

**2019 DRAFTING REQUEST**

**Bill**

For: **Administration-Budget 266-5468** Drafter: **ewheeler**  
 By: **Rice** Secondary Drafters:  
 Date: **12/19/2018** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email:  
 Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**  
**Elizabeth.Wheeler@legis.wisconsin.gov**  
**doasbostatlanguage@wisconsin.gov**

**Pre Topic:**

DOA:.....Rice, BB0153 -

**Topic:**

TANF allocations

**Instructions:**

Define allocation to mean the amount encumbered by the department by contract or benefit issuance.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 12/21/2018	aernstr 12/26/2018			
/P1	ewheeler 2/20/2019	aernstr 2/20/2019	mbarman 12/26/2018		
/P2			mbarman 2/20/2019		

FE Sent For: **<END>**

## **Wheeler, Elizabeth**

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**From:** Hanaman, Cathlene  
**Sent:** Wednesday, December 19, 2018 11:02 AM  
**To:** Shea, Elisabeth; Wheeler, Elizabeth  
**Cc:** Champagne, Rick  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

**From:** Rice, Olivia A - DOA <OliviaA.Rice@wisconsin.gov>  
**Sent:** Wednesday, December 19, 2018 11:01 AM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Cc:** Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Rice, Olivia A - DOA <OliviaA.Rice@wisconsin.gov>  
**Subject:** Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: 49.175 Allocation

Tracking Code: BB0153

SBO Team: GGCF

SBO Analyst: Rice, Olivia  
Phone: 608-266-5468  
E-mail: [oliviaA.Rice@wisconsin.gov](mailto:oliviaA.Rice@wisconsin.gov)

Agency Acronym: 437

Agency Number: 437

Priority: High

Intent:

Define allocation to mean the amount obligated by the department by contract or benefit issuance.

Attachments: False

Please send completed drafts to [SBOSatlanguage@spmail.enterprise.wistate.us](mailto:SBOSatlanguage@spmail.enterprise.wistate.us)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-11260  
EAW.....  
ahe

DOA:.....Rice, BB0153 - TANF allocations

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

In 12/21 (not hard deadline)  
Due 12/28 (can email EHS w/questions)

SA ✓

Nogen

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

Head  
HEALTH AND HUMAN SERVICES

**Analysis by the Legislative Reference Bureau**

Public ASSISTANCE  
Sub

Under current law, DCF is directed to allocate in each fiscal year specific amounts of money, including federal moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs. This bill specifies that "allocate" means to obligate an amount by contract or benefit issuance.

INS A

encumber

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

2 **SECTION 1.** 20.437 (2) (dz) of the statutes is amended to read:

3 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*  
4 *maintenance of effort.* The amounts in the schedule for administration and benefit  
5 payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program  
6 under s. 49.26, and the work experience program for noncustodial parents under s.  
7 49.36; for payments to local governments, organizations, tribal governing bodies,

**SECTION 1**

1 and Wisconsin Works agencies; for kinship care and long-term kinship care  
2 assistance as specified under s. 49.175 (1) (1m) (s); for aid payments and local  
3 administration with respect to any services or program specified under s. 49.175 (1)  
4 (1m); and for emergency assistance for families with needy children under s. 49.138.  
5 Payments may be made from this appropriation account for any contracts under s.  
6 49.845 (4) and for any fraud investigation and error reduction activities under s.  
7 49.197 (1m). Moneys appropriated under this paragraph may be used to match  
8 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002  
9 (1), the department may transfer funds between fiscal years under this paragraph.  
10 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
11 shall credit to this appropriation account funds for the purposes of this appropriation  
12 that the department transfers from the appropriation account under s. 20.435 (5)  
13 (bc). All funds allocated by the department but not encumbered by December 31 of  
14 each year lapse to the general fund on the next January 1 unless transferred to the  
15 next calendar year by the joint committee on finance.

**History:** 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; 2011 a. 32, 258; 2013 a. 20, 170, 334; 2015 a. 55 ss. 660, 662, 665, 720 to 723n, 811, 812; 2015 a. 128, 172; 2017 a. 59, 185, 260, 261; s. 35.17 correction in (1) (kz).

16 **SECTION 2.** 20.437 (2) (dz) of the statutes is amended to read:

17 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*  
18 *maintenance of effort.* The amounts in the schedule for administration and benefit  
19 payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program  
20 under s. 49.26, and the work experience program for noncustodial parents under s.  
21 49.36; for payments to local governments, organizations, tribal governing bodies,  
22 and Wisconsin Works agencies; for kinship care and long-term kinship care  
23 assistance as specified under s. 49.175 (1) (1m) (s); for aid payments and local

1 administration with respect to any services or program specified under s. 49.175 (1)  
2 (1m); and for emergency assistance for families with needy children under s. 49.138.  
3 Payments may be made from this appropriation account for any contracts under s.  
4 49.845 (4) and for any fraud investigation and error reduction activities under s.  
5 49.197 (1m). Moneys appropriated under this paragraph may be used to match  
6 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002  
7 (1), the department may transfer funds between fiscal years under this paragraph.  
8 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
9 shall credit to this appropriation account funds for the purposes of this appropriation  
10 that the department transfers from the appropriation account under s. 20.435 (5)  
11 (bc). All funds allocated by the department but not encumbered by December 31 of  
12 each year lapse to the general fund on the next January 1 unless transferred to the  
13 next calendar year by the joint committee on finance.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; 2011 a. 32, 258; 2013 a. 20, 170, 334; 2015 a. 55 ss. 660, 662, 665, 720 to 723n, 811, 812; 2015 a. 128, 172; 2017 a. 59, 185, 260, 261; s. 35.17 correction in (1) (kz).

14 **SECTION 3.** 20.437 (2) (me) of the statutes is amended to read:

15 20.437 (2) (me) *Child care and temporary assistance overpayment recovery.* All  
16 moneys received from the recovery of overpayments, and incorrect or disallowed  
17 payments, and voluntary repayments of federal Child Care and Development Fund  
18 block grant funds, of federal Temporary Assistance for Needy Families block grant  
19 funds, and of state moneys paid from other appropriations to meet  
20 maintenance-of-effort requirements under the federal Temporary Assistance for  
21 Needy Families block grant program under 42 USC 601 to 619 and the federal Child  
22 Care and Development Fund block grant program under 42 USC 9858 that the  
23 department elects to treat as federal revenue, for costs related to recovering the

SECTION 3

1 overpayments and incorrect or disallowed payments, for activities to reduce errors  
 2 under the Wisconsin Works program under ss. 49.141 to 49.161, and for any of the  
 3 purposes specified under s. 49.175 (1) (1m).

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; 2011 a. 32, 258; 2013 a. 20, 170, 334; 2015 a. 55 ss. 660, 662, 665, 720 to 723n, 811, 812; 2015 a. 128, 172; 2017 a. 59, 185, 260, 261; s. 35.17 correction in (1) (kz).

4 ~~X~~ SECTION 4. 20.437 (2) (s) of the statutes is amended to read:

5 20.437 (2) (s) *Economic support — public benefits.* From the utility public  
 6 benefits fund, the amounts in the schedule for the Wisconsin Works program under  
 7 subch. III of ch. 49 and for any of the purposes under s. 49.175 (1) (1m).

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; 2011 a. 32, 258; 2013 a. 20, 170, 334; 2015 a. 55 ss. 660, 662, 665, 720 to 723n, 811, 812; 2015 a. 128, 172; 2017 a. 59, 185, 260, 261; s. 35.17 correction in (1) (kz).

8 ~~X~~ SECTION 5. 20.505 (7) (kg) of the statutes is amended to read:

9 20.505 (7) (kg) *Housing program services.* All moneys received from other state  
 10 agencies for housing program services, including all moneys required under s. 49.175  
 11 (1) (1m) (f) to be credited to this appropriation account, for the purpose of providing  
 12 housing program services. Notwithstanding s. 20.001 (3) (c), at the end of each fiscal  
 13 year, any unencumbered balance in this appropriation account attributable to the  
 14 moneys credited under s. 49.175 (1) (1m) (f) shall revert to one or more of the  
 15 appropriation accounts specified in s. 49.175 (1) (1m) (intro.), as determined by the  
 16 secretary of administration.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226; 2009 a. 11, 28, 302, 318; 2011 a. 29, 32 ss. 406, 421m, 435m to 446m, 716m to 747c, 755, 759 to 766; 2011 a. 166, 260; 2013 a. 20 ss. 215, 216, 379m, 413s to 461; 2013 a. 41, 115, 165, 166, 173; 2015 a. 55 ss. 775 to 810, 815, 817 to 820; 2015 a. 118, 176; 2017 a. 58, 59, 74, 136, 142, 267, 366; s. 13.92 (1) (bm) 2., (2) (i).

17 ~~X~~ SECTION 6. 20.505 (7) (kg) of the statutes is amended to read:

18 20.505 (7) (kg) *Housing program services.* All moneys received from other state  
 19 agencies for housing program services, including all moneys required under s. 49.175

1 (~~1~~) (1m) (f) to be credited to this appropriation account, for the purpose of providing  
 2 housing program services. Notwithstanding s. 20.001 (3) (c), at the end of each fiscal  
 3 year, any unencumbered balance in this appropriation account attributable to the  
 4 moneys credited under s. 49.175 (~~1~~) (1m) (f) shall revert to one or more of the  
 5 appropriation accounts specified in s. 49.175 (~~1~~) (1m) (intro.), as determined by the  
 6 secretary of administration.

**History:** 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226; 2009 a. 11, 28, 302, 318; 2011 a. 29, 32 ss. 406, 421m, 435m to 446m, 716m to 747c, 755, 759 to 766; 2011 a. 166, 260; 2013 a. 20 ss. 215, 216, 379m, 413s to 461; 2013 a. 41, 115, 165, 166, 173; 2015 a. 55 ss. 775 to 810, 815, 817 to 820; 2015 a. 118, 176; 2017 a. 58, 59, 74, 136, 142, 267, 366; s. 13.92 (1) (bm) 2., (2) (i).

7 ✕ SECTION 7. 48.651 (2c) (intro.) of the statutes is amended to read:

8 48.651 (2c) (intro.) From the allocation under s. 49.175 (~~1~~) (1m) (p), the  
 9 department shall do all of the following:

**History:** 1983 a. 193; 1985 a. 176; 1995 a. 289, 404; 1997 a. 27, 35, 252; 1999 a. 9; 2001 a. 16; 2007 a. 20 ss. 1332 to 1335, 9121 (6) (a); 2009 a. 28, 76, 185; 2011 a. 258; 2013 a. 20; 2015 a. 172; 2017 a. 59 ss. 777 to 784, 850.

**Cross-reference:** See also ch. DCF 202, Wis. adm. code.

10 ✕ SECTION 8. 49.1635 (5) (a) (intro.) of the statutes is amended to read:

11 49.1635 (5) (a) (intro.) From the allocation under s. 49.175 (~~1~~) (1m) (j), the  
 12 department shall make a grant of \$500,000 in each fiscal year to Wisconsin Trust  
 13 Account Foundation, Inc., for distribution of annual awards of not more than \$75,000  
 14 per year per program to programs that provide legal services to persons who are  
 15 eligible under par. (b) 2. if all of the following apply:

**History:** 1999 a. 9; 2003 a. 33; 2007 a. 20; 2017 a. 59.

16 SECTION 9. 49.175 (1) of the statutes is renumbered 49.175 (1m).

17 ✕ SECTION 10. 49.175 (1) (z) of the statutes is amended to read:

18 49.175 (1) (z) *Grants to the Boys and Girls Clubs of America.* For grants to the  
 19 Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs that  
 20 improve social, academic, and employment skills of youth who are eligible to receive

1 temporary assistance for needy families under 42 USC 601 et seq., focusing on study  
 2 habits, intensive tutoring in math and English, and exposure to career options and  
 3 role models, \$1,275,000 in each fiscal year. Grants provided under this paragraph  
 4 may not be used by the grant recipient to replace funding for programs that are being  
 5 funded, when the grant proceeds are received, with moneys other than those from  
 6 the appropriations specified in sub. (1) (1m) (intro.). The total amount of the grants  
 7 includes funds for the Green Bay Boys and Girls Clubs for the BE GREAT: Graduate  
 8 program in the amount of matching funds that the program provides, up to \$75,000  
 9 in each fiscal year, to be used only for activities for which federal Temporary  
 10 Assistance for Needy Families block grant moneys may be used. The total amount  
 11 of the grants also includes funds to be equally distributed among the Milwaukee,  
 12 Oshkosh, and Appleton Boys and Girls Clubs for the BE GREAT: Graduate program  
 13 in the amount of matching funds that the program provides, up to \$100,000 in each  
 14 fiscal year, to be used only for activities for which federal Temporary Assistance for  
 15 Needy Families block grant moneys may be used.

**History:** 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32; 2013 a. 20, 113; 2015 a. 55, 172; 2017 a. 59, 236, 254, 261.

16 **SECTION 11.** 49.175 (1a) of the statutes is created to read:

17 49.175 (1a) DEFINITION. In this section, "allocate" means to obligate an amount  
 18 by contract or benefit issuance. *INS 6-18A*

*Insert  
6/18  
B*

*encumber*

19 **SECTION 12.** 49.175 (2) (a) of the statutes is amended to read:

20 49.175 (2) (a) The department may reallocate funds that are allocated under  
 21 a paragraph under sub. (1) (1m) for any purpose specified in a paragraph under sub.  
 22 (1) (1m) if the secretary of administration approves the reallocation.

**History:** 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32; 2013 a. 20, 113; 2015 a. 55, 172; 2017 a. 59, 236, 254, 261.

23 **SECTION 13.** 49.175 (2) (c) of the statutes is amended to read:



1           49.175 (2) (c) If the amounts of federal block grant moneys that are required  
2           to be credited to the appropriation accounts under s. 20.437 (2) (mc) and (md) are less  
3           than the amounts appropriated under s. 20.437 (2) (mc) and (md), the department  
4           shall submit a plan to the secretary of administration for reducing the amounts of  
5           moneys allocated under sub. ~~(1)~~ (1m). If the secretary of administration approves the  
6           plan, the amounts of moneys required to be allocated under sub. ~~(1)~~ (1m) may be  
7           reduced as proposed by the department and the department shall allocate the  
8           moneys as specified in the plan.

**History:** 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32; 2013 a. 20, 113; 2015 a. 55, 172; 2017 a. 59, 236, 254, 261.

9           ✍ **SECTION 14.** 49.175 (3) of the statutes is amended to read:

10           49.175 (3) **LIMIT ON CERTAIN FUNDS.** Moneys from the appropriation account  
11           under s. 20.437 (3) (kp) for the allocations specified in sub. ~~(1)~~ (1m) shall be limited  
12           to \$4,730,300 and may be expended only for obligations incurred between October  
13           1, 2015, and September 30, 2016.

**History:** 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32; 2013 a. 20, 113; 2015 a. 55, 172; 2017 a. 59, 236, 254, 261.

14           ✍ **SECTION 15.** 49.197 (2) (b) 1. of the statutes is amended to read:

15           49.197 (2) (b) 1. Subject to subd. 2., the department shall by rule establish an  
16           incentive program that, using moneys from the allocation under s. 49.175 ~~(1)~~ (1m)  
17           (p), rewards county departments, Wisconsin Works agencies, and tribal governing  
18           bodies that administer the subsidy program for identifying fraud in the subsidy  
19           program. The rules shall specify that a county department, Wisconsin Works agency,  
20           or tribal governing body shall receive, for identifying fraudulent activity under the  
21           subsidy program on the part of a child care provider, an amount equal to the average  
22           monthly subsidy payment per child during the prior fiscal year, multiplied by the  
23           number of children participating in the subsidy program for whom the provider

**SECTION 15**

1 provides care, multiplied by 1.5 months. A county department, Wisconsin Works  
2 agency, or tribal governing body may use payments received under this subsection  
3 for any purpose for which moneys under the Temporary Assistance for Needy  
4 Families block grant program may be used under federal law.

**History:** 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76; 2011 a. 32.

5

**(END)**

**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1126/?ins

.....

**INSERT 6-18 B**

✕ **SECTION 1.** 49.175 (2) (a) of the statutes is amended to read:

49.175 (2) (a) The department may not reallocate funds that are allocated under a paragraph under sub. (1) (1~~m~~) for any purpose specified in a paragraph under sub. (1) (1~~m~~) unless the department first notifies the joint committee on finance in writing of the proposed reallocation. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's notification that the committee has scheduled a meeting to review the proposed reallocation, the department may make the proposed reallocation. If, within 14 working days after the date of the department's notification, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposed reallocation, the department may make the proposed reallocation only upon approval of the committee.

**History:** 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32; 2013 a. 20, 113; 2015 a. 55, 172; 2017 a. 59, 236, 254, 261, 370.

**SECTION 2.** 49.175 (2) (c) of the statutes is amended to read:

49.175 (2) (c) If the amounts of federal block grant moneys that are required to be credited to the appropriation accounts under s. 20.437 (2) (mc) and (md) are less than the amounts appropriated under s. 20.437 (2) (mc) and (md), the department shall submit a plan to the joint committee on finance for reducing the amounts of moneys allocated under sub. (1) (1~~m~~). If the cochairpersons of the committee do not notify the department within 14 working days after the date the department submits the plan that the committee has scheduled a meeting to review the proposed reduction plan, the department shall allocate the moneys as specified in the plan.

If, within 14 working days after the date the department submits the plan, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposed reduction plan, the department may allocate the moneys as specified in the plan only upon approval of the committee.

**History:** 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32; 2013 a. 20, 113; 2015 a. 55, 172; 2017 a. 59, 236, 254, 261, 370.

**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1126/P1ins  
EHS:...

1           **INSERT A**

and that, under a contract between DCF and an entity, an amount is encumbered if the contracted entity agrees to issue or award an amount, or a benefit valued at a certain amount, to a person and DCF is obligated to pay or reimburse that amount.

2           **INSERT 6-18 A**

3           An amount is encumbered by contract between an entity and the department  
4 if the contracted entity agrees to issue or award an amount, or a benefit valued at  
5 a certain amount, to a person and, under the contract, the department is obligated  
6 to pay that amount or to reimburse the contracted entity for that amount.

\*\*\*\*NOTE: The term "encumber" better fits the intended meaning than "obligate," and is used for this purpose throughout the statutes. Also, instead of saying "by contract or benefit issuance," I tried to explain more precisely what it means to encumber an amount under a contract with DCF.

2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1126/P1ins  
EAW:ahe

*SAV*  
*Intro.)*  
SECTION 1. 49.175 (1) of the statutes is amended to read:

49.175 (1) ~~ALLOCATION OF FUNDS.~~ Except as provided in subs. (2) and (3), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (k), (kx), (L), (mc), (md), (me), and (s) and (3) (kp), the department shall allocate the following amounts for the following purposes. When the department has a contract under any of the following allocations, "allocation" means to contract for an amount:

**History:** 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32; 2013 a. 20, 113; 2015 a. 55, 172; 2017 a. 59, 236, 254, 261, 370.



2/20

DOA:.....Rice, BB0153 - TANF allocations

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

Replace everything with insert  
no gen

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

**Analysis by the Legislative Reference Bureau**

Temporary Assistance for Needy Families allocations

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

When DCF has a contract for services under funded by TANF

Under current law, DCF is directed to allocate in each fiscal year specific amounts of money, including federal moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs. This bill specifies that "allocate" means to encumber an amount by contract and that, under a contract between DCF and an entity, an amount is encumbered if the contracted entity agrees to issue or award an amount, or a benefit valued at a certain amount, to a person and DCF is obligated to pay or reimburse that amount.

INS.A

the contracted amount

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

INS. 1-2

- 2 **SECTION 1.** 20.437 (2) (dz) of the statutes is amended to read:
- 3 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
- 4 *maintenance of effort.* The amounts in the schedule for administration and benefit

1 payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program  
2 under s. 49.26, and the work experience program for noncustodial parents under s.  
3 49.36; for payments to local governments, organizations, tribal governing bodies,  
4 and Wisconsin Works agencies; for kinship care and long-term kinship care  
5 assistance as specified under s. 49.175 ~~(1)~~ (1m) (s); for aid payments and local  
6 administration with respect to any services or program specified under s. 49.175 ~~(1)~~  
7 (1m); and for emergency assistance for families with needy children under s. 49.138.  
8 Payments may be made from this appropriation account for any contracts under s.  
9 49.845 (4) and for any fraud investigation and error reduction activities under s.  
10 49.197 (1m). Moneys appropriated under this paragraph may be used to match  
11 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002  
12 (1), the department may transfer funds between fiscal years under this paragraph.  
13 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
14 shall credit to this appropriation account funds for the purposes of this appropriation  
15 that the department transfers from the appropriation account under s. 20.435 (5)  
16 (bc). All funds allocated by the department but not encumbered by December 31 of  
17 each year lapse to the general fund on the next January 1 unless transferred to the  
18 next calendar year by the joint committee on finance.

19 **SECTION 2.** 20.437 (2) (me) of the statutes is amended to read:

20 20.437 (2) (me) *Child care and temporary assistance overpayment recovery.* All  
21 moneys received from the recovery of overpayments, and incorrect or disallowed  
22 payments, and voluntary repayments of federal Child Care and Development Fund  
23 block grant funds, of federal Temporary Assistance for Needy Families block grant  
24 funds, and of state moneys paid from other appropriations to meet  
25 maintenance-of-effort requirements under the federal Temporary Assistance for



1       Needy Families block grant program under 42 USC 601 to 619 and the federal Child  
2       Care and Development Fund block grant program under 42 USC 9858 that the  
3       department elects to treat as federal revenue, for costs related to recovering the  
4       overpayments and incorrect or disallowed payments, for activities to reduce errors  
5       under the Wisconsin Works program under ss. 49.141 to 49.161, and for any of the  
6       purposes specified under s. 49.175 ~~(1)~~ (1m).

7       **SECTION 3.** 20.437 (2) (s) of the statutes is amended to read:

8       20.437 (2) (s) *Economic support — public benefits.* From the utility public  
9       benefits fund, the amounts in the schedule for the Wisconsin Works program under  
10      subch. III of ch. 49 and for any of the purposes under s. 49.175 ~~(1)~~ (1m).

11      **SECTION 4.** 20.505 (7) (kg) of the statutes is amended to read:

12      20.505 (7) (kg) *Housing program services.* All moneys received from other state  
13      agencies for housing program services, including all moneys required under s. 49.175  
14      ~~(1)~~ (1m) (f) to be credited to this appropriation account, for the purpose of providing  
15      housing program services. Notwithstanding s. 20.001 (3) (c), at the end of each fiscal  
16      year, any unencumbered balance in this appropriation account attributable to the  
17      moneys credited under s. 49.175 ~~(1)~~ (1m) (f) shall revert to one or more of the  
18      appropriation accounts specified in s. 49.175 ~~(1)~~ (1m) (intro.), as determined by the  
19      secretary of administration.

20      **SECTION 5.** 48.651 (2c) (intro.) of the statutes is amended to read:

21      48.651 (2c) (intro.) From the allocation under s. 49.175 ~~(1)~~ (1m) (p), the  
22      department shall do all of the following:

23      **SECTION 6.** 49.1635 (5) (a) (intro.) of the statutes is amended to read:

24      49.1635 (5) (a) (intro.) From the allocation under s. 49.175 ~~(1)~~ (1m) (j), the  
25      department shall make a grant of \$500,000 in each fiscal year to Wisconsin Trust

1 Account Foundation, Inc., for distribution of annual awards of not more than \$75,000  
2 per year per program to programs that provide legal services to persons who are  
3 eligible under par. (b) 2. if all of the following apply:

4 **SECTION 7.** 49.175 (1) of the statutes is renumbered 49.175 (1m).

5 **SECTION 8.** 49.175 (1) (z) of the statutes is amended to read:

6 49.175 (1) (z) *Grants to the Boys and Girls Clubs of America.* For grants to the  
7 Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs that  
8 improve social, academic, and employment skills of youth who are eligible to receive  
9 temporary assistance for needy families under 42 USC 601 et seq., focusing on study  
10 habits, intensive tutoring in math and English, and exposure to career options and  
11 role models, \$1,275,000 in each fiscal year. Grants provided under this paragraph  
12 may not be used by the grant recipient to replace funding for programs that are being  
13 funded, when the grant proceeds are received, with moneys other than those from  
14 the appropriations specified in sub. (1) (1m) (intro.). The total amount of the grants  
15 includes funds for the Green Bay Boys and Girls Clubs for the BE GREAT: Graduate  
16 program in the amount of matching funds that the program provides, up to \$75,000  
17 in each fiscal year, to be used only for activities for which federal Temporary  
18 Assistance for Needy Families block grant moneys may be used. The total amount  
19 of the grants also includes funds to be equally distributed among the Milwaukee,  
20 Oshkosh, and Appleton Boys and Girls Clubs for the BE GREAT: Graduate program  
21 in the amount of matching funds that the program provides, up to \$100,000 in each  
22 fiscal year, to be used only for activities for which federal Temporary Assistance for  
23 Needy Families block grant moneys may be used.

24 **SECTION 9.** 49.175 (1a) of the statutes is created to read:

1           49.175 (1a) DEFINITION. In this section, “allocate” means to encumber an  
2 amount by contract. An amount is encumbered by contract between an entity and  
3 the department if the contracted entity agrees to issue or award an amount, or a  
4 benefit valued at a certain amount, to a person and, under the contract, the  
5 department is obligated to pay that amount or to reimburse the contracted entity for  
6 that amount.

      \*\*\*\*NOTE: The term “encumber” better fits the intended meaning than “obligate,”  
and is used for this purpose throughout the statutes. Also, instead of saying “by contract  
or benefit issuance,” I tried to explain more precisely what it means to encumber an  
amount under a contract with DCF.

7           **SECTION 10.** 49.175 (2) (a) of the statutes is amended to read:

8           49.175 (2) (a) The department may not reallocate funds that are allocated  
9 under a paragraph under sub. (1) (1m) for any purpose specified in a paragraph  
10 under sub. (1) (1m) unless the department first notifies the joint committee on  
11 finance in writing of the proposed reallocation. If the cochairpersons of the  
12 committee do not notify the department within 14 working days after the date of the  
13 department’s notification that the committee has scheduled a meeting to review the  
14 proposed reallocation, the department may make the proposed reallocation. If,  
15 within 14 working days after the date of the department’s notification, the  
16 cochairpersons of the committee notify the department that the committee has  
17 scheduled a meeting to review the proposed reallocation, the department may make  
18 the proposed reallocation only upon approval of the committee.

19           **SECTION 11.** 49.175 (2) (c) of the statutes is amended to read:

20           49.175 (2) (c) If the amounts of federal block grant moneys that are required  
21 to be credited to the appropriation accounts under s. 20.437 (2) (mc) and (md) are less  
22 than the amounts appropriated under s. 20.437 (2) (mc) and (md), the department  
23 shall submit a plan to the joint committee on finance for reducing the amounts of

1 moneys allocated under sub. (1) (1m). If the cochairpersons of the committee do not  
2 notify the department within 14 working days after the date the department submits  
3 the plan that the committee has scheduled a meeting to review the proposed  
4 reduction plan, the department shall allocate the moneys as specified in the plan.  
5 If, within 14 working days after the date the department submits the plan, the  
6 cochairpersons of the committee notify the department that the committee has  
7 scheduled a meeting to review the proposed reduction plan, the department may  
8 allocate the moneys as specified in the plan only upon approval of the committee.

9 **SECTION 12.** 49.175 (3) of the statutes is amended to read:

10 49.175 (3) **LIMIT ON CERTAIN FUNDS.** Moneys from the appropriation account  
11 under s. 20.437 (3) (kp) for the allocations specified in sub. (1) (1m) shall be limited  
12 to \$4,730,300 and may be expended only for obligations incurred between October  
13 1, 2015, and September 30, 2016.

14 **SECTION 13.** 49.197 (2) (b) 1. of the statutes is amended to read:

15 49.197 (2) (b) 1. Subject to subd. 2., the department shall by rule establish an  
16 incentive program that, using moneys from the allocation under s. 49.175 (1) (1m)  
17 (p), rewards county departments, Wisconsin Works agencies, and tribal governing  
18 bodies that administer the subsidy program for identifying fraud in the subsidy  
19 program. The rules shall specify that a county department, Wisconsin Works agency,  
20 or tribal governing body shall receive, for identifying fraudulent activity under the  
21 subsidy program on the part of a child care provider, an amount equal to the average  
22 monthly subsidy payment per child during the prior fiscal year, multiplied by the  
23 number of children participating in the subsidy program for whom the provider  
24 provides care, multiplied by 1.5 months. A county department, Wisconsin Works  
25 agency, or tribal governing body may use payments received under this subsection

1 for any purpose for which moneys under the Temporary Assistance for Needy  
2 Families block grant program may be used under federal law.

3

(END)

**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1126/P2insES  
EHS:...

1           **INSERT A**

2           This bill specifies that, with respect to a TANF-funded contract for services,  
3           “allocation” means the amount under the contract that DCF is obligated to pay.

4           **INSERT 1-2**

5           **SECTION 1.** 49.175 (1) (intro.) of the statutes is amended to read:

6           49.175 (1) ALLOCATION OF FUNDS. (intro.) In this section, with respect to any  
7           of the following that fund a contract for services, “allocation” means the amount  
8           under the contract that the department is obligated to pay. Except as provided in  
9           subs. (2) and (3), within the limits of the appropriations under s. 20.437 (2) (a), (cm),  
10          (dz), (k), (kx), (L), (mc), (md), (me), and (s) and (3) (kp), the department shall allocate  
11          the following amounts for the following purposes:

**History:** 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32;  
2013 a. 20, 113; 2015 a. 55, 172; 2017 a. 59, 236, 254, 261, 370.

12



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1126/P2  
EAW:ahe

DOA:.....Rice, BB0153 - TANF allocations

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

***1. Temporary Assistance for Needy Families allocations***

Under current law, DCF is directed to allocate in each fiscal year specific amounts of money, including federal moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs. This bill specifies that, with respect to a TANF-funded contract for services, “allocation” means the amount under the contract that DCF is obligated to pay.

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

2 **SECTION 1.** 49.175 (1) (intro.) of the statutes is amended to read:  
3 49.175 (1) ALLOCATION OF FUNDS. (intro.) In this section, with respect to any  
4 of the following that fund a contract for services, “allocation” means the amount

1 under the contract that the department is obligated to pay. Except as provided in  
2 subs. (2) and (3), within the limits of the appropriations under s. 20.437 (2) (a), (cm),  
3 (dz), (k), (kx), (L), (mc), (md), (me), and (s) and (3) (kp), the department shall allocate  
4 the following amounts for the following purposes:

5 (END)