



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 591**

November 28, 1995 - Offered by COMMITTEE ON WELFARE REFORM.

1 **AN ACT to repeal** 20.435 (4) (cn), 20.435 (4) (d), 20.435 (4) (dc), 20.435 (4) (de),
2 20.435 (4) (df), 20.435 (4) (dg), 46.40 (4m), 46.45 (1), 46.979 (2) (a), 49.193 (4)
3 (j) 4., 49.193 (7), 49.26 (1) (j), 49.27 (5) (e) 2., 49.50 (6e) (a) and 560.14 (1) (a) 2.;
4 **to renumber** 49.193 (9m) (a) and 49.46 (1) (e); **to renumber and amend**
5 16.841 (1), 20.435 (4) (dz), 48.651, 49.124 (1m), 49.19 (20), 49.46 (1) (cr) and
6 49.50 (6e) (b); **to consolidate, renumber and amend** 560.14 (1) (a) (intro.)
7 and 1.; **to amend** 13.101 (6) (a), 16.75 (6) (bm), 16.841 (2), 20.435 (1) (b), 20.435
8 (1) (bm), 20.435 (1) (o), 20.435 (4) (a), 20.445 (3) (L), 20.445 (3) (Lm), 46.03 (21),
9 46.032, 46.215 (1) (k), 46.22 (1) (b) 2. a., 46.22 (1) (b) 2. d., 46.25 (6), 46.25 (7m),
10 46.253 (2), 46.258 (1), 46.258 (2) (a) 1., 46.40 (1) (a), 46.45 (intro.), 46.45 (6),
11 46.62 (2), 46.979 (1), 46.979 (2) (a), 46.979 (2) (c) (intro.), 46.98 (1) (b), 46.98 (2)
12 (a), 46.98 (2m) (a), 46.98 (3) (c), 46.98 (4) (a) 2., 46.98 (4) (b), 46.98 (4) (d), 46.98
13 (4g) (b), 46.986 (1) (b), 46.986 (1) (m), 46.987 (1) (a), 46.987 (2) (a), 46.995 (2) (c),
14 48.427 (3) (a) 5., 48.428 (2), 48.428 (4), 48.651 (1) (intro.), 48.981 (2), 49.015 (2),
15 49.125 (1), 49.181 (1) (intro.), (a), (c), (d), (f) and (g) and (2), 49.19 (4e) (a), 49.19
16 (11) (a) 1. a. (intro.), 49.191 (2), 49.193 (2) (a), 49.193 (4) (g), 49.193 (6) (c), 49.193

1 (8) (a), 49.193 (8) (bm), 49.193 (10m), 49.195 (title), 49.195 (1), 49.195 (3), 49.197
2 (1m), 49.197 (3), 49.197 (4), 49.20 (3), 49.26 (title), 49.26 (1) (e), 49.26 (1) (g)
3 (intro.), 49.26 (1) (g) 1., 49.26 (1) (gm) (intro.), 49.26 (1) (h) 1. a., 49.26 (1) (hm),
4 49.26 (1) (hr), 49.27 (6) (c), 49.30 (1) (intro.), 49.32 (7) (a), 49.32 (9) (a), 49.32 (9)
5 (b), 49.32 (10) (intro.), 49.33 (1) (b), 49.33 (1) (c), 49.33 (9), 49.36 (title), 49.36
6 (3) (a), 49.36 (3) (g), 49.36 (4), 49.36 (5), 49.36 (6), 49.36 (7), 49.45 (6m) (br) 1.,
7 49.46 (1) (a) 1., 49.46 (1) (a) 1m., 49.46 (1) (a) 5., 49.46 (1) (a) 6., 49.46 (1) (a) 9.,
8 49.46 (1) (a) 10., 49.46 (1) (a) 11., 49.46 (1) (a) 12., 49.46 (1) (a) 13., 49.46 (1) (cg),
9 49.46 (1) (cs), 49.46 (1) (d) 1., 49.47 (4) (a) (intro.), 49.50 (6g), 49.50 (6k) (a), 49.50
10 (6k) (b), 49.50 (7) (e), 49.52 (1) (ad) 1., 49.52 (1) (am), 49.52 (1) (d), 49.52 (5),
11 49.83, 49.84 (5), 49.85 (1), 49.85 (2) (b) and (3) (b) 1., 49.95 (4m) (a), 49.96, 59.07
12 (97), 71.54 (2) (a) (intro.), 106.21 (1) (g), 106.215 (1) (fm), 115.347, 115.40 (4) (b),
13 115.40 (4) (c) 1., 115.45 (3m) (a) 2., 119.82 (1) (a) 2., 120.13 (27m), 230.04 (13)
14 (a) and (e) 1. and 2., 230.147 (1), 230.147 (2), 230.147 (3), 767.045 (1) (c) 1.,
15 767.075 (1) (c), 767.077 (intro.), 767.078 (1) (a) 2., 767.15 (1), 767.24 (6) (c),
16 767.29 (1m) (c), 767.29 (2), 767.29 (4), 767.32 (1) (a), 767.32 (1) (b) 1., 767.47 (6)
17 (a) and (b), 814.61 (13) and 948.22 (4) (b); **to repeal and recreate** 13.101 (6)
18 (a), 46.032, 46.495 (1) (am), 49.124 (3), 49.19 (11) (a) 1. a. (intro.), 49.191 (1),
19 49.191 (3) (a) and (b), 49.193 (8) (bm), 49.193 (10m), 49.197 (1m), 49.197 (4),
20 49.20 (3), 49.26 (2) (b), 49.33 (2), 49.33 (8) (a), 49.36 (2) and 49.45 (6m) (br) 1.;
21 and **to create** 16.39 (4) (bm), 16.75 (6) (bm), 16.841 (1) (b), 20.435 (4) (dz), 20.445
22 (3) (jm), 46.98 (1) (ar), 46.98 (1) (bd) and (bf), 46.98 (4) (dg) and (dm), 46.98 (6),
23 48.40 (1m), 48.57 (3m), 48.57 (3p), 48.651 (1) (a) and (b), 48.651 (2), 49.001 (9),
24 49.124 (1m) (b), 49.124 (1m) (c), 49.141, 49.143, 49.145, 49.146, 49.147, 49.148,
25 49.149, 49.151, 49.152, 49.153, 49.155, 49.157, 49.159, 49.161, 49.181, 49.19

1 (4e) (c), 49.19 (20) (b), 49.193 (2) (am), 49.193 (4) (k) 1m., 49.193 (4m), 49.193
2 (6) (e), 49.193 (9m) (ag), 49.193 (12), 49.21 (1) (c), 49.25 (10), 49.27 (13), 49.46
3 (1) (a) 4m., 49.46 (1) (a) 6m., 49.46 (1) (a) 16., 49.46 (1) (am) 3., 49.46 (1) (cb),
4 49.46 (1) (co) 4., 49.46 (1) (cr) 2., 49.46 (1) (e) 2., 49.465 (7), 49.47 (4) (ag), 49.47
5 (4) (an), 49.77 (3v), 102.07 (17), 102.07 (18), 102.29 (8), 227.01 (13) (zr), 227.01
6 (13) (zs), 227.01 (13) (zt) and 767.075 (1) (cm) of the statutes; **relating to:**
7 creating a new public assistance program for families with dependent children,
8 modifying the sunset of the aid to families with dependent children program,
9 modifying administration of the food stamp program, modifying the eligibility
10 requirements of certain recipients of medical assistance, creating a program to
11 provide payment to a relative, other than a parent, who is providing care and
12 maintenance for a child, eliminating postsecondary education and vocational
13 skills training from the job opportunities and basic skills program, applying the
14 learnfare provisions statewide to certain individuals who are 6 to 19 years of
15 age, eliminating child care funded under community aids, modifying eligibility
16 requirements for low-income and at-risk child care, creating a tax exemption,
17 making modifications to the job opportunities and basic skills program, making
18 modifications to the food stamp employment and training program,
19 consolidating state general purpose revenue appropriations for public
20 assistance and local aid, providing an exemption from emergency rule
21 procedures, providing an exemption from rule-making procedures, granting
22 rule-making authority and making appropriations.

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

23 **SECTION 1.** 13.101 (6) (a) of the statutes is amended to read:

1 13.101 (6) (a) As an emergency measure necessitated by decreased state
2 revenues and to prevent the necessity for a state tax on general property, the
3 committee may reduce any appropriation made to any board, commission,
4 department, the university of Wisconsin system or to any other state agency or
5 activity by such amount as it deems feasible, not exceeding 25% of the
6 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg)
7 and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq)
8 and (ar), 20.435 (4) (a), ~~(d)~~ (dz) and (e), (6) (a) and (7) (da) or for forestry purposes
9 under s. 20.370 (1), or any other moneys distributed to any county, city, village, town
10 or school district. Appropriations of receipts and of a sum sufficient shall for the
11 purposes of this section be regarded as equivalent to the amounts expended under
12 such appropriations in the prior fiscal year which ended June 30. All functions of
13 said state agencies shall be continued in an efficient manner, but because of the
14 uncertainties of the existing situation no public funds should be expended or
15 obligations incurred unless there shall be adequate revenues to meet the
16 expenditures therefor. For such reason the committee may make reductions of such
17 appropriations as in its judgment will secure sound financial operations of the
18 administration for said state agencies and at the same time interfere least with their
19 services and activities.

20 **SECTION 2.** 13.101 (6) (a) of the statutes, as affected by 1995 Wisconsin Acts 27
21 and ... (this act), is repealed and recreated to read:

22 13.101 (6) (a) As an emergency measure necessitated by decreased state
23 revenues and to prevent the necessity for a state tax on general property, the
24 committee may reduce any appropriation made to any board, commission,
25 department, the university of Wisconsin system or to any other state agency or

1 activity by such amount as it deems feasible, not exceeding 25% of the
2 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg)
3 and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq)
4 and (ar), 20.435 (1) (c), (6) (a) and (7) (da) and 20.445 (3) (a) and (dz) or for forestry
5 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,
6 village, town or school district. Appropriations of receipts and of a sum sufficient
7 shall for the purposes of this section be regarded as equivalent to the amounts
8 expended under such appropriations in the prior fiscal year which ended June 30.
9 All functions of said state agencies shall be continued in an efficient manner, but
10 because of the uncertainties of the existing situation no public funds should be
11 expended or obligations incurred unless there shall be adequate revenues to meet the
12 expenditures therefor. For such reason the committee may make reductions of such
13 appropriations as in its judgment will secure sound financial operations of the
14 administration for said state agencies and at the same time interfere least with their
15 services and activities.

16 **SECTION 3.** 16.39 (4) (bm) of the statutes is created to read:

17 16.39 (4) (bm) A Wisconsin works group, as defined in s. 49.141 (1) (s), in which
18 one member is a participant under s. 49.147 (3) to (5).

19 **SECTION 4.** 16.75 (6) (bm) of the statutes is created to read:

20 16.75 (6) (bm) If the secretary determines that it is in the best interest of this
21 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
22 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by
23 the department of health and social services under s. 49.143, if the department of
24 health and social services presents the secretary with a process for the procurement
25 of contracts under s. 49.143 and the secretary approves the process.

1 **SECTION 5.** 16.75 (6) (bm) of the statutes, as created by 1995 Wisconsin Act ...
2 (this act), is amended to read:

3 16.75 **(6)** (bm) If the secretary determines that it is in the best interest of this
4 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
5 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by
6 the department of ~~health and social services~~ industry, labor and job development
7 under s. 49.143, if the department of ~~health and social services~~ industry, labor and
8 job development presents the secretary with a process for the procurement of
9 contracts under s. 49.143 and the secretary approves the process.

10 **SECTION 6.** 16.841 (1) of the statutes is renumbered 16.841 (1) (intro.) and
11 amended to read:

12 16.841 **(1)** (intro.) In this section, ~~“agency”~~:

13 (a) “Agency” has the meaning given in s. 16.70 (1).

14 **SECTION 7.** 16.841 (1) (b) of the statutes is created to read:

15 16.841 **(1)** (b) “Child care provider” means a provider licensed under s. 48.65,
16 certified under s. 48.651 or established or contracted for under s. 120.13 (14).

17 **SECTION 8.** 16.841 (2) of the statutes is amended to read:

18 16.841 **(2)** The department shall contract with one or more child care providers,
19 ~~as defined in s. 46.98 (1) (am)~~, to supplement the cost of providing suitable space for
20 child care services to be offered to the children of employes of agencies whose work
21 stations are located in an area designated by the department comprising the central
22 portion of the city of Madison.

23 **SECTION 9.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
24 the following amounts for the purposes indicated:

1		1995-96	1996-97
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2 **20.435 Health and social services, department**

3 **of**

4 (4) ECONOMIC SUPPORT

5 (dz) Public assistance and local assis-

6 tance aids

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7 **SECTION 10.** 20.435 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
8 section 808, is amended to read:

9 20.435 (1) (b) *Medical assistance program benefits.* Biennially, the amounts in
10 the schedule to provide the state share of medical assistance program benefits
11 administered under s. 49.45, to provide medical assistance program benefits
12 administered under s. 49.45 that are not also provided under par. (o), to provide
13 health care coverage under s. 49.153 and to fund the pilot project under s. 46.27 (9)
14 and (10). Notwithstanding s. 20.002 (1), the department may transfer from this
15 appropriation to the appropriation under sub. (3) (kb) funds in the amount of and for
16 the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1),
17 the department may credit or deposit into this appropriation and may transfer
18 between fiscal years funds that it transfers from the appropriation under sub. (3) (kb)
19 for the purposes specified in s. 46.485 (3r).

20 **SECTION 11.** 20.435 (1) (bm) of the statutes is amended to read:

21 20.435 (1) (bm) *Medical assistance administration.* Biennially, the amounts
22 in the schedule to provide the state share of administrative contract costs for the
23 medical assistance program under s. 49.45 and health care coverage under s. 49.153
24 and to reimburse insurers for their costs under s. 49.475. No state positions may be

1 funded in the department of health and social services from this appropriation,
2 except positions for the performance of duties under a contract in effect before
3 January 1, 1987, related to the administration of the medical assistance program
4 between the subunit of the department primarily responsible for administering the
5 medical assistance program and another subunit of the department.

6 **SECTION 12.** 20.435 (1) (o) of the statutes is amended to read:

7 20.435 (1) (o) *Federal aid; medical assistance.* All federal moneys received for
8 meeting costs of medical assistance administered under s. 49.45 and for meeting the
9 costs of health care coverage under s. 49.153.

10 **SECTION 13.** 20.435 (4) (a) of the statutes is amended to read:

11 20.435 (4) (a) *General program operations.* The Biennially, the amounts in the
12 schedule for general program operations relating to economic support, including
13 field services and administrative services.

14 **SECTION 14.** 20.435 (4) (cn) of the statutes is repealed.

15 **SECTION 15.** 20.435 (4) (d) of the statutes, as affected by 1995 Wisconsin Act 27,
16 section 848, is repealed.

17 **SECTION 16.** 20.435 (4) (dc) of the statutes is repealed.

18 **SECTION 17.** 20.435 (4) (de) of the statutes is repealed.

19 **SECTION 18.** 20.435 (4) (df) of the statutes, as affected by 1995 Wisconsin Act
20 27, section 853, is repealed.

21 **SECTION 19.** 20.435 (4) (dg) of the statutes is repealed.

22 **SECTION 20.** 20.435 (4) (dz) of the statutes is created to read:

23 20.435 (4) (dz) *Public assistance and local assistance aids.* Biennially, the
24 amounts in the schedule to be allocated under s. 49.181 for paying child care costs
25 of individuals who secure unsubsidized employment and lose eligibility for aid to

1 families with dependent children as provided under s. 49.50 (6g); for child care and
2 related transportation costs under s. 49.50 (7) (e); for child care costs under ss. 46.98
3 (2m) and (3), 49.193 (8) and 49.50 (6e) and, with the approval of the department, child
4 care costs under s. 49.50 (6k) (b); for county administered public assistance benefits
5 under s. 49.52; for payment distribution under s. 49.52 (1) for county administration
6 of public assistance benefits and medical assistance eligibility determination and
7 payments to American Indian tribes for administration of public assistance
8 programs; for the cost of foster care and treatment foster care provided by nonlegally
9 responsible relatives under state or county administered programs, if the relatives
10 are licensed to operate foster homes or treatment foster homes under s. 48.62; for
11 emergency assistance for families with needy children under s. 49.19 (11) (b); for
12 funeral expenses under 49.30; for the learnfare program under s. 49.50 (7) and for
13 case management services for learnfare pupils under s. 46.62; for the job
14 opportunities and basic skills program under s. 49.193; for the work experience and
15 job training program under s. 46.253; for the food stamp employment and training
16 project under s. 49.124; for aid to 18-year-old students under s. 49.20; for the
17 parental responsibility pilot program under s. 49.25; and for the work-not-welfare
18 pilot program under s. 49.27. Moneys appropriated under this paragraph may be
19 used to match federal funds received under par. (ps). Payments may be made from
20 this appropriation to counties for fraud investigation and error reduction under s.
21 49.197 (1m) and (4).

22 **SECTION 21.** 20.435 (4) (dz) of the statutes, as created by 1995 Wisconsin Act
23 (this act), is renumbered 20.445 (3) (dz) and amended to read:

24 20.445 (3) (dz) *Public assistance and local assistance aids.* Biennially, the
25 amounts in the schedule to be allocated under s. 49.181 for paying child care costs

1 of individuals who secure unsubsidized employment and lose eligibility for aid to
2 families with dependent children as provided under s. ~~49.50 (6g)~~ 49.191 (2); for child
3 care and related transportation costs under s. ~~49.50 (7) (e)~~ ss. 49.155, 49.157 and
4 49.26 (1) (e); for child care costs under ss. 46.98 (2m) and (3), 49.191 (1) and 49.193
5 (8) and 49.50 (6e) and, with the approval of the department, child care costs under
6 s. ~~49.50 (6k) (b)~~ 49.191 (3) (b); for county administered public assistance benefits
7 under s. ~~49.52~~ 49.33; for payment distribution under s. ~~49.52 (1)~~ 49.33 for county
8 administration of public assistance benefits and medical assistance eligibility
9 determination and payments to American Indian tribes for administration of public
10 assistance programs; for payments to Wisconsin works agencies for the Wisconsin
11 works program under ss. 49.147 to 49.151 and 49.155 to 49.161 and for Wisconsin
12 works health coverage eligibility determination under s. 49.153 (3); for the cost of
13 foster care and treatment foster care provided by nonlegally responsible relatives
14 under state or county administered programs, if the relatives are licensed to operate
15 foster homes or treatment foster homes under s. 48.62, or for the cost of kinship care
16 under s. 48.57 (3m), including assessments under s. 48.57 (3m) (a) 3. and background
17 investigations under s. 48.57 (3m) (a) 4.; for emergency assistance for families with
18 needy children under s. 49.19 (11) (b); for funeral expenses under 49.30; for the
19 learnfare program under s. ~~49.50 (7)~~ 49.26 (1) and for case management services for
20 learnfare pupils under s. ~~46.62~~ 49.26 (2); for the job opportunities and basic skills
21 program under s. 49.193; for the work experience and job training program under s.
22 ~~46.253~~ 49.36; for the food stamp employment and training project under s. 49.124;
23 ~~for aid to 18-year-old students under s. 49.20~~; for the parental responsibility pilot
24 program under s. 49.25; and for the work-not-welfare pilot program under s. 49.27.
25 Moneys appropriated under this paragraph may be used to match federal funds

1 received under par. (ps). Payments may be made from this appropriation to counties
2 and Wisconsin works agencies for fraud investigation and error reduction under s.
3 49.197 (1m) and (4).

4 **SECTION 22.** 20.445 (3) (jm) of the statutes is created to read:

5 20.445 (3) (jm) *Wisconsin works fees.* All moneys received from fees and other
6 payments under ss. 49.141 to 49.161 for the purposes of the Wisconsin works
7 program.

8 **SECTION 23.** 20.445 (3) (L) of the statutes, as affected by 1995 Wisconsin Act
9 27, section 878, is amended to read:

10 20.445 (3) (L) *Welfare fraud and error reduction; state operations.* From the
11 moneys received as the state's share of the recovery of overpayments and incorrect
12 payments under ss. 49.125 (2), 49.191 (3) (c), 49.195 and 49.497 (1), the amounts in
13 the schedule for the department's activities to reduce error and fraud in the food
14 stamp, aid to families with dependent children, Wisconsin works program and
15 medical assistance programs.

16 **SECTION 24.** 20.445 (3) (Lm) of the statutes, as affected by 1995 Wisconsin Act
17 27, section 880, is amended to read:

18 20.445 (3) (Lm) *Welfare fraud and error reduction; local assistance.* From the
19 moneys received as the state's share of the recovery of overpayments and incorrect
20 payments under ss. 49.125 (2), 49.191 (3) (c), 49.195 and 49.497 (1), all moneys not
21 appropriated under par. (L) for county and tribal activities to reduce error and fraud
22 in the food stamp, aid to families with dependent children, Wisconsin works program
23 and medical assistance program.

24 **SECTION 25.** 46.03 (21) of the statutes is amended to read:

1 46.03 (21) DAY CARE STANDARDS. Promulgate rules establishing standards for
2 the certification of day care providers under s. 48.651. In establishing standards for
3 certification under s. 48.651 (1) (b), the department may not include a requirement
4 for training for child care providers certified under s. 48.651 (1) (b).

5 **SECTION 26.** 46.032 of the statutes is amended to read:

6 **46.032 Income maintenance administration.** County departments under
7 ss. 46.215, 46.22 and 46.23 shall annually enter into a contract with the department
8 detailing the reasonable cost of administering the income maintenance programs
9 under ss. 49.046, 49.19, 49.45 to 49.47 and 49.50 (7) and the food stamp program
10 under 7 USC 2011 to 2029 when so appointed by the department. Contracts created
11 under this section control the distribution of payments under s. 20.435 (4) (~~de~~) (dz)
12 and (nL) in accordance with the reimbursement method established under s. 49.52
13 (1) (ad). The department may reduce its payment to any county under s. 20.435 (4)
14 (~~de~~) (dz) and (nL) if federal reimbursement is withheld due to audits, quality control
15 samples or program reviews.

16 **SECTION 27.** 46.032 of the statutes, as affected by 1995 Wisconsin Acts 27,
17 section 2042, and (this act), is repealed and recreated to read:

18 **46.032 Income maintenance administration.** County departments under
19 ss. 46.215, 46.22 and 46.23 shall annually enter into a contract with the department
20 detailing the reasonable cost of administering the income maintenance programs
21 under ss. 49.19, 49.45 to 49.47 and 49.50 (7) and the food stamp program under 7
22 USC 2011 to 2029 when so appointed by the department. Contracts created under
23 this section control the distribution of payments under s. 20.435 (4) (dz) and (nL) in
24 accordance with the reimbursement method established under s. 49.52 (1) (ad). The
25 department may reduce its payment to any county under s. 20.435 (4) (dz) and (nL)

1 if federal reimbursement is withheld due to audits, quality control samples or
2 program reviews.

3 **SECTION 28.** 46.215 (1) (k) of the statutes is amended to read:

4 46.215 (1) (k) To certify eligibility for and issue food coupons to needy
5 households in conformity with the federal food stamp act of 1964 as amended, if the
6 county accepts a contract to do so, and, in addition, the county department of social
7 services may certify eligibility for and distribute surplus commodities and food
8 stuffs.

9 **SECTION 29.** 46.22 (1) (b) 2. a. of the statutes, as created by 1995 Wisconsin Act
10 27, is amended to read:

11 46.22 (1) (b) 2. a. To administer aid to families with dependent children under
12 s. 49.19. This subdivision paragraph does not apply beginning on the first day of the
13 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

14 **SECTION 30.** 46.22 (1) (b) 2. d. of the statutes, as created by 1995 Wisconsin Act
15 27, is amended to read:

16 46.22 (1) (b) 2. d. To certify eligibility for and issue food coupons to needy
17 households in conformity with 7 USC 2011 to 2029, if the county accepts a contract
18 to do so.

19 **SECTION 31.** 46.25 (6) of the statutes is amended to read:

20 46.25 (6) The department shall establish, pursuant to federal and state laws,
21 rules and regulations, a uniform system of fees for services provided under this
22 section to individuals not receiving aid under s. 49.19 or 49.47 or benefits under s.
23 49.148, 49.153 or 49.155 and to individuals receiving kinship care payments under
24 s. 48.57 (3m). The system of fees may take into account an individual's ability to pay.
25 Any fee paid and collected under this subsection may be retained by the county

1 providing the service except for the fee specified in 42 USC 653 (e) (2) for federal
2 parent locator services.

3 **SECTION 32.** 46.25 (7m) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is amended to read:

5 46.25 (7m) The department may contract with or employ a collection agency
6 or other person to enforce a support obligation of a parent who is delinquent in
7 making support payments and may contract with or employ an attorney to appear
8 in an action in state or federal court to enforce such an obligation. To pay for the
9 department's administrative costs of implementing this subsection, the department
10 may charge a fee to counties, retain up to 50% of any incentive payment made to this
11 state under 42 USC 658 for a collection under this subsection, and retain 30% of this
12 state's share of a collection made under this subsection on behalf of a recipient of aid
13 to families with dependent children or a recipient of kinship care payments under
14 s. 48.57 (3m).

15 **SECTION 33.** 46.253 (2) of the statutes is amended to read:

16 46.253 (2) The department may contract with any county to administer a work
17 experience and job training program for parents who are not custodial parents and
18 who fail to pay child support or to meet their children's needs for support as a result
19 of unemployment or underemployment. The program may provide the kinds of work
20 experience and job training services available from the program under s. 49.193. The
21 department shall fund the program from the appropriation under s. 20.435 (4) ~~(df)~~
22 (dz).

23 **SECTION 34.** 46.258 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
24 section 2158b, is amended to read:

1 46.258 (1) From the appropriation under s. 20.435 (3) (cb), the department
2 shall award grants to counties for programs to revise child support orders. Each
3 county receiving a grant shall review child support orders awarded to persons who
4 receive benefits under s. 48.57 (3m) or 49.148 or whose children receive benefits
5 under s. 49.19 and to persons who do not receive benefits under s. 48.57 (3m) or
6 49.148 and whose children do not receive benefits under s. 49.19 and shall initiate
7 actions to revise the orders based on that review. Each county receiving a grant shall
8 review child support orders awarded to persons who receive benefits under s. 48.57
9 (3m) or 49.148 or whose children receive benefits under s. 49.19 and child support
10 orders awarded to persons who do not receive benefits under s. 48.57 (3m) or 49.148
11 and whose children do not receive benefits under s. 49.19 in proportion to the number
12 of those 2 categories of orders in the county's child support case load. Before a county
13 may initiate an action to revise a child support order under this subsection for a
14 person who does not receive benefits under s. 48.57 (3m) or 49.148 and whose
15 children do not receive benefits under s. 49.19, the custodial parent of the children
16 must voluntarily consent to the revision.

17 **SECTION 35.** 46.258 (2) (a) 1. of the statutes is amended to read:

18 46.258 (2) (a) 1. Provides an incentive for a county to increase its child support
19 collections for persons who receive benefits under s. 48.57 (3m) or 49.148 or whose
20 children receive benefits under s. 49.19 as well as for persons who do not receive
21 benefits under s. 48.57 (3m) or 49.148 and whose children do not receive benefits
22 under s. 49.19.

23 **SECTION 36.** 46.40 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
24 is amended to read:

1 46.40 (1) (a) Within the limits of available federal funds and of the
2 appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds
3 for community social, mental health, developmental disabilities and alcohol and
4 other drug abuse services and for services under ss. 46.51, 46.87, ~~46.98 (2m), (3) and~~
5 ~~(4g),~~ 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42
6 and 51.437, and to county aging units ~~and to private nonprofit organizations as~~
7 ~~authorized under s. 46.98 (2) (a),~~ as provided in subs. (2) to (8).

8 **SECTION 37.** 46.40 (4m) of the statutes, as created by 1995 Wisconsin Act 27,
9 is repealed.

10 **SECTION 38.** 46.45 (intro.) of the statutes is amended to read:

11 **46.45 Carry-over of community aids funds.** (intro.) Funds allocated by
12 the department under ss. 46.87 (3) (c) 4. and (4), ~~46.98 (2) (a),~~ 49.52 (1) (d) and 51.423
13 (2) but not spent or encumbered by counties, governing bodies of federally recognized
14 American Indian tribes or private nonprofit organizations by December 31 of each
15 year and funds recovered under ss. 49.52 (2) (b) and 51.423 (15) and deposited in the
16 appropriation under s. 20.435 (7) (b) lapse to the general fund on the succeeding
17 January 1 unless carried forward to the next calendar year under s. 20.435 (7) (b) or
18 as follows:

19 **SECTION 39.** 46.45 (1) of the statutes is repealed.

20 **SECTION 40.** 46.45 (6) of the statutes is amended to read:

21 46.45 (6) The department may carry forward 10% of any funds not carried
22 forward under ~~subs. (1) and sub. (3)~~ for emergencies, for justifiable unit services costs
23 above planned levels and to provide compensation for increased costs due to
24 population shifts.

1 **SECTION 41.** 46.495 (1) (am) of the statutes, as affected by 1995 Wisconsin Act
2 27, section 3132, is repealed and recreated to read:

3 46.495 (1) (am) The department shall reimburse each county from the
4 appropriations under s. 20.435 (7) (b) and (o) for social services as approved by the
5 department under ss. 46.215 (1), (2) (c) 1. and (3) and 46.22 (1) (b) 1. d. and (e) 3. a.
6 except that no reimbursement may be made for the administration of or aid granted
7 under s. 49.02.

8 **SECTION 42.** 46.62 (2) of the statutes is amended to read:

9 46.62 (2) From the appropriation under s. 20.435 (4) (~~dg~~) (dz), the department
10 shall allocate funds to county departments for the provision of case management
11 services to individuals who are required to attend school under s. 49.50 (7) (g) and
12 their families to improve the school attendance and achievement of those
13 individuals. At least 75% of the funds that the department allocates under this
14 subsection to provide case management services to individuals who are 13 to 19 years
15 of age shall be allocated to a county department of a county with a population of
16 500,000 or more. A county department is eligible to receive funds under this section
17 to provide case management services to individuals who are 13 to 19 years of age in
18 a year if 35 or more individuals, 13 to 19 years of age, residing in the county were
19 sanctioned under s. 49.50 (7) (h) or were subject to the monthly attendance
20 requirement under s. HSS 201.195 (4) (b) 2., Wis. adm. code, in any month during the
21 previous year.

22 **SECTION 43.** 46.979 (1) of the statutes is amended to read:

23 46.979 (1) In this section, “child care provider” ~~has the meaning given in s.~~
24 46.98 (1) (am) means a provider licensed under s. 48.65, certified under s. 48.651 or
25 established or contracted for under s. 120.13 (14).

1 **SECTION 44.** 46.979 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 46.979 (2) (a) From the appropriation under s. 20.435 (7) (o), ~~as allocated in s.~~
4 ~~46.40 (2m) (e)~~, distribute \$9,998,500 in fiscal year 1995-96 and \$10,099,200 in fiscal
5 year ~~1996-97~~ for child day care services under s. 46.98 (2m) and (3).

6 **SECTION 45.** 46.979 (2) (a) of the statutes, as affected by 1995 Wisconsin Acts
7 27 and (this act), is repealed.

8 **SECTION 46.** 46.979 (2) (c) (intro.) of the statutes, as affected by 1995 Wisconsin
9 Act 27, is amended to read:

10 46.979 (2) (c) (intro.) From the appropriation under s. 20.435 (3) (ky), distribute
11 as follows the federal child care and development block grant funds that are received
12 under 42 USC 9858 and that are not distributed under par. ~~(a) or~~ (b):

13 **SECTION 47.** 46.98 (1) (ar) of the statutes is created to read:

14 46.98 (1) (ar) "Department" means the department of industry, labor and job
15 development.

16 **SECTION 48.** 46.98 (1) (b) of the statutes is amended to read:

17 46.98 (1) (b) "Gainfully employed" means working, or seeking employment ~~or~~
18 ~~participating in a training or educational program designed to lead directly to paid~~
19 employment.

20 **SECTION 49.** 46.98 (1) (bd) and (bf) of the statutes are created to read:

21 46.98 (1) (bd) "Level I day care provider" means a day care provider certified
22 under s. 48.651 (1) (a).

23 (bf) "Level II day care provider" means a day care provider certified under s.
24 48.651 (1) (b).

1 **SECTION 50.** 46.98 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 46.98 **(2)** (a) The department shall distribute the funds allocated under s. 46.40
4 (1) and ~~(2m) (e)~~ for ~~at-risk, low-income and~~ respite child care services under ~~subs.~~
5 ~~(2m) and sub. (4g)~~ to private nonprofit child care providers that provide child care
6 for the children of migrant workers and to county departments under s. 46.215, 46.22
7 or 46.23. In addition, the department shall distribute the funds allocated under s.
8 46.40 (1), ~~(2m) (e) and (4m)~~ 49.181 (1) (b) for low-income and respite at-risk child
9 care services under ~~sub. subs. (2m) and (3)~~ to ~~private nonprofit child care providers~~
10 ~~who provide child care for the children of migrant workers~~ county departments
11 under s. 46.215, 46.22 or 46.23.

12 **SECTION 51.** 46.98 (2m) (a) of the statutes, as affected by 1995 Wisconsin Act
13 27, is amended to read:

14 46.98 **(2m)** (a) Except as provided in sub. (2) (c), funds distributed under sub.
15 (2) for at-risk child care may only be used for the purposes specified in this
16 paragraph. The funds shall be used to provide care for all or part of a day for children
17 under age 13 of persons who need child care to be able to work, who are not receiving
18 aid to families with dependent children and who are at risk of becoming eligible for
19 aid to families with dependent children if child care under this subsection is not
20 provided. No funds distributed under sub. (2) may be used to provide care for a child
21 by a person who resides with the child.

22 **SECTION 52.** 46.98 (3) (c) of the statutes is amended to read:

23 46.98 **(3)** (c) From the funds distributed under sub. (2) for low-income child
24 care, a county may provide day care services itself or it may purchase day care
25 services from a child care provider. In addition, from the funds distributed under

1 sub. (2) for low-income child care, each county shall, subject to the availability of
2 funds, provide day care by offering to each eligible parent a voucher for the payment
3 of day care services provided by a child care provider. Each county shall allocate all
4 or a portion of its day care funding for payment of vouchers. An eligible parent may
5 choose whether the care will be provided by a Level I day care provider or a Level II
6 day care provider or in a day care center, in the home of another person or, subject
7 to the county's approval, in the parent's home. A parent who uses vouchers for the
8 payment of day care services may supplement the maximum rate for day care
9 services set under sub. (4) (d), (dg) or (dm) or, if a higher rate for day care services
10 is set under sub. (4) (e), the rate set under sub. (4) (e), whichever is applicable.

11 **SECTION 53.** 46.98 (4) (a) 2. of the statutes is amended to read:

12 46.98 (4) (a) 2. A parent who is gainfully employed, who is in need of child care
13 services and whose family income is equal to or less than ~~75%~~ 165% of the state
14 ~~median income.~~ ~~The department shall annually determine the state median income~~
15 poverty line, as defined in s. 46.30 (1) (c).

16 **SECTION 54.** 46.98 (4) (b) of the statutes is amended to read:

17 46.98 (4) (b) Parents receiving aid under sub. (3) ~~whose family income is equal~~
18 ~~to or greater than 50% of the state median income~~ are liable for a percentage of the
19 cost of child care received, payable in accordance with a schedule developed by the
20 department based on ability to pay and the cost of the child care.

21 **SECTION 55.** 46.98 (4) (d) of the statutes is amended to read:

22 46.98 (4) (d) Each county shall annually set a maximum rate that it will pay
23 for licensed day care services provided to eligible parents, other than licensed day
24 care services for which a rate, if any, is established under par. (e). A county shall set
25 its maximum rate under this paragraph so that at least 75% of the number of places

1 for children within the licensed ~~or certified~~ capacity of all child care providers in that
2 county can be purchased at or below that maximum rate. The department shall
3 annually review each county's rate and shall approve it if the department finds that
4 the rate is set at a reasonable and customary level which does not preclude an eligible
5 parent from having a reasonable selection of child care providers. The department
6 shall promulgate by rule a procedure and criteria for approving county rates.

7 **SECTION 56.** 46.98 (4) (dg) and (dm) of the statutes are created to read:

8 46.98 (4) (dg) Each county shall set a maximum rate that it will pay for Level
9 I day care providers for services provided to eligible parents. The maximum rate set
10 under this paragraph may not exceed 75% of the rate established under par. (d).

11 (dm) Each county shall set a maximum rate that it will pay for Level II day care
12 providers for services provided to eligible parents. The maximum rate set under this
13 paragraph may not exceed 50% of the rate established under par. (d).

14 **SECTION 57.** 46.98 (4g) (b) of the statutes is amended to read:

15 46.98 (4g) (b) From the funds distributed under sub. (2) for respite child care,
16 a county may provide child care services itself or it may purchase child care services
17 from a child care provider. In addition, from the funds distributed under sub. (2) for
18 respite child care, each county shall, subject to the availability of funds, provide child
19 care by offering to each eligible parent a voucher for the payment of child care
20 services provided by a child care provider. Each county shall allocate all or a portion
21 of its child care funding for payment of vouchers. A parent who uses vouchers for the
22 payment of child care services may supplement the maximum rate for child care
23 services set under sub. (4) (d), (dg) or (dm) or, if a higher rate for child care services
24 is set under sub. (4) (e), the rate set under sub. (4) (e), whichever is applicable. The

1 county may choose the child care provider for a child whose child care is funded under
2 par. (a).

3 **SECTION 58.** 46.98 (6) of the statutes is created to read:

4 46.98 (6) SUNSET. This section does not apply beginning on the first day of the
5 6th month beginning after the date specified in the notice under s. 49.141 (2) (d).

6 **SECTION 59.** 46.986 (1) (b) of the statutes is amended to read:

7 46.986 (1) (b) “Child care provider” ~~has the meaning given in s. 46.98 (1) (am)~~
8 means a provider licensed under s. 48.65, certified under s. 48.651 or established or
9 contracted for under s. 120.13 (14).

10 **SECTION 60.** 46.986 (1) (m) of the statutes is amended to read:

11 46.986 (1) (m) “Parent” ~~has the meaning given in s. 46.98 (1) (e)~~ means a parent,
12 guardian, foster parent, treatment foster parent, legal custodian or a person acting
13 in the place of a parent.

14 **SECTION 61.** 46.987 (1) (a) of the statutes is amended to read:

15 46.987 (1) (a) “Child care provider” ~~has the meaning given in s. 46.98 (1) (am)~~
16 means a provider licensed under s. 48.65, certified under s. 48.651 or established or
17 contracted for under s. 120.13 (14).

18 **SECTION 62.** 46.987 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
19 is amended to read:

20 46.987 (2) (a) From the allocation under s. 46.979 (2) (c) 4. the department may
21 award grants to child care providers that meet the quality of care standards
22 established under s. 46.98 (4) (e) or 49.155 (6) to improve the retention of skilled and
23 experienced child care staff. In awarding grants under this subsection, the
24 department shall consider the applying child care provider’s total enrollment of

1 children and average enrollment of children who receive or are eligible for publicly
2 funded care from the child care provider.

3 **SECTION 63.** 46.995 (2) (c) of the statutes is amended to read:

4 46.995 (2) (c) Highest rate, by county population, of participation in the aid to
5 families with dependent children program under s. 49.19 or the Wisconsin works
6 program under s. 49.147 (3) to (5).

7 **SECTION 64.** 48.40 (1m) of the statutes is created to read:

8 48.40 (1m) "Kinship care relative" means a person receiving payments under
9 s. 48.57 (3m) (a) for providing care and maintenance for a child.

10 **SECTION 65.** 48.427 (3) (a) 5. of the statutes is amended to read:

11 48.427 (3) (a) 5. A relative with whom the child resides, if the relative has filed
12 a petition to adopt the child or if the relative is a kinship care relative.

13 **SECTION 66.** 48.428 (2) of the statutes is amended to read:

14 48.428 (2) When a court places a child in sustaining care after an order under
15 s. 48.427, the court shall transfer legal custody of the child to the county department
16 or a licensed child welfare agency, transfer guardianship of the child to an agency
17 listed in s. 48.427 (3) (a) 1. to 4. and place the child in the home of a licensed foster
18 parent ~~or~~, licensed treatment foster parent or kinship care relative with whom the
19 child has resided for 6 months or longer. Pursuant to such a placement, this licensed
20 foster parent ~~or~~, licensed treatment foster parent or kinship care relative shall be a
21 sustaining parent with the powers and duties specified in sub. (3).

22 **SECTION 67.** 48.428 (4) of the statutes is amended to read:

23 48.428 (4) Before a licensed foster parent ~~or~~, licensed treatment foster parent
24 or kinship care relative may be appointed as a sustaining parent, the foster parent
25 ~~or~~, treatment foster parent or kinship care relative shall execute a contract with the

1 agency responsible for providing services to the child, in which the foster parent or,
2 treatment foster parent or kinship care relative agrees to provide care for the child
3 until the child's 18th birthday unless the placement order is changed by the court
4 because the court finds that the sustaining parents are no longer able or willing to
5 provide the sustaining care or the court finds that the behavior of the sustaining
6 parents toward the child would constitute grounds for the termination of parental
7 rights if the sustaining parent was the birth parent of the child.

8 **SECTION 68.** 48.57 (3m) of the statutes is created to read:

9 48.57 (3m) (a) Within the limits of the funding received from the appropriation
10 under s. 20.445 (3) (dz), a county department shall make payments, as determined
11 by the department under par. (e), to a relative of a child, other than the child's parent
12 or stepparent, who is providing care and maintenance for the child if all of the
13 following conditions are met:

14 1. The relative applies to the county department for payments under this
15 subsection and the county department determines that there is a need for the child
16 to be placed with the relative and that the placement with the relative benefits the
17 child.

18 2. The county department determines that the child meets one or more of the
19 criteria specified in s. 48.13 (1) to (14) or that the child would be at risk of meeting
20 one or more of those criteria if the child were to remain in his or her home.

21 3. The county department determines, through an assessment, that the child
22 will be safe in the relative's home.

23 4. The county department conducts a background investigation under sub. (3p)
24 of the relative and any other adult resident of the relative's home to determine if the

1 relative or adult resident has any arrests or convictions that could adversely affect
2 the child or the relative's ability to care for the child.

3 5. The relative cooperates with the county department in the application
4 process, including applying for other forms of assistance for which the relative may
5 be eligible.

6 (b) 1. The county department shall refer to the attorney responsible for support
7 enforcement under s. 59.458 (1) the name of the parent or parents of a child for whom
8 a payment is made under par. (a).

9 2. When any relative of a child applies for or receives payments under this
10 subsection, any right of the child or the child's parent to support or maintenance from
11 any other person, including any right to unpaid amounts accrued at the time of
12 application and any right to amounts accruing during the time that payments are
13 made under this subsection, is assigned to the state. If a child who is the beneficiary
14 of a payment under this subsection is also the beneficiary of support under a
15 judgment or order that includes support for one or more children who are not the
16 beneficiaries of payments under this subsection, any support payment made under
17 the judgment or order is assigned to the state in the amount that is the proportionate
18 share of the child who is the beneficiary of the payment made under this subsection,
19 except as otherwise ordered by the court on the motion of a party.

20 (c) The county department shall require the parent or parents of a child for
21 whom a payment is made under par. (a) to initiate or continue health care insurance
22 coverage for the child.

23 (cm) A relative who receives a payment under par. (a) is not eligible to receive
24 a payment under s. 48.62 (4).

1 (d) A county department shall review a placement of a child for which the
2 county department makes payments under par. (a) not less than every 12 months
3 after the county department begins making those payments to determine whether
4 the conditions specified in par. (a) continue to exist. If those conditions do not
5 continue to exist, the county department shall discontinue making those payments.

6 (e) The department shall determine all of the following:

7 1. The amount and effective date of any payment under par. (a). In determining
8 the amount of a payment under par. (a), the department shall consider any income
9 of the child, other than earned income as defined in 26 USC 32 (c) (2).

10 2. Whether the child is eligible for medical assistance under ss. 49.43 to 49.47,
11 if no other health care insurance coverage is available to the child.

12 **SECTION 69.** 48.57 (3p) of the statutes is created to read:

13 48.57 (3p) (a) In this subsection, "adult resident" means a person 18 years of
14 age or over who lives at the home of a person who has applied for or is receiving
15 payments under sub. (3m) with the intent of making that home his or her home or
16 who lives for more than 30 days cumulative in any 6-month period at the home of
17 a person who has applied for or is receiving payments under sub. (3m).

18 (b) 1. After receipt of an application for payments under sub. (3m), the county
19 department, with the assistance of the department of justice, shall conduct a
20 background investigation of the applicant.

21 2. The county department, with the assistance of the department of justice,
22 may conduct a background investigation of any person who is receiving payments
23 under sub. (3m) at the time of review under sub. (3m) (d) or at any other time that
24 the county department considers to be appropriate.

1 (c) 1. After receipt of an application for payments under sub. (3m), the county
2 department, with the assistance of the department of justice, shall, in addition to the
3 investigation under par. (b), conduct a background investigation of each employe and
4 prospective employe of the applicant and of each adult resident.

5 2. The county department, with the assistance of the department of justice,
6 may conduct a background investigation of any employe, prospective employe or
7 adult resident of the home of any person who is receiving payments under sub. (3m)
8 at the time of review under sub. (3m) (d) or at any other time that the county
9 department considers to be appropriate.

10 3. Before a person that is receiving payments under sub. (3m) may employ any
11 person or permit any person to be an adult resident, the county department, with the
12 assistance of the department of justice, shall conduct a background investigation of
13 the prospective employe or prospective adult resident unless that person has already
14 been investigated under subd. 1. or 2.

15 (d) If the person being investigated under par. (b) or (c) is a nonresident, or at
16 any time within the 5 years preceding the date of the application has been a
17 nonresident, or if the county department determines that the person's employment,
18 licensing or state court records provide a reasonable basis for further investigation,
19 the county department shall require the person to be photographed and
20 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
21 fingerprints. The department of justice may provide for the submission of the
22 fingerprint cards to the federal bureau of investigation for the purposes of verifying
23 the identity of the person fingerprinted and obtaining records of his or her criminal
24 arrest and conviction.

1 (e) Upon request, a person being investigated under par. (b) or (c) shall provide
2 the county department with all of the following information:

3 1. The person's name.

4 2. The person's social security number.

5 3. Other identifying information, including the person's birthdate, gender, race
6 and any identifying physical characteristics.

7 4. Information regarding the conviction record of the person under the law of
8 this state or any other state or under federal law. This information shall be provided
9 on a notarized background verification form that the department shall provide by
10 rule.

11 (f) 1. The county department may not make payments under sub. (3m) unless
12 the county department receives information from the department of justice
13 indicating that the conviction record of the applicant under the law of this state is
14 satisfactory according to the criteria specified in par. (g) 1. to 3. The department may
15 make payments under sub. (3m) conditioned on the receipt of information from the
16 federal bureau of investigation indicating that the person's conviction record under
17 the law of any other state or under federal law is satisfactory according to the criteria
18 specified in par. (g) 1. to 3.

19 2. A person receiving payments under sub. (3m) may not employ a person or
20 permit a person to be an adult resident until the county department receives
21 information from the department of justice indicating that the person's conviction
22 record under the law of this state is satisfactory according to the criteria specified in
23 par. (g) 1. to 3. and the county department so advises the person receiving payments
24 under sub. (3m). A person receiving payments under sub. (3m) may employ a person
25 or permit a person to be an adult resident conditioned on the receipt of information

1 from the federal bureau of investigation indicating that the person's conviction
2 record under the law of any other state or under federal law is satisfactory according
3 to the criteria specified in par. (g) 1. to 3.

4 (g) Subject to par. (h), the county department may not make payments to a
5 person applying for payments under sub. (3m) and a person receiving payments
6 under sub. (3m) may not employ a person or permit a person to be an adult resident
7 if any of the following applies:

8 1. The applicant or other person has been convicted of a violation of ch. 161 that
9 is punishable as a felony or of a violation of the law of any other state or federal law
10 that would be a violation of ch. 161 that is punishable as a felony if committed in this
11 state.

12 2. The applicant or other person has had imposed on him or her a penalty
13 specified in s. 939.62, 939.621, 939.63, 939.64, 939.641 or 939.645 or has been
14 convicted of a violation of the law of any other state or federal law under
15 circumstances under which the applicant or other person would be subject to a
16 penalty specified in any of those sections if convicted in this state.

17 3. The applicant or other person has been convicted of a violation of ch. 940, 944
18 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70,
19 or of a violation of the law of any other state or federal law that would be a violation
20 of ch. 940, 944 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,
21 948.63 or 948.70, if committed in this state, except that the county department may
22 make payments to a person applying for payments under sub. (3m) and a person
23 receiving payments under sub. (3m) may employ or permit to be an adult resident
24 a person who has been convicted of a violation of s. 944.30, 944.31 or 944.33 or of a
25 violation of the law of any other state or federal law that would be a violation of s.

1 944.30, 944.31 or 944.33 if committed in this state, if that violation occurred 20 years
2 or more before the date of the investigation.

3 (h) Notwithstanding par. (g), a person whose application to a county
4 department for payments under sub. (3m) has been denied on one of the grounds
5 specified in par. (g) 1. to 3. may petition the department for a review of that denial.
6 If the department determines that making those payments would be in the best
7 interests of a child, the department shall order that those payments be made. The
8 department shall promulgate rules to provide standards under which to review a
9 petition under this paragraph.

10 (i) The county department shall keep confidential all information received
11 under this subsection from the department of justice or the federal bureau of
12 investigation, except that the county department may disclose any information
13 obtained under this subsection to any other county department conducting an
14 investigation under this subsection. Such information is not subject to inspection or
15 copying under s. 19.35.

16 (j) The county department may charge a fee for conducting a background
17 investigation under this subsection. The fee may not exceed the reasonable cost of
18 conducting the investigation.

19 **SECTION 70.** 48.651 of the statutes is renumbered 48.651 (1) (intro.) and
20 amended to read:

21 48.651 (1) (intro.) Each county department shall certify, according to the
22 standards adopted by the department under s. 46.03 (21), each day care provider
23 ~~from whom it purchases services under s. 46.036 on or after January 1, 1985, and~~
24 ~~each day care provider that provides day care services to parents pursuant to a~~
25 ~~voucher provided under s. 46.98 (3) (c) on or after January 1, 1985~~ reimbursed for

1 child care services provided to families determined eligible under s. 46.98 (2r) and
2 (4), unless the provider is a day care center licensed under s. 48.65 or is established
3 or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs
4 of certification. The county shall certify the following categories of day care
5 providers:

6 **SECTION 71.** 48.651 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
7 Act (this act), is amended to read:

8 48.651 (1) (intro.) Each county department shall certify, according to the
9 standards adopted by the department under s. 46.03 (21), each day care provider
10 reimbursed for child care services provided to families determined eligible under ss.
11 46.98 (2r) and (4) and 49.155 (1m), unless the provider is a day care center licensed
12 under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county
13 may charge a fee to cover the costs of certification. The county shall certify the
14 following categories of day care providers:

15 **SECTION 72.** 48.651 (1) (a) and (b) of the statutes are created to read:

16 48.651 (1) (a) Level I day care providers, as established by the department
17 under s. 46.03 (21). No county may certify a provider under this paragraph if the
18 provider is a relative of all of the children for whom he or she provides care.

19 (b) Level II day care providers, as established by the department under s. 46.03
20 (21). In establishing the requirements for certification under this paragraph, the
21 department may not include a requirement for training for providers.

22 **SECTION 73.** 48.651 (2) of the statutes is created to read:

23 48.651 (2) (a) In this subsection, "adult resident" means a person 18 years of
24 age or over who lives at the home of a person who is a day care provider certified
25 under this section with the intent of making that home his or her home or who lives

1 for more than 30 days cumulative in any 6-month period at the home of a person who
2 is a day care provider certified under this section.

3 (b) 1. Before initially certifying a Level I day care provider under sub. (1) (a)
4 or a Level II day care provider under sub. (1) (b), the county department, with the
5 assistance of the department of justice, shall conduct a background investigation of
6 the certification applicant.

7 2. The county department, with the assistance of the department of justice,
8 shall conduct a background investigation of any person who, on the effective date of
9 this subdivision [revisor inserts date], is a day care provider certified under this
10 section or who, on the effective date of this subdivision [revisor inserts date], has
11 an application for certification pending, within 6 months after the effective date of
12 this subdivision [revisor inserts date], or on the person's application for renewal,
13 whichever is earlier.

14 3. Subject to subd. 2., the county department may, at the time of renewal of the
15 certification of a day care provider certified under this section, or at any other time
16 that the county department considers to be appropriate, conduct, with the assistance
17 of the department of justice, a background investigation of that day care provider.

18 (c) 1. Before initially certifying a Level I day care provider under sub. (1) (a) or
19 a Level II day care provider under sub. (1) (b), the county department, with the
20 assistance of the department of justice, shall, in addition to the investigation under
21 par. (b), conduct a background investigation of each employe and prospective
22 employe of the certification applicant and of each adult resident.

23 2. The county department, with the assistance of the department of justice,
24 shall conduct a background investigation of each employe, prospective employe and
25 adult resident of a person who, on the effective date of this subdivision [revisor

1 inserts date], is certified under this section or who, on the effective date of this
2 subdivision [revisor inserts date], has an application for certification pending,
3 within 6 months after that date or on the person's application for renewal, whichever
4 is earlier.

5 3. Subject to subd. 2., the county department may, at the time of renewal of the
6 certification of a day care provider certified under this section or at any other time
7 that the county department considers to be appropriate, conduct, with the assistance
8 of the department of justice, a background investigation of any employe, prospective
9 employe or adult resident of the day care provider.

10 4. Before a day care provider that is certified under this section may employ
11 any person or permit any person to be an adult resident, the county department, with
12 the assistance of the department of justice, shall conduct a background investigation
13 of the prospective employe or prospective adult resident unless that person has
14 already been investigated under subd. 1., 2. or 3.

15 (d) If the person being investigated under par. (b) or (c) is a nonresident, or if
16 at any time within the 5 years preceding the date of the investigation that person has
17 been a nonresident, or if the county department determines that the person's
18 employment, certification or state court records provide a reasonable basis for
19 further investigation, the county department shall require the person to be
20 photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set
21 of the person's fingerprints. The department of justice may provide for the
22 submission of the fingerprint cards to the federal bureau of investigation for the
23 purposes of verifying the identity of the person fingerprinted and obtaining records
24 of his or her criminal arrest and conviction.

1 (e) Upon request, a person being investigated under par. (b) or (c) shall provide
2 the county department with all of the following information:

3 1. The person's name.

4 2. The person's social security number.

5 3. Other identifying information, including the person's birthdate, gender, race
6 and any identifying physical characteristics.

7 4. Information regarding the conviction record of the person under the law of
8 this state or any other state or under federal law. This information shall be provided
9 on a notarized background verification form that the department shall provide by
10 rule promulgated under s. 48.67.

11 (f) 1. A county department may not certify a person as a day care provider under
12 this section until the county department receives information from the department
13 of justice indicating that the person's conviction record under the law of this state is
14 satisfactory according to the criteria specified in par. (g) 1. to 3. A county department
15 may certify a person as a day care provider under this section conditioned on the
16 receipt of information from the federal bureau of investigation indicating that the
17 person's conviction record under the law of any other state or under federal law is
18 satisfactory according to the criteria specified in par. (g) 1. to 3.

19 2. A day care provider that is certified under this section may not employ a
20 person or permit a person to be an adult resident until the county department
21 receives information from the department of justice indicating that the person's
22 conviction record under the law of this state is satisfactory according to the criteria
23 specified in par. (g) 1. to 3. and the child welfare agency or county department so
24 advises the foster home or treatment foster home. A day care provider that is
25 certified under this section may employ a person or permit a person to be an adult

1 resident conditioned on the receipt of information from the federal bureau of
2 investigation indicating that the person's conviction record under the law of any
3 other state or under federal law is satisfactory according to the criteria specified in
4 par. (g) 1. to 3.

5 (g) Subject to par. (h), a county department may not certify a person to be a day
6 care provider under this section and a day care provider certified under this section
7 may not employ a person or permit a person to be an adult resident if any of the
8 following applies:

9 1. The person has been convicted of a violation of ch. 161 that is punishable as
10 a felony or of a violation of the law of any other state or federal law that would be a
11 violation of ch. 161 that is punishable as a felony if committed in this state.

12 2. The person has had imposed on him or her a penalty specified in s. 939.62,
13 939.621, 939.63, 939.64, 939.641 or 939.645 or has been convicted of a violation of the
14 law of any other state or federal law under circumstances under which the person
15 would be subject to a penalty specified in any of those sections if convicted in this
16 state.

17 3. The person has been convicted of a violation of ch. 940, 944 or 948, other than
18 a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, or of a violation of
19 the law of any other state or federal law that would be a violation of ch. 940, 944 or
20 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, if
21 committed in this state, except that the county department may certify a person to
22 be a day care provider under this section and a day care provider certified under this
23 section may employ or permit to be an adult resident a person who has been convicted
24 of a violation of s. 944.30, 944.31 or 944.33 or of a violation of the law of any other
25 state or federal law that would be a violation of s. 944.30, 944.31 or 944.33 if

1 committed in this state, if that violation occurred 20 years or more before the date
2 of the investigation.

3 (h) Notwithstanding par. (g), a person whose application for initial certification
4 or renewal of a certification under this section has been denied on one of the grounds
5 specified in par. (g) 1. to 3. may petition the department for a review of that denial.
6 If the department determines that issuing or renewing the license would be in the
7 best interests of a child, the department shall order that the license be issued or
8 renewed. The department shall promulgate rules to provide standards under which
9 to review a petition under this paragraph.

10 (i) A county department shall keep confidential all information received under
11 this subsection from the department of justice or the federal bureau of investigation,
12 except that the county department may disclose any information obtained under this
13 subsection to any other county department conducting an investigation under this
14 subsection. Such information is not subject to inspection or copying under s. 19.35.

15 (j) A county department may charge a fee for conducting a background
16 investigation under this subsection. The fee may not exceed the reasonable cost of
17 conducting the investigation.

18 **SECTION 74.** 48.981 (2) of the statutes, as affected by 1993 Wisconsin Act 443,
19 is amended to read:

20 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
21 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
22 mental health professional, social worker, marriage and family therapist,
23 professional counselor, public assistance worker, including a financial and
24 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
25 counselor, mediator under s. 767.11, child care worker in a day care center or child

1 caring institution, day care provider, alcohol or other drug abuse counselor, member
2 of the treatment staff employed by or working under contract with a county
3 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
4 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
5 technician or police or law enforcement officer having reasonable cause to suspect
6 that a child seen in the course of professional duties has been abused or neglected
7 or having reason to believe that a child seen in the course of professional duties has
8 been threatened with abuse or neglect and that abuse or neglect of the child will occur
9 shall, except as provided under sub. (2m), report as provided in sub. (3). Any other
10 person, including an attorney, having reason to suspect that a child has been abused
11 or neglected or reason to believe that a child has been threatened with abuse or
12 neglect and that abuse or neglect of the child will occur may make such a report. No
13 person making a report under this subsection may be discharged from employment
14 for so doing.

15 **SECTION 75.** 49.001 (9) of the statutes is created to read:

16 49.001 (9) "Wisconsin works agency" means a person under contract under s.
17 49.143 to administer Wisconsin works under ss. 49.141 to 49.161. If no contract is
18 awarded under s. 49.143, "Wisconsin works agency" means the department of
19 industry, labor and job development.

20 **SECTION 76.** 49.015 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is amended to read:

22 49.015 (2) RECIPIENTS OF OTHER AID. Except as provided in sub. (3), an
23 individual is not eligible for relief for a month in which the individual has received
24 aid to families with dependent children under s. 49.19 or supplemental security
25 income under 42 USC 1381 to 1383c or has participated in a Wisconsin works

1 employment position under s. 49.147 (3) to (5) or in which aid to families with
2 dependent children or, supplemental security income benefits are or a Wisconsin
3 works employment position is immediately available to the individual.

4 **SECTION 77.** 49.124 (1m) of the statutes, as affected by 1995 Wisconsin Act 27,
5 is renumbered 49.124 (1m) (a) and amended to read:

6 49.124 (1m) (a) The department shall administer an employment and training
7 program for recipients under the food stamp program. The department may contract
8 with a Wisconsin works agency to administer the employment and training program
9 under this section. Except as provided in par. (b), and to the extent permitted by
10 federal law or waiver, the department may require able-bodied individuals who are
11 18 to 64 years of age who are eligible for a Wisconsin works employment position
12 under s. 49.147 (3) to (5) to participate in a Wisconsin works employment position,
13 in lieu of the program under this section, as a condition of receiving food stamp
14 benefits. Except as provided in par. (b), the department may require able-bodied
15 individuals who are 18 to 64 years of age who are not eligible for a Wisconsin works
16 employment position to participate in the employment and training program under
17 this section. To the extent permitted by federal law or waiver, the department may
18 distribute food stamp benefits on a pay-for-performance basis, as determined under
19 par. (c). The maximum number of hours an individual may be required to work may
20 not exceed the amount of food stamp benefits divided by the applicable federal
21 minimum wage, or 40 hours per week, whichever is less.

22 **SECTION 78.** 49.124 (1m) (b) of the statutes is created to read:

23 49.124 (1m) (b) The department may not require an individual who is a
24 recipient under the food stamp program and who is the caretaker of a child who is

1 under the age of 12 weeks to participate in any employment and training program
2 under par. (a).

3 **SECTION 79.** 49.124 (1m) (c) of the statutes is created to read:

4 49.124 **(1m)** (c) The amount of food stamp benefits paid to the recipient in a
5 subsequent month shall be determined as follows:

6 1. The department shall add the recipient's total number of hours of actual
7 participation in the month to the total number of hours in a month for which the
8 recipient had good cause, as defined by the department by rule, for not participating
9 in required activities.

10 2. The department shall subtract the total number of hours determined under
11 subd. 1. from the recipient's total number of hours of required participation in that
12 month.

13 3. The department shall multiply the number of hours determined under subd.
14 2. by the federal minimum hourly wage under 29 USC 206 (a) (1).

15 4. The department shall subtract the dollar amount determined under subd.
16 3. from the amount of food stamp benefits that the recipient's family would have
17 received if he or she had participated for the total number of assigned hours.

18 **SECTION 80.** 49.124 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
19 sections 2792 and 3141, is repealed and recreated to read:

20 49.124 **(3)** DEDUCTIONS FROM INCOME MAINTENANCE PAYMENTS. The department
21 shall withhold the value of food stamp losses for which a county, Wisconsin works
22 agency or federally recognized American Indian tribe is liable under sub. (2) from the
23 payment to the county, Wisconsin works agency or tribe under s. 20.445 (3) (dz) and
24 (nL) and reimburse the federal government from the funds withheld.

1 **SECTION 81.** 49.125 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 49.125 (1) The department, or a county ~~or~~ an elected governing body of a
4 federally recognized American Indian tribe or band or a Wisconsin works agency
5 acting on behalf of the department, may recover overpayments that arise from an
6 overissuance of food coupons under the food stamp program administered under s.
7 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall be made in accordance with 7 USC
8 2022.

9 **SECTION 82.** 49.141 of the statutes is created to read:

10 **49.141 Wisconsin works; general provisions. (1) DEFINITIONS.** As used in
11 ss. 49.141 to 49.161:

12 (a) “Community service job” means a work component of Wisconsin works
13 administered under s. 49.147 (4).

14 (b) “Custodial parent” means, with respect to a dependent child, a parent who
15 resides with that child and, if there has been a determination of legal custody with
16 respect to the dependent child, has legal custody of that child. For the purposes of
17 this paragraph, “legal custody” has the meaning given in s. 767.001 (2) (a).

18 (c) “Dependent child” means a person who resides with a parent and who is
19 under the age of 18 or, if the person is a full-time student at a secondary school or
20 a vocational or technical equivalent and is reasonably expected to complete the
21 program before attaining the age of 19, is under the age of 19.

22 (d) “Financial and employment planner” means a caseworker employed by a
23 Wisconsin works agency who provides financial or employment counseling services
24 to a participant.

25 (e) “Job access loan” means a loan administered under s. 49.147 (6).

1 (f) "Migrant worker" has the meaning given in s. 103.90 (5).

2 (g) "Minimum wage" means the state minimum hourly wage under ch. 104 or
3 the federal minimum hourly wage under 29 USC 206 (a) (1), whichever is applicable.

4 (h) "Noncustodial parent" means, with respect to a dependent child, a parent
5 who is not the custodial parent.

6 (i) "Nonmarital coparent" means, with respect to an individual and a
7 dependent child, a parent who is not married to the individual, resides with the
8 dependent child and is either an adjudicated parent or a parent who has signed and
9 filed with the state registrar under s. 69.15 (3) (b) 3. a statement acknowledging
10 paternity.

11 (j) "Parent" means either a biological parent, a person who has consented to the
12 artificial insemination of his wife under s. 891.40, or a parent by adoption.

13 (k) "Participant" means an individual who participates in any component of the
14 Wisconsin works program.

15 (L) "Strike" has the meaning provided in 29 USC 142 (2).

16 (m) "Transitional placement" means a work component of Wisconsin works
17 administered under s. 49.147 (5).

18 (n) "Trial job" means a work component of Wisconsin works administered under
19 s. 49.147 (3).

20 (p) "Wisconsin works" means the assistance program for families with
21 dependent children, administered under ss. 49.141 to 49.161.

22 (r) "Wisconsin works employment position" means any job or placement under
23 s. 49.147 (3) to (5).

24 (s) "Wisconsin works group" means an individual who is a custodial parent, all
25 dependent children with respect to whom the individual is a custodial parent and all

1 dependent children with respect to whom the individual's dependent child is a
2 custodial parent. "Wisconsin works group" includes any nonmarital coparent or any
3 spouse of the individual who resides in the same household as the individual and any
4 dependent children with respect to whom the spouse or nonmarital coparent is a
5 custodial parent. "Wisconsin works group" does not include any person who is
6 receiving benefits under s. 49.027 (3) (b).

7 (2) WAIVERS; LEGISLATION. (a) If necessary, the department shall request a
8 waiver from the secretaries of the federal department of health and human services,
9 the federal department of agriculture and the federal social security administration
10 or shall seek the passage of federal legislation to permit the department to conduct
11 the Wisconsin works program in lieu of the aid to families with dependent children
12 program under s. 49.19, the job opportunities and basic skills program under s.
13 49.193, the parental responsibility pilot program under s. 49.25 and the
14 work-not-welfare program under s. 49.27 and as part of the food stamp program
15 under 7 USC 2011 to 2029 and the medical assistance program under 42 USC 1396
16 to 1396u.

17 (b) If a waiver is granted and in effect or legislation is enacted, and if the
18 department determines that sufficient funds are available, the department may
19 begin to implement the Wisconsin works program no sooner than July 1, 1996, for
20 selected counties or groups determined by the department and shall implement the
21 Wisconsin works program statewide for all groups no later than September 1, 1997.
22 If a waiver is not granted and in effect or federal legislation is not enacted before
23 March 30, 1997, the department shall implement the Wisconsin works program
24 statewide for all groups no later than 3 months after the necessary waiver has been
25 granted or federal legislation has been enacted.

1 (d) Before implementing the Wisconsin works program, the department shall
2 publish a notice in the Wisconsin Administrative Register that states the date on
3 which the department will begin to implement the Wisconsin works program
4 statewide.

5 (3) APPLICATIONS. Any individual may apply for any component of Wisconsin
6 works. Application for each component of Wisconsin works shall be made on a form
7 prescribed by the department. The individual shall submit a completed application
8 form to a Wisconsin works agency in the geographical area specified by the
9 department under s. 49.143 (6) in which the individual lives and in the manner
10 prescribed by the department.

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

14 (5) NONSUPPLANT. No Wisconsin works employment position may be operated
15 so as to do any of the following:

16 (a) Displace any regular employe or reduce the wages or hours of work of any
17 regular employe.

18 (b) Fill a position when any other person is on layoff from the same or a
19 substantially equivalent job within the same organizational unit.

20 **SECTION 83.** 49.143 of the statutes is created to read:

21 **49.143 Wisconsin works; agency contracts. (1) AWARDING CONTRACTS.** (a)
22 Except as provided in par. (am), the department may contract with any person to
23 administer Wisconsin works in a geographical area determined by the department
24 under sub. (6). The department may award a contract under this section on the basis
25 of a competitive process approved by the secretary of administration, or, if the

1 secretary of administration determines that it is in the best interest of the state to
2 do so, on the basis of a noncompetitive process.

3 (am) The department may contract with a county department under s. 46.215,
4 46.22 or 46.23 or with a tribal governing body to administer Wisconsin works in that
5 county or on that tax-free land if the county department or tribal governing body has
6 met the aid to families with dependent children caseload performance standards
7 established by the department and has submitted an acceptable proposal.

8 (b) If no acceptable provider in a geographical area is selected under par. (a) or
9 (am), the department may administer Wisconsin works directly in that geographical
10 area, or, for a period of up to 12 months succeeding the statewide implementation of
11 Wisconsin works, may require the county or counties that comprise that
12 geographical area to administer Wisconsin works. A county that is required under
13 this paragraph to administer Wisconsin works may contract with any person without
14 competitive bidding or competitive sealed proposals to administer Wisconsin works.

15 **(2) CONTRACT REQUIREMENTS.** Each contract under sub. (1) shall contain
16 performance-based incentives established by the department. The contract shall
17 require a Wisconsin works agency to do all of the following:

18 (a) Establish a community steering committee. The Wisconsin works agency
19 shall recommend the members of the committee to the chief executive officer of each
20 county served by the Wisconsin works agency. The chief executive officer of each
21 county shall appoint the members of the committee. The number of members that
22 each chief executive officer appoints to the committee shall be in proportion to the
23 population of that officer's county relative to the population of each other county
24 served by the Wisconsin works agency, except that the chief executive officer of a
25 county that is not a Wisconsin works agency shall appoint the director of the county

1 department under s. 46.215, 46.22 or 46.23, or his or her designee, and one other
2 representative of the county department under s. 46.215, 46.22 or 46.23. The
3 committee shall consist of at least 12 members, but not more than 15 members. The
4 members of the committee shall appoint a chairperson who shall be a person who
5 represents business interests. The committee shall do all of the following:

6 1. Advise the Wisconsin works agency concerning employment and training
7 activities.

8 2. Identify and encourage employers to provide permanent jobs for persons who
9 are eligible for trial jobs or community service jobs.

10 3. Create, and encourage others to create, subsidized jobs for persons who are
11 eligible for trial jobs or community service jobs.

12 4. Create, and encourage others to create, on-the-job training sites for persons
13 who are eligible for trial jobs or community service jobs.

14 5. Foster and guide the entrepreneurial efforts of participants who are eligible
15 for trial jobs or community service jobs.

16 6. Provide mentors, both from its membership and from recruitment of
17 members of the community, to provide job-related guidance, including assistance in
18 resolving job-related issues and the provision of job leads or references, to persons
19 who are eligible for trial jobs or community service jobs.

20 7. Coordinate with the governor's council on workforce excellence under s.
21 106.115 to ensure compatibility of purpose and no duplication of effort.

22 8. Work with participants, employers, child care providers and the community
23 to identify child care needs, improve access to child care and expand availability of
24 child care.

1 (b) Establish a children's services network. The children's services network
2 shall provide information about community resources available to the dependent
3 children in a Wisconsin works group, including charitable food and clothing centers;
4 subsidized and low-income housing; transportation subsidies; the state
5 supplemental food program for women, infants and children under s. 253.06; and
6 child care programs.

7 (c) Employ at least one financial and employment planner. The financial and
8 employment planner shall work with a participant to facilitate the participant's
9 achievement of the maximum degree of self-sufficiency. The department shall
10 ensure that a financial and employment planner employed by a Wisconsin works
11 agency meets certification and training requirements established by the department
12 by rule and that appropriate training is provided by a Wisconsin works agency.

13 (cg) Employ staff, if necessary, to meet the needs of participants who are
14 refugees and who have cultural or linguistic barriers to participation in Wisconsin
15 works.

16 (cm) If a significant proportion of the population served by the Wisconsin works
17 agency is comprised of a refugee group, employ staff that is proficient in the language
18 of the refugee group to aid the financial and employment planner in locating
19 appropriate employment opportunities that do not require English proficiency for
20 participants who are members of that refugee group.

21 (d) If the Wisconsin works agency is not a county department under s. 46.215,
22 46.22 or 46.23 or tribal governing body, cooperate with the county department or
23 tribal governing body to ensure that services delivered under Wisconsin works, the
24 food stamp program and medical assistance are coordinated with the county or tribal

1 governing body in a manner that most effectively serves the recipients of those
2 services.

3 (e) Certify eligibility for and issue food coupons in conformity with 7 USC 2011
4 to 2029. If the Wisconsin works agency is not a county department under s. 46.215,
5 46.22 or 46.23 or tribal governing body, the agency shall certify eligibility for and
6 issue food coupons only if the county department or tribal governing body has elected
7 not to certify eligibility for and issue food coupons.

8 (em) Determine eligibility for child care assistance under s. 49.155 and refer
9 eligible families to county departments under s. 46.215, 46.22 or 46.23 for child care
10 services.

11 (f) Perform any other tasks specified by the department in the contract that the
12 department determines are necessary for the administration of Wisconsin works.

13 **(3) PERFORMANCE STANDARDS.** The department shall establish performance
14 standards for the administration of Wisconsin works. If a Wisconsin works agency
15 does not meet the standards established under this subsection, the department may
16 withhold any or all payment from the Wisconsin works agency.

17 **(4) AUDITS.** The department may require a Wisconsin works agency to submit
18 to an independent annual audit paid for by the Wisconsin works agency.

19 **(5) REQUESTS FOR INFORMATION.** (a) In accordance with rules promulgated by
20 the department, a Wisconsin works agency may request from any person any
21 information that it determines appropriate and necessary for the administration of
22 Wisconsin works. Any person in this state shall provide this information within 7
23 days after receiving a request under this paragraph. The Wisconsin works agency
24 may disclose information obtained under this paragraph only in the administration
25 of Wisconsin works.

1 (b) The department may request from any Wisconsin works agency any
2 information that the department determines appropriate and necessary for the
3 overall administration of Wisconsin works. A Wisconsin works agency shall provide
4 the department with the requested information in the manner prescribed by the
5 department by rule.

6 (c) The department may inspect at any time any Wisconsin works agency's
7 records as the department determines is appropriate and necessary for the overall
8 administration of Wisconsin works.

9 **(6) GEOGRAPHICAL AREAS.** The department shall determine the geographical
10 area for which a Wisconsin works agency will administer Wisconsin works. Except
11 on tax-free lands and in counties with a population of 500,000 or more, no
12 geographical area may be smaller than one county. A geographical area may include
13 more than one county. The department need not establish the geographical areas by
14 rule.

15 **SECTION 84.** 49.145 of the statutes is created to read:

16 **49.145 Wisconsin works; eligibility for employment positions. (1)**

17 **GENERAL ELIGIBILITY.** In order to be eligible for Wisconsin works employment
18 positions and job access loans for any month, an individual shall meet the eligibility
19 requirements under subs. (2) and (3). The department may promulgate rules
20 establishing additional eligibility criteria and specifying how eligibility criteria are
21 to be administered. The department may promulgate rules establishing payment
22 and reporting periods as needed to administer this subsection.

23 **(2) NONFINANCIAL ELIGIBILITY REQUIREMENTS.** An individual is eligible for a
24 Wisconsin works employment position and a job access loan in a month only if all of
25 the following nonfinancial eligibility requirements are met:

1 (a) The individual is a custodial parent.

2 (b) The individual has attained the age of 18.

3 (c) The individual is a U.S. citizen or a qualifying alien, as defined by the
4 department by rule.

5 (d) The individual has resided in this state for at least 60 consecutive days prior
6 to applying under s. 49.141 (3) and, unless the person is a migrant worker, has
7 demonstrated an intent to continue to reside in this state.

8 (f) The individual fully cooperates in efforts directed at establishing the
9 paternity of the dependent child and obtaining support payments or any other
10 payments or property to which that individual and the dependent child may have
11 rights. Such cooperation shall be in accordance with federal law and regulations and
12 rules promulgated by the department applicable to paternity establishment and
13 collection of support payments.

14 (g) The individual furnishes the Wisconsin works agency with any relevant
15 information that the Wisconsin works agency determines is necessary, consistent
16 with rules promulgated by the department, within 7 working days after receiving a
17 request for the information from the Wisconsin works agency.

18 (h) The individual has made a good faith effort, as determined by the Wisconsin
19 works agency on a case-by-case basis, to obtain employment and has not refused any
20 bona fide offer of employment within the 180 days immediately preceding
21 application.

22 (hm) If the individual has applied for Wisconsin works within the 180 days
23 immediately preceding the current application, the individual has cooperated with
24 the efforts of a Wisconsin works agency to assist the individual in obtaining
25 employment.

1 (i) The individual is not receiving supplemental security income under 42 USC
2 1381 to 1383c or state supplemental payments under s. 49.77.

3 (j) On the last day of the month, the individual is not participating in a strike.

4 (k) The individual applies for or provides a social security account number as
5 required by the department.

6 (L) The individual satisfies other eligibility criteria established by the
7 department.

8 (m) The individual reports any change in circumstances that may affect his or
9 her eligibility to the Wisconsin works agency within 10 days after the change.

10 (n) Beginning on the date on which the individual has attained the age of 18,
11 the total number of months in which the individual has actively participated in the
12 job opportunities and basic skills program under s. 49.193 or has participated in a
13 Wisconsin works employment position or both does not exceed 60 months. The
14 months need not be consecutive. Participation in the job opportunities and basic
15 skills program under s. 49.193 counts toward the 60-month limit beginning on the
16 effective date of this paragraph ... [revisor inserts date]. A Wisconsin works agency
17 may waive the requirements under this paragraph if the Wisconsin works agency
18 determines, in accordance with rules promulgated by the department, that unusual
19 circumstances exist that warrant an extension of the participation period.

20 (q) No other individual in the Wisconsin works group is a participant in a
21 Wisconsin works employment position. This paragraph does not apply to an
22 individual applying for a job access loan.

23 **(3) FINANCIAL ELIGIBILITY REQUIREMENTS.** An individual is eligible for a
24 Wisconsin works employment position and a job access loan only if all of the following
25 financial eligibility requirements are met:

1 (a) *Resource limitations.* The individual is a member of a Wisconsin works
2 group whose assets do not exceed \$2,500 in combined equity value. In determining
3 the combined equity value of assets, the Wisconsin works agency shall exclude the
4 equity value of vehicles up to a total equity value of \$10,000, and one home that
5 serves as the homestead for the Wisconsin works group.

6 (b) *Income limitations.* The individual is a member of a Wisconsin works group
7 whose gross income is at or below 115% of the poverty line. In calculating gross
8 income under this paragraph, the Wisconsin works agency shall include all of the
9 following:

10 1. All earned and unearned income of the individual, except any amount
11 received under section 32 of the internal revenue code, as defined in s. 71.01 (6), any
12 amount received under s. 71.07 (9e), any payment made by an employer under
13 section 3507 of the internal revenue code, as defined in s. 71.01 (6), and any
14 assistance received under s. 49.148.

15 2. Child support payments received on behalf of a child who is a member of the
16 Wisconsin works group.

17 3. The income of a nonmarital coparent or of the individual's spouse, if the
18 spouse resides in the same home as the dependent child.

19 **(4) REVIEW OF ELIGIBILITY.** A Wisconsin works agency shall periodically review
20 an individual's eligibility. The individual remains eligible under sub. (3) until the
21 Wisconsin works group's assets exceed the asset limits for at least 2 months or until
22 the income of the Wisconsin works group is expected to exceed the income limits for
23 at least 2 consecutive months.

24 **SECTION 85.** 49.146 of the statutes is created to read:

1 **49.146 Employer criteria.** The department shall establish by rule criteria
2 that an employer providing a Wisconsin works employment position must meet in
3 order to employ a participant under s. 49.147 (3) to (5). An employer that does not
4 meet the criteria established under this section is ineligible to receive any subsidy
5 for any position provided to a participant.

6 **SECTION 86.** 49.147 of the statutes is created to read:

7 **49.147 Wisconsin works; work programs and job access loans. (1)**

8 GENERAL PROVISIONS. (a) *Definition.* In this section, “unsubsidized employment”
9 means employment for which the Wisconsin works agency provides no wage subsidy
10 to the employer including self-employment and entrepreneurial activities.

11 (b) *Required hours.* The Wisconsin works agency shall determine the
12 maximum number of hours a participant may be required to work in a community
13 service job or transitional placement in accordance with criteria established by the
14 department by rule, not to exceed 40 hours per week.

15 **(2) UNSUBSIDIZED EMPLOYMENT.** (a) *Job search, orientation and training*
16 *activities.* 1. An individual who applies for a Wisconsin works employment position
17 may be required by the Wisconsin works agency to search for unsubsidized
18 employment during the period that his or her application is being processed as a
19 condition of eligibility. A participant in a Wisconsin works employment position shall
20 search for unsubsidized employment throughout his or her participation. The
21 department shall define by rule satisfactory search efforts for unsubsidized
22 employment.

23 2. A Wisconsin works agency may require an applicant for a Wisconsin works
24 employment position to participate in job orientation during the period that his or
25 her application is being processed as a condition of eligibility. A Wisconsin works

1 agency may require a participant in a Wisconsin works employment position to
2 engage in training activities in accordance with rules promulgated by the
3 department as part of the participant's participation requirements.

4 (b) *Job search assistance.* A Wisconsin works agency shall assist a participant
5 in his or her search for unsubsidized employment. In determining an appropriate
6 placement for a participant, a Wisconsin works agency shall give priority to
7 placement in unsubsidized employment over placements under subs. (3) to (5).

8 **(3) TRIAL JOBS.** (a) *Administration.* A Wisconsin works agency shall administer
9 a trial job program as part of its administration of the Wisconsin works program. In
10 determining an appropriate placement for a participant, a Wisconsin works agency
11 shall give priority to placement under this subsection over placements under subs.
12 (4) and (5). The Wisconsin works agency shall pay a wage subsidy, determined by the
13 department by rule, to an employer that employs a participant under this subsection.

14 (b) *Worker's compensation.* The employer shall provide the participant with
15 worker's compensation coverage.

16 (c) *Time-limited participation.* A participant under this subsection may
17 participate in a trial job for a maximum of 6 months, with an opportunity for a
18 3-month extension under circumstances determined by the department. A
19 participant may participate in more than one trial job, but may not exceed a total of
20 24 months of participation under this subsection. The months need not be
21 consecutive. The department or, with the approval of the department, the Wisconsin
22 works agency may grant an extension of the 24-month limit on a case-by-case basis
23 if the participant has made all appropriate efforts to find unsubsidized employment
24 and has been unable to find unsubsidized employment because local labor market

1 conditions preclude a reasonable job opportunity for that participant, as determined
2 by a Wisconsin works agency and approved by the department.

3 (4) COMMUNITY SERVICE JOB. (a) *Administration.* A Wisconsin works agency
4 shall administer a community service job program as part of its administration of
5 Wisconsin works to improve the employability of individuals who are not otherwise
6 able to obtain employment, as determined by the Wisconsin works agency, by
7 providing work experience and training to assist them to move promptly into
8 unsubsidized public or private employment or a trial job. In determining an
9 appropriate placement for a participant, a Wisconsin works agency shall give
10 placement under this subsection priority over placements under sub. (5).
11 Community service jobs shall be limited to projects that the department determines
12 would serve a useful public purpose or projects the cost of which is partially or wholly
13 offset by revenue generated from such projects. After each 6 months of an
14 individual's participation under this subsection and at the conclusion of each
15 assignment under this subsection, a Wisconsin works agency shall reassess the
16 individual's employability.

17 (b) *Time-limited participation.* An individual may participate in a community
18 service job for a maximum of 6 months, with an opportunity for a 3-month extension
19 under circumstances approved by the department. An individual may participate
20 in more than one community service job, but may not exceed a total of 24 months of
21 participation under this subsection. The months need not be consecutive. The
22 department or, with the approval of the department, the Wisconsin works agency
23 may grant an extension to the 24-month limit on a case-by-case basis if the
24 Wisconsin works agency determines that the individual has made all appropriate
25 efforts to find unsubsidized employment and has been unable to find unsubsidized

1 employment because local labor market conditions preclude a reasonable
2 employment opportunity in unsubsidized employment for that participant, as
3 determined by a Wisconsin works agency and approved by the department, and if the
4 Wisconsin works agency determines, and the department agrees, that no trial job
5 opportunities are available in the specified local labor market.

6 (c) *Worker's compensation.* A participant under this subsection is an employe
7 of the Wisconsin works agency for purposes of worker's compensation coverage,
8 except to the extent that the person for whom the participant is performing work
9 agrees to provide worker's compensation coverage.

10 (5) TRANSITIONAL PLACEMENT. (a) *Additional eligibility criteria.* An individual
11 is eligible to participate in a transitional placement under this subsection if, in
12 addition to meeting the eligibility requirements under s. 49.145, any of the following
13 conditions is met with respect to the individual:

14 1. The Wisconsin works agency determines, on the basis of an independent
15 assessment by the division of vocational rehabilitation or similar agency or business,
16 that the individual has been incapacitated, or will be incapacitated, for a period of
17 at least 60 days.

18 2. The Wisconsin works agency determines that the individual is needed in the
19 home because of the illness or incapacity of another member of the Wisconsin works
20 group.

21 3. The Wisconsin works agency determines that the individual is incapable of
22 performing a trial job or community service job.

23 (b) *Administration.* 1. The Wisconsin works agency shall assign a participant
24 under this subsection to work activities such as a community rehabilitation program,
25 as defined by the department, a job similar to a community service job or a volunteer

1 activity. A Wisconsin works agency may require a participant under this subsection
2 to participate in any of the following:

3 a. An alcohol and other drug abuse evaluation, assessment and treatment
4 program.

5 b. A training or education program, as defined by the department by rule.

6 c. Mental health activities, as defined by the department by rule.

7 d. Counseling or physical rehabilitation activities.

8 e. Other activities that the Wisconsin works agency determines are consistent
9 with the capabilities of the individual.

10 2. An individual may participate in a transitional placement for a maximum
11 of 24 months. The months need not be consecutive. This period may be extended on
12 a case-by-case basis by the department or by the Wisconsin works agency with the
13 approval of the department.

14 (c) *Worker's compensation.* A participant under this subsection is an employe
15 of the Wisconsin works agency for purposes of worker's compensation coverage,
16 except to the extent that the person for whom the participant is performing work
17 agrees to provide worker's compensation coverage.

18 **(6) JOB ACCESS LOAN.** (a) *Additional eligibility criteria.* An individual is eligible
19 to receive a job access loan if, in addition to meeting the eligibility requirements
20 under s. 49.145, all of the following conditions are met with respect to the individual:

21 1. The individual needs the loan to address an immediate and discrete financial
22 crisis. The crisis may not be the result of the individual's failure to accept a bona fide
23 offer of employment or the individual's termination of a job without good cause.

24 2. The individual needs the loan to obtain or continue employment.

1 3. The individual is not in default with respect to the repayment of any previous
2 job access loan or repayment of any grant or wage overpayments under this section.

3 4. The individual is not a migrant worker.

4 (b) *Terms.* The department shall promulgate rules establishing the terms of
5 any job access loan, including all of the following:

6 1. The maximum and minimum loan amounts in any 12-month period.

7 2. The method of loan disbursement.

8 3. The terms and conditions of repayment.

9 (c) *Distribution and administration.* From the appropriation under s. 20.445
10 (3) (dz), the department shall distribute funds for job access loans to a Wisconsin
11 works agency, which shall administer the loans in accordance with rules
12 promulgated by the department.

13 (d) *Minor custodial parents.* An individual who would be eligible for a job access
14 loan under par. (a), except that the individual has not attained the age of 18, is
15 eligible under this paragraph if the individual meets the following requirements:

16 1. The individual is in an out-of-home placement or independent living
17 arrangement supervised by an adult, as defined by the department.

18 2. The individual has graduated from high school or has met the standards
19 established by the secretary of education for the granting of a declaration of
20 equivalency of high school graduation under s. 115.29 (4).

21 3. The individual will be 18 years old within 2 months after applying for the
22 job access loan.

23 **SECTION 87.** 49.148 of the statutes is created to read:

1 **49.148 Wisconsin works; benefits for participants in employment**
2 **positions. (1) BENEFIT LEVELS.** A participant in a Wisconsin works employment
3 position shall receive the following benefits:

4 (a) *Trial jobs.* For a participant in a trial job, the amount established in the
5 contract between the Wisconsin works agency and the trial job employer, but not less
6 than minimum wage for every hour actually worked in the trial job, not to exceed 40
7 hours per week paid by the employer.

8 (b) *Community service jobs.* 1. For a participant in a community service job,
9 a monthly grant equal to 75% of the minimum wage computed for one month of
10 full-time employment, paid by the Wisconsin works agency. For every hour that the
11 participant misses work without good cause, the Wisconsin works agency shall
12 reduce the grant amount by an amount equal to 75% of minimum wage computed for
13 one hour. Good cause shall be determined by the financial and employment planner
14 in accordance with rules promulgated by the department.

15 2. A participant who is a custodial parent of a child who is 12 weeks old or less
16 may receive a monthly grant under this paragraph equal to 75% of minimum wage
17 computed for a month of full-time employment. A Wisconsin works agency may not
18 require a participant under this subdivision to participate in any employment
19 activities.

20 (c) *Transitional placements.* For a participant in a transitional placement, a
21 grant equal to 70% of the minimum wage computed for one month of full-time
22 employment, paid monthly by the Wisconsin works agency. For every hour that the
23 participant fails to participate in any required activity without good cause, including
24 any activity under s. 49.147 (5) (b) 1. a. to e., the Wisconsin works agency shall reduce
25 the grant amount by an amount equal to 70% of minimum wage computed for one

1 hour. No grant may be paid for a month in which the participant participates less
2 than 25% of the required hours without good cause. Good cause shall be determined
3 by the financial and employment planner in accordance with rules promulgated by
4 the department.

5 (2) **BENEFIT REVIEW.** Notwithstanding sub. (1), the department may promulgate
6 rules establishing benefit levels for participants in Wisconsin works employment
7 positions that are different from those specified under sub. (1).

8 (3) **WISCONSIN WORKS HEALTH PLAN.** A participant in a Wisconsin works
9 employment position shall participate in the Wisconsin works health plan under s.
10 49.153. The participant shall pay a premium in an amount and in the manner
11 established under s. 49.153 (4) (d).

12 **SECTION 88.** 49.149 of the statutes is created to read:

13 **49.149 Wisconsin works; education and training.** A Wisconsin works
14 agency shall do all of the following:

15 (1) Establish a referral relationship with other employment and training
16 programs for participants to make use of varied education and training opportunities
17 available through integrated job centers, as defined by the department by rule.

18 (2) Provide participants in a Wisconsin works employment position with
19 soft-skills and life-skills training, as defined by the department by rule.

20 (3) Encourage employers to make training sites available on the business site
21 for participants.

22 (4) Work with the department of commerce to coordinate the provision of
23 training to participants in conjunction with employers eligible for the development
24 zone program under subch. VI of ch. 560.

25 **SECTION 89.** 49.151 of the statutes is created to read:

1 **49.151 Wisconsin works; sanctions.** A participant who refuses to
2 participate 3 times in any Wisconsin works employment position component is
3 ineligible to participate in that component. A participant whom the Wisconsin works
4 agency has determined is ineligible under this section for a particular Wisconsin
5 works employment position component may be eligible to participate in any other
6 Wisconsin works employment position component in which the participant has not
7 refused to participate 3 times. A participant refuses to participate in a Wisconsin
8 works employment position component if the participant does any of the following:

9 (1) Expresses verbally or in writing to a Wisconsin works agency that he or she
10 refuses to participate.

11 (2) Fails to appear for an interview with a prospective employer or, if the
12 participant is in a Wisconsin works transitional placement, fails to appear for an
13 assigned activity, including an activity under s. 49.147 (5) (b) 1. a. to e., without good
14 cause, as determined by the Wisconsin works agency.

15 (3) Voluntarily leaves appropriate employment or training without good cause,
16 as determined by the Wisconsin works agency.

17 (4) Loses employment as a result of being discharged for cause.

18 (5) Demonstrates through other behavior or action, as specified by the
19 department by rule, that he or she refuses to participate in a Wisconsin works
20 employment position.

21 **SECTION 90.** 49.152 of the statutes is created to read:

22 **49.152 Review of agency decisions.** (1) PETITION FOR REVIEW. Any
23 individual whose application for Wisconsin works under s. 49.147 (1) to (5) is not
24 acted upon by the Wisconsin works agency with reasonable promptness after the
25 filing of the application, as defined by the department by rule, or is denied in whole

1 or in part, whose benefit is modified or canceled, or who believes that the benefit was
2 calculated incorrectly, may petition the Wisconsin works agency for a review of such
3 action. Review is unavailable if the action by the Wisconsin works agency occurred
4 more than 45 days prior to submission of the petition for review.

5 (2) REVIEW. (a) Upon a timely petition under sub. (1), the Wisconsin works
6 agency shall give the applicant or participant reasonable notice and opportunity for
7 a review. The Wisconsin works agency shall render its decision as soon as possible
8 after the review and shall send a certified copy of its decision to the applicant or
9 participant. The Wisconsin works agency shall deny a petition for a review or shall
10 refuse to grant relief if the petitioner does any of the following:

11 a. Withdraws the petition in writing.

12 b. Abandons the petition. Abandonment occurs if the petitioner fails to appear
13 in person or by representative at a scheduled review without good cause, as defined
14 by the department by rule.

15 (b) The department may review a decision of a Wisconsin works agency under
16 par. (a).

17 **SECTION 91.** 49.153 of the statutes is created to read:

18 **49.153 Wisconsin works health plan. (1) DEFINITIONS.** In this section:

19 (a) "Employer-subsidized health care coverage" means health care coverage
20 offered by the employer for which the employer pays at least 50% of the cost of
21 coverage for the employe, including dependent coverage, or a higher percentage as
22 determined by the department by rule.

23 (b) "Unsubsidized employer-offered health care coverage" means health care
24 coverage offered by the employer for which the employer pays less than 50% of the
25 cost of coverage for the employe including dependent coverage.

1 **(2) ADMINISTRATION.** The department of health and family services shall
2 provide health services and benefits under sub. (4) to individuals who have been
3 determined by a Wisconsin works agency to be eligible under sub. (3) for such services
4 and benefits. The Wisconsin works agency shall provide the department of health
5 and family services with a list of eligible individuals.

6 **(3) ELIGIBILITY.** (a) *General provisions.* 1. A Wisconsin works agency shall
7 determine eligibility for benefits and services under this section, in accordance with
8 rules promulgated by the department of health and family services in consultation
9 with the department of industry, labor and job development. An individual who
10 applies for and receives benefits and services under this section is considered to have
11 assigned to the state any rights to medical support or other payment of medical
12 expenses from any other person, including rights to unpaid amounts accrued at the
13 time of application for benefits and services under this section and any rights to
14 support accruing during the time for which benefits and services under this section
15 are provided. Eligibility for benefits and services under this section begins on the day
16 on which the department of health and family services or the provider issues a health
17 plan membership card.

18 2. Except as provided in subd. 3. and pars. (em) and (f), an individual who is
19 eligible for the health care coverage under this section remains eligible under this
20 section for 12 consecutive months or until the individual has access to unsubsidized
21 employer-offered health care coverage, whichever is later.

22 3. A Wisconsin works agency shall periodically review an individual's
23 eligibility. The individual remains eligible for benefits and services under this
24 section until any of the following applies:

1 a. The assets of the individual or, if the individual is a member of a Wisconsin
2 works group, the assets of the Wisconsin works group of which the individual is a
3 member, exceed the asset limits for at least 2 months.

4 b. The income of the individual, or, if the individual is a member of a Wisconsin
5 works group, the income of the Wisconsin works group of which the individual is a
6 member is expected to exceed the income limits for at least 2 consecutive months.

7 (b) *Wisconsin works groups.* Except as provided in pars. (d) and (e), an
8 individual who is a member of a Wisconsin works group is eligible for benefits and
9 services under this section if all of the following conditions apply:

10 1. The individual meets the criteria under s. 49.145 (2) (c), (f), (g), (i), (L) and
11 (m) and resides in this state.

12 2. The Wisconsin works group meets the asset limitation under s. 49.145 (3) (a).

13 3. The gross income of the Wisconsin works group is at or below 165% of the
14 poverty line, or, for a Wisconsin works group that is already receiving health care
15 coverage under this section, the gross income is at or below 200% of the poverty line.
16 In calculating the gross income of the Wisconsin works group, the Wisconsin works
17 agency shall include income described under s. 49.145 (3) (b) 1. to 3.

18 (c) *Pregnant women.* Except as provided in par. (e), a pregnant woman whose
19 pregnancy has been medically verified and who has no dependent children is eligible
20 for benefits and services under this section if she meets the following conditions:

21 1. The woman meets the criteria under s. 49.145 (2) (c), (g), (i), (L) and (m) and
22 resides in this state.

23 2. The woman meets the asset limitation under s. 49.145 (3) (a).

1 3. The gross income of the woman is at or below 165% of the poverty line. In
2 calculating gross income under this subdivision, the Wisconsin works agency shall
3 include income described under s. 49.145 (3) (b) 1. and 3.

4 (d) *Minor parents.* An individual who is a custodial parent and who is under
5 the age of 18, and any dependent children with respect to whom the individual is a
6 custodial parent, are eligible for benefits and services under this section only if the
7 individual meets any of the following conditions:

8 1. The individual resides with his or her custodial parent and the gross income
9 of the Wisconsin works group of which the individual is a member does not exceed
10 165% of the poverty line. In calculating the gross income of the Wisconsin works
11 group, the Wisconsin works agency shall include income described under s. 49.145
12 (3) (b) 1. to 3.

13 2. The individual is in an independent living arrangement supervised by an
14 adult and the gross income of the individual does not exceed 165% of the poverty line.
15 In calculating the gross income of the individual, the Wisconsin works agency shall
16 include income described under s. 49.145 (3) (b) 1. to 3.

17 (e) *Access to employer-subsidized health care coverage.* An individual is eligible
18 for health care coverage under this section only if the individual has not had access
19 to employer-subsidized health care coverage for the 18 months immediately
20 preceding application for health care coverage under this section. This paragraph
21 does not apply to any of the following:

22 1. An individual who has lost access to employer-subsidized health care
23 coverage within the 18 months immediately preceding application for health care
24 coverage under this subsection because of the termination by the employer of the
25 employment relationship for a reason other than misconduct on the part of the

1 employe and who has not had access to employer-subsidized health care coverage
2 since the termination.

3 2. An individual who has lost access to employer-subsidized health care
4 coverage within the 18 months immediately preceding application for health care
5 coverage under this subsection because of the termination by the employe of the
6 employment relationship for just cause.

7 3. A dependent child who has lost eligibility for employer-subsidized health
8 care coverage for any reason.

9 4. A participant in a Wisconsin works employment position.

10 (em) *Continuous coverage requirement.* An individual who withdraws from
11 health care coverage under this section while the individual is still eligible for health
12 care coverage under this section is ineligible for health care coverage under this
13 section for a period of 6 months following the withdrawal. Failure to pay in a timely
14 manner, as defined by the department of industry, labor and job development by rule,
15 the premium established under sub. (4) (d) constitutes withdrawal for purposes of
16 this paragraph.

17 (f) *Ineligibility.* No individual is eligible for health care coverage under this
18 section in a month in which that individual is eligible for employer-subsidized health
19 care coverage.

20 (4) WISCONSIN WORKS HEALTH PLAN. (a) *Health maintenance organization*
21 *contract.* The department of health and family services shall contract with one or
22 more health maintenance organizations or other health care providers to provide
23 health care services under this subsection. Each contract for the provision of health
24 care services entered into by the department of health and family services under this

1 subsection shall be awarded on the basis of a competitive process in accordance with
2 procedures established by the department of health and family services.

3 (b) *Health care services provided.* 1. Except as provided in subd. 2., the
4 Wisconsin works health plan shall cover the care and services specified under s.
5 49.46 (2).

6 2. Except as otherwise required under a federal waiver received under 42 USC
7 1315, the Wisconsin works health plan shall not cover the following goods and
8 services:

9 a. Home care, as defined in s. 632.895 (1) (b), in excess of the minimum required
10 under s. 632.895 (2).

11 b. Skilled nursing care in excess of the minimum required under s. 632.895 (3).

12 c. Over-the-counter drugs.

13 d. Treatment of nervous or mental disorders and alcoholism or other drug
14 abuse problems in excess of the minimum coverage required under s. 632.89 (2).

15 e. Services described under 42 USC 1396d (r) (5).

16 (c) *Distribution of payments.* From the appropriations under s. 20.435 (1) (b)
17 and (o), the department of health and family services shall make payments to a
18 health maintenance organization or other health care provider with which the
19 department of health and family services has contracted under par. (a) in accordance
20 with a payment schedule established by contract.

21 (d) *Premiums.* Except as otherwise provided in this paragraph, an individual
22 who receives the Wisconsin works health plan shall pay to the Wisconsin works
23 agency a monthly premium in accordance with criteria based on income and family
24 size and established by the department of health and family services in consultation
25 with the department of industry, labor and job development. The department of

1 industry, labor and job development or the Wisconsin works agency shall deduct the
2 established premium from a trial job participant's wages. The Wisconsin works
3 agency shall deduct the established premium from the monthly grant payment of a
4 participant in a community service job and from the monthly grant of a participant
5 in a transitional placement. The Wisconsin works agency shall remit to the
6 department of industry, labor and job development in the manner prescribed by the
7 department of industry, labor and job development all premium payments that the
8 Wisconsin works agency receives under this paragraph.

9 **SECTION 92.** 49.155 of the statutes is created to read:

10 **49.155 Wisconsin works; child care subsidy. (1) DEFINITIONS.** In this
11 section:

12 (a) "Level I day care provider" means a day care provider certified under s.
13 48.651 (1) (a).

14 (b) "Level II day care provider" means a day care provider certified under s.
15 48.651 (1) (b).

16 **(1m) ELIGIBILITY.** A Wisconsin works agency shall determine eligibility for a
17 child care subsidy under this section. Under this section, an individual may receive
18 a subsidy for child care for a child who has not attained the age of 10 if the individual
19 meets all of the following conditions:

20 (a) The individual is a custodial parent of a child who is under the age of 10,
21 or is a person who, under s. 48.57 (3m), is providing care and maintenance for a child
22 who is under the age of 10, and child care services for that child are needed in order
23 for the individual to meet the school attendance requirement under s. 49.26 (1) (ge)
24 or to work in an unsubsidized job or a Wisconsin works employment position or

1 participate in any of the following activities approved by the Wisconsin works
2 agency:

3 1. Training provided by an employer during the regular hours of employment.

4 2. Other employment skills training, as defined by the department by rule, if
5 the individual meets any of the following conditions:

6 a. The individual has been employed in unsubsidized employment for 9
7 consecutive months and continues to be so employed.

8 b. The individual is a participant in a Wisconsin works employment position.

9 (b) The individual meets the eligibility conditions under s. 49.145 (2) (c) to (g)
10 and (3) (a), except that an individual may be eligible for a child care subsidy under
11 this section regardless of the number of days the individual has resided in this state
12 prior to applying for the child care subsidy.

13 (c) The gross income of the individuals's family is at or below 165% of the
14 poverty line for a family the size of the individual's family. In calculating the gross
15 income of the family, the department shall include income described under s. 49.145
16 (3) (b) 1. to 3.

17 (d) The individual satisfies other eligibility criteria established by the
18 department by rule.

19 **(2) DISTRIBUTION OF CHILD CARE FUNDS.** From the appropriation under s. 20.445
20 (3 (dz), the department shall distribute funds allocated for child care services under
21 this section.

22 **(3) COUNTY ADMINISTRATION.** (a) A Wisconsin works agency shall refer an
23 individual who has been determined eligible under sub. (1m) to a county department
24 under s. 46.215, 46.22 or 46.23 for child care assistance.

1 (b) The county department under s. 46.215, 46.22 or 46.23 shall administer
2 child care assistance under this section. In administering child care assistance
3 under this section, the county department under s. 46.215, 46.22 or 46.23 shall do
4 all of the following:

5 1. Determine an individual's liability under sub. (5).

6 2. Provide a voucher to an eligible individual for the payment of child care
7 services provided by a child care provider.

8 3. Set maximum reimbursement rates as provided under sub. (6) (b).

9 4. Reimburse child care providers.

10 5. Certify child care providers under s. 48.651.

11 6. Assist individuals who are eligible for child care subsidies under this section
12 to identify available child care providers and select appropriate child care
13 arrangements.

14 (4) CHOICE OF PROVIDER. An eligible individual shall choose whether the child
15 care will be provided by a day care center licensed under s. 48.65, a Level I day care
16 provider, a Level II day care provider or a day care program provided or contracted
17 for by a school board under s. 120.13 (14).

18 (5) LIABILITY FOR PAYMENT. An individual who receives aid under this section
19 is liable for a percentage of the cost of child care received, payable in accordance with
20 a sliding scale formula established by the department that is based on the
21 individual's ability to pay and the cost of the child care.

22 (6) CHILD CARE RATES AND QUALITY STANDARDS. (a) The department shall
23 establish the maximum rate that a county department under s. 46.215, 46.22 or
24 46.23 may pay for child care services provided under this section. The department
25 shall set the rate so that at least 75% of the number of places for children within the

1 licensed capacity of all child care providers in each county or in a multicounty area
2 determined by the department can be purchased at or below that maximum rate.

3 (b) The department shall set a maximum rate that a county department under
4 s. 46.215, 46.22 or 46.23 may pay for Level I day care providers for services provided
5 to eligible individuals. The maximum rate set under this paragraph may not exceed
6 75% of the rate established under par. (a).

7 (c) The department shall set a maximum rate that a county department under
8 s. 46.215, 46.22 or 46.23 may pay for Level II day care providers for services provided
9 to eligible individuals. The maximum rate set under this paragraph may not exceed
10 50% of the rate established under par. (a).

11 (d) The department may establish a system of rates for child care programs that
12 exceed the quality of care standards required for licensure under s. 48.65 or for
13 certification under s. 48.651 (1) (a).

14 **(7) REFUSAL TO PAY CHILD CARE PROVIDERS.** The department or the county
15 department under s. 46.215, 46.22 or 46.23 may refuse to pay a child care provider
16 for child care provided under this section if any of the following applies to the child
17 care provider, employe or person living on the premises where child care is provided:

18 (a) The person has been convicted of a felony or misdemeanor that the
19 department or county department determines substantially relates to the care of
20 children.

21 (b) The person is the subject of a pending criminal charge that the department
22 or county department determines substantially relates to the care of children.

23 (c) The person has been determined under s. 48.981 to have abused or neglected
24 a child.

25 **SECTION 93.** 49.157 of the statutes is created to read:

1 **49.157 Wisconsin works; transportation costs. (1) ASSISTANCE.** In
2 accordance with rules promulgated by the department, a Wisconsin works agency
3 may grant financial assistance to a participant for transportation costs.

4 **(2) DISTRIBUTION OF FUNDS.** The department shall distribute to the Wisconsin
5 works agencies the funds allocated under s. 49.181 (1) (h) for transportation
6 assistance provided under sub. (1).

7 **SECTION 94.** 49.159 of the statutes is created to read:

8 **49.159 Wisconsin works; noncustodial and minor and other custodial**
9 **parents. (1) NONCUSTODIAL PARENTS.** An individual who would be eligible under s.
10 49.145 except that the individual is the noncustodial parent of a dependent child, is
11 eligible for services under this subsection if the dependent child's custodial parent
12 is a participant and if the individual pays child support pursuant to a court order.
13 The Wisconsin works agency may provide job search assistance and case
14 management designed to enable eligible noncustodial parents to obtain and retain
15 employment.

16 **(2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.** A
17 custodial parent who is under the age of 18 is eligible, regardless of that individual's
18 or that individual's parent's income or assets, to meet with a financial and
19 employment planner. The financial and employment planner may provide the
20 individual with information regarding Wisconsin works eligibility, available child
21 care services, employment and financial planning, family planning services,
22 community resources, eligibility for food stamps and other food and nutrition
23 programs.

24 **(3) OTHER CUSTODIAL PARENTS.** A custodial parent in a Wisconsin works group
25 in which the other custodial parent is a participant in a Wisconsin works

1 employment position is eligible for employment training and job search assistance
2 services provided by the Wisconsin works agency.

3 **SECTION 95.** 49.161 of the statutes is created to read:

4 **49.161 Wisconsin works; overpayments. (1) TRIAL JOBS OVERPAYMENTS.**

5 Notwithstanding s. 49.96, the department shall recover an overpayment of benefits
6 paid under s. 49.148 (1) (a) from an individual who receives or has received benefits
7 paid under s. 49.148 (1) (a). The value of the benefit liable for recovery under this
8 subsection may include the value of work performed by the individual in a trial job
9 if the person was ineligible to receive the benefit at the time it was paid. The
10 department shall promulgate rules establishing policies and procedures for
11 administrating this subsection.

12 **(2) COMMUNITY SERVICE JOBS AND TRANSITIONAL PLACEMENTS OVERPAYMENTS.** The
13 department shall recover an overpayment of benefits paid under s. 49.148 (1) (b) and
14 (c) from an individual who continues to receive benefits under s. 49.148 (1) (b) and
15 (c) by reducing the amount of the individual's benefit payment by no more than 10%.

16 **SECTION 96.** 49.181 of the statutes is created to read:

17 **49.181 Public assistance and local assistance funding. (1) FUNDS**

18 DISTRIBUTION. Except as provided in subs. (2) and (3), within the limits of the
19 appropriation under s. 20.435 (4) (dz), the department shall allocate amounts under
20 this subsection. In this subsection, references to "1993 stats." are as affected by the
21 acts of 1995 that are enacted prior to the effective date of this subsection [revisor
22 inserts date]. The department shall allocate the following amounts for the following
23 purposes:

24 (a) *Child care for recipients and former recipients of aid to families with*
25 *dependent children.* For child care services under s. 49.50 (6g) and for child care

1 services and related transportation costs under s. 49.50 (6e) and (6k) (b), the
2 department shall allocate \$4,713,000 in fiscal year 1995-96, less any amounts
3 expended or encumbered in fiscal year 1995-96 from the appropriations under s.
4 20.435 (4) (cn), 1993 stats., and s. 20.435 (4) (df), 1993 stats., for the purposes
5 specified under this paragraph, and \$5,687,400 in fiscal year 1996-97.

6 (b) *Low-income and at-risk child care.* For low-income and at-risk child care
7 services under s. 46.98 (2m) to (4), the department shall allocate \$5,576,100 in fiscal
8 year 1995-96, less any amount expended or encumbered in fiscal year 1995-96 from
9 the appropriation under s. 20.435 (7) (b) for the purposes specified under this
10 paragraph, and \$5,576,100 in fiscal year 1996-97.

11 (c) *Income maintenance payments to individuals.* For income maintenance
12 payments to individuals under s. 49.52 and for foster care and treatment foster care
13 provided by nonlegally responsible relatives under state or county administered
14 programs, if the relatives are licensed to operate foster homes or treatment foster
15 homes under s. 48.62, the department shall allocate \$141,277,600 in fiscal year
16 1995-96, less any amount expended or encumbered in fiscal year 1995-96 from the
17 appropriation under s. 20.435 (4) (d), 1993 stats., for the purposes specified under
18 this paragraph, and \$122,684,200 in fiscal year 1996-97.

19 (cm) *Foster, treatment foster and kinship care.* For foster care and treatment
20 foster care provided by nonlegally responsible relatives under state or county
21 administered programs, if the relatives are licensed to operate foster homes or
22 treatment foster homes under s. 48.62, and for kinship care under s. 48.57 (3m),
23 including assessments under s. 48.57 (3m) (a) 3. and background investigations
24 under s. 48.57 (3m) (a) 4., the department shall allocate \$10,284,500 in fiscal year
25 1996-97.

1 (d) *Public assistance administration and medical assistance eligibility*
2 *determination.* For payment distribution under s. 49.52 (1) for county
3 administration of public assistance benefits and medical assistance eligibility
4 determination, for payments to American Indian tribes for administration of public
5 assistance benefits, and for fraud investigation and error reduction under s. 49.197
6 (1m) and (4), the department shall allocate \$28,189,100 in fiscal year 1995-96, less
7 any amount encumbered in fiscal year 1995-96 from the appropriation under s.
8 20.435 (4) (de), 1993 stats., for the purposes specified under this paragraph, and
9 \$28,864,400 in fiscal year 1996-97.

10 (e) *Emergency assistance for families with needy children.* For emergency
11 assistance for families with needy children under s. 49.19 (11) (b), the department
12 shall allocate \$1,659,700 in fiscal year 1995-96, less any amount encumbered in
13 fiscal year 1995-96 from the appropriation under s. 20.435 (4) (dc), 1993 stats., for
14 the purpose specified under this paragraph, and \$1,659,700 in fiscal year 1996-97.

15 (f) *Learnfare; job opportunities and basic skills program; food stamp*
16 *employment and training; parental responsibility pilot program.* For the learnfare
17 program under s. 49.50 (7), the job opportunities and basic skills program under s.
18 49.193, the food stamp employment and training project under s. 49.124 and the
19 parental responsibility pilot program under s. 49.25, the department shall allocate
20 \$25,045,800 in fiscal year 1995-96, less any amounts expended or encumbered in
21 fiscal year 1995-96 from the appropriations under s. 20.435 (4) (cn), 1993 stats., and
22 s. 20.435 (4) (df), 1993 stats., for the purposes specified under this paragraph, and
23 \$26,447,100 in fiscal year 1996-97.

24 (g) *Learnfare case management.* For case management for learnfare pupils
25 under s. 46.62, the department shall allocate \$1,289,300 in fiscal year 1995-96, less

1 any amount expended or encumbered in fiscal year 1995-96 from the appropriation
2 under s. 20.435 (4) (dg), 1993 stats., for the purpose specified under this paragraph,
3 and \$1,309,500 in fiscal year 1996-97.

4 (h) *Wisconsin works administration.* For payments to Wisconsin works
5 agencies under s. 49.52 (1) for administration of Wisconsin works benefits under ss.
6 49.141 to 49.151 and 49.155 to 49.161, for Wisconsin works health care coverage
7 eligibility determination under s. 49.153 and for fraud investigation and error
8 reduction under s. 49.197 (1m) and (4) and for payments to individuals under s.
9 49.148 for Wisconsin works employment positions and under ss. 49.155 and 49.157
10 for child care and related transportation services, the department shall allocate \$0
11 for fiscal year 1996-97.

12 (2) TRANSFER OF FUNDS. The department may use up to 30% of the amounts
13 required to be allocated under any paragraph under sub. (1) for any other purpose
14 described under sub. (1) (a) to (g) in each fiscal year.

15 (3) CARRY-OVER FUNDS. The department may carry over any unexpended funds
16 allocated under any paragraph under sub. (1) from the previous fiscal year to the
17 following fiscal year within the same biennium to be allocated under any paragraph
18 under sub. (1).

19 **SECTION 97.** 49.181 (1) (intro.), (a), (c), (d), (f) and (g) and (2) of the statutes, as
20 created by 1995 Wisconsin Act (this act), are amended to read:

21 49.181 (1) FUNDS DISTRIBUTION. (intro.) Except as provided in subs. (2) and (3),
22 within the limits of the appropriation under s. ~~20.435 (4)~~ 20.445 (3) (dz), the
23 department shall allocate amounts under this subsection. In this subsection,
24 references to "1993 stats." are as affected by the acts of 1995 that are enacted prior

1 to the effective date of this subsection [revisor inserts date]. The department shall
2 allocate the following amounts for the following purposes:

3 (a) *Child care for recipients and former recipients of aid to families with*
4 *dependent children.* For child care services under s. ~~49.50 (6g)~~ 49.191 (2) and for child
5 care services and related transportation costs under s. ~~49.50 (6e)~~ 49.191 (1) and ~~(6k)~~
6 (3) (b), the department shall allocate \$4,713,000 in fiscal year 1995-96, less any
7 amounts expended or encumbered in fiscal year 1995-96 from the appropriations
8 under s. 20.435 (4) (cn), 1993 stats., and s. 20.435 (4) (df), 1993 stats., for the purposes
9 specified under this paragraph, and \$5,687,400 in fiscal year 1996-97.

10 (c) *Income maintenance payments to individuals.* For income maintenance
11 payments to individuals under s. ~~49.52 and for foster care and treatment foster care~~
12 ~~provided by nonlegally responsible relatives under state or county administered~~
13 ~~programs, if the relatives are licensed to operate foster homes or treatment foster~~
14 ~~homes under s. ~~48.62~~ 49.33,~~ the department shall allocate \$141,277,600 in fiscal year
15 1995-96, less any amount expended or encumbered in fiscal year 1995-96 from the
16 appropriation under s. 20.435 (4) (d), 1993 stats., for the purposes specified under
17 this paragraph, and ~~\$132,968,700~~ \$122,684,200 in fiscal year 1996-97.

18 (d) *Public assistance administration and medical assistance eligibility*
19 *determination.* For payment distribution under s. ~~49.52 (1)~~ 49.33 for county
20 administration of public assistance benefits and medical assistance eligibility
21 determination, for payments to American Indian tribes for administration of public
22 assistance benefits, and for fraud investigation and error reduction under s. 49.197
23 (1m) and (4), the department shall allocate \$28,189,100 in fiscal year 1995-96, less
24 any amount expended or encumbered in fiscal year 1995-96 from the appropriation

1 under s. 20.435 (4) (de), 1993 stats., for the purposes specified under this paragraph
2 and \$28,864,400 in fiscal year 1996-97.

3 (f) *Learnfare; job opportunities and basic skills program; food stamp*
4 *employment and training; parental responsibility pilot program.* For the learnfare
5 program under s. ~~49.50 (7)~~ 49.26 (1), the job opportunities and basic skills program
6 under s. 49.193, the food stamp employment and training project under s. 49.124 and
7 the parental responsibility pilot program under s. 49.25, the department shall
8 allocate \$25,045,800 in fiscal year 1995-96, less any amounts expended or
9 encumbered in fiscal year 1995-96 from the appropriation under s. 20.435 (4) (cn),
10 1993 stats., and s. 20.435 (4) (df), 1993 stats., for the purposes specified under this
11 paragraph, and \$26,447,100 in fiscal year 1996-97.

12 (g) *Learnfare case management.* For case management for learnfare pupils
13 under s. ~~46.62~~ 49.26 (2), the department shall allocate \$1,289,300 in fiscal year
14 1995-96, less any amount expended or encumbered in fiscal year 1995-96 from the
15 appropriation under s. 20.435 (4) (dg), 1993 stats., for the purpose specified under
16 this paragraph, and \$1,309,500 in fiscal year 1996-97.

17 (2) TRANSFER OF FUNDS. The department may use up to 30% of the amounts
18 required to be allocated under any paragraph under sub. (1) for any other purpose
19 described under sub. (1) (a) to ~~(g)~~ (h) in each fiscal year.

20 **SECTION 98.** 49.19 (4e) (a) of the statutes is amended to read:

21 49.19 (4e) (a) ~~Except as provided in par. (b), if~~ If a person applying for aid is
22 under 18 years of age, has never married and is pregnant or has a dependent child
23 in his or her care, the person is not eligible for aid unless he or she lives in a place
24 maintained by his or her parent, legal guardian or other adult relative as the
25 parent's, guardian's or other adult relative's own home or lives in a foster home,

1 treatment foster home, maternity home or other supportive living arrangement
2 supervised by an adult.

3 **SECTION 99.** 49.19 (4e) (c) of the statutes is created to read:

4 49.19 (4e) (c) The department shall request a waiver from the secretary of the
5 federal department of health and human services to require, without exception, that
6 a person applying for aid who is under 18 years of age, has never married and is
7 pregnant or has a dependent child in his or her care meet the requirements of par.
8 (a). If a waiver is granted and in effect, par. (b) does not apply.

9 **SECTION 100.** 49.19 (11) (a) 1. a. (intro.) of the statutes, as affected by 1995
10 Wisconsin Act 12, is amended to read:

11 49.19 (11) (a) 1. a. (intro.) Except as provided in subs. (11m) and (11s), monthly
12 payments made under s. 20.435 (4) (~~d~~) (dz) and (p) to persons or to families with
13 dependent children shall be based on family size and shall be at 80% of the total of
14 the allowances under subs. 2. and 4. plus the following standards of assistance
15 beginning on September 1, 1987:

16 **SECTION 101.** 49.19 (11) (a) 1. a. (intro.) of the statutes, as affected by 1995
17 Wisconsin Acts 12, 27 and (this act), is repealed and recreated to read:

18 49.19 (11) (a) 1. a. (intro.) Except as provided in subs. (11m) and (11s), monthly
19 payments made under s. 20.445 (3) (dz) and (p) to persons or to families with
20 dependent children shall be based on family size and shall be at 80% of the total of
21 the allowances under subs. 2. and 4. plus the following standards of assistance
22 beginning on September 1, 1987:

23 **SECTION 102.** 49.19 (20) of the statutes is renumbered 49.19 (20) (a) and
24 amended to read:

1 49.19 (20) (a) ~~After December 31, 1998, Beginning on January 1, 1999, or~~
2 ~~beginning on the first day of the 6th month beginning after the date stated in the~~
3 ~~notice under s. 49.141 (2) (d), whichever is sooner,~~ no person is eligible to receive
4 benefits under this section and no aid may be granted under this section. No
5 additional notice, other than the enactment of this ~~subsection paragraph~~, is required
6 to be given under sub. (13) to recipients of aid under this section to terminate their
7 benefits under this ~~subsection paragraph~~.

8 **SECTION 103.** 49.19 (20) (b) of the statutes is created to read:

9 49.19 (20) (b) 1. The department shall request a waiver from the secretary of
10 the federal department of health and human services to allow the application of subd.
11 2. Subdivision 2. does not apply unless a waiver under this subdivision is granted
12 and in effect.

13 2. Notwithstanding par. (a):

14 a. If a nonlegally responsible relative is receiving aid under this section on
15 behalf of a dependent child on July 1, 1996, no aid under this section may be paid
16 to the nonlegally responsible relative after June 30, 1997, or the first reinvestigation
17 under sub. (5) (e) occurring after June 30, 1996, whichever is earlier.

18 b. If a nonlegally responsible relative is not receiving aid under this section on
19 behalf of a dependent child on July 1, 1996, no aid under this section may be paid
20 to the nonlegally responsible relative after June 30, 1996.

21 **SECTION 104.** 49.191 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
22 sections 3089c, 3090 and 3092, is repealed and recreated to read:

23 49.191 (1) CHILD CARE FUNDS FOR CERTAIN RECIPIENTS OF AID TO FAMILIES WITH
24 DEPENDENT CHILDREN. Within the limits of funds available under ss. 20.435 (3) (jg)
25 and 20.445 (3) (dz) and (na), the department shall provide funds for individuals who

1 are working and who receive aid to families with dependent children to pay child care
2 costs in excess of the amount of the child care disregard under s. 49.19 (5) (a) and
3 child care costs incurred before the child care disregard under s. 49.19 (5) (a) becomes
4 available if the child care is provided by a child care provider. This paragraph does
5 not apply beginning on the first day of the 6th month beginning after the date stated
6 in the notice under s. 49.141 (2) (d).

7 **SECTION 105.** 49.191 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
8 section 3093c, is amended to read:

9 49.191 (2) CHILD CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH
10 DEPENDENT CHILDREN. The department shall pay the child care costs of an individual
11 who secures unsubsidized employment and loses eligibility for aid to families with
12 dependent children because of earned income or number of hours worked for up to
13 12 months following the loss of eligibility if the child care is provided by a child care
14 provider. The department shall establish a formula for assistance based on ability
15 to pay. The rates for child care services under this subsection shall be determined
16 under s. 46.98 (4) (d), (dg) or (dm), whichever is applicable, or, if a higher rate is
17 established under s. 46.98 (4) (e) and if the child care services meet the quality
18 standards established under s. 46.98 (4) (e), the rates for child care services under
19 this subsection that meet those standards shall be determined under s. 46.98 (4) (e).
20 The department shall promulgate rules for the disbursement of funds under this
21 subsection. This subsection does not apply beginning on the first day of the 6th
22 month beginning after the date stated in the notice under s. 49.141 (2) (d).

23 **SECTION 106.** 49.191 (3) (a) and (b) of the statutes, as affected by 1995
24 Wisconsin Act 27, are repealed and recreated to read:

1 49.191 (3) (a) County departments under ss. 46.215, 46.22 and 46.23 shall
2 administer the funds appropriated for the purpose of providing child care under
3 subs. (1) and (2) for recipients and former recipients of aid under s. 49.19 and under
4 s. 49.26 (1) (e) for participants in the learnfare program. The department shall
5 allocate funds to county departments under ss. 46.215, 46.22 and 46.23 for the
6 purposes of this paragraph.

7 (b) Beginning on January 1, 1994, a county department under s. 46.215, 46.22
8 or 46.23 may, with the approval of the department, provide payment for, or
9 reimbursement of, child care under sub. (1) or s. 49.193 (8) using funds allocated
10 under par. (a). The department shall approve or disapprove this use of funds under
11 criteria established to maximize state and federal funding available for child care.

12 **SECTION 107.** 49.193 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
13 12, is amended to read:

14 49.193 (2) (a) ~~The Except as provided in par. (am), the~~ department shall ensure
15 that all persons required under 42 USC 602 (a) (19) and 42 USC 681 to 687 to
16 participate in a job opportunities and basic skills training program participate in the
17 program under this section. In addition, the department shall require a parent or
18 other caretaker relative of a child who is at least one year of age to participate in the
19 program under this section on a full-time basis, unless the parent or other caretaker
20 relative is exempt from participation in the program for a reason other than being
21 a parent or other caretaker of a child under 3 years of age.

22 **SECTION 108.** 49.193 (2) (am) of the statutes is created to read:

23 49.193 (2) (am) 1. The department shall request a waiver from the secretary
24 of the federal department of health and human services to permit the application of

1 subd. 2. If a waiver is granted and in effect, the department shall implement subd.
2 2. no later than the first day of the 2nd month beginning after the waiver is approved.

3 2. If a waiver is granted and in effect, the department shall require a parent
4 or other caretaker relative of a child who is at least 12 weeks of age to participate in
5 the program under this section on a full-time basis, unless the parent or other
6 caretaker relative is exempt from participation for a reason other than being a parent
7 or other caretaker of a child under 3 years of age.

8 **SECTION 109.** 49.193 (4) (g) of the statutes is amended to read:

9 49.193 (4) (g) Work supplementation, as described in 45 CFR 250.62, in which
10 participation is ~~voluntary~~ mandatory.

11 **SECTION 110.** 49.193 (4) (j) 4. of the statutes is repealed.

12 **SECTION 111.** 49.193 (4) (k) 1m. of the statutes is created to read:

13 49.193 (4) (k) 1m. Alcohol and other drug abuse prevention, assessment and
14 treatment programs.

15 **SECTION 112.** 49.193 (4m) of the statutes is created to read:

16 49.193 (4m) ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT
17 PROGRAM. The department may require participation in an alcohol and other drug
18 abuse assessment, prevention and treatment program to fulfill employment and
19 training requirements described in this section.

20 **SECTION 113.** 49.193 (6) (c) of the statutes is amended to read:

21 49.193 (6) (c) ~~No~~ Except as provided in par. (e), no person may be required to
22 work more than 32 hours per week in a community work experience component. No
23 person may be required to work more than 16 weeks in a component under this
24 subsection during a 12-month period, except that a person who is eligible for aid

1 under s. 49.19 (4) (dm) may be required to work for more than 16 weeks in a
2 component under this subsection in order to comply with 45 CFR 250.33.

3 **SECTION 114.** 49.193 (6) (e) of the statutes is created to read:

4 49.193 (6) (e) The department shall request a waiver from the secretary of the
5 federal department of health and human services to allow the department to require
6 a person to work, without regard to the person's grant amount under s. 49.19, not
7 more than 40 hours per week in a community work experience component and not
8 more than 6 months in a component under this subsection during a 12-month period.
9 If the waiver is granted and in effect, the department may require a person to work
10 not more than 40 hours per week in a community work experience component. If a
11 waiver is granted and in effect, the department may require a person to work not
12 more than 6 months in a component under this subsection during a 12-month period,
13 except that the department may require a person who is eligible for aid under s. 49.19
14 (4) (dm) to work for more than 6 months in a component under this subsection in
15 order comply with 45 CFR 250.33.

16 **SECTION 115.** 49.193 (7) of the statutes is repealed.

17 **SECTION 116.** 49.193 (8) (a) of the statutes, as affected by 1995 Wisconsin Act
18 12, is amended to read:

19 49.193 (8) (a) The department shall pay child care costs of persons with
20 approved employability plans who are participating in the program under this
21 section and of persons who are participating in orientation and job search activities
22 required under sub. (3m). Payment or reimbursement shall be in an amount based
23 on need, with the maximum amount per child equal to the lesser of the actual cost
24 of care or the rate established under s. 46.98 (4) (d), (dg) or (dm), whichever is
25 applicable, or, if a higher rate is established under s. 46.98 (4) (e) and if the child care

1 meets the quality standards established under s. 46.98 (4) (e), payment or
2 reimbursement for child care that meets those standards shall be in an amount based
3 on need, with the maximum amount per child equal to the lesser of the actual cost
4 of the care or the rate established under s. 46.98 (4) (e).

5 **SECTION 117.** 49.193 (8) (bm) of the statutes is amended to read:

6 49.193 (8) (bm) Beginning on January 1, 1994, a county department under s.
7 46.215, 46.22 or 46.23 that receives funds to pay or reimburse child care costs under
8 this subsection ~~or under s. 49.50 (6e) (a)~~ may, with the approval of the department,
9 use those funds to pay or reimburse child care costs under s. 49.50 (6e) ~~(b)~~, (6g) or (7)
10 (e). The department shall approve or disapprove of this use of funds under criteria
11 established to maximize state and federal funding available for child care.

12 **SECTION 118.** 49.193 (8) (bm) of the statutes, as affected by 1995 Wisconsin Acts
13 27 and (this act), is repealed and recreated to read:

14 49.193 (8) (bm) Beginning on January 1, 1994, a county department under s.
15 46.215, 46.22 or 46.23 that receives funds to pay or reimburse child care costs under
16 this subsection may, with the approval of the department, use those funds to pay or
17 reimburse child care costs under s. 49.191 (1) or (2) or 49.26 (1) (e). The department
18 shall approve or disapprove of this use of funds under criteria established to
19 maximize state and federal funding available for child care.

20 **SECTION 119.** 49.193 (9m) (a) of the statutes, as created by 1995 Wisconsin Act
21 12, is renumbered 49.193 (9m) (am).

22 **SECTION 120.** 49.193 (9m) (ag) of the statutes is created to read:

23 49.193 (9m) (ag) In this subsection, “recipient” includes the head of household
24 of an aid to families with dependent children case, regardless of whether the needs
25 of the head of household are not considered as the result of a sanction.

1 **SECTION 121.** 49.193 (10m) of the statutes is amended to read:

2 49.193 **(10m)** WORK-FIRST PROGRAM. The department shall select Kenosha
3 county and additional counties in which to pilot the work-first program under this
4 subsection. The work-first program shall be conducted as part of the job
5 opportunities and basic skills program under this section and shall be funded from
6 s. 20.435 (4) ~~(df)~~ (dz). The work-first program shall seek to increase the amount of
7 job opportunities and basic skills program services provided to recipients of aid to
8 families with dependent children and to minimize the time between the date on
9 which a person in a pilot county first applies for aid to families with dependent
10 children under s. 49.19 and the date on which the person begins to participate in the
11 job opportunities and basic skills program under this section.

12 **SECTION 122.** 49.193 (10m) of the statutes, as affected by 1995 Wisconsin Acts
13 27 and (this act), is repealed and recreated to read:

14 49.193 **(10m)** WORK-FIRST PROGRAM. The department shall select Kenosha
15 county and additional counties in which to pilot the work-first program under this
16 subsection. The work-first program shall be conducted as part of the job
17 opportunities and basic skills program under this section and shall be funded from
18 s. 20.445 (3) (dz). The work-first program shall seek to increase the amount of job
19 opportunities and basic skills program services provided to recipients of aid to
20 families with dependent children and to minimize the time between the date on
21 which a person in a pilot county first applies for aid to families with dependent
22 children under s. 49.19 and the date on which the person begins to participate in the
23 job opportunities and basic skills program under this section.

24 **SECTION 123.** 49.193 (12) of the statutes is created to read:

1 49.193 (12) SUNSET. Beginning on January 1, 1999, or beginning on the first
2 day of the 6th month beginning after the date stated in the notice under s. 49.141 (2)
3 (d), whichever is sooner, no person is eligible to receive benefits under this section
4 and no aid may be granted under this section. No additional notice, other than
5 enactment of this subsection, is required to be given to recipients of aid under this
6 section to terminate their benefits under this subsection.

7 **SECTION 124.** 49.195 (title) of the statutes is amended to read:

8 **49.195 (title) Recovery of aid to families with dependent children and**
9 **Wisconsin works benefits.**

10 **SECTION 125.** 49.195 (1) of the statutes is amended to read:

11 49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit
12 under s. 49.148, 49.153, 49.155 or 49.157 or at any time thereafter acquires property
13 by gift, inheritance, sale of assets, court judgment or settlement of any damage claim,
14 or by winning a lottery or prize, the county granting such aid, or the Wisconsin works
15 agency granting such a benefit, may sue the parent on behalf of the department to
16 recover the value of that portion of the aid or of the benefit which does not exceed the
17 amount of the property so acquired. The value of the aid or benefit liable for recovery
18 under this section may not include the value of work performed by a member of the
19 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,
20 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work
21 experience component under s. 49.193 (6). During the life of the parent, the 10-year
22 statute of limitations may be pleaded in defense against any suit for recovery under
23 this section; and if such property is his or her homestead it shall be exempt from
24 execution on the judgment of recovery until his or her death or sale of the property,
25 whichever occurs first. Notwithstanding the foregoing restrictions and limitations,

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

16 **SECTION 126.** 49.195 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
17 is amended to read:

18 49.195 (3) Notwithstanding s. 49.96, the department shall promptly recover all
19 overpayments made under s. 49.19 or 49.148, 49.153, 49.155 or 49.157 and shall
20 promulgate rules establishing policies and procedures to administer this subsection.

21 **SECTION 127.** 49.197 (1m) of the statutes is amended to read:

22 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
23 ~~(de)~~ (dz), (L), (n) and (nL), the department shall establish a program to investigate
24 suspected fraudulent activity on the part of recipients of medical assistance under
25 ss. 49.46 to 49.47, aid to families with dependent children under s. 49.19 and the food

1 stamp program under 7 USC 2011 to 2029. The department's activities under this
2 subsection may include, but are not limited to, comparisons of information provided
3 to the department by an applicant and information provided by the applicant to other
4 federal, state and local agencies, development of an advisory welfare investigation
5 prosecution standard and provision of funds to county departments under s. 46.215,
6 46.22 and 46.23 to encourage activities to detect fraud. The department shall
7 cooperate with district attorneys regarding fraud prosecutions.

8 **SECTION 128.** 49.197 (1m) of the statutes, as affected by 1995 Wisconsin Acts
9 27 and (this act), is repealed and recreated to read:

10 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)
11 (dz), (L), (n) and (nL), the department shall establish a program to investigate
12 suspected fraudulent activity on the part of recipients of medical assistance under
13 subch. IV, aid to families with dependent children under s. 49.19 and the food stamp
14 program under 7 USC 2011 to 2029 and participants in Wisconsin works under ss.
15 49.141 to 49.161. The department's activities under this subsection may include, but
16 are not limited to, comparisons of information provided to the department by an
17 applicant and information provided by the applicant to other federal, state and local
18 agencies, development of an advisory welfare investigation prosecution standard
19 and provision of funds to county departments under s. 46.215, 46.22 and 46.23 and
20 to Wisconsin works agencies to encourage activities to detect fraud. The department
21 shall cooperate with district attorneys regarding fraud prosecutions.

22 **SECTION 129.** 49.197 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
23 is amended to read:

24 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
25 activities to reduce payment errors in medical assistance under subch. IV, Wisconsin

1 works under ss. 49.141 to 49.161, aid to families with dependent children under s.
2 49.19 and the food stamp program under 7 USC 2011 to 2029. The department shall
3 fund the activities under this section from the appropriation under s. 20.445 (4) (L).

4 **SECTION 130.** 49.197 (4) of the statutes is amended to read:

5 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide
6 funds from the appropriations under s. 20.435 (4) ~~(de)~~ (dz), (L) and (Lm) and federal
7 matching funds from the appropriations under s. 20.435 (4) (n) and (nL) to counties
8 and governing bodies of federally recognized American Indian tribes administering
9 medical assistance under ss. 49.43 to 49.47, aid to families with dependent children
10 under s. 49.19 or the food stamp program under 7 USC 2011 to 2029 to offset
11 administrative costs of reducing payment errors in those programs.

12 **SECTION 131.** 49.197 (4) of the statutes, as affected by 1995 Wisconsin Acts 27
13 and ... (this act), is repealed and recreated to read:

14 49.197 (4) ERROR REDUCTION. The department shall provide funds from the
15 appropriations under s. 20.445 (3) (dz), (L) and (Lm) and federal matching funds from
16 the appropriations under s. 20.445 (3) (n) and (nL) to persons administering
17 Wisconsin works under ss. 49.141 to 49.161 or the food stamp program under 7 USC
18 2011 to 2029 and to counties and governing bodies of federally recognized American
19 Indian tribes administering medical assistance under subch. IV and aid to families
20 with dependent children under s. 49.19 to offset administrative costs of reducing
21 payment errors in those programs.

22 **SECTION 132.** 49.20 (3) of the statutes is amended to read:

23 49.20 (3) PAYMENT. Aid under this section shall be paid from the appropriation
24 under s. 20.435 (4) ~~(d)~~ (dz) and shall be in an amount equal to that to which the person
25 would be entitled under s. 49.19 if he or she were 17 years of age, except that if the

1 person's family became ineligible for aid under s. 49.19 on the person's 18th birthday,
2 the amount paid shall equal the amount of aid granted to a single person under s.
3 49.19.

4 **SECTION 133.** 49.20 (3) of the statutes, as affected by 1995 Wisconsin Acts 27
5 and (this act), is repealed and recreated to read:

6 49.20 (3) PAYMENT. Aid under this section shall be paid from the appropriation
7 under s. 20.445 (3) (dz) and shall be in an amount equal to that to which the person
8 would be entitled under s. 49.19 if he or she were 17 years of age, except that if the
9 person's family became ineligible for aid under s. 49.19 on the person's 18th birthday,
10 the amount paid shall equal the amount of aid granted to a single person under s.
11 49.19. This subsection does not apply beginning on January 1, 1999, or beginning
12 on the first day of the 6th month beginning after the date stated in the notice under
13 s. 49.141 (2) (d), whichever is sooner.

14 **SECTION 134.** 49.21 (1) (c) of the statutes is created to read:

15 49.21 (1) (c) This subsection does not apply beginning on the first day of the 6th
16 month beginning after the date stated in the notice under s. 49.141 (2) (d).

17 **SECTION 135.** 49.25 (10) of the statutes is created to read:

18 49.25 (10) SUNSET. Beginning on January 1, 1999, or beginning on the first day
19 of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),
20 whichever is sooner, no person is eligible to receive benefits under this section and
21 no aid may be granted under this section. No additional notice, other than enactment
22 of this subsection, is required to be given to recipients of aid under this section to
23 terminate their benefits under this subsection.

24 **SECTION 136.** 49.26 (title) of the statutes, as affected by 1995 Wisconsin Act 27,
25 is amended to read:

1 **49.26** (title) **Learnfare pilot program.**

2 **SECTION 137.** 49.26 (1) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
3 is amended to read:

4 49.26 (1) (e) For an individual who is a recipient of aid under s. 49.19, or whose
5 custodial parent is a participant under s. 49.147 (3) to (5), who is the parent with
6 whom a dependent child lives and who is either subject to the school attendance
7 requirement under par. (ge) or is under 20 years of age and wants to attend school,
8 the department shall make a monthly payment to the individual or the child care
9 provider for the month's child care costs in an amount based on need with the
10 maximum amount per child equal to the lesser of the actual cost of the care or the
11 rate established under s. 46.98 (4) (d) ~~or, if a higher rate is established under s. 46.98~~
12 ~~(4) (e) and if the child care meets the quality standards established under s. 46.98~~
13 ~~(4) (e), in an amount based on need with the maximum amount per child equal to the~~
14 ~~lesser of the actual cost of the care or the rate established under s. 46.98 (4) (e),~~ 49.155
15 (6) if the individual demonstrates the need to purchase child care services in order
16 to attend school and those services are available from a child care provider.

17 **SECTION 138.** 49.26 (1) (g) (intro.) of the statutes, as affected by 1995 Wisconsin
18 Act 27, is amended to read:

19 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
20 works group that includes a participant under s. 49.147 (3), (4) or (5) or who is a
21 recipient of aid under s. 49.19 is subject to the school attendance requirement under
22 par. (ge) if all of the following apply:

23 **SECTION 139.** 49.26 (1) (g) 1. of the statutes, as affected by 1995 Wisconsin Act
24 27, is amended to read:

1 49.26 (1) (g) 1. Before the first day of the fall 1994 school term, as defined in
2 s. 115.001 (12), the individual is 13 to 19 years of age. Beginning on the first day of
3 the fall ~~1994~~ 1997 school term, as defined in s. 115.001 (12), the individual is ~~13~~ 6 to
4 19 years of age ~~or the individual lives in a county designated by the department~~
5 ~~under par. (j) and is required to attend school under that paragraph.~~

6 **SECTION 140.** 49.26 (1) (gm) (intro.) of the statutes, as affected by 1995
7 Wisconsin Act 27, is amended to read:

8 49.26 (1) (gm) (intro.) The first time that an individual fails to meet the school
9 attendance requirement under par. (ge), the county department under s. 46.215,
10 46.22 or 46.23 or the Wisconsin works agency shall do all of the following:

11 **SECTION 141.** 49.26 (1) (h) 1. a. of the statutes, as affected by 1995 Wisconsin
12 Act 27, is amended to read:

13 49.26 (1) (h) 1. a. The county department under s. 46.215, 46.22 or 46.23 or
14 Wisconsin works agency complies with par. (gm).

15 **SECTION 142.** 49.26 (1) (hm) of the statutes, as affected by 1995 Wisconsin Act
16 27, is amended to read:

17 49.26 (1) (hm) The department may require consent to the release of school
18 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for benefits
19 under s. 49.147 (3) to (5) or aid under s. 49.19.

20 **SECTION 143.** 49.26 (1) (hr) of the statutes, as affected by 1995 Wisconsin Act
21 27, is amended to read:

22 49.26 (1) (hr) If an individual subject to the school attendance requirement
23 under par. (ge) is enrolled in a public school, communications between the school
24 district and the department ~~or~~, a county department under s. 46.215, 46.22 or 46.23

1 or a Wisconsin works agency concerning the individual's school attendance may only
2 be made by a school attendance officer, as defined under s. 118.16 (1) (a).

3 **SECTION 144.** 49.26 (1) (j) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is repealed.

5 **SECTION 145.** 49.26 (2) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
6 section 2322b, is repealed and recreated to read:

7 49.26 (2) (b) From the appropriation under s. 20.445 (3) (dz), the department
8 shall allocate funds to county departments or Wisconsin works agencies for the
9 provision of case management services to individuals who are subject to the school
10 attendance requirement under the learnfare program under sub. (1) and their
11 families to improve the school attendance and achievement of those individuals. At
12 least 75% of the funds that the department allocates under this paragraph to provide
13 case management services to individuals who are 13 to 19 years of age shall be
14 allocated to a county department or to Wisconsin works agencies in a county with a
15 population of 500,000 or more. A county or Wisconsin works agency is eligible to
16 receive funds under this subsection to provide case management services to
17 individuals who are 13 to 19 years of age in a year if 35 or more individuals, 13 to 19
18 years of age, residing in the county were sanctioned under sub. (1) (h) or were subject
19 to the monthly attendance requirement under s. HSS 201.195 (4) (b) 2., Wis. adm.
20 code, in any month during the previous year.

21 **SECTION 146.** 49.27 (5) (e) 2. of the statutes is repealed.

22 **SECTION 147.** 49.27 (6) (c) of the statutes is amended to read:

23 49.27 (6) (c) *Benefits.* A county department under s. 46.215, 46.22 or 46.23 shall
24 provide assistance in paying the child care costs of a work-not-welfare group that
25 is eligible to receive benefits under this paragraph if the child care is provided by a

1 child care provider, as defined in s. 46.98 (1) (am). The formula for determining the
2 amount of assistance shall be the same as the formula established by the department
3 under s. 49.50 (6g). The rates for child care services under this paragraph shall be
4 determined under s. 46.98 (4) (d), (dg) or (dm), whichever is applicable, or, if a higher
5 rate is established under s. 46.98 (4) (e) and if the child care services meet the quality
6 standards established under s. 46.98 (4) (e), the rates for child care services under
7 this paragraph that meet those standards shall be determined under s. 46.98 (4) (e).
8 The department shall promulgate rules for the disbursement of funds under this
9 paragraph.

10 **SECTION 148.** 49.27 (13) of the statutes is created to read:

11 49.27 (13) SUNSET. Beginning on January 1, 1999, or beginning on the first day
12 of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),
13 whichever is sooner, no person is eligible to receive benefits under this section and
14 no aid may be granted under this section. No additional notice, other than enactment
15 of this subsection, is required to be given to recipients of aid under this section to
16 terminate their benefits under this subsection.

17 **SECTION 149.** 49.30 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
18 Act 27, section 2922, is amended to read:

19 49.30 (1) (intro.) Except as provided in sub. (1m), if any recipient of benefits
20 under s. ~~49.153~~, 49.46 or 49.77, or under 42 USC 1381 to 1385 in effect on May 8,
21 1980, dies and the estate of the deceased recipient is insufficient to pay the funeral,
22 burial and cemetery expenses of the deceased recipient, the county or applicable
23 tribal governing body or organization responsible for burial of the recipient shall pay,
24 to the person designated by the county department under s. 46.215, 46.22 or 46.23

1 or applicable tribal governing body or organization responsible for the burial of the
2 recipient, all of the following:

3 **SECTION 150.** 49.32 (7) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is amended to read:

5 49.32 (7) (a) The department shall conduct a program to periodically verify the
6 eligibility of recipients of aid to families with dependent children under s. 49.19 and
7 of participants in Wisconsin works under ss. 49.141 to 49.161 through a check of
8 school enrollment records of local school boards as provided in s. 118.125 (2) (i).

9 **SECTION 151.** 49.32 (9) (a) of the statutes, as affected by 1995 Wisconsin Act 27
10 is amended to read:

11 49.32 (9) (a) Each county department under s. 46.215, 46.22 or 46.23
12 administering aid to families with dependent children shall maintain a monthly
13 report at its office showing the names and addresses of all persons receiving such aid
14 together with the amount paid during the preceding month. Each Wisconsin works
15 agency administering Wisconsin works under ss. 49.141 to 49.161 shall maintain a
16 monthly report at its office showing the names and addresses of all persons receiving
17 benefits under s. 49.148 together with the amount paid during the preceding month.
18 Nothing in this paragraph shall be construed to authorize or require the disclosure
19 in the report of any information (names, addresses, amounts of aid or otherwise)
20 pertaining to adoptions, or aid furnished for the care of children in foster homes or
21 treatment foster homes under s. 49.19 (10).

22 **SECTION 152.** 49.32 (9) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
23 is amended to read:

24 49.32 (9) (b) The report under par. (a) shall be open to public inspection at all
25 times during regular office hours and may be destroyed after the next succeeding

1 report becomes available. Any person except any public officer, seeking permission
2 to inspect such report shall be required to prove his or her identity and to sign a
3 statement setting forth his or her address and the reasons for making the request
4 and indicating that he or she understands the provisions of par. (c) with respect to
5 the use of the information obtained. The use of a fictitious name is a violation of this
6 section. Within 72 hours after any such record has been inspected, the county
7 department or Wisconsin works agency shall mail to each person whose record was
8 inspected a notification of that fact and the name and address of the person making
9 such inspection. The county department or Wisconsin works agency shall keep a
10 record of such requests.

11 **SECTION 153.** 49.32 (10) (intro.) of the statutes, as affected by 1995 Wisconsin
12 Act 27, sections 2930 and 3149, is amended to read:

13 49.32 (10) RELEASE OF RECIPIENT'S ADDRESSES TO LAW ENFORCEMENT OFFICERS.
14 (intro.) Each county department under s. 46.215 or 46.22 may release the current
15 address of a recipient of aid under s. 49.19, and each Wisconsin works agency may
16 release the current address of a participant in Wisconsin works under ss. 49.141 to
17 49.161, to a law enforcement officer if the officer meets all of the following conditions:

18 **SECTION 154.** 49.33 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
19 section 2047, is amended to read:

20 49.33 (1) (b) "Income maintenance program" means aid to families with
21 dependent children under s. 49.19, Wisconsin works under ss. 49.141 to 49.161,
22 medical assistance under subch. IV of ch. 49 or the food stamp program under 7 USC
23 2011 to 2029.

24 **SECTION 155.** 49.33 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 27,
25 section 2048, is amended to read:

1 49.33 (1) (c) “Income maintenance worker” means a person employed by a
2 county ~~or~~, a governing body of a federally recognized American Indian tribe or a
3 Wisconsin works agency whose duties include determinations or redeterminations
4 of income maintenance program eligibility.

5 **SECTION 156.** 49.33 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
6 section 2043, is repealed and recreated to read:

7 49.33 (2) CONTRACTS. County departments under ss. 46.215, 46.22 and 46.23
8 shall annually enter into a contract with the department detailing the reasonable
9 cost of administering the income maintenance programs under ss. 49.19, 49.26 (1)
10 and 49.45 to 49.47 and the food stamp program under 7 USC 2011 to 2029 when so
11 appointed by the department. Contracts created under this section control the
12 distribution of payments under s. 20.445 (3) (dz) and (nL) in accordance with the
13 reimbursement method established under s. 49.33 (8). The department may reduce
14 its payment to any county under s. 20.445 (3) (dz) and (nL) if federal reimbursement
15 is withheld due to audits, quality control samples or program reviews.

16 **SECTION 157.** 49.33 (8) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
17 section 3130, is repealed and recreated to read:

18 49.33 (8) (a) The department shall reimburse each county for reasonable costs
19 of income maintenance relating to the administration of programs under this
20 subchapter and subch. IV according to a formula based on workload within the limits
21 of available state and federal funds under s. 20.445 (3) (dz) and (nL) by contract
22 under s. 49.33 (2). The amount of reimbursement calculated under this paragraph
23 and par. (b) is in addition to any reimbursement provided to a county for fraud and
24 error reduction under s. 49.197 (1m) and (4).

1 **SECTION 158.** 49.33 (9) of the statutes, as created by 1995 Wisconsin Act 27, is
2 amended to read:

3 **49.33 (9) REIMBURSEMENT FOR INCOME MAINTENANCE BENEFITS.** The department
4 shall reimburse each county from the appropriations under s. 20.445 (3) ~~(d)~~ (dz) and
5 (p) for 100% of the cost of aid to families with dependent children granted under s.
6 49.19 and for funeral expenses paid for recipients of aid under s. 49.30.

7 **SECTION 159.** 49.36 (title) of the statutes, as affected by 1995 Wisconsin Act 27,
8 is amended to read:

9 **49.36 (title) Work experience and ~~job training~~ program for**
10 **noncustodial parents.**

11 **SECTION 160.** 49.36 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
12 section 2137, is repealed and recreated to read:

13 **49.36 (2)** The department may contract with any county or Wisconsin works
14 agency under s. 49.143 to administer a work experience program for parents who are
15 not custodial parents and who fail to pay child support or to meet their children's
16 needs for support as a result of unemployment or underemployment. The program
17 may provide the kinds of work experience available from the program under s. 49.193
18 or 49.147 (3) or (4). The department shall fund the program from the appropriation
19 under s. 20.445 (3) (dz).

20 **SECTION 161.** 49.36 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is amended to read:

22 **49.36 (3) (a)** Except as provided in par. (f), a person ordered to register under
23 s. 767.295 (2) (a) shall participate in a work experience and ~~job training~~ program if
24 services are available.

1 **SECTION 162.** 49.36 (3) (g) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 49.36 (3) (g) If the person's child receives benefits under s. 49.19, the liability
4 under s. 49.195 of a parent who is a member of the child's household is reduced by
5 the amount of the federal minimum hourly wage under 29 USC 206 (a) (1) for each
6 hour the person participates in a program under this section. This paragraph does
7 not apply beginning on the first day of the 6th month beginning after the date stated
8 in the notice under s. 49.141 (2) (d).

9 **SECTION 163.** 49.36 (4) of the statutes, as affected by 1995 Wisconsin Act 27,
10 is amended to read:

11 49.36 (4) When a person completes 16 weeks of participation in a program
12 under this section, the county or Wisconsin works agency operating the program
13 shall inform the clerk of courts, by affidavit, of that completion.

14 **SECTION 164.** 49.36 (5) of the statutes, as affected by 1995 Wisconsin Act 27,
15 is amended to read:

16 49.36 (5) A person participating in work experience ~~in a county~~ as part of the
17 program under this section is considered an employe of ~~that~~ the county or Wisconsin
18 works agency administering the program under this section for purposes of worker's
19 compensation benefits only.

20 **SECTION 165.** 49.36 (6) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is amended to read:

22 49.36 (6) A county or Wisconsin works agency administering the program
23 under this section shall reimburse a person for reasonable transportation costs
24 incurred because of participation in a program under this section up to a maximum
25 of \$25 per month.

1 **SECTION 166.** 49.36 (7) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 49.36 (7) The department shall pay a county or Wisconsin works agency \$200
4 for each person who participates in the program under this section in ~~that county~~ the
5 region in which the county or Wisconsin works agency administers the program
6 under this section. The county or Wisconsin works agency shall pay any additional
7 costs of the program.

8 **SECTION 167.** 49.45 (6m) (br) 1. of the statutes is amended to read:

9 49.45 (6m) (br) 1. Notwithstanding s. 20.435 (3) (cd), (4) ~~(de)~~ (dz) or (eb) or (7)
10 (b), the department shall reduce allocations of funds to counties in the amount of the
11 disallowance from the appropriations under s. 20.435 (3) (cd), (4) ~~(de)~~ (dz) or (eb) or
12 (7) (b) in accordance with s. 16.544 to the extent applicable.

13 **SECTION 168.** 49.45 (6m) (br) 1. of the statutes, as affected by 1995 Wisconsin
14 Acts 27 and (this act), is repealed and recreated to read:

15 49.45 (6m) (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 (1) (bt) or (bu) or
16 (7) (b) or 20.445 (3) (dz), the department shall reduce allocations of funds to counties
17 in the amount of the disallowance from the appropriations under s. 20.410 (3) (cd)
18 or 20.435 (1) (bt) or (bu) or (7) (b), or the department shall direct the department of
19 industry, labor and job development to reduce allocations of funds to counties or
20 Wisconsin works agencies in the amount of the disallowance from the appropriation
21 under s. 20.445 (3) (dz) in accordance with s. 16.544 to the extent applicable.

22 **SECTION 169.** 49.46 (1) (a) 1. of the statutes is amended to read:

23 49.46 (1) (a) 1. Any person included in the grant of aid to families with
24 dependent children and any person who does not receive such aid solely because of
25 the application of s. 49.19 (11) (a) 7. This subdivision does not apply beginning on

1 the first day of the 6th month beginning after the date stated in the notice under s.
2 49.141 (2) (d).

3 **SECTION 170.** 49.46 (1) (a) 1m. of the statutes is amended to read:

4 49.46 (1) (a) 1m. Any pregnant woman who meets the resource and income
5 limits under s. 49.19 (4) (bm) and (es) and whose pregnancy is medically verified.
6 Eligibility continues to the last day of the month in which the 60th day after the last
7 day of the pregnancy falls. This subdivision does not apply beginning on the first day
8 of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

9 **SECTION 171.** 49.46 (1) (a) 4m. of the statutes is created to read:

10 49.46 (1) (a) 4m. Any dependent child whose custodial parent, as defined under
11 s. 49.141 (1) (b), receives a payment under s. 49.77 (3v).

12 **SECTION 172.** 49.46 (1) (a) 5. of the statutes is amended to read:

13 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care
14 or treatment foster care placement under ch. 48, as determined by the department.

15 **SECTION 173.** 49.46 (1) (a) 6. of the statutes is amended to read:

16 49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is considered,
17 under federal law, to be receiving aid to families with dependent children or
18 supplemental security income for the purpose of determining eligibility for medical
19 assistance. This subdivision does not apply beginning on the first day of the 6th
20 month beginning after the date stated in the notice under s. 49.141 (2) (d).

21 **SECTION 174.** 49.46 (1) (a) 6m. of the statutes is created to read:

22 49.46 (1) (a) 6m. Any person not described in pars. (c) to (e) who is considered,
23 under federal law, to be receiving supplemental security income for the purpose of
24 determining eligibility for medical assistance.

25 **SECTION 175.** 49.46 (1) (a) 9. of the statutes is amended to read:

1 49.46 (1) (a) 9. Any pregnant woman not described under subd. 1. or 1m. whose
2 family income does not exceed 133% of the poverty line for a family the size of the
3 woman's family. This subdivision does not apply beginning on the first day of the 6th
4 month beginning after the date stated in the notice under s. 49.141 (2) (d).

5 **SECTION 176.** 49.46 (1) (a) 10. of the statutes is amended to read:

6 49.46 (1) (a) 10. Any child not described under subd. 1. who is under 6 years
7 of age and whose family income does not exceed 133% of the poverty line for a family
8 the size of the child's family. This subdivision does not apply beginning on the first
9 day of the 6th month beginning after the date stated in the notice under s. 49.141 (2)
10 (d).

11 **SECTION 177.** 49.46 (1) (a) 11. of the statutes is amended to read:

12 49.46 (1) (a) 11. Any child not described under subd. 1. who was born after
13 September 30, 1983, who has attained the age of 6 but has not attained the age of 19
14 and whose family income does not exceed 100% of the poverty line for a family the
15 size of the child's family. This subdivision does not apply beginning on the first day
16 of the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

17 **SECTION 178.** 49.46 (1) (a) 12. of the statutes is amended to read:

18 49.46 (1) (a) 12. Any child not described under subd. 1. who is under 19 years
19 of age and who meets the resource and income limits under s. 49.19 (4). This
20 subdivision does not apply beginning on the first day of the 6th month beginning
21 after the date stated in the notice under s. 49.141 (2) (d).

22 **SECTION 179.** 49.46 (1) (a) 13. of the statutes is amended to read:

23 49.46 (1) (a) 13. Any child who is under one year of age, whose mother was
24 determined to be eligible under subd. 9. and who lives with his or her mother. This

1 subdivision does not apply beginning on the first day of the 6th month beginning
2 after the date stated in the notice under s. 49.141 (2) (d).

3 **SECTION 180.** 49.46 (1) (a) 16. of the statutes is created to read:

4 49.46 (1) (a) 16. Any child who is living with a relative who is eligible to receive
5 payments under s. 48.57 (3m) with respect to that child, if the department
6 determines that no other insurance is available to the child.

7 **SECTION 181.** 49.46 (1) (am) 3. of the statutes is created to read:

8 49.46 (1) (am) 3. This paragraph does not apply beginning on the first day of
9 the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

10 **SECTION 182.** 49.46 (1) (cb) of the statutes is created to read:

11 49.46 (1) (cb) Paragraph (c) does not apply beginning on the first day of the 6th
12 month beginning after the date stated in the notice under s. 49.141 (2) (d).

13 **SECTION 183.** 49.46 (1) (cg) of the statutes is amended to read:

14 49.46 (1) (cg) Except as provided in par. (cs), medical assistance shall be
15 provided to a dependent child, a relative with whom the child is living or the spouse
16 of the relative, if the spouse meets the requirements of s. 49.19 (1) (c) 2. a. or b., for
17 4 calendar months beginning with the month in which the child, relative or spouse
18 is ineligible for aid to families with dependent children because of the collection or
19 increased collection of maintenance or support, if the child, relative or spouse
20 received aid to families with dependent children in 3 or more of the 6 months
21 immediately preceding the month in which that ineligibility begins. This paragraph
22 does not apply beginning on the first day of the 6th month beginning after the date
23 stated in the notice under s. 49.141 (2) (d).

24 **SECTION 184.** 49.46 (1) (co) 4. of the statutes is created to read:

1 49.46 (1) (co) 4. This paragraph does not apply beginning on the first day of the
2 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

3 **SECTION 185.** 49.46 (1) (cr) of the statutes is renumbered 49.46 (1) (cr) 1., and
4 49.46 (1) (cr) 1. b. and c., as renumbered, are amended to read:

5 49.46 (1) (cr) 1. b. Discloses in the application under subd. 1. a. any health
6 insurance possessed by a member of the family.

7 c. Demonstrates that, but for the loss of the disregards for earned income under
8 s. 49.19 (5) (a) 4., the family was continuously eligible for aid to families with
9 dependent children from the date of that loss until the date of the application made
10 under subd. 1. a.

11 **SECTION 186.** 49.46 (1) (cr) 2. of the statutes is created to read:

12 49.46 (1) (cr) 2. This paragraph does not apply beginning on the first day of the
13 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

14 **SECTION 187.** 49.46 (1) (cs) of the statutes is amended to read:

15 49.46 (1) (cs) Medical assistance shall be provided to members of a
16 work-not-welfare group, as defined in s. 49.27 (1) (c), that is eligible for transitional
17 medical assistance coverage under s. 49.27 (8) (c). If the person is or was a member
18 of a work-not-welfare group, as defined in s. 49.27 (1) (c), and if the period of
19 ineligibility under s. 49.27 (4) (f) and (g) for that work-not-welfare group has not yet
20 expired, the person is not eligible for medical assistance under par. (c), (cg), (co) or
21 (cr), unless the person was a dependent child, as defined in s. 49.19 (1) (a), at the time
22 that he or she was a member of the work-not-welfare group. This paragraph does
23 not apply beginning on the first day of the 6th month beginning after the date stated
24 in the notice under s. 49.141 (2) (d).

25 **SECTION 188.** 49.46 (1) (d) 1. of the statutes is amended to read:

1 49.46 (1) (d) 1. Children who are placed in licensed foster homes or licensed
2 treatment foster homes by the department and who would be eligible for payment
3 of aid to families with dependent children in foster homes or treatment foster homes
4 except that their placement is not made by a county department under s. 46.215,
5 46.22 or 46.23 will be considered as recipients of aid to families with dependent
6 children. This subdivision does not apply beginning on the first day of the 6th month
7 beginning after the date stated in the notice under s. 49.141 (2) (d).

8 **SECTION 189.** 49.46 (1) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
9 is renumbered 49.46 (1) (e) 1.

10 **SECTION 190.** 49.46 (1) (e) 2. of the statutes is created to read:

11 49.46 (1) (e) 2. Beginning on the first day of the 6th month beginning after the
12 date stated in the notice under s. 49.141 (2) (d), this paragraph does not apply with
13 respect to a person who has income and resources within the limitations of s. 49.19
14 whether or not the person requests or receives a grant of aid under that section.

15 **SECTION 191.** 49.465 (7) of the statutes is created to read:

16 49.465 (7) This section does not apply beginning on the first day of the 6th
17 month beginning after the date stated in the notice under s. 49.141 (2) (d).

18 **SECTION 192.** 49.47 (4) (a) (intro.) of the statutes is amended to read:

19 49.47 (4) (a) (intro.) Any Except as provided in par. (ag), any individual who
20 meets the limitations on income and resources under pars. (b) and (c) and who
21 complies with par. (cm) shall be eligible for medical assistance under this section if
22 such individual is:

23 **SECTION 193.** 49.47 (4) (ag) of the statutes is created to read:

24 49.47 (4) (ag) No individual is eligible for medical assistance in a month that
25 the individual is eligible for health care coverage under s. 49.153.

1 **SECTION 194.** 49.47 (4) (an) of the statutes is created to read:

2 49.47 (4) (an) Paragraph (am) does not apply beginning on the first day of the
3 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

4 **SECTION 195.** 49.50 (6e) (a) of the statutes is repealed.

5 **SECTION 196.** 49.50 (6e) (b) of the statutes, as affected by 1995 Wisconsin Act
6 27, section 3091, is renumbered 49.50 (6e) and amended to read:

7 49.50 (6e) Within the limits of funds available under s. 20.435 (4) ~~(en)~~ (dz) and
8 (na) and (6) (jg), the department shall provide funds for individuals who are working
9 and who receive aid to families with dependent children to pay child care costs in
10 excess of the amount of the child care disregard under s. 49.19 (5) (a) and child care
11 costs incurred before the child care disregard under s. 49.19 (5) (a) becomes available
12 if the child care is provided by a child care provider.

13 **SECTION 197.** 49.50 (6g) of the statutes is amended to read:

14 49.50 (6g) DAY CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH
15 DEPENDENT CHILDREN. The department shall pay the child care costs of an individual
16 who secures unsubsidized employment and loses eligibility for aid to families with
17 dependent children because of earned income or number of hours worked for up to
18 12 months following the loss of eligibility if the child care is provided by a child care
19 provider. The department shall establish a formula for assistance based on ability
20 to pay. The rates for child care services under this subsection shall be determined
21 under s. 46.98 (4) (d), (dg) or (dm), whichever is applicable, or, if a higher rate is
22 established under s. 46.98 (4) (e) and if the child care services meet the quality
23 standards established under s. 46.98 (4) (e), the rates for child care services under
24 this subsection that meet those standards shall be determined under s. 46.98 (4) (e).

1 The department shall promulgate rules for the disbursement of funds under this
2 subsection.

3 **SECTION 198.** 49.50 (6k) (a) of the statutes is amended to read:

4 49.50 **(6k)** (a) County departments under ss. 46.215, 46.22 and 46.23 shall
5 administer the funds appropriated for the purpose of providing child care under
6 subs. (6e) ~~(b)~~ and (6g) for recipients and former recipients of aid under s. 49.19 and
7 under sub. (7) (e) for participants in the learnfare program. The department shall
8 allocate funds to county departments under ss. 46.215, 46.22 and 46.23 for the
9 purposes of this paragraph.

10 **SECTION 199.** 49.50 (6k) (b) of the statutes is amended to read:

11 49.50 **(6k)** (b) Beginning on January 1, 1994, a county department under s.
12 46.215, 46.22 or 46.23 may, with the approval of the department, provide payment
13 for, or reimbursement of, child care under s. 49.193 (8) ~~or 49.50 (6e) (a)~~ using funds
14 allocated under par. (a). The department shall approve or disapprove this use of
15 funds under criteria established to maximize state and federal funding available for
16 child care.

17 **SECTION 200.** 49.50 (7) (e) of the statutes is amended to read:

18 49.50 **(7)** (e) For an individual who is a recipient of aid under s. 49.19, who is
19 the parent with whom a dependent child lives and who is either required to attend
20 school under par. (g) or is under 20 years of age and wants to attend school, the
21 department shall make a monthly payment to the individual or the child care
22 provider for the month's child care costs in an amount based on need with the
23 maximum amount per child equal to the lesser of the actual cost of the care or the
24 rate established under s. 46.98 (4) (d), (dg) or (dm), whichever is applicable, or, if a
25 higher rate is established under s. 46.98 (4) (e) and if the child care meets the quality

1 standards established under s. 46.98 (4) (e), in an amount based on need with the
2 maximum amount per child equal to the lesser of the actual cost of the care or the
3 rate established under s. 46.98 (4) (e), if the individual demonstrates the need to
4 purchase child care services in order to attend school and those services are available
5 from a child care provider.

6 **SECTION 201.** 49.52 (1) (ad) 1. of the statutes is amended to read:

7 49.52 (1) (ad) 1. The department shall reimburse each county for reasonable
8 costs of income maintenance administration according to a formula based on
9 workload within the limits of available state and federal funds under s. 20.435 (4)
10 (~~de~~) (dz) and (nL) by contract under s. 46.032. The amount of reimbursement
11 calculated under this paragraph is in addition to any reimbursement provided to a
12 county for fraud and error reduction under s. 49.197 (1m) and (4).

13 **SECTION 202.** 49.52 (1) (am) of the statutes is amended to read:

14 49.52 (1) (am) The department shall reimburse each county from the
15 appropriations under s. 20.435 (4) (~~d~~) (dz) and (p) and (7) (b) and (o) for 100% of the
16 cost of aid to families with dependent children granted under s. 49.19, for social
17 services as approved by the department under ss. 46.215 (1), (2) (c) and (3) and 46.22
18 (1) (b) 8. and (e) 3., and for funeral expenses paid for recipients of aid under s. 49.30,
19 except that no reimbursement may be made for the administration of or aid granted
20 under s. 49.02.

21 **SECTION 203.** 49.52 (1) (d) of the statutes, as affected by 1995 Wisconsin Act
22 27, section 3134m, is amended to read:

23 49.52 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the
24 department shall distribute the funding for social services, including funding for
25 foster care or treatment foster care of a child receiving aid under s. 49.19, to county

1 departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County
2 matching funds are required for the distributions under s. 46.40 (2), ~~(4m)~~ and (8).
3 Each county's required match for a year equals 9.89% of the total of the county's
4 distributions for that year for which matching funds are required plus the amount
5 the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile
6 delinquency-related services from its distribution for 1987. Matching funds may be
7 from county tax levies, federal and state revenue sharing funds or private donations
8 to the county that meet the requirements specified in s. 51.423 (5). Private donations
9 may not exceed 25% of the total county match. If the county match is less than the
10 amount required to generate the full amount of state and federal funds distributed
11 for this period, the decrease in the amount of state and federal funds equals the
12 difference between the required and the actual amount of county matching funds.

13 **SECTION 204.** 49.52 (5) of the statutes is amended to read:

14 49.52 (5) The department shall withhold the value of food stamp losses for
15 which a county or federally recognized American Indian tribe is liable under sub. (4)
16 from the payment to the county or tribe under s. 20.435 (4) ~~(de)~~ (dz) and (nL) and
17 reimburse the federal government from the funds withheld.

18 **SECTION 205.** 49.77 (3v) of the statutes is created to read:

19 49.77 (3v) INCREASED SUPPLEMENTAL PAYMENTS TO CUSTODIAL PARENTS. (a) In this
20 subsection:

21 1. "Custodial parent" has the meaning given in s. 49.141 (1) (b).

22 2. "Dependent child" has the meaning given in s. 49.141 (1) (c).

23 (b) A person who is entitled to receive supplemental payments under this
24 section and who is a custodial parent shall receive an increased state supplement of
25 \$77 for each dependent child with respect to whom the person is a custodial parent.

1 (c) Notwithstanding par. (b), if a person who is entitled to receive supplemental
2 payments under this section is married to a person who is also entitled to receive
3 supplemental payments under this section, and both persons are custodial parents
4 of a dependent child, only one increased state supplemental payment of \$77 may be
5 paid with respect to that child.

6 **SECTION 206.** 49.83 of the statutes, as affected by 1995 Wisconsin Act 27,
7 sections 3142 and 3144, is amended to read:

8 **49.83 Limitation on giving information.** Except as provided under s. 49.32
9 (9) and (10), no person may use or disclose information concerning applicants and
10 recipients of relief funded by a relief block grant, aid to families with dependent
11 children, Wisconsin works under ss. 49.141 to 49.161, social services or supplemental
12 payments under s. 49.77, for any purpose not connected with the administration of
13 the programs. Any person violating this subsection may be fined not less than \$25
14 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more
15 than one year or both.

16 **SECTION 207.** 49.84 (5) of the statutes, as affected by 1995 Wisconsin Act 27,
17 section 3211, is amended to read:

18 49.84 (5) A person applying for Wisconsin works under ss. 49.141 to 49.161, aid
19 to families with dependent children under s. 49.19, medical assistance under subch.
20 IV or food stamp program benefits under 7 USC 2011 to 2029 shall, as a condition
21 of eligibility, provide a declaration and other verification of citizenship or satisfactory
22 immigration status as required by the department by rule or as required in 42 USC
23 1320b-7 (d).

24 **SECTION 208.** 49.85 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
25 section 2146, is amended to read:

1 49.85 (1) COUNTY DEPARTMENT NOTIFICATION REQUIREMENT. If a county
2 department under s. 46.215, 46.22 or 46.23 ~~or~~, a governing body of a federally
3 recognized American Indian tribe or band or a Wisconsin works agency determines
4 that the department of health and social services may recover an amount under s.
5 49.497 or that the department of industry, labor and human relations may recover
6 an amount under s. 49.125, 49.161 or 49.195 (3), the county department or governing
7 body shall notify the affected department of the determination.

8 **SECTION 209.** 49.85 (2) (b) and (3) (b) 1. of the statutes, as created by 1995
9 Wisconsin Act 27, are amended to read:

10 49.85 (2) (b) At least annually, the department of industry, labor and human
11 relations shall certify to the department of revenue the amounts that, based on the
12 notifications received under sub. (1) and on other information received by the
13 department of industry, labor and human relations, the department of industry,
14 labor and human relations has determined that it may recover under ss. 49.125,
15 49.161 and 49.195 (3), except that the department of industry, labor and human
16 relations may not certify an amount under this subsection unless it has met the
17 notice requirements under sub. (3) and unless ~~it's~~ its determination has either not
18 been appealed or is no longer under appeal.

19 (3) (b) 1. Inform the person that the department of industry, labor and human
20 relations intends to certify to the department of revenue an amount that the
21 department of industry, labor and human relations has determined to be due under
22 s. 49.125, 49.161 or 49.195 (3), for setoff from any state tax refund that may be due
23 the person.

24 **SECTION 210.** 49.95 (4m) (a) of the statutes, as affected by 1995 Wisconsin Act
25 27, section 3220, is amended to read:

1 49.95 (4m) (a) Without legal authority, sends or brings a person to a county,
2 tribal governing body or municipality or advises a person to go to a county, tribal
3 governing body or municipality for the purpose of obtaining relief funded by a relief
4 block grant, benefits under the Wisconsin works program under ss. 49.141 to 49.161,
5 aid to families with dependent children under s. 49.19, medical assistance under
6 subch. IV or food stamps under 7 USC 2011 to 2029.

7 **SECTION 211.** 49.96 of the statutes, as affected by 1995 Wisconsin Act 27, is
8 amended to read:

9 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
10 dependent children, payments made under ss. 48.357 (3m) or 49.148 (1) (b) to 49.159,
11 payments made for social services, cash benefits paid by counties under s. 59.07
12 (154), and benefits under s. 49.77 or federal Title XVI, are exempt from every tax, and
13 from execution, garnishment, attachment and every other process and shall be
14 inalienable.

15 **SECTION 212.** 59.07 (97) of the statutes is amended to read:

16 **59.07 (97) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT**
17 **LIABILITY PROGRAM.** The county board shall contract with the department of health
18 and social services to implement and administer the child and spousal support and
19 establishment of paternity and the medical support liability programs provided for
20 by Title IV of the federal social security act. The board may designate by board
21 resolution any office, officer, board, department or agency as the county designee.
22 The board or its designee shall implement and administer the programs in
23 accordance with the contract with the state department of health and social services.
24 The attorneys responsible for support enforcement under s. 59.458 (1), family court
25 commissioner, clerk of court and all other county officials shall cooperate with the

1 county and the department as necessary to provide the services required under the
2 programs. The county shall charge the fee established by the department under s.
3 46.25 for services provided under this subsection to persons not receiving benefits
4 under s. 49.148, 49.153 or 49.155 or assistance under s. 49.19 or 49.47.

5 **SECTION 213.** 71.54 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin
6 Act 27, is amended to read:

7 71.54 (2) (a) (intro.) Property taxes accrued or rent constituting property taxes
8 accrued shall be reduced by one-twelfth for each month or portion of a month for
9 which the claimant received relief from any county under s. 59.07 (154) equal to or
10 in excess of \$400, participated in Wisconsin works under s. 49.147 (4) or (5) or
11 received assistance under s. 49.19, except assistance received:

12 **SECTION 214.** 102.07 (17) of the statutes is created to read:

13 102.07 (17) A participant in a trial job under s. 49.147 (3) is an employe of any
14 employer under this chapter for whom the participant is performing service at the
15 time of the injury.

16 **SECTION 215.** 102.07 (18) of the statutes is created to read:

17 102.07 (18) A participant in a community service job under s. 49.147 (4) or a
18 transitional placement under s. 49.147 (5) is an employe of the Wisconsin works
19 agency, as defined under s. 49.001 (9), for the purposes of this chapter, except to the
20 extent that the person for whom the participant is performing work agrees to provide
21 worker's compensation coverage.

22 **SECTION 216.** 102.29 (8) of the statutes is created to read:

23 102.29 (8) No participant in a community service job under s. 49.147 (4) or a
24 transitional placement under s. 49.147 (5) who, under s. 49.147 (4) (c) or (5) (c), is
25 provided worker's compensation coverage by a Wisconsin works agency, as defined

1 under s. 49.001 (9), and who makes a claim for compensation under this chapter may
2 make a claim or maintain an action in tort against the employer who provided the
3 community service job or transitional placement from which the claim arose.

4 **SECTION 217.** 106.21 (1) (g) of the statutes, as affected by 1995 Wisconsin Act
5 27, is amended to read:

6 106.21 (1) (g) "Public assistance" means relief provided by counties under s.
7 59.07 (154), Wisconsin works under ss. 49.141 to 49.161, aid to families with
8 dependent children under s. 49.19, medical assistance under subch. IV of ch. 49,
9 low-income energy assistance under s. 16.385, weatherization assistance under s.
10 16.39 and the food stamp program under 7 USC 2011 to 2029.

11 **SECTION 218.** 106.215 (1) (fm) of the statutes, as affected by 1995 Wisconsin Act
12 27, is amended to read:

13 106.215 (1) (fm) "Public assistance" means relief provided by counties under
14 s. 59.07 (154), Wisconsin works under ss. 49.141 to 49.161, aid to families with
15 dependent children under s. 49.19, medical assistance under subch. IV of ch. 49,
16 low-income energy assistance under s. 16.385, weatherization assistance under s.
17 16.39 and the food stamp program under 7 USC 2011 to 2029.

18 **SECTION 219.** 115.347 of the statutes, as affected by 1995 Wisconsin Act 27, is
19 amended to read:

20 115.347 (2) Whenever a school district that is located in whole or in part in a
21 county that has converted to the client assistance for reemployment and economic
22 support data system submits a report under sub. (1) in the prescribed format, the
23 department of industry, labor and human relations shall determine which children
24 enrolled in the school district are members of Wisconsin works groups participating
25 under s. 49.147 (3) to (5) or of families receiving aid to families with dependent

1 children or food stamps, ~~or both~~, and shall provide the information to the school board
2 as soon thereafter as possible. The school board shall use the information to directly
3 certify children as eligible for free or reduced-price meals served by the school
4 district under federal school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C)
5 (ii) and (iii).

6 **SECTION 220.** 115.40 (4) (b) of the statutes, as affected by 1995 Wisconsin Act
7 27, is amended to read:

8 115.40 (4) (b) The secretary and the secretary of health and social services shall
9 review the applications and jointly determine the grant recipients and the amount
10 of each grant. A grant may not be awarded to a school board, agency or organization
11 unless the percentage of the participating school district's membership in the
12 previous school year for whom aid to families with dependent children was being
13 received under s. 49.19, or who were members of a Wisconsin works group, as defined
14 in s. 49.141 (1) (s), with a member who participated under s. 49.147 (3) to (5), was
15 greater than 5%. In this paragraph, "membership" has the meaning given in s.
16 121.004 (5).

17 **SECTION 221.** 115.40 (4) (c) 1. of the statutes is amended to read:

18 115.40 (4) (c) 1. Programs that involve a school district that, in the previous
19 school year, had a high proportion of pupils for whom aid to families with dependent
20 children was being received under s. 49.19, a high proportion of pupils who were
21 members of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member
22 who participated under s. 49.147 (3) to (5), a high proportion of pupils who were
23 children at risk, as defined under s. 118.153 (1) (a), or a high proportion of dropouts,
24 as defined under s. 118.153 (1) (b).

25 **SECTION 222.** 115.45 (3m) (a) 2. of the statutes is amended to read:

1 115.45 **(3m)** (a) 2. “Low-income pupil” means a pupil for whom aid to families
2 with dependent children is being received under s. 49.19 or a pupil who is a member
3 of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is
4 participating in Wisconsin works under s. 49.147 (3) to (5).

5 **SECTION 223.** 119.82 (1) (a) 2. of the statutes is amended to read:

6 119.82 **(1)** (a) 2. Is receiving aid to families with dependent children under s.
7 49.19 or is a member of a Wisconsin works group, as defined in s. 49.141 (1) (s), with
8 a member who is participating in Wisconsin works under s. 49.147 (3) to (5).

9 **SECTION 224.** 120.13 (27m) of the statutes is amended to read:

10 120.13 **(27m)** TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to
11 and from school for indigent pupils who reside in the school district and who are not
12 required to be transported under s. 121.54. In this subsection, “indigent pupils”
13 means pupils eligible for free lunches or reduced-price lunches under 42 USC 1758
14 or aid to 18-year-old students under s. 49.20 or for whom aid to families with
15 dependent children is being received under s. 49.19 or who are members of a
16 Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is
17 participating in Wisconsin works under s. 49.147 (3) to (5) or any combination
18 thereof, as determined by the school board. If a school board determines to provide
19 transportation under this subsection, there shall be reasonable uniformity in the
20 transportation furnished such pupils whether they attend public or private schools.
21 The cost of transporting pupils under this subsection may not be included in the
22 school district’s shared cost under s. 121.07 (6) (a).

23 **SECTION 225.** 227.01 (13) (zr) of the statutes is created to read:

24 227.01 **(13)** (zr) Establishes qualification criteria under s. 49.143 for a person
25 to administer Wisconsin works under ss. 49.141 to 49.161.

1 **SECTION 226.** 227.01 (13) (zs) of the statutes is created to read:

2 227.01 (13) (zs) Establishes geographical areas under s. 49.143 for the
3 administration of Wisconsin works under ss. 49.141 to 49.161.

4 **SECTION 227.** 227.01 (13) (zt) of the statutes is created to read:

5 227.01 (13) (zt) Establishes performance-based incentives under s. 49.143 (2)
6 and performance standards under s. 49.143 (3).

7 **SECTION 228.** 230.04 (13) (a) and (e) 1. and 2. of the statutes are amended to
8 read:

9 230.04 (13) (a) Establish standards for plans to increase state employment of
10 recipients of aid under s. 49.19 or benefits under s. 49.147 (3) to (5) prepared by
11 agencies under s. 230.147 (1). The standards shall state the time periods within
12 which these plans shall be prepared.

13 (e) 1. A description of each agency's effort during that fiscal year to employ
14 under s. 230.147 persons who received aid under s. 49.19 or benefits under s. 49.147
15 (3) to (5).

16 2. The number of persons receiving aid under s. 49.19 or benefits under s.
17 49.147 (3) to (5) who were employed by each agency under s. 230.147 during that
18 fiscal year and the job title or classification of each position filled under s. 230.147.

19 **SECTION 229.** 230.147 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
20 is amended to read:

21 230.147 (1) Each appointing authority of an agency with more than 100
22 authorized permanent full-time equivalent positions shall prepare and implement
23 a plan of action to employ persons who, at the time determined under sub. (4), receive
24 aid under s. 49.19, or benefits under s. 49.147 (3) to (5), with the goal of making the
25 ratio of those persons occupying permanent positions in the agency to the total

1 number of persons occupying permanent positions in the agency equal to the ratio
2 of the average case load receiving aid under s. 49.19, or benefits under s. 49.147 (3)
3 to (5), in this state in the previous fiscal year to the average number of persons in the
4 state civilian labor force in the preceding fiscal year, as determined by the
5 department of industry, labor and human relations.

6 **SECTION 230.** 230.147 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
7 is amended to read:

8 230.147 (2) Each appointing authority of an agency with 100 or fewer
9 authorized permanent full-time equivalent positions is encouraged to employ
10 persons who, at the time determined under sub. (4), receive aid under s. 49.19, or
11 benefits under s. 49.147 (3) to (5), to attempt to make the ratio of those persons
12 occupying permanent positions in the agency to the total number of persons
13 occupying permanent positions in the agency equal to the ratio of the average case
14 load receiving aid under s. 49.19, or benefits under s. 49.147 (3) to (5) in this state
15 in the previous fiscal year to the average number of persons in the state civilian labor
16 force in the preceding fiscal year, as determined by the department of industry, labor
17 and human relations.

18 **SECTION 231.** 230.147 (3) of the statutes is amended to read:

19 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall
20 make every reasonable effort to employ in permanent full-time equivalent positions
21 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or
22 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the
23 department of employment relations to assure that its efforts under this subsection
24 comply with ch. 230.

1 **SECTION 232.** 560.14 (1) (a) (intro.) and 1. of the statutes are consolidated,
2 renumbered 560.14 (1) (a) and amended to read:

3 560.14 (1) (a) “Applicable median household income” means the ~~greater of the~~
4 ~~following:~~ 1. The median family income for the county where the household is
5 located, as determined annually by the U.S. department of housing and urban
6 development.

7 **SECTION 233.** 560.14 (1) (a) 2. of the statutes is repealed.

8 **SECTION 234.** 767.045 (1) (c) 1. of the statutes is amended to read:

9 767.045 (1) (c) 1. Aid is provided under s. 48.57 (3m), 49.19 or 49.45 on behalf
10 of the child, or benefits are provided to the child’s custodial parent under ss. 49.141
11 to 49.161, but the state and its delegate under s. 46.25 (7) are barred by a statute of
12 limitations from commencing an action under s. 767.45 on behalf of the child.

13 **SECTION 235.** 767.075 (1) (c) of the statutes is amended to read:

14 767.075 (1) (c) Whenever aid under s. 48.57 (3m), 49.19 or 49.45 or a benefit
15 under s. 49.153 is provided to on behalf of a dependent child.

16 **SECTION 236.** 767.075 (1) (cm) of the statutes is created to read:

17 767.075 (1) (cm) Whenever aid under s. 48.57 (3m), 49.19 or 49.45 or a benefit
18 under s. 49.153 has, in the past, been provided on behalf of a dependent child and the
19 child’s family is eligible for continuing child support services under 45 CFR 302.33.

20 **SECTION 237.** 767.077 (intro.) of the statutes is amended to read:

21 **767.077 Support for dependent child.** (intro.) The state or its delegate
22 under s. 46.25 (7) shall bring an action for support of a minor child under s. 767.02
23 (1) (f) or, if appropriate, for paternity determination and child support under s.
24 767.45 whenever the child’s right to support is assigned to the state under s. 48.57
25 (3m) (b) 2. or 49.19 (4) (h) 1. b. if all of the following apply:

1 **SECTION 238.** 767.078 (1) (a) 2. of the statutes is amended to read:

2 767.078 (1) (a) 2. The child's right to support is assigned to the state under s.
3 48.57 (3m) (b) 2. or 49.19 (4) (h) 1. b.

4 **SECTION 239.** 767.15 (1) of the statutes is amended to read:

5 767.15 (1) In any action affecting the family in which either party is a recipient
6 of benefits under ss. 49.141 to 49.161 or aid under s. 49.19 or 49.45, each party shall,
7 either within 20 days after making service on the opposite party of any motion or
8 pleading requesting the court or family court commissioner to order, or to modify a
9 previous order, relating to child support, maintenance or family support, or before
10 filing the motion or pleading in court, serve a copy of the motion or pleading upon the
11 child support program designee under s. 59.07 (97) of the county in which the action
12 is begun.

13 **SECTION 240.** 767.24 (6) (c) of the statutes is amended to read:

14 767.24 (6) (c) In making an order of joint legal custody and periods of physical
15 placement, the court may specify one parent as the primary caretaker of the child and
16 one home as the primary home of the child, for the purpose of determining eligibility
17 for aid under s. 49.19 or benefits under ss. 49.141 to 49.161 or for any other purpose
18 the court considers appropriate.

19 **SECTION 241.** 767.29 (1m) (c) of the statutes is amended to read:

20 767.29 (1m) (c) The party entitled to the support or maintenance money has
21 applied for or is receiving aid to families with dependent children and there is an
22 assignment to the state under s. 48.57 (3m) (b) 2. or 49.19 (4) (h) 1. b. of the party's
23 right to the support or maintenance money.

24 **SECTION 242.** 767.29 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
25 is amended to read:

1 767.29 (2) If any party entitled to maintenance payments or support money,
2 or both, is receiving public assistance under ch. 49, the party may assign the party's
3 right thereto to the county department under s. 46.215, 46.22 or 46.23 granting such
4 assistance. Such assignment shall be approved by order of the court granting the
5 maintenance payments or support money, and may be terminated in like manner;
6 except that it shall not be terminated in cases where there is any delinquency in the
7 amount of maintenance payments and support money previously ordered or
8 adjudged to be paid to the assignee without the written consent of the assignee or
9 upon notice to the assignee and hearing. When an assignment of maintenance
10 payments or support money, or both, has been approved by the order, the assignee
11 shall be deemed a real party in interest within s. 803.01 but solely for the purpose
12 of securing payment of unpaid maintenance payments or support money adjudged
13 or ordered to be paid, by participating in proceedings to secure the payment thereof.
14 Notwithstanding assignment under this subsection, and without further order of the
15 court, the clerk of court, upon receiving notice that a party or a minor child of the
16 parties is receiving aid under s. 49.19, shall forward all support assigned under s.
17 48.57 (3m) (b) 2., 49.19 (4) (h) 1. or 49.45 (19) to the department of industry, labor and
18 human relations.

19 **SECTION 243.** 767.29 (4) of the statutes is amended to read:

20 767.29 (4) If an order or judgment providing for the support of one or more
21 children not receiving aid under s. 48.57 (3m) or 49.19 includes support for a minor
22 who is the beneficiary of aid under s. 48.57 (3m) or 49.19, any support payment made
23 under the order or judgment is assigned to the state under s. 48.57 (3m) (b) 2. or 49.19
24 (4) (h) 1. b. in the amount that is the proportionate share of the minor receiving aid

1 under s. 48.57 (3m) or 49.19, except as otherwise ordered by the court on the motion
2 of a party.

3 **SECTION 244.** 767.32 (1) (a) of the statutes is amended to read:

4 767.32 (1) (a) After a judgment or order providing for child support under this
5 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2) or 948.22 (7), maintenance
6 payments under s. 767.26 or family support payments under this chapter, or for the
7 appointment of trustees under s. 767.31, the court may, from time to time, on the
8 petition, motion or order to show cause of either of the parties, or upon the petition,
9 motion or order to show cause of the department of health and social services, a
10 county department under s. 46.215, 46.22 or 46.23 or a child support program
11 designee under s. 59.07 (97) if an assignment has been made under s. 48.57 (3m) (b)
12 2., 49.19 (4) (h) ~~or, 49.153 (3) or 49.45 (19)~~ or if either party or their minor children
13 receive aid under s. 48.57 (3m) or ch. 49, and upon notice to the family court
14 commissioner, revise and alter such judgment or order respecting the amount of such
15 maintenance or child support and the payment thereof, and also respecting the
16 appropriation and payment of the principal and income of the property so held in
17 trust, and may make any judgment or order respecting any of the matters that such
18 court might have made in the original action, except that a judgment or order that
19 waives maintenance payments for either party shall not thereafter be revised or
20 altered in that respect nor shall the provisions of a judgment or order with respect
21 to final division of property be subject to revision or modification. A revision, under
22 this section, of a judgment or order with respect to an amount of child or family
23 support may be made only upon a finding of a substantial change in circumstances.
24 In any action under this section to revise a judgment or order with respect to
25 maintenance payments, a substantial change in the cost of living by either party or

1 as measured by the federal bureau of labor statistics may be sufficient to justify a
2 revision of judgment or order with respect to the amount of maintenance, except that
3 a change in an obligor's cost of living is not in itself sufficient if payments are
4 expressed as a percentage of income.

5 **SECTION 245.** 767.32 (1) (b) 1. of the statutes is amended to read:

6 767.32 (1) (b) 1. Commencement of receipt of aid to families with dependent
7 children under s. 49.19 or participation in Wisconsin works under ss. 49.141 to
8 49.161 by either parent since the entry of the last child support order, including a
9 revision of a child support order under this section.

10 **SECTION 246.** 767.47 (6) (a) and (b) of the statutes are amended to read:

11 767.47 (6) (a) Whenever the state brings the action to determine paternity
12 pursuant to an assignment under s. 48.357 (3m) (b) 2., 49.153 (3) (a), 49.19 (4) (h) 1.
13 or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157 or 49.159, the
14 natural mother of the child may not be compelled to testify about the paternity of the
15 child if it has been determined that the mother has good cause for refusing to
16 cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the
17 federal regulations promulgated pursuant to this statute, as of July 1, 1981, and
18 pursuant to any rules promulgated by the department of health and social services
19 which define good cause in accordance with the federal regulations, as authorized by
20 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

21 (b) Nothing in par. (a) prevents the state from bringing an action to determine
22 paternity pursuant to an assignment under s. 48.357 (3m) (b) 2., 49.153 (3) (a), 49.19
23 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157 or 49.159,
24 where evidence other than the testimony of the mother may establish the paternity
25 of the child.

1 **SECTION 247.** 814.61 (13) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 814.61 **(13)** SUPPORT OR MAINTENANCE PETITION. For the cost of court services,
4 whenever a person not receiving benefits under s. 49.148, 49.153 or 49.155 or aid
5 under s. 49.19, 49.46, 49.465, 49.468 or 49.47 files a petition requesting child
6 support, maintenance or family support payments, \$10 in addition to any other fee
7 required under this section. This subsection does not apply to a petition filed by the
8 state or its delegate.

9 **SECTION 248.** 948.22 (4) (b) of the statutes is amended to read:

10 948.22 **(4)** (b) For a person not subject to a court order requiring child,
11 grandchild or spousal support payments, when the person knows or reasonably
12 should have known that he or she has a dependent, failure to provide support equal
13 to at least the amount ~~set forth~~ established by rule by the department of health and
14 family services under s. ~~49.19 (11) (a)~~ 46.25 (9) (a) or causing a spouse, grandchild
15 or child to become a dependent person, or continue to be a dependent person, as
16 defined in s. 49.01 (2).

17 **SECTION 249. Nonstatutory provisions; industry, labor and job**
18 **development.**

19 (1) WISCONSIN WORKS ADMINISTRATION. The authorized FTE positions for the
20 department of industry, labor and job development are increased by 18.0 GPR
21 positions on July 1, 1996, to be funded from the appropriation under section 20.445
22 (3) (dz) of the statutes, as affected by this act, for the purpose of administering the
23 Wisconsin works program under sections 49.141 to 49.161 of the statutes, as created
24 by this act.

1 (2) RULES RELATING TO PUBLIC ASSISTANCE. Using the procedure under section
2 227.24 of the statutes, the department of health and social services shall promulgate
3 rules required under chapters 46, 48 and 49 of the statutes, as affected by the acts
4 of 1995, before July 1, 1996, for the period before permanent rules take effect, but not
5 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
6 Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department of
7 health and social services need not provide evidence of the necessity of preservation
8 of the public peace, health, safety or welfare in promulgating rules under this
9 subsection.

10 (3) RULES ON QUALIFICATION CRITERIA FOR THE ADMINISTRATION OF WISCONSIN
11 WORKS. Using the procedure under section 227.24 of the statutes, the department of
12 industry, labor and job development shall promulgate rules required under sections
13 49.143 to 49.157 of the statutes, as created by this act, for the period before
14 permanent rules take effect, but not to exceed the period authorized under section
15 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2)
16 (b) of the statutes, the department need not provide evidence of the necessity of
17 preservation of the public peace, health, safety or welfare in promulgating rules
18 under this subsection.

19 (4) RULES FOR THE ADMINISTRATION OF THE WISCONSIN WORKS HEALTH PLAN. Using
20 the procedure under section 227.24 of the statutes, the department of health and
21 family services shall promulgate rules required under section 49.153 of the statutes,
22 as created by this act, for the period before permanent rules take effect, but not to
23 exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
24 Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department of
25 health and family services need not provide evidence of the necessity of preservation

1 of the public peace, health, safety or welfare in promulgating rules under this
2 subsection.

3 (5) LOW-INCOME AND AT-RISK CHILD CARE. The treatment of section 46.98 (4) (a)
4 2. and (b) of the statutes does not apply to any person who is receiving aid under
5 section 46.98 (4) on the effective of this subsection until the first day of the 4th month
6 beginning after the effective date of this subsection.

7 (6) KINSHIP CARE ASSESSMENTS AND BACKGROUND INVESTIGATIONS. Beginning on
8 July 1, 1996, each county department of human services or social services under
9 sections 46.215, 46.22 and 46.23 of the statutes shall assess and conduct a
10 background investigation of each nonlegally responsible relative who is providing
11 care for a dependent child, as defined in section 49.19 (1) (a) of the statutes, under
12 a program administered by that county department to determine if the relative is
13 eligible to receive kinship care payments under section 48.57 (3m) (a) of the statutes,
14 as created by this act. Each county department of human services or social services
15 under sections 46.215, 46.22 and 46.23 shall complete all of the assessments and
16 background investigations required under this subsection and shall end income
17 maintenance payments under section 49.33 of the statutes to those relatives by July
18 1, 1997.

19 **SECTION 250. Appropriation changes; health and social services.**

20 (1) HEALTH AND SOCIAL SERVICES. In the schedule under section 20.005 (3) of the
21 statutes for the appropriation to the department of health and social services under
22 section 20.435 (4) (dz) of the statutes, as affected by the acts of 1995, the dollar
23 amount is decreased by the amounts encumbered from the appropriations under
24 section 20.435 (4) (cn), (d), (dc), (de), (df) and (dg) of the statutes, immediately before
25 the repeal of section 20.435 (4) (cn), (d), (dc), (de), (df) and (dg) of the statutes and by

1 the amounts encumbered under section 20.435 (7) (b) of the statutes for low-income
2 and at-risk child care immediately before the effective date of this paragraph to
3 transfer funding for the purposes of these appropriations to the appropriation
4 accounts under section 20.435 (4) (dz).

5 (2) COMMUNITY AIDS. In the schedule under section 20.005 (3) of the statutes
6 for the appropriation to the department of health and social services under section
7 20.435 (7) (b) of the statutes, as affected by the acts of 1995, the dollar amount is
8 decreased by \$5,576,100 for fiscal year 1995-96, less any amount encumbered in
9 fiscal year 1995-96 for low-income and at-risk child care, and the dollar amount is
10 decreased by \$5,576,100 for fiscal year 1996-97 to reflect the deletion of low-income
11 and at-risk child care from community aids funding.

12 **SECTION 251. Appropriation changes; industry, labor and job**
13 **development.**

14 (1) PUBLIC ASSISTANCE AND LOCAL AID. In the schedule under section 20.005 (3)
15 of the statutes for the appropriation to the department of industry, labor and job
16 development under section 20.445 (3) (dz) of the statutes, as affected by the acts of
17 1995, the dollar amount is increased by \$202,512,900 for fiscal year 1996-97 for the
18 purposes for which the appropriation is made.

19 **SECTION 252. Initial applicability.**

20 (1) LOW-INCOME AND AT-RISK CHILD CARE. The treatment of section 46.98 (4) (a)
21 2. and (4) (b) of the statutes first applies to a person who applies to receive aid on the
22 effective date of this subsection.

23 **SECTION 253. Effective dates.** This act takes effect on July 1, 1996, or on
24 the day after publication, whichever is later, except as follows:

1 (1) PUBLIC ASSISTANCE AND LOCAL AID. The treatment of sections 20.435 (4) (a),
2 (cn), (d), (dc), (de), (df) and (dg), 46.253 (2), 46.40 (1) (a) and (4m), 46.45 (intro.), (1)
3 and (6), 46.62 (2), 46.98 (1) (b), (2) (a), (3) (c), (4) (a) 2. and (b) and (4g) (b), 49.141 (2),
4 49.143 (1), 49.19 (4e) (a) and (c), 49.193 (2) (a) and (am), (4) (g), (j) 4., and (k) 1m., (4m),
5 (6) (c) and (e), (7) and (9m) (a) and (ag), 49.27 (5) (e) 2., 49.50 (6e) (a) and (b), (6g), (6k)
6 (a) and (b) and (7) (e), 49.52 (1) (ad) 1., (am) and (d) and (5) and 560.14 (1) (a) (intro.),
7 1. and 2. of the statutes, the renumbering and amendment of sections 48.651 and
8 49.19 (20) of the statutes, the amendment of sections 13.101 (6) (a), 46.979 (2) (a),
9 49.19 (11) (a) 1. a., 49.193 (8) (bm), 49.193 (10m), 49.197 (1m) and (4), 49.20 (3) and
10 49.45 (6m) (br) 1. of the statutes, the creation of sections 16.75 (6) (bm), 20.435 (4)
11 (dz), 46.98 (1) (bd) and (bf), 48.651 (1) (a) and (b and (2), 49.181 (title), (1) (intro.) and
12 (a) to (c) and (d) to (g), (2) and (3) and 49.19 (20) (b) of the statutes and SECTIONS 249
13 (2), (3) and (6), 250 (1) and (2) and 252 of this act take effect on the day after
14 publication.

15 (2) PUBLIC ASSISTANCE. The repeal and recreation of section 46.032 of the
16 statutes takes effect on January 1, 1996, or on the day after publication, whichever
17 is later.

18 (END)