

2007 DRAFTING REQUEST

Bill

Received: **01/02/2007**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Pink**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - misc**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Pink, BB0281 -

Topic:

Transfer administration of FoodShare training program

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 01/03/2007	wjackson 01/05/2007		_____			S&L
/1			nmatzke 01/05/2007	_____	cduerst 01/05/2007		S&L
/2	pkahler 01/10/2007	wjackson 01/10/2007	rschluet 01/11/2007	_____	cduerst 01/11/2007		S&L
/3	pkahler 01/30/2007	wjackson 01/30/2007	rschluet 01/31/2007	_____	sbasford 01/31/2007		S&L
/4	pkahler 02/05/2007	wjackson 02/05/2007	rschluet 02/05/2007	_____	mbarman 02/05/2007		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/1			nmatzke 01/05/2007	_____	cdurst 01/05/2007		S&L
/2	pkahler 01/10/2007	wjackson 01/10/2007	rschlue 01/11/2007	_____	cdurst 01/11/2007		S&L
/3	pkahler 01/30/2007	wjackson 01/30/2007	rschlue 01/31/2007	_____	sbasford 01/31/2007		

FE Sent For:

14 WLJ 2/5

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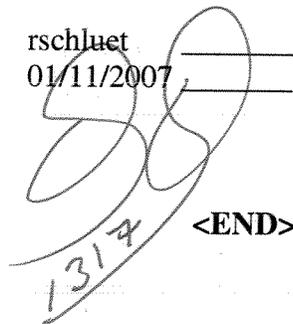
See Attached

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/?	pkahler 01/03/2007	wjackson 01/05/2007		_____			S&L
/1			nmatzke 01/05/2007	_____	cdurst 01/05/2007		S&L
/2	pkahler 01/10/2007	wjackson 01/10/2007	rschluet 01/11/2007	_____	cdurst 01/11/2007		

FE Sent For:

13 WLJ 1/30


1317 <END>

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Subject: Public Assistance - misc

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Pre Topic:

DOA:.....Pink, BB0281 -

Topic:

Transfer administration of FoodShare training program

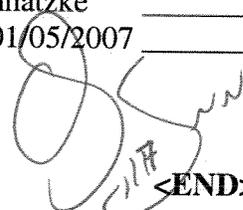
Instructions:

See Attached

Drafting History:

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/1		1/2 WJ 1/10	nmatzke 01/05/2007	_____	cduerst 01/05/2007		

FE Sent For:


<END>

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/?	pkahler 01/03/2007	lrb_editor 1/11/07	nwn 1/5	nwn 1/5			S&L

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Transfer Administration of the FoodShare Employment Training Program to DHFS
- Tracking Code: BB0281
- SBO team: Health
- SBO analyst: Michelle Pink
 - Phone: 267-7980
 - Email: michelle.pink@wisconsin.gov
- Agency acronym: DOA
- Agency number:

**FoodShare Employment Training Administration
2007-09 Budget Bill Statutory Language Drafting Request**

Current Language

Current language in s. 49.79(10) and s. 49.13(2)(a) requires the Department of Health and Family Services and the Department of Workforce Development to contract with each other to administer the employment and training program under s. 49.13.

Proposed Change

Currently, FoodShare employment training (FSET) services are delivered by the Wisconsin Works (W-2) network through the Department of Workforce Development (DWD) under the oversight of the Department of Health and Family Services (DHFS). This statutory change deletes requirements for DHFS to contract with DWD, transfers the day-to-day administration of FSET to DHFS under s. 49.79 and permits local agencies to choose whether to use the W-2 network or another provider to deliver services.

Effect of the Change

Consolidate oversight and state administration of the FSET program at the Department of Health and Family Services and delete language requiring FSET services to be delivered through the Wisconsin Works network.

Rationale for the Change

Streamlines state administration of the FSET program and reduces state FTE. Provides local agencies the flexibility to choose the most appropriate FSET service provider.

Desired Effective Date: Upon Passage
Agency: DOA
Agency Contact: Michelle Pink 267-7980



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1313/2
PJK:./:....
Wlj

DOA:.....Pink, BB0281 - Transfer administration of FoodShare training program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

D-note

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gen cat

1 AN ACT, relating to: the budget.

Analysis by the Legislative Reference Bureau

✓ HEALTH AND HUMAN SERVICES

✓ PUBLIC ASSISTANCE

Under current law, DHFS administers the provision of benefits under the federal food stamp program and contracts with DWD for DWD to administer an employment and training program for food stamp program recipients. Under this bill, DHFS must contract with county departments of social services and human services, and may contract with tribal governing bodies, to administer the employment and training program for food stamp program recipients. Under current law, DWD may subcontract with Wisconsin Works agencies to handle the actual program administration. Under the bill, county departments and tribal governing bodies may also subcontract with Wisconsin Works agencies or other providers.

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

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

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

2 20.445 (3) (kx) *Interagency and intra-agency programs.* All moneys received
3 from other state agencies and all moneys received by the department from the
4 department for the administration of programs and projects for which received,
5 including administration of the food stamp employment and training program under
6 s. 49.13, and for local assistance and aids to individuals and organizations relating
7 to economic support.

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109; 2003 a. 33, 197; 2005 a. 25, 86, 172; 2005 a. 443 s. 265.

8 **SECTION 2.** 49.13 (title) of the statutes is renumbered 49.79 (9) (title).

9 **SECTION 3.** 49.13 (1) of the statutes is repealed.

10 **SECTION 4.** 49.13 (2) (a) of the statutes is renumbered 49.79 (9) (a) 1. and
11 amended to read:

12 49.79 (9) (a) 1. The department shall contract under s. 49.78 with the
13 ~~department of health and family services as provided under s. 49.79 (10) county~~
14 departments under ss. 46.215, 46.22, and 46.23, and may contract under s. 49.78
15 with tribal governing bodies, to administer an employment and training program for
16 recipients under the food stamp program. The A county department or tribal
17 governing body may subcontract with a Wisconsin works Works agency or another
18 provider to administer the employment and training program under this subsection.
19 Except as provided in ~~pars. (b) and (bm)~~ subds. 2. and 3., the department may require
20 able individuals who are 18 to 60 years of age who are not participants in a Wisconsin
21 works Works employment position to participate in the employment and training
22 program under this subsection.

1 **SECTION 5.** 49.13 (2) (b) of the statutes is renumbered 49.79 (9) (a) 2. and
2 amended to read:

3 49.79 (9) (a) 2. The department may not require an individual who is a recipient
4 under the food stamp program and who is the caretaker of a child who is under the
5 age of 12 weeks to participate in any employment and training program under par.
6 (a) this subsection.

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

8 **SECTION 6.** 49.13 (2) (bm) of the statutes is renumbered 49.79 (9) (a) 3. and
9 amended to read:

10 49.79 (9) (a) 3. The department may not require an individual who is a recipient
11 under the food stamp program to participate in any employment and training
12 program under par. (a) this subsection if that individual is enrolled at least half time
13 in a school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of
14 higher education.

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

16 **SECTION 7.** 49.13 (2) (cm) of the statutes is renumbered 49.79 (9) (a) 4.

17 **SECTION 8.** 49.13 (2) (d) of the statutes is renumbered 49.79 (9) (a) 5. and
18 amended to read:

19 49.79 (9) (a) 5. A participant in an employment and training program under
20 this section subsection administered by the department is an employee of the
21 department for purposes of worker's compensation coverage, except to the extent
22 that the person for whom the participant is performing work provides worker's
23 compensation coverage. A participant in an employment and training program
24 under this section subsection administered by a Wisconsin works Works agency or
another provider is an employee of the Wisconsin works Works agency or other
provider for purposes of worker's compensation coverage, except to the extent that

1 the person for whom the participant is performing work provides worker's
2 compensation coverage.

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

SECTION 9. 49.13 (3) (intro.) of the statutes is renumbered 49.79 (9) (b) (intro.)

4 and amended to read:

5 49.79 (9) (b) (intro.) An individual who fails to comply with the work
6 requirements under sub. (2) par. (a) without good cause is ineligible to participate in
7 the food stamp program under s. 49.79 as follows:

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

SECTION 10. 49.13 (3) (a) of the statutes is renumbered 49.79 (9) (b) 1. and

9 amended to read:

10 49.79 (9) (b) 1. For the first occurrence of noncompliance, one month, or until
11 the person complies with the work requirements under sub. (2) par. (a), whichever
12 is later.

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

SECTION 11. 49.13 (3) (b) of the statutes is renumbered 49.79 (9) (b) 2. and

14 amended to read:

15 49.79 (9) (b) 2. For the 2nd occurrence of noncompliance, 3 months, or until the
16 person complies with the work requirements under sub. (2) par. (a), whichever is
17 later.

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

SECTION 12. 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and

19 amended to read:

20 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
21 months, or until the person complies with the work requirements under sub. (2) par.
22 (a), whichever is later.

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

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

1 49.155 (1m) (a) 3m. Participate in a job search or work experience component
2 of the food stamp employment and training program under s. ~~49.13~~ 49.79 (9).

3 **History:** 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165.

3 **SECTION 14.** 49.79 (1) (g) of the statutes is created to read:

4 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
5 in s. 49.141 (1) (r).

6 **SECTION 15.** 49.79 (2) (b) of the statutes is amended to read:

7 49.79 (2) (b) An individual who fails to comply with the work requirements of
8 the employment and training program under s. ~~49.13 (2) (a)~~ sub. (9) is ineligible to
9 participate in the food stamp program as specified under s. ~~49.13 (3)~~ sub. (9) (b).

10 **Cross Reference:** Cross Reference: Cross Reference: See also ch. HFS 252, Wis. adm. code. **Cross Reference:**
11 **History:** 2001 a. 16 ss. 1656sy to 1656jk, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265.

11 **SECTION 16.** 49.79 (10) of the statutes is repealed.

12 **SECTION 17.** 102.29 (8r) of the statutes is amended to read:

13 102.29 (8r) No participant in a food stamp employment and training program
14 under s. ~~49.13~~ 49.79 (9) who, under s. ~~49.13 (2) (d)~~ 49.79 (9) (a) 5., is provided worker's
15 compensation coverage by the department of health and family services or by a
16 Wisconsin works Works agency, as defined in s. 49.001 (9), or other provider and who
17 makes a claim for compensation under this chapter may make a claim or maintain
18 an action in tort against the employer who provided the employment and training
19 from which the claim arose.

20 **History:** 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 13.93 (2) (c).

(END)

J-note

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

LRB-1313/dn

PJK.../....
WJ

Michelle:

Do you want any of the appropriations in s. 20.435 (4) to specifically include administration of the employment and training program?

Do you want to specify, as I have done in this draft, that DHS contracts with county departments and tribal governing bodies under s. 49.78 for administration of the employment and training program?

Do you want the worker's compensation provisions in s. 49.79 (9) (a) 5. to read as they do?

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-1313/1dn
PJK:wlj:nwn

January 5, 2007

Michelle:

Do you want any of the appropriations in s. 20.435 (4) to specifically include administration of the employment and training program?

Do you want to specify, as I have done in this draft, that DHFS contracts with county departments and tribal governing bodies under s. 49.78 for administration of the employment and training program?

Do you want the worker's compensation provisions in s. 49.79 (9) (a) 5. to read as they do?

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

Kahler, Pam

From: Pink, Michelle C - DOA
Sent: Tuesday, January 09, 2007 8:17 AM
To: Kahler, Pam
Subject: FW: FW: LRB Draft: 07-1313/1 Transfer administration of FoodShare training program

Pam,

Please see comments 1 and 2. I will send additional instructions on the issues raised in your drafter's note regarding the administration funding.

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

From: James Jones [mailto:jonesjd@dhfs.state.wi.us]
Sent: Monday, January 08, 2007 9:26 AM
To: Pink, Michelle C - DOA
Cc: McKenzie, Michael - DHFS; Simpson, Joanne - DHFS
Subject: Re: FW: LRB Draft: 07-1313/1 Transfer administration of FoodShare training program

Our comments:

1. WE don't want to say that we MUST contract with the IM agencies to do this, but rather that the Department may contract with IM agencies to do this.
2. Please revise section 17 of the draft, page 5 - lines 11 and 12 as follows: "compensation coverage by the department of health and family services or by a Wisconsin Works agency, as defined in s. 49.001(9), or any other provider under contract with the department of health and family services to administer the food stamp employment and training program and who..."

DRAFTER'S NOTE: Pam asks if we want any of the appropriations in s. 20.435(4) to specifically include administration of the employment and training program. The state money is currently in 414. So, if you're okay with allowing us to go with someone other than the counties and tribes, then we'll need flexibility for where that funding resides so that we can use it with counties and tribes or with other organizations.

>>> "Pink, Michelle C - DOA" <michelle.pink@wisconsin.gov> 01/05/07
10:57 AM >>>
Please review

From: Natzke, Noah [mailto:Noah.Natzke@legis.wisconsin.gov]
Sent: Friday, January 05, 2007 10:52 AM
To: Pink, Michelle C - DOA
Cc: Johnston, James - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA
Subject: LRB Draft: 07-1313/1 Transfer administration of FoodShare training program

Following is the PDF version of draft 07-1313/1.

Kahler, Pam

From: Kahler, Pam
Sent: Wednesday, January 10, 2007 2:37 PM
To: Simpson, Joanne - DHFS
Cc: Pink, Michelle C - DOA
Subject: RE: LRB Draft: 07-1313/1 Transfer administration of FoodShare training program

Joanne:

As we just discussed by phone, if I specifically add the FSET program to s. 20.435 (4) (bn), payment for administering that program could come out of that appropriation and go to the counties or to any other entity that ends up administering it.

Pam

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

From: Simpson, Joanne - DHFS
Sent: Wednesday, January 10, 2007 12:53 PM
To: Kahler, Pam
Cc: Jones, James D - DHFS; McKenzie, Michael - DHFS; Pink, Michelle C - DOA
Subject: RE: LRB Draft: 07-1313/1 Transfer administration of FoodShare training program

Hi Pam. The funding is all currently in 20.435 (4) (bn). If we decide to administer it ourselves, how would we get the funding moved to (4) (a). Or if we decide to administer it through a different contract, how would we get it moved to (bm)? Is there something in the statutory language in Ch 49 that I am missing?

Thanks.
- Joanne

* * * * *

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* * * * *

Joanne T. Simpson
Deputy Director
Bureau of Eligibility Management
DHCF, DHFS
608-261-8358
simpsj@dhfs.state.wi.us

>>> "Kahler, Pam" <Pam.Kahler@legis.wisconsin.gov> 01/10/07 10:24 AM
>>>

Joanne:

Since you want flexibility in how to administer FSET, and since it is part of the food stamp program under s. 49.79, you probably do not need any changes to the appropriations. Section 20.435 (4) (bm) pays for administrative contract costs for the food stamp program (whether DHFS or a different party administers FSET) and s. 20.435 (4) (bn) pays the county department for administration of the food stamp program (if DHFS contracts with the counties to do it). Section 20.435 (4) (a) also provides for general program operations, which could cover administering FSET if done by DHFS. So I think nothing needs to be changed in the DHFS appropriations, do you agree?

Pam

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

From: Simpson, Joanne - DHFS
Sent: Tuesday, January 09, 2007 3:56 PM
To: Kahler, Pam
Cc: Jones, James D - DHFS; McKenzie, Michael - DHFS; Megna, Richard - DHFS; Nelson,

Kirstin B - DHFS; [wisconsin.gov];michelle.pink
Subject: Re: LRB Draft: 07-1313/1 Transfer administration of FoodShare training program

Hi Pam,

Michelle Pink asked me to send a note to you about LRB Draft 07-1313/1. I believe Michelle has already mentioned to you that we would like the flexibility to administer the program through the counties and tribes, or through some other manner depending upon what is determined most efficient. Thus, we asked for the language in the draft to be changed to say that we MAY contract with counties and tribes, not we MUST. To go along with this, we would also need some flexibility in 20.435(4)(bn) to allow us to use the FSET funds other than to reimburse counties or tribal agencies, depending upon how it is decided the program should best be administered. Therefore, we suggest that the language of ch. 20.435(4)(bn) should be modified to allow this flexibility for the FoodShare Employment and Training Program. If you would like to discuss this, or need additional information, please feel free to contact me.
Thanks.

- Joanne S.

* * * * *

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* * * * *

Joanne T. Simpson
Deputy Director
Bureau of Eligibility Management
DHCF, DHFS
608-261-8358
simpsj@dhfs.state.wi.us



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1313/8

PJK:wjl:rwj

stays r m is run

DOA:.....Pink, BB0281 - Transfer administration of FoodShare training program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

(1-10)

administration of the employment and training program for food stamp recipients is transferred to DHFS

do not contract

AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHFS administers the provision of benefits under the federal food stamp program and contracts with DWD for DWD to administer an employment and training program for food stamp program recipients. Under this bill, DHFS ~~must~~ ^{may} contract with county departments of social services and human services and ~~may~~ ^{may} contract with tribal governing bodies to administer the employment and training program for food stamp program recipients. Under current law, DWD may subcontract with Wisconsin Works agencies to handle the actual program administration. Under the bill, county departments and tribal governing bodies may also subcontract with Wisconsin Works agencies or other providers to administer the program.

DHFS may contract and

For further information see the *state and local* 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:

Insert 2-1 →

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

2 20.445 (3) (kx) *Interagency and intra-agency programs*. All moneys received
3 from other state agencies and all moneys received by the department from the
4 department for the administration of programs and projects for which received,
5 including administration of the food stamp employment and training program under
6 s. 49.13, and for local assistance and aids to individuals and organizations relating
7 to economic support.

8 SECTION 2. 49.13 (title) of the statutes is renumbered 49.79 (9) (title).

9 SECTION 3. 49.13 (1) of the statutes is repealed.

10 SECTION 4. 49.13 (2) (a) of the statutes is renumbered 49.79 (9) (a) 1. and
11 amended to read:

12 49.79 (9) (a) 1. The department shall contract under s. 49.78 with the
13 ~~department of health and family services as provided under s. 49.79 (10) county~~
14 ~~departments under ss. 46.215, 46.22, and 46.23, and may contract under s. 49.78~~
15 ~~with tribal governing bodies, to administer an employment and training program for~~
16 ~~recipients under the food stamp program. The A county department or tribal~~
17 ~~governing body may subcontract with a Wisconsin works Works agency or another~~
18 ~~provider to administer the employment and training program under this subsection.~~
19 Except as provided in pars. (b) and (bm) subds. 2. and 3., the department may require
20 able individuals who are 18 to 60 years of age who are not participants in a Wisconsin
21 works Works employment position to participate in the employment and training
22 program under this subsection.

Insert 2-2

23 SECTION 5. 49.13 (2) (b) of the statutes is renumbered 49.79 (9) (a) 2. and
24 amended to read:

1 49.79 (9) (a) 2. The department may not require an individual who is a recipient
2 under the food stamp program and who is the caretaker of a child who is under the
3 age of 12 weeks to participate in any employment and training program under par.
4 (a) this subsection.

5 **SECTION 6.** 49.13 (2) (bm) of the statutes is renumbered 49.79 (9) (a) 3. and
6 amended to read:

7 49.79 (9) (a) 3. The department may not require an individual who is a recipient
8 under the food stamp program to participate in any employment and training
9 program under par. (a) this subsection if that individual is enrolled at least half time
10 in a school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of
11 higher education.

12 **SECTION 7.** 49.13 (2) (cm) of the statutes is renumbered 49.79 (9) (a) 4.

13 **SECTION 8.** 49.13 (2) (d) of the statutes is renumbered 49.79 (9) (a) 5. and
14 amended to read:

15 49.79 (9) (a) 5. A participant in an employment and training program under
16 this section subsection administered by the department is an employee of the
17 department for purposes of worker's compensation coverage, except to the extent
18 that the person for whom the participant is performing work provides worker's
19 compensation coverage. A participant in an employment and training program
20 under this section subsection administered by a Wisconsin works Works agency or
21 another provider is an employee of the Wisconsin works Works agency or other
22 provider for purposes of worker's compensation coverage, except to the extent that
23 the person for whom the participant is performing work provides worker's
24 compensation coverage.

1 **SECTION 9.** 49.13 (3) (intro.) of the statutes is renumbered 49.79 (9) (b) (intro.)
2 and amended to read:

3 49.79 (9) (b) (intro.) An individual who fails to comply with the work
4 requirements under ~~sub. (2) par.~~ (a) without good cause is ineligible to participate in
5 the food stamp program under ~~s. 49.79~~ as follows:

6 **SECTION 10.** 49.13 (3) (a) of the statutes is renumbered 49.79 (9) (b) 1. and
7 amended to read:

8 49.79 (9) (b) 1. For the first occurrence of noncompliance, one month, or until
9 the person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever
10 is later.

11 **SECTION 11.** 49.13 (3) (b) of the statutes is renumbered 49.79 (9) (b) 2. and
12 amended to read:

13 49.79 (9) (b) 2. For the 2nd occurrence of noncompliance, 3 months, or until the
14 person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever is
15 later.

16 **SECTION 12.** 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and
17 amended to read:

18 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
19 months, or until the person complies with the work requirements under ~~sub. (2) par.~~
20 (a), whichever is later.

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

22 49.155 (1m) (a) 3m. Participate in a job search or work experience component
23 of the food stamp employment and training program under s. ~~49.13~~ 49.79 (9).

24 **SECTION 14.** 49.79 (1) (g) of the statutes is created to read:

1 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
2 in s. 49.141 (1) (r).

3 **SECTION 15.** 49.79 (2) (b) of the statutes is amended to read:

4 49.79 (2) (b) An individual who fails to comply with the work requirements of
5 the employment and training program under s. ~~49.13 (2) (a)~~ sub. (9) is ineligible to
6 participate in the food stamp program as specified under s. ~~49.13 (3)~~ sub. (9) (b).

7 **SECTION 16.** 49.79 (10) of the statutes is repealed.

8 **SECTION 17.** 102.29 (8r) of the statutes is amended to read:

9 102.29 (8r) No participant in a food stamp employment and training program
10 under s. ~~49.13~~ 49.79 (9) who, under s. ~~49.13 (2) (d)~~ 49.79 (9) (a) 5., is provided worker's
11 compensation coverage by the department of health and family services or by a
12 Wisconsin works Works agency, as defined in s. 49.001 (9), or other provider and who
13 makes a claim for compensation under this chapter may make a claim or maintain
14 an action in tort against the employer who provided the employment and training
15 from which the claim arose.

Insert 5-12

(END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1313/2ins
PJK:wlj:nwn

INSERT 2-1

1 SECTION ~~#~~ 20.435 (4) (bn) of the statutes is amended to read:
2 20.435 (4) (bn) *Income maintenance*. Biennially, the amounts in the schedule
3 for funeral expenses under s. 49.785, for administration of the food stamp
4 employment and training program under s. 49.79 (9), and for payments under s.
5 49.78 (8) relating to the administration of the Medical Assistance program, the
6 Badger Care health care program under s. 49.665, the food stamp program, and the
7 cemetery, funeral, and burial expenses program under s. 49.785.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434.

(END OF INSERT 2-1)

INSERT 2-22

8 49.79 (9) (a) 1. The department shall ~~contract with the department of health~~
9 ~~and family services as provided under s. 49.79 (10) to administer an employment and~~
10 ~~training program for recipients under the food stamp program and may contract~~
11 ~~under s. 49.78 with county departments under ss. 46.215, 46.22, and 46.23, and with~~
12 ~~tribal governing bodies to carry out the administrative functions.~~ The department
13 ~~may contract, or a county department or tribal governing body may subcontract, with~~
14 ~~a Wisconsin works Works agency or another provider to administer the employment~~
15 ~~and training program under this subsection. Except as provided in pars. (b) and (bm)~~
16 ~~subds. 2 and 3., the department may require able individuals who are 18 to 60 years~~

Ins 2-22 cont'd

1 of age who are not participants in a Wisconsin ~~works~~ Works employment position to
2 participate in the employment and training program under this subsection.

(END OF INSERT 2-22)

INSERT 5-12

3 under contract with the department of health and family services or a county
4 department under s. 46.215, 46.22, or 46.23 or tribal governing body to administer
5 the food stamp employment and training program

(END OF INSERT 5-12)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1313/3

PJK:wlj:rs

3
stays true is run

DOA:.....Pink, BB0281 - Transfer administration of FoodShare training program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

D-note
do not give cost

1 AN ACT *relating to:* the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHFS administers the provision of benefits under the federal food stamp program and contracts with DWD for DWD to administer an employment and training program for food stamp program recipients. Under this bill, administration of the employment and training program for food stamp recipients is transferred to DHFS. DHFS may contract with county departments of social services and human services and with tribal governing bodies to administer the program. Under current law, DWD may subcontract with Wisconsin Works agencies to handle the actual program administration. Under the bill, DHFS may contract, and county departments and tribal governing bodies may subcontract, with Wisconsin Works agencies or other providers to administer the program.

Insert A

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

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

1 **SECTION 1.** 20.435 (4) (bn) of the statutes is amended to read:

2 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
3 for funeral expenses under s. 49.785, for administration of the food stamp
4 employment and training program under s. 49.79 (9), and for payments under s.
5 49.78 (8) relating to the administration of the Medical Assistance program, the
6 Badger Care health care program under s. 49.665, the food stamp program, and the
7 cemetery, funeral, and burial expenses program under s. 49.785.

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

9 20.445 (3) (kx) *Interagency and intra-agency programs.* All moneys received
10 from other state agencies and all moneys received by the department from the
11 department for the administration of programs and projects for which received,
12 including administration of the food stamp employment and training program under
13 s. 49.13, and for local assistance and aids to individuals and organizations relating
14 to economic support.

15 **SECTION 3.** 49.13 (title) of the statutes is renumbered 49.79 (9) (title).

16 **SECTION 4.** 49.13 (1) of the statutes is repealed.

17 **SECTION 5.** 49.13 (2) (a) of the statutes is renumbered 49.79 (9) (a) 1. and
18 amended to read:

19 49.79 (9) (a) 1. The department shall ~~contract with the department of health~~
20 ~~and family services as provided under s. 49.79 (10) to administer an employment and~~
21 ~~training program for recipients under the food stamp program and may contract~~
22 under s. 49.78 with county departments under ss. 46.215, 46.22, and 46.23, and with
23 tribal governing bodies to carry out the administrative functions. The department
24 may contract, or a county department or tribal governing body may subcontract, with
25 a Wisconsin works Works agency or another provider to administer the employment

1 and training program under this subsection. Except as provided in ~~pars. (b) and (bm)~~
2 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
3 of age who are not participants in a Wisconsin works Works employment position to
4 participate in the employment and training program under this subsection.

5 **SECTION 6.** 49.13 (2) (b) of the statutes is renumbered 49.79 (9) (a) 2. and
6 amended to read:

7 49.79 (9) (a) 2. The department may not require an individual who is a recipient
8 under the food stamp program and who is the caretaker of a child who is under the
9 age of 12 weeks to participate in any employment and training program under ~~par.~~
10 (a) this subsection.

11 **SECTION 7.** 49.13 (2) (bm) of the statutes is renumbered 49.79 (9) (a) 3. and
12 amended to read:

13 49.79 (9) (a) 3. The department may not require an individual who is a recipient
14 under the food stamp program to participate in any employment and training
15 program under ~~par. (a)~~ this subsection if that individual is enrolled at least half time
16 in a school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of
17 higher education.

18 **SECTION 8.** 49.13 (2) (cm) of the statutes is renumbered 49.79 (9) (a) 4.

19 **SECTION 9.** 49.13 (2) (d) of the statutes is renumbered 49.79 (9) (a) 5. and
20 amended to read:

21 49.79 (9) (a) 5. A participant in an employment and training program under
22 this section subsection administered by the department is an employee of the
23 department for purposes of worker's compensation coverage, except to the extent
24 that the person for whom the participant is performing work provides worker's
25 compensation coverage. A participant in an employment and training program

1 under this section subsection administered by a Wisconsin works Works agency or
2 another provider is an employee of the Wisconsin works Works agency or other
3 provider for purposes of worker's compensation coverage, except to the extent that
4 the person for whom the participant is performing work provides worker's
5 compensation coverage.

6 **SECTION 10.** 49.13 (3) (intro.) of the statutes is renumbered 49.79 (9) (b) (intro.)
7 and amended to read:

8 49.79 (9) (b) (intro.) An individual who fails to comply with the work
9 requirements under ~~sub. (2)~~ par. (a) without good cause is ineligible to participate in
10 the food stamp program under ~~s. 49.79~~ as follows:

11 **SECTION 11.** 49.13 (3) (a) of the statutes is renumbered 49.79 (9) (b) 1. and
12 amended to read:

13 49.79 (9) (b) 1. For the first occurrence of noncompliance, one month, or until
14 the person complies with the work requirements under ~~sub. (2)~~ par. (a), whichever
15 is later.

16 **SECTION 12.** 49.13 (3) (b) of the statutes is renumbered 49.79 (9) (b) 2. and
17 amended to read:

18 49.79 (9) (b) 2. For the 2nd occurrence of noncompliance, 3 months, or until the
19 person complies with the work requirements under ~~sub. (2)~~ par. (a), whichever is
20 later.

21 **SECTION 13.** 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and
22 amended to read:

23 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
24 months, or until the person complies with the work requirements under ~~sub. (2)~~ par.
25 (a), whichever is later.

Insert 5-3

1 SECTION 14. 49.155 (1m) (a) 3m. of the statutes is amended to read:

2 49.155 (1m) (a) 3m. Participate in a job search or work experience component
3 of the food stamp employment and training program under s. ~~49.13~~ 49.79 (9).

4 SECTION 15. 49.79 (1) (g) of the statutes is created to read:

5 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
6 in s. 49.141 (1) (r).

7 SECTION 16. 49.79 (2) (b) of the statutes is amended to read:

8 ~~49.79 (2) (b) An individual who fails to comply with the work requirements of~~
9 ~~the employment and training program under s. ~~49.13~~ (2) (a) sub. (9) is ineligible to~~
10 ~~participate in the food stamp program as specified under s. ~~49.13~~ (3) sub. (9) (b).~~

11 SECTION 17. 49.79 (10) of the statutes is repealed.

12 SECTION 18. 102.29 (8r) of the statutes is amended to read:

13 102.29 (8r) No participant in a food stamp employment and training program
14 under s. ~~49.13~~ 49.79 (9) who, under s. ~~49.13~~ (2) (d) ~~49.79 (9) (a) 5.~~, is provided worker's
15 compensation coverage by the department of health and family services or by a
16 Wisconsin works Works agency, as defined in s. 49.001 (9), or other provider under
17 contract with the department of health and family services or a county department
18 under s. 46.215, 46.22, or 46.23 or tribal governing body to administer the food stamp
19 employment and training program and who makes a claim for compensation under
20 this chapter may make a claim or maintain an action in tort against the employer
21 who provided the employment and training from which the claim arose.

Insert 5-10

22 (END)

D-note

Barman, Mike

From: Hanaman, Cathlene
Sent: Tuesday, January 30, 2007 5:07 PM
To: Barman, Mike
Subject: FW: Recon.

From: Kahler, Pam
Sent: Tuesday, January 30, 2007 4:55 PM
To: Hanaman, Cathlene
Subject: Recon.

Cathlene:

I'm incorporating LRB-1312 into LRB-1313. LRB-1312 should come out of compile and its file should go into file for 1313.

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1312/1
PJK:jld:pg

DOA:.....Pink, BB0280 - Delete child support cooperation requirement in FoodShare

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Insert A
4 Under current law, an individual is ineligible for food stamps in any month in which the individual is not in compliance with various child support enforcement requirements, such as by refusing to cooperate with efforts to establish paternity with respect to a child or being delinquent in the payment of child support. This bill removes noncompliance with the child support enforcement requirements as a basis for ineligibility for food stamps.

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:

Insert 5-3
2 SECTION ~~1~~ 49.79 (1) (b) of the statutes is repealed.

3 SECTION ~~2~~ 49.79 (1) (d) of the statutes is repealed.

insert 5-3 cont'd

1 SECTION ~~4~~ 49.79 (1) (e) of the statutes is repealed.

(end of ins 5-3)

2 SECTION ~~4~~ 49.79 (2) (a) of the statutes is repealed.

3 SECTION ~~4~~ 49.79 (2) (b) of the statutes is renumbered 49.79 (2).

4 (END) *of ins 5-10*

insert 5-10

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

LRB-1313/3dn

PJK:wlj:rs

↑
stays

Michelle and Jim:

This draft reconciles LRB-1312/1 and LRB-1313/2 by incorporating LRB-1312 into LRB-1313. LRB-1313 should continue to appear in the compiled bill. LRB-1312 should be dropped from the compile.

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-1313/3dn
PJK:wlj:rs

January 31, 2007

Michelle and Jim:

This draft reconciles LRB-1312/1 and LRB-1313/2 by incorporating LRB-1312 into LRB-1313. LRB-1313 should continue to appear in the compiled bill. LRB-1312 should be dropped from the compile.

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

Kahler, Pam

From: Pink, Michelle C - DOA
Sent: Monday, February 05, 2007 1:23 PM
To: Kahler, Pam
Cc: Harshner, Samuel - DOA; Jones, James D - DHFS
Subject: Not requiring a custodial parent to work
Importance: High

Pam,

If you still have time to edit, can you please this change below?

From: James Jones [mailto:JONESJD@dhfs.state.wi.us]
Sent: Monday, February 05, 2007 12:01 PM
To: Pink, Michelle C - DOA
Cc: McKenzie, Michael - DHFS; Simpson, Joanne - DHFS
Subject: Re: FW: Not requiring a custodial parent to work

I thought that we were making the FSET program voluntary. If that's true, the time limits for when a custodial parent would need to participate are irrelevant. However, in the event, that FSET isn't made voluntary, I'd suggest that we make the W-2 and FSET requirements both 26 weeks, rather than the current 12 weeks.

>>> "Pink, Michelle C - DOA" <michelle.pink@wisconsin.gov> 2/5/2007 10:38 AM >>>

Hi Jim,

I need an immediate response on this. Do you have an opinion?

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Monday, February 05, 2007 10:27 AM
To: Harshner, Samuel - DOA; Pink, Michelle C - DOA
Subject: Not requiring a custodial parent to work

Sam and Michelle:

I was just going over the ch. 49 provisions and noticed something that you might want to change. In LRB-1187 (incorporated into LRB-0484) we are extending the time for which a custodial parent of a child may receive a grant under W-2 and may not be required to work from 12 weeks to 26 weeks. In LRB-1313 we transferred the administration of the work program part of the food stamp program from DWD to DHFS. In current law the food stamp work program is in s. 49.13. Look at s. 49.13 (2) (b) in current law. It mirrors W-2 in that a custodial parent of a child under the age of 12 weeks cannot be required to participate in the food stamp work program. Do you want me to change that to 26 weeks for the food stamp work program, too?

Pamela J. Kahler

Legislative Attorney

02/05/2007

Legislative Reference Bureau

608-266-2682



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1313/54

PJK:wlj:rs

stays nm is run

DOA:.....Pink, BB0281 - Transfer administration of FoodShare training program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

D-note

do not get cut

1 AN ACT; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHFS administers the provision of benefits under the federal food stamp program and contracts with DWD for DWD to administer an employment and training program for food stamp program recipients. Under this bill, administration of the employment and training program for food stamp recipients is transferred to DHFS. DHFS may contract with county departments of social services and human services and with tribal governing bodies to administer the program. Under current law, DWD may subcontract with Wisconsin Works agencies to handle the actual program administration. Under the bill, DHFS may contract, and county departments and tribal governing bodies may subcontract, with Wisconsin Works agencies or other providers to administer the program.

Under current law, an individual is ineligible for food stamps in any month in which the individual is not in compliance with various child support enforcement requirements, such as by refusing to cooperate with efforts to establish paternity with respect to a child or being delinquent in the payment of child support. This bill removes noncompliance with the child support enforcement requirements as a basis for ineligibility for food stamps.

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

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

1 **SECTION 1.** 20.435 (4) (bn) of the statutes is amended to read:

2 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
3 for funeral expenses under s. 49.785, for administration of the food stamp
4 employment and training program under s. 49.79 (9), and for payments under s.
5 49.78 (8) relating to the administration of the Medical Assistance program, the
6 Badger Care health care program under s. 49.665, the food stamp program, and the
7 cemetery, funeral, and burial expenses program under s. 49.785.

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

9 20.445 (3) (kx) *Interagency and intra-agency programs.* All moneys received
10 from other state agencies and all moneys received by the department from the
11 department for the administration of programs and projects for which received,
12 ~~including administration of the food stamp employment and training program under~~
13 ~~s. 49.13~~, and for local assistance and aids to individuals and organizations relating
14 to economic support.

15 **SECTION 3.** 49.13 (title) of the statutes is renumbered 49.79 (9) (title).

16 **SECTION 4.** 49.13 (1) of the statutes is repealed.

17 **SECTION 5.** 49.13 (2) (a) of the statutes is renumbered 49.79 (9) (a) 1. and
18 amended to read:

19 49.79 (9) (a) 1. The department shall ~~contract with the department of health~~
20 ~~and family services as provided under s. 49.79 (10)~~ to administer an employment and
21 training program for recipients under the food stamp program and may contract

1 under s. 49.78 with county departments under ss. 46.215, 46.22, and 46.23, and with
2 tribal governing bodies to carry out the administrative functions. The department
3 may contract, or a county department or tribal governing body may subcontract, with
4 a Wisconsin works Works agency or another provider to administer the employment
5 and training program under this subsection. Except as provided in pars. (b) and (bm)
6 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
7 of age who are not participants in a Wisconsin works Works employment position to
8 participate in the employment and training program under this subsection.

9 **SECTION 6.** 49.13 (2) (b) of the statutes is renumbered 49.79 (9) (a) 2. and
10 amended to read:

11 49.79 (9) (a) 2. The department may not require an individual who is a recipient
12 under the food stamp program and who is the caretaker of a child who is under the
13 age of 12 weeks to participate in any employment and training program under par.
14 (a) this subsection.

15 **SECTION 7.** 49.13 (2) (bm) of the statutes is renumbered 49.79 (9) (a) 3. and
16 amended to read:

17 49.79 (9) (a) 3. The department may not require an individual who is a recipient
18 under the food stamp program to participate in any employment and training
19 program under par. (a) this subsection if that individual is enrolled at least half time
20 in a school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of
21 higher education.

22 **SECTION 8.** 49.13 (2) (cm) of the statutes is renumbered 49.79 (9) (a) 4.

23 **SECTION 9.** 49.13 (2) (d) of the statutes is renumbered 49.79 (9) (a) 5. and
24 amended to read:

1 49.79 (9) (a) 5. A participant in an employment and training program under
2 this section subsection administered by the department is an employee of the
3 department for purposes of worker's compensation coverage, except to the extent
4 that the person for whom the participant is performing work provides worker's
5 compensation coverage. A participant in an employment and training program
6 under this section subsection administered by a Wisconsin ~~works~~ Works agency or
7 another provider is an employee of the Wisconsin ~~works~~ Works agency or other
8 provider for purposes of worker's compensation coverage, except to the extent that
9 the person for whom the participant is performing work provides worker's
10 compensation coverage.

11 **SECTION 10.** 49.13 (3) (intro.) of the statutes is renumbered 49.79 (9) (b) (intro.)
12 and amended to read:

13 49.79 (9) (b) (intro.) An individual who fails to comply with the work
14 requirements under ~~sub. (2) par.~~ (a) without good cause is ineligible to participate in
15 the food stamp program ~~under s. 49.79~~ as follows:

16 **SECTION 11.** 49.13 (3) (a) of the statutes is renumbered 49.79 (9) (b) 1. and
17 amended to read:

18 49.79 (9) (b) 1. For the first occurrence of noncompliance, one month, or until
19 the person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever
20 is later.

21 **SECTION 12.** 49.13 (3) (b) of the statutes is renumbered 49.79 (9) (b) 2. and
22 amended to read:

23 49.79 (9) (b) 2. For the 2nd occurrence of noncompliance, 3 months, or until the
24 person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever is
25 later.

1 SECTION 13. 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and
2 amended to read:

3 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
4 months, or until the person complies with the work requirements under sub. (2) par.
5 (a), whichever is later.

6 SECTION 14. 49.155 (1m) (a) 3m. of the statutes is amended to read:

7 49.155 (1m) (a) 3m. Participate in a job search or work experience component
8 of the food stamp employment and training program under s. 49.13 49.79 (9).

9 SECTION 15. 49.79 (1) (b) of the statutes is repealed.

10 SECTION 16. 49.79 (1) (d) of the statutes is repealed.

11 SECTION 17. 49.79 (1) (e) of the statutes is repealed.

12 SECTION 18. 49.79 (1) (g) of the statutes is created to read:

13 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
14 in s. 49.141 (1) (r).

15 SECTION 19. 49.79 (2) (a) of the statutes is repealed.

16 SECTION 20. 49.79 (2) (b) of the statutes is renumbered 49.79 (2).

17 SECTION 21. 49.79 (10) of the statutes is repealed.

18 SECTION 22. 102.29 (8r) of the statutes is amended to read:

19 102.29 (8r) No participant in a food stamp employment and training program
20 under s. 49.13 49.79 (9) who, under s. 49.13 (2) (d) 49.79 (9) (a) 5., is provided worker's
21 compensation coverage by the department of health and family services or by a
22 Wisconsin works Works agency, as defined in s. 49.001 (9), or other provider under
23 contract with the department of health and family services or a county department
24 under s. 46.215, 46.22, or 46.23 or tribal governing body to administer the food stamp
25 employment and training program and who makes a claim for compensation under

Insert 5-16

1 this chapter may make a claim or maintain an action in tort against the employer
2 who provided the employment and training from which the claim arose.

3 (END)

insert 6-2 ↓

D-note

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1313/4ins
PJK:wlj:rs

5-16
INSERT ~~3-14~~
A

1 **SECTION ~~1~~** 49.79 (9) (a) 2. of the statutes, as affected by 2007 Wisconsin Act
2 (this act), is amended to read:

3 49.79 (9) (a) 2. The department may not require an individual who is a recipient
4 under the food stamp program and who is the caretaker of a child under the age of
5 12 26 weeks to participate in any employment and training program under this
6 subsection.

***NOTE: This is reconciled s. 49.79 (9) (a) 2. This SECTION has been affected by
drafts with the following LRB numbers: -0484 and -1313.

(END OF INSERT ~~3-14~~) → 5-16


INSERT 6-2

7 **SECTION 9421. Effective dates; Health and Family Services.**
8 (1) CUSTODIAL PARENT IN FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM. The
9 amendment of section 49.79 (9) (a) 2. of the statutes takes effect on January 1, 2008.

***NOTE: This is reconciled SECTION 9421 (1). This SECTION has been affected by
drafts with the following LRB numbers: -0484 and -1313.

(END OF INSERT 6-2)

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

LRB-1313/4dn

PJK:wlj:rs

↑
Stays

Michelle:

This draft reconciles LRB-1313 with LRB-0484 (the part relating to eligibility of custodial parents under W-2). All of these drafts should continue to appear in the compiled bill.

If all of LRB-0484 or just the part relating to increasing the age of a child for eligibility of custodial parents under W-2 is removed from the budget bill, I will change the age of a child back to 12 weeks for purposes of requiring a custodial parent to participate in the food stamp employment and training program. I delayed the effective date for the change in this draft from 12 weeks to 26 weeks because it is delayed under W-2 in LRB-0484. I assume that, if the employment and training program is not voluntary and there is a custodial parent in the program on January 1, 2008, with a child over 12 weeks old but under 26 weeks old, that parent would not be required to continue participation in the program.

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-1313/4dn
PJK:wlj:rs

February 5, 2007

Michelle:

This draft reconciles LRB-1313 with LRB-0484 (the part relating to eligibility of custodial parents under W-2). All of these drafts should continue to appear in the compiled bill.

If all of LRB-0484 or just the part relating to increasing the age of a child for eligibility of custodial parents under W-2 is removed from the budget bill, I will change the age of a child back to 12 weeks for purposes of requiring a custodial parent to participate in the food stamp employment and training program. I delayed the effective date for the change in this draft from 12 weeks to 26 weeks because it is delayed under W-2 in LRB-0484. I assume that, if the employment and training program is not voluntary and there is a custodial parent in the program on January 1, 2008, with a child over 12 weeks old but under 26 weeks old, that parent would not be required to continue participation in the program.

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



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1313/4

PJK:wlj:rs

DOA:.....Pink, BB0281 - Transfer administration of FoodShare training program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHFS administers the provision of benefits under the federal food stamp program and contracts with DWD for DWD to administer an employment and training program for food stamp program recipients. Under this bill, administration of the employment and training program for food stamp recipients is transferred to DHFS. DHFS may contract with county departments of social services and human services and with tribal governing bodies to administer the program. Under current law, DWD may subcontract with Wisconsin Works agencies to handle the actual program administration. Under the bill, DHFS may contract, and county departments and tribal governing bodies may subcontract, with Wisconsin Works agencies or other providers to administer the program.

Under current law, an individual is ineligible for food stamps in any month in which the individual is not in compliance with various child support enforcement requirements, such as by refusing to cooperate with efforts to establish paternity with respect to a child or being delinquent in the payment of child support. This bill removes noncompliance with the child support enforcement requirements as a basis for ineligibility for food stamps.

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

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

1 **SECTION 1.** 20.435 (4) (bn) of the statutes is amended to read:

2 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
3 for funeral expenses under s. 49.785, for administration of the food stamp
4 employment and training program under s. 49.79 (9), and for payments under s.
5 49.78 (8) relating to the administration of the Medical Assistance program, the
6 Badger Care health care program under s. 49.665, the food stamp program, and the
7 cemetery, funeral, and burial expenses program under s. 49.785.

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

9 20.445 (3) (kx) *Interagency and intra-agency programs.* All moneys received
10 from other state agencies and all moneys received by the department from the
11 department for the administration of programs and projects for which received,
12 ~~including administration of the food stamp employment and training program under~~
13 ~~s. 49.13~~, and for local assistance and aids to individuals and organizations relating
14 to economic support.

15 **SECTION 3.** 49.13 (title) of the statutes is renumbered 49.79 (9) (title).

16 **SECTION 4.** 49.13 (1) of the statutes is repealed.

17 **SECTION 5.** 49.13 (2) (a) of the statutes is renumbered 49.79 (9) (a) 1. and
18 amended to read:

19 49.79 (9) (a) 1. The department shall ~~contract with the department of health~~
20 ~~and family services as provided under s. 49.79 (10)~~ to administer an employment and
21 training program for recipients under the food stamp program and may contract

1 under s. 49.78 with county departments under ss. 46.215, 46.22, and 46.23, and with
2 tribal governing bodies to carry out the administrative functions. The department
3 may contract, or a county department or tribal governing body may subcontract, with
4 a Wisconsin works Works agency or another provider to administer the employment
5 and training program under this subsection. Except as provided in pars. (b) and (bm)
6 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
7 of age who are not participants in a Wisconsin works Works employment position to
8 participate in the employment and training program under this subsection.

9 **SECTION 6.** 49.13 (2) (b) of the statutes is renumbered 49.79 (9) (a) 2. and
10 amended to read:

11 49.79 (9) (a) 2. The department may not require an individual who is a recipient
12 under the food stamp program and who is the caretaker of a child who is under the
13 age of 12 weeks to participate in any employment and training program under par.
14 (a) this subsection.

15 **SECTION 7.** 49.13 (2) (bm) of the statutes is renumbered 49.79 (9) (a) 3. and
16 amended to read:

17 49.79 (9) (a) 3. The department may not require an individual who is a recipient
18 under the food stamp program to participate in any employment and training
19 program under par. (a) this subsection if that individual is enrolled at least half time
20 in a school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of
21 higher education.

22 **SECTION 8.** 49.13 (2) (cm) of the statutes is renumbered 49.79 (9) (a) 4.

23 **SECTION 9.** 49.13 (2) (d) of the statutes is renumbered 49.79 (9) (a) 5. and
24 amended to read:

1 49.79 (9) (a) 5. A participant in an employment and training program under
2 this ~~section~~ subsection administered by the department is an employee of the
3 department for purposes of worker's compensation coverage, except to the extent
4 that the person for whom the participant is performing work provides worker's
5 compensation coverage. A participant in an employment and training program
6 under this ~~section~~ subsection administered by a Wisconsin ~~works~~ Works agency or
7 another provider is an employee of the Wisconsin ~~works~~ Works agency or other
8 provider for purposes of worker's compensation coverage, except to the extent that
9 the person for whom the participant is performing work provides worker's
10 compensation coverage.

11 **SECTION 10.** 49.13 (3) (intro.) of the statutes is renumbered 49.79 (9) (b) (intro.)
12 and amended to read:

13 49.79 (9) (b) (intro.) An individual who fails to comply with the work
14 requirements under ~~sub. (2) par.~~ (a) without good cause is ineligible to participate in
15 the food stamp program under ~~s. 49.79~~ as follows:

16 **SECTION 11.** 49.13 (3) (a) of the statutes is renumbered 49.79 (9) (b) 1. and
17 amended to read:

18 49.79 (9) (b) 1. For the first occurrence of noncompliance, one month, or until
19 the person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever
20 is later.

21 **SECTION 12.** 49.13 (3) (b) of the statutes is renumbered 49.79 (9) (b) 2. and
22 amended to read:

23 49.79 (9) (b) 2. For the 2nd occurrence of noncompliance, 3 months, or until the
24 person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever is
25 later.

1 **SECTION 13.** 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and
2 amended to read:

3 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
4 months, or until the person complies with the work requirements under sub. ~~(2)~~ par.
5 (a), whichever is later.

6 **SECTION 14.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

7 49.155 (1m) (a) 3m. Participate in a job search or work experience component
8 of the food stamp employment and training program under s. ~~49.13~~ 49.79 (9).

9 **SECTION 15.** 49.79 (1) (b) of the statutes is repealed.

10 **SECTION 16.** 49.79 (1) (d) of the statutes is repealed.

11 **SECTION 17.** 49.79 (1) (e) of the statutes is repealed.

12 **SECTION 18.** 49.79 (1) (g) of the statutes is created to read:

13 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
14 in s. 49.141 (1) (r).

15 **SECTION 19.** 49.79 (2) (a) of the statutes is repealed.

16 **SECTION 20.** 49.79 (2) (b) of the statutes is renumbered 49.79 (2).

17 **SECTION 21.** 49.79 (9) (a) 2. of the statutes, as affected by 2007 Wisconsin Act
18 (this act), is amended to read:

19 49.79 (9) (a) 2. The department may not require an individual who is a recipient
20 under the food stamp program and who is the caretaker of a child under the age of
21 ~~12~~ 26 weeks to participate in any employment and training program under this
22 subsection.

***NOTE: This is reconciled s. 49.79 (9) (a) 2. This SECTION has been affected by
drafts with the following LRB numbers: -0484 and -1313.

23 **SECTION 22.** 49.79 (10) of the statutes is repealed.

