) (jL) Job access loan repayments. All moneys received from repayments of loans made under s. 49.147 (6) 49.1471 for the purpose of making loans under s. 49.147 (6) 49.1471.

insert S-22

plain 2

SECTION 4. 49.015 (2) of the statutes is amended to read:
, and from the department of revenue under s. 71.93 for delinquent job access loan repayments certified under s. 49.85,

SECTION 4

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

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

10 49.13 (2) (cm) The amount of food stamp benefits paid to a recipient who is a
11 participant in a Wisconsin ~~works~~ Works employment position under s. 49.147 (4) or
12 (5) shall be calculated based on the pre-sanction benefit amount received under s.
13 49.148. The amount of food stamp benefits paid to a recipient who is a participant
14 in a Wisconsin Works employment position under s. 49.147 (3m) shall be calculated
15 based on the participant's gross wages under s. 49.148 (1) (am) and stipend, if any,
16 under s. 49.147 (3m) (g), as reduced under s. 49.148 (4), if relevant.

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

18 49.136 (2) (b) The department shall attempt to award grants under this section
19 to head start agencies designated under 42 USC 9836, employers that provide or
20 wish to provide child care services for their employees, family day care centers, group
21 day care centers and day care programs for the children of student parents,
22 organizations that provide child care for sick children, and child care providers that
23 employ participants or former participants in a Wisconsin ~~works~~ Works employment
24 position ~~under s. 49.147 (3) to (5)~~, as defined in s. 49.141 (1) (r).

25 **SECTION 7.** 49.141 (1) (e) of the statutes is amended to read:

1 49.141 (1) (e) “Job access loan” means a loan administered under s. ~~49.147 (6)~~
2 49.1471.

3 **SECTION 8.** 49.141 (1) (mc) of the statutes is created to read:

4 49.141 (1) (mc) “Transitional subsidized private sector job” means a work
5 component of Wisconsin Works administered under s. 49.147 (3m).

6 **SECTION 9.** 49.141 (1) (o) of the statutes is created to read:

7 49.141 (1) (o) “Unsubsidized employment” means employment for which the
8 department or a Wisconsin Works agency provides no wage subsidy or
9 reimbursement to the employer, including self-employment and entrepreneurial
10 activities.

11 **SECTION 10.** 49.141 (1) (om) of the statutes is created to read:

12 49.141 (1) (om) “Wages” has the meaning given in s. 109.01 (3).

13 **SECTION 11.** 49.141 (4) of the statutes is amended to read:

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

17 **SECTION 12.** 49.141 (5) (a) of the statutes is amended to read:

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

21 **SECTION 13.** 49.143 (2) (a) 4. of the statutes is amended to read:

22 49.143 (2) (a) 4. Create, and encourage others to create, on-the-job training
23 sites for persons who are eligible for trial jobs, transitional subsidized private sector
24 jobs, or community service jobs.

25 **SECTION 14.** 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, transitional subsidized private sector jobs, or
3 community service jobs.

4 **SECTION 15.** 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, transitional subsidized private
9 sector jobs, or community service jobs.

10 **SECTION 16.** 49.143 (2) (f) of the statutes is renumbered 49.143 (2) (g) and
11 amended to read:

12 49.143 (2) (g) Perform any other tasks specified by the department in the
13 contract that the department determines are necessary for the administration of
14 Wisconsin ~~works~~ Works.

15 **SECTION 17.** 49.143 (2) (fm) of the statutes is created to read:

16 49.143 (2) (fm) Provide to every participant in a transitional subsidized private
17 sector job information about and assistance in obtaining any work supports for which
18 the participant is eligible, such as child care, health insurance, and income tax
19 credits and refunds.

20 **SECTION 18.** 49.143 (3g) (a) 4. of the statutes is amended to read:

21 49.143 (3g) (a) 4. Wages and benefits earned in unsubsidized employment by
22 former participants in Wisconsin ~~works~~ Works employment positions.

23 **SECTION 19.** 49.145 (1) of the statutes is amended to read:

24 49.145 (1) GENERAL ELIGIBILITY. In order to be eligible for a Wisconsin works
25 Works employment ~~positions and position~~ or job access loans loan for any month, an

1 individual shall meet the eligibility requirements under subs. (2) and (3). The
2 department may promulgate rules establishing additional eligibility criteria and
3 specifying how eligibility criteria are to be administered. The department may
4 promulgate rules establishing payment and reporting periods as needed to
5 administer this subsection.

6 **SECTION 20.** 49.145 (2) (i) of the statutes is amended to read:

7 49.145 (2) (i) The individual is not receiving supplemental security income
8 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 and, if
9 the individual is a dependent child, the custodial parent of the individual does not
10 receive a payment on behalf of the individual under s. 49.775. The department may
11 require an individual who receives a stipend under s. 49.147 (3m) (g) or benefits
12 under s. 49.148 and who has applied for supplemental security income under 42 USC
13 1381 to 1383c to authorize the federal social security administration to reimburse the
14 department for the stipend paid to the individual under s. 49.147 (3m) (g) or the
15 benefits paid to the individual under s. 49.148 during the period that the individual
16 was entitled to supplemental security income benefits to the extent that retroactive
17 supplemental security income benefits are made available to the individual.

18 **SECTION 21.** 49.145 (2) (s) of the statutes is amended to read:

19 49.145 (2) (s) The individual assigns to the state any right of the individual or
20 of any dependent child of the individual to support or maintenance from any other
21 person, including any right to amounts accruing during the time that any Wisconsin
22 ~~works~~ Works stipend or benefit is paid to the individual. If a minor who is a
23 beneficiary of any Wisconsin ~~works~~ Works stipend or benefit is also the beneficiary
24 of support under a judgment or order that includes support for one or more children
25 ~~not receiving a benefit who are not beneficiaries~~ under Wisconsin ~~works~~ Works, any

1 support payment made under the judgment or order is assigned to the state during
2 the period that the minor is a beneficiary of the Wisconsin works Works stipend or
3 benefit in the amount that is the proportionate share of the minor ~~receiving the~~
4 benefit who is the beneficiary under Wisconsin works Works, except as otherwise
5 ordered by the court on the motion of a party. Amounts assigned to the state under
6 this paragraph remain assigned to the state until the amount due to the federal
7 government has been recovered. No amount of support that begins to accrue after
8 the individual ceases to receive the stipend or benefits under Wisconsin works Works
9 may be considered assigned to this state. Except as provided in s. 49.1455, any money
10 received by the department in a month under an assignment to the state under this
11 paragraph for an individual applying for or participating in Wisconsin works Works
12 shall be paid to the individual applying for or participating in Wisconsin works
13 Works. The department shall pay the federal share of support assigned under this
14 paragraph as required under federal law or waiver.

15 **SECTION 22.** 49.145 (3) (b) 1. of the statutes is amended to read:

16 49.145 (3) (b) 1. All earned and unearned income of the individual, except any
17 amount received under section 32 of the Internal Revenue Code, as defined in s. 71.01
18 (6), any amount received under s. 71.07 (9e), any payment made by an employer
19 under section 3507 of the Internal Revenue Code, as defined in s. 71.01 (6), any
20 student financial aid received under any federal or state program, any scholarship
21 used for tuition and books, any wages received under s. 49.148 (1) (am) or stipend
22 received under s. 49.147 (3m) (g), and any assistance received under s. 49.148. In
23 determining the earned and unearned income of the individual, the Wisconsin works
24 agency may not include income earned by a dependent child of the individual.

25 **SECTION 23.** 49.146 (title) of the statutes is amended to read:

selected by the department under this subsection.

1 **49.146 (title) Employer criteria and selection.**

2 **SECTION 24.** 49.146 of the statutes is renumbered 49.146 (1) and amended to
3 read:

4 49.146 (1) ELIGIBILITY CRITERIA. The Subject to sub. (2), the department shall
5 establish by rule criteria that an employer providing a Wisconsin ~~works~~ Works
6 employment position must meet in order to employ a participant under s. 49.147 (3)
7 to (5). An employer that does not meet the criteria established under this section
8 subsection is ineligible to receive any subsidy or reimbursement of costs for any
9 position provided to a participant.

10 **SECTION 25.** 49.146 (2) of the statutes is created to read:

11 49.146 (2) **SELECTION OF EMPLOYERS FOR TRANSITIONAL SUBSIDIZED JOBS.** To be
12 eligible to employ a participant under s. 49.147 (3m), an employer must be ^{selected} ~~be~~

13 ~~corporation described under section 501 (c) (3) or (4) of the Internal Revenue Code~~
14 ~~and exempt from taxation under section 501 (a) of the Internal Revenue Code.~~ The

15 department shall request from employers proposals for employing participants
16 under s. 49.147 (3m). The department shall select, and enter into contracts with,
17 employers that meet the criteria established under sub. (1) and that demonstrate the
18 ability to do all of the following:

19 (a) Create useful transitional subsidized private sector jobs ~~that benefit the~~

20 ~~community~~

21 (b) Provide effective supervision for participants.

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

23 (d) Coordinate closely and cooperatively with a Wisconsin Works agency in
24 moving participants employed by the employer under s. 49.147 (3m) into stable
25 unsubsidized employment as quickly as possible.

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

2 **SECTION 26.** 49.1465 of the statutes is created to read:

3 **49.1465 Education and training. (1) EDUCATIONAL NEEDS ASSESSMENT.** A
4 Wisconsin Works agency shall conduct an educational needs assessment of each
5 individual who applies for a Wisconsin Works employment position. If the individual
6 and the Wisconsin Works agency determine that the individual needs, or would
7 benefit from, education or training activities, including a course of study meeting the
8 standards established under s. 115.29 (4) for the granting of a declaration of
9 equivalency of high school graduation, the Wisconsin Works agency shall include
10 education or training activities in any employability plan developed for the
11 individual. The Wisconsin Works agency shall pay, or arrange for payment, for the
12 education or training services identified in the employability plan to the extent that
13 funds are available.

14 **(2) PROGRAM AND EMPLOYER COORDINATION.** A Wisconsin Works agency shall do
15 all of the following:

16 **SECTION 27.** 49.147 (title) of the statutes is amended to read:

17 **49.147 (title) Wisconsin works Works; work programs and job-access**
18 **loans.**

19 **SECTION 28.** 49.147 (1) of the statutes is repealed.

20 **SECTION 29.** 49.147 (1m) of the statutes is repealed.

21 **SECTION 30.** 49.147 (2) (a) 1. of the statutes is amended to read:

22 49.147 (2) (a) 1. An individual who applies for a Wisconsin works Works
23 employment position may be required by the Wisconsin works Works agency to
24 search for unsubsidized employment during the period that his or her application is
25 being processed as a condition of eligibility. A Subject to sub. (3m) (f) 2., a participant

1 in a Wisconsin ~~works~~ Works employment position shall search for unsubsidized
2 employment throughout his or her participation. The department shall define by
3 rule satisfactory search efforts for unsubsidized employment.

4 **SECTION 31.** 49.147 (3) (a) of the statutes is amended to read:

5 49.147 (3) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall
6 administer a trial job program as part of its administration of the Wisconsin ~~works~~
7 Works program to improve the employability of individuals who are not otherwise
8 able to obtain unsubsidized employment, as determined by the Wisconsin ~~works~~
9 Works agency, by providing work experience and training to assist them to move
10 promptly into unsubsidized employment. In determining an appropriate placement
11 for a participant, a Wisconsin ~~works~~ Works agency shall give priority to placement
12 under this subsection over placements under subs. (3m), (4), and (5). The Wisconsin
13 ~~works~~ Works agency shall pay a wage subsidy to an employer that employs a
14 participant under this subsection and agrees to make a good faith effort to retain the
15 participant as a permanent unsubsidized employee after the wage subsidy is
16 terminated. The wage subsidy may not exceed \$300 per month for full-time
17 employment of a participant. For less than full-time employment of a participant
18 during a month, the wage subsidy may not exceed a dollar amount determined by
19 multiplying \$300 by a fraction, the numerator of which is the number of hours
20 worked by the participant in the month and the denominator of which is the number
21 of hours which would be required for full-time employment in that month.

22 **SECTION 32.** 49.147 (3m) of the statutes is created to read:

23 49.147 (3m) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS. (a) *Administration.*

24 1. A Wisconsin Works agency shall administer a transitional subsidized private
25 sector job program as part of its administration of the Wisconsin Works program to

1 improve the employability of individuals who are not otherwise able to obtain
2 unsubsidized employment, as determined by the Wisconsin Works agency. If a
3 Wisconsin Works agency determines for a participant that a placement under sub.
4 (3) is inappropriate, or that an appropriate trial job is unavailable, and that a
5 placement under either this subsection or sub. (4) is appropriate, the participant
6 shall be allowed to choose between a placement under this subsection and a
7 placement under sub. (4), to the extent of the availability of appropriate transitional
8 subsidized private sector jobs and community service jobs. A placement under this
9 subsection shall be given priority over placements under sub. (5).

10 2. If a participant chooses a placement under this subsection, a Wisconsin
11 Works agency shall arrange for a transitional subsidized private sector job, if
12 available, to be offered to the participant at a reasonably accessible location with one
13 or more employers selected under s. 49.146 (2). Job offers under this subsection shall
14 be limited by the number of employers selected under s. 49.146 (2) and the number
15 and types of employment positions available with each employer, as provided in the
16 employer's contract with the department.

17 3. An employer that employs a participant under this subsection shall be
18 reimbursed by the department for up to 100% of the employer's costs that are
19 attributable to employment of the participant, as determined by the department,
20 including any of the following:

- 21 a. Wages.
- 22 b. Federal social security taxes.
- 23 c. State and federal unemployment contributions or taxes, if any.
- 24 d. Worker's compensation insurance premiums, if any.
- 25 e. Liability insurance premiums, if any.

1 f. Supervisory costs and other overhead as specified in the employer’s contract
2 with the department.

3 (b) *Jobs description.* 1. To the extent possible, each transitional subsidized
4 private sector job shall be designed by the employer, in consultation with the
5 Wisconsin Works agency and the department, to meet the needs and fit the abilities
6 of the participant to whom the job is offered. Each transitional subsidized private
7 sector job shall involve the performance of useful work ~~that benefits the community~~

8 Employers offering transitional subsidized private sector jobs and the department
9 shall consult with labor unions representing public sector employees on the design
10 of transitional subsidized private sector jobs to ensure compliance with s. 49.141 (5).

11 2. The department may design transitional subsidized private sector jobs that
12 do any of the following:

13 a. Allow a participant to work in supported employment, if the Wisconsin
14 Works agency determines that the participant is highly unlikely to be able to obtain
15 or retain unsubsidized employment at a minimum wage.

16 b. Allow a participant to care for a severely disabled child or other relative of
17 the participant, if the Wisconsin Works agency determines that such an
18 arrangement would be cost-effective for taxpayers.

19 (c) *Required hours.* Unless a different number of hours is recommended on a
20 case-by-case basis by the Wisconsin Works agency in accordance with guidelines
21 established by the department, each transitional subsidized private sector job shall
22 provide at least 25 hours, but not more than 30 hours, of work per week to allow a
23 participant time to continue to search for unsubsidized employment, as required
24 under par. (f).

1 (d) *Employer–employee relationship.* 1. Except as otherwise provided in this
2 subsection or in a contract between the department and the employer, a participant
3 who accepts a transitional subsidized private sector job with an employer selected
4 under s. 49.146 (2) is an employee of that employer for all purposes and in all
5 respects. The participant shall be supervised in the same manner as the employer’s
6 other employees, shall be covered under the employer’s worker’s compensation
7 coverage, and shall receive his or her paycheck in the same manner as the employer’s
8 other employees, with appropriate payroll deductions. The department may require
9 an employer to provide a sick leave benefit to a participant in a transitional
10 subsidized private sector job.

11 2. A participant working in a transitional subsidized private sector job may be
12 terminated from employment by the employer, in accordance with guidelines
13 established by the department, for misconduct, failure to perform work
14 satisfactorily, or repeated unexcused absences from work. A participant who
15 believes that he or she has been wrongfully terminated under this subdivision from
16 a transitional subsidized private sector job may appeal the termination to the
17 department.

18 (e) *Time-limited participation.* A participant under this subsection may be
19 employed in any one transitional subsidized private sector job for a maximum of 6
20 months, unless granted an extension by the Wisconsin Works agency. A participant
21 may be employed in more than one transitional subsidized private sector job, and at
22 the conclusion of each assignment under this subsection, the Wisconsin Works
23 agency shall reassess the individual’s employability. A participant’s employment
24 under this subsection may not exceed 24 months, which need not be consecutive. The
25 department or, with the approval of the department, the Wisconsin Works agency

1 may grant an extension of the 24-month limit on a case-by-case basis if any of the
2 following applies:

3 1. The participant is employed under par. (b) 2. a. or b.

4 2. The participant has made all appropriate job search efforts but has been
5 unable to find unsubsidized employment because local labor market conditions
6 preclude a reasonable job opportunity for that participant, as determined by a
7 Wisconsin Works agency and approved by the department.

8 (f) *Unsubsidized employment search.* 1. Except as provided in subd. 2., a
9 participant in a transitional subsidized private sector job shall search for
10 unsubsidized employment throughout his or her participation, including any time
11 during which the participant is pursuing education or training under par. (g). The
12 Wisconsin Works agency shall determine, in accordance with guidelines established
13 by the department, the number of hours that a participant in a transitional
14 subsidized private sector job should reasonably spend searching for unsubsidized
15 employment.

16 2. A Wisconsin Works agency may grant a participant in a transitional
17 subsidized private sector job an exception to the requirement under subd. 1. if any
18 of the following applies:

19 a. The participant is employed under par. (b) 2. a. or b.

20 b. The Wisconsin Works agency determines, in accordance with guidelines
21 established by the department, that the participant has made all appropriate job
22 search efforts but has been unable to find unsubsidized employment because local
23 labor market conditions preclude a reasonable job opportunity for that participant.

24 3. If the Wisconsin Works agency determines that a participant working in a
25 transitional subsidized private sector job is not making satisfactory or good faith

1 efforts to seek unsubsidized employment after having been given appropriate notice
2 by the Wisconsin Works agency, as defined by the department, the participant shall
3 be terminated from his or her employment in the transitional subsidized private
4 sector job. A participant who believes that he or she has been wrongfully terminated
5 under this subdivision may appeal the termination to the department.

6 (g) *Education or training substitution.* 1. If a participant has been employed
7 in a transitional subsidized private sector job for at least 2 weeks and the employer
8 determines that the participant's work performance has been satisfactory, the
9 participant and the Wisconsin Works agency, in consultation with the employer, may
10 enter into an agreement under which all of the following occur:

11 a. The participant enrolls in an education or training program that the
12 participant and Wisconsin Works agency agree has a high probability of enabling the
13 participant to acquire skills leading to unsubsidized employment.

14 b. The participant's work hours in the transitional subsidized private sector job
15 are reduced to between 15 and 20 hours per week.

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

19 2. A stipend under subd. 1. c. may not be paid for longer than 3 months, unless
20 the Wisconsin Works agency recommends a longer period in accordance with
21 guidelines established by the department. In no case, however, may the stipend be
22 paid after the participant's employment in the transitional subsidized private sector
23 job terminates.

24 **SECTION 33.** 49.147 (4) (a) of the statutes is amended to read:

1 49.147 (4) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall
 2 administer a community service job program as part of its administration of
 3 Wisconsin ~~works~~ Works to improve the employability of an individual who is not
 4 otherwise able to obtain employment, as determined by the Wisconsin ~~works~~ Works
 5 agency, by providing work experience and training, if necessary, to assist the
 6 individual to move promptly into unsubsidized public or private employment or a
 7 trial job. In determining an appropriate placement for a participant, a Wisconsin
 8 ~~works~~ Works agency shall give placement under this subsection priority over
 9 placements under sub. (5). If a Wisconsin Works agency determines that placement
 10 is appropriate for a participant under either this subsection or sub. (3m), the
 11 participant shall be allowed to choose between a placement under this subsection
 12 and a placement under sub. (3m), to the extent of the availability of appropriate
 13 transitional subsidized private sector jobs and community service jobs. Community
 14 service jobs shall be limited to projects that the department determines would serve
 15 a useful public purpose or projects the cost of which is partially or wholly offset by
 16 revenue generated from such projects. After each 6 months of an individual's
 17 participation under this subsection and at the conclusion of each assignment under
 18 this subsection, a Wisconsin ~~works~~ Works agency shall reassess the individual's
 19 employability.

20 **SECTION 34.** 49.147 (5) (a) 3. of the statutes is amended to read:

21 49.147 (5) (a) 3. The Wisconsin ~~works~~ Works agency determines that the
 22 individual is incapable of performing a trial job, transitional subsidized private
 23 sector job, or community service job.

, as affected by 2003 Wisconsin Act... (this act),

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24 **SECTION 35.** 49.147 (6) of the statutes is renumbered 49.1471, and 49.1471
 25 (title), (1) (c), (2) (c) and (4) (intro.), as renumbered, are amended to read:

(3m) (b)

1 **49.1471 (title) Job Wisconsin Works; job access loan loans.**

2 (1) (c) The individual is not in default with respect to the repayment of any
3 previous job access loan or repayment of any grant ~~or~~ wage, or stipend overpayments
4 under this section Wisconsin Works.

5 (2) (c) The terms and conditions of repayment. The rules promulgated under
6 this ~~subdivision~~ paragraph shall provide for repayment by performance of in-kind
7 services. The rules shall establish criteria that the Wisconsin works Works agency
8 shall use to approve in-kind repayment of loans.

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

13 **SECTION 36.** 49.148 (1) (intro.) of the statutes is amended to read:

14 49.148 (1) BENEFIT LEVELS AND WAGES FOR PARTICIPANTS IN EMPLOYMENT
15 POSITIONS. (intro.) A participant in a Wisconsin works Works employment position
16 shall receive the following benefits or wages:

17 **SECTION 37.** 49.148 (1) (am) of the statutes is created to read:

18 49.148 (1) (am) *Transitional subsidized private sector jobs.* For a participant
19 in a transitional subsidized private sector job, the prevailing federal minimum wage
20 for hours actually worked, paid by the participant's employer.

21 **SECTION 38.** 49.148 (1) (b) 1. of the statutes is amended to read:

22 49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a
23 community service job under s. 49.147 (4), a monthly grant of \$673, paid by the
24 Wisconsin works Works agency. For every hour that the participant misses work or
25 education or training activities without good cause, the grant amount shall be

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1 reduced by \$5.15. Good cause shall be determined by the financial and employment
2 planner in accordance with rules promulgated by the department. Good cause shall
3 include required court appearances for a victim of domestic abuse. If a participant
4 in a community service job under s. 49.147 (4) is required to work fewer than 30 hours
5 per week because the participant has unsubsidized employment, ~~as defined in s.~~
6 ~~49.147 (1) (e)~~, the grant amount under this paragraph shall equal the amount
7 specified under subd. 1m. minus \$5.15 for each hour that the participant misses work
8 or education or training activities without good cause.

9 **SECTION 39.** 49.148 (1m) (a) of the statutes is amended to read:

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

19 (b) 1. Receipt of a grant under this subsection does not constitute participation
20 in a Wisconsin works Works employment position for purposes of the time limits
21 under s. 49.145 (2) (n) or 49.147 (3) (c), (3m) (e), (4) (b), or (5) (b) 2. if the child is born
22 to the participant not more than 10 months after the date that the participant was
23 first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works
24 Works employment position.

1 **SECTION 40.** 49.148 (1m) (b) of the statutes is renumbered 49.148 (1m) (b) 2.
2 and amended to read:

3 49.148 **(1m)** (b) 2. Receipt of a grant under this subsection constitutes
4 participation in a Wisconsin ~~works~~ Works employment position for purposes of the
5 time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), **(3m)** (e), (4) (b), or (5) (b) 2. if
6 the child is born to the participant more than 10 months after the date that the
7 participant was first determined to be eligible for assistance under s. 49.19 or for a
8 Wisconsin ~~works~~ Works employment position unless the child was conceived as a
9 result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother
10 did not indicate a freely given agreement to have sexual intercourse or of incest in
11 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported
12 to a physician and to law enforcement authorities.

13 **SECTION 41.** 49.148 (4) (a) of the statutes is amended to read:

14 49.148 **(4)** (a) A Wisconsin ~~works~~ Works agency shall require a participant in
15 a transitional subsidized private sector job, community service job, or transitional
16 placement who, after August 22, 1996, was convicted in any state or federal court of
17 a felony that had as an element possession, use, or distribution of a controlled
18 substance to submit to a test for use of a controlled substance as a condition of
19 continued eligibility. If the test results are positive, the Wisconsin ~~works~~ Works
20 agency shall decrease the presanction benefit amount for ~~that a participant in a~~
21 community service job or a transitional placement not more than 15%, and shall
22 decrease the number of hours that a participant in a transitional subsidized private
23 sector job may work by up to 15%, for not fewer than 12 months, or for the remainder
24 of the participant's period of participation in a transitional subsidized private sector
25 job, community service job, or transitional placement, if less than 12 months. If, at

1 the end of 12 months, the individual is still a participant in a transitional subsidized
2 private sector job, community service job, or transitional placement and submits to
3 another test for use of a controlled substance and if the results of the test are
4 negative, the Wisconsin ~~works~~ Works agency shall discontinue the reduction in
5 benefits or work hours under this paragraph.

6 SECTION 42. 49.148 (4) (b) of the statutes is amended to read:

7 49.148 (4) (b) The Wisconsin ~~works~~ Works agency may require an individual
8 who tests positive for use of a controlled substance under par. (a) to participate in a
9 drug abuse evaluation, assessment, and treatment program as part of the
10 participation requirement under s. 49.147 (4) (as) or (5) (bs) or as a condition of
11 employment in the transitional subsidized private sector job.

12 SECTION 43. 49.149 (intro.) of the statutes is repealed.

13 SECTION 44. 49.149 (1) of the statutes is renumbered 49.1465 (2) (a).

14 SECTION 45. 49.149 (3) of the statutes is renumbered 49.1465 (2) (b).

15 SECTION 46. 49.149 (4) of the statutes is renumbered 49.1465 (2) (c).

16 SECTION 47. 49.15 (3) (a) of the statutes is amended to read:

17 49.15 (3) (a) Unsubsidized employment, ~~as defined in s. 49.147 (1) (e).~~

18 SECTION 48. 49.152 (1) of the statutes is amended to read:

19 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any
20 component of Wisconsin ~~works~~ Works is not acted upon by the Wisconsin ~~works~~
21 Works agency with reasonable promptness after the filing of the application, as
22 defined by the department by rule, or is denied in whole or in part, whose benefit,
23 wage, or stipend is modified or canceled, or who believes that the benefit, wage, or
24 stipend was calculated incorrectly or that the Wisconsin Works employment position
25 in which the individual was placed or the transitional subsidized private sector job

1 that the individual was offered is inappropriate, may petition the Wisconsin ~~works~~
2 Works agency for a review of such action. Review is unavailable if the action by the
3 Wisconsin ~~works~~ Works agency occurred more than 45 days prior to submission of
4 the petition for review.

5 **SECTION 49.** 49.152 (3) (a) of the statutes is amended to read:

6 49.152 (3) (a) If, following review under sub. (2), the Wisconsin ~~works~~ Works
7 agency or the department determines that an individual, whose application for a
8 Wisconsin ~~works~~ Works employment position was denied based on eligibility, was in
9 fact eligible, or that the individual was placed in an inappropriate Wisconsin ~~works~~
10 Works employment position or offered an inappropriate transitional subsidized
11 private sector job, the Wisconsin ~~works~~ Works agency shall place the individual in
12 the first available Wisconsin ~~works~~ Works employment position, or offer the
13 individual the first available transitional subsidized private sector job, that is
14 appropriate for that individual, as determined by the Wisconsin ~~works~~ Works agency
15 or the department. An individual who is placed in a Wisconsin works employment
16 position under this paragraph is eligible for the benefit for that position under s.
17 49.148 beginning on the date on which the individual begins participation under s.
18 49.147.

19 **SECTION 50.** 49.152 (3) (b) of the statutes is amended to read:

20 49.152 (3) (b) If, following review under sub. (2), the Wisconsin ~~works~~ Works
21 agency or the department determines that a participant's benefit, wage, or stipend
22 was improperly modified or canceled, or was calculated incorrectly, the Wisconsin
23 ~~works~~ Works agency shall restore the benefit, wage, or stipend to the level
24 determined to be appropriate by the Wisconsin ~~works~~ Works agency or by the

1 department retroactive to the date on which the benefit, wage, or stipend was first
2 improperly modified or canceled or incorrectly calculated.

3 **SECTION 51.** 49.155 (1m) (a) 3. of the statutes is amended to read:

4 49.155 (1m) (a) 3. Work in a Wisconsin ~~works~~ Works employment position,
5 including participation in job search, orientation and training activities under s.
6 49.147 (2) (a) or (3m) (f) and in education or training activities under s. 49.1465 or
7 49.147 (3) (am), (3m) (g), (4) (am), or (5) (bm).

8 **SECTION 52.** 49.161 (4) of the statutes is created to read:

9 49.161 (4) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS OVERPAYMENTS. The
10 department shall by rule specify a process for recovering an overpayment of wages
11 paid under s. 49.148 (1) (am) or an overpayment of a stipend paid under s. 49.147
12 (3m) (g), including an overpayment caused by an intentional violation of ss. 49.141
13 to 49.161 or of rules promulgated under those sections, that permits an employer to
14 recover a wage overpayment from the individual to whom the wage was paid and that
15 requires the department to recover from an employer any overpayment of a
16 reimbursement paid by the department to the employer.

17 **SECTION 53.** 49.1635 (1) of the statutes is amended to read:

18 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
19 from the appropriation under s. 20.445 (3) (md) the department ~~shall~~ may distribute
20 funds to the Wisconsin Trust Account Foundation in an amount equal up to the
21 amount received by the foundation from private donations, but not to exceed
22 \$100,000 in ~~each~~ a fiscal year. Except as provided in sub. (4), funds distributed under
23 this subsection may be used only for the provision of legal services to individuals who
24 are eligible for temporary assistance for needy families under 42 USC 601 et seq. and
25 whose incomes are at or below 200% of the poverty line.

auto ref 54, as affected by 2003 Wisconsin Act... (this act)

XXXXX NOTE: This is recommended A. 49.175(1)(n). This section has been affected by LRB-1256 and LRB-1752.

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SECTION 54. 49.175 (1) (n) of the statutes is amended to read:

49.175 (1) (n) Job access loans. For job access loans under s. 49.147 (6) 49.1471,

in each fiscal year. \$200,000 ← plain

SECTION 55. 49.179 of the statutes is repealed.

SECTION 56. 49.195 (title) of the statutes is amended to read:

49.195 (title) Recovery of aid to families with dependent children and Wisconsin works benefits Works payments.

SECTION 57. 49.195 (1) of the statutes is amended to read:

49.195 (1) If any parent at the time of receiving aid under s. 49.19, a stipend under s. 49.147 (3m) (g), or a benefit under s. 49.148, 49.155, or 49.157, or at any time thereafter, acquires property by gift, inheritance, sale of assets, court judgment, or settlement of any damage claim, or by winning a lottery or prize, the county granting such aid, or the Wisconsin works Works agency granting such a stipend or benefit, may sue the parent on behalf of the department to recover the value of that portion of the aid or of the, stipend, or benefit which that does not exceed the amount of the property so acquired. The value of the aid, stipend, or benefit liable for recovery under this section may not include the value of work performed by a member of the family in a community work experience program under s. 46.215 (1) (o), 1991 stats., s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work experience component under s. 49.193 (6), 1997 stats. During the life of the parent, the 10-year statute of limitations may be pleaded in defense against any suit for recovery under this section; and if such property is his or her homestead it shall be exempt from execution on the judgment of recovery until his or her death or sale of the property, whichever occurs first. Notwithstanding the foregoing restrictions and limitations, where if the aid, stipend, or benefit recipient is deceased, a claim may

1 be filed against any property in his or her estate and the statute of limitations
2 specified in s. 859.02 shall be exclusively applicable. The court may refuse to render
3 judgment or allow the claim in any case where a parent, spouse, or child is dependent
4 on the property for support, and the court in rendering judgment shall take into
5 account the current family budget requirement as fixed by the U.S. department of
6 labor for the community or as fixed by the authorities of the community in charge of
7 public assistance. The records of aid, stipend, or benefits paid kept by the county, by
8 the department, or by the Wisconsin ~~works~~ Works agency are prima facie evidence
9 of the value of the aid, stipend, or benefits ~~furnished~~ paid. Liability under this
10 section shall extend to any parent or stepparent whose family receives aid under s.
11 49.19, a stipend under s. 49.147 (3m) (g), or benefits under s. 49.148, 49.155, or
12 49.157 during the period that he or she is a member of the same household, but his
13 or her liability is limited to such period. This section does not apply to medical and
14 health assistance payments for which recovery is prohibited or restricted by federal
15 law or regulation.

16 **SECTION 58.** 49.195 (3) of the statutes is amended to read:

17 49.195 (3) A county, tribal governing body, or Wisconsin ~~works~~ Works agency
18 or the department shall determine whether an overpayment has been made under
19 s. ~~49.19~~ 49.147 (3m) (g), 49.148, 49.155 ~~or~~, 49.157, or 49.19 and, if so, the amount of
20 the overpayment. The county, tribal governing body, or Wisconsin ~~works~~ Works
21 agency or the department shall provide notice of the overpayment to the liable
22 person. The department shall give that person an opportunity for a review following
23 the procedure specified under s. 49.152, if the person received the overpayment
24 under s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96,
25 the department shall promptly recover all overpayments made under s. ~~49.19~~ 49.147

1 (3m) (g), 49.148, 49.155 or, 49.157, or 49.19 that have not already been received under
2 s. 49.161 or 49.19 (17) and shall promulgate rules establishing policies and
3 procedures to administer this subsection. The rules shall include notification
4 procedures similar to those established for child support collections.

5 **SECTION 59.** 49.22 (6) of the statutes is amended to read:

6 49.22 (6) The department shall establish, pursuant to federal and state laws,
7 rules, and regulations, a uniform system of fees for services provided under this
8 section to individuals not receiving aid under s. 46.261, 49.19, or 49.47; stipends
9 under s. 49.147 (3m) (g); benefits or wages under s. 49.148, 49.155, or 49.79; foster
10 care maintenance payments under 42 USC 670 to 679a; or kinship care payments
11 under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n). The
12 system of fees may take into account an individual's ability to pay. Any fee paid and
13 collected under this subsection may be retained by the county providing the service
14 except for the fee specified in 42 USC 653 (e) (2) for federal parent locator services.

15 **SECTION 60.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

16 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
17 works Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5)
18 or who is a recipient of aid under s. 49.19 is subject to the school attendance
19 requirement under par. (ge) if all of the following apply:

20 **SECTION 61.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

21 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin works
22 Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5) and who
23 fails to meet the school attendance requirement under par. (ge) is subject to a
24 monthly sanction.

25 **SECTION 62.** 49.26 (1) (hm) of the statutes is amended to read:

49.785 ✓

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.

Insert 32-4

④

SECTION 63. ~~49.70~~ (1) (intro.) of the statutes is amended to read:

⑤

✓ 49.785

~~49.70~~ (1) (intro.) Except as provided in sub. (1m), if any recipient of a stipend
6 under s. 49.147 (3m) (g) or of benefits or wages under s. 49.148, 49.46, or 49.77, or
7 under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the
8 deceased recipient is insufficient to pay the funeral, burial, and cemetery expenses
9 of the deceased recipient, the county or applicable tribal governing body or
10 organization responsible for burial of the recipient shall pay, to the person
11 designated by the county department under s. 46.215, 46.22, or 46.23 or applicable
12 tribal governing body or organization responsible for the burial of the recipient, all
13 ✓ of the following:

Insert 29-13 →

SECTION 64. 49.32 (4) of the statutes is repealed.

SECTION 65. 49.32 (9) (a) of the statutes is amended to read:

16 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
17 administering aid to families with dependent children shall maintain a monthly
18 report at its office showing the names of all persons receiving aid to families with
19 dependent children together with the amount paid during the preceding month.
20 Each Wisconsin ~~works~~ Works agency administering Wisconsin ~~works~~ Works under
21 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names
22 of all persons receiving stipends under s. 49.147 (3m) (g) or benefits or wages under
23 s. 49.148 together with the amount paid during the preceding month. Nothing in this
24 paragraph shall be construed to authorize or require the disclosure in the report of
25 any information (including names, amounts of aid, or otherwise) other information,

(as affected by 2003 Wisconsin
Adm... (this act))

1 pertaining to adoptions, or aid furnished for the care of children in foster homes or
2 treatment foster homes under s. 46.261 or 49.19 (10).

3 **SECTION 66.** 49.32 (10) (b) of the statutes is amended to read:

4 49.32 (10) (b) If a law enforcement officer believes, on reasonable grounds, that
5 a warrant has been issued and is outstanding for the arrest of a Wisconsin ~~works~~
6 Works participant, the law enforcement officer may request that a law enforcement
7 officer be notified when the participant appears to obtain his or her stipend or
8 benefits under the Wisconsin ~~works~~ Works program. At the request of a law
9 enforcement officer under this paragraph, an employee of a Wisconsin ~~works~~ Works
10 agency who disburses stipends or benefits may notify a law enforcement officer when
11 the participant appears to obtain ~~Wisconsin works~~ his or her stipend or benefits.

12 **SECTION 67.** 49.32 (10m) (a) of the statutes is amended to read:

13 49.32 (10m) (a) A county department, relief agency under s. 49.01 (3m), or
14 Wisconsin ~~works~~ Works agency shall, upon request, and after providing the notice
15 to the recipient required by this paragraph, release the current address of a recipient
16 of relief under s. 49.01 (3), aid to families with dependent children, a stipend under
17 s. 49.147 (3m) (g), or benefits or wages under s. 49.148 to a person, the person's
18 attorney, or an employee or agent of that attorney, if the person is a party to a legal
19 action or proceeding in which the recipient is a party or a witness, unless the person
20 is a respondent in an action commenced by the recipient under s. 813.12, 813.122,
21 813.123, 813.125, or 813.127. If the person is a respondent in an action commenced
22 by the recipient under s. 813.12, 813.122, 813.123, 813.125, or 813.127, the county
23 department, relief agency, or Wisconsin ~~works~~ Works agency may not release the
24 current address of the recipient. No county department, relief agency, or Wisconsin
25 ~~works~~ Works agency may release an address under this paragraph until 21 days after

1 the address has been requested. A person requesting an address under this
2 paragraph shall be required to prove his or her identity and his or her participation
3 as a party in a legal action or proceeding in which the recipient is a party or a witness
4 by presenting a copy of the pleading or a copy of the subpoena for the witness. The
5 person shall also be required to sign a statement setting forth his or her name,
6 address, and the reasons for making the request and indicating that he or she
7 understands the provisions of par. (b) with respect to the use of the information
8 obtained. The statement shall be made on a form prescribed by the department and
9 shall be sworn and notarized. Within 7 days after an address has been requested
10 under this paragraph, the county department, relief agency, or Wisconsin ~~works~~
11 Works agency shall mail to each recipient whose address has been requested a
12 notification of that fact on a form prescribed by the department. The form shall also
13 include the date on which the address was requested, the name and address of the
14 person who requested the disclosure of the address, the reason that the address was
15 requested, and a statement that the address will be released to the person who
16 requested the address no sooner than 21 days after the date on which the request for
17 the address was made. County departments, relief agencies, and Wisconsin ~~works~~
18 Works agencies shall keep a record of each request for an address under this
19 paragraph.

20 **SECTION 68.** 49.36 (2) of the statutes is amended to read:

21 49.36 (2) The department may contract with any county, tribal governing body,
22 or Wisconsin ~~works~~ Works agency to administer a work experience and job training
23 program for parents who are not custodial parents and who fail to pay child support
24 or to meet their children's needs for support as a result of unemployment or
25 underemployment. The program may provide the kinds of work experience and job

see p. 29

Insert 32-4

Insert 32-5

1 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
2 (3), (3m), or (4). The program may also include job search and job orientation
3 activities. The department shall fund the program from the appropriation under s.
4 20.445 (3) (dz).

5 SECTION 69. 49.95 (4m) (a) of the statutes is amended to read:

6 49.95 (4m) (a) Without legal authority, sends or brings a person to a county,
7 tribal governing body, or municipality or advises a person to go to a county, tribal
8 governing body, or municipality for the purpose of obtaining relief funded by a relief
9 block grant, wages, a stipend, or benefits under the Wisconsin ~~works~~ Works program
10 under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19,
11 medical assistance under subch. IV, or food stamps under 7 USC 2011 to 2029.

12 SECTION 70. 49.95 (11) of the statutes is amended to read:

13 49.95 (11) "Public assistance" as used in this section includes relief funded by
14 a relief block grant and wages, a stipend, or benefits under ss. 49.141 to 49.161.

15 SECTION 71. 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, stipends paid under s. 49.147 (3m) (g), payments made under
18 ~~ss. s. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or (c) or (1m) or 49.149 to 49.159, 49.155, or~~
19 49.157, payments made for social services, cash benefits paid by counties under s.
20 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every
21 tax, and from execution, garnishment, attachment, and every other process and shall
22 be inalienable.

23 SECTION 72. 59.53 (5) (a) of the statutes is amended to read:

24 59.53 (5) (a) The board shall contract with the department of workforce
25 development to implement and administer the child and spousal support and

1 establishment of paternity and the medical support liability programs provided for
 2 by Title IV of the federal social security act. The board may designate by board
 3 resolution any office, officer, board, department, or agency, except the clerk of circuit
 4 court, as the county child support agency. The board or county child support agency
 5 shall implement and administer the programs in accordance with the contract with
 6 the department of workforce development. The attorneys responsible for support
 7 enforcement under sub. (6) (a), circuit court commissioners, and all other county
 8 officials shall cooperate with the county and the department of workforce
 9 development as necessary to provide the services required under the programs. The
 10 county shall charge the fee established by the department of workforce development
 11 under s. 49.22 for services provided under this paragraph to persons not receiving
 12 a stipend under s. 49.147 (3m) (g), benefits or wages under s. 49.148 or 49.155, or
 13 assistance under s. 46.261, 49.19, or 49.47.

14 **SECTION 73.** 102.07 (17m) of the statutes is amended to read:

15 102.07 (17m) A participant in a trial job under s. 49.147 (3) or a transitional
 16 subsidized private sector job under s. 49.147 (3m) is an employee of any employer
 17 under this chapter for whom the participant is performing service at the time of the
 18 injury.

19 **SECTION 74.** 227.01 (13) (zL) of the statutes is created to read:

20 227.01 (13) (zL) Establishes guidelines under s. 49.147 (3m) (c), (d) 2., (f) 1. or
 21 2. b., or (g) 2. for transitional subsidized private sector jobs under Wisconsin Works.

22 **SECTION 75.** 767.045 (1) (c) 1. of the statutes is amended to read:

23 767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m) or (3n), 49.19, or
 24 49.45 on behalf of the child, or wages or a stipend are paid to or benefits are provided
 25 to the child's custodial parent under ss. 49.141 to 49.161, but the state and its

Insert 33-13

1 delegate under s. 49.22 (7) are barred by a statute of limitations from commencing
2 an action under s. 767.45 on behalf of the child.

Antarof 76
9-13 present

3 SECTION 76. 767.075 (1) (c) of the statutes is amended to read:

4 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or 49.45
5 is provided on behalf of a dependent child or wages or a stipend are paid to or benefits
6 are provided to the child's custodial parent under ss. 49.141 to 49.161. *under s. 49.79 or plain*

7 SECTION 77. 767.075 (1) (cm) of the statutes is amended to read:

8 767.075 (1) (cm) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or
9 49.45 has, in the past, been provided on behalf of a dependent child, or wages or a
10 stipend have, in the past, been paid to or benefits have, in the past, been provided
11 to the child's custodial parent under ss. 49.141 to 49.161, and the child's family is
12 eligible for continuing child support services under 45 CFR 302.33.

13 SECTION 78. 767.15 (1) of the statutes is amended to read:

14 767.15 (1) In any action affecting the family in which either party is a recipient
15 of wages, a stipend, or benefits under ss. 49.141 to 49.161 or aid under s. 46.261,
16 49.19, or 49.45, each party shall, either within 20 days after making service on the
17 opposite party of any motion or pleading requesting the court or circuit court
18 commissioner to order, or to modify a previous order, relating to child support,
19 maintenance, or family support, or before filing the motion or pleading in court, serve
20 a copy of the motion or pleading upon the county child support agency under s. 59.53
21 (5) of the county in which the action is begun.

22 SECTION 79. 767.24 (6) (c) of the statutes is amended to read:

23 767.24 (6) (c) In making an order of joint legal custody and periods of physical
24 placement, the court may specify one parent as the primary caretaker of the child and
25 one home as the primary home of the child, for the purpose of determining eligibility

as affected by 2003 Wisconsin Act ... (this act)

1 for aid under s. 49.19 or wages, a stipend, or benefits under ss. 49.141 to 49.161 or
2 for any other purpose the court considers appropriate.

3 **SECTION 80.** 767.47 (6) (a) of the statutes is amended to read:

4 767.47 (6) (a) Whenever the state brings the action to determine paternity
5 pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4)
6 (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or benefits or wages
7 under s. 49.148, 49.155, or 49.157 or 49.159, the natural mother of the child may not
8 be compelled to testify about the paternity of the child if it has been determined that
9 the mother has good cause for refusing to cooperate in establishing paternity as
10 provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated
11 pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated
12 by the department which define good cause in accordance with the federal
13 regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

14 **SECTION 81.** 767.47 (6) (b) of the statutes is amended to read:

15 767.47 (6) (b) Nothing in par. (a) prevents the state from bringing an action to
16 determine paternity pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b)
17 2., 49.19 (4) (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or
18 benefits or wages under s. 49.148, 49.155, or 49.157 or 49.159, where evidence other
19 than the testimony of the mother may establish the paternity of the child.

20 **SECTION 82.** 814.61 (13) of the statutes is amended to read:

21 814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services,
22 whenever a person not receiving a stipend under s. 49.147 (3m) (g), benefits or wages
23 under s. 49.148 or 49.155, or aid under s. 49.19, 49.46, 49.465, 49.468, or 49.47 files
24 a petition requesting child support, maintenance, or family support payments, \$10

1 in addition to any other fee required under this section. This subsection does not
2 apply to a petition filed by the state or its delegate.

3 **SECTION 9159. Nonstatutory provisions; workforce development.**

4 (1) **COMMUNITY REINVESTMENT FUNDS.** The department of workforce
5 development may not pay to Wisconsin Works agencies any community
6 reinvestment funds earned under contracts that were entered into under section
7 49.143 of the statutes and that had terms beginning on January 1, 2000, and ending
8 on December 31, 2001.

9 (2) **USES FOR OTHER FEDERAL FUNDING.** The department of workforce
10 development shall investigate ways in which federal funding other than Temporary
11 Assistance for Needy Families block grants, including but not limited to Workforce
12 Investment Act funding, may be used by the state to create a more seamless system
13 of employment and education and training services for low-income adults in the
14 state. The department of workforce development shall submit a report on the
15 findings of its investigation to the department of administration no later than
16 December 31, 2003.

17 (3) **STUDY ON ASSISTANCE WITH LABOR MARKET PARTICIPATION.** The department of
18 workforce development shall conduct a study to determine the best ways to assist
19 low-income custodial parents and other at-risk low-income adults in entering and
20 successfully participating in the labor market. The department of workforce
21 development is encouraged, in conducting the study, to consult with other state
22 agencies, public and private organizations, and individuals with expertise in the
23 subject area. The department of workforce development shall, no later than June 30,
24 2004, submit a report on the results of the study, including the department's findings

(by SECTION 35) ← auto ref 35 see p. 19

1 and recommendations, to the legislature in the manner provided in section 13.172
2 (2) of the statutes and to the governor.

3 **SECTION 9459. Effective dates; workforce development.**

auto ref 1
(by SECTION 35)

4 (1) WISCONSIN WORKS. The treatment of sections 20.445 (3) (dz), (e), and (jL),
5 49.015 (2), 49.13 (2) (cm), 49.136 (2) (b), 49.141 (1) (e), (mc), (o), and (om), (4), and (5)
6 (a), 49.143 (2) (a) 4., 5., and 6., (f), and (fm) and (3g) (a) 4., 49.145 (1), (2) (i) and (s),
7 and (3) (b) 1., 49.1465, 49.147 (title), (1), (1m), (2) (a) 1., (3) (a), (3m), (4) (a), (5) (a)
8 3., and (6), 49.148 (1) (intro.), (am), and (b) 1., (1m) (a) and (b), and (4) (a) and (b),
9 49.149 (intro.), (1), (3), and (4), 49.15 (3) (a), 49.152 (1) and (3) (a) and (b), 49.155 (1m)
10 (a) 3., 49.161 (4), 49.1635 (1), 49.175 (1) (n), 49.179, 49.195 (title), (1), and (3), 49.22
11 (6), 49.26 (1) (g) (intro.), (h) 1s. b., and (hm), ~~49.30 (1) (intro.)~~ 49.32 (4), (9) (a), (10)
12 (b), and (10m) (a), 49.36 (2), 49.95 (4m) (a) and (11), 49.96, 59.53 (5) (a), 102.07 (17m),
13 227.01 (13) (zL), 767.045 (1) (c) 1., 767.075 (1) (c) and (cm), 767.15 (1), 767.24 (6) (c),
14 767.47 (6) (a) and (b), and 814.61 (13) of the statutes, the renumbering and
15 amendment of section 49.146 of the statutes, the amendment of section 49.146 (title)
16 of the statutes, and the creation of section 49.146 (2) of the statutes take effect on
17 January 1, 2004.

auto ref 3
(by SECTION 35)

(by SECTION 76) auto ref 76

(by SECTION 54) auto ref 54

and 49.785(1)(intro.)

(END)
auto ref A (by SECTION 4)
auto ref B (by SECTION 5)
auto ref C (by SECTION 7)
49.85(1), (2)(b), and (3)(b) 1.

J-note

auto ref D (by SECTION 9)
71.93(1)(a) 4.

Insert 5-22

XXXX NOTE: This is reconciled s. 20.445(3)(j4).
This section has been affected by LRB-0229 and
LRB-1256.

(end of ins 5-22)

Insert 20-8

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 20.445 (3) (jL) *Job access loan repayments.* All moneys received from
3 repayments of loans made under s. 49.147 (6), and from the department of revenue
4 under s. 71.93 for delinquent job access loan repayments certified under s. 49.85, for
5 the purpose of making loans under s. 49.147 (6).

****NOTE: This is reconciled s. 20.445 (3) (jL). This section has been affected by LRB-0229 and LRB-1256.

6 SECTION 2. 49.147 (6) (cm) of the statutes is created to read:

7 49.147 (6) (cm) *Collection of delinquent repayments.* 1. The department of
8 workforce development may, in the manner provided in s. 49.85, collect job access
9 loan repayments that are delinquent under the terms of a repayment agreement.
10 The department of workforce development shall credit all delinquent repayments
11 collected by the department of revenue as a setoff under s. 71.93 to the appropriation
12 account under s. 20.445 (3) (jL). Use of the process under s. 49.85 does not preclude
13 the department of workforce development from collecting delinquent repayments
14 through other legal means.

15 ^(3m) (b) ~~Subdivision 1.~~ ^{Paragraph (a)} applies to delinquent repayments existing on or after the
16 effective date of this ~~subdivision~~ ^{paragraph}.... [revisor inserts date], regardless of when the loan
17 was made or when the delinquency accrued.

18 SECTION 3. 49.85 (title) of the statutes is amended to read:
19 49.85 (title) *Certification of certain public assistance overpayments*
20 *and delinquent loan repayments.*

49.1471

XXX NOTE: This is reconciled to 49.1471 (3m) (b). This section has been affected by LRB-0229 and LRB-1256.

(and in 20-8)

Insert 32-5

auto ref A

SECTION 4. 49.85 (1) of the statutes is amended to read:

49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American Indian tribe or band determines that the department of health and family services may recover an amount under s. 49.497 or that the department of workforce development may recover an amount under s. 49.161, 49.195 (3), or 49.793, or collect an amount under s. 49.147 (6) (cm) the county department or governing body shall notify the affected department of the determination. If a Wisconsin works agency determines that the department of workforce development may recover an amount under s. 49.161 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm) the Wisconsin works agency shall notify the department of workforce development of the determination.

xxxx NOTE: This is recorded as 49.85(1). This section has been affected by LRB-0229 and LRB-1256.

SECTION 5. 49.85 (2) (b) of the statutes is amended to read:

49.85 (2) (b) At least annually, the department of workforce development shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of workforce development, the department of workforce development has determined that it may recover under ss. 49.161, 49.195 (3), and 49.793, and collect under s. 49.147 (6) (cm) except that the department of workforce development may not certify an amount under this subsection unless it has met the notice requirements under sub. (3) and unless its determination has either not been appealed or is no longer under appeal.

xxxx NOTE: This is recorded as 49.85(2)(b). This section has been affected by LRB-0229 and LRB-1256.

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

49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the department of workforce development shall send a notice to the last-known address

as affected by 2003 Wisconsin Act ... (this act),

auto ref B

auto ref



bus 32-5 cont'd

2072

has been affected by LRB-0229 and LRB-1256.

NOTE: This is reconciled s. 49.85(3)(b)1. This section

as affected by 2003 Wisconsin Act ... (this act)

1 of the person from whom that department intends to recover or collect the amount.

2 The notice shall do all of the following

3 SECTION 7. 49.85 (3) (b) 1. of the statutes is amended to read:

4 49.85 (3) (b) 1. Inform the person that the department of workforce
5 development intends to certify to the department of revenue an amount that the
6 department of workforce development has determined to be due under s. 49.161,
7 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan
8 under s. 49.147 (6) for setoff from any state tax refund that may be due the person.

49.1471 ← no (3m) ✓

(end of bus 32-5)

9 SECTION 8. 49.85 (5) of the statutes is amended to read:

10 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
11 of revenue shall constitute a lien, equal to the amount certified, on any state tax
12 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
13 of revenue as a setoff under s. 71.93. Certification of an amount under this section
14 does not prohibit the department of health and family services or the department of
15 workforce development from attempting to recover or collect the amount through
16 other legal means. The department of health and family services or the department
17 of workforce development shall promptly notify the department of revenue upon
18 recovery or collection of any amount previously certified under this section.

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

20 71.93 (1) (a) 4. An amount that the department of workforce development may
21 recover under s. 49.161, 49.195 (3) or 49.793, or may collect under s. 49.147 (6) *49.1471(3m)*
22 if the department of workforce development has certified the amount under s. 49.85.

xxxx NOTE: This is reconciled s. 71.93(1)(a)4. This section has been affected by LRB-0229 and LRB-1256.

(END)

out of D = just 33-13

Sec 29-13

XXXX NOTE: This is recorded s. 49.785 (1) (intro.).
This section is affected by LRB-0190 and
LRB-1256.

(end is 29-13)

sect 34-126

XXXX NOTE: This is recorded s. 767.075 (1) (intro.).
This section is affected by LRB-0015 and LRB-1256.
~~But draft should not be affected by~~
~~the Commission~~

(end of is 34-126)

D-note

Enin:

This draft does all of the following:

m

1. Makes the changes we discussed on Wednesday related to nonprofit employers, jobs ~~benefiting~~ benefiting the community, and the length of time stipends may be paid (in the analysis).

2. Reconciles LRB-0015, LRB-0190, LRB-0229, LRB-1243, LRB-1256, and LRB-~~1752~~ 1752. All six drafts should continue to appear in the compiled bill.

PTK

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

LRB-1256/3dn
PJK:kmg:ch

February 6, 2003

Erin:

This draft does all of the following:

1. Makes the changes we discussed on Wednesday related to nonprofit employers, jobs benefiting the community, and the length of time stipends may be paid (in the analysis).
2. Reconciles LRB-0015, LRB-0190, LRB-0229, LRB-1243, LRB-1256, and LRB-1752. All six drafts should continue to appear in the compiled bill.

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keep caretaker of newborn (49.148(1m))
s. 49.1635

~~and~~ and nonstat