

1 administration. Payments transmitted to the ~~state treasurer~~ secretary of
2 administration shall be deposited in the general fund and credited to the
3 appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit
4 100% of the amount paid for county-provided counsel in the county treasury.

5 2. In a county having a population of 500,000 or more, reimbursement
6 payments shall be made to the clerk of courts of the county where the proceedings
7 took place. Each payment shall be transmitted to the ~~state treasurer~~ secretary of
8 administration, who shall deposit the amount paid in the general fund and credit
9 25% of the amount paid to the appropriation account under s. 20.435 (3) (gx) and the
10 remainder to the appropriation account under s. 20.550 (1) (L).

11 *~~0529/4.98~~* SECTION 1195. 48.715 (3) (a) 3. of the statutes is amended to read:

12 48.715 (3) (a) 3. A person against whom the department has assessed a
13 forfeiture shall pay that forfeiture to the department within 10 days after receipt of
14 notice of the assessment or, if that person contests that assessment under s. 48.72,
15 within 10 days after receipt of the final decision after exhaustion of administrative
16 review or, if that person petitions for judicial review under ch. 227, within 10 days
17 after receipt of the final decision after exhaustion of judicial review. The department
18 shall remit all forfeitures paid under this subdivision to the ~~state treasurer~~ secretary
19 of administration for deposit in the school fund.

20 *~~0117/2.3~~* SECTION 1196. 48.985 (2) of the statutes is amended to read:

21 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the
22 appropriation under s. 20.435 (7) (o), the department shall distribute not more than
23 ~~\$3,964,400~~ \$3,809,600 in each fiscal year of the moneys received under 42 USC 620
24 to 626 to county departments under ss. 46.215, 46.22, and 46.23 for the provision or
25 purchase of child welfare projects and services, for services to children and families,

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1 for services to the expectant mothers of unborn children, and for family-based child
2 welfare services.

3 ***-1256/5.3*** SECTION 1197. 49.015 (2) of the statutes is amended to read:

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

12 ***-1256/5.4*** SECTION 1198. 49.13 (2) (cm) of the statutes is amended to read:

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

20 ***-1256/5.5*** SECTION 1199. 49.136 (2) (b) of the statutes is amended to read:

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

1 employ participants or former participants in a Wisconsin ~~works~~ Works employment
2 position under ~~s. 49.147 (3) to (5)~~, as defined in s. 49.141 (1) (r).

3 *~~1243/1.28~~* SECTION 1200. 49.138 (1m) (intro.) of the statutes is amended to
4 read:

5 49.138 (1m) (intro.) The department shall implement a program of emergency
6 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or
7 impending homelessness, or energy crisis. The department shall establish the
8 maximum amount of aid to be granted, except for cases of energy crisis, per family
9 member based on the funding available under s. 20.445 (3) ~~(de)~~ (dz) and (md). The
10 department need not establish the maximum amount by rule under ch. 227. The
11 department shall publish the maximum amount and annual changes to it in the
12 Wisconsin administrative register. Emergency assistance provided to needy persons
13 under this section in cases of fire, flood, natural disaster, or energy crisis may only
14 be provided to a needy person once in a 12-month period. Emergency assistance
15 provided to needy persons under this section in cases of homelessness or impending
16 homelessness may be used only to obtain or retain a permanent living
17 accommodation and, except as provided in sub. (2), may only be provided to a needy
18 person once in a 36-month period. For the purposes of this section, a family is
19 considered to be homeless, or to be facing impending homelessness, if any of the
20 following applies:

21 *~~1256/5.6~~* SECTION 1201. 49.141 (1) (e) of the statutes is amended to read:

22 49.141 (1) (e) “Job access loan” means a loan administered under s. 49.147 (6)
23 49.1471.

24 *~~1256/5.7~~* SECTION 1202. 49.141 (1) (mc) of the statutes is created to read:

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

3 ***-1256/5.8* SECTION 1203.** 49.141 (1) (o) of the statutes is created to read:

4 49.141 (1) (o) “Unsubsidized employment” means employment for which the
5 department or a Wisconsin Works agency provides no wage subsidy or
6 reimbursement to the employer, including self-employment and entrepreneurial
7 activities.

8 ***-1256/5.9* SECTION 1204.** 49.141 (1) (om) of the statutes is created to read:

9 49.141 (1) (om) “Wages” has the meaning given in s. 109.01 (3).

10 ***-1256/5.10* SECTION 1205.** 49.141 (4) of the statutes is amended to read:

11 49.141 (4) NONENTITLEMENT. Notwithstanding fulfillment of the eligibility
12 requirements for any component of Wisconsin ~~works~~ Works, an individual is not
13 entitled to services, employment, or benefits under Wisconsin ~~works~~ Works.

14 ***-1256/5.11* SECTION 1206.** 49.141 (5) (a) of the statutes is amended to read:

15 49.141 (5) (a) Have the effect of filling a vacancy created by an employer
16 terminating a regular employee or otherwise reducing its work force for the purpose
17 of hiring an individual under s. 49.147 ~~(3), (4) or (5)~~.

18 ***-1256/5.12* SECTION 1207.** 49.143 (2) (a) 4. of the statutes is amended to read:

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

22 ***-1256/5.13* SECTION 1208.** 49.143 (2) (a) 5. of the statutes is amended to read:

23 49.143 (2) (a) 5. Foster and guide the entrepreneurial efforts of participants
24 who are eligible for trial jobs, transitional subsidized private sector jobs, or
25 community service jobs.

1 ***-1256/5.14* SECTION 1209.** 49.143 (2) (a) 6. of the statutes is amended to read:
2 49.143 (2) (a) 6. Provide mentors, both from its membership and from
3 recruitment of members of the community, to provide job-related guidance,
4 including assistance in resolving job-related issues and the provision of job leads or
5 references, to persons who are eligible for trial jobs, transitional subsidized private
6 sector jobs, or community service jobs.

7 ***-1256/5.15* SECTION 1210.** 49.143 (2) (f) of the statutes is renumbered 49.143
8 (2) (g) and amended to read:

9 49.143 (2) (g) Perform any other tasks specified by the department in the
10 contract that the department determines are necessary for the administration of
11 Wisconsin works Works.

12 ***-1256/5.16* SECTION 1211.** 49.143 (2) (fm) of the statutes is created to read:
13 49.143 (2) (fm) Provide to every participant in a transitional subsidized private
14 sector job information about and assistance in obtaining any work supports for which
15 the participant is eligible, such as child care, health insurance, and income tax
16 credits and refunds.

17 ***-1256/5.17* SECTION 1212.** 49.143 (3g) (a) 4. of the statutes is amended to
18 read:

19 49.143 (3g) (a) 4. Wages and benefits earned in unsubsidized employment by
20 former participants in Wisconsin works Works employment positions.

21 ***-1256/5.18* SECTION 1213.** 49.145 (1) of the statutes is amended to read:

22 49.145 (1) GENERAL ELIGIBILITY. In order to be eligible for a Wisconsin works
23 Works employment positions and position or job access loans loan for any month, an
24 individual shall meet the eligibility requirements under subs. (2) and (3). The
25 department may promulgate rules establishing additional eligibility criteria and

1 specifying how eligibility criteria are to be administered. The department may
2 promulgate rules establishing payment and reporting periods as needed to
3 administer this subsection.

4 ***-1256/5.19* SECTION 1214.** 49.145 (2) (i) of the statutes is amended to read:

5 49.145 (2) (i) The individual is not receiving supplemental security income
6 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 and, if
7 the individual is a dependent child, the custodial parent of the individual does not
8 receive a payment on behalf of the individual under s. 49.775. The department may
9 require an individual who receives a stipend under s. 49.147 (3m) (g) or benefits
10 under s. 49.148 and who has applied for supplemental security income under 42 USC
11 1381 to 1383c to authorize the federal social security administration to reimburse the
12 department for the stipend paid to the individual under s. 49.147 (3m) (g) or the
13 benefits paid to the individual under s. 49.148 during the period that the individual
14 was entitled to supplemental security income benefits to the extent that retroactive
15 supplemental security income benefits are made available to the individual.

16 ***-1256/5.20* SECTION 1215.** 49.145 (2) (s) of the statutes is amended to read:

17 49.145 (2) (s) The individual assigns to the state any right of the individual or
18 of any dependent child of the individual to support or maintenance from any other
19 person, including any right to amounts accruing during the time that any Wisconsin
20 ~~works~~ Works stipend or benefit is paid to the individual. If a minor who is a
21 beneficiary of any Wisconsin ~~works~~ Works stipend or benefit is also the beneficiary
22 of support under a judgment or order that includes support for one or more children
23 ~~not receiving a benefit who are not beneficiaries~~ under Wisconsin ~~works~~ Works, any
24 support payment made under the judgment or order is assigned to the state during
25 the period that the minor is a beneficiary of the Wisconsin ~~works~~ Works stipend or

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

13 ***-1256/5.21* SECTION 1216.** 49.145 (3) (b) 1. of the statutes is amended to read:
14 49.145 (3) (b) 1. All earned and unearned income of the individual, except any
15 amount received under section 32 of the Internal Revenue Code, as defined in s. 71.01
16 (6), any amount received under s. 71.07 (9e), any payment made by an employer
17 under section 3507 of the Internal Revenue Code, as defined in s. 71.01 (6), any
18 student financial aid received under any federal or state program, any scholarship
19 used for tuition and books, any wages received under s. 49.148 (1) (am) or stipend
20 received under s. 49.147 (3m) (g), and any assistance received under s. 49.148. In
21 determining the earned and unearned income of the individual, the Wisconsin works
22 agency may not include income earned by a dependent child of the individual.

23 ***-1256/5.22* SECTION 1217.** 49.146 (title) of the statutes is amended to read:
24 **49.146 (title) Employer criteria and selection.**

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1 ***-1256/5.23*** SECTION 1218. 49.146 of the statutes is renumbered 49.146 (1)
2 and amended to read:

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

9 ***-1256/5.24*** SECTION 1219. 49.146 (2) of the statutes is created to read:

10 49.146 (2) SELECTION OF EMPLOYERS FOR TRANSITIONAL SUBSIDIZED JOBS. To be
11 eligible to employ a participant under s. 49.147 (3m), an employer must be selected
12 by the department under this subsection. The department shall request from
13 employers proposals for employing participants under s. 49.147 (3m). The
14 department shall select, and enter into contracts with, employers that meet the
15 criteria established under sub. (1) and that demonstrate the ability to do all of the
16 following:

17 (a) Create useful transitional subsidized private sector jobs.

18 (b) Provide effective supervision for participants.

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

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

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

24 ***-1256/5.25*** SECTION 1220. 49.1465 of the statutes is created to read:

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

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

14 *~~1256/5.26~~* SECTION 1221. 49.147 (title) of the statutes is amended to read:
15 **49.147 (title) Wisconsin works Works; work programs and job access**
16 **loans.**

17 *~~1256/5.27~~* SECTION 1222. 49.147 (1) of the statutes is repealed.

18 *~~1256/5.28~~* SECTION 1223. 49.147 (1m) of the statutes is repealed.

19 *~~1256/5.29~~* SECTION 1224. 49.147 (2) (a) 1. of the statutes is amended to read:
20 49.147 (2) (a) 1. An individual who applies for a Wisconsin works Works
21 employment position may be required by the Wisconsin works Works agency to
22 search for unsubsidized employment during the period that his or her application is
23 being processed as a condition of eligibility. A Subject to sub. (3m) (f) 2., a participant
24 in a Wisconsin works Works employment position shall search for unsubsidized

1 employment throughout his or her participation. The department shall define by
2 rule satisfactory search efforts for unsubsidized employment.

3 ***-1256/5.30*** SECTION 1225. 49.147 (3) (a) of the statutes is amended to read:

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

21 ***-1256/5.31*** SECTION 1226. 49.147 (3m) of the statutes is created to read:

22 49.147 (3m) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS. (a) *Administration.*
23 1. A Wisconsin Works agency shall administer a transitional subsidized private
24 sector job program as part of its administration of the Wisconsin Works program to
25 improve the employability of individuals who are not otherwise able to obtain

1 unsubsidized employment, as determined by the Wisconsin Works agency. If a
2 Wisconsin Works agency determines for a participant that a placement under sub.
3 (3) is inappropriate, or that an appropriate trial job is unavailable, and that a
4 placement under either this subsection or sub. (4) is appropriate, the participant
5 shall be allowed to choose between a placement under this subsection and a
6 placement under sub. (4), to the extent of the availability of appropriate transitional
7 subsidized private sector jobs and community service jobs. A placement under this
8 subsection shall be given priority over placements under sub. (5).

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

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

- 20 a. Wages.
- 21 b. Federal social security taxes.
- 22 c. State and federal unemployment contributions or taxes, if any.
- 23 d. Worker's compensation insurance premiums, if any.
- 24 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. Employers offering
8 transitional subsidized private sector jobs and the department shall consult with
9 labor unions representing public sector employees on the design of transitional
10 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 *-1256/5.32* SECTION 1227. 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 *~~1256/5.33~~* SECTION 1228. 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.

1 *~~1256/5.34~~* SECTION 1229. 49.147 (6) of the statutes, as affected by 2003
2 Wisconsin Act ... (this act), is renumbered 49.1471, and 49.1471 (title), (1) (c), (2) (c),
3 (3m) (b) and (4) (intro.), as renumbered, are amended to read:

4 **49.1471 (title) Job Wisconsin Works; job access loan loans.**

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

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

12 (3m) (b) ~~Subdivision 1. Paragraph (a)~~ applies to delinquent repayments
13 existing on or after the effective date of this ~~subdivision~~ paragraph ... [revisor inserts
14 date], regardless of when the loan was made or when the delinquency accrued.

 ****NOTE: This is reconciled s. 49.1471 (3m) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0229 and LRB-1256.

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 *~~1243/1.29~~* SECTION 1230. 49.147 (6) (c) of the statutes is amended to read:
20 49.147 (6) (c) *Distribution and administration.* From the appropriations under
21 s. 20.445 (3) (e) (dz), (jL), and (md), the department shall distribute funds for job
22 access loans to a Wisconsin ~~works~~ Works agency, which shall administer the loans
23 in accordance with rules promulgated by the department.

SECTION 1231

1 ***-0229/2.2*** SECTION 1231. 49.147 (6) (cm) of the statutes is created to read:

2 49.147 (6) (cm) *Collection of delinquent repayments.* 1. The department of
3 workforce development may, in the manner provided in s. 49.85, collect job access
4 loan repayments that are delinquent under the terms of a repayment agreement.
5 The department of workforce development shall credit all delinquent repayments
6 collected by the department of revenue as a setoff under s. 71.93 to the appropriation
7 account under s. 20.445 (3) (jL). Use of the process under s. 49.85 does not preclude
8 the department of workforce development from collecting delinquent repayments
9 through other legal means.

10 2. Subdivision 1. applies to delinquent repayments existing on or after the
11 effective date of this subdivision [revisor inserts date], regardless of when the loan
12 was made or when the delinquency accrued.

13 ***-1256/5.35*** SECTION 1232. 49.148 (1) (intro.) of the statutes is amended to
14 read:

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

18 ***-1256/5.36*** SECTION 1233. 49.148 (1) (am) of the statutes is created to read:

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

22 ***-1256/5.37*** SECTION 1234. 49.148 (1) (b) 1. of the statutes is amended to read:

23 49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a
24 community service job under s. 49.147 (4), a monthly grant of \$673, paid by the
25 Wisconsin ~~works~~ Works agency. For every hour that the participant misses work or

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

10 *~~1256/5.38~~* SECTION 1235. 49.148 (1m) (a) of the statutes is amended to read:

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

1 ***-1256/5.39*** SECTION 1236. 49.148 (1m) (b) of the statutes is renumbered
2 49.148 (1m) (b) 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 ***-1256/5.40*** SECTION 1237. 49.148 (1m) (b) 1. of the statutes is created to read:

14 49.148 (1m) (b) 1. Receipt of a grant under this subsection does not constitute
15 participation in a Wisconsin Works employment position for purposes of the time
16 limits under s. 49.145 (2) (n) or 49.147 (3) (c), (3m) (e), (4) (b), or (5) (b) 2. if the child
17 is born to the participant not more than 10 months after the date that the participant
18 was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin
19 Works employment position.

20 ***-1256/5.41*** SECTION 1238. 49.148 (4) (a) of the statutes is amended to read:

21 49.148 (4) (a) A Wisconsin ~~works~~ Works agency shall require a participant in
22 a transitional subsidized private sector job, community service job, or transitional
23 placement who, after August 22, 1996, was convicted in any state or federal court of
24 a felony that had as an element possession, use, or distribution of a controlled
25 substance to submit to a test for use of a controlled substance as a condition of

1 continued eligibility. If the test results are positive, the Wisconsin works Works
2 agency shall decrease the presanction benefit amount for that a participant in a
3 community service job or a transitional placement not more than 15%, and shall
4 decrease the number of hours that a participant in a transitional subsidized private
5 sector job may work by up to 15%, for not fewer than 12 months, or for the remainder
6 of the participant's period of participation in a transitional subsidized private sector
7 job, community service job, or transitional placement, if less than 12 months. If, at
8 the end of 12 months, the individual is still a participant in a transitional subsidized
9 private sector job, community service job, or transitional placement and submits to
10 another test for use of a controlled substance and if the results of the test are
11 negative, the Wisconsin works Works agency shall discontinue the reduction in
12 benefits or work hours under this paragraph.

13 ***-1256/5.42* SECTION 1239.** 49.148 (4) (b) of the statutes is amended to read:

14 49.148 (4) (b) The Wisconsin works Works agency may require an individual
15 who tests positive for use of a controlled substance under par. (a) to participate in a
16 drug abuse evaluation, assessment, and treatment program as part of the
17 participation requirement under s. 49.147 (4) (as) or (5) (bs) or as a condition of
18 employment in the transitional subsidized private sector job.

19 ***-1256/5.43* SECTION 1240.** 49.149 (intro.) of the statutes is repealed.

20 ***-1256/5.44* SECTION 1241.** 49.149 (1) of the statutes is renumbered 49.1465
21 (2) (a).

22 ***-1256/5.45* SECTION 1242.** 49.149 (3) of the statutes is renumbered 49.1465
23 (2) (b).

24 ***-1256/5.46* SECTION 1243.** 49.149 (4) of the statutes is renumbered 49.1465
25 (2) (c).

1 *~~1256/5.47~~* SECTION 1244. 49.15 (3) (a) of the statutes is amended to read:

2 49.15 (3) (a) Unsubsidized employment, ~~as defined in s. 49.147 (1) (c).~~

3 *~~1256/5.48~~* SECTION 1245. 49.152 (1) of the statutes is amended to read:

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

15 *~~1256/5.49~~* SECTION 1246. 49.152 (3) (a) of the statutes is amended to read:

16 49.152 (3) (a) If, following review under sub. (2), the Wisconsin ~~works~~ Works
17 agency or the department determines that an individual, whose application for a
18 Wisconsin ~~works~~ Works employment position was denied based on eligibility, was in
19 fact eligible, or that the individual was placed in an inappropriate Wisconsin ~~works~~
20 Works employment position or offered an inappropriate transitional subsidized
21 private sector job, the Wisconsin ~~works~~ Works agency shall place the individual in
22 the first available Wisconsin ~~works~~ Works employment position, or offer the
23 individual the first available transitional subsidized private sector job, that is
24 appropriate for that individual, as determined by the Wisconsin ~~works~~ Works agency
25 or the department. An individual who is placed in a Wisconsin ~~works~~ employment

1 position under this paragraph is eligible for the benefit for that position under s.
2 49.148 beginning on the date on which the individual begins participation under s.
3 49.147.

4 ***-1256/5.50* SECTION 1247.** 49.152 (3) (b) of the statutes is amended to read:

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

12 ***-1751/P2.1* SECTION 1248.** 49.155 (1g) (b) of the statutes is amended to read:

13 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
14 ~~\$44,955,200 in fiscal year 2001-02 and \$27,977,500~~ \$6,679,100 in each fiscal year
15 ~~2002-03 for the purposes of providing technical assistance for child care providers,~~
16 ~~for administering the child care program under this section and for grants under s.~~
17 ~~49.136 (2) for the start-up and expansion of child day care services, for child day care~~
18 ~~start-up and expansion planning, for grants under s. 49.134 (2) for child day care~~
19 ~~resource and referral services, for grants under s. 49.137 (3) to assist child care~~
20 ~~providers in meeting the quality of care standards established under sub. (1d), for~~
21 ~~a system of rates or a program of grants, as provided under sub. (1d), for~~
22 ~~reimbursement of child care providers that meet those quality of care standards, for~~
23 ~~grants under s. 49.137 (2) and (4m), for a child care scholarship and bonus program,~~
24 ~~for safe child care activities, and~~ and for administration of the department's office of child

1 care, and for contracts under s. 49.137 (4) to improve the quality of child day care
2 services in this state.

3 ***-1751/P2.2* SECTION 1249.** 49.155 (1g) (c) of the statutes is amended to read:

4 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),
5 transfer ~~\$4,549,500~~ \$4,440,600 in fiscal year ~~2001-02~~ 2003-04 and ~~\$4,733,700~~
6 \$4,507,900 in fiscal year ~~2002-03~~ 2004-05 to the appropriation account under s.
7 20.435 (3) (kx).

8 ***-1751/P2.3* SECTION 1250.** 49.155 (1g) (d) of the statutes is repealed.

9 ***-1256/5.51* SECTION 1251.** 49.155 (1m) (a) 3. of the statutes is amended to
10 read:

11 49.155 (1m) (a) 3. Work in a Wisconsin ~~works~~ Works employment position,
12 including participation in job search, orientation and training activities under s.
13 49.147 (2) (a) or (3m) (f) and in education or training activities under s. 49.1465 or
14 49.147 (3) (am), (3m) (g), (4) (am), or (5) (bm).

15 ***-1256/5.52* SECTION 1252.** 49.161 (4) of the statutes is created to read:

16 49.161 (4) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS OVERPAYMENTS. The
17 department shall by rule specify a process for recovering an overpayment of wages
18 paid under s. 49.148 (1) (am) or an overpayment of a stipend paid under s. 49.147
19 (3m) (g), including an overpayment caused by an intentional violation of ss. 49.141
20 to 49.161 or of rules promulgated under those sections, that permits an employer to
21 recover a wage overpayment from the individual to whom the wage was paid and that
22 requires the department to recover from an employer any overpayment of a
23 reimbursement paid by the department to the employer.

24 ***-1256/5.53* SECTION 1253.** 49.1635 (1) of the statutes is amended to read:

1 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
2 from the appropriation under s. 20.445 (3) (md) the department shall may distribute
3 funds to the Wisconsin Trust Account Foundation in an amount equal up to the
4 amount received by the foundation from private donations, but not to exceed
5 \$100,000 in ~~each~~ a fiscal year. Except as provided in sub. (4), funds distributed under
6 this subsection may be used only for the provision of legal services to individuals who
7 are eligible for temporary assistance for needy families under 42 USC 601 et seq. and
8 whose incomes are at or below 200% of the poverty line.

9 *~~-1752/3.9~~* SECTION 1254. 49.167 (1) (intro.) of the statutes is amended to
10 read:

11 49.167 (1) (intro.) The department shall may award grants to counties, tribal
12 governing bodies, and private entities to provide community-based alcohol and
13 other drug abuse treatment programs that are targeted at individuals who have a
14 family income of not more than 200% of the poverty line and who are eligible for
15 temporary assistance for needy families under 42 USC 601 et seq. and that do all of
16 the following:

17 *~~-1752/3.10~~* SECTION 1255. 49.167 (2) (intro.) of the statutes is amended to
18 read:

19 49.167 (2) (intro.) The department shall do all of the following with respect to
20 the any grants awarded under par. (a):

21 *~~-1752/3.11~~* SECTION 1256. 49.169 (2) of the statutes is amended to read:

22 49.169 (2) The department shall may award ~~not more than \$1,404,100 in~~
23 grants to qualified applicants for the provision of literacy training to individuals who
24 are eligible for temporary assistance for needy families under 42 USC 601 et. et seq.

25 *~~-1752/3.12~~* SECTION 1257. 49.169 (4) of the statutes is amended to read:

1 49.169 (4) The department, in consultation with the technical college system
2 board, the department of public instruction, and the governor's office, shall develop
3 written criteria to be used to evaluate ~~the~~ any grant proposals and to allocate ~~the~~ any
4 grants under this section among ~~the~~ successful grant applicants.

5 *~~1243/1.30~~* SECTION 1258. 49.175 (1) (intro.) of the statutes is amended to
6 read:

7 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
8 the limits of the appropriations under s. 20.445 (3) (a), (cm), ~~(de)~~, (dz), ~~(e)~~, (jL), (k),
9 ~~(kx)~~, (L), (mc), (md), and (nL), ~~(pm)~~, ~~and~~ ~~(ps)~~, the department shall allocate the
10 following amounts for the following purposes:

11 *~~1752/3.13~~* SECTION 1259. 49.175 (1) (a) of the statutes is amended to read:

12 49.175 (1) (a) *Wisconsin works Works benefits, wages, and stipends.* For
13 *Wisconsin works Works benefits* provided under contracts having a term that begins
14 on January 1, 2000 2002, and ends on December 31, 2001 2003, \$24,654,800
15 \$35,713,700 in fiscal year ~~2001-02~~ 2003-04; and for *Wisconsin works Works*
16 *benefits, wages, and stipends* provided under contracts having a term that begins on
17 January 1, 2002 2004, and ends on December 31, 2003 2005, \$24,654,800
18 \$35,713,800 in fiscal year ~~2001-02~~ 2003-04 and \$49,309,600 \$78,410,800 in fiscal
19 year ~~2002-03~~ 2004-05.

20 *~~1752/3.14~~* SECTION 1260. 49.175 (1) (b) of the statutes is amended to read:

21 49.175 (1) (b) *Wisconsin works Works administration and ancillary services.*
22 For administration of *Wisconsin works* ~~and program services~~ under *Wisconsin works*
23 *Works* performed under contracts under s. 49.143 having a term that begins on
24 January 1, 2000 2002, and ends on December 31, 2001, ~~\$63,269,900~~ 2003,
25 \$11,139,800 in fiscal year ~~2001-02~~ 2003-04; and for administration of *Wisconsin*

1 ~~works and program services under Wisconsin works~~ Works performed under
2 contracts under s. 49.143 having a term that begins on January 1, ~~2002~~ 2004, and
3 ends on December 31, ~~2003, \$49,610,800~~ 2005, \$11,139,900 in fiscal year ~~2001-02~~
4 2003-04 and ~~\$99,221,600~~ \$22,279,700 in fiscal year ~~2002-03~~ 2004-05.

5 ***-1752/3.15* SECTION 1261.** 49.175 (1) (c) of the statutes is amended to read:

6 49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses
7 to Wisconsin ~~works~~ Works agencies that have entered into contracts under s. 49.143
8 having a term that begins on January 1, ~~2000~~ 2002, and that ends on
9 December 31, ~~2001, \$12,820,800~~ 2003, \$0 in fiscal year ~~2001-02~~ 2003-04.

10 ***-1752/3.16* SECTION 1262.** 49.175 (1) (d) of the statutes is repealed.

11 ***-1752/3.17* SECTION 1263.** 49.175 (1) (e) of the statutes is repealed.

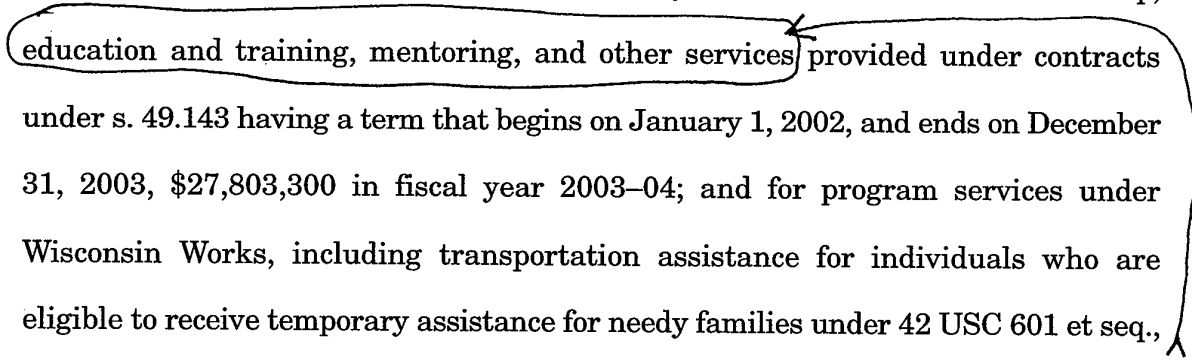
12 ***-1752/3.18* SECTION 1264.** 49.175 (1) (f) of the statutes is created to read:

13 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under
14 Wisconsin Works, including transportation assistance for individuals who are
15 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,
16 education and training, mentoring, and other services provided under contracts

17 under s. 49.143 having a term that begins on January 1, 2002, and ends on December
18 31, 2003, \$27,803,300 in fiscal year 2003-04; and for program services under
19 Wisconsin Works, including transportation assistance for individuals who are
20 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,
21 provided under contracts under s. 49.143 having a term that begins on January 1,
22 2004, and ends on December 31, 2005, \$27,803,300 in fiscal year 2003-04 and
23 \$55,606,600 in fiscal year 2004-05.

24 ***-1752/3.19* SECTION 1265.** 49.175 (1) (g) of the statutes is amended to read:

(should not be in both
places)
move to
line 20



1 49.175 (1) (g) *State administration of public assistance programs.* For state
2 administration of public assistance programs, ~~\$24,680,700 in fiscal year 2001-02~~
3 and ~~\$24,693,200~~ \$18,552,100 in each fiscal year 2002-03.

4 *~~1752/3.20~~* SECTION 1266. 49.175 (1) (h) of the statutes is repealed.

5 *~~1752/3.21~~* SECTION 1267. 49.175 (1) (i) of the statutes is amended to read:

6 49.175 (1) (i) *Emergency assistance.* For emergency assistance under s. 49.138,
7 ~~\$3,300,000~~ \$4,500,000 in each fiscal year.

8 *~~1752/3.22~~* SECTION 1268. 49.175 (1) (j) of the statutes is repealed.

9 *~~1752/3.23~~* SECTION 1269. 49.175 (1) (n) of the statutes is amended to read:

10 49.175 (1) (n) *Job access loans.* For job access loans under s. 49.147 (6),
11 ~~\$600,000~~ \$200,000 in each fiscal year.

12 *~~1256/5.54~~* SECTION 1270. 49.175 (1) (n) of the statutes, as affected by 2003
13 Wisconsin Act (this act), is amended to read:

14 49.175 (1) (n) *Job access loans.* For job access loans under s. ~~49.147 (6)~~ 49.1471,
15 \$200,000 in each fiscal year.

****NOTE: This is reconciled s. 49.175 (1) (n). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1256 and LRB-1752.

16 *~~1752/3.24~~* SECTION 1271. 49.175 (1) (p) of the statutes is amended to read:

17 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
18 49.155, ~~\$274,500,000~~ \$293,634,300 in fiscal year ~~2001-02~~ 2003-04 and
19 ~~\$305,550,000~~ \$291,385,000 in fiscal year ~~2002-03~~ 2004-05.

20 *~~1752/3.26~~* SECTION 1272. 49.175 (1) (q) of the statutes is amended to read:

21 49.175 (1) (q) *Indirect child care services.* For indirect child care services under
22 s. 49.155 (1g), ~~\$24,293,900~~ \$6,859,400 in fiscal year ~~2001-02~~ 2003-04 and
23 ~~\$15,458,000~~ \$6,926,700 in fiscal year ~~2002-03~~ 2004-05.

1 *~~1752/3.27~~* SECTION 1273. 49.175 (1) (qm) of the statutes is amended to read:
2 49.175 (1) (qm) *Local pass-through grant program*. For the local pass-through
3 grant program under s. 49.137 (4m), ~~\$25,210,800 in fiscal year 2001-02 and~~
4 ~~\$17,253,200~~ \$4,395,500 in each fiscal year 2002-03.

5 *~~1752/3.28~~* SECTION 1274. 49.175 (1) (r) of the statutes is amended to read:
6 49.175 (1) (r) *Early childhood excellence initiative*. For grants under s. 49.1375,
7 ~~\$11,395,900 in fiscal year 2001-02 and \$2,750,000~~ \$2,500,000 in each fiscal year
8 2002-03.

9 *~~1752/3.29~~* SECTION 1275. 49.175 (1) (u) of the statutes is amended to read:
10 49.175 (1) (u) *Workforce attachment and advancement program*. For services
11 specified under s. 49.173, ~~\$9,641,000 in fiscal year 2001-02 and \$7,842,200~~
12 \$2,000,000 in each fiscal year 2002-03.

13 *~~1752/3.30~~* SECTION 1276. 49.175 (1) (v) of the statutes is repealed.

14 *~~1752/3.31~~* SECTION 1277. 49.175 (1) (y) of the statutes is repealed.

15 *~~1752/3.32~~* SECTION 1278. 49.175 (1) (z) of the statutes is amended to read:
16 49.175 (1) (z) *Community youth grant* Grants to the Boys and Girls Clubs of
17 America. For a competitive grant program administered by the department grants
18 to the Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs
19 that improve social, academic, and employment skills of youth who are eligible to
20 receive temporary assistance for needy families under 42 USC 601 et seq.,
21 ~~\$7,829,700 in fiscal year 2001-02 and \$300,000~~ in each fiscal year 2002-03.

22 *~~1752/3.33~~* SECTION 1279. 49.175 (1) (zd) of the statutes is repealed.

23 *~~1752/3.34~~* SECTION 1280. 49.175 (1) (ze) 1. of the statutes is amended to
24 read:

1 49.175 (1) (ze) 1. ‘Kinship care and long-term kinship care assistance.’ For the
2 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
3 (3p), ~~\$24,852,600~~ \$24,155,700 in each fiscal year.

4 *~~1752/3.35~~* SECTION 1281. 49.175 (1) (ze) 2. of the statutes is amended to
5 read:

6 49.175 (1) (ze) 2. ‘Children of recipients of supplemental security income.’ For
7 payments made under s. 49.775 for the support of the dependent children of
8 recipients of supplemental security income, ~~\$20,145,000~~ \$20,883,700 in fiscal year
9 ~~2001-02~~ ~~2003-04~~ and ~~\$19,796,000~~ \$19,969,800 in fiscal year ~~2002-03~~ 2004-05.

10 *~~1752/3.36~~* SECTION 1282. 49.175 (1) (ze) 6. of the statutes is repealed.

11 *~~1752/3.37~~* SECTION 1283. 49.175 (1) (ze) 7. of the statutes is repealed.

12 *~~1752/3.38~~* SECTION 1284. 49.175 (1) (ze) 8. of the statutes is amended to
13 read:

14 49.175 (1) (ze) 8. ‘Domestic abuse services grants.’ For the domestic abuse
15 services grants under s. 46.95 (2), ~~\$1,000,000~~ \$750,000 in each fiscal year.

16 *~~1752/3.39~~* SECTION 1285. 49.175 (1) (ze) 9. of the statutes is repealed.

17 *~~1752/3.40~~* SECTION 1286. 49.175 (1) (ze) 12. of the statutes is created to read:

18 49.175 (1) (ze) 12. ‘Milwaukee and statewide child welfare administration.’ For
19 the costs associated with the Milwaukee child welfare information system and the
20 Wisconsin statewide automated child welfare information system, \$1,695,700 in
21 fiscal year ~~2003-04~~ and \$1,741,300 in fiscal year ~~2004-05~~.

22 *~~1752/3.41~~* SECTION 1287. 49.175 (1) (zf) of the statutes is repealed.

23 *~~1752/3.42~~* SECTION 1288. 49.175 (1) (zg) of the statutes is repealed.

24 *~~1752/3.43~~* SECTION 1289. 49.175 (1) (zh) of the statutes is amended to read:

1 49.175 (1) (zh) *Taxable years 1999 and thereafter.* For the transfer of moneys
2 from the appropriation account under s. 20.445 (3) (md) to the appropriation account
3 under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$51,244,500~~ \$57,892,000 in
4 fiscal year ~~2001-02~~ 2003-04 and ~~\$55,160,000~~ \$50,300,000 in fiscal year ~~2002-03~~
5 2004-05.

6 *~~-1752/3.44~~* SECTION 1290. 49.175 (1) (zj) of the statutes is amended to read:
7 49.175 (1) (zj) *Head start Start.* For the transfer of moneys to the department
8 of public instruction for ~~head-start~~ Head Start agencies, ~~\$3,712,500~~ \$3,500,000 in
9 each fiscal year.

10 *~~-1752/3.45~~* SECTION 1291. 49.175 (1) (zk) of the statutes is repealed.

11 *~~-1752/3.46~~* SECTION 1292. 49.179 of the statutes is repealed.

12 *~~-0529/4.99~~* SECTION 1293. 49.19 (3) (b) of the statutes is amended to read:
13 49.19 (3) (b) If the county department under s. 46.215 or 46.22 finds a person
14 eligible for aid under this section, that county department shall, on a form to be
15 prescribed by the department, direct the payment of such aid by order upon the state
16 ~~treasurer~~ secretary of administration. Payment of aid shall be made monthly, based
17 on a calendar month or fiscal month as defined by the department; except that the
18 director of the county department may, in his or her discretion for the purpose of
19 protecting the public, direct that the monthly allowance be paid in accordance with
20 sub. (5) (c).

21 *~~-0190/7.9~~* SECTION 1294. 49.19 (5) (d) of the statutes is amended to read:

22 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
23 and cemetery expenses of a dependent child or the child's parents as provided in s.
24 ~~49.30~~ 49.785.

25 *~~-0529/4.100~~* SECTION 1295. 49.19 (14) (b) of the statutes is amended to read:

1 49.19 (14) (b) If the ~~state treasurer~~ secretary of administration is unable to
2 issue a replacement check or draft requested under par. (a) because the original has
3 been paid, the department shall promptly authorize the issuance of a replacement
4 check or draft. If the ~~state treasurer~~ secretary of administration recovers the amount
5 of the original check or draft that amount shall be returned to the department. If the
6 ~~state treasurer~~ secretary of administration is unable to obtain recovery, the
7 department may pursue recovery.

8 *~~1256/5.55~~* SECTION 1296. 49.195 (title) of the statutes is amended to read:

9 **49.195 (title) Recovery of aid to families with dependent children and**
10 **Wisconsin works ~~benefits~~ Works payments.**

11 *~~1256/5.56~~* SECTION 1297. 49.195 (1) of the statutes is amended to read:

12 49.195 (1) If any parent at the time of receiving aid under s. 49.19, a stipend
13 under s. 49.147 (3m) (g), or a benefit under s. 49.148, 49.155, or 49.157, or at any time
14 thereafter, acquires property by gift, inheritance, sale of assets, court judgment, or
15 settlement of any damage claim, or by winning a lottery or prize, the county granting
16 such aid, or the Wisconsin works Works agency granting such a stipend or benefit,
17 may sue the parent on behalf of the department to recover the value of that portion
18 of the aid ~~or of the, stipend, or benefit which that~~ which that does not exceed the amount of the
19 property so acquired. The value of the aid, stipend, or benefit liable for recovery
20 under this section may not include the value of work performed by a member of the
21 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,
22 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work
23 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,
24 the 10-year statute of limitations may be pleaded in defense against any suit for
25 recovery under this section; and if such property is his or her homestead it shall be

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

19 ***-1256/5.57* SECTION 1298.** 49.195 (3) of the statutes is amended to read:

20 49.195 (3) A county, tribal governing body, or Wisconsin ~~works~~ Works agency
21 or the department shall determine whether an overpayment has been made under
22 ~~s. 49.19~~ 49.147 (3m) (g), 49.148, 49.155 or, 49.157, or 49.19 and, if so, the amount of
23 the overpayment. The county, tribal governing body, or Wisconsin ~~works~~ Works
24 agency or the department shall provide notice of the overpayment to the liable
25 person. The department shall give that person an opportunity for a review following

1 the procedure specified under s. 49.152, if the person received the overpayment
2 under s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96,
3 the department shall promptly recover all overpayments made under s. ~~49.19~~ 49.147
4 (3m) (g), 49.148, 49.155 ~~or~~, 49.157, or 49.19 that have not already been received under
5 s. 49.161 or 49.19 (17) and shall promulgate rules establishing policies and
6 procedures to administer this subsection. The rules shall include notification
7 procedures similar to those established for child support collections.

8 *~~1256/5.58~~* SECTION 1299. 49.22 (6) of the statutes is amended to read:

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

18 *-0279/1.2* SECTION 1300. 49.22 (7m) of the statutes is amended to read:

19 49.22 (7m) The department may contract with or employ a collection agency
20 or other person to enforce a support obligation of a parent who is delinquent in
21 making support payments and may contract with or employ an attorney to appear
22 in an action in state or federal court to enforce such an obligation. To pay for the
23 department's administrative costs of implementing this subsection, the department
24 may charge a fee to counties, ~~retain up to 50% of any incentive payment made to this~~
25 ~~state under 42 USC 658 for a collection under this subsection, and retain use federal~~

auto ref 946 (see p. 946)

1 matching funds or funds retained by the department under s. 49.24 (2) (c), or use up
2 to 30% of this state's share of a collection made under this subsection on behalf of a
3 recipient of aid to families with dependent children or a recipient of kinship care
4 payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57
5 (3n).

6 ***-1824/6.14* SECTION 1301.** 49.22 (7m) of the statutes, as affected by 2003
7 Wisconsin Act (this act), is amended to read:

8 49.22 (7m) The department may contract with or employ a collection agency
9 or other person to enforce a support obligation of a parent who is delinquent in
10 making support payments and, with the advice and consent of the attorney general,
11 ~~may contract with or employ~~ retain an attorney to appear in an action in state or
12 federal court to enforce such an obligation. To pay for the department's
13 administrative costs of implementing this subsection, the department may charge
14 a fee to counties, use federal matching funds or funds retained by the department
15 under s. 49.24 (2) (c), or use up to 30% of this state's share of a collection made under
16 this subsection on behalf of a recipient of aid to families with dependent children or
17 a recipient of kinship care payments under s. 48.57 (3m) or long-term kinship care
18 payments under s. 48.57 (3n).

****NOTE: This is reconciled s. 49.22 (7m), affected by LRB-1824 and LRB-0279.
It incorporates the changes made by LRB-0279.

19 ***-0279/1.3* SECTION 1302.** 49.24 (2) (b) of the statutes is amended to read:
20 49.24 (2) (b) The Except as provided in par. (c), the total of payments made to
21 counties under sub. (1) and in federal child support incentive payments may not
22 exceed \$12,340,000 per year.

23 ***-0279/1.4* SECTION 1303.** 49.24 (2) (c) of the statutes is created to read:

1 49.24 (2) (c) If federal child support incentive payments that are received for
2 a year exceed the maximum specified in par. (b), 50% of the amount that exceeds the
3 maximum specified in par. (b) shall be distributed to counties according to the
4 formula under par. (a), subject to the incentive payments limit specified in par. (a),
5 and the remainder shall be retained by the department to pay the costs of the
6 department's activities under ss. 49.22 and 49.227 and costs related to receiving and
7 disbursing support and support-related payments.

8 *~~0279/1.5~~* SECTION 1304. 49.24 (3) of the statutes is amended to read:

9 49.24 (3) A county that receives any state child support incentive payment
10 under sub. (1) or any federal child support incentive payment under sub. (2) (a) or
11 (c) may use the funds only to pay costs under its child support program under s. 49.22.

12 *~~1256/5.59~~* SECTION 1305. 49.26 (1) (g) (intro.) of the statutes is amended to
13 read:

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

18 *~~1256/5.60~~* SECTION 1306. 49.26 (1) (h) 1s. b. of the statutes is amended to
19 read:

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

24 *~~1256/5.61~~* SECTION 1307. 49.26 (1) (hm) of the statutes is amended to read:

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

4 *~~0190/7.10~~* SECTION 1308. 49.30 of the statutes is renumbered 49.785, and
5 49.785 (2), as renumbered, is amended to read:

6 49.785 (2) From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~
7 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
8 applicable tribal governing body or organization for any amount that the county or
9 applicable tribal governing body or organization is required to pay under sub. (1).
10 From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~ appropriation under s.
11 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
12 governing body or organization for cemetery expenses or for funeral and burial
13 expenses for persons described under sub. (1) that the county or applicable tribal
14 governing body or organization is not required to pay under subs. (1) and (1m) only
15 if the department approves the reimbursement due to unusual circumstances.

16 *~~0190/7.11~~* SECTION 1309. 49.32 (2) (d) of the statutes is repealed.

17 *~~1256/5.62~~* SECTION 1310. 49.32 (4) of the statutes is repealed.

18 *~~1256/5.63~~* SECTION 1311. 49.32 (9) (a) of the statutes is amended to read:

19 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
20 administering aid to families with dependent children shall maintain a monthly
21 report at its office showing the names of all persons receiving aid to families with
22 dependent children together with the amount paid during the preceding month.
23 Each Wisconsin ~~works~~ Works agency administering Wisconsin ~~works~~ Works under
24 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names
25 of all persons receiving stipends under s. 49.147 (3m) (g) or benefits or wages under

SECTION 1311

1 s. 49.148 together with the amount paid during the preceding month. Nothing in this
2 paragraph shall be construed to authorize or require the disclosure in the report of
3 any information (~~, including names, amounts of aid, or otherwise~~) other information,
4 pertaining to adoptions, or aid furnished for the care of children in foster homes or
5 treatment foster homes under s. 46.261 or 49.19 (10).

6 ***-1256/5.64* SECTION 1312.** 49.32 (10) (b) of the statutes is amended to read:

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

15 ***-1256/5.65* SECTION 1313.** 49.32 (10m) (a) of the statutes is amended to read:

16 49.32 (10m) (a) A county department, relief agency under s. 49.01 (3m), or
17 Wisconsin ~~works~~ Works agency shall, upon request, and after providing the notice
18 to the recipient required by this paragraph, release the current address of a recipient
19 of relief under s. 49.01 (3), aid to families with dependent children, a stipend under
20 s. 49.147 (3m) (g), or benefits or wages under s. 49.148 to a person, the person's
21 attorney, or an employee or agent of that attorney, if the person is a party to a legal
22 action or proceeding in which the recipient is a party or a witness, unless the person
23 is a respondent in an action commenced by the recipient under s. 813.12, 813.122,
24 813.123, 813.125, or 813.127. If the person is a respondent in an action commenced
25 by the recipient under s. 813.12, 813.122, 813.123, 813.125, or 813.127, the county

1 department, relief agency, or Wisconsin works Works agency may not release the
2 current address of the recipient. No county department, relief agency, or Wisconsin
3 ~~works~~ Works agency may release an address under this paragraph until 21 days after
4 the address has been requested. A person requesting an address under this
5 paragraph shall be required to prove his or her identity and his or her participation
6 as a party in a legal action or proceeding in which the recipient is a party or a witness
7 by presenting a copy of the pleading or a copy of the subpoena for the witness. The
8 person shall also be required to sign a statement setting forth his or her name,
9 address, and the reasons for making the request and indicating that he or she
10 understands the provisions of par. (b) with respect to the use of the information
11 obtained. The statement shall be made on a form prescribed by the department and
12 shall be sworn and notarized. Within 7 days after an address has been requested
13 under this paragraph, the county department, relief agency, or Wisconsin ~~works~~
14 Works agency shall mail to each recipient whose address has been requested a
15 notification of that fact on a form prescribed by the department. The form shall also
16 include the date on which the address was requested, the name and address of the
17 person who requested the disclosure of the address, the reason that the address was
18 requested, and a statement that the address will be released to the person who
19 requested the address no sooner than 21 days after the date on which the request for
20 the address was made. County departments, relief agencies, and Wisconsin ~~works~~
21 Works agencies shall keep a record of each request for an address under this
22 paragraph.

23 *~~0190/7.12~~* SECTION 1314. 49.33 of the statutes is renumbered 49.78, and
24 49.78 (1) (b), (2), (4), (7), (8) (a) and (10), as renumbered, are amended to read:

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1 49.78 (1) (b) “Income maintenance program” means the ~~medical assistance~~
2 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care
3 health care program under s. 49.665, ~~or~~ the food stamp program under 7 USC 2011
4 to 2036, ~~or the cemetery, funeral, and burial expenses program under s. 49.785.~~

5 (2) ~~CONTRACTS.~~ Annually, the department ~~of health and family services~~ shall
6 contract with county departments under ss. 46.215, 46.22, and 46.23, and may
7 contract with tribal governing bodies, to reimburse the county departments and
8 tribal governing bodies for the reasonable cost of administering income maintenance
9 programs.

10 (4) ~~RULES; MERIT SYSTEM.~~ The department of workforce development shall
11 promulgate rules for the efficient administration of aid to families with dependent
12 children in agreement with the requirement for federal aid, including the
13 establishment and maintenance of personnel standards on a merit basis. The
14 provisions of this section relating to personnel standards on a merit basis supersede
15 any inconsistent provisions of any law relating to county personnel. This subsection
16 shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

17 (7) ~~COUNTY PERSONNEL SYSTEMS.~~ Pursuant to rules promulgated under sub. (4),
18 the department of workforce development where requested by the county shall
19 delegate to that county, without restriction because of enumeration, any or all of the
20 department’s department of workforce development’s authority under sub. (4) to
21 establish and maintain personnel standards including salary levels.

22 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and
23 subject to par. (b), the department ~~of health and family services~~ shall reimburse each
24 county and tribal governing body that contracts with the department under sub. (2)
25 for reasonable costs of administering the income maintenance programs. The

1 amount of each reimbursement paid under this paragraph shall be calculated using
2 a formula based on workload within the limits of available state and federal funds
3 under s. 20.435 (4) (bn) and (nn) by contract under ~~s. 49.33~~ sub. (2). The amount of
4 reimbursement calculated under this paragraph and par. (b) is in addition to any
5 reimbursement provided to a county or tribal governing body for fraud and error
6 reduction under s. 49.197 (1m) and (4).

7 (10) COUNTY CERTIFICATION. (a) Each county treasurer and director of a county
8 department under s. 46.215, 46.22, or 46.23 and each tribal governing body shall
9 certify monthly under oath to the department of ~~health and family services~~ in such
10 manner as the department of ~~health and family services~~ prescribes the claim of the
11 county for state reimbursement under sub. (8) (a). The department of ~~health and~~
12 ~~family services~~ shall review each claim of reimbursement and, if the department of
13 ~~health and family services~~ approves the claim, the department of ~~health and family~~
14 ~~services~~ shall certify to the department of administration for reimbursement to the
15 county for amounts due under sub. (8) (a) and payment claimed to be made to the
16 counties monthly. The department of ~~health and family services~~ may make advance
17 payments prior to the beginning of each month equal to one-twelfth of the contracted
18 amount.

19 (b) To facilitate prompt reimbursement the certificate of the department of
20 ~~health and family services~~ may be based on the certified statements of the county
21 officers or tribal governing body executives filed under par. (a). Funds recovered
22 from audit adjustments from a prior fiscal year may be included in subsequent
23 certifications only to pay counties owed funds as a result of any audit adjustment.
24 By September 30 annually, the department of ~~health and family services~~ shall
25 submit a report to the appropriate standing committees under s. 13.172 (3) on funds

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1 recovered and paid out during the previous calendar year as a result of audit
2 adjustments.

3 ***-1256/5.66* SECTION 1315.** 49.36 (2) of the statutes is amended to read:

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

13 ***-0190/7.13* SECTION 1316.** 49.45 (2) (a) 3. of the statutes is amended to read:

14 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
15 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
16 policies adopted by the department and shall may, under a contract under s. ~~49.33~~
17 49.78 (2), ~~designate delegate all, or any portion, of~~ this function to the county
18 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

19 ***-1760/2.7* SECTION 1317.** 49.45 (2) (a) 17. of the statutes is amended to read:

20 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
21 organization, the joint committee on finance and appropriate standing committees,
22 as determined by the presiding officer of each house, if the appropriation accounts
23 under s. 20.435 (4) (b) is , (gp), and (r) are insufficient to provide the state share of
24 medical assistance.

****NOTE: This is reconciled s. 49.45 (2) (a) 17. This SECTION has been affected by drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

1 ***-1486/2.3*** SECTION 1318. 49.45 (2) (a) 25. of the statutes is created to read:

2 49.45 (2) (a) 25. a. For the privilege of doing business in this state, there is
3 imposed on each health maintenance organization, as defined in s. 609.01 (2), an
4 annual assessment of 1% of the health maintenance organization's gross revenues
5 for the immediately preceding calendar year. The assessment shall be deposited into
6 the Medical Assistance trust fund. The department shall determine the amount of
7 each health maintenance organization's assessment, based on a statement that the
8 health maintenance organization shall file annually, by March 1, with the office of
9 the commissioner of insurance. Each health maintenance organization shall pay
10 one-fourth of the total assessment quarterly, by March 31, June 30, September 30,
11 and December 31 of each year.

12 b. Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
13 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under
14 subch. III of ch. 77, apply to the assessment under this section, except that the
15 amount of any assessment collected under subd. 25. a. shall be deposited into the
16 Medical Assistance trust fund.

17 c. The department shall levy, enforce, and collect the assessment under this
18 subdivision and shall develop and distribute forms necessary for levying and
19 collection.

20 d. The department shall promulgate rules that establish procedures and
21 requirements for levying the assessment under this subdivision.

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1 e. An affected health maintenance organization may contest an action by the
2 department under this subdivision by submitting a written request for a hearing to
3 the department within 3 days after the date of the department's action.

4 f. Any order or determination made by the department under a hearing as
5 specified in subd. 25. e. is subject to judicial review as prescribed under ch. 227.

6 ***-0190/7.14* SECTION 1319.** 49.45 (3) (a) of the statutes is amended to read:

7 49.45 (3) (a) Reimbursement shall be made to each county department under
8 ss. 46.215, 46.22, and 46.23 for the any administrative services performed in the
9 ~~medical assistance~~ Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For
10 purposes of reimbursement under this paragraph, assessments completed under s.
11 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
12 Assistance program.

13 ***-0094/P1.1* SECTION 1320.** 49.45 (3) (am) of the statutes is repealed.

14 ***-0190/7.15* SECTION 1321.** 49.45 (5) (b) 1. (intro.) of the statutes is amended
15 to read:

16 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
17 department shall give the applicant or recipient reasonable notice and opportunity
18 for a fair hearing. The department may make such additional investigation as it
19 considers necessary. Notice of the hearing shall be given to the applicant or recipient
20 ~~and to the county clerk or, if a Wisconsin works agency, if a county department under~~
21 s. 46.215, 46.22, or 46.23 is responsible for making the medical assistance
22 determination, ~~the Wisconsin works agency~~ to the county clerk of the county. The
23 county ~~or the Wisconsin works agency~~ may be represented at such hearing. The
24 department shall render its decision as soon as possible after the hearing and shall
25 send a certified copy of its decision to the applicant or recipient, to the county clerk,

1 and to the any county officer ~~or the Wisconsin works agency~~ charged with
2 administration of the ~~medical assistance~~ Medical Assistance program. The decision
3 of the department shall have the same effect as an order of the a county officer ~~or the~~
4 ~~Wisconsin works agency~~ charged with the administration of the ~~medical assistance~~
5 Medical Assistance program. The decision shall be final, but may be revoked or
6 modified as altered conditions may require. The department shall deny a petition
7 for a hearing or shall refuse to grant relief if:

8 ***-0190/7.16* SECTION 1322.** 49.45 (5) (b) 2. (intro.) of the statutes is amended
9 to read:

10 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
11 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
12 suspended, reduced, or discontinued until a decision is rendered after the hearing
13 but medical assistance payments made pending the hearing decision may be
14 recovered by the department if the contested decision or failure to act is upheld. ~~The~~
15 ~~department shall promptly notify the county department or, if a Wisconsin works~~
16 ~~agency~~ If a county department is responsible for making the medical assistance
17 determination, the ~~Wisconsin works agency~~ department shall notify the county
18 department of the county in which the recipient resides that the recipient has
19 requested a hearing. Medical assistance coverage shall be suspended, reduced, or
20 discontinued if:

21 ***-1253/8.1* SECTION 1323.** 49.45 (5m) (title) of the statutes is amended to read:

22 49.45 (5m) (title) SUPPLEMENTAL FUNDING FOR RURAL CRITICAL ACCESS HOSPITALS.

23 ***-1253/8.2* SECTION 1324.** 49.45 (5m) (am) of the statutes is amended to read:

24 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriations
25 appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), and (w), the department

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1 shall ~~distribute not more than \$2,256,000 in each fiscal year, to provide~~
2 ~~supplemental funds to rural hospitals that, as determined by the department, have~~
3 ~~high utilization of inpatient services by patients whose care is provided from~~
4 ~~governmental sources, and to provide supplemental funds to critical access~~
5 ~~hospitals, except that the department may not distribute funds to a rural hospital~~
6 ~~or to a critical access hospital to the extent that the distribution would exceed any~~
7 ~~limitation under 42 USC 1396b (i) (3).~~

****NOTE: This is reconciled s. 49.45 (5m) (am). This SECTION has been affected by drafts with the following LRB numbers: LRB-1253/7, LRB-1755/P2, and LRB-1760/1.

8 ~~*-1253/8.3*~~ SECTION 1325. 49.45 (5m) (b) of the statutes is repealed.

9 ~~*-0206/1.1*~~ SECTION 1326. 49.45 (6b) of the statutes is amended to read:

10 49.45 (6b) CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
11 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
12 services provided by the centers for the developmentally disabled. Reimbursement
13 to the centers for the developmentally disabled shall be reduced following each
14 placement made under s. 46.275 that involves a relocation from a center for the
15 developmentally disabled, by \$200 per day, beginning in fiscal year 2001-02, and by
16 \$225 per day, beginning in fiscal year 2002-03, and by \$325 per day, beginning in
17 fiscal year 2004-05.

18 ~~*-0209/2.2*~~ SECTION 1327. 49.45 (6c) (a) 6m. of the statutes is created to read:

19 49.45 (6c) (a) 6m. "Intermediate facility" has the meaning given in s. 46.279
20 (1) (a).

21 ~~*-0209/2.3*~~ SECTION 1328. 49.45 (6c) (b) of the statutes is amended to read:

22 49.45 (6c) (b) *Preadmission screening.* Except as provided in par. (e), beginning
23 ~~on August 9, 1989,~~ every individual who applies for admission to a facility or to an

1 institution for mental diseases shall be screened to determine if the individual has
2 developmental disability or mental illness. ~~Beginning on August 9, 1989, the~~ The
3 department or an entity to which the department has delegated authority shall
4 screen every individual who has been identified as having a developmental disability
5 or mental illness to determine if the individual needs facility care. If the individual
6 is determined to need facility care, the department or an entity to which the
7 department has delegated authority shall also assess the individual to determine if
8 he or she requires active treatment for developmental disability or active treatment
9 for mental illness. If the department or entity determines that the individual
10 requires active treatment for developmental disability, the department or entity
11 shall determine whether the level of care required by the individual that is provided
12 by a facility could be provided safely in an intermediate facility or under a plan that
13 is developed under s. 46.279 (4).

14 *~~0209/2.4~~* SECTION 1329. 49.45 (6c) (c) (intro.) of the statutes is amended to
15 read:

16 49.45 (6c) (c) *Resident review.* (intro.) Except as provided in par. (e), the
17 department or an entity to which the department has delegated authority shall
18 review every resident of a facility or institution for mental diseases who has a
19 developmental disability or mental illness and who has experienced a significant
20 change in his or her physical or mental condition to determine ~~if any~~ all of the
21 following applies:

22 *~~0209/2.5~~* SECTION 1330. 49.45 (6c) (c) 1. of the statutes is amended to read:

23 49.45 (6c) (c) 1. The Whether the resident needs facility care.

24 *~~0209/2.6~~* SECTION 1331. 49.45 (6c) (c) 2. of the statutes is amended to read:

1 49.45 (6c) (c) 2. The Whether the resident requires active treatment for
2 developmental disability or active treatment for mental illness.

3 *-0209/2.7* SECTION 1332. 49.45 (6c) (c) 3. of the statutes is created to read:

4 49.45 (6c) (c) 3. If the department or entity determines under subd. 1. that the
5 resident needs facility care and under subd. 2. that the resident requires active
6 treatment for developmental disability, whether the level of care required by the
7 resident that is provided by a facility could be provided safely in an intermediate
8 facility or under a plan that is developed under s. 46.279 (4).

9 *-0210/4.1* SECTION 1333. 49.45 (6m) (a) 4. of the statutes is repealed.

10 *-1760/2.8* SECTION 1334. 49.45 (6m) (ag) (intro.) of the statutes is amended
11 to read:

12 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
13 subsection made under s. 20.435 (4) (b), (gp), (pa), (o), (r), (w), or (wm) shall, except
14 as provided in pars. (bg), (bm), and (br), be determined according to a prospective
15 payment system updated annually by the department. The payment system shall
16 implement standards that are necessary and proper for providing patient care and
17 that meet quality and safety standards established under subch. II of ch. 50 and ch.
18 150. The payment system shall reflect all of the following:

****NOTE: This is reconciled s. 49.45 (6m) (ag) (intro.). This SECTION has been
affected by drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

19 *-0210/4.2* SECTION 1335. 49.45 (6m) (ag) 2. of the statutes is amended to
20 read:

21 49.45 (6m) (ag) 2. Standards Except as provided in subd. 3r., standards
22 established by the department that shall be based upon allowable costs incurred by

1 facilities in the state as available from information submitted under par. (c) 3. and
2 compiled by the department.

3 ***-0210/4.3* SECTION 1336.** 49.45 (6m) (ag) 3m. of the statutes is amended to
4 read:

5 49.45 (6m) (ag) 3m. For each state fiscal year 1999–2000, rates that shall be
6 set by the department based on information from cost reports for the ~~1998~~ most
7 recently completed fiscal year of the facility ~~and for state fiscal year 2000–01, rates~~
8 ~~that shall be set by the department based on information from cost reports for the~~
9 ~~1999 fiscal year of the facility.~~

10 ***-0210/4.4* SECTION 1337.** 49.45 (6m) (ag) 3m. of the statutes, as affected by
11 2003 Wisconsin Act (this act), is amended to read:

12 49.45 (6m) (ag) 3m. For each state fiscal year, rates that shall be set by the
13 department based on information from cost reports for costs specified under par. (am)
14 1. bm., 4., 5m., and 6. for the most recently completed fiscal year of the facility.

15 ***-0210/4.5* SECTION 1338.** 49.45 (6m) (ag) 3r. of the statutes is created to read:

16 49.45 (6m) (ag) 3r. Flat-rate payment, as determined by the department, for
17 costs specified under par. (am) 1. a. and 2.

18 ***-0210/4.6* SECTION 1339.** 49.45 (6m) (ag) 3r. of the statutes, as created by
19 2003 Wisconsin Act (this act), is amended to read:

20 49.45 (6m) (ag) 3r. Flat-rate payment, ~~as determined by the department,~~ for
21 all costs specified under par. (am) 1. a. and 2.

22 ***-0210/4.7* SECTION 1340.** 49.45 (6m) (am) 1. a. of the statutes is amended to
23 read:

24 49.45 (6m) (am) 1. a. Personal comfort supplies; medical supplies;
25 over-the-counter drugs; and nonbillable services of a ward clerk, activity person,

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1 recreation person, social worker, volunteer coordinator, teacher for residents aged 22
2 and older, vocational counselor for residents aged 22 and older, religious person,
3 therapy aide, therapy assistant, and counselor on resident living.

4 *–0210/4.8* SECTION 1341. 49.45 (6m) (am) 1. b. of the statutes is repealed.

5 *–0210/4.9* SECTION 1342. 49.45 (6m) (am) 1. bm. of the statutes is created to
6 read:

7 49.45 (6m) (am) 1. bm. Nonbillable services of a registered nurse, licensed
8 practical nurse and nurse's assistant.

9 *–0210/4.10* SECTION 1343. 49.45 (6m) (am) 1. d. of the statutes is repealed.

10 *–0210/4.11* SECTION 1344. 49.45 (6m) (am) 1. e. of the statutes is repealed.

11 *–0210/4.12* SECTION 1345. 49.45 (6m) (am) 3. (intro.) of the statutes is
12 renumbered 49.45 (6m) (am) 2. c. and amended to read:

13 49.45 (6m) (am) 2. c. Allowable fuel and utility costs, including the facility
14 expenses that the department determines are allowable for the provision of:
15 electrical service, water and sewer services, and heat.

16 *–0210/4.13* SECTION 1346. 49.45 (6m) (am) 3. a. of the statutes is repealed.

17 *–0210/4.14* SECTION 1347. 49.45 (6m) (am) 3. b. of the statutes is repealed.

18 *–0210/4.15* SECTION 1348. 49.45 (6m) (am) 3. c. of the statutes is repealed.

19 *–0210/4.16* SECTION 1349. 49.45 (6m) (am) 4. of the statutes is amended to
20 read:

21 49.45 (6m) (am) 4. ~~Net property~~ Property tax or allowable municipal service
22 costs incurred paid by the owner of the facility for the facility.

23 *–0210/4.17* SECTION 1350. 49.45 (6m) (am) 5. of the statutes is renumbered
24 49.45 (6m) (am) 2. d.