



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/31/2007 (Per: PJK)



Appendix A

 The 2007 drafting file for LRB 07-1187
has been copied/added to the 2007 drafting file for

LRB 07-0484

 The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.

2007 DRAFTING REQUEST

Bill

Received: **12/19/2006**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Harshner**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Harshner, BB0252 -

Topic:

Extended eligibility for W-2 for custodial parent of infant

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 12/19/2006	jdye 12/20/2006		_____			State
/1			rschlue 12/20/2006	_____	sbasford 12/20/2006		State
/2	pkahler 01/23/2007	jdye 01/23/2007	rschlue 01/23/2007	_____	sbasford 01/23/2007		

FE Sent For:

<END>

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/?	pkahler 12/19/2006	jdyer 12/20/2006					State
/1		12/23 jld	rschluet 12/20/2006		sbasford 12/20/2006		

FE Sent For:

12/23
 END
 NN

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/?	pkahler	1/12/20 jcd					

Handwritten notes and signatures: "1/12/20 jcd" and a large signature. A stamp with the word "END" is visible at the bottom of the signature.

FE Sent For:

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Extended eligibility for W-2 for custodial parent of an infant
- Tracking Code: BB0252
- SBO team: Education
- SBO analyst: Sam Harshner
 - Phone: 266-8219
 - Email: Samuel.Harshner@wisconsin.gov
- Agency acronym: DWD
- Agency number: 445
- Priority (Low, Medium, High): Medium

NOTES:

Included is a draft of the legislation from last biennium. The provision would extend the eligibility for W-2 benefits under s. 49.145(1m)(a) from 12 weeks to 26 weeks.

LRB-0333



State of Wisconsin
2005-2006 LEGISLATURE
2007-2008

1187/1
LRB-033311
PJK/ajf
Keep

DOA

~~DOA:..... PJK/ajf, BR0172 - Extend eligibility for W-2 for custodial parent of an infant~~

~~FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION~~

(in 12-20)

D-note

LPS -
check
auto refs

LPS - PWF
please

do not
gen cat

1 AN ACT *do not gen cat*; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES ✓

WISCONSIN WORKS ✓

✓ Under current law, a person who meets the eligibility requirements for the Wisconsin Works (W-2) program and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to work in a W-2 employment position. Current law also provides generally that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits only if the child was born more than ten months after the date on which the individual was first determined to be eligible for W-2. ✓

This bill changes the eligibility requirement by increasing the maximum age of the child so that the custodial parent of a child who is 26 weeks old or less may receive the monthly grant. Only if the child is 12 weeks old or less, however, may the custodial parent not be required to work in a W-2 employment position. The bill also provides that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits regardless of when the child was born in relation to when the individual was first determined to be eligible for W-2. ✓

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

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

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

2 49.148 (1m) (a) ~~A~~ An individual who meets the eligibility requirements under
3 s. 49.145 (2) and (3) and who is a custodial parent of a child who is 12 ~~26~~ weeks old
4 or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may
5 receive a monthly grant of \$673 unless another adult member of the custodial
6 parent's Wisconsin works Works group is participating in, or is eligible to participate
7 in, a Wisconsin works Works employment position or is employed in unsubsidized
8 employment, as defined in s. 49.147 (1) (c).

9 ~~(am)~~ A Wisconsin works Works agency may not require a participant under this
10 subsection who is a custodial parent of a child who is 12 weeks old or less to
11 participate in any Wisconsin Works employment positions. ~~Receipt of a grant under~~
12 ~~this subsection does not constitute participation in a Wisconsin works employment~~
13 ~~position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b),~~
14 ~~or (5) (b) 2. if the child is born to the participant not more than 10 months after the~~
15 ~~date that the participant was first determined to be eligible for assistance under s.~~
16 ~~49.19 or for a Wisconsin works employment position.~~

17 SECTION 2. 49.148 (1m) (b) of the statutes is amended to read:

18 49.148 (1m) (b) Receipt of a grant under this subsection constitutes
19 participation in a Wisconsin works Works employment position for purposes of the
20 time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b), or (5) (b) 2. ~~if the child~~
21 ~~is born to the participant more than 10 months after the date that the participant~~

1 was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin
2 works employment position unless the child was conceived as a result of a sexual
3 assault in violation of s. 940.225 (1), (2), or (3) in which the mother did not indicate
4 a freely given agreement to have sexual intercourse or of incest in violation of s.
5 944.06 or 948.06 and that incest or sexual assault has been reported to a physician
6 and to law enforcement authorities.

7

SECTION 9354. Initial applicability; workforce development.

8

(1) GRANTS FOR CUSTODIAL PARENT OF INFANT UNDER WISCONSIN WORKS.

9

10

(a) Eligibility. The treatment of section 49.148 (1m) (a) (with respect to
eligibility for a grant) of the statutes first applies to individuals who are determined,
on the effective date of this paragraph, to be eligible for the Wisconsin Works
program under sections 49.141 to 49.161 of the statutes and to be custodial parents
of children who are 26 weeks old or less.

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(b) Constituting participation in employment position. The treatment of
section 49.148 (1m) (a) (with respect to receipt of grants not constituting
participation in a Wisconsin Works employment position) and (b) of the statutes first
applies to grants received under section 49.148 (1m) of the statutes on the effective
date of this paragraph.

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SECTION 9454. Effective dates; workforce development.

20

(1) ELIGIBILITY OF CUSTODIAL PARENT FOR WISCONSIN WORKS BENEFITS. The

21

treatment of section 49.148 (1m) (a) and (b) of the statutes and SECTION 9354 (1) of

22

this act take effect on January 1, 2006 → 2008

23

(END)

D-note

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

LRB-1187/Edn
PJK:.....

date

Edn
PJK

Sam:

Since some changes were made to s. 940.225[✓] last session, I asked Cathlene Hanaman to review the cross-references to sexual assault and incest in s. 49.148 (1m) (b)[✓]. She noted that the statute refers to incest with an adult *or* a child but to sexual assault of an adult *only* and wondered why sexual assault of a child was not included. I think that, in s. 49.148 (1m) (b) as it is in current law, neither sexual assault nor incest with respect to a child should be included, since a person must be 18 years old to be eligible for W-2 and the statute relates to the birth of an infant more than 10[✓] months after the person was first determined to be eligible. However, since in this draft we remove the "more than 10 months" requirement from s. 49.148 (1m) (b), it is entirely possible for an infant to be born to a participant as a result of either sexual assault or incest that occurred while the participant was a minor. Would you like me to include sexual assault of a child in this draft (the statute already has incest with a child)? That would mean adding ss. 948.02 and 948.025[✓] to the criminal statutes already mentioned in s. 49.148 (1m) (b)[✓].

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

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

LRB-1187/1dn
PJK:jld:rs

December 20, 2006

Sam:

Since some changes were made to s. 940.225 last session, I asked Cathlene Hanaman to review the cross-references to sexual assault and incest in s. 49.148 (1m) (b). She noted that the statute refers to incest with an adult *or* a child but to sexual assault of an adult only and wondered why sexual assault of a child was not included. I think that, in s. 49.148 (1m) (b) as it is in current law, neither sexual assault nor incest with respect to a child should be included, since a person must be 18 years old to be eligible for W-2 and the statute relates to the birth of an infant more than 10 months after the person was first determined to be eligible. However, since in this draft we remove the "more than 10 months" requirement from s. 49.148 (1m) (b), it is entirely possible for an infant to be born to a participant as a result of either sexual assault or incest that occurred while the participant was a minor. Would you like me to include sexual assault of a child in this draft (the statute already has incest with a child)? That would mean adding ss. 948.02 and 948.025 to the criminal statutes already mentioned in s. 49.148 (1m) (b).

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

Kahler, Pam

From: Harshner, Samuel - DOA
Sent: Tuesday, January 23, 2007 12:02 PM
To: Kahler, Pam
Subject: FW: LRB Draft: 07-1187/1 Extended eligibility for W-2 for custodial parent of infant

Attachments: 07-11871.pdf; 07-11871dn.pdf

Pam,

1. I'd go ahead and prohibit the W-2 agencies from enrolling mothers in work activities until they reach 26 weeks.

49.148(1m)(am) would read then read like this:

(am) A Wisconsin works Works agency may not require a participant under this subsection who is a custodial parent of a child who is **26** weeks old or less to participate in any Wisconsin Works employment positions.

2. DWD would like the language on sexual assault of a minor included, and I will defer to their judgment on that one. I didn't understand your initial concern, but I get what you're talking about now.

That should be sufficient from our end.

Sam

From: Smith, Thomas K - DWD BUDGET [<mailto:Thomas.Smith@dwd.state.wi.us>]
Sent: Tuesday, January 23, 2007 11:24 AM
To: Harshner, Samuel - DOA
Subject: RE: LRB Draft: 07-1187/1 Extended eligibility for W-2 for custodial parent of infant

Sam:

Participation Requirements

You note that, under this draft, a CNI/CMC grant recipient would be exempt from W-2 participation requirements only for the first 12 weeks although the proposal would extend the possibility to receive a grant to 26 weeks. You asked our recollection of the last budget proposal.

This was, actually, the Governor's recommendation in 2005 AB 100. The larger question is whether there is a policy rationale for that. We don't have the background; perhaps it was thought appropriate for W-2 agencies to decide on a case-by-case basis. However, LFB did, in its issue paper on this (May 18, 2005 #854) highlight some logical inconsistencies with this: Discussion point #18 noted that, since no additional funding was provided for benefits, W-2 agencies might exercise the option of requiring participation from weeks 13-26 to more aggressively encourage return to the workforce for at least 50% of the recipients, in order to minimize benefit costs. Discussion point #19 noted this was inconsistent with the administration's assumption, for purposes of calculating child care savings, that 100% of CNI recipients would receive the grant the full 26 weeks. LFB offered an alternative of prohibiting W-2 agencies from requiring participation until the infant is 26 weeks old, for consistency with the administration's assumption.

If this same provision is retained, we are not quite as vulnerable on the assumptions as two years ago because we have assumed only 70% rather than 100% of the CNI recipients would receive the extended benefit the full 26 weeks. However, that is still significant enough that DOA and the Governor may wish to consider (and, if not, LFB will likely again raise) prohibiting W-2 agencies from requiring participation for the full 26 weeks, as a means of increasing the likelihood the assumption actually happens and maximizing child care savings. This would be a change from 2 years ago, but we think we have allowed adequate benefits funding by assuming 70% could get the CNI benefit the full 26 weeks, when the number that chose to return to unsubsidized employment (for regardless of, or for reasons other than, the structure of W-2) could be as high as 50%.

Time Limits

The current CMC program does not count receipt of the grant for 12 weeks against the lifetime limit (both federal and state) of 60 months of TANF. The bill, the same as 2005 AB 100, would change this so that receipt of this benefit, even in the first 12 weeks, would count. The policy rationale for this is also somewhat unclear, if in part the goal is to allow mothers to care for their own infants rather than use subsidized child care. LFB's paper last time had the alternative of not counting the benefit against time limits. A reasonable alternative could be to continue to not count the first 12 weeks.

Drafters' Note: Cross References to Sexual Assault of a Child

We agree with the drafter. While a person must be 18 to be eligible for W-2, the point Pam is making is that, with the potential to receive CMC/CNI grants for up to 26 weeks and the deletion, therefore, of the current-law requirement that the child have been born not more than 10 months after the participant was determined eligible, it is possible for a person to have been assaulted while not quite 18, give birth and qualify for the benefit. It seems inconsistent to say the grant counts as participation unless one is the victim of reported incest of an adult or child, or sexual assault of an adult, but not make the same exemption for sexual assault of a minor.

Tom

Thomas K. Smith

Director, Office of Policy and Budget
Department of Workforce Development
201 East Washington Ave.
P.O. Box 7946
Madison, Wisconsin 53707
Telephone: 608.266.7895
Fax: 608.267.7952
E-Mail: Thomas.Smith@dwd.state.wi.us

This message is intended only for the use of the Addressee and may contain information that is PRIVILEGED and CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please erase all copies of this message and its attachments and notify me immediately by telephone at 608.266.7895. Thank you.

From: Harshner, Samuel - DOA [<mailto:samuel.harshner@wisconsin.gov>]
Sent: Tuesday, January 02, 2007 2:59 PM
To: Smith, Thomas K - DWD BUDGET
Subject: FW: LRB Draft: 07-1187/1 Extended eligibility for W-2 for custodial parent of infant

Hey Tom,

I don't believe you have seen this draft yet. Let me know if you have any comments.

There is one element of this draft that concerns me however. The draft creates a situation in which only a person with a child 12 weeks or less can be exempt from the requirement to work in a W-2 employment position. I was under the impression that this exemption lasted the entire 26 weeks of the benefit period. What is your recollection of last year's proposal?

I'm not sure I understand the context of the drafter's notice, but I think they may have gotten confused. It doesn't appear necessary to me to add violations of either 948.02 or 948.025 to the exemptions in 49.148(1m)(b). Anyone on W-2 who is assaulted will have had their child prior to 10 months from the time they are deemed eligible for W-2. Maybe I'm missing their point, but I think they're a little off on this.

Let me know what kind of comments you have.

Sam

From: Schlueter, Ron [<mailto:Ron.Schlueter@legis.wisconsin.gov>]
Sent: Wednesday, December 20, 2006 1:57 PM



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1187/2

PJK:jld:rs

v m i r u n

DOA:.....Harshner, BB0252 - Extended eligibility for W-2 for custodial parent of infant

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

(inf-23)

do not get

1. AN ACT; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Under current law, a person who meets the eligibility requirements for the Wisconsin Works (W-2) program and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to work in a W-2 employment position. Current law also provides generally that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits only if the child was born more than ten months after the date on which the individual was first determined to be eligible for W-2.

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and may

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

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

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6 ~~parent's Wisconsin works Works group is participating in, or is eligible to participate~~
7 ~~in, a Wisconsin works Works employment position or is employed in unsubsidized~~
8 ~~employment, as defined in s. 49.147 (1) (c).~~

9 (am) A Wisconsin works Works agency may not require a participant under this
10 subsection who is a custodial parent of a child who is 12 weeks old or less to
11 participate in any Wisconsin Works employment positions. Receipt of a grant under
12 this subsection does not constitute participation in a Wisconsin works employment
13 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b),
14 or (5) (b) 2. if the child is born to the participant not more than 10 months after the
15 date that the participant was first determined to be eligible for assistance under s.
16 49.19 or for a Wisconsin works employment position.

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19 participation in a Wisconsin works Works employment position for purposes of the
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21 ~~is born to the participant more than 10 months after the date that the participant~~

Insert 2-16 ✓

1 ~~was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin~~
 2 ~~works employment position~~ unless the child was conceived as a result of a sexual
 3 assault in violation of s. 940.225 (1), (2), or (3) in which the mother did not indicate
 4 a freely given agreement to have sexual intercourse or of incest in violation of s.
 5 944.06 or 948.06 and that incest or sexual assault has been reported to a physician
 6 and to law enforcement authorities.

7

SECTION 9354. Initial applicability; Workforce development.

8 (1) GRANTS FOR CUSTODIAL PARENT OF INFANT UNDER WISCONSIN WORKS.
 9 (a) *Eligibility.* The treatment of section 49.148 (1m) (a) (with respect to
 10 eligibility for a grant) of the statutes first applies to individuals who are determined,
 11 on the effective date of this paragraph, to be eligible for the Wisconsin Works
 12 program under sections 49.141 to 49.161 of the statutes and to be custodial parents
 13 of children who are 26 weeks old or less.

14

(b) *Constituting participation in employment position.* The treatment of
 15 section 49.148 (1m) (a) (with respect to receipt of grants not constituting
 16 participation in a Wisconsin Works employment position) and (b) of the statutes first
 17 applies to grants received under section 49.148 (1m) of the statutes on the effective
 18 date of this paragraph.

19

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20 (1) ELIGIBILITY OF CUSTODIAL PARENT FOR WISCONSIN WORKS BENEFITS. The
 21 treatment of section 49.148 (1m) (a) and (b) of the statutes and SECTION 9354 (1) of
 22 this act take effect on January 1, 2008.

23

(END)

in violation of 49.148.02 or 948.025

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1187/2ins
PJK:jld:rs

INSERT 2-16

1 **SECTION 1.** 49.148 (1m) (a) [✓] of the statutes is amended to read:
2 49.148 (1m) (a) A custodial parent of a child who is ~~12~~ 26 [✓] weeks old or less [✓] and
3 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a
4 monthly grant of \$673 unless another adult member of the custodial parent's
5 Wisconsin works Works [✓] group is participating in, or is eligible to participate in, a
6 Wisconsin works Works [✓] employment position or is employed in unsubsidized
7 employment, as defined in s. 49.147 (1) (c). A Wisconsin works Works [✓] agency may
8 not require a participant under this subsection to participate in any employment
9 positions. ~~Receipt of a grant under this subsection does not constitute participation~~
10 ~~in a Wisconsin works employment position for purposes of the time limits under s.~~
11 ~~49.145 (2) (n) or 49.147 (3) (c), (4) (b) or (5) (b) 2. if the child is born to the participant~~
12 ~~not more than 10 months after the date that the participant was first determined to~~
13 ~~be eligible for assistance under s. 49.19 or for a Wisconsin works employment~~
14 ~~position.~~

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

(END OF INSERT 2-16)

DOA:.....Harshner, BB0252 – Extended eligibility for W-2 for custodial parent of infant

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

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12 ~~not more than 10 months after the date that the participant was first determined to~~
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14 ~~position.~~

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21 ~~works employment position unless the child was conceived as a result of a sexual~~

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3 948.025 or of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault
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8 eligibility for a grant) of the statutes first applies to individuals who are determined,
9 on the effective date of this paragraph, to be eligible for the Wisconsin Works
10 program under sections 49.141 to 49.161 of the statutes and to be custodial parents
11 of children who are 26 weeks old or less.

12 (b) *Constituting participation in employment position.* The treatment of
13 section 49.148 (1m) (a) (with respect to receipt of grants not constituting
14 participation in a Wisconsin Works employment position) and (b) of the statutes first
15 applies to grants received under section 49.148 (1m) of the statutes on the effective
16 date of this paragraph.

17 **SECTION 9454. Effective dates; Workforce Development.**

18 (1) ELIGIBILITY OF CUSTODIAL PARENT FOR WISCONSIN WORKS BENEFITS. The
19 treatment of section 49.148 (1m) (a) and (b) of the statutes and SECTION 9354 (1) of
20 this act take effect on January 1, 2008.

21

(END)