

SENATE BILL

SECTION 1087

1 video link, as documented by the ~~board~~ department. The ~~board~~ department shall
2 determine the amount of the grant, which shall be equal to the cost incurred by the
3 state to provide telecommunications access to a school district or private school
4 under a contract entered into under s. 16.974 (1) or (3) less the amount that the school
5 district or private school would be paying under sub. (2) (d) if the school district or
6 private school were participating in the program established under sub. (1), except
7 that the amount may not be greater than the cost that a school district or private
8 school incurs under the contract in effect on October 14, 1997. A school district or
9 private school receiving a grant under this subsection is not eligible to participate in
10 the program under sub. (1). No grant may be awarded under this subsection after
11 December 31, 2005.

12 ***-0666/9.94* SECTION 1088.** 44.73 (6) (b) of the statutes is renumbered
13 115.9995 (6) (b) and amended to read:

14 115.9995 (6) (b) Notwithstanding par. (a), the ~~board~~ department may award a
15 school district that operates more than one high school and that had in effect on
16 October 14, 1997, a contract for access to more than one data line or video link an
17 annual grant for each data line or video link serving each high school covered by that
18 contract.

19 ***-1780/1.1* SECTION 1089.** 45.25 (2) (c) of the statutes is amended to read:

20 45.25 (2) (c) The individual applies for the tuition and fee reimbursement
21 program for courses ~~completed~~ begun within 10 years after separation from the
22 service.

23 ***-0324/1.2* SECTION 1090.** 45.365 (7) of the statutes is created to read:

24 45.365 (7) The department may develop a program to provide stipends to
25 individuals to attend school and receive the necessary credentials to become

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1 employed at the home or the southeastern facility. If the department does develop
2 a stipend program under this subsection, the department shall promulgate
3 administrative rules related to the program, including the application process,
4 eligibility criteria, stipend amount, repayment provisions, and other provisions that
5 the department determines are necessary to administer the program.

6 ***-0529/4.95* SECTION 1091.** 45.37 (11) of the statutes is amended to read:

7 45.37 (11) DISPOSITION OF PROPERTY DESCENDING TO STATE. If a member dies
8 without a relative that is entitled to an interest in the property of the member under
9 the rules of intestate succession and without leaving a will the existence of which is
10 made known to the commandant of the home within 60 days of the member's death,
11 the member's property shall be converted to cash and turned over by the
12 commandant of the home to ~~the state treasurer~~ secretary of administration to be paid
13 into the appropriation under s. 20.485 (1) (h), without administration. The amount
14 is subject to refund within 6 years to the estate of a veteran if it is subsequently
15 discovered that the veteran left a will or a relative that is entitled to an interest in
16 the property of the member under the rules of intestate succession or to any creditor
17 of the veteran who establishes right to the fund or property or any portion thereof.
18 The department, upon being satisfied that a claim out of such funds or property is
19 legal and valid, shall pay the same out of such funds or property, except that payment
20 of claims for a member's funeral and burial expenses may not exceed a total of \$1,500
21 including any amount allowed by the United States for the member's funeral and
22 burial and the right for burial and interment provided in sub. (15) (a).

23 ***-0190/7.4* SECTION 1092.** 45.37 (15) (c) of the statutes is amended to read:

24 45.37 (15) (c) Expenses incident to the burial at the home of a member shall
25 be paid from the estate of the decedent, except that if there is no estate or the estate

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1 is insufficient, the expense of burial, or necessary part thereof, shall be paid from the
2 appropriation under s. 20.485 (1) (gk) and the amount expended therefor shall not
3 exceed the amount established for funeral and burial expenses under s. ~~49.30~~ 49.785
4 (1) (b).

5 *~~0576/8.61~~* SECTION 1093. 45.43 (7) (b) of the statutes is amended to read:

6 45.43 (7) (b) The department shall award a grant annually to a county that
7 meets the standards developed under this subsection and employs a county veterans'
8 service officer who, if chosen after August 9, 1989, is chosen from a list of candidates
9 who have taken a civil service examination for the position of county veterans' service
10 officer developed and administered by the ~~division of merit recruitment and selection~~
11 ~~in the department of employment relations~~ administration, or is appointed under a
12 civil service competitive examination procedure under ch. 63 or s. 59.52 (8). The
13 grant shall be \$8,500 for a county with a population of less than 20,000, \$10,000 for
14 a county with a population of 20,000 to 45,499, \$11,500 for a county with a population
15 of 45,500 to 74,999, and \$13,000 for a county with a population of 75,000 or more.
16 The department shall use the most recent Wisconsin official population estimates
17 prepared by the demographic services center when making grants under this
18 paragraph.

19 *~~0344/1.2~~* SECTION 1094. 45.54 (10) (a) of the statutes is amended to read:

20 45.54 (10) (a) *Authority.* All proprietary schools shall be examined and
21 approved by the board before operating in this state. Approval shall be granted to
22 schools meeting the criteria established by the board for a period not to exceed one
23 year. No school may advertise in this state unless approved by the board. All
24 approved schools shall submit quarterly reports, including information on
25 enrollment, number of teachers and their qualifications, course offerings, number of

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1 graduates, number of graduates successfully employed, and such other information
2 as the board deems necessary. If a school closure results in losses to students,
3 parents, or sponsors, the board may authorize the full or partial payment of those
4 losses from the appropriation under s. 20.485 (5) (gm).

5 *~~0344/1.3~~* SECTION 1095. 45.54 (10) (c) 4. of the statutes is created to read:

6 45.54 (10) (c) 4. Specify a student protection fee.

7 *~~0115/1.1~~* SECTION 1096. 46.03 (7) (h) of the statutes is created to read:

8 46.03 (7) (h) Contract for the provision of a centralized unit for determining
9 whether the cost of providing care for a child is eligible for reimbursement under 42
10 USC 670 to 679a.

11 *~~1824/6.10~~* SECTION 1097. 46.03 (18) (d) of the statutes is amended to read:

12 46.03 (18) (d) The department may compromise or waive all or part of the
13 liability for services received. The sworn statement of the any collection and
14 deportation counsel appointed under s. 46.10 (7), the department's legal counsel, or
15 the department secretary, shall be evidence of the services provided and the fees
16 charged for such services.

17 *~~0361/2.1~~* SECTION 1098. 46.057 (2) of the statutes is amended to read:

18 46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the
19 department of corrections shall transfer to the appropriation account under s. 20.435
20 (2) (kx) \$1,379,300 in fiscal year ~~2001–02~~ 2003–04 and \$1,379,300 in fiscal year
21 ~~2002–03~~ 2004–05 and, from the appropriation account under s. 20.410 (3) (hm), the
22 department of corrections shall transfer to the appropriation account under s. 20.435
23 (2) (kx) ~~\$2,489,300 in fiscal year 1999–2000 and \$2,489,900 in fiscal year 2000–01~~
24 \$1,940,200 in fiscal year 2003–04 and \$2,001,700 in fiscal year 2004–05 for services
25 for juveniles placed at the Mendota juvenile treatment center. The department of

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1 health and family services may charge the department of corrections not more than
2 the actual cost of providing those services.

3 *~~1824/6.11~~* SECTION 1099. 46.10 (6) of the statutes is amended to read:

4 46.10 (6) The sworn statement of ~~the~~ any collection and deportation counsel
5 appointed under sub. (7), of the department's legal counsel, or of the secretary, shall
6 be evidence of the fee and of the care and services received by the patient.

7 *~~1824/6.12~~* SECTION 1100. 46.10 (7) of the statutes is amended to read:

8 46.10 (7) The department of health and family services shall administer and
9 enforce this section. It On behalf of the department of health and family services,
10 the department of administration shall appoint an attorney to be designated
11 “collection and deportation counsel” ~~and.”~~ The department of health and family
12 services may appoint other necessary assistants. The department of health and
13 family services may delegate to the collection and deportation counsel such other
14 powers and duties as it considers advisable. The collection and deportation counsel
15 or any of the assistants may administer oaths, take affidavits and testimony,
16 examine public records, subpoena witnesses and the production of books, papers,
17 records, and documents material to any matter of proceeding relating to payments
18 for the cost of maintenance. The department of health and family services shall
19 encourage agreements or settlements with the liable person, having due regard to
20 ability to pay and the present needs of lawful dependents.

21 *~~1634/7.42~~* SECTION 1101. 46.215 (1) (n) of the statutes is amended to read:

22 46.215 (1) (n) To collect and transmit information to the department of
23 administration so that a federal energy assistance payment may be made to an
24 eligible household; to collect and transmit information to the department of
25 administration so that weatherization services may be made available to an eligible

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1 household; to receive applications from individuals seeking low-income energy
2 assistance under s. ~~16.385~~ 16.27 (4) or weatherization services under s. ~~16.39~~ 16.26;
3 to provide information on the income eligibility for weatherization of a recipient of
4 low-income energy assistance to an entity with which the department of
5 administration contracts for provision of weatherization under s. ~~16.39~~ 16.26; and
6 to receive a request, determine a correct payment amount, if any, and provide
7 payment, if any, for emergency assistance under s. ~~16.385~~ 16.27 (8).

8 ***-1634/7.43* SECTION 1102.** 46.22 (1) (b) 4m. c. of the statutes is amended to
9 read:

10 46.22 (1) (b) 4m. c. To receive applications from individuals seeking low-income
11 energy assistance under s. ~~16.385~~ 16.27 (4) or weatherization services under s. ~~16.39~~
12 16.26.

13 ***-1634/7.44* SECTION 1103.** 46.22 (1) (b) 4m. d. of the statutes is amended to
14 read:

15 46.22 (1) (b) 4m. d. To provide information on the income eligibility for
16 weatherization of a recipient of low-income energy assistance to an entity with
17 which the department of administration contracts for provision of weatherization
18 under s. ~~16.39~~ 16.26.

19 ***-1634/7.45* SECTION 1104.** 46.22 (1) (b) 4m. e. of the statutes is amended to
20 read:

21 46.22 (1) (b) 4m. e. To receive a request, determine a correct payment amount,
22 if any, and provide payment, if any, for emergency assistance under s. ~~16.385~~ 16.27
23 (8).

24 ***-0190/7.5* SECTION 1105.** 46.22 (1) (d) of the statutes is amended to read:

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1 46.22 (1) (d) *Merit system; records.* The county department of social services
2 is subject to s. ~~49.33~~ 49.78 (4) to (7). The county department of social services and
3 all county officers and employees performing any duties in connection with the
4 administration of aid to families with dependent children shall observe all rules
5 promulgated by the department of workforce development under s. ~~49.33~~ 49.78 (4)
6 and shall keep records and furnish reports as the department of workforce
7 development requires in relation to their performance of such duties.

8 *~~0190/7.6~~* SECTION 1106. 46.22 (2) (b) of the statutes is amended to read:

9 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
10 to s. ~~49.33~~ 49.78 (4) to (7) and the rules promulgated thereunder and subject to the
11 approval of the county board of supervisors in a county with a single-county
12 department of social services or the county boards of supervisors in counties with a
13 multicounty department of social services.

14 *~~0190/7.7~~* SECTION 1107. 46.22 (3m) (a) of the statutes is amended to read:

15 46.22 (3m) (a) In any county with a county executive or a county administrator
16 ~~which~~ that has established a single-county department of social services, the county
17 executive or county administrator, subject to s. ~~49.33~~ 49.78 (4) to (7) and the rules
18 promulgated thereunder, shall appoint and supervise the county social services
19 director. The appointment is subject to the confirmation of the county board of
20 supervisors unless the county board of supervisors, by ordinance, elects to waive
21 confirmation or unless the appointment is made under a civil service system
22 competitive examination procedure established under s. 59.52 (8) or ch. 63.

23 *~~0190/7.8~~* SECTION 1108. 46.27 (7) (am) of the statutes is amended to read:

24 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
25 shall allocate funds to each county or private nonprofit agency with which the

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1 department contracts to pay assessment and case plan costs under sub. (6) not
2 otherwise paid by fee or under s. ~~49.33 (2)~~ or 49.45 or 49.78 (2). The department shall
3 reimburse counties for the cost of assessing persons eligible for medical assistance
4 under s. 49.46, 49.468, or 49.47 as part of the administrative services of medical
5 assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated
6 under this paragraph to pay the cost of long-term community support services and
7 for a risk reserve under par. (fr).

****NOTE: The repeal of s. 49.175 (1) (j) is removed from this draft. That section is
also repealed in LRB-1752.

8 ***-0092/P1.1*** **SECTION 1109.** 46.27 (7) (fm) of the statutes is amended to read:

9 46.27 (7) (fm) The department shall, at the request of a county, carry forward
10 up to ~~10%~~ 5% of the amount allocated under this subsection to the county for a
11 calendar year if up to ~~10%~~ 5% of the amount so allocated has not been spent or
12 encumbered by the county by December 31 of that year, for use by the county in the
13 following calendar year, except that the amount carried forward shall be reduced by
14 the amount of funds that the county has notified the department that the county
15 wishes to place in a risk reserve under par. (fr). The department may transfer funds
16 within s. 20.435 (7) (bd) to accomplish this purpose. An allocation under this
17 paragraph does not affect a county's base allocation under this subsection and shall
18 lapse to the general fund unless expended within the calendar year to which the
19 funds are carried forward. A county may not expend funds carried forward under
20 this paragraph for administrative or staff costs, except administrative or staff costs
21 that are associated with implementation of the waiver under sub. (11) and approved
22 by the department.

23 ***-1824/6.13*** **SECTION 1110.** 46.27 (7g) (h) of the statutes is amended to read:

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1 46.27 (7g) (h) The department may ~~contract with or employ~~ retain an attorney
2 to probate estates to recover under this subsection the costs of care.

3 *~~1760/2.2~~* SECTION 1111. 46.27 (9) (a) of the statutes is amended to read:

4 46.27 (9) (a) The department may select up to 5 counties that volunteer to
5 participate in a pilot project under which they will receive certain funds allocated for
6 long-term care. The department shall allocate a level of funds to these counties
7 equal to the amount that would otherwise be paid under s. 20.435 (4) (b), (gp), (r), or
8 (w) to nursing homes for providing care because of increased utilization of nursing
9 home services, as estimated by the department. In estimating these levels, the
10 department shall exclude any increased utilization of services provided by state
11 centers for the developmentally disabled. The department shall calculate these
12 amounts on a calendar year basis under sub. (10).

 ****NOTE: This is reconciled s. 46.27 (9) (a). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

13 *~~1760/2.3~~* SECTION 1112. 46.27 (10) (a) 1. of the statutes is amended to read:

14 46.27 (10) (a) 1. The department shall determine for each county participating
15 in the pilot project under sub. (9) a funding level of state medical assistance
16 expenditures to be received by the county. This level shall equal the amount that the
17 department determines would otherwise be paid under s. 20.435 (4) (b), (gp), (r), or
18 (w) because of increased utilization of nursing home services, as estimated by the
19 department.

 ****NOTE: This is reconciled s. 46.27 (10) (a) 1. This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

20 *~~0194/9.8~~* SECTION 1113. 46.275 (5) (a) of the statutes is amended to read:

21 46.275 (5) (a) Medical ~~assistance~~ Assistance reimbursement for services a
22 county, or the department under sub. (3r), provides under this program is available

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1 from the ~~appropriations~~ appropriation accounts under s. 20.435 (4) (b), (gp), (hm), (o),
2 (r), and (w). If 2 or more counties jointly contract to provide services under this
3 program and the department approves the contract, ~~medical assistance~~ Medical
4 Assistance reimbursement is also available for services provided jointly by these
5 counties.

***NOTE: This is reconciled s. 46.275 (5) (a). This SECTION has been affected by
drafts with the following LRB numbers: -0194/8, -1755/P2, and -1760/1.

6 ***-0194/9.9* SECTION 1114.** 46.275 (5) (c) of the statutes is amended to read:
7 46.275 (5) (c) The total allocation under s. 20.435 (4) (b), (gp), (hm), (o), (r), and
8 (w) to counties and to the department under sub. (3r) for services provided under this
9 section may not exceed the amount approved by the federal department of health and
10 human services. A county may use funds received under this section only to provide
11 services to persons who meet the requirements under sub. (4) and may not use
12 unexpended funds received under this section to serve other developmentally
13 disabled persons residing in the county.

***NOTE: This is reconciled s. 46.275 (5) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0194/8, -1755/P2, and -1760/1.

14 ***-0211/5.2* SECTION 1115.** 46.275 (5) (e) of the statutes is created to read:
15 46.275 (5) (e) From the appropriation under s. 20.435 (2) (gL), the department
16 may provide moneys to a county to pay for one-time costs associated with the
17 relocation under this section of an individual from a state center for the
18 developmentally disabled.

19 ***-0208/2.2* SECTION 1116.** 46.277 (1m) (ak) of the statutes is created to read:
20 46.277 (1m) (ak) “Nursing home” means a nursing home, as defined in s. 50.01
21 (3), that is certified as a provider of medical assistance, other than an intermediate
22 care facility for the mentally retarded, as defined in s. 46.278 (1m) (am).

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SECTION 1117

1 ***-0208/2.3*** SECTION 1117. 46.277 (2) (b) of the statutes is amended to read:
2 46.277 (2) (b) Fund Except as provided in subs. (3r) and (5) (bm), fund home
3 or community-based services provided by any county that meet the requirements of
4 this section.

5 ***-0208/2.4*** SECTION 1118. 46.277 (3) (c) of the statutes is amended to read:
6 46.277 (3) (c) Beginning on January 1, 1996, from the annual allocation to the
7 county for the provision of long-term community support services under sub. (5),
8 except as provided in subs. (3r) and (5) (bm), a county department participating in
9 the program shall annually establish a maximum total amount that may be
10 encumbered in a calendar year for services for eligible individuals in
11 community-based residential facilities.

12 ***-0208/2.5*** SECTION 1119. 46.277 (3r) of the statutes is created to read:
13 46.277 (3r) RELOCATION OF NURSING HOME RESIDENTS. (a) In a county that is
14 participating in the program, for each nursing home resident who has applied for
15 participation and has been found eligible under sub. (4), but is not participating in
16 the program and who indicates that he or she prefers to receive services in the
17 community, rather than in the nursing home, the participating county department
18 shall initiate a needs and costs-based assessment before the resident has resided in
19 the nursing home for 90 continuous days or before the cost of the resident's nursing
20 home care has been paid under Medical Assistance for 30 days, whichever is longer.
21 The county department shall complete the needs and costs-based assessment within
22 90 days after initiating it.

23 (b) After completion of the needs and costs-based assessment, the county
24 department shall contact the department regarding available funding.

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1 (c) If the department determines that costs for home or community-based
2 services for the nursing home resident, as determined under the needs and
3 costs-based assessment, are equal to or less than the amount specified under sub.
4 (5) (bm) 1., the county department shall offer and, if accepted, provide home or
5 community-based services under this section to the nursing home resident, if the
6 cost of the resident's nursing home care has been paid under Medical Assistance for
7 at least 30 days.

8 (d) If the department determines that costs for home or community-based
9 services for the nursing home resident, as determined under the needs and
10 costs-based assessment, exceed the amount specified under sub. (5) (bm) 1., the
11 department may ascertain whether additional funding, as specified under sub. (5)
12 (bm) 2., is available. If additional funding is available and if the cost of the resident's
13 nursing home care has been paid under Medical Assistance for at least 30 days, the
14 county department shall offer and, if accepted, provide home or community-based
15 services under this section to the nursing home resident.

16 ***-0208/2.6* SECTION 1120.** 46.277 (5) (am) of the statutes is created to read:
17 46.277 (5) (am) From the appropriation under s. 20.435 (4) (w), the department
18 may provide reimbursement to a county for administrative activities by the county
19 to relocate a nursing home resident under sub. (3r).

20 ***-0208/2.7* SECTION 1121.** 46.277 (5) (b) of the statutes is amended to read:
21 46.277 (5) (b) ~~Total~~ Except as provided in subs. (3r) and (5) (bm), funding to
22 counties under the program may not exceed the amount approved in the waiver
23 received under sub. (2).

24 ***-0208/2.8* SECTION 1122.** 46.277 (5) (bm) of the statutes is created to read:

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SECTION 1122

1 46.277 (5) (bm) 1. Funding to a county for an individual who is relocated from
2 a nursing home under sub. (3r) shall be no more than the per-person, per-day
3 payment rate at the individual's level-of-care requirement for the nursing home
4 under s. 49.45 (6m), indexed annually by the percentage of any annual nursing home
5 average rate increase under s. 49.45 (6m), minus the amount that is obtained by
6 subtracting the average annual costs for allowable charges under s. 49.46 (2) (a) and
7 (b) payable on behalf of individuals in nursing homes from the average annual costs
8 per medical assistance recipient for the allowable charges payable on behalf of
9 individuals who are relocated into communities from nursing homes.

10 2. Notwithstanding the limitation on payment to a county under subd. 1.,
11 funding to a county for an individual who is relocated from a nursing home under
12 sub. (3r) may include, in addition to the amount specified in subd. 1., an amount not
13 to exceed the sum obtained by subtracting the total of all payments made for home
14 or community-based services for nursing home residents relocated under sub. (3r)
15 (c) from the amount available under subd. 1.

16 3. If a county department fails to complete a needs and costs-based assessment
17 and offer home or community-based services under this section to a nursing home
18 resident within the time period specified in sub. (3r) (a), the county shall pay the
19 nonfederal share of Medical Assistance for his or her nursing home care unless the
20 nursing home resident refused participation or the needs and costs-based
21 assessment determined that participation was not feasible.

22 4. Funding to a county is available under subd. 1. or 2. only during the period
23 in which a relocated individual continues to receive home or community-based care.

24 *-0090/P1.1* SECTION 1123. 46.277 (5) (g) of the statutes is created to read:

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1 46.277 (5) (g) The department may provide enhanced reimbursement for
2 services provided under this section to an individual who is relocated to the
3 community from a nursing home by a county department on or after the effective date
4 of this paragraph [revisor inserts date], if the nursing home bed that was used by
5 the individual is delicensed upon relocation of the individual. The department shall
6 develop and utilize a formula to determine the enhanced reimbursement rate.

7 *~~0208/2.9~~* **SECTION 1124.** 46.278 (1m) (bg) of the statutes is created to read:

8 46.278 (1m) (bg) “Nursing home” means a nursing home, as defined in s. 50.01
9 (3), that is certified as a provider of medical assistance, other than an intermediate
10 care facility for the mentally retarded.

11 *~~0208/2.10~~* **SECTION 1125.** 46.278 (3) (b) of the statutes is amended to read:

12 46.278 (3) (b) ~~Fund~~ Except as provided in subs. (4g) and (6) (bm), fund home
13 or community-based services provided by any county that meet the requirements of
14 this section.

15 *~~0208/2.11~~* **SECTION 1126.** 46.278 (4g) of the statutes is created to read:

16 46.278 (4g) **RELOCATION OF NURSING HOME RESIDENTS.** (a) In a county that is
17 participating in the program, for each nursing home resident who has applied for
18 participation and has been found eligible under sub. (5), but is not participating in
19 the program and who indicates that he or she prefers to receive services in the
20 community, rather than in the nursing home, the participating county department
21 shall initiate a needs and costs-based assessment before the resident has resided in
22 the nursing home for 90 continuous days or before the cost of the resident’s nursing
23 home care has been paid under Medical Assistance for 30 days, whichever is longer.
24 The county department shall complete the needs and costs-based assessment within
25 90 days after initiating the assessment.

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1 (b) After completion of the needs and costs-based assessment, the county
2 department shall contact the department regarding available funding.

3 (c) If the department determines that costs for home or community-based
4 services for the nursing home resident, as determined under the needs and
5 costs-based assessment, are equal to or less than the amount specified under sub.
6 (6) (bm) 1., the county department shall offer and, if accepted, provide home or
7 community-based services under this section to the nursing home resident, if the
8 cost of the resident's nursing home care has been paid under Medical Assistance for
9 at least 30 days.

10 (d) If the department determines that costs for home or community-based
11 services for the nursing home resident, as determined under the needs and
12 costs-based assessment, exceed the amount specified under sub. (6) (bm) 1., the
13 department may ascertain whether additional funding, as specified under sub. (6)
14 (bm) 2., is available. If additional funding is available and if the cost of the resident's
15 nursing home care has been paid under Medical Assistance for at least 30 days, the
16 county department shall offer and, if accepted, provide home or community-based
17 services under this section to the nursing home resident.

18 ***-0208/2.12* SECTION 1127.** 46.278 (6) (am) of the statutes is created to read:
19 46.278 (6) (am) From the appropriation under s. 20.435 (4) (w), the department
20 may provide reimbursement to a county for administrative activities by the county
21 to relocate a nursing home resident under sub. (4g).

22 ***-0208/2.13* SECTION 1128.** 46.278 (6) (b) of the statutes is amended to read:
23 46.278 (6) (b) Total Except as provided in subs. (4g) and (6) (bm), total funding
24 to counties for relocating each person under a program may not exceed the amount
25 approved in the waiver received under sub. (3).

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SECTION 1129

1 ***-0208/2.14*** SECTION 1129. 46.278 (6) (bm) of the statutes is created to read:

2 46.278 (6) (bm) 1. Funding to a county for an individual who is relocated from
3 a nursing home under sub. (4g) shall be no more than the per-person, per-day
4 payment rate at the individual's level-of-care requirement for the nursing home
5 under s. 49.45 (6m), indexed annually by the percentage of any annual nursing home
6 average rate increase under s. 49.45 (6m), minus the amount that is obtained by
7 subtracting the average annual costs for allowable charges under s. 49.46 (2) (a) and
8 (b) payable on behalf of individuals in nursing homes from the average annual costs
9 for the allowable charges payable on behalf of individuals who are relocated into
10 communities from nursing homes.

11 2. Notwithstanding the limitation on payment to a county under subd. 1.,
12 funding to a county for an individual who is relocated from a nursing home under
13 sub. (4g) may include, in addition to the amount specified in subd. 1., an amount not
14 to exceed the sum obtained by subtracting the total of all payments made for home
15 or community-based services for nursing home residents relocated under sub. (4g)
16 (c) from the amount available under subd. 1.

17 3. If a county department fails to complete a needs and costs-based assessment
18 and offer home or community-based services under this section to a nursing home
19 resident within the time period specified in sub. (4g) (a), the county shall pay the
20 nonfederal share of Medical Assistance for his or her nursing home care unless the
21 nursing home resident refused participation or the needs and costs-based
22 assessment determined that participation was not feasible.

23 4. Funding to a county is available under subd. 1. or 2. only during the period
24 in which a relocated individual continues to receive home or community-based care.

25 ***-1755/3.7*** SECTION 1130. 46.278 (6) (d) of the statutes is amended to read:

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SECTION 1130

1 46.278 (6) (d) If a county makes available nonfederal funds equal to the state
2 share of service costs under a waiver received under sub. (3), the department may,
3 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services
4 that the county provides under this section to persons who are in addition to those
5 who may be served under this section with funds from the appropriation under s.
6 20.435 (4) (b), (r), or (w).

7 *~~0208/2.15~~* SECTION 1131. 46.278 (6) (f) of the statutes is repealed.

8 *~~0209/2.1~~* SECTION 1132. 46.279 of the statutes is created to read:

9 **46.279 Restrictions on placements and admissions to intermediate**
10 **and nursing facilities. (1) DEFINITIONS.** In this section:

11 (a) “Developmental disability” has the meaning given in s. 51.01 (5) (a).

12 (b) “Intermediate facility” means an intermediate care facility for the mentally
13 retarded, as defined in 42 USC 1396d (d), other than a center for the developmentally
14 disabled, as defined in s. 51.01 (3).

15 (c) “Nursing facility” has the meaning given under 42 USC 1369r (a).

16 **(2) PLACEMENTS AND ADMISSIONS TO INTERMEDIATE FACILITIES.** Except as provided
17 in sub. (5), no person may place an individual with a developmental disability in an
18 intermediate facility and no intermediate facility may admit such an individual
19 unless, before the placement or admission, a court under s. 55.06 (9) (a) or (10) (a)
20 2. finds that placement under a plan that was developed under sub. (4) is not in the
21 individual’s best interests. An intermediate facility to which an individual who has
22 a developmental disability applies for admission shall, within 5 days after receiving
23 the application, notify the county department that is participating in the program
24 under s. 46.278 of the county of residence of the individual who is seeking admission
25 concerning the application.

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1 **(3) PLACEMENTS AND ADMISSIONS TO NURSING FACILITIES.** Except as provided in
2 sub. (5), if the department or an entity determines from a screening under s. 49.45
3 (6c) (b) that an individual requires active treatment for developmental disability, no
4 individual may be placed in a nursing facility, and no nursing facility may admit the
5 individual, unless it is determined from the screening that the individual's need for
6 care cannot fully be met in an intermediate facility or under a plan under sub. (4).

7 **(4) PLAN FOR HOME OR COMMUNITY-BASED CARE.** A county department that
8 participates in the program under s. 46.278 shall develop a plan for providing home
9 or community-based care to an individual in a noninstitutional community setting
10 under any of the following circumstances:

11 (a) Within 90 days after any determination made under s. 49.45 (6c) (c) 3. that
12 the level of care required by a resident that is provided by a facility could be provided
13 in an intermediate facility or under a plan under this subsection.

14 (b) Within 90 days after receiving written notice under sub. (2) of an
15 application.

16 (c) Within 90 days after a proposal is made under s. 55.06 (9) (a) to place the
17 individual in an intermediate facility or a nursing facility.

18 (d) Within 90 days after receiving written notice under s. 55.06 (10) (a) 2. of the
19 placement of the individual in a nursing facility or an intermediate facility.

20 (e) Within 60 days after extension of a temporary placement order by the court
21 under s. 55.06 (11) (c).

22 **(5) EXCEPTIONS.** Subsections (2) and (3) do not apply to an emergency placement
23 under s. 55.06 (11) (a) or to a temporary placement under s. 55.06 (11) (c) or (12).

24 ***-1610/2.1*** **SECTION 1133.** 46.2805 (2) of the statutes is amended to read:

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SECTION 1133

1 46.2805 (2) “Eligible person” means a person who meets all eligibility criteria
2 under s. 46.286 (1) ~~or (1m)~~.

3 ***-1760/2.4*** SECTION 1134. 46.283 (5) of the statutes is amended to read:

4 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),
5 (bm), (gp), (pa), (r), and (w) and (7) (b), (bd), and (md), the department may contract
6 with organizations that meet standards under sub. (3) for performance of the duties
7 under sub. (4) and shall distribute funds for services provided by resource centers.

 ****NOTE: This is reconciled s. 46.283 (5). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

8 ***-1760/2.5*** SECTION 1135. 46.284 (5) (a) of the statutes is amended to read:

9 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), (gp),
10 (im), (o), (r), and (w) and (7) (b) and (bd), the department shall provide funding on a
11 capitated payment basis for the provision of services under this section.
12 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is
13 under contract with the department may expend the funds, consistent with this
14 section, including providing payment, on a capitated basis, to providers of services
15 under the family care benefit.

 ****NOTE: This is reconciled s. 46.284 (5) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

16 ***-1610/2.2*** SECTION 1136. 46.286 (1) (intro.) of the statutes is amended to
17 read:

18 46.286 (1) ELIGIBILITY. (intro.) ~~Except as provided in sub. (1m), a~~ A person is
19 eligible for, but not necessarily entitled to, the family care benefit if the person is at
20 least 18 years of age; has a physical disability, as defined in s. 15.197 (4) (a) 2., a
21 developmental disability, as defined in s. 51.01 (5) (a), or infirmities of aging, as
22 defined in s. 55.01 (3); and meets all of the following criteria:

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SECTION 1137

1 ***-1610/2.3*** SECTION 1137. 46.286 (1m) of the statutes is repealed.

2 ***-1610/2.4*** SECTION 1138. 46.286 (3) (a) (intro.) of the statutes is amended to
3 read:

4 46.286 (3) (a) (intro.) Subject to pars. (c) and (d), a person is entitled to and may
5 receive the family care benefit through enrollment in a care management
6 organization if, ~~except as provided in subd. 5.,~~ he or she is at least 18 years of age,
7 has a physical disability, as defined in s. 15.197 (4) (a) 2., a developmental disability,
8 as defined in s. 51.01 (5) (a), or infirmities of aging, as defined in s. 55.01 (3), is
9 financially eligible, fulfills any applicable cost-sharing requirements and meets any
10 of the following criteria:

11 ***-1610/2.5*** SECTION 1139. 46.286 (3) (a) 5. of the statutes is repealed.

12 ***-0093/P2.1*** SECTION 1140. 46.286 (3) (d) of the statutes is amended to read:

13 46.286 (3) (d) The department shall determine the date, which shall not be later
14 than January 1, 2004 2006, on which par. (a) shall first apply to persons who are not
15 eligible for medical assistance under ch. 49. Before the date determined by the
16 department, persons who are not eligible for medical assistance may receive the
17 family care benefit within the limits of state funds appropriated for this purpose and
18 available federal funds.

19 ***-1610/2.6*** SECTION 1141. 46.287 (2) (a) 1. a. of the statutes is amended to
20 read:

21 46.287 (2) (a) 1. a. Denial of eligibility under s. 46.286 (1) ~~or (1m)~~.

22 ***-0576/8.62*** SECTION 1142. 46.29 (3) (d) of the statutes is amended to read:

23 46.29 (3) (d) The secretary of ~~employment relations~~ administration.

24 ***-0202/P1.2*** SECTION 1143. 46.295 (1) of the statutes is amended to read:

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SECTION 1143

1 46.295 (1) The department may, on the request of any hearing-impaired
2 person, city, village, town, or county or private agency, provide funds from the
3 appropriation under s. 20.435 (6) (a) ~~and (hs)~~ and (7) (d) to reimburse interpreters
4 for hearing-impaired persons for the provision of interpreter services.

5 *~~0116/2.2~~* SECTION 1144. 46.40 (1) (d) of the statutes is created to read:

6 46.40 (1) (d) If the department receives any federal moneys under 42 USC 1396
7 to 1396v in reimbursement of the cost of preventing out-of-home placements of
8 children, the department shall use those moneys as the first source of moneys used
9 to meet the amount of the allocation under sub. (2) that is budgeted from federal
10 funds.

11 *~~0117/2.1~~* SECTION 1145. 46.40 (2) of the statutes is amended to read:

12 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under
13 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not
14 more than ~~\$244,745,200 for fiscal year 2001-02 and \$244,703,400 for fiscal year~~
15 2002-03 \$242,078,700 in each fiscal year.

16 *~~0117/2.2~~* SECTION 1146. 46.40 (7) of the statutes is amended to read:

17 46.40 (7) FAMILY SUPPORT ALLOCATION. For family support programs for the
18 families of disabled children under s. 46.985, the department shall distribute ~~not~~
19 ~~more than \$4,589,800 in fiscal year 2001-02 and not more than \$5,089,800 in fiscal~~
20 year 2002-03 and in each fiscal year thereafter.

21 *~~0115/1.2~~* SECTION 1147. 46.45 (2) (a) of the statutes is amended to read:

22 46.45 (2) (a) If Subject to par. (am), if on December 31 of any year there remains
23 unspent or unencumbered in the allocation under s. 46.40 (2) an amount that exceeds
24 the amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in
25 that year, the department shall carry forward the excess moneys and distribute not

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1 less than 50% of the excess moneys to counties having a population of less than
2 500,000 that are making a good faith effort, as determined by the department, to
3 comply with s. 46.22 (1) (c) 8. f. for services and projects to assist children and
4 families, notwithstanding the percentage limit specified in sub. (3) (a). A county
5 shall use not less than 50% of the moneys distributed to the county under this
6 subsection for services for children who are at risk of abuse or neglect to prevent the
7 need for child abuse and neglect intervention services, except that in the calendar
8 year in which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2
9 calendar years after that calendar year the county may use 100% of the moneys
10 distributed under this paragraph to reimburse the department for the costs of
11 achieving that compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before
12 July 1, 2005, the department may recover any amounts distributed to that county
13 under this paragraph after June 30, 2001, by billing the county or deducting from
14 that county's allocation under s. 46.40 (2). All moneys received by the department
15 under this paragraph shall be credited to the appropriation account under s. 20.435
16 (3) (j).

17 ***-0115/1.3* SECTION 1148.** 46.45 (2) (am) of the statutes is created to read:

18 46.45 (2) (am) If on December 31 of any year a county is not using the
19 centralized unit contracted for under s. 46.03 (7) (h) for determining whether the cost
20 of providing care for a child is eligible for reimbursement under 42 USC 670 to 679a,
21 the department shall reduce that county's distribution under par. (a) by 50%.

22 ***-0205/1.1* SECTION 1149.** 46.45 (3) (a) of the statutes is amended to read:

23 46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal
24 governing body, or private nonprofit organization, the department shall carry
25 forward up to 3% of the total amount allocated to the county, tribal governing body,

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SECTION 1149

1 or nonprofit organization for a calendar year, not including the amount allocated to
2 the county under s. 46.40 (7), which amount may be carried forward as provided in
3 par. (c). All funds carried forward for a tribal governing body or nonprofit
4 organization, all federal child welfare funds under 42 USC 620 to 626, and all funds
5 allocated under s. 46.40 (2m) carried forward for a county shall be used for the
6 purpose for which the funds were originally allocated. ~~Except as provided under par.~~
7 ~~(am), other~~ Other funds carried forward under this paragraph may be used for any
8 purpose under s. 20.435 (7) (b), except that a county may not use any funds carried
9 forward under this paragraph for administrative or staff costs. An allocation of
10 carried-forward funding under this paragraph does not affect a county's base
11 allocations under s. 46.40 (2), (2m), (8), and (9).

12 *~~0205/1.2~~* SECTION 1150. 46.45 (3) (am) of the statutes is repealed.

13 *~~0205/1.3~~* SECTION 1151. 46.45 (3) (c) of the statutes is created to read:

14 46.45 (3) (c) At the request of a county, the department shall carry forward up
15 to 5% of the amount allocated to the county under s. 46.40 (7) for a calendar year.
16 All funds carried forward under this paragraph shall be used for the purpose for
17 which the funds were originally allocated, except that a county may not use any of
18 those funds for administrative or staff costs. All funds carried forward under this
19 paragraph that are not spent or encumbered by a county December 31 of the calendar
20 year to which those funds were carried forward shall lapse to the general fund on the
21 succeeding January 1. An allocation of carried-forward funding under this
22 paragraph does not affect a county's base allocation under s. 46.40 (7).

23 *~~0205/1.4~~* SECTION 1152. 46.45 (6) of the statutes is renumbered 46.45 (6) (a)
24 and amended to read:

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1 46.45 (6) (a) The department may carry forward 10% of any funds specified in
2 sub. (3) (a) that are not carried forward under sub. (3) (a) for emergencies, for
3 justifiable unit services costs above planned levels, and to provide compensation for
4 increased costs due to population shifts. An allocation of carried-forward funding
5 under this paragraph does not affect a county's base allocations under s. 46.40 (2),
6 (2m), (8), and (9).

7 ***-0205/1.5*** SECTION 1153. 46.45 (6) (b) of the statutes is created to read:

8 46.45 (6) (b) The department may carry forward any funds specified in sub. (3)
9 (c) that are not carried forward under sub. (3) (c) for emergencies, for justifiable unit
10 services costs above planned levels, and for increased costs due to population shifts.
11 An allocation of carried-forward funding under this paragraph does not affect a
12 county's base allocation under s. 46.40 (7).

13 ***-0195/2.1*** SECTION 1154. 46.46 (1) of the statutes is amended to read:

14 46.46 (1) From the appropriation account under s. 20.435 (8) (mb), the
15 department shall support costs that are exclusively related to the operational costs
16 of augmenting the amount of moneys received under 42 USC 670 to 679a, 42 USC
17 1395 to 1395ddd, and 42 USC 1396 to 1396v and shall distribute moneys to counties
18 as provided in sub. (1g). In addition, the department may expend moneys from the
19 appropriation account under s. 20.435 (8) (mb) as provided in ~~sub.~~ subs. (1m) and (2).

20 ***-0195/2.2*** SECTION 1155. 46.46 (1g) of the statutes is created to read:

21 46.46 (1g) The department shall distribute not less than 50% of the moneys
22 received under 42 USC 1396 to 1396v as a result of the augmentation activities
23 specified in sub. (1) and credited to the appropriation account under s. 20.435 (8) (mb)
24 to counties that are participating in those activities for community social, mental
25 health, developmental disabilities, and alcohol and other drug abuse services under

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SECTION 1155

1 s. 46.40. The department may distribute any moneys received under 42 USC 1396
2 to 1396v as a result of the augmentation activities specified in sub. (1) and credited
3 to the appropriation account under s. 20.435 (8) (mb) that are not distributed under
4 this subsection to counties that are participating in those activities as provided in
5 sub. (2).

6 ***-0195/2.3* SECTION 1156.** 46.46 (1m) of the statutes is amended to read:

7 46.46 (1m) ~~In addition to expending moneys from the appropriation account~~
8 ~~under s. 20.435 (8) (mb) for the augmentation activities specified in sub. (1) the~~ The
9 department may expend moneys received under 42 USC 1396 to 1396v in
10 reimbursement of the cost of providing targeted case management services to
11 children whose care is not eligible for reimbursement under 42 USC 670 to 679a and
12 credited to the appropriation account under s. 20.435 (8) (mb) to support the counties'
13 share of implementing the statewide automated child welfare information system
14 under s. 46.22 (1) (c) 8. f.

15 ***-0195/2.4* SECTION 1157.** 46.46 (2) of the statutes is amended to read:

16 46.46 (2) If the department proposes to use any moneys from the appropriation
17 account under s. 20.435 (8) (mb) for any purpose other than the ~~purpose~~ purposes
18 specified in sub. subs. (1), (1g), and (1m), the department shall submit a plan for the
19 proposed use of those moneys to the secretary of administration by September 1 of
20 the fiscal year after the fiscal year in which those moneys were received. If the
21 secretary of administration approves the plan, he or she shall submit the plan to the
22 joint committee on finance by October 1 of the fiscal year after the fiscal year in which
23 those moneys were received. If the cochairpersons of the committee do not notify the
24 secretary of administration within 14 working days after the date of submittal of the
25 plan that the committee has scheduled a meeting for the purpose of reviewing the

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1 plan, the department may implement the plan. If within 14 working days after the
2 date of the submittal by the secretary of administration the cochairpersons of the
3 committee notify him or her that the committee has scheduled a meeting for the
4 purpose of reviewing the plan, the department may implement the plan only with the
5 approval of the committee.

6 ***-1559/2.2* SECTION 1158.** 46.48 (6) (title) of the statutes is repealed.

7 ***-1559/2.3* SECTION 1159.** 46.48 (6) of the statutes is renumbered 16.964 (9)

8 (a) and amended to read:

9 16.964 (9) (a) ~~The department shall distribute~~ A grant in the amount of \$80,000
10 in each fiscal year to the ~~career youth development center~~ Career Youth
11 Development Center in the city of Milwaukee for the operation of a minority youth
12 substance abuse treatment program.

13 ***-1560/3.1* SECTION 1160.** 46.481 (2) (title) of the statutes is repealed.

14 ***-1560/3.2* SECTION 1161.** 46.481 (2) of the statutes is renumbered 16.964 (9)

15 (b) and amended to read:

16 16.964 (9) (b) ~~The department shall award~~ A grant in the amount of \$5,000 in
17 each fiscal year ~~as a grant~~ to the Milwaukee police athletic league Police Athletic
18 League to purchase sports and recreational equipment for a gymnasium facility
19 located at 2449 N. 36th Street in the city of Milwaukee and for a gymnasium facility
20 located at 2544 N. 30th Street in the city of Milwaukee, and to contribute to the
21 operating expenses of those gymnasium facilities.

22 ***-1561/3.1* SECTION 1162.** 46.481 (4) (title) of the statutes is repealed.

23 ***-1561/3.2* SECTION 1163.** 46.481 (4) of the statutes is renumbered 16.964 (9)

24 (c) and amended to read:

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SECTION 1163

1 16.964 (9) (c) ~~The department shall distribute~~ A grant in the amount of \$50,000
2 in each fiscal year ~~as grants~~ to court-appointed special advocate programs that are
3 recognized by a chief judge of a judicial administrative district under s. 48.07 (5) to
4 perform advocacy services in proceedings under s. 48.13.

5 *~~1562/3.1~~* SECTION 1164. 46.481 (6) (title) of the statutes is repealed.

6 *~~1562/3.2~~* SECTION 1165. 46.481 (6) of the statutes is renumbered 16.964 (9)
7 (d) and amended to read:

8 16.964 (9) (d) ~~The department shall distribute~~ A grant in the amount of \$50,000
9 in each fiscal year to the ~~children's safe house child care program~~ Children's Safe
10 House Child Care Program in Kenosha County for the operation of that program.

11 *~~1760/2.6~~* SECTION 1166. 46.485 (2g) (intro.) of the statutes is amended to
12 read:

13 46.485 (2g) (intro.) From the appropriation accounts under s. 20.435 (4) (b) and
14 (gp), the department may in each fiscal year transfer funds to the appropriation
15 under s. 20.435 (7) (kb) for distribution under this section and from the appropriation
16 under s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in
17 each fiscal year to applying counties in this state that meet all of the following
18 requirements, as determined by the department:

19 *~~0200/1.2~~* SECTION 1167. 46.485 (2g) (b) of the statutes is renumbered 46.485
20 (2g) (b) 1.

21 *~~0200/1.1~~* SECTION 1168. 46.485 (2g) (b) (intro.) of the statutes is created to
22 read:

23 46.485 (2g) (b) (intro.) Any of the following applies to the county:

24 *~~0200/1.3~~* SECTION 1169. 46.485 (2g) (b) 2. of the statutes is created to read:

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SECTION 1169

1 46.485 (2g) (b) 2. The county provides service coordination, as defined in s.
2 46.56 (1) (L), on behalf of a child with a serious emotional disturbance and the child's
3 family in the county.

4 *~~0200/1.4~~* SECTION 1170. 46.485 (3g) of the statutes is amended to read:

5 46.485 (3g) The amount that the department may transfer under sub. (2g) for
6 a ~~county~~ counties may not exceed the estimated state share of payments under s.
7 49.45, 49.46 or 49.47 for mental health care and treatment that is provided in
8 inpatient facilities for children with a ~~severe emotional disturbance who reside in the~~
9 county severe emotional disturbances.

10 *~~0200/1.5~~* SECTION 1171. 46.485 (3r) of the statutes is amended to read:

11 46.485 (3r) Funds ~~that a county does not encumber~~ from the appropriation
12 under s. 20.435 (7) (kb) that the department does not distribute to a county before
13 24 months after June 30 of the fiscal year in which the department allocated the
14 funds were distributed to the county under sub. (2g) lapse to the appropriation under
15 s. 20.435 (4) (b). A county may at any time expend funds that the department
16 distributes to the county, consistent with the requirements under sub. (3m).

17 *~~1507/1.1~~* SECTION 1172. 46.85 (1) of the statutes is amended to read:

18 46.85 (1) The department may establish and operate a ~~senior companion~~
19 ~~program~~ Senior Companion Program modeled after the federal ~~senior companion~~
20 ~~program~~ Senior Companion Program under 42 USC 5011 (b), in effect on April 30,
21 1980. If operated, the program shall engage the services of low-income persons aged
22 60 or over to provide supportive person-to-person assistance in health, education,
23 recreation, welfare and related fields to persons aged 60 or over with special needs
24 who reside in their own homes, and it may engage other persons aged 60 or older,
25 regardless of income, as volunteers in similar activities. ~~The department may also~~

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SECTION 1172

1 ~~establish and operate a retired senior volunteers program modeled after the federal~~
2 ~~retired senior volunteers program under 42 USC 5001, in effect on April 30, 1980 to~~
3 ~~provide voluntary services in a community. If operated, the program shall engage~~
4 ~~persons aged 60 or over as volunteers.~~

5 *–1507/1.2* SECTION 1173. 46.85 (3) of the statutes is repealed.

6 *–1507/1.3* SECTION 1174. 46.85 (3m) (a) of the statutes is amended to read:

7 46.85 (3m) (a) From the appropriation under s. 20.435 (7) (dh), the department
8 shall provide a state supplement to federally funded ~~senior companion and retired~~
9 ~~senior volunteer program~~ Senior Companion Program units that were in operation
10 on December 1, 1988, and administered by qualified public and non-profit private
11 agencies.

12 *–1507/1.4* SECTION 1175. 46.85 (3m) (b) 1. of the statutes is amended to read:

13 46.85 (3m) (b) 1. Federally and nonfederally funded ~~senior companion and~~
14 ~~retired senior volunteer programs~~ senior companion programs.

15 *–1295/2.15* SECTION 1176. 46.90 (4) (b) 2. a. of the statutes is repealed.

16 *–1295/2.16* SECTION 1177. 46.90 (4) (b) 2. b. of the statutes is amended to
17 read:

18 46.90 (4) (b) 2. b. Any employee ~~of an employer not described in subd. 2. a.~~ who
19 is discharged or otherwise discriminated against may file a complaint with the
20 department of workforce development under s. 106.54 (5).

21 *–1295/2.17* SECTION 1178. 46.90 (4) (b) 2. c. of the statutes is amended to
22 read:

23 46.90 (4) (b) 2. c. Any person not described in ~~this~~ subd. 2. a. ~~or~~ b. who is
24 retaliated or discriminated against in violation of subd. 1. may commence an action
25 in circuit court for damages incurred as a result of the violation.

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SECTION 1179

1 *~~1607/P3.6~~* SECTION 1179. 46.93 of the statutes is repealed.

2 *~~0529/4.96~~* SECTION 1180. 46.973 (3) of the statutes is amended to read:

3 46.973 (3) The department may accept, receive, administer, and expend any
4 money, material, or other gifts or grants of any description for purposes related to
5 those set forth in this section. Moneys and grants received under this section shall
6 be deposited with the ~~state treasurer~~ secretary of administration and shall be
7 credited to the department under s. 20.435 (2) (i) and expended by the department
8 or the state council on alcohol and other drug abuse for the purposes specified.

9 *~~1752/3.7~~* SECTION 1181. 46.99 (2) (a) (intro.) of the statutes is amended to
10 read:

11 46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), ~~(km)~~ and
12 (nL), the department shall distribute \$2,125,200 in each fiscal year to applying
13 nonprofit corporations and public agencies operating in a county having a population
14 of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments
15 under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county
16 having a population of 500,000 or more to provide programs to accomplish all of the
17 following:

18 *~~1752/3.8~~* SECTION 1182. 46.995 (1m) of the statutes is amended to read:

19 46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS. ~~From the appropriation~~
20 ~~account under s. 20.435 (3) (km), the department may allocate \$195,000 in each fiscal~~
21 ~~year and, from the appropriation account under s. 20.435 (3) (eg), the department~~
22 ~~may allocate \$15,000~~ \$210,000 in each fiscal year to provide the grants specified in
23 subs. (2), (3) (b), and (4m) (b).

24 *~~1607/P3.7~~* SECTION 1183. 46.997 (2) (b) of the statutes is amended to read:

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1 46.997 (2) (b) The department of health and family services shall award the
2 grants under par. (a) on a competitive basis and according to request-for-proposal
3 procedures that the department of health and family services shall prescribe in
4 consultation with the department of workforce development, ~~the adolescent~~
5 ~~pregnancy prevention and pregnancy services board~~, local health departments, as
6 defined in s. 250.01 (4), and other providers of services to eligible persons. Those
7 request-for-proposal procedures shall include a requirement that a private agency
8 that applies for a grant under par. (a) include in its grant application proof that the
9 private agency has the cultural competency to provide services under the grant to
10 persons and families in the various cultures in the private agency's target population
11 and that cultural competency is incorporated in the private agency's policies,
12 administration, and practices. In awarding the grants under par. (a), the
13 department of health and family services shall consider the need for those grants to
14 be distributed both on a statewide basis and in the areas of the state with the greatest
15 need for 2nd-chance homes and the need to provide placements for children who are
16 voluntarily placed in a 2nd-chance home as well as for children who are placed in
17 a 2nd-chance home by court order.

18 *~~1759/2.9~~* SECTION 1184. 47.02 (6) (a) of the statutes is amended to read:

19 47.02 (6) (a) From the appropriation under s. 20.445 (5) ~~(bm)~~ (a), provide
20 financial aid to any person with a disability who is receiving vocational
21 rehabilitation training and who has no other source of aid.

22 *~~1759/2.10~~* SECTION 1185. 47.03 (4) (b) of the statutes is amended to read:

23 47.03 (4) (b) The department may charge a portion of the expenses of its
24 supervised business enterprise program to the net proceeds of each business
25 operating under the program. The department shall establish the procedure for

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1 setting these charges by rule, with the participation of a committee of blind vendors
2 established under 20 USC 107b-1. The department shall deposit the moneys from
3 the charges made under this paragraph in the ~~appropriations~~ appropriation
4 accounts under ~~ss. 20.435 (7) (kd) and s. 20.445 (5) (h) and (he).~~

5 ***-1759/2.11* SECTION 1186.** 47.03 (7) of the statutes is amended to read:

6 47.03 (7) If the department decides that a business under sub. (4) would not
7 be feasible and profitable in any state building, the department may contract with
8 vending machine operators to install vending machines in the building, giving
9 preference to blind operators of vending machines. The department may, under the
10 procedures established as required under sub. (4) (b), charge the net proceeds of each
11 business operating under this subsection. The department shall deposit the moneys
12 from the charges made under this subsection in the ~~appropriations~~ appropriation
13 account under s. 20.445 (5) (h) ~~and (hd)~~ and shall disburse the proceeds to provide
14 services to blind persons under sub. (4) in accordance with 20 USC 107 to 107f.

15 ***-1759/2.12* SECTION 1187.** 47.03 (11) (e) of the statutes is amended to read:

16 47.03 (11) (e) The department shall distribute at least \$218,600 from the
17 appropriations in s. 20.445 (5) ~~(bm)~~ (a) and ~~(na)~~ (n) in each fiscal year for homecraft
18 services relating to the marketing and distribution of homecraft products for each
19 client who participates in the homecraft program.

20 ***-0529/4.97* SECTION 1188.** 48.275 (2) (d) of the statutes is amended to read:

21 48.275 (2) (d) 1. In a county having a population of less than 500,000,
22 reimbursement payments shall be made to the clerk of courts of the county where the
23 proceedings took place. Each payment shall be transmitted to the county treasurer,
24 who shall deposit 25% of the amount paid for state-provided counsel in the county
25 treasury and transmit the remainder to the ~~state treasurer~~ secretary of

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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 1189.** 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 1190.** 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 1191.** 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 1192.** 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 1193.** 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

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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 1194.** 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 1195.** 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 1196.** 49.141 (1) (mc) of the statutes is created to read:

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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 1197. 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 1198. 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 1199. 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 1200. 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 1201. 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 1202. 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.

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1 ***-1256/5.14*** SECTION 1203. 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 1204. 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 1205. 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 1206. 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 1207. 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

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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 1208.** 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 1209.** 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

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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 1210. 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 1211. 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 1212.** 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 1213.** 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 1214.** 49.1465 of the statutes is created to read:

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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 1215.** 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 1216.** 49.147 (1) of the statutes is repealed.

18 *~~1256/5.28~~* **SECTION 1217.** 49.147 (1m) of the statutes is repealed.

19 *~~1256/5.29~~* **SECTION 1218.** 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

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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 1219.** 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 1220.** 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

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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.

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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).

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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

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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

SENATE BILL

SECTION 1220

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 1221.** 49.147 (4) (a) of the statutes is amended to read:

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SECTION 1221

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 1222. 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.

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SECTION 1223

1 *~~1256/5.34~~* SECTION 1223. 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 1224. 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.

SENATE BILL

SECTION 1225

1 *~~0229/2.2~~* SECTION 1225. 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 1226. 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 1227. 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 1228. 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