



**ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1995 ASSEMBLY BILL 591**

March 1, 1996 – Offered by JOINT COMMITTEE ON FINANCE.

1     **AN ACT to repeal** 49.26 (1) (j), 49.27 (5) (e) 2., 49.50 (6e) (a), 560.14 (1) (a) 2.,  
2           632.745 (1) (f) 2., 635.02 (5m), 635.07, 635.17 and 635.26 (1) (b); **to renumber**  
3           49.193 (9m) (a), 49.46 (1) (e), 49.50 (6e) (b) and 635.26 (1) (a); **to renumber and**  
4           **amend** 16.841 (1), 46.98 (4) (b), 48.651, 49.124 (1m), 49.19 (11) (b), 49.19 (20),  
5           49.32 (10) and 49.46 (1) (cr); **to consolidate, renumber and amend** 560.14  
6           (1) (a) (intro.) and 1.; **to amend** 13.94 (4) (a) 1., 13.94 (4) (b), 16.75 (6) (bm),  
7           16.841 (2), 20.435 (1) (b), 20.435 (1) (bm), 20.435 (1) (o), 20.445 (1) (gd), 20.445  
8           (3) (L), 20.445 (3) (Lm), 40.51 (8), 46.03 (21), 46.215 (1) (k), 46.22 (1) (b) 2. a.,  
9           46.22 (1) (b) 2. d., 46.25 (6), 46.25 (7m), 46.258 (1), 46.258 (2) (a) 1., 46.495 (1)  
10          (d), 46.979 (1), 46.98 (1) (b), 46.98 (2) (a), 46.98 (2m) (a), 46.98 (3) (c), 46.98 (4)  
11          (a) 2., 46.98 (4) (d), 46.98 (4g) (b), 46.986 (1) (b), 46.986 (1) (m), 46.987 (1) (a),  
12          46.987 (2) (a), 46.995 (2) (c), 48.427 (3) (a) 5., 48.428 (2), 48.428 (4), 48.57 (3p)  
13          (g) (intro.), 48.651 (1) (intro.), 48.981 (2), 49.015 (2), 49.124 (2), 49.125 (1), 49.19  
14          (4) (h) 1. b., 49.19 (4e) (a), 49.191 (1) (b), 49.191 (2), 49.193 (2) (a), 49.193 (4) (g),  
15          49.193 (4) (j) 4., 49.193 (6) (c), 49.193 (7), 49.193 (8) (a), 49.193 (8) (bm), 49.195  
16          (title), 49.195 (1), 49.195 (3), 49.197 (3), 49.26 (title), 49.26 (1) (e), 49.26 (1) (g)

1 (intro.), 49.26 (1) (g) 1., 49.26 (1) (gm) (intro.), 49.26 (1) (h) 1. (intro.), 49.26 (1)  
2 (h) 1. a., 49.26 (1) (h) 1m. (intro.), 49.26 (1) (hm), 49.26 (1) (hr), 49.27 (3) (a), (b)  
3 and (c) and (4) (a) (intro.), 49.27 (6) (c), 49.30 (1) (intro.), 49.32 (7) (a), 49.32 (9)  
4 (a), 49.32 (9) (b), 49.32 (10) (title), 49.33 (1) (b), 49.33 (1) (c), 49.33 (2), 49.33 (8)  
5 (a), 49.36 (title), 49.36 (2), 49.36 (3) (a), 49.36 (3) (g), 49.36 (4), 49.36 (5), 49.36  
6 (6), 49.36 (7), 49.45 (6m) (br) 1., 49.46 (1) (a) 1., 49.46 (1) (a) 1m., 49.46 (1) (a)  
7 5., 49.46 (1) (a) 6., 49.46 (1) (a) 9., 49.46 (1) (a) 10., 49.46 (1) (a) 11., 49.46 (1) (a)  
8 12., 49.46 (1) (a) 13., 49.46 (1) (cg), 49.46 (1) (cs), 49.46 (1) (d) 1., 49.47 (1), 49.47  
9 (4) (a) (intro.), 49.47 (4) (c) 2., 49.50 (6g), 49.50 (6k) (a), 49.50 (6k) (b), 49.50 (7)  
10 (e), 49.52 (1) (d), 49.83, 49.84 (5), 49.85 (1), 49.85 (2) (b) and (3) (b) 1., 49.95 (4m)  
11 (a), 49.95 (11), 49.96, 59.07 (97), 60.23 (25), 66.184, 71.54 (2) (a) (intro.), 106.21  
12 (1) (g), 106.215 (1) (fm), 108.16 (2) (b), 108.18 (1) (a), 108.19 (1) and (1m), 108.20  
13 (2m), 111.70 (1) (a), 115.347, 115.40 (4) (b), 115.40 (4) (c) 1., 115.45 (3m) (a) 2.,  
14 119.82 (1) (a) 2., 120.13 (2) (g), 120.13 (14), 120.13 (27m), 185.981 (4t), 185.983  
15 (1) (intro.), 230.04 (13) (a) and (e) 1. and 2., 230.147 (1), 230.147 (2), 230.147 (3),  
16 600.01 (2) (b), 628.34 (3) (a), 628.34 (3) (b), 632.76 (2) (a), 632.896 (4), 767.045  
17 (1) (c) 1., 767.075 (1) (c), 767.077 (intro.), 767.078 (1) (a) 2., 767.15 (1), 767.24  
18 (6) (c), 767.29 (1m) (c), 767.29 (2), 767.29 (4), 767.32 (1) (a), 767.32 (1) (b) 1.,  
19 767.47 (6) (a) and (b), 799.40 (4), 814.61 (13) and 948.22 (4) (b); **to repeal and**  
20 **recreate** 20.435 (4) (d), 20.445 (3) (d), 48.57 (3m) (a), (am) (intro.), (d) and (e),  
21 49.191 (3) (a) and (b) and 49.193 (8) (bm); and **to create** 16.39 (4) (bm), 16.75  
22 (6) (bm), 16.841 (1) (b), 20.445 (1) (gg), 20.445 (3) (dy), 20.445 (3) (dz), 20.445 (3)  
23 (e), 20.445 (3) (em), 20.445 (3) (jm), 20.445 (3) (my), 40.51 (8m), 46.215 (1g),  
24 46.22 (1g), 46.261, 46.98 (1) (at), 46.98 (1) (bd) and (bf), 46.98 (1) (cm), 46.98 (4)  
25 (am), 46.98 (4) (b) 1., 2. and 3., 46.98 (4) (bm), 46.98 (4) (bt), 46.98 (4) (bu), 46.98

1 (4) (dg) and (dm), 46.98 (6), 48.40 (1m), 48.57 (3m), 48.57 (3p), 48.57 (3t), 48.65  
2 (1m), 48.651 (1) (a) and (b), 48.651 (2), 49.001 (9), 49.124 (1m) (b) and (bm),  
3 49.124 (1m) (c), 49.124 (1m) (cm), 49.124 (1p), 49.138 (title), (2) and (3), 49.141,  
4 49.143, 49.145, 49.146, 49.147, 49.148, 49.149, 49.151, 49.152, 49.153, 49.155,  
5 49.157, 49.159, 49.161, 49.185, 49.19 (4e) (c), 49.19 (20) (b), 49.193 (2) (am),  
6 49.193 (4) (k) 1m., 49.193 (4m), 49.193 (6) (e), 49.193 (9m) (ag), 49.193 (12),  
7 49.21 (1) (c), 49.25 (10), 49.26 (1) (h) 1s., 49.27 (13), 49.32 (10) (b), 49.46 (1) (a)  
8 4m., 49.46 (1) (a) 6m., 49.46 (1) (a) 16., 49.46 (1) (am) 3., 49.46 (1) (cb), 49.46 (1)  
9 (co) 4., 49.46 (1) (cr) 2., 49.46 (1) (e) 2., 49.465 (7), 49.47 (4) (ag), 49.47 (4) (an),  
10 49.77 (3v), 71.07 (9e) (em), 102.07 (17), 102.07 (18), 102.29 (8m), 108.16 (6) (L),  
11 108.16 (11), 108.22 (1) (g), 111.70 (4) (n), 111.91 (2) (k), 227.01 (13) (zs), 632.745,  
12 632.747, 632.749 and 767.075 (1) (cm) of the statutes; **relating to:** creating a  
13 new public assistance program for families with dependent children, modifying  
14 the sunset of the aid to families with dependent children program, modifying  
15 administration of the food stamp program, modifying the eligibility  
16 requirements of certain recipients of medical assistance, creating a program to  
17 provide payment to a relative, other than a parent, who is providing care and  
18 maintenance for a child, modifying the postsecondary education and vocational  
19 skills training option in the job opportunities and basic skills program, applying  
20 the learnfare provisions statewide to certain individuals who are 6 to 19 years  
21 of age, background investigations of day care center licensees, contractors,  
22 employes, prospective employes and adult residents, modifying eligibility  
23 requirements for low-income and at-risk child care, grants to certain  
24 individuals for vocational training or education, group health insurance  
25 reform, creating a tax exemption, making modifications to the job opportunities

1 and basic skills program, making modifications to the food stamp employment  
2 and training program, allowing advance payments of the earned income tax  
3 credit, providing an exemption from emergency rule procedures, providing an  
4 exemption from rule-making procedures, granting rule-making authority,  
5 making appropriations and providing penalties.

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

6 **SECTION 2h.** 13.94 (4) (a) 1. of the statutes, as affected by 1995 Wisconsin Acts  
7 27 and 56, is amended to read:

8 13.94 (4) (a) 1. Every state department, board, examining board, affiliated  
9 credentialing board, commission, independent agency, council or office in the  
10 executive branch of state government; all bodies created by the legislature in the  
11 legislative or judicial branch of state government; any public body corporate and  
12 politic created by the legislature including specifically a professional baseball park  
13 district; every Wisconsin works agency under subch. III of ch. 49; every provider of  
14 medical assistance under subch. IV of ch. 49; technical college district boards;  
15 development zones designated under s. 560.71; every county department under s.  
16 51.42 or 51.437; every nonprofit corporation or cooperative to which moneys are  
17 specifically appropriated by state law; and every corporation, institution, association  
18 or other organization which receives more than 50% of its annual budget from  
19 appropriations made by state law, including subgrantee or subcontractor recipients  
20 of such funds.

21 **SECTION 2n.** 13.94 (4) (b) of the statutes, as affected by 1995 Wisconsin Act 27,  
22 is amended to read:

1           13.94 (4) (b) In performing audits of Wisconsin works agencies under subch.  
2 III of ch. 49, providers of medical assistance under subch. IV of ch. 49, corporations,  
3 institutions, associations, or other organizations, and their subgrantees or  
4 subcontractors, the legislative audit bureau shall audit only the records and  
5 operations of such providers and organizations which pertain to the receipt,  
6 disbursement or other handling of appropriations made by state law.

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

8           16.39 (4) (bm) A Wisconsin works group, as defined in s. 49.141 (1) (s), in which  
9 one member is a participant under s. 49.147 (3) to (5).

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

11          16.75 (6) (bm) If the secretary determines that it is in the best interest of this  
12 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.  
13 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by  
14 the department of health and social services under s. 49.143, if the department of  
15 health and social services presents the secretary with a process for the procurement  
16 of contracts under s. 49.143 and the secretary approves the process.

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

19          16.75 (6) (bm) If the secretary determines that it is in the best interest of this  
20 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.  
21 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by  
22 the department of ~~health and social services~~ industry, labor and job development  
23 under s. 49.143, if the department of ~~health and social services~~ industry, labor and  
24 job development presents the secretary with a process for the procurement of  
25 contracts under s. 49.143 and the secretary approves the process.

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

3           16.841 (1) (intro.) In this section, ~~“agency”~~:

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

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

6           16.841 (1) (b) “Child care provider” means a provider licensed under s. 48.65,  
7 certified under s. 48.651 or established or contracted for under s. 120.13 (14).

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

9           16.841 (2) The department shall contract with one or more child care providers,  
10 as defined in s. ~~46.98 (1) (am)~~, to supplement the cost of providing suitable space for  
11 child care services to be offered to the children of employes of agencies whose work  
12 stations are located in an area designated by the department comprising the central  
13 portion of the city of Madison.

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

	<b>1995-96</b>	<b>1996-97</b>
<b>20.435 Health and social services, department</b>		
<b>of</b>		
(4) ECONOMIC SUPPORT		
(d) Income maintenance payments		
to individuals	GPR B 124,300,000	-0-

1 **20.445 Industry, labor and job development,**  
2 **department of**

3 (3) ECONOMIC SUPPORT

4 (d) Income maintenance payments

5 to individuals GPR B -0- 109,800,000

6 (dy) Kinship and foster care assess-  
7 ments

GPR A -0- 1,200,000

8 (dz) Wisconsin works administration  
9 and benefits

GPR A -0- -0-

10 (e) Job access loans

GPR B -0- -0-

11 (em) Employment skills advancement  
12 program

GPR A -0- -0-

13 (jm) Wisconsin works fees

PR A -0- -0-

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

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

1 between fiscal years funds that it transfers from the appropriation under sub. (3) (kb)  
2 for the purposes specified in s. 46.485 (3r).

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

4 20.435 (1) (bm) *Medical assistance administration.* Biennially, the amounts  
5 in the schedule to provide the state share of administrative contract costs for the  
6 medical assistance program under s. 49.45 and health care coverage under s. 49.153  
7 and to reimburse insurers for their costs under s. 49.475. No state positions may be  
8 funded in the department of health and social services from this appropriation,  
9 except positions for the performance of duties under a contract in effect before  
10 January 1, 1987, related to the administration of the medical assistance program  
11 between the subunit of the department primarily responsible for administering the  
12 medical assistance program and another subunit of the department.

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

14 20.435 (1) (o) *Federal aid; medical assistance.* All federal moneys received for  
15 meeting costs of medical assistance administered under s. 49.45 and for meeting the  
16 costs of health care coverage under s. 49.153.

17 **SECTION 15c.** 20.435 (4) (d) of the statutes, as affected by 1995 Wisconsin Act  
18 27, section 848, is repealed and recreated to read:

19 20.435 (4) (d) *Income maintenance payments to individuals.* Biennially, the  
20 amounts in the schedule to provide state aid for county administered public  
21 assistance programs under s. 49.52 and to provide reimbursement to counties for the  
22 cost of foster care and treatment foster care provided by nonlegally responsible  
23 relatives under state or county administered programs, if the relatives are licensed  
24 to operate foster homes or treatment foster homes under s. 48.62. Total payments  
25 under this paragraph to a county for the reimbursement of nonlegally responsible

1 relative foster care costs incurred in a calendar year may not exceed the amount for  
2 which the county was reimbursed under this paragraph for nonlegally responsible  
3 relative foster care costs incurred in 1994. Disbursements for public assistance may  
4 be made directly from this appropriation including the state and county share under  
5 s. 46.03 (20) (a). Refunds received relating to payments made under s. 46.03 (20) (a)  
6 shall be returned to this appropriation. The receipt of the counties' payments for  
7 their share under s. 46.03 (20) shall be returned to this appropriation.

8 **SECTION 21b.** 20.445 (1) (gd) of the statutes is amended to read:

9 20.445 (1) (gd) *Unemployment interest and penalty payments.* From the  
10 moneys received as interest and penalties collected under ss. 108.04 (11) (c) and  
11 108.22 and assessments under s. 108.19 (1m), all moneys not appropriated under  
12 par. (ge) and (gf) for the payment of benefits specified in s. 108.07 (5) and 1987  
13 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under  
14 s. 108.17 (3m), for the cost of administration of s. 108.16 (11) and for the payment of  
15 interest due on advances from the federal unemployment account under title XII of  
16 the social security act to the unemployment reserve fund, and for payments made to  
17 the unemployment reserve fund to obtain a lower interest rate or deferral of interest  
18 payments on these advances, except as otherwise provided in s. 108.20.

19 **SECTION 21c.** 20.445 (1) (gg) of the statutes is created to read:

20 20.445 (1) (gg) *Earned income tax credits.* A sum sufficient to pay estimated  
21 earned income tax credits lawfully claimed under s. 108.16 (11).

22 **SECTION 21d.** 20.445 (3) (d) of the statutes, as affected by 1995 Wisconsin Act  
23 27, section 849, is repealed and recreated to read:

24 20.445 (3) (d) *Income maintenance payments to individuals.* Biennially, the  
25 amounts in the schedule to provide state aid for county administered public

1 assistance programs for which reimbursement is provided under s. 49.33 (9) and for  
2 kinship care under s. 48.57 (3m) and to provide reimbursement to counties for the  
3 cost of foster care and treatment foster care provided by nonlegally responsible  
4 relatives under state or county administered programs, if the relatives are licensed  
5 to operate foster homes or treatment foster homes under s. 48.62. Total payments  
6 under this paragraph to a county for the reimbursement of nonlegally responsible  
7 relative foster care costs incurred in a calendar year may not exceed the amount for  
8 which the county was reimbursed under this paragraph for nonlegally responsible  
9 relative foster care costs incurred in 1994. Disbursements for public assistance may  
10 be made directly from this appropriation including the state and county share under  
11 s. 46.03 (20) (a). Refunds received relating to payments made under s. 46.03 (20) (a)  
12 shall be returned to this appropriation. The receipt of the counties' payments for  
13 their share under s. 46.03 (20) shall be returned to this appropriation.

14 **SECTION 21f.** 20.445 (3) (dy) of the statutes is created to read:

15 20.445 (3) (dy) *Kinship and foster care assessments.* The amounts in the  
16 schedule for foster care assessments and for kinship care assessments under s. 48.57  
17 (3m).

18 **SECTION 21h.** 20.445 (3) (dz) of the statutes is created to read:

19 20.445 (3) (dz) *Wisconsin works administration and benefits.* The amounts in  
20 the schedule for administration and benefit payments under Wisconsin works under  
21 ss. 49.141 to 49.161.

22 **SECTION 21m.** 20.445 (3) (e) of the statutes is created to read:

23 20.445 (3) (e) *Job access loans.* Biennially, the amounts in the schedule for job  
24 access loans under s. 49.147 (6).

25 **SECTION 21r.** 20.445 (3) (em) of the statutes is created to read:

1           20.445 (3) (em) *Employment skills advancement program*. The amounts in the  
2 schedule for the employment skills advancement program under s. 49.185.

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

4           20.445 (3) (jm) *Wisconsin works fees*. The amounts in the schedule for  
5 administration and benefit payments under Wisconsin works under ss. 49.141 to  
6 49.161. All moneys received from fees and other payments under ss. 49.141 to 49.161  
7 shall be credited to this appropriation.

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 24d.** 20.445 (3) (my) of the statutes is created to read:

1           20.445 (3) (my) *Federal program assistance*. All moneys received from the  
2 federal government or any of its agencies for foster care and kinship care  
3 investigations and assessments, for the purposes for which received.

4           **SECTION 25.** 40.51 (8) of the statutes is amended to read:

5           40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
6 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.745 (1) to (3) and (5),  
7 632.747, 632.87 (3) to (5), 632.895 (5m) and (8) to (10) and 632.896.

8           **SECTION 26.** 40.51 (8m) of the statutes is created to read:

9           40.51 (8m) Every health care coverage plan offered by the group insurance  
10 board under sub. (7) shall comply with ss. 632.745 (1) to (3) and (5) and 632.747.

11          **SECTION 27.** 46.03 (21) of the statutes is amended to read:

12          46.03 (21) DAY CARE STANDARDS. Promulgate rules establishing standards for  
13 the certification of day care providers under s. 48.651. The standards established  
14 under this subsection shall be less restrictive than those for day care providers  
15 licensed under s. 48.65 and shall be in accordance with s. 48.651. The standards  
16 established under this subsection shall clearly differentiate the 2 levels of certified  
17 family day care specified under s. 48.651 and shall clearly differentiate the 2 levels  
18 of certified family day care from any levels of licensed day care established under s.  
19 48.67.

20          **SECTION 30.** 46.215 (1) (k) of the statutes is amended to read:

21          46.215 (1) (k) To Except as provided under sub. (1g), certify eligibility for and  
22 issue food coupons to needy households in conformity with the federal food stamp act  
23 of 1964 as amended, and, in addition, the county department of social services may  
24 certify eligibility for and distribute surplus commodities and food stuffs.

25          **SECTION 30g.** 46.215 (1g) of the statutes is created to read:

1           46.215 (1g) ADMINISTRATION OF FOOD STAMPS FOR PARTICIPANTS IN WISCONSIN  
2 WORKS. The Wisconsin works agency, as defined in s. 49.001 (9), shall certify  
3 eligibility for and distribute food coupons under s. 49.143 (2) (e) to eligible  
4 participants in the Wisconsin works program under subch. III of ch. 49.

5           **SECTION 31.** 46.22 (1) (b) 2. a. of the statutes, as created by 1995 Wisconsin Act  
6 27, is amended to read:

7           46.22 (1) (b) 2. a. To administer aid to families with dependent children under  
8 s. 49.19. This subdivision paragraph does not apply beginning on the first day of the  
9 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

10          **SECTION 32.** 46.22 (1) (b) 2. d. of the statutes, as created by 1995 Wisconsin Act  
11 27, is amended to read:

12          46.22 (1) (b) 2. d. To Except as provided in sub. (1g), to certify eligibility for and  
13 issue food coupons to needy households in conformity with 7 USC 2011 to 2029.

14          **SECTION 32m.** 46.22 (1g) of the statutes is created to read:

15          46.22 (1g) ADMINISTRATION OF FOOD STAMPS FOR PARTICIPANTS IN WISCONSIN  
16 WORKS. The Wisconsin works agency, as defined in s. 49.001 (9), shall certify  
17 eligibility for and distribute food coupons under s. 49.143 (2) (e) to eligible  
18 participants in the Wisconsin works program under subch. III of ch. 49.

19          **SECTION 33.** 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. 46.261, 49.19 or 49.47 or benefits  
23 under s. 49.148, 49.153 or 49.155 and to individuals not receiving kinship care  
24 payments under s. 48.57 (3m). The system of fees may take into account an  
25 individual's ability to pay. Any fee paid and collected under this subsection may be

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

3 **SECTION 34.** 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 36.** 46.258 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
16 section 2158b, is amended to read:

17 46.258 (1) From the appropriation under s. 20.435 (3) (cb), the department  
18 shall award grants to counties for programs to revise child support orders. Each  
19 county receiving a grant shall review child support orders awarded to persons who  
20 receive benefits under s. 48.57 (3m) or 49.148 or whose children receive benefits  
21 under s. 49.19 and to persons who do not receive benefits under s. 48.57 (3m) or  
22 49.148 and whose children do not receive benefits under s. 49.19 and shall initiate  
23 actions to revise the orders based on that review. Each county receiving a grant shall  
24 review child support orders awarded to persons who receive benefits under s. 48.57  
25 (3m) or 49.148 or whose children receive benefits under s. 49.19 and child support

1 orders awarded to persons who do not receive benefits under s. 48.57 (3m) or 49.148  
2 and whose children do not receive benefits under s. 49.19 in proportion to the number  
3 of those 2 categories of orders in the county's child support case load. Before a county  
4 may initiate an action to revise a child support order under this subsection for a  
5 person who does not receive benefits under s. 48.57 (3m) or 49.148 and whose  
6 children do not receive benefits under s. 49.19, the custodial parent of the children  
7 must voluntarily consent to the revision.

8 **SECTION 37.** 46.258 (2) (a) 1. of the statutes is amended to read:

9 46.258 (2) (a) 1. Provides an incentive for a county to increase its child support  
10 collections for persons who receive benefits under s. 48.57 (3m) or 49.148 or whose  
11 children receive benefits under s. 46.261 or 49.19 as well as for persons who do not  
12 receive benefits under s. 48.57 (3m) or 49.148 and whose children do not receive  
13 benefits under s. 46.261 or 49.19.

14 **SECTION 37m.** 46.261 of the statutes is created to read:

15 **46.261 Foster care aid. (1) DEFINITION.** In this section, "dependent child"  
16 means a child under the age of 18 or, if the child is a full-time student at a secondary  
17 school or its vocational or technical equivalent and is reasonably expected to  
18 complete the program before reaching 19, is under the age of 19, who meets all of the  
19 following conditions:

20 (a) The child is living in a foster home or treatment foster home licensed under  
21 s. 48.62 if a license is required under that section, in a foster home or treatment foster  
22 home located within the boundaries of a federally recognized American Indian  
23 reservation in this state and licensed by the tribal governing body of the reservation,  
24 in a group home licensed under s. 48.625 or in a child caring institution licensed  
25 under s. 48.60, and has been placed in the foster home, treatment foster home, group

1 home or institution by a county department under s. 46.215, 46.22 or 46.23, by the  
2 department or by a federally recognized American Indian tribal governing body in  
3 this state under an agreement with a county department under s. 46.215, 46.22 or  
4 46.23.

5 (b) The child would qualify for aid under s. 49.19, 1993 stats.

6 **(2) AID PAYMENTS.** (a) A county department under s. 46.215, 46.22 or 46.23 shall  
7 grant aid on behalf of a dependent child to any of the following:

8 1. A nonrelative who cares for the dependent child in a foster home or treatment  
9 foster home having a license under s. 48.62, in a foster home or treatment foster home  
10 located within the boundaries of a federally recognized American Indian reservation  
11 in this state and licensed by the tribal governing body of the reservation or in a group  
12 home licensed under s. 48.625, regardless of the cause or prospective period of  
13 dependency. The state shall reimburse counties pursuant to the procedure under s.  
14 46.495 (2) and the percentage rate of participation set forth in s. 46.495 (1) (d) for aid  
15 granted under this section except that if the child does not have legal settlement in  
16 the granting county, state reimbursement shall be at 100%. The county department  
17 under s. 46.215 or 46.22 shall determine the legal settlement of the child. A child  
18 under one year of age shall be eligible for aid under this subsection irrespective of  
19 any other residence requirement for eligibility within this section.

20 2. A county, on behalf of a child in the legal custody of a county department  
21 under s. 46.215, 46.22 or 46.23 or on behalf of a child who was removed from the home  
22 of a relative, as defined under s. 48.02 (15), as a result of a judicial determination that  
23 continuance in the home of a relative would be contrary to the child's welfare for any  
24 reason when such child is placed in a licensed child caring institution by the county  
25 department. Reimbursement shall be made by the state pursuant to subd. 1.

1           3. A county, when the child is placed in a licensed foster home, treatment foster  
2 home, group home or child caring institution by a licensed child welfare agency or  
3 by a federally recognized American Indian tribal governing body in this state or by  
4 its designee, if the child is in the legal custody of the county department under s.  
5 46.215, 46.22 or 46.23 or if the child was removed from the home of a relative, as  
6 defined under s. 48.02 (15), as a result of a judicial determination that continuance  
7 in the home of the relative would be contrary to the child's welfare for any reason and  
8 the placement is made pursuant to an agreement with the county department.

9           4. A foster home or treatment foster home, a group home licensed under s.  
10 48.625 or a child caring institution by the state when the child is in the custody or  
11 guardianship of the state, when the child is a ward of an American Indian tribal court  
12 in this state and the placement is made under an agreement between the department  
13 and the tribal governing body or when the child was part of the state's direct service  
14 case load and was removed from the home of a relative, as defined under s. 48.02 (15),  
15 as a result of a judicial determination that continuance in the home of a relative  
16 would be contrary to the child's welfare for any reason and the child is placed by the  
17 department.

18           (b) Notwithstanding par. (a), aid under this section may not be granted for  
19 placement of a child in a foster home or treatment foster home licensed by a federally  
20 recognized American Indian tribal governing body, for placement of a child in a foster  
21 home, treatment foster home or child caring institution by a tribal governing body  
22 or its designee, for the placement of a child who is a ward of a tribal court if the tribal  
23 governing body is receiving or is eligible to receive funds from the federal government  
24 for that type of placement or for placement of a child in a group home licensed under  
25 s. 48.625.

1           **(3) ASSIGNMENT OF SUPPORT.** When any person applies for or receives aid under  
2 this section, any right of the parent or any dependent child to support or maintenance  
3 from any other person, including any right to unpaid amounts accrued at the time  
4 of application and any right to amounts accruing during the time aid is paid under  
5 this section, is assigned to the state. If a minor who is a beneficiary of aid under this  
6 section is also the beneficiary of support under a judgment or order that includes  
7 support for one or more children not receiving aid under this section, any support  
8 payment made under the judgment or order is assigned to the state in the amount  
9 that is the proportionate share of the minor receiving aid under this section, except  
10 as otherwise ordered by the court on the motion of a party.

11           **SECTION 43m.** 46.495 (1) (d) of the statutes, as affected by 1995 Wisconsin Act  
12 27, is amended to read:

13           46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the  
14 department shall distribute the funding for social services, including funding for  
15 foster care or treatment foster care of a child ~~receiving aid~~ on whose behalf aid is  
16 received under s. ~~49.19~~ 46.261, to county departments under ss. 46.215, 46.22 and  
17 46.23 as provided under s. 46.40. County matching funds are required for the  
18 distributions under s. 46.40 (2), (4m) and (8). Each county's required match for a year  
19 equals 9.89% of the total of the county's distributions for that year for which  
20 matching funds are required plus the amount the county was required by s. 46.26 (2)  
21 (c), 1985 stats., to spend for juvenile delinquency-related services from its  
22 distribution for 1987. Matching funds may be from county tax levies, federal and  
23 state revenue sharing funds or private donations to the county that meet the  
24 requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the  
25 total county match. If the county match is less than the amount required to generate

1 the full amount of state and federal funds distributed for this period, the decrease  
2 in the amount of state and federal funds equals the difference between the required  
3 and the actual amount of county matching funds.

4 **SECTION 45.** 46.979 (1) of the statutes is amended to read:

5 46.979 (1) In this section, “child care provider” ~~has the meaning given in s.~~  
6 ~~46.98 (1) (am)~~ means a provider licensed under s. 48.65, certified under s. 48.651 or  
7 established or contracted for under s. 120.13 (14).

8 **SECTION 45m.** 46.98 (1) (at) of the statutes is created to read:

9 46.98 (1) (at) “Educational program” means high school or a high school  
10 equivalency program or a course of study meeting the standards established under  
11 s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation.

12 **SECTION 50.** 46.98 (1) (b) of the statutes is amended to read:

13 46.98 (1) (b) “Gainfully employed” means working, or seeking employment or  
14 ~~participating in a training or educational program designed to lead directly to paid~~  
15 ~~employment.~~

16 **SECTION 51.** 46.98 (1) (bd) and (bf) of the statutes are created to read:

17 46.98 (1) (bd) “Level I certified family day care provider” means a day care  
18 provider certified under s. 48.651 (1) (a).

19 (bf) “Level II certified family day care provider” means a day care provider  
20 certified under s. 48.651 (1) (b).

21 **SECTION 51c.** 46.98 (1) (cm) of the statutes is created to read:

22 46.98 (1) (cm) “Poverty line” has the meaning given in s. 46.30 (1) (c).

23 **SECTION 52.** 46.98 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
24 is amended to read:

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

9           **SECTION 53.** 46.98 (2m) (a) of the statutes, as affected by 1995 Wisconsin Act  
10 27, is amended to read:

11           46.98 **(2m)** (a) Except as provided in sub. (2) (c), funds distributed under sub.  
12 (2) for at-risk child care may only be used for the purposes specified in this  
13 paragraph. The funds shall be used to provide care for all or part of a day for children  
14 under age 13 of persons who need child care to be able to work, who are not receiving  
15 aid to families with dependent children and who are at risk of becoming eligible for  
16 aid to families with dependent children if child care under this subsection is not  
17 provided. No funds distributed under sub. (2) may be used to provide care for a child  
18 by a person who resides with the child.

19           **SECTION 54.** 46.98 (3) (c) of the statutes is amended to read:

20           46.98 **(3)** (c) From the funds distributed under sub. (2) for low-income child  
21 care, a county may provide day care services itself or it may purchase day care  
22 services from a child care provider. In addition, from the funds distributed under  
23 sub. (2) for low-income child care, each county shall, subject to the availability of  
24 funds, provide day care by offering to each eligible parent a voucher for the payment  
25 of day care services provided by a child care provider. Each county shall allocate all

1 or a portion of its day care funding for payment of vouchers. An eligible parent may  
2 choose whether the care will be provided by a Level I certified family day care  
3 provider or a Level II certified family day care provider or in a day care center, in the  
4 home of another person or, subject to the county's approval, in the parent's home. A  
5 parent who uses vouchers for the payment of day care services may supplement the  
6 maximum rate for day care services set under sub. (4) (d), (dg) or (dm) or, if a higher  
7 rate for day care services is set under sub. (4) (e), the rate set under sub. (4) (e),  
8 whichever is applicable.

9 **SECTION 55g.** 46.98 (4) (a) 2. of the statutes is amended to read:

10 46.98 (4) (a) 2. A Except as provided in par. (am), a parent who is gainfully  
11 employed, or who is less than 20 years of age and is enrolled in an educational  
12 program, who is in need of child care services and whose family income is equal to  
13 or less than 75% of the state median income. The department shall annually  
14 determine the state median income.

15 **SECTION 55m.** 46.98 (4) (am) of the statutes is created to read:

16 46.98 (4) (am) A parent who is gainfully employed, or who is less than 20 years  
17 of age and is enrolled in an educational program, who is in need of child care services  
18 and who applies for aid on or after the effective date of this paragraph .... [revisor  
19 inserts date], is eligible for aid under this section if the family income of the applicant  
20 is equal to or less than 165% of the poverty line.

21 **SECTION 56.** 46.98 (4) (b) of the statutes is renumbered 46.98 (4) (b) (intro.) and  
22 amended to read:

23 46.98 (4) (b) (intro.) Parents Subject to a modification made pursuant to par.  
24 (bm), and except as provided in par. (bt), individuals receiving aid under sub. (3)  
25 whose family income is equal to or greater than 50% of the state median income are

1 liable for the following percentages of the cost of child care received, ~~payable in~~  
2 ~~accordance with a schedule developed by the department based on ability to pay.~~

3 **SECTION 56c.** 46.98 (4) (b) 1., 2. and 3. of the statutes are created to read:

4 46.98 (4) (b) 1. For an individual with an income equal to or less than 75% of  
5 the poverty line, 7.5%.

6 2. For an individual with an income greater than 75% of the poverty line and  
7 not greater than 95% of the poverty line, 10%.

8 3. For an individual with an income greater than 95% of the poverty line, 10%,  
9 plus 1.2857% for every percentage point by which the individual's income exceeds  
10 95% of the poverty line, except that no individual may be required to pay more than  
11 100% of the cost of the child care.

12 **SECTION 56d.** 46.98 (4) (bm) of the statutes is created to read:

13 46.98 (4) (bm) The department may submit a proposal to the joint committee  
14 on finance to modify the percentages under par. (b). If, within 14 days after the date  
15 of receipt of the department's proposal, the cochairpersons of the committee do not  
16 notify the secretary that the committee has scheduled a meeting for the purpose of  
17 reviewing the proposed modifications, the department may make the modifications  
18 specified in the proposal. If, within 14 days after the date of receipt of the  
19 department's proposal, the cochairpersons of the committee notify the secretary that  
20 the committee has scheduled a meeting for the purpose of reviewing the proposed  
21 modifications, the department may not make the modifications specified in the  
22 proposal until the committee approves the proposal.

23 **SECTION 56f.** 46.98 (4) (bt) of the statutes is created to read:

1           46.98 (4) (bt) An individual receiving aid under sub. (3) on the effective date  
2 of this paragraph .... [revisor inserts date], shall be liable for a portion of the cost of  
3 child care calculated as follows:

4           1. The department shall determine the amount for which the individual was  
5 liable under s. 46.98 (4) (b), 1993 stats., immediately before the effective date of this  
6 paragraph .... [revisor inserts date].

7           2. The department shall determine the amount for which the individual is  
8 liable under par. (b).

9           3. The department shall subtract the amount determined under subd. 1. from  
10 the amount determined under subd. 2.

11           4. If the amount determined under subd. 3. is zero or less, the individual's  
12 liability shall be the amount determined under par. (b). If the amount determined  
13 under subd. 3 is greater than zero, the department shall add to the amount  
14 determined under subd. 1. the product of the amount determined under subd. 3  
15 multiplied by the following percentage:

16           a. Beginning on July 1, 1996, or on the effective date of this subd. 4. a. ....  
17 [revisor inserts date], whichever is later, and ending on October 31, 1996, 25%.

18           b. Beginning on November 1, 1996, and ending on February 28, 1997, 50%.

19           c. Beginning on March 1, 1997, and ending on June 30, 1997, or on the day  
20 specified under s. 49.141 (2) (d), whichever is later, 75%.

21           **SECTION 56g.** 46.98 (4) (bu) of the statutes is created to read:

22           46.98 (4) (bu) Paragraph (bt) does not apply beginning on July 1, 1997, or on  
23 the date specified under s. 49.141 (2) (d), whichever is later.

24           **SECTION 57.** 46.98 (4) (d) of the statutes is amended to read:

1           46.98 (4) (d) Each county shall annually set a maximum rate that it will pay  
2 for licensed day care services provided to eligible parents, other than licensed day  
3 care services for which a rate, if any, is established under par. (e). A county shall set  
4 its maximum rate under this paragraph so that at least 75% of the number of places  
5 for children within the licensed ~~or certified~~ capacity of all child care providers in that  
6 county can be purchased at or below that maximum rate. The department shall  
7 annually review each county's rate and shall approve it if the department finds that  
8 the rate is set at a reasonable and customary level which does not preclude an eligible  
9 parent from having a reasonable selection of child care providers. The department  
10 shall promulgate by rule a procedure and criteria for approving county rates.

11           **SECTION 58.** 46.98 (4) (dg) and (dm) of the statutes are created to read:

12           46.98 (4) (dg) Each county shall set a maximum rate that it will pay for Level  
13 I certified family day care providers for services provided to eligible parents. The  
14 maximum rate set under this paragraph may not exceed 75% of the rate established  
15 under par. (d).

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

20           **SECTION 59.** 46.98 (4g) (b) of the statutes is amended to read:

21           46.98 (4g) (b) From the funds distributed under sub. (2) for respite child care,  
22 a county may provide child care services itself or it may purchase child care services  
23 from a child care provider. In addition, from the funds distributed under sub. (2) for  
24 respite child care, each county shall, subject to the availability of funds, provide child  
25 care by offering to each eligible parent a voucher for the payment of child care

1 services provided by a child care provider. Each county shall allocate all or a portion  
2 of its child care funding for payment of vouchers. A parent who uses vouchers for the  
3 payment of child care services may supplement the maximum rate for child care  
4 services set under sub. (4) (d), (dg) or (dm) or, if a higher rate for child care services  
5 is set under sub. (4) (e), the rate set under sub. (4) (e), whichever is applicable. The  
6 county may choose the child care provider for a child whose child care is funded under  
7 par. (a).

8 **SECTION 60.** 46.98 (6) of the statutes is created to read:

9 46.98 (6) SUNSET. This section does not apply beginning on the first day of the  
10 6th month beginning after the date specified in the notice under s. 49.141 (2) (d).

11 **SECTION 61.** 46.986 (1) (b) of the statutes is amended to read:

12 46.986 (1) (b) "Child care provider" ~~has the meaning given in s. 46.98 (1) (am)~~  
13 means a provider licensed under s. 48.65, certified under s. 48.651 or established or  
14 contracted for under s. 120.13 (14).

15 **SECTION 62.** 46.986 (1) (m) of the statutes is amended to read:

16 46.986 (1) (m) "Parent" ~~has the meaning given in s. 46.98 (1) (e)~~ means a parent,  
17 guardian, foster parent, treatment foster parent, legal custodian or a person acting  
18 in the place of a parent.

19 **SECTION 63.** 46.987 (1) (a) of the statutes is amended to read:

20 46.987 (1) (a) "Child care provider" ~~has the meaning given in s. 46.98 (1) (am)~~  
21 means a provider licensed under s. 48.65, certified under s. 48.651 or established or  
22 contracted for under s. 120.13 (14).

23 **SECTION 64.** 46.987 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,

24 is amended to read:

1           46.987 (2) (a) From the allocation under s. 46.979 (2) (c) 4. the department may  
2           award grants to child care providers that meet the quality of care standards  
3           established under s. 46.98 (4) (e) or 49.155 (6) to improve the retention of skilled and  
4           experienced child care staff. In awarding grants under this subsection, the  
5           department shall consider the applying child care provider’s total enrollment of  
6           children and average enrollment of children who receive or are eligible for publicly  
7           funded care from the child care provider.

8           **SECTION 65.** 46.995 (2) (c) of the statutes is amended to read:

9           46.995 (2) (c) Highest rate, by county population, of participation in the aid to  
10          families with dependent children program under s. 49.19 or the Wisconsin works  
11          program under s. 49.147 (3) to (5).

12          **SECTION 66.** 48.40 (1m) of the statutes is created to read:

13          48.40 (1m) “Kinship care relative” means a person receiving payments under  
14          s. 48.57 (3m) (a) for providing care and maintenance for a child.

15          **SECTION 67.** 48.427 (3) (a) 5. of the statutes is amended to read:

16          48.427 (3) (a) 5. A relative with whom the child resides, if the relative has filed  
17          a petition to adopt the child or if the relative is a kinship care relative.

18          **SECTION 68.** 48.428 (2) of the statutes is amended to read:

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

1 foster parent ~~or~~, licensed treatment foster parent or kinship care relative shall be a  
2 sustaining parent with the powers and duties specified in sub. (3).

3 **SECTION 69.** 48.428 (4) of the statutes is amended to read:

4 48.428 (4) Before a licensed foster parent ~~or~~, licensed treatment foster parent  
5 or kinship care relative may be appointed as a sustaining parent, the foster parent  
6 ~~or~~, treatment foster parent or kinship care relative shall execute a contract with the  
7 agency responsible for providing services to the child, in which the foster parent ~~or~~,  
8 treatment foster parent or kinship care relative agrees to provide care for the child  
9 until the child's 18th birthday unless the placement order is changed by the court  
10 because the court finds that the sustaining parents are no longer able or willing to  
11 provide the sustaining care or the court finds that the behavior of the sustaining  
12 parents toward the child would constitute grounds for the termination of parental  
13 rights if the sustaining parent was the birth parent of the child.

14 **SECTION 70d.** 48.57 (3m) of the statutes is created to read:

15 48.57 (3m) (a) In this subsection:

16 1. "Department" means the department of industry, labor and job development.

17 2. "Kinship care relative" means a stepparent, brother, sister, stepbrother,  
18 stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding  
19 generation as denoted by the prefix of grand, great or great-great, whether by  
20 consanguinity, direct affinity or legal adoption, or the spouse of any person named  
21 in this subdivision, even if the marriage is terminated by death or divorce.

22 (am) From the appropriations under s. 20.445 (3) (d) and (p), the department  
23 shall make payments in the amount of \$215 per month to a kinship care relative who  
24 is providing care and maintenance for a child if all of the following conditions are met:

1           1. The kinship care relative applies to the county department for payments  
2 under this subsection and the county department determines that there is a need for  
3 the child to be placed with the kinship care relative and that the placement with the  
4 kinship care relative is in the best interests of the child.

5           2. The county department determines that the child meets one or more of the  
6 criteria specified in s. 48.13 or 938.13 or that the child would be at risk of meeting  
7 one or more of those criteria if the child were to remain in his or her home.

8           4. The county department conducts a background investigation under sub. (3p)  
9 of the kinship care relative, the employes and prospective employes of the kinship  
10 care relative who have or would have regular contact with the child for whom the  
11 payments would be made and any other adult resident of the kinship care relative's  
12 home to determine if the kinship care relative or adult resident has any arrests or  
13 convictions that could adversely affect the child or the kinship care relative's ability  
14 to care for the child.

15           4m. Subject to sub. (3p) (fm), the kinship care relative states that he or she does  
16 not have any arrests or convictions that could adversely affect the child or the kinship  
17 care relative's ability to care for the child and that no adult resident, as defined in  
18 sub. (3p) (a), and no employe or prospective employe of the kinship care relative who  
19 would have regular contact with the child has any arrests or convictions that could  
20 adversely affect the child or the kinship care relative's ability to care for the child.

21           5. The kinship care relative cooperates with the county department in the  
22 application process, including applying for other forms of assistance for which the  
23 kinship care relative may be eligible.

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

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

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

18 (cm) A kinship care relative who receives a payment under par. (am) is not  
19 eligible to receive a payment under s. 48.62 (4).

20 (d) The county department shall review a placement of a child for which the  
21 department of industry, labor and job development makes payments under par. (am)  
22 not less than every 12 months after the department of industry, labor and job  
23 development begins making those payments to determine whether the conditions  
24 specified in par. (am) continue to exist. If those conditions do not continue to exist,  
25 the department shall discontinue making those payments.

1 (e) The department of health and family services, in consultation with the  
2 department of industry, labor and job development, shall determine whether the  
3 child is eligible for medical assistance under ss. 49.43 to 49.47, if no other health care  
4 insurance coverage is available to the child.

5 **SECTION 70g.** 48.57 (3m) (a), (am) (intro.), (d) and (e) of the statutes, as created  
6 by 1995 Wisconsin Act .... (this act), are repealed and recreated to read:

7 48.57 (3m) (a) In this subsection, “kinship care relative” means a stepparent,  
8 brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any  
9 person of a preceding generation as denoted by the prefix of grand, great or  
10 great-great, whether by consanguinity, direct affinity or legal adoption, or the  
11 spouse of any person named in this paragraph, even if the marriage is terminated  
12 by death or divorce.

13 (am) (intro.) From the appropriations under s. 20.435 (7) (b) and (o), the  
14 department shall reimburse counties for payments made under this subsection. A  
15 county department shall make payments in the amount of \$215 per month to a  
16 kinship care relative who is providing care and maintenance for a child if all of the  
17 following conditions are met:

18 (d) A county department shall review a placement of a child for which the  
19 county department makes payments under par. (am) not less than every 12 months  
20 after the county department begins making those payments to determine whether  
21 the conditions specified in par. (am) continue to exist. If those conditions do not  
22 continue to exist, the county department shall discontinue making those payments.

23 (e) The department shall determine whether the child is eligible for medical  
24 assistance under ss. 49.43 to 49.47, if no other health care insurance coverage is  
25 available to the child.

1           **SECTION 71d.** 48.57 (3p) of the statutes is created to read:

2           48.57 **(3p)** (a) In this subsection, “adult resident” means a person 18 years of  
3 age or over who lives at the home of a person who has applied for or is receiving  
4 payments under sub. (3m) with the intent of making that home his or her home or  
5 who lives for more than 30 days cumulative in any 6-month period at the home of  
6 a person who has applied for or is receiving payments under sub. (3m).

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

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

14           (c) 1. After receipt of an application for payments under sub. (3m), the county  
15 department, with the assistance of the department of justice, shall, in addition to the  
16 investigation under par. (b), conduct a background investigation of all employes and  
17 prospective employes of the applicant who have or would have regular contact with  
18 the child for whom those payments are being made and of each adult resident.

19           2. The county department, with the assistance of the department of justice,  
20 may conduct a background investigation of any of the employes or prospective  
21 employes of any person who is receiving payments under sub. (3m) who have or  
22 would have regular contact with the child for whom those payments are being made  
23 and of each adult resident at the time of review under sub. (3m) (d) or at any other  
24 time that the county department considers to be appropriate.

1           3. Before a person that is receiving payments under sub. (3m) may employ any  
2 person in a position in which that person would have regular contact with the child  
3 for whom those payments are being made or permit any person to be an adult  
4 resident, the county department, with the assistance of the department of justice,  
5 shall conduct a background investigation of the prospective employe or prospective  
6 adult resident unless that person has already been investigated under subd. 1. or 2.

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

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

19           1. The person's name.

20           2. The person's social security number.

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

23           4. Information regarding the conviction record of the person under the law of  
24 this state or any other state or under federal law. This information shall be provided

1 on a notarized background verification form that the department shall provide by  
2 rule.

3 (fm) 1. The county department may provisionally approve the making of  
4 payments under sub. (3m) based on the applicant's statement under sub. (3m) (am)  
5 4m. The county department may not finally approve the making of payments under  
6 sub. (3m) unless that county department receives information from the department  
7 of justice indicating that the conviction record of the applicant under the law of this  
8 state is satisfactory according to the criteria specified in par. (g) 1. to 3. The  
9 department of industry, labor and job development may make payments under sub.  
10 (3m) conditioned on the receipt of information from the federal bureau of  
11 investigation indicating that the person's conviction record under the law of any  
12 other state or under federal law is satisfactory according to the criteria specified in  
13 par. (g) 1. to 3.

14 2. A person receiving payments under sub. (3m) may provisionally employ a  
15 person in a position in which that person would have regular contact with the child  
16 for whom those payments are being made or provisionally permit a person to be an  
17 adult resident if the person receiving those payments states to the county  
18 department that the employe or adult resident does not have any arrests or  
19 convictions that could adversely affect the child or the ability of the person receiving  
20 payments to care for the child. A person receiving payments under sub. (3m) may  
21 not finally employ a person in a position in which that person would have regular  
22 contact with the child for whom those payments are being made or finally permit a  
23 person to be an adult resident until the county department receives information from  
24 the department of justice indicating that the person's conviction record under the law  
25 of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. and

1 the county department so advises the department and the person receiving  
2 payments under sub. (3m). A person receiving payments under sub. (3m) may finally  
3 employ a person in a position in which that person would have regular contact with  
4 the child for whom those payments are being made or finally permit a person to be  
5 an adult resident conditioned on the receipt of information from the county  
6 department that the federal bureau of investigation indicates that the person's  
7 conviction record under the law of any other state or under federal law is satisfactory  
8 according to the criteria specified in par. (g) 1. to 3.

9 (g) Subject to par. (h), the department may not make payments to a person  
10 applying for payments under sub. (3m) and a person receiving payments under sub.  
11 (3m) may not employ a person in a position in which that person would have regular  
12 contact with the child for whom those payments are being made or permit a person  
13 to be an adult resident if any of the following applies:

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

17 2. The person has had imposed on him or her a penalty specified in s. 939.62,  
18 939.621, 939.63, 939.64, 939.641 or 939.645 or has been convicted of a violation of the  
19 law of any other state or federal law under circumstances under which the applicant  
20 or other person would be subject to a penalty specified in any of those sections if  
21 convicted in this state.

22 3. The person has been convicted of a violation of ch. 940, 944 or 948, other than  
23 a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, or of a violation of  
24 the law of any other state or federal law that would be a violation of ch. 940, 944 or  
25 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, if

1 committed in this state, except that the department may make payments to a person  
2 applying for payments under sub. (3m) and a person receiving payments under sub.  
3 (3m) may employ in a position in which the person would have regular contact with  
4 the child for whom those payments are being made or permit to be an adult resident  
5 a person who has been convicted of a violation of s. 944.30, 944.31 or 944.33 or of a  
6 violation of the law of any other state or federal law that would be a violation of s.  
7 944.30, 944.31 or 944.33 if committed in this state, if that violation occurred 20 years  
8 or more before the date of the investigation.

9 (h) Notwithstanding par. (g), a person whose application to the county  
10 department for payments under sub. (3m) has been denied on one of the grounds  
11 specified in par. (g) 1. to 3. may petition the department of health and family services  
12 for a review of that denial. If that department determines that making those  
13 payments would be in the best interests of a child, those payments shall be made.  
14 The department of health and family services shall promulgate rules to provide  
15 standards under which to review a petition under this paragraph.

16 (i) The county department shall keep confidential all information received  
17 under this subsection from the department of justice or the federal bureau of  
18 investigation. Such information is not subject to inspection or copying under s. 19.35.

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

22 **SECTION 71f.** 48.57 (3p) (g) (intro.) of the statutes, as created by 1995 Wisconsin  
23 Act .... (this act), is amended to read:

24 48.57 **(3g)** (g) (intro.) Subject to par. (h), the county department may not make  
25 payments to a person applying for payments under sub. (3m) and a person receiving

1 payments under sub. (3m) may not employ a person in a position in which that person  
2 would have regular contact with the child for whom those payments are being made  
3 or permit a person to be an adult resident if any of the following applies:

4 **SECTION 71h.** 48.57 (3t) of the statutes is created to read:

5 48.57 (3t) Notwithstanding subs. (3m) and (3p), the department may enter into  
6 an agreement with the governing body of a federally recognized American Indian  
7 tribe to allow that governing body to administer the program under subs. (3m) and  
8 (3p) within the boundaries of that reservation.

9 **SECTION 71m.** 48.65 (1m) of the statutes is created to read:

10 48.65 (1m) (a) In this subsection, "adult resident" means a person 18 years of  
11 age or over who lives at a day care center licensed under this section or contracted  
12 for under s. 120.13 (14) with the intent of making that day care center his or her home  
13 or who lives for more than 30 days cumulative in any 6-month period at a day care  
14 center licensed under this section or contracted for under s. 120.13 (14).

15 (b) 1. After receipt of an application for a license to operate a day care center  
16 or a referral from a school board under s. 120.13 (14), the department of health and  
17 family services, with the assistance of the department of justice, shall conduct a  
18 background investigation of the applicant or person referred.

19 2. The department of health and family services, with the assistance of the  
20 department of justice, shall conduct a background investigation of any person who,  
21 on the effective date of this subdivision .... [revisor inserts date], is a day care provider  
22 licensed under this section or contracted for under s. 120.13 (14) or who, on the  
23 effective date of this subdivision .... [revisor inserts date], has an application for  
24 licensure or a contract offer pending, within 6 months after the effective date of this

1 subdivision .... [revisor inserts date], or on the person's application for license or  
2 contract renewal, whichever is earlier.

3 3. Subject to subd. 2., the department of health and family services may, at the  
4 time of renewal of the license or contract of a day care provider licensed under this  
5 section or contracted for under s. 120.13 (14), or at any other time that the  
6 department considers to be appropriate, conduct, with the assistance of the  
7 department of justice, a background investigation of that day care provider.

8 (c) 1. After receipt of an application for a license to operate a day care center  
9 or a referral from a school board under s. 120.13 (14), the department of health and  
10 family services, with the assistance of the department of justice, shall, in addition  
11 to the investigation under par. (b), conduct a background investigation of each  
12 employe and prospective employe of the applicant or person referred who has or  
13 would have regular contact with a child receiving care from the applicant or person  
14 referred and of each adult resident.

15 2. The department of health and family services, with the assistance of the  
16 department of justice, shall conduct a background investigation of each adult  
17 resident of a person who, on the effective date of this subdivision .... [revisor inserts  
18 date], is licensed under this section or contracted for under s. 120.13 (14) or who, on  
19 the effective date of this subdivision .... [revisor inserts date], has an application for  
20 licensure or a contract offer pending, within 6 months after that date or on the  
21 person's application for license or contract renewal, whichever is earlier, and shall  
22 conduct a background investigation of each employe and prospective employe of that  
23 person who has or would have regular contact with any child receiving care from that  
24 person.

1           3. Subject to subd. 2., the department of health and family services may, at the  
2 time of renewal of the license or contract of a day care provider licensed under this  
3 section or contracted for under s. 120.13 (14) or at any other time that the department  
4 considers to be appropriate, conduct, with the assistance of the department of justice,  
5 a background investigation of any employe or prospective employe of the day care  
6 provider who has or would have regular contact with any child receiving day care  
7 from the day care provider or of any adult resident of the day care provider.

8           4. Except as provided in par. (f) 2., before a day care provider that is licensed  
9 under this section or contracted for under s. 120.13 (14) may employ any person in  
10 a position in which that person would have regular contact with a child receiving care  
11 from the day care provider or permit any person to be an adult resident, the  
12 department of health and family services, with the assistance of the department of  
13 justice, shall conduct a background investigation of the prospective employe or  
14 prospective adult resident unless that person has already been investigated under  
15 subd. 1., 2. or 3.

16           (d) If the person being investigated under par. (b) or (c) is a nonresident, or if  
17 at any time within the 5 years preceding the date of the investigation that person has  
18 been a nonresident, or if the department of health and family services determines  
19 that the person's employment, certification or state court records provide a  
20 reasonable basis for further investigation, the department shall require the person  
21 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete  
22 set of the person's fingerprints. The department of justice may provide for the  
23 submission of the fingerprint cards to the federal bureau of investigation for the  
24 purposes of verifying the identity of the person fingerprinted and obtaining records  
25 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 department of health and family services 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. The department of health and family services may not license a person  
12 as a day care provider under this section and a school board may not contract with  
13 a person under s. 120.13 (14) until the department or school board receives  
14 information from the department of justice indicating that the person's conviction  
15 record under the law of this state is satisfactory according to the criteria specified in  
16 par. (g) 1. to 3. The department of health and family services may license a person  
17 as a day care provider under this section and a school board may contract with a  
18 person under s. 120.13 (14) conditioned on the receipt of information from the federal  
19 bureau of investigation indicating that the person's conviction record under the law  
20 of any other state or under federal law is satisfactory according to the criteria  
21 specified in par. (g) 1. to 3. The department of health and family services may issue  
22 a probationary license and a school board may enter into a provisional contract  
23 pending receipt of the information required under this subdivision.

24 2. A day care provider that is licensed under this section or contracted for under  
25 s. 120.13 (14) may not employ a person in a position in which that person would have

1 regular contact with a child receiving care from the day care provider or permit a  
2 person to be an adult resident until the department of health and family services or  
3 school board receives information from the department of justice indicating that the  
4 person's conviction record under the law of this state is satisfactory according to the  
5 criteria specified in par. (g) 1. to 3. and the department of health and family services  
6 or school board so advises the day care provider. A day care provider that is licensed  
7 under this section or contracted for under s. 120.13 (14) may employ a person or  
8 permit a person to be an adult resident conditioned on the receipt of information from  
9 the federal bureau of investigation indicating that the person's conviction record  
10 under the law of any other state or under federal law is satisfactory according to the  
11 criteria specified in par. (g) 1. to 3. A day care provider that is licensed under this  
12 section or contracted for under s. 120.13 (14) may provisionally employ a person in  
13 a position in which that person would have regular contact with a child receiving care  
14 from the day care provider or provisionally permit a person to be an adult resident  
15 if the day care provider states to the department of health and family services or  
16 school board that the employe or adult resident does not have any arrests or  
17 convictions that could adversely affect the child or the ability of the day care provider  
18 to care for the child. A day care provider may not finally employ a person in a position  
19 in which that person would have regular contact with the child for whom that  
20 provider is providing care unless the department of health and family services or  
21 school board receives information from the department of justice indicating that the  
22 person's conviction record under the laws of this states is satisfactory according to  
23 the criteria specified in par. (g) 1. to 3. and the department of health and family  
24 services or school board so advises the day care provider.

1 (g) Subject to par. (h), the department of health and family services may not  
2 license a person to be a day care provider under this section, a school board may not  
3 contract with a person under s. 120.13 (14) and a day care provider licensed under  
4 this section or contracted with under s. 120.13 (14) may not employ a person in a  
5 position in which that person would have regular contact with a child receiving care  
6 from the day care provider or permit a person to be an adult resident if any of the  
7 following applies:

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

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

16 3. The person has been convicted of a violation of ch. 940, 944 or 948, other than  
17 a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, or of a violation of  
18 the law of any other state or federal law that would be a violation of ch. 940, 944 or  
19 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, if  
20 committed in this state, except that the department of health and family services  
21 may license a person to be a day care provider under this section, a school board may  
22 contract with a person under s. 120.13 (14) and a day care provider licensed under  
23 this section or contracted for under s. 120.13 (14) may employ or permit to be an adult  
24 resident a person who has been convicted of a violation of s. 944.30, 944.31 or 944.33  
25 or of a violation of the law of any other state or federal law that would be a violation

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

3 (h) 1. Notwithstanding par. (g), a person whose application for initial licensure  
4 or renewal of a license 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.

9 2. Notwithstanding par. (g), a person whose application for an initial contract  
10 or renewal of a contract under s. 120.13 (14) has been denied on one of the grounds  
11 specified in par. (g) 1. to 3. may petition the school board for a review of that denial.  
12 If the school board determines that entering into or renewing the contract would be  
13 in the best interests of a child, the school board shall enter into or renew the contract.

14 3. The department shall promulgate rules to provide standards under which  
15 to review a petition under this paragraph.

16 (i) School boards and the department of health and family services shall keep  
17 confidential all information received under this subsection from the department of  
18 justice or the federal bureau of investigation. Such information is not subject to  
19 inspection or copying under s. 19.35.

20 (j) The department of health and family services may charge a fee for  
21 conducting a background investigation under this subsection. The fee may not  
22 exceed the reasonable cost of conducting the investigation.

23 **SECTION 72.** 48.651 of the statutes is renumbered 48.651 (1) (intro.) and  
24 amended to read:

1           48.651 (1) (intro.) Each county department shall certify, according to the  
2 standards adopted by the department under s. 46.03 (21), each day care provider  
3 ~~from whom it purchases services under s. 46.036 on or after January 1, 1985, and~~  
4 ~~each day care provider that provides day care services to parents pursuant to a~~  
5 ~~voucher provided under s. 46.98 (3) (c) on or after January 1, 1985~~ reimbursed for  
6 child care services provided to families determined eligible under s. 46.98 (2r) and  
7 (4), unless the provider is a day care center licensed under s. 48.65 or is established  
8 or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs  
9 of certification. The county shall certify the following categories of day care  
10 providers:

11           **SECTION 73.** 48.651 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
12 Act .... (this act), is amended to read:

13           48.651 (1) (intro.) Each county department shall certify, according to the  
14 standards adopted by the department under s. 46.03 (21), each day care provider  
15 reimbursed for child care services provided to families determined eligible under ss.  
16 46.98 (2r) and (4) and 49.155 (1m), unless the provider is a day care center licensed  
17 under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county  
18 may charge a fee to cover the costs of certification. The county shall certify the  
19 following categories of day care providers:

20           **SECTION 74.** 48.651 (1) (a) and (b) of the statutes are created to read:

21           48.651 (1) (a) Level I certified family day care providers, as established by the  
22 department under s. 46.03 (21). The county shall require 15 hours of training for a  
23 provider certified under this paragraph. No county may certify a provider under this  
24 paragraph if the provider is a relative of all of the children for whom he or she

1 provides care. The department may establish by rule other requirements for  
2 certification under this paragraph.

3 (b) Level II certified family day care providers, as established by the  
4 department under s. 46.03 (21). In establishing the requirements for certification  
5 under this paragraph, the department may not include a requirement for training  
6 for providers. The department may establish by rule requirements for certification  
7 under this paragraph.

8 **SECTION 75.** 48.651 (2) of the statutes is created to read:

9 48.651 (2) (a) In this subsection, “adult resident” means a person 18 years of  
10 age or over who lives at the home of a person who is a day care provider certified  
11 under this section with the intent of making that home his or her home or who lives  
12 for more than 30 days cumulative in any 6-month period at the home of a person who  
13 is a day care provider certified under this section.

14 (b) 1. Before initially certifying a Level I certified family day care provider  
15 under sub. (1) (a) or a Level II certified family day care provider under sub. (1) (b),  
16 the county department, with the assistance of the department of justice, shall  
17 conduct a background investigation of the certification applicant.

18 2. The county department, with the assistance of the department of justice,  
19 shall conduct a background investigation of any person who, on the effective date of  
20 this subdivision .... [revisor inserts date], is a day care provider certified under this  
21 section or who, on the effective date of this subdivision .... [revisor inserts date], has  
22 an application for certification pending, within 6 months after the effective date of  
23 this subdivision .... [revisor inserts date], or on the person’s application for renewal,  
24 whichever is earlier.

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

5           (c) 1. Before initially certifying a Level I certified family day care provider  
6 under sub. (1) (a) or a Level II certified family day care provider under sub. (1) (b),  
7 the county department, with the assistance of the department of justice, shall, in  
8 addition to the investigation under par. (b), conduct a background investigation of  
9 all of the employes and prospective employes of the certification applicant who have  
10 or would have regular contact with a child receiving care from the day care provider  
11 and of each adult resident.

12           2. The county department, with the assistance of the department of justice,  
13 shall conduct a background investigation of each adult resident of a person who, on  
14 the effective date of this subdivision .... [revisor inserts date], is certified under this  
15 section or who, on the effective date of this subdivision .... [revisor inserts date], has  
16 an application for certification pending, within 6 months after that date or on the  
17 person's application for renewal, whichever is earlier, and shall conduct a  
18 background investigation of all of the employes and prospective employes of that  
19 person who have or would have regular contact with any child receiving care from  
20 the day care provider.

21           3. Subject to subd. 2., the county department may, at the time of renewal of the  
22 certification of a day care provider certified under this section or at any other time  
23 that the county department considers to be appropriate, conduct, with the assistance  
24 of the department of justice, a background investigation of any employe or  
25 prospective employe of the day care provider who has or would have regular contact

1 with any child receiving care from the day care provider or of any adult resident of  
2 the day care provider.

3 4. Before a day care provider that is certified under this section may employ  
4 any person in a position in which that person would have regular contact with a child  
5 receiving care from the day care provider or permit any person to be an adult  
6 resident, the county department, with the assistance of the department of justice,  
7 shall conduct a background investigation of the prospective employe or prospective  
8 adult resident unless that person has already been investigated under subd. 1., 2. or  
9 3.

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

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

- 22 1. The person's name.
- 23 2. The person's social security number.
- 24 3. Other identifying information, including the person's birthdate, gender, race  
25 and any identifying physical characteristics.

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

5           (f) 1. A county department may not certify a person as a day care provider under  
6 this section until the county department receives information from the department  
7 of justice indicating that the person's conviction record under the law of this state is  
8 satisfactory according to the criteria specified in par. (g) 1. to 3. A county department  
9 may certify a person as a day care provider under this section conditioned on the  
10 receipt of information from the federal bureau of investigation indicating that the  
11 person's conviction record under the law of any other state or under federal law is  
12 satisfactory according to the criteria specified in par. (g) 1. to 3. A county department  
13 may grant provisional certification pending the receipt of the information required  
14 under this subdivision.

15           2. A day care provider that is certified under this section may not employ a  
16 person in a position in which that person would have regular contact with a child  
17 receiving care from the day care provider or permit a person to be an adult resident  
18 until the county department receives information from the department of justice  
19 indicating that the person's conviction record under the law of this state is  
20 satisfactory according to the criteria specified in par. (g) 1. to 3. and the county  
21 department so advises the day care provider. A day care provider that is certified  
22 under this section may employ a person in a position in which that person would have  
23 regular contact with a child receiving care from the day care provider or permit a  
24 person to be an adult resident conditioned on the receipt of information from the  
25 federal bureau of investigation indicating that the person's conviction record under

1 the law of any other state or under federal law is satisfactory according to the criteria  
2 specified in par. (g) 1. to 3.

3 (g) Subject to par. (h), a county department may not certify a person to be a day  
4 care provider under this section and a day care provider certified under this section  
5 may not employ a person in a position in which that person would have regular  
6 contact with a child receiving care from the day care provider or permit a person to  
7 be an adult resident if any of the following applies:

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

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

16 3. The person has been convicted of a violation of ch. 940, 944 or 948, other than  
17 a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, or of a violation of  
18 the law of any other state or federal law that would be a violation of ch. 940, 944 or  
19 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 or 948.70, if  
20 committed in this state, except that the county department may certify a person to  
21 be a day care provider under this section and a day care provider certified under this  
22 section may employ or permit to be an adult resident a person who has been convicted  
23 of a violation of s. 944.30, 944.31 or 944.33 or of a violation of the law of any other  
24 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 certification would be in  
7 the best interests of a child, the department shall order that the certification be  
8 issued or renewed. The department shall promulgate rules to provide standards  
9 under which 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 76.** 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 77.** 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 78.** 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 79.** 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 pars. (b) and (bm), the department may  
10 require able individuals who are 18 to 60 years of age who are not participants in a  
11 Wisconsin works employment position, as defined in s. 49.141 (1) (r), to participate  
12 in the employment and training program under this section. To the extent permitted  
13 by federal law or waiver, and except as provided in par. (cm), the department may  
14 distribute food stamp benefits on a pay-for-performance basis, as determined under  
15 par. (c). The maximum number of hours an individual may be required to work may  
16 not exceed the amount of food stamp benefits divided by the applicable federal  
17 minimum wage, or 40 hours per week, whichever is less.

18 **SECTION 80.** 49.124 (1m) (b) and (bm) of the statutes are created to read:

19 49.124 (1m) (b) The department may not require an individual who is a  
20 recipient under the food stamp program and who is the caretaker of a child who is  
21 under the age of 12 weeks to participate in any employment and training program  
22 under par. (a).

23 (bm) The department may not require an individual who is a recipient under  
24 the food stamp program to participate in any employment and training program

1 under par. (a) if that individual is enrolled at least half time in a school, as defined  
2 in s. 49.26 (1) (a) 2., a training program or an institution of higher education.

3 **SECTION 81.** 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 81c.** 49.124 (1m) (cm) of the statutes is created to read:

19 49.124 (1m) (cm) Notwithstanding par. (c), the amount of food stamp benefits  
20 paid to a recipient who is a participant in a Wisconsin works employment position  
21 under s. 49.147 (4) or (5) shall be calculated based on the pre-sanction benefit  
22 amount received s. 49.148.

23 **SECTION 81e.** 49.124 (1p) of the statutes is created to read:

1           49.124 (1p) WAIVER. (a) The department shall request a waiver from the  
2 secretary of the federal department of agriculture to permit the application of par.

3 (b). Paragraph (b) does not apply unless a waiver is granted and in effect.

4           (b) The department shall modify eligibility and benefit amounts under the food  
5 stamp program to provide for a graduated schedule of benefits based on income in  
6 the manner described in the waiver under par. (a).

7           **SECTION 81g.** 49.124 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
8 is amended to read:

9           49.124 (2) LIABILITY FOR LOST FOOD COUPONS. (a) A county ~~or~~, federally  
10 recognized American Indian tribe or Wisconsin works agency is liable for all food  
11 stamp coupons lost, misappropriated or destroyed while under the county's ~~or~~, tribe's  
12 or Wisconsin works agency's direct control, except as provided in par. (b).

13           (b) A county ~~or~~, federally recognized American Indian tribe or Wisconsin works  
14 agency is not liable for food stamp coupons lost in natural disasters if it provides  
15 evidence acceptable to the department that the coupons were destroyed and not  
16 redeemed.

17           (c) A county ~~or~~, federally recognized American Indian tribe or Wisconsin works  
18 agency is liable for food stamp coupons mailed to residents of the county ~~or~~, members  
19 of the tribe or participants in the Wisconsin works program and lost in the mail due  
20 to incorrect information submitted to the department by the county ~~or~~, tribe or  
21 Wisconsin works agency.

22           **SECTION 83.** 49.125 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
23 is amended to read:

24           49.125 (1) The department, or a county ~~or~~, an elected governing body of a  
25 federally recognized American Indian tribe or band or a Wisconsin works agency

1 acting on behalf of the department, may recover overpayments that arise from an  
2 overissuance of food coupons under the food stamp program administered under s.  
3 46.215 (1) (k) or, 46.22 (1) (b) 2. d. or 49.143 (2) (e). Recovery shall be made in  
4 accordance with 7 USC 2022.

5 **SECTION 83e.** 49.138 (title), (2) and (3) of the statutes are created to read:

6 **49.138 (title) Emergency assistance for families with needy children.**

7 **(2)** Emergency assistance provided to a person under sub. (1) (c) may be  
8 provided once in a 12-month period.

9 **(3)** The department shall submit a report to the legislature under s. 13.172 (2)  
10 no later than 12 months following the date stated in the notice under s. 49.141 (2)  
11 (d). The report shall discuss the interaction between the program under this section  
12 and Wisconsin works, as defined in s. 49.141 (1) (p). The report shall include  
13 information on the utilization of the program under this section and the  
14 department's recommendations, if any, for changes to the program under this  
15 section.

16 **SECTION 84.** 49.141 of the statutes is created to read:

17 **49.141 Wisconsin works; general provisions. (1) DEFINITIONS.** As used in  
18 ss. 49.141 to 49.161:

19 (a) "Community service job" means a work component of Wisconsin works  
20 administered under s. 49.147 (4).

21 (b) "Custodial parent" means, with respect to a dependent child, a parent who  
22 resides with that child and, if there has been a determination of legal custody with  
23 respect to the dependent child, has legal custody of that child. For the purposes of  
24 this paragraph, "legal custody" has the meaning given in s. 767.001 (2) (a).

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

5 (d) "Financial and employment planner" means a caseworker employed by a  
6 Wisconsin works agency who provides financial or employment counseling services  
7 to a participant.

8 (e) "Job access loan" means a loan administered under s. 49.147 (6).

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

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

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

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

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

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

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

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

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

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

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

7 (s) "Wisconsin works group" means an individual who is a custodial parent, all  
8 dependent children with respect to whom the individual is a custodial parent and all  
9 dependent children with respect to whom the individual's dependent child is a  
10 custodial parent. "Wisconsin works group" includes any nonmarital coparent or any  
11 spouse of the individual who resides in the same household as the individual and any  
12 dependent children with respect to whom the spouse or nonmarital coparent is a  
13 custodial parent. "Wisconsin works group" does not include any person who is  
14 receiving benefits under s. 49.027 (3) (b).

15 **(2) WAIVERS; LEGISLATION.** (a) If necessary, the department shall request a  
16 waiver from the secretaries of the federal department of health and human services,  
17 the federal department of agriculture and the federal social security administration  
18 or shall seek the passage of federal legislation to permit the department to conduct  
19 the Wisconsin works program in lieu of the aid to families with dependent children  
20 program under s. 49.19, the job opportunities and basic skills program under s.  
21 49.193, the parental responsibility pilot program under s. 49.25 and the  
22 work-not-welfare program under s. 49.27 and as part of the food stamp program  
23 under 7 USC 2011 to 2029 and the medical assistance program under 42 USC 1396  
24 to 1396u.

1 (b) If a waiver is granted and in effect or legislation is enacted, and if the  
2 department determines that sufficient funds are available, the department may  
3 begin to implement the Wisconsin works program no sooner than July 1, 1996, for  
4 selected counties or groups determined by the department and shall implement the  
5 Wisconsin works program statewide for all groups no later than September 1, 1997.  
6 If a waiver is not granted and in effect or federal legislation is not enacted before  
7 March 30, 1997, the department shall implement the Wisconsin works program  
8 statewide for all groups no later than 3 months after the necessary waiver has been  
9 granted or federal legislation has been enacted.

10 (d) Before implementing the Wisconsin works program, the department shall  
11 publish a notice in the Wisconsin Administrative Register that states the date on  
12 which the department will begin to implement the Wisconsin works program  
13 statewide.

14 **(2g) FINANCIAL AND PERFORMANCE AUDIT.** (a) 1. The department shall contract  
15 with the legislative audit bureau to conduct a financial and performance audit of  
16 Wisconsin works. The legislative audit bureau shall include in its audit all of the  
17 following:

18 a. The effect of the Wisconsin works employment component on the  
19 unsubsidized wages of former Wisconsin works employment position participants,  
20 the wages of trial job participants and the wages of participants that move from  
21 community service jobs and transitional placements to trial jobs.

22 b. The effect of Wisconsin works on the provision of child care services.

23 c. The utilization and cost of the Wisconsin works health plan under s. 49.153.

24 2. The legislative audit bureau shall file the audit no later than July 1, 2000,  
25 in the manner described under s. 13.94 (1) (b).

1 (b) If an evaluation is required under the terms of a federal waiver obtained  
2 under sub. (2) (a), the legislative audit bureau, in consultation with the department,  
3 may contract with a private or public agency to perform that evaluation and may  
4 charge the department for the cost of the evaluation.

5 **(2m) STATISTICS ON HOMELESSNESS.** The department shall maintain a record  
6 detailing statistics on the homelessness of participants.

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

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

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

18 (a) Have the effect of filling a vacancy created by an employer terminating a  
19 regular employe or otherwise reducing its work force for the purpose of hiring an  
20 individual under s. 49.147 (3), (4) or (5).

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

23 (c) Fill a position when any other person is engaged in a labor dispute regarding  
24 the same or a substantially equivalent job within the same organizational unit.

1           **(6) PROHIBITED CONDUCT.** A person, in connection with Wisconsin works, may  
2 not do any of the following:

3           (a) Knowingly and wilfully make or cause to be made any false statement or  
4 representation of a material fact in any application for any benefit or payment.

5           (b) Having knowledge of the occurrence of any event affecting the initial or  
6 continued eligibility for a benefit or payment under Wisconsin works, conceal or fail  
7 to disclose that event with an intent fraudulently to secure a benefit or payment  
8 under Wisconsin works either in a greater amount or quantity than is due or when  
9 no such benefit or payment is authorized.

10           **(7) PENALTIES.** (a) A person who is convicted of violating sub. (6) in connection  
11 with the furnishing by that person of items or services for which payment is or may  
12 be made under Wisconsin works may be fined not more than \$25,000 or imprisoned  
13 for not more than 5 years or both.

14           (b) A person, other than a person under par. (a), who is convicted of violating  
15 sub. (6) may be fined not more than \$10,000 or imprisoned for not more than one year  
16 or both.

17           **(8) DAMAGES.** If a person is convicted under sub. (6), the state has a cause of  
18 action for relief against the person in an amount equal to 3 times the amount of actual  
19 damages sustained as a result of any excess payments made in connection with the  
20 offense for which the conviction was obtained. Proof by the state of a conviction under  
21 sub. (6) is conclusive proof in a civil action of the state's right to damages and the only  
22 issue in controversy shall be the amount, if any, of the actual damages sustained.  
23 Actual damages consist of the total amount of excess payments, any part of which is  
24 paid with state funds. In a civil action under this subsection, the state may elect to

1 file a motion in expedition of the action. Upon receipt of the motion, the presiding  
2 judge shall expedite the action.

3 **(9) KICKBACKS, BRIBES AND REBATES.** (a) Whoever solicits or receives any  
4 remuneration in cash or in-kind, in return for referring an individual to a person for  
5 the furnishing or arranging for the furnishing of any item or service for which  
6 payment may be made in whole or in part under Wisconsin works, or in return for  
7 purchasing, leasing, ordering, or arranging for or recommending purchasing,  
8 leasing, or ordering any good, facility, service, or item for which payment may be  
9 made in whole or in part under Wisconsin works, may be fined not more than \$25,000  
10 or imprisoned for not more than 5 years or both.

11 (b) Whoever offers or pays any remuneration in cash or in-kind to any person  
12 to induce the person to refer an individual to a person for the furnishing or arranging  
13 for the furnishing of any item or service for which payment may be made in whole  
14 or in part under Wisconsin works, or to purchase, lease, order, or arrange for or  
15 recommend purchasing, leasing, or ordering any good, facility, service or item for  
16 which payment may be made in whole or in part under any provision of Wisconsin  
17 works, may be fined not more than \$25,000 or imprisoned for not more than 5 years  
18 or both.

19 (c) This subsection does not apply to any of the following:

20 1. A discount or other reduction in price obtained by a provider of services or  
21 other entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed  
22 and appropriately reflected in the costs claimed or charges made by the provider or  
23 entity under Wisconsin works.

1           2. An amount paid by an employer to an employe who has a bona fide  
2 employment relationship with the employer for employment in the provision of  
3 covered items or services.

4           **(10) PROHIBITED CHARGES.** (a) A provider may not knowingly impose upon a  
5 recipient charges in addition to payments received for services under Wisconsin  
6 works or knowingly impose direct charges upon a recipient in lieu of obtaining  
7 payment under Wisconsin works unless benefits or services are not provided under  
8 Wisconsin works and the recipient is advised of this fact prior to receiving the service.

9           (b) A person who violates this subsection may be fined not more than \$25,000  
10 or imprisoned for not more than 5 years or both.

11           **SECTION 85.** 49.143 of the statutes is created to read:

12           **49.143 Wisconsin works; agency contracts. (1) AWARDING CONTRACTS.** (a)  
13 Except as provided in par. (am), the department may award a contract, on the basis  
14 of a competitive process approved by the secretary of administration, to any person  
15 to administer Wisconsin works in a geographical area determined by the department  
16 under sub. (6). The department shall award contracts under this paragraph at least  
17 6 months before the date that is specified in s. 49.141 (2) (d).

18           (am) 1. The department shall contract with a county under s. 46.215, 46.22 or  
19 46.23 or with a tribal governing body to administer Wisconsin works in that county  
20 or within the boundaries of that reservation if the county or tribal governing body  
21 has met the aid to families with dependent children caseload performance standards  
22 established by the department. The contract shall be awarded at least 6 months  
23 before the date that Wisconsin works is implemented in that county or on that  
24 reservation and shall be for a term of at least 2 years beginning on the date on which  
25 the department implements Wisconsin works in that county or reservation. A

1 contract under this subdivision may be terminated only by mutual consent of the  
2 parties. When the contract expires, a county or tribal governing body may apply for  
3 a new contract under the competitive process established under par. (a). A county  
4 or tribal governing body may elect not to enter into a contract under this subdivision  
5 if the county or tribal governing body informs the department by the date established  
6 by the department by rule that the county or tribal governing body has made that  
7 election.

8 2. A county or tribal governing body that has not met the aid to families with  
9 dependent children caseload performance standards established by the department  
10 by rule may apply for a contract under the competitive process established under par.  
11 (a).

12 (at) A county that is awarded a contract under par. (am) 1. to administer  
13 Wisconsin works shall offer a subcontract for the administration of s. 49.147 to the  
14 public or private agency, if different from the county department under s. 46.215,  
15 46.22 or 46.23, that administers the job opportunities and basic skills program under  
16 s. 49.193 in that county. A contract entered into under this paragraph is subject to  
17 approval by the department.

18 (b) If no acceptable provider in a geographical area is selected under par. (a) or  
19 (am), the department shall administer Wisconsin works directly in that geographical  
20 area.

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

24 (a) Establish a community steering committee within 60 days after the date on  
25 which the contract is awarded. The Wisconsin works agency shall recommend the

1 members of the committee to the chief executive officer of each county served by the  
2 Wisconsin works agency. The chief executive officer of each county shall appoint the  
3 members of the committee. The number of members that each chief executive officer  
4 appoints to the committee shall be in proportion to the population of that officer's  
5 county relative to the population of each other county served by the Wisconsin works  
6 agency, except that the chief executive officer of a county that is not a Wisconsin  
7 works agency shall appoint the director of the county department under s. 46.215,  
8 46.22 or 46.23, or his or her designee, and one other representative of the county  
9 department under s. 46.215, 46.22 or 46.23. The committee shall consist of at least  
10 12 members, but not more than 15 members. The members of the committee shall  
11 appoint a chairperson who shall be a person who represents business interests. The  
12 committee shall do all of the following:

13 1. Advise the Wisconsin works agency concerning employment and training  
14 activities.

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

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

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

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

23 6. Provide mentors, both from its membership and from recruitment of  
24 members of the community, to provide job-related guidance, including assistance in

1 resolving job-related issues and the provision of job leads or references, to persons  
2 who are eligible for trial jobs or community service jobs.

3 7. Coordinate with the governor’s council on workforce excellence under s.  
4 106.115 to ensure compatibility of purpose and no duplication of effort.

5 8. Work with participants, employers, child care providers and the community  
6 to identify child care needs, improve access to child care and expand availability of  
7 child care.

8 9. Seek sources of private funding to match employment skills advancement  
9 grants under s. 49.185 (3) (i).

10 10. Identify motivational training programs, including programs that enhance  
11 parenting skills.

12 (b) Establish a children’s services network. The children’s services network  
13 shall provide information about community resources available to the dependent  
14 children in a Wisconsin works group, including charitable food and clothing centers;  
15 subsidized and low-income housing; transportation subsidies; the state  
16 supplemental food program for women, infants and children under s. 253.06; and  
17 child care programs.

18 (c) Employ at least one financial and employment planner. The financial and  
19 employment planner shall work with a participant to facilitate the participant’s  
20 achievement of the maximum degree of self-sufficiency. The department shall  
21 ensure that a financial and employment planner employed by a Wisconsin works  
22 agency meets certification and training requirements established by the department  
23 by rule and that appropriate training is provided by a Wisconsin works agency.

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

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

9           (cp) Enter into a written contract with each employer that agrees to provide a  
10 trial job for a participant. The contract terms shall include the hourly wage at which  
11 the participant is to be paid, which may not be less than minimum wage.

12           (d) If the Wisconsin works agency is not a county department under s. 46.215,  
13 46.22 or 46.23 or tribal governing body, cooperate with the county department or  
14 tribal governing body to ensure that services delivered under Wisconsin works, the  
15 food stamp program and medical assistance are coordinated with the county or tribal  
16 governing body in a manner that most effectively serves the recipients of those  
17 services.

18           (e) Certify eligibility for and issue food coupons to eligible Wisconsin works  
19 participants in conformity with 7 USC 2011 to 2029.

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

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

1           **(3) PERFORMANCE STANDARDS.** The department shall promulgate rules  
2 establishing performance standards for the administration of Wisconsin works. If  
3 a Wisconsin works agency does not meet the standards established under this  
4 subsection, the department may withhold any or all payment from the Wisconsin  
5 works agency.

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

8           **(5) REQUESTS FOR INFORMATION.** (a) In accordance with rules promulgated by  
9 the department, a Wisconsin works agency may request from any person any  
10 information that it determines appropriate and necessary for the administration of  
11 Wisconsin works. Any person in this state shall provide this information within 7  
12 days after receiving a request under this paragraph. The Wisconsin works agency  
13 may extend the 7-day time limit for an individual for whom compliance with that  
14 limit would be unduly burdensome, as determined by the agency. The Wisconsin  
15 works agency may disclose information obtained under this paragraph only in the  
16 administration of Wisconsin works. The Wisconsin works agency shall keep all  
17 information that it receives regarding victims of domestic abuse strictly confidential,  
18 except to the extent needed to administer Wisconsin works.

19           (b) The department may request from any Wisconsin works agency any  
20 information that the department determines appropriate and necessary for the  
21 overall administration of Wisconsin works. A Wisconsin works agency shall provide  
22 the department with the requested information in the manner prescribed by the  
23 department by rule.

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

4 (d) The legislative audit bureau may inspect at any time any Wisconsin works  
5 agency's records as the legislative audit bureau determines appropriate and  
6 necessary. If, in inspecting a Wisconsin works agency's records, the legislative audit  
7 bureau inspects the records of individual participants, the legislative audit bureau  
8 shall protect the confidentiality of those records.

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

15 **SECTION 86.** 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) 1. Subject to subd. 2., the individual fully cooperates in efforts directed at  
9 establishing the paternity of the dependent child and obtaining support payments  
10 or any other payments or property to which that individual and the dependent child  
11 may have rights. Such cooperation shall be in accordance with federal law and  
12 regulations and rules promulgated by the department applicable to paternity  
13 establishment and collection of support payments.

14 2. An individual who fails 3 times to meet the requirements under subd. 1.  
15 remains ineligible until the individual cooperates or for a period of 6 months,  
16 whichever is later.

17 (g) The individual furnishes the Wisconsin works agency with any relevant  
18 information that the Wisconsin works agency determines is necessary, consistent  
19 with rules promulgated by the department, within 7 working days after receiving a  
20 request for the information from the Wisconsin works agency. The Wisconsin works  
21 agency may extend the 7-day time limit for an individual for whom compliance with  
22 that limit would be unduly burdensome, as determined by the agency.

23 (h) The individual has made a good faith effort, as determined by the Wisconsin  
24 works agency on a case-by-case basis, to obtain employment and has not refused any

1 bona fide offer of employment within the 180 days immediately preceding  
2 application.

3 (hm) If the individual has applied for Wisconsin works within the 180 days  
4 immediately preceding the current application, the individual has cooperated with  
5 the efforts of a Wisconsin works agency to assist the individual in obtaining  
6 employment.

7 (i) The individual is not receiving supplemental security income under 42 USC  
8 1381 to 1383c or state supplemental payments under s. 49.77.

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

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

12 (L) The individual satisfies other eligibility criteria established by the  
13 department by rule.

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

16 (n) Beginning on the date on which the individual has attained the age of 18,  
17 the total number of months in which the individual has actively participated in the  
18 job opportunities and basic skills program under s. 49.193 or has participated in a  
19 Wisconsin works employment position or both does not exceed 60 months. The  
20 months need not be consecutive. Participation in the job opportunities and basic  
21 skills program under s. 49.193 begins to count toward the 60-month limit beginning  
22 on the effective date of this paragraph .... [revisor inserts date]. A Wisconsin works  
23 agency may extend the time limit only in 12-month increments. An extension may  
24 be granted only if all of the following conditions are met:

1           1. The Wisconsin works agency determines, in accordance with rules  
2 promulgated by the department, that unusual circumstances exist that warrant an  
3 extension of the participation period.

4           2. The department approves the extension.

5           (q) No other individual in the Wisconsin works group is a participant in a  
6 Wisconsin works employment position at the time of the determination of eligibility.  
7 This paragraph does not apply to an individual applying for a job access loan.

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

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

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

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

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

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

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

10          **SECTION 87.** 49.146 of the statutes is created to read:

11          **49.146 Employer criteria.** The department shall establish by rule criteria  
12          that an employer providing a Wisconsin works employment position must meet in  
13          order to employ a participant under s. 49.147 (3) to (5). An employer that does not  
14          meet the criteria established under this section is ineligible to receive any subsidy  
15          for any position provided to a participant.

16          **SECTION 88.** 49.147 of the statutes is created to read:

17          **49.147 Wisconsin works; work programs and job access loans. (1)**

18          **DEFINITION.** (a) *Definition.* In this section, "unsubsidized employment" means  
19          employment for which the Wisconsin works agency provides no wage subsidy to the  
20          employer including self-employment and entrepreneurial activities.

21          **(2) UNSUBSIDIZED EMPLOYMENT.** (a) *Job search, orientation and training*  
22          *activities.* 1. An individual who applies for a Wisconsin works employment position  
23          may be required by the Wisconsin works agency to search for unsubsidized  
24          employment during the period that his or her application is being processed as a  
25          condition of eligibility. A participant in a Wisconsin works employment position shall

1 search for unsubsidized employment throughout his or her participation. The  
2 department shall define by rule satisfactory search efforts for unsubsidized  
3 employment.

4 2. A Wisconsin works agency may require an applicant for a Wisconsin works  
5 employment position to participate in job orientation during the period that his or  
6 her application is being processed as a condition of eligibility. A Wisconsin works  
7 agency may require a participant in a Wisconsin works employment position to  
8 engage in training activities in accordance with rules promulgated by the  
9 department as part of the participant's participation requirements.

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

14 **(3) TRIAL JOBS.** (a) *Administration.* A Wisconsin works agency shall administer  
15 a trial job program as part of its administration of the Wisconsin works program to  
16 improve the employability of individuals who are not otherwise able to obtain  
17 unsubsidized employment, as determined by the Wisconsin works agency, by  
18 providing work experience and training to assist them to move promptly into  
19 unsubsidized employment. In determining an appropriate placement for a  
20 participant, a Wisconsin works agency shall give priority to placement under this  
21 subsection over placements under subs. (4) and (5). The Wisconsin works agency  
22 shall pay a wage subsidy to an employer that employs a participant under this  
23 subsection and agrees to make a good faith effort to retain the participant as a  
24 permanent unsubsidized employe after the wage subsidy is terminated. The  
25 department shall promulgate rules establishing standards which must be met in

1 order for an employer to demonstrate a good faith effort to retain the participant as  
2 a permanent employe. The wage subsidy may not exceed \$300 per month for  
3 full-time employment of a participant. For less than full-time employment of a  
4 participant during a month, the wage subsidy may not exceed a dollar amount  
5 determined by multiplying \$300 by a fraction, the numerator of which is the number  
6 of hours worked by the participant in the month and the denominator of which is the  
7 number of hours which would be required for full-time employment in that month.

8 (am) *Education or training activities.* A trial job includes education and  
9 training activities, as prescribed by the employer as an integral part of work  
10 performed in the trial job employment.

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

13 (c) *Time-limited participation.* A participant under this subsection may  
14 participate in a trial job for a maximum of 3 months, with an opportunity for a  
15 3-month extension under circumstances determined by the Wisconsin works agency.  
16 A participant may participate in more than one trial job, but may not exceed a total  
17 of 24 months of participation under this subsection. The months need not be  
18 consecutive. The department or, with the approval of the department, the Wisconsin  
19 works agency may grant an extension of the 24-month limit on a case-by-case basis  
20 if the participant has made all appropriate efforts to find unsubsidized employment  
21 and has been unable to find unsubsidized employment because local labor market  
22 conditions preclude a reasonable job opportunity for that participant, as determined  
23 by a Wisconsin works agency and approved by the department.

24 (4) COMMUNITY SERVICE JOB. (a) *Administration.* A Wisconsin works agency  
25 shall administer a community service job program as part of its administration of

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

13 (am) *Education or training activities.* A participant under this subsection may  
14 be required to participate in education and training activities assigned as part of an  
15 employability plan developed by the Wisconsin works agency. The department shall  
16 establish by rule permissible education and training under this paragraph, which  
17 shall include a course of study meeting the standards established under s. 115.29 (4)  
18 for the granting of a declaration of equivalency of high school graduation, technical  
19 college courses and educational courses that provide an employment skill.  
20 Permissible education under this paragraph shall also include English as a 2nd  
21 language courses that the Wisconsin works agency determines would facilitate an  
22 individual's efforts to obtain employment and adult basic education courses that the  
23 Wisconsin works agency determines would facilitate an individual's efforts to obtain  
24 employment.

1           (as) *Required hours.* Except as provided in par (at), a Wisconsin works agency  
2           may require a participant placed in a community service job program to work not  
3           more than 30 hours per week in a community service job. A Wisconsin works agency  
4           may require a participant placed in the community service job program to participate  
5           in education or training activities for not more than 10 hours per week.

6           (at) *Motivational training.* A Wisconsin works agency may require a  
7           participant, during the first 2 weeks of participation under this subsection, to  
8           participate in an assessment and motivational training program identified by the  
9           community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works  
10          agency may require not more than 40 hours of participation per week under this  
11          paragraph in lieu of the participation requirement under par. (as).

12          (b) *Time-limited participation.* An individual may participate in a community  
13          service job for a maximum of 6 months, with an opportunity for a 3-month extension  
14          under circumstances approved by the department. An individual may participate  
15          in more than one community service job, but may not exceed a total of 24 months of  
16          participation under this subsection. The months need not be consecutive. The  
17          department or, with the approval of the department, the Wisconsin works agency  
18          may grant an extension to the 24-month limit on a case-by-case basis if the  
19          Wisconsin works agency determines that the individual has made all appropriate  
20          efforts to find unsubsidized employment and has been unable to find unsubsidized  
21          employment because local labor market conditions preclude a reasonable  
22          employment opportunity in unsubsidized employment for that participant, as  
23          determined by a Wisconsin works agency and approved by the department, and if the  
24          Wisconsin works agency determines, and the department agrees, that no trial job  
25          opportunities are available in the specified local labor market.

1 (c) *Worker's compensation.* A participant under this subsection is an employe  
2 of the Wisconsin works agency for purposes of worker's compensation coverage,  
3 except to the extent that the person for whom the participant is performing work  
4 provides worker's compensation coverage.

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

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

13 2. The Wisconsin works agency determines that the individual is needed in the  
14 home because of the illness or incapacity of another member of the Wisconsin works  
15 group.

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

18 (b) *Administration.* 1. The Wisconsin works agency shall assign a participant  
19 under this subsection to work activities such as a community rehabilitation program,  
20 as defined by the department, a job similar to a community service job or a volunteer  
21 activity. A Wisconsin works agency may require a participant under this subsection  
22 to participate in any of the following:

23 a. An alcohol and other drug abuse evaluation, assessment and treatment  
24 program.

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

1           d. Counseling or physical rehabilitation activities.

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

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

8           (bm) *Education or training activities.* A participant under this subsection may  
9 be required to participate in education and training activities assigned as part of an  
10 employability plan developed by the Wisconsin works agency. The department shall  
11 establish by rule permissible education and training under this paragraph, which  
12 shall include a course of study meeting the standards established under s. 115.29 (4)  
13 for the granting of a declaration of equivalency of high school graduation, technical  
14 college courses and educational courses that provide an employment skill.  
15 Permissible education under this paragraph shall also include English as a 2nd  
16 language courses that the Wisconsin works agency determines would facilitate an  
17 individual's efforts to obtain employment and adult basic education courses that the  
18 Wisconsin works agency determines would facilitate an individual's efforts to obtain  
19 employment.

20           (bs) *Required hours.* Except as provided in par. (bt), a Wisconsin works agency  
21 may require a participant placed in a transitional placement to engage in activities  
22 under par. (b) 1. for up to 28 hours per week. A Wisconsin works agency may require  
23 a participant placed in a transitional placement to participate in education or  
24 training activities under par. (bm) for not more than 12 hours per week.

1 (bt) *Motivational training.* A Wisconsin works agency may require a  
2 participant, during the first 2 weeks of participation under this subsection, to  
3 participate in an assessment and motivational training program identified by the  
4 community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works  
5 agency may require not more than 40 hours of participation per week under this  
6 paragraph in lieu of the participation requirement under par. (bs).

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

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

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

17 2. The individual needs the loan to obtain or continue employment. Fulfillment  
18 of this requirement includes a loan that is needed to repair a vehicle that is needed  
19 to obtain or continue employment.

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

22 4. The individual is not a migrant worker.

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

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

1           2. The method of loan disbursement.

2           3. The terms and conditions of repayment. The rules promulgated under this  
3 subdivision shall provide for repayment by performance of in-kind services. The  
4 rules shall establish criteria that the Wisconsin works agency shall use to approve  
5 in-kind repayment of loans.

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

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

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

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

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

20          **SECTION 89.** 49.148 of the statutes is created to read:

21          **49.148 Wisconsin works; wages and benefits.** (1) BENEFIT LEVELS FOR  
22 PARTICIPANTS IN EMPLOYMENT POSITIONS. A participant in a Wisconsin works  
23 employment position shall receive the following benefits:

24           (a) *Trial jobs.* For a participant in a trial job, the amount established in the  
25 contract between the Wisconsin works agency and the trial job employer, but not less

1 than minimum wage for every hour actually worked in the trial job, not to exceed 40  
2 hours per week paid by the employer. Hours spent participating in education and  
3 training activities under s. 49.147 (3) (am) shall be included in determining the  
4 number of hours actually worked.

5 (b) *Community service jobs.* For a participant in a community service job, a  
6 monthly grant of \$555, paid by the Wisconsin works agency. For every hour that the  
7 participant misses work or education or training activities without good cause, the  
8 Wisconsin works agency shall reduce the grant amount by \$4.25. Good cause shall  
9 be determined by the financial and employment planner in accordance with rules  
10 promulgated by the department. Good cause shall include required court  
11 appearances for a victim of domestic abuse.

12 (c) *Transitional placements.* For a participant in a transitional placement, a  
13 grant of \$518, paid monthly by the Wisconsin works agency. For every hour that the  
14 participant fails to participate in any required activity without good cause, including  
15 any activity under s. 49.147 (5) (b) 1. a. to e., the Wisconsin works agency shall reduce  
16 the grant amount by \$4.25. Good cause shall be determined by the financial and  
17 employment planner in accordance with rules promulgated by the department. Good  
18 cause shall include required court appearances for a victim of domestic abuse.

19 **(1m) CUSTODIAL PARENT OF INFANT.** A custodial parent of a child who is 12 weeks  
20 old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may  
21 receive a monthly grant of \$555. A Wisconsin works agency may not require a  
22 participant under this subsection to participate in any employment positions.  
23 Receipt of a grant under this subsection does not constitute participation in a  
24 Wisconsin works employment position for purposes of tolling the time limits under  
25 s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b) or (5) (b) 2. if the child is born to the participant

1 not more than 10 months after the date that the participant was first determined to  
2 be eligible for assistance under s. 49.19 or for a Wisconsin works employment  
3 position.

4 (b) Receipt of a grant under this subsection constitutes participation in a  
5 Wisconsin works employment position for purposes of tolling the time limits under  
6 ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b) or (5) (b) 2. if the child is born to the  
7 participant more than 10 months after the date that the participant was first  
8 determined to be eligible for assistance under s. 49.19 or for a Wisconsin works  
9 employment position unless any of the following conditions is met:

10 1. The participant did not receive benefits under s. 49.19 and was not a  
11 participant in a Wisconsin works employment position for a period of at least 6  
12 months, other than as a result of sanctions, and the child was born during that period  
13 or not more than 10 months after the participant was determined eligible for a  
14 Wisconsin works position.

15 2. The child was conceived as a result of a sexual assault in violation of s.  
16 940.225 (1), (2) or (3) in which the mother did not indicate a freely given agreement  
17 to have sexual intercourse or of incest in violation of s. 944.06 or 948.06 and that  
18 incest or sexual assault has been reported to a physician and to law enforcement  
19 authorities.

20 **(3) WISCONSIN WORKS HEALTH PLAN.** A participant in a Wisconsin works  
21 employment position shall participate in the Wisconsin works health plan under s.  
22 49.153. The participant shall pay a premium in an amount and in the manner  
23 established under s. 49.153 (4) (d).

24 **SECTION 90.** 49.149 of the statutes is created to read:

1           **49.149 Wisconsin works; education and training.** A Wisconsin works  
2 agency shall do all of the following:

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

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

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

11           **SECTION 91.** 49.151 of the statutes is created to read:

12           **49.151 Wisconsin works; sanctions.** (1) REFUSAL TO PARTICIPATE. A  
13 participant who refuses to participate 3 times in any Wisconsin works employment  
14 position component is ineligible to participate in that component. A participant  
15 whom the Wisconsin works agency has determined is ineligible under this section for  
16 a particular Wisconsin works employment position component may be eligible to  
17 participate in any other Wisconsin works employment position component in which  
18 the participant has not refused to participate 3 times. A participant refuses to  
19 participate in a Wisconsin works employment position component if the participant  
20 does any of the following:

21           (a) Expresses verbally or in writing to a Wisconsin works agency that he or she  
22 refuses to participate.

23           (b) Fails to appear for an interview with a prospective employer or, if the  
24 participant is in a Wisconsin works transitional placement, fails to appear for an

1 assigned activity, including an activity under s. 49.147 (5) (b) 1. a. to e., without good  
2 cause, as determined by the Wisconsin works agency.

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

5 (d) Loses employment as a result of being discharged for cause.

6 (e) Demonstrates through other behavior or action, as specified by the  
7 department by rule, that he or she refuses to participate in a Wisconsin works  
8 employment position.

9 **(2) INTENTIONAL PROGRAM VIOLATIONS.** If a court finds or it is determined after  
10 an administrative hearing that an individual who is a member of a Wisconsin works  
11 group applying for or receiving benefits under ss. 49.141 to 49.161, for the purpose  
12 of establishing or maintaining eligibility for those benefits or for the purpose of  
13 increasing the value of those benefits, has intentionally violated, on 3 separate  
14 occasions, any provision in ss. 49.141 to 49.161 or any rule promulgated under those  
15 sections, the Wisconsin works agency may permanently deny benefits under ss.  
16 49.141 to 49.161 to the individual.

17 **SECTION 92.** 49.152 of the statutes is created to read:

18 **49.152 Review of agency decisions.** (1) PETITION FOR REVIEW. Any  
19 individual whose application for Wisconsin works under s. 49.147 (1) to (5) is not  
20 acted upon by the Wisconsin works agency with reasonable promptness after the  
21 filing of the application, as defined by the department by rule, or is denied in whole  
22 or in part, whose benefit is modified or canceled, or who believes that the benefit was  
23 calculated incorrectly, may petition the Wisconsin works agency for a review of such  
24 action. Review is unavailable if the action by the Wisconsin works agency occurred  
25 more than 45 days prior to submission of the petition for review.

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

7           1. Withdraws the petition in writing.

8           2. Abandons the petition. Abandonment occurs if the petitioner fails to appear  
9 in person or by representative at a scheduled review without good cause, as defined  
10 by the department by rule.

11           (b) The department may review a decision of a Wisconsin works agency under  
12 par. (a) if any of the following occurs:

13           1. Within 15 days of receiving the decision of the Wisconsin works agency, the  
14 applicant or participant petitions the department for a review of that decision.

15           2. The Wisconsin works agency requests the department to review the decision  
16 of the Wisconsin works agency.

17           (c) The department shall review a Wisconsin works agency's decision to deny  
18 an application based solely on a determination of financial ineligibility if any of the  
19 following occurs:

20           1. Within 15 days after receiving the decision of the Wisconsin works agency,  
21 the applicant petitions the department for a review of the decision.

22           2. The Wisconsin works agency requests the department to review the decision  
23 of the Wisconsin works agency.

24           (cm) If, under par. (c), the department reverses a decision of the Wisconsin  
25 works agency, the petitioner shall receive, retroactive to the date that the Wisconsin

1 works agency made its initial decision to deny the application, the benefit that the  
2 individual would have received, computed as if the individual had complied with all  
3 of the requirements of the Wisconsin works employment position into which the  
4 applicant most likely would have been placed.

5 **SECTION 93.** 49.153 of the statutes is created to read:

6 **49.153 Wisconsin works health plan. (1) DEFINITIONS.** In this section:

7 (a) "Employer-subsidized health care coverage" means a health care plan,  
8 which provides coverage of health care costs, offered by the employer for which the  
9 employer pays at least 50% of the cost of the plan for the employee, including  
10 dependent coverage and excluding any deductibles or copayments that may be  
11 required under the plan.

12 (b) "Unsubsidized employer-offered health care coverage" means a health care  
13 plan, which provides coverage of health care costs, offered by the employer for which  
14 the employer pays less than 50% of the cost of coverage for the employee, including  
15 dependent coverage and excluding any deductibles or copayments that may be  
16 required under the plan.

17 **(2) ADMINISTRATION.** The department of health and family services shall  
18 provide health services and benefits under sub. (4) to individuals who have been  
19 determined by a Wisconsin works agency to be eligible under subs. (3) to (3p) for such  
20 services and benefits. The Wisconsin works agency shall maintain a list of eligible  
21 individuals and shall make the list available to the department of health and family  
22 services upon request.

23 **(3) ELIGIBILITY.** (a) *General provisions.* 1. A Wisconsin works agency shall  
24 determine eligibility for benefits and services under this section, in accordance with  
25 rules promulgated by the department of health and family services in consultation

1 with the department of industry, labor and job development. The Wisconsin works  
2 agency shall make the eligibility determination within 2 working days, as defined  
3 in s. 227.01 (14), after the date on which the agency receives a completed application  
4 from the individual for services and benefits under this section and shall  
5 immediately notify the department of health and family services of that  
6 determination. An individual who applies for and receives benefits and services  
7 under this section is considered to have assigned to the state any rights to medical  
8 support or other payment of medical expenses from any other person, including  
9 rights to unpaid amounts accrued at the time of application for benefits and services  
10 under this section and any rights to support accruing during the time for which  
11 benefits and services under this section are provided. Eligibility for benefits and  
12 services under this section begins on the day on which the department of health and  
13 family services or the provider issues a health plan membership card. The  
14 department of health and family services or the provider shall issue the health plan  
15 membership card to an individual within 3 working days, as defined in s. 227.01 (14),  
16 after the date on which the Wisconsin works agency notifies the department of health  
17 and family services that the individual is eligible.

18 2. a. Except as provided in subd. 3. and pars. (em) and (f), an individual who  
19 is 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 b. Notwithstanding subd. 2. a., an individual who is described under par. (f) 1.  
23 a., b., c. or d. who is eligible for health care coverage under this section remains  
24 eligible until the individual no longer meets eligibility criteria, as provided in subd.  
25 3.

1           3. A Wisconsin works agency shall, within the period of an individual's  
2           eligibility, as specified under subd. 2., periodically review an individual's eligibility.  
3           The individual remains eligible for benefits and services under this section until any  
4           of the following applies:

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

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

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

16          1. An individual who has lost access to employer-subsidized health care  
17          coverage within the 18 months immediately preceding application for health care  
18          coverage under this subsection because of the termination by the employer of the  
19          employment relationship for a reason other than misconduct on the part of the  
20          employee and who has not had access to employer-subsidized health care coverage  
21          since the termination.

22          2. 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 employee of the  
25          employment relationship for just cause.

1           3. A dependent child who has lost eligibility for employer–subsidized health  
2 care coverage for any reason.

3           3m. A pregnant woman with an income equal to or less than 165% of the poverty  
4 line who has lost eligibility for employer–subsidized health care coverage for any  
5 reason.

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

7           (em) *Continuous coverage requirement.* An individual who withdraws from  
8 health care coverage under this section while the individual is still eligible for health  
9 care coverage under this section is ineligible for health care coverage under this  
10 section for a period of 6 months following the withdrawal.

11           (f) *Ineligibility.* No individual is eligible for health care coverage under this  
12 section in a month in which any of the following applies:

13           1. The individual is eligible for employer–subsidized health care coverage. This  
14 subdivision does not apply to any of the following:

15           a. A pregnant woman in a Wisconsin works group with an income that is equal  
16 to or less than 165% of the poverty line.

17           b. A child who has not attained the age of 6 in a Wisconsin works group with  
18 an income equal to or less than 165% of the poverty line.

19           c. A child who has attained the age of 6 and has not attained the age of 12 in  
20 a Wisconsin works group with an income that is equal to or less than 100% of the  
21 poverty line.

22           d. A child who has attained the age of 6 and has not attained the age of 12 in  
23 a Wisconsin works group with an income in excess of 100% of the poverty line if the  
24 total amount obligated or expended for medical care or other type of remedial care  
25 and for health insurance premiums, when subtracted from the Wisconsin works

1 group's income, places the Wisconsin works group at or below 100% of the poverty  
2 line.

3 2. The individual fails to pay the established premium in a timely manner, as  
4 defined by the department of industry, labor and job development by rule.

5 **(3g) ELIGIBLE GROUPS.** Subject to the requirements under sub. (3), the following  
6 individuals are eligible for benefits and services under this section:

7 (a) *Wisconsin works groups.* Except as provided in par. (c), an individual who  
8 is a member of a Wisconsin works group, if all of the following conditions apply:

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

11 2. The Wisconsin works group meets the asset limitation under s. 49.145 (3) (a).  
12 In determining the assets under this subdivision, the Wisconsin works agency shall  
13 exclude all of the resources specified under 42 USC 1382b (a) if any of the following  
14 conditions is met:

15 a. The group contains a child who has not attained the age of 6.

16 b. The group contains a child who has attained the age of 6 and has not attained  
17 the age of 12 and the gross income of the group, as determined under subd. 3., does  
18 not exceed 100% of the poverty line.

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

1           (b) *Pregnant women.* A pregnant woman whose pregnancy has been medically  
2 verified and who has no dependent children, if she meets all of the following  
3 conditions:

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

6           2. The woman meets the asset limitation under s. 49.145 (3) (a). In determining  
7 the assets of the woman, the Wisconsin works agency shall exclude all of the  
8 resources specified under 42 USC 1382b (a).

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

12           (c) *Minor parents.* An individual who is a custodial parent and who is under  
13 the age of 18, and any dependent children with respect to whom the individual is a  
14 custodial parent, only if the individual meets one of the following conditions:

15           1. The individual resides with his or her custodial parent and the gross income  
16 of the Wisconsin works group of which the individual is a member does not exceed  
17 165% of the poverty line. In calculating the gross income of the Wisconsin works  
18 group, the Wisconsin works agency shall include income described under s. 49.145  
19 (3) (b) 1. to 3.

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

24           **(3m) MEDICALLY NEEDY.** (a) An individual who meets all of the requirements  
25 of sub. (3g) (a) or (c), except that the income calculated for the individual under sub.

1 (3g) (a) 3. or (c) 1. or 2. exceeds the applicable income limit under sub. (3g) (a) 3. or  
2 (c) 1. or 2., is eligible for benefits and services under this section only if all of the  
3 excess income above the applicable limit has been obligated or expended for medical  
4 care or other type of remedial care.

5 (am) Notwithstanding par. (a) and sub. (3) (a) 2. a., (e) and (f) 1., if the individual  
6 is a pregnant woman or a child who has not attained the age of 6, and the individual  
7 meets all of the requirements of sub. (3g) (a), (b) or (c), except that the income  
8 calculated for the individual under sub. (3g) (a) 3., (b) 3. or (c) 1. or 2. exceeds the  
9 applicable income limit under sub. (3g) (a) 3., (b) 3. or (c) 1. or 2., the individual is  
10 eligible for benefits and services under this section if all of the excess income above  
11 the applicable limit has been obligated or expended for medical care or other type of  
12 remedial care or for personal health insurance premiums.

13 (as) Notwithstanding par. (a) and sub. (3) (a) 2. a., if the individual is a child  
14 who has attained the age of 6 and has not attained the age of 12, and the individual  
15 meets all of the requirements of sub. (3g) (a) except that the income calculated for the  
16 individual under sub. (3g) (a) 3. exceeds the income level under sub. (3g) (a) 3., the  
17 individual is eligible for benefits and services under this section if the total amount  
18 obligated or expended for medical care or other type of remedial care and for health  
19 insurance premiums, when subtracted from the Wisconsin works group's income,  
20 places the Wisconsin works group at 100% of the poverty line.

21 (b) In determining the income for an individual under this subsection for  
22 purposes of determining the premium amount under sub. (4) (d), the Wisconsin  
23 works agency shall exclude the excess income specified under par. (a), (am) or (as).

24 **(3p) PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN.** (a) Notwithstanding sub.  
25 (3g) (a), (b) and (c), a pregnant woman is eligible under this subsection for

1 ambulatory prenatal care services under this section during the period beginning on  
2 the day on which an authorized health care provider under contract under sub. (4)  
3 (a) determines, on the basis of preliminary information, that the woman's family  
4 income does not exceed 165% of the poverty line and that the woman's family's assets  
5 do not exceed the asset limits under s. 49.145 (3) (a). Eligibility under this subsection  
6 ends as follows:

7 1. If the woman applies under sub. (3g) (a), (b) or (c) for benefits and services  
8 under this section within the time required under par. (c), on the day on which the  
9 Wisconsin works agency determines whether the woman is eligible for benefits and  
10 services under sub. (3g) (a), (b) or (c).

11 2. If the woman does not apply under sub. (3g) (a), (b) or (c) for benefits and  
12 services under this section within the time required under par. (c), on the last day  
13 of the month following the month in which the health care provider makes the  
14 determination under this paragraph.

15 (c) A woman who is determined to be eligible under this subsection shall apply  
16 under sub. (3g) (a), (b) or (c) for benefits and services under this section within 14  
17 days after the date on which the health care provider makes that determination.

18 (cm) A woman who receives services under this subsection is liable for a  
19 monthly premium payable in the amount and in the manner prescribed under sub.  
20 (4) (d) beginning with the first month in which she receives those services.

21 (d) A health care provider under contract under sub. (4) (a) that determines  
22 that a woman is eligible under this subsection for benefits and services under this  
23 section shall do all of the following:

24 1. Notify the Wisconsin works agency of that determination within 5 working  
25 days after the day on which the determination is made.

1           2. Notify the woman of the requirements under pars. (c) and (cm).

2           (e) The Wisconsin works agency shall provide health care providers under  
3 contract under sub. (4) (a) with application forms for benefits and services under this  
4 section and information on how to assist women in completing the forms.

5           (f) No provider may make more than one eligibility determination under this  
6 subsection with respect to an individual.

7           **(4) ADMINISTRATION AND BENEFITS.** (a) *Health maintenance organization*  
8 *contract.* The department of health and family services shall contract with health  
9 maintenance organizations or other health care providers, including federally  
10 qualified health centers, to provide health care services under this subsection. A  
11 health maintenance organization or other health care provider that contracts under  
12 this subsection shall meet the certification criteria established by the department of  
13 health and family services under s. 49.45 (2) (a) 11.

14           (b) *Health care services provided.* 1. Except as provided in subd. 2., the  
15 Wisconsin works health plan shall cover the care and services specified under s.  
16 49.46 (2).

17           1m. The Wisconsin works health plan shall cover in-home psychotherapy for  
18 individuals who are under the age of 21 if the in-home psychotherapy is prescribed  
19 pursuant to a physical examination under 42 USC 1396 (r) (1).

20           1s. The Wisconsin works health plan shall cover insulin if it is prescribed by  
21 a physician.

22           2. Except as otherwise required under a federal waiver received under 42 USC  
23 1315, the Wisconsin works health plan shall not cover the following goods and  
24 services:

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

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

4           c. Over-the-counter drugs.

5           d. Treatment of alcoholism or other drug abuse problems in excess of the  
6 minimum coverage required under s. 632.89 (2).

7           e. Services described under 42 USC 1396d (r) (5), unless the services are  
8 otherwise covered under this section.

9           (bm) *Abortion coverage excluded.* 1. In this paragraph:

10           a. “Abortion” means the intentional destruction of the life of an unborn child.

11           b. “Unborn child” means a human being from the time of conception until it is  
12 born alive.

13           2. Except as provided in subd. 3., each contract that is entered into under par.  
14 (a) shall explicitly provide that it does not include coverage for the performance of  
15 an abortion.

16           3. This paragraph does not apply to any of the following:

17           a. The performance by a physician of an abortion which is directly and  
18 medically necessary to save the life of the woman or in a case of sexual assault or  
19 incest, provided that prior thereto the physician signs a certification which so states,  
20 and provided that, in the case of sexual assault or incest the crime has been reported  
21 to the law enforcement authorities. The certification shall be affixed to the claim  
22 form or invoice when submitted to any agency or fiscal intermediary of the state for  
23 payment or when submitted by an individual health care provider to the coverage  
24 provider for payment or for submittal to any agency or fiscal intermediary of the state  
25 for payment, and shall specify and attest to the direct medical necessity of the

1 abortion upon the best clinical judgment of the physician or attest to his or her belief  
2 that sexual assault or incest has occurred.

3 b. The performance by a physician of an abortion if, due to a medical condition  
4 existing prior to the abortion, the physician determines that the abortion is directly  
5 and medically necessary to prevent grave, long-lasting physical health damage to  
6 the woman, provided that prior thereto the physician signs a certification which so  
7 states. The certification shall be affixed to the claim form or invoice when submitted  
8 to any agency or fiscal intermediary of the state for payment or when submitted by  
9 an individual health care provider to the coverage provider for payment or for  
10 submittal to any agency or fiscal intermediary of the state for payment, and shall  
11 specify and attest to the direct medical necessity of the abortion upon the best clinical  
12 judgment of the physician.

13 c. The authorization or payment of funds to a physician or surgeon or a hospital,  
14 clinic or medical facility for or in connection with the prescription of a drug or the  
15 insertion of a device to prevent the implantation of a fertilized ovum.

16 4. Quarterly, as determined by the department of health and family services,  
17 following any annual quarter in which health care services have been provided under  
18 coverage that is affected by this paragraph, the coverage provider shall submit a  
19 written report to the agency which contracted for the services of the provider. The  
20 report shall specify the number of abortions provided in the previous quarter by the  
21 provider to individuals who have coverage for the abortion under this subsection, as  
22 permitted under subd. 3. a. or b., the reason for each abortion, and the total cost of  
23 each abortion.

24 5. A copy of each report submitted under subd. 4. shall be forwarded to the  
25 department of health and family services, which shall review the data for compliance

1 with this paragraph and annually publish a summary of the information obtained  
2 under this subdivision.

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

8 (d) *Premiums.* 1. Subject to a modification made pursuant to subd. 2, an  
9 individual who receives the Wisconsin works health plan shall pay, in the manner  
10 prescribed in subd. 3., the following monthly premium:

11 a. For an individual with an income equal to or less than 159% of the poverty  
12 line, \$20.

13 b. For an individual with an income greater than 159% of the poverty line and  
14 not greater than 200% of the poverty line, \$20 plus \$3 for every percentage point by  
15 which the individual's income exceeds 159%.

16 2. The department of health and family services may submit a proposal to the  
17 joint committee on finance to modify the premium amounts under subd. 1. If, within  
18 14 days after the date of receipt of the department's proposal, the cochairpersons of  
19 the committee do not notify the secretary that the committee has scheduled a  
20 meeting for the purpose of reviewing the proposed modifications, the department of  
21 health and family services may make the modifications specified in the proposal. If,  
22 within 14 days after the date of receipt of the department's proposal, the  
23 cochairpersons of the committee notify the secretary that the committee has  
24 scheduled a meeting for the purpose of reviewing the proposed modifications, the

1 department of health and family services may not make the modifications specified  
2 in the proposal until the committee approves the proposal.

3 3. Payment of the premium shall be made as follows:

4 a. For a participant in a trial job, the Wisconsin works agency shall deduct the  
5 premium from the subsidy that is paid to the employer under s. 49.147 (3) (a). The  
6 employer shall deduct the premium from the trial job participant's wages.

7 b. For a participant in a community service job or transitional placement, the  
8 Wisconsin works agency shall deduct the premium from the participant's monthly  
9 grant amount under s. 49.148 (1) (b) or (c).

10 c. For an individual not specified under subd. 3. a. or b., the individual shall  
11 pay the premium directly to the Wisconsin works agency, or, if the individual and his  
12 or her employer agree, the individual's employer may deduct the premium from the  
13 individual's payroll and pay the premium to the Wisconsin works agency.

14 4. The Wisconsin works agency shall remit to the department of industry, labor  
15 and job development in the manner prescribed by the department of industry, labor  
16 and job development all premium payments that the Wisconsin works agency  
17 receives under this paragraph.

18 **SECTION 94.** 49.155 of the statutes is created to read:

19 **49.155 Wisconsin works; child care subsidy. (1) DEFINITIONS.** In this  
20 section:

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

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

1           **(1m)** ELIGIBILITY. A Wisconsin works agency shall determine eligibility for a  
2 child care subsidy under this section. Under this section, an individual may receive  
3 a subsidy for child care for a child who has not attained the age of 13 if the individual  
4 meets all of the following conditions:

5           (a) The individual is a custodial parent of a child who is under the age of 13,  
6 or is a person who, under s. 48.57 (3m), is providing care and maintenance for a child  
7 who is under the age of 13, and child care services for that child are needed in order  
8 for the individual to do any of the following:

9           1. Meet the school attendance requirement under s. 49.26 (1) (ge).

10           2. Work in an unsubsidized job, including training provided by an employer  
11 during the regular hours of employment.

12           3. Work in a Wisconsin works employment position, including participation in  
13 education or training activities under s. 49.147 (3) (am), (4) (am) or (5) (bm).

14           4. Participate in other employment skills training, including an English as a  
15 2nd language course, if the Wisconsin works agency determines that the course  
16 would facilitate the individual's efforts to obtain employment; a course of study  
17 meeting the standards established by the secretary of education under s. 115.29 (4)  
18 for the granting of a declaration of equivalency of high school graduation; a course  
19 of study at a technical college; or participation in educational courses that provide  
20 an employment skill, as determined by the department. An individual may receive  
21 aid under this subdivision for up to one year. An individual may not receive aid under  
22 this subdivision unless the individual meets at least one of the following conditions:

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

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

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

5 (c) The gross income of the individual's family is at or below 165% of the poverty  
6 line for a family the size of the individual's family. In calculating the gross income  
7 of the family, the Wisconsin works agency shall include income described under s.  
8 49.145 (3) (b) 1. to 3.

9 (d) The individual satisfies other eligibility criteria established by the  
10 department by rule.

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

14 (b) The county department under s. 46.215, 46.22 or 46.23 shall administer  
15 child care assistance under this section. In administering child care assistance  
16 under this section, the county department under s. 46.215, 46.22 or 46.23 shall do  
17 all of the following:

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

19 2. Provide a voucher to an eligible individual for the payment of child care  
20 services provided by a child care provider or otherwise reimburse child care  
21 providers.

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

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

1           6. Assist individuals who are eligible for child care subsidies under this section  
2 to identify available child care providers and select appropriate child care  
3 arrangements.

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

8           **(5) LIABILITY FOR PAYMENT.** (a) Subject to a modification made pursuant to par.  
9 (b), an individual is liable for the following percentages of the cost of child care  
10 received:

11           1. For an individual with an income equal to or less than 75% of the poverty  
12 line, 7.5%.

13           2. For an individual with an income greater than 75% of the poverty line and  
14 not greater than 95% of the poverty line, 10%.

15           3. For an individual with an income greater than 95% of the poverty line, 10%,  
16 plus 1.2857% for every percentage point by which the individual's income exceeds  
17 95% of the poverty line, except that no individual may be required to pay more than  
18 100% of the cost of the child care.

19           (b) The department may submit a proposal to the joint committee on finance  
20 to modify the percentages under par. (a). If, within 14 days after the date of receipt  
21 of the department's proposal, the cochairpersons of the committee do not notify the  
22 secretary that the committee has scheduled a meeting for the purpose of reviewing  
23 the proposed modifications, the department may make the modifications specified  
24 in the proposal. If, within 14 days after the date of receipt of the department's  
25 proposal, the cochairpersons of the committee notify the secretary that the

1 committee has scheduled a meeting for the purpose of reviewing the proposed  
2 modifications, the department may not make the modifications specified in the  
3 proposal until the committee approves the proposal.

4 **(6) CHILD CARE RATES AND QUALITY STANDARDS.** (a) The department shall  
5 establish the maximum rate that a county department under s. 46.215, 46.22 or  
6 46.23 may pay for child care services provided under this section. The department  
7 shall set the rate so that at least 75% of the number of places for children within the  
8 licensed capacity of all child care providers in each county or in a multicounty area  
9 determined by the department can be purchased at or below that maximum rate.

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

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

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

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

1           1. The person has been convicted of a felony or misdemeanor that the  
2 department or county department determines substantially relates to the care of  
3 children.

4           2. The person is the subject of a pending criminal charge that the department  
5 or county department determines substantially relates to the care of children.

6           3. The person has been determined under s. 48.981 to have abused or neglected  
7 a child.

8           (b) The department shall promulgate rules establishing the method by which  
9 a determination under par. (a) is made.

10           **SECTION 95.** 49.157 of the statutes is created to read:

11           **49.157 Wisconsin works; transportation assistance.** A Wisconsin works  
12 agency may provide transportation assistance in the manner prescribed by the  
13 department by rule. The Wisconsin works agency shall limit any financial assistance  
14 granted under this subsection to financial assistance for public transportation if a  
15 form of public transportation that meets the needs of the participant is available.

16           **SECTION 96.** 49.159 of the statutes is created to read:

17           **49.159 Wisconsin works; noncustodial and minor and other custodial**  
18 **parents. (1) NONCUSTODIAL PARENTS.** (a) An individual who would be eligible under  
19 s. 49.145 except that the individual is the noncustodial parent of a dependent child,  
20 is eligible for services under this subsection if the dependent child's custodial parent  
21 is a participant and if the individual is subject to a child support order. The  
22 Wisconsin works agency may provide job search assistance and case management  
23 designed to enable eligible noncustodial parents to obtain and retain employment.

1 (b) An individual who would be eligible under s. 49.145 except that the  
2 individual is the noncustodial parent of a dependent child may participate in a  
3 Wisconsin works employment position if all of the following conditions are met:

4 1. The custodial parent of the dependent child meets the income requirements  
5 under s. 49.145 (3) (b).

6 2. The custodial parent of the dependent child is not a participant in a  
7 Wisconsin works employment position.

8 3. The individual is subject to a child support order for the dependent child.

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

17 **(3) OTHER CUSTODIAL PARENTS.** A custodial parent in a Wisconsin works group  
18 in which the other custodial parent is a participant in a Wisconsin works  
19 employment position is eligible for employment training and job search assistance  
20 services provided by the Wisconsin works agency.

21 **(4) PREGNANT WOMEN.** A pregnant woman whose pregnancy is medically  
22 verified who would be eligible under s. 49.145 except that she is not a custodial  
23 parent of a dependent child is eligible for employment training and job search  
24 assistance services provided by the Wisconsin works agency.

25 **SECTION 97.** 49.161 of the statutes is created to read:

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

2           Notwithstanding s. 49.96, the department shall recover an overpayment of benefits  
3           paid under s. 49.148 (1) (a) from an individual who receives or has received benefits  
4           paid under s. 49.148 (1) (a). The value of the benefit liable for recovery under this  
5           subsection may not exceed the amount that the department paid in wage subsidies  
6           with respect to that participant while the participant was ineligible to participate.  
7           The department shall promulgate rules establishing policies and procedures for  
8           administrating this subsection.

9           **(2) COMMUNITY SERVICE JOBS AND TRANSITIONAL PLACEMENTS OVERPAYMENTS.**

10          Except as provided in sub. (3), the department shall recover an overpayment of  
11          benefits paid under s. 49.148 (1) (b) and (c) from an individual who continues to  
12          receive benefits under s. 49.148 (1) (b) and (c) by reducing the amount of the  
13          individual's benefit payment by no more than 10%.

14          **(3) OVERPAYMENTS CAUSED BY INTENTIONAL PROGRAM VIOLATIONS.** If an

15          overpayment under sub. (1) or (2) is the result of an intentional violation of ss. 49.141  
16          to 49.161 or of rules promulgated by the department under those sections, the  
17          department shall recover the overpayment by deducting an amount from the benefits  
18          received under s. 49.148 (1) (a), (b) or (c), until the overpayment is recovered. The  
19          amount to be deducted each month may not exceed the following:

20               (a) For intentional program violations resulting in an overpayment that is less  
21               than \$300, 10% of the amount of the monthly benefit payment.

22               (b) For intentional program violations resulting in an overpayment that is at  
23               least \$300 but less than \$1,000, \$75.

24               (c) For intentional program violations resulting in an overpayment that is at  
25               least \$1,000 but less than \$2,500, \$100.

1 (d) For intentional program violations resulting in an overpayment that is  
2 \$2,500 or more, \$200.

3 **SECTION 99g.** 49.185 of the statutes is created to read:

4 **49.185 Employment skills advancement program. (1) DEFINITIONS.** In  
5 this section:

6 (a) “Custodial parent” has the meaning given in s. 49.141 (1) (b).

7 (b) “Dependent child” has the meaning given in s. 49.141 (1) (c).

8 (c) “Family” means an individual who is a custodial parent, all dependent  
9 children with respect to whom the individual is a custodial parent and all dependent  
10 children with respect to whom the individual’s dependent child is a custodial parent.  
11 “Family” includes any nonmarital coparent, as defined in s. 49.141 (1) (i), or any  
12 spouse of the individual who resides in the same household as the individual and any  
13 dependent children with respect to whom the spouse or nonmarital coparent is a  
14 custodial parent. “Family” does not include any person who is receiving benefits  
15 under s. 49.027 (3) (b).

16 **(2) GRANTS.** A person contracting with the department under sub. (4) may make  
17 an employment skills advancement grant of up to \$500 to an individual eligible  
18 under sub. (3) for tuition, books, transportation or other direct costs of training or  
19 education in a vocational training or education program.

20 **(3) ELIGIBILITY.** An individual is eligible for an employment skills advancement  
21 grant only if all of the following eligibility requirements are met:

22 (a) The training or education is approved by the person contracting with the  
23 department under sub. (4) as part of a career training or education plan that will lead  
24 to increased income.

1 (b) The individual is at least 18 years of age and is a custodial parent of a minor  
2 child.

3 (c) The individual has been determined eligible for aid under s. 49.19 or for a  
4 Wisconsin works employment position under s. 49.145 within 5 years before applying  
5 for a grant.

6 (d) The individual has been employed in an unsubsidized job for at least 9  
7 consecutive months before applying for a grant.

8 (e) The individual is working an average of at least 40 hours per week, unless  
9 the employer and the person contracting with the department under sub. (4) agree  
10 that the person may work fewer hours.

11 (f) The assets of the individual's family do not exceed \$2,500 in combined equity  
12 value, excluding the equity value of vehicles up to a total equity value of \$10,000 and  
13 one home in which the family lives.

14 (g) The income of the individual's family does not exceed 165% of the poverty  
15 line.

16 (h) The individual has sought other forms of assistance, as required by the  
17 department by rule.

18 (i) The individual contributes an amount at least equal to the amount of the  
19 grant, and obtains funding from other sources in an amount at least equal to the  
20 amount of the grant, for tuition, books, transportation or other direct costs of the  
21 training or education.

22 (j) The amount of the grant plus the amount of any grant that that individual  
23 has previously received under this section does not exceed \$500.

24 **(4) ADMINISTRATION.** The department may contract with any person to  
25 administer the program under this section. The department shall contract with one

1 person to administer the program in each area of the state, as determined by the  
2 department.

3 **(5) APPLICABILITY.** This section applies 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 99m.** 49.19 (4) (h) 1. b. of the statutes is amended to read:

6 49.19 **(4)** (h) 1. b. Except as provided under sub. (5) (a) 1m., when any person  
7 applies for or receives aid under this section, any right of the parent or any dependent  
8 child to support or maintenance from any other person, including any right to unpaid  
9 amounts accrued at the time of application and any right to amounts accruing during  
10 the time aid is paid under this section, is assigned to the state. If a minor who is a  
11 beneficiary of aid under this section is also the beneficiary of support under a  
12 judgment or order that includes support for one or more children not receiving aid  
13 under this section, any support payment made under the judgment or order is  
14 assigned to the state in the amount that is the proportionate share of the minor  
15 receiving aid under this section, except as otherwise ordered by the court on the  
16 motion of a party. Amounts assigned to the state under this subd. 1. b. remain  
17 assigned to the state until that amount of aid paid that represents the amount due  
18 as support or maintenance has been recovered. No amount of support that begins  
19 to accrue after aid under this section is discontinued for the recipient may be  
20 considered assigned to this state.

21 **SECTION 100.** 49.19 (4e) (a) of the statutes is amended to read:

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

1 parent's, guardian's or other adult relative's own home or lives in a foster home,  
2 treatment foster home, maternity home or other supportive living arrangement  
3 supervised by an adult.

4 **SECTION 101.** 49.19 (4e) (c) of the statutes is created to read:

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

10 **SECTION 103d.** 49.19 (11) (b) of the statutes, as affected by 1995 Wisconsin Act  
11 27, section 2865n, is renumbered 49.138, and 49.138 (1) (intro.), as renumbered, is  
12 amended to read:

13 49.138 (1) (intro.) The department shall implement a program of emergency  
14 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or  
15 energy crisis. Eligibility shall not exceed the limitations for federal participation  
16 defined by applicable federal laws and regulations, including 45 CFR 233.120. The  
17 department shall establish the maximum amount of aid to be granted, except for  
18 cases of energy crisis, per family member based on the funding available under s.  
19 20.445 (3) (dc) and (p). The department need not establish the maximum amount by  
20 rule under ch. 227. The department shall publish the maximum amount and annual  
21 changes to it in the Wisconsin administrative register. Emergency assistance  
22 provided to needy persons under this ~~paragraph~~ section in cases of homelessness  
23 may be used only to obtain a permanent living accommodation and, except as  
24 provided in sub. (2), may only be provided to a needy person once in a 36-month

1 period. For the purposes of this ~~paragraph~~ section, a family is considered to be  
2 homeless if any of the following applies:

3 **SECTION 104.** 49.19 (20) of the statutes is renumbered 49.19 (20) (a) and  
4 amended to read:

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

12 **SECTION 105.** 49.19 (20) (b) of the statutes is created to read:

13 49.19 (20) (b) 1. The department shall request a waiver from the secretary of  
14 the federal department of health and human services to allow the application of subd.  
15 2. Subdivision 2. does not apply unless a waiver under this subdivision is granted  
16 and in effect.

17 2. Notwithstanding par. (a):

18 a. If a nonlegally responsible relative is 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, 1997, or the first reinvestigation  
21 under sub. (5) (e) occurring after June 30, 1996, whichever is earlier.

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

1           **SECTION 106c.** 49.191 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
2 27, is amended to read:

3           49.191 (1) (b) Within the limits of funds available under ss. 20.435 (3) (jg) and  
4 20.445 (3) (cn) and (na), the department shall provide funds for individuals who are  
5 working and who receive aid to families with dependent children to pay child care  
6 costs in excess of the amount of the child care disregard under s. 49.19 (5) (a) and  
7 child care costs incurred before the child care disregard under s. 49.19 (5) (a) becomes  
8 available if the child care is provided by a child care provider. This paragraph does  
9 not apply beginning on the first day of the 6th month beginning after the date stated  
10 in the notice under s. 49.141 (2) (d).

11           **SECTION 107.** 49.191 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
12 section 3093c, is amended to read:

13           49.191 (2) CHILD CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH  
14 DEPENDENT CHILDREN. The department shall pay the child care costs of an individual  
15 who secures unsubsidized employment and loses eligibility for aid to families with  
16 dependent children because of earned income or number of hours worked for up to  
17 12 months following the loss of eligibility if the child care is provided by a child care  
18 provider. The department shall establish a formula for assistance based on ability  
19 to pay. The rates for child care services under this subsection shall be determined  
20 under s. 46.98 (4) (d), (dg) or (dm), whichever is applicable, or, if a higher rate is  
21 established under s. 46.98 (4) (e) and if the child care services meet the quality  
22 standards established under s. 46.98 (4) (e), the rates for child care services under  
23 this subsection that meet those standards shall be determined under s. 46.98 (4) (e).  
24 The department shall promulgate rules for the disbursement of funds under this

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

3 **SECTION 108.** 49.191 (3) (a) and (b) of the statutes, as affected by 1995  
4 Wisconsin Act 27, are repealed and recreated to read:

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

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

16 **SECTION 109.** 49.193 (2) (a) of the statutes, as affected by 1995 Wisconsin Act  
17 12, is amended to read:

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

1           **SECTION 110.** 49.193 (2) (am) of the statutes is created to read:

2           49.193 (2) (am) 1. The department shall request a waiver from the secretary  
3 of the federal department of health and human services to permit the application of  
4 subd. 2. If a waiver is granted and in effect, the department shall implement subd.  
5 2. no later than the first day of the 2nd month beginning after the waiver is approved.

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

11           **SECTION 111.** 49.193 (4) (g) of the statutes is amended to read:

12           49.193 (4) (g) Work supplementation, as described in 45 CFR 250.62, in which  
13 participation is ~~voluntary~~ mandatory.

14           **SECTION 112m.** 49.193 (4) (j) 4. of the statutes is amended to read:

15           49.193 (4) (j) 4. Postsecondary education and vocational skills training for  
16 individuals who, as of December 1, 1995, are enrolled in postsecondary education or  
17 vocational skills training under this subdivision and are participating satisfactorily  
18 as determined by the agency administering the job opportunities and basic skills  
19 program. This subdivision does not apply after June 30, 1997.

20           **SECTION 113.** 49.193 (4) (k) 1m. of the statutes is created to read:

21           49.193 (4) (k) 1m. Alcohol and other drug abuse prevention, assessment and  
22 treatment programs.

23           **SECTION 114.** 49.193 (4m) of the statutes is created to read:

24           49.193 (4m) ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT  
25 PROGRAM. The department may require participation in an alcohol and other drug

1 abuse assessment, prevention and treatment program to fulfill employment and  
2 training requirements described in this section.

3 **SECTION 115.** 49.193 (6) (c) of the statutes is amended to read:

4 49.193 (6) (c) ~~No~~ Except as provided in par. (e), no person may be required to  
5 work more than 32 hours per week in a community work experience component. No  
6 person may be required to work more than 16 weeks in a component under this  
7 subsection during a 12-month period, except that a person who is eligible for aid  
8 under s. 49.19 (4) (dm) may be required to work for more than 16 weeks in a  
9 component under this subsection in order to comply with 45 CFR 250.33.

10 **SECTION 116.** 49.193 (6) (e) of the statutes is created to read:

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

23 **SECTION 117m.** 49.193 (7) of the statutes is amended to read:

1           49.193 (7) POSTSECONDARY EDUCATION. The department shall, by rule, define  
2 allowable or satisfactory participation in postsecondary education and vocational  
3 skills training activities. This subsection does not apply June 30, 1997.

4           **SECTION 118.** 49.193 (8) (a) of the statutes, as affected by 1995 Wisconsin Act  
5 12, is amended to read:

6           49.193 (8) (a) The department shall pay child care costs of persons with  
7 approved employability plans who are participating in the program under this  
8 section and of persons who are participating in orientation and job search activities  
9 required under sub. (3m). Payment or reimbursement shall be in an amount based  
10 on need, with the maximum amount per child equal to the lesser of the actual cost  
11 of care or the rate established under s. 46.98 (4) (d), (dg) or (dm), whichever is  
12 applicable, or, if a higher rate is established under s. 46.98 (4) (e) and if the child care  
13 meets the quality standards established under s. 46.98 (4) (e), payment or  
14 reimbursement for child care that meets those standards shall be in an amount based  
15 on need, with the maximum amount per child equal to the lesser of the actual cost  
16 of the care or the rate established under s. 46.98 (4) (e).

17           **SECTION 119.** 49.193 (8) (bm) of the statutes is amended to read:

18           49.193 (8) (bm) Beginning on January 1, 1994, a county department under s.  
19 46.215, 46.22 or 46.23 that receives funds to pay or reimburse child care costs under  
20 this subsection ~~or under s. 49.50 (6e) (a)~~ may, with the approval of the department,  
21 use those funds to pay or reimburse child care costs under s. 49.50 (6e) ~~(b)~~, (6g) or (7)  
22 (e). The department shall approve or disapprove of this use of funds under criteria  
23 established to maximize state and federal funding available for child care.

24           **SECTION 120.** 49.193 (8) (bm) of the statutes, as affected by 1995 Wisconsin Acts  
25 27 and .... (this act), is repealed and recreated to read:

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

7           **SECTION 121.** 49.193 (9m) (a) of the statutes, as created by 1995 Wisconsin Act  
8           12, is renumbered 49.193 (9m) (am).

9           **SECTION 122.** 49.193 (9m) (ag) of the statutes is created to read:

10          49.193 (9m) (ag) In this subsection, “recipient” includes the head of household  
11          of an aid to families with dependent children case, regardless of whether the needs  
12          of the head of household are not considered as the result of a sanction.

13          **SECTION 125.** 49.193 (12) of the statutes is created to read:

14          49.193 (12) SUNSET. Beginning on January 1, 1999, or beginning on the first  
15          day of the 6th month beginning after the date stated in the notice under s. 49.141 (2)  
16          (d), whichever is sooner, no person is eligible to receive benefits under this section  
17          and no aid may be granted under this section. No additional notice, other than  
18          enactment of this subsection, is required to be given to recipients of aid under this  
19          section to terminate their benefits under this subsection.

20          **SECTION 126.** 49.195 (title) of the statutes is amended to read:

21          **49.195 (title) Recovery of aid to families with dependent children and**  
22          **Wisconsin works benefits.**

23          **SECTION 127.** 49.195 (1) of the statutes is amended to read:

24          49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit  
25          under s. 49.148, 49.153, 49.155 or 49.157 or at any time thereafter acquires property

1 by gift, inheritance, sale of assets, court judgment or settlement of any damage claim,  
2 or by winning a lottery or prize, the county granting such aid, or the Wisconsin works  
3 agency granting such a benefit, may sue the parent on behalf of the department to  
4 recover the value of that portion of the aid or of the benefit which does not exceed the  
5 amount of the property so acquired. The value of the aid or benefit liable for recovery  
6 under this section may not include the value of work performed by a member of the  
7 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,  
8 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work  
9 experience component under s. 49.193 (6). During the life of the parent, the 10-year  
10 statute of limitations may be pleaded in defense against any suit for recovery under  
11 this section; and if such property is his or her homestead it shall be exempt from  
12 execution on the judgment of recovery until his or her death or sale of the property,  
13 whichever occurs first. Notwithstanding the foregoing restrictions and limitations,  
14 where the aid or benefit recipient is deceased a claim may be filed against any  
15 property in his or her estate and the statute of limitations specified in s. 859.02 shall  
16 be exclusively applicable. The court may refuse to render judgment or allow the  
17 claim in any case where a parent, spouse or child is dependent on the property for  
18 support, and the court in rendering judgment shall take into account the current  
19 family budget requirement as fixed by the U.S. department of labor for the  
20 community or as fixed by the authorities of the community in charge of public  
21 assistance. The records of aid or benefits paid kept by the county or, by the  
22 department or by the Wisconsin works agency are prima facie evidence of the value  
23 of the aid or benefits furnished. Liability under this section shall extend to any  
24 parent or stepparent whose family receives aid under s. 49.19 or benefits under s.  
25 49.148, 49.155 or 49.157 during the period that he or she is a member of the same

1 household, but his or her liability is limited to such period. This section does not  
2 apply to medical and health assistance payments for which recovery is prohibited or  
3 restricted by federal law or regulation.

4 **SECTION 128.** 49.195 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
5 is amended to read:

6 49.195 (3) Notwithstanding s. 49.96, the department shall promptly recover all  
7 overpayments made under s. 49.19, 49.148, 49.153, 49.155 or 49.157 and shall  
8 promulgate rules establishing policies and procedures to administer this subsection.

9 **SECTION 131.** 49.197 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
10 is amended to read:

11 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct  
12 activities to reduce payment errors in medical assistance under subch. IV, Wisconsin  
13 works under ss. 49.141 to 49.161, aid to families with dependent children under s.  
14 49.19 and the food stamp program under 7 USC 2011 to 2029. The department shall  
15 fund the activities under this section from the appropriation under s. 20.445 (4) (L).

16 **SECTION 136.** 49.21 (1) (c) of the statutes is created to read:

17 49.21 (1) (c) This subsection does not apply beginning on the first day of the 6th  
18 month beginning after the date stated in the notice under s. 49.141 (2) (d).

19 **SECTION 137.** 49.25 (10) of the statutes is created to read:

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

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

3           **49.26 (title) Learnfare pilot program.**

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

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

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

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

1           **SECTION 141.** 49.26 (1) (g) 1. of the statutes, as affected by 1995 Wisconsin Act  
2 27, is amended to read:

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

8           **SECTION 142.** 49.26 (1) (gm) (intro.) of the statutes, as affected by 1995  
9 Wisconsin Act 27, is amended to read:

10           49.26 (1) (gm) (intro.) The first time that an individual fails to meet the school  
11 attendance requirement under par. (ge), the county department under s. 46.215,  
12 46.22 or 46.23 or the Wisconsin works agency shall do all of the following:

13           **SECTION 142m.** 49.26 (1) (h) 1. (intro.) of the statutes, as affected by 1995  
14 Wisconsin Act 27, is amended to read:

15           49.26 (1) (h) 1. (intro.) An individual who is 6 to 12 years of age and who fails  
16 to meet the school attendance requirement under par. (ge) is subject to sanctions as  
17 provided ~~by the department by rule~~ under subd. 1s. only if all of the following apply:

18           **SECTION 143.** 49.26 (1) (h) 1. a. of the statutes, as affected by 1995 Wisconsin  
19 Act 27, is amended to read:

20           49.26 (1) (h) 1. a. The county department under s. 46.215, 46.22 or 46.23 or  
21 Wisconsin works agency complies with par. (gm).

22           **SECTION 143g.** 49.26 (1) (h) 1m. (intro.) of the statutes, as affected by 1995  
23 Wisconsin Act 27, is amended to read:

1           49.26 (1) (h) 1m. (intro.) An individual who is 13 to 19 years of age and who fails  
2 to meet the school attendance requirement under par. (ge) is subject to sanctions as  
3 provided by the department by rule under subd. 1s. only if all of the following apply:

4           **SECTION 143m.** 49.26 (1) (h) 1s. of the statutes is created to read:

5           49.26 (1) (h) 1s. a. Except as provided under subd. 1s. b., an individual who fails  
6 to meet the school attendance requirement under par. (ge) is subject to sanctions  
7 determined by the department by rule.

8           b. An individual who is a dependent child in a Wisconsin works group that  
9 includes a participant under s. 49.147 (3), (4) or (5) and who fails to meet the school  
10 attendance requirement under par. (ge) is subject to a monthly sanction of \$50.

11           **SECTION 144.** 49.26 (1) (hm) of the statutes, as affected by 1995 Wisconsin Act  
12 27, is amended to read:

13           49.26 (1) (hm) The department may require consent to the release of school  
14 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for benefits  
15 under s. 49.147 (3) to (5) or aid under s. 49.19.

16           **SECTION 145.** 49.26 (1) (hr) of the statutes, as affected by 1995 Wisconsin Act  
17 27, is amended to read:

18           49.26 (1) (hr) If an individual subject to the school attendance requirement  
19 under par. (ge) is enrolled in a public school, communications between the school  
20 district and the department or, a county department under s. 46.215, 46.22 or 46.23  
21 or a Wisconsin works agency concerning the individual's school attendance may only  
22 be made by a school attendance officer, as defined under s. 118.16 (1) (a).

23           **SECTION 146.** 49.26 (1) (j) of the statutes, as affected by 1995 Wisconsin Act 27,  
24 is repealed.

**SECTION 147m**

1           **SECTION 147m.** 49.27 (3) (a), (b) and (c) and (4) (a) (intro.) of the statutes are  
2 amended to read:

3           49.27 (3) (a) The person resides in a pilot county; is receiving, or is the caretaker  
4 of a child who is receiving, aid to families with dependent children benefits, other  
5 than benefits under s. 49.19 (10) or s. 49.19 (11) (b), 1993 stats., on January 1, 1995;  
6 and has had a regularly scheduled reinvestigation under s. 49.19 (5) (e) after  
7 January 1, 1995.

8           (b) The person resides in a pilot county and applies for aid to families with  
9 dependent children benefits, other than benefits under s. 49.19 (10) or s. 49.19 (11)  
10 (b), 1993 stats., for himself or herself or for a dependent child, on or after January  
11 1, 1995.

12           (c) The person moves to a pilot county on or after January 1, 1995, and, at the  
13 time of the move, the person is receiving, or is the caretaker of a child who is  
14 receiving, aid to families with dependent children benefits, other than benefits under  
15 s. 49.19 (10) or s. 49.19 (11) (b), 1993 stats.

16           (4) (a) *Relation with other public assistance benefits.* (intro.) Except as  
17 determined under this subsection or sub. (7) or (11) (a) to (f), a member of a  
18 work-not-welfare group may not receive an aid to families with dependent children  
19 benefit, other than aid to families with dependent children benefits under s. 49.19  
20 (10) or s. 49.19 (11) (b), 1993 stats. Except as determined under this subsection or  
21 sub. (11) (a) to (f), a member of a work-not-welfare group may not receive food stamp  
22 benefits under 7 USC 2011 to 2029 for a month unless one of the following conditions  
23 is met:

24           **SECTION 148.** 49.27 (5) (e) 2. of the statutes is repealed.

25           **SECTION 149.** 49.27 (6) (c) of the statutes is amended to read:

1           49.27 (6) (c) *Benefits*. A county department under s. 46.215, 46.22 or 46.23 shall  
2 provide assistance in paying the child care costs of a work-not-welfare group that  
3 is eligible to receive benefits under this paragraph if the child care is provided by a  
4 child care provider, as defined in s. 46.98 (1) (am). The formula for determining the  
5 amount of assistance shall be the same as the formula established by the department  
6 under s. 49.50 (6g). The rates for child care services under this paragraph shall be  
7 determined under s. 46.98 (4) (d), (dg) or (dm), whichever is applicable, or, if a higher  
8 rate is established under s. 46.98 (4) (e) and if the child care services meet the quality  
9 standards established under s. 46.98 (4) (e), the rates for child care services under  
10 this paragraph that meet those standards shall be determined under s. 46.98 (4) (e).  
11 The department shall promulgate rules for the disbursement of funds under this  
12 paragraph.

13           **SECTION 150.** 49.27 (13) of the statutes is created to read:

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

20           **SECTION 151.** 49.30 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
21 Act 27, section 2922, is amended to read:

22           49.30 (1) (intro.) Except as provided in sub. (1m), if any recipient of benefits  
23 under s. 49.148, 49.46 or 49.77, or under 42 USC 1381 to 1385 in effect on May 8,  
24 1980, dies and the estate of the deceased recipient is insufficient to pay the funeral,  
25 burial and cemetery expenses of the deceased recipient, the county or applicable

1 tribal governing body or organization responsible for burial of the recipient shall pay,  
2 to the person designated by the county department under s. 46.215, 46.22 or 46.23  
3 or applicable tribal governing body or organization responsible for the burial of the  
4 recipient, all of the following:

5 **SECTION 152.** 49.32 (7) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
6 is amended to read:

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

11 **SECTION 153.** 49.32 (9) (a) of the statutes, as affected by 1995 Wisconsin Act 27  
12 is amended to read:

13 49.32 (9) (a) Each county department under s. 46.215, 46.22 or 46.23  
14 administering aid to families with dependent children shall maintain a monthly  
15 report at its office showing the names and addresses of all persons receiving such aid  
16 together with the amount paid during the preceding month. Each Wisconsin works  
17 agency administering Wisconsin works under ss. 49.141 to 49.161 shall maintain a  
18 monthly report at its office showing the names and addresses of all persons receiving  
19 benefits under s. 49.148 together with the amount paid during the preceding month.

20 Nothing in this paragraph shall be construed to authorize or require the disclosure  
21 in the report of any information (names, addresses, amounts of aid or otherwise)  
22 pertaining to adoptions, or aid furnished for the care of children in foster homes or  
23 treatment foster homes under s. 42.261 or 49.19 (10).

24 **SECTION 154.** 49.32 (9) (b) of the statutes, as affected by 1995 Wisconsin Act 27,  
25 is amended to read:

1           49.32 (9) (b) The report under par. (a) shall be open to public inspection at all  
2 times during regular office hours and may be destroyed after the next succeeding  
3 report becomes available. Any person except any public officer, seeking permission  
4 to inspect such report shall be required to prove his or her identity and to sign a  
5 statement setting forth his or her address and the reasons for making the request  
6 and indicating that he or she understands the provisions of par. (c) with respect to  
7 the use of the information obtained. The use of a fictitious name is a violation of this  
8 section. Within 72 hours after any such record has been inspected, the county  
9 department or Wisconsin works agency shall mail to each person whose record was  
10 inspected a notification of that fact and the name and address of the person making  
11 such inspection. The county department or Wisconsin works agency shall keep a  
12 record of such requests.

13           **SECTION 155.** 49.32 (10) (title) of the statutes, as created by 1995 Wisconsin Act  
14 27, is amended to read:

15           49.32 (10) (title) ~~RELEASE OF RECIPIENT'S ADDRESSES~~ INFORMATION TO LAW  
16 ENFORCEMENT OFFICERS.

17           **SECTION 156.** 49.32 (10) of the statutes, as affected by 1995 Wisconsin Act 27,  
18 is renumbered 49.32 (10) (a), and 49.32 (10) (a) (intro.) and 2. b. and c., as  
19 renumbered, are amended to read:

20           49.32 (10) (a) (intro.) Each county department under s. 46.215 or 46.22 may  
21 release the current address of a recipient of aid under s. 49.19, and each Wisconsin  
22 works agency may release the current address of a participant in Wisconsin works  
23 under ss. 49.141 to 49.161, to a law enforcement officer if the officer meets all of the  
24 following conditions:

1           2. b. That the location or apprehension of the felon under subd. ~~1.~~ 2. a. is within  
2 the official duties of the officer.

3           c. That the officer is making the request in the proper exercise of his or her  
4 duties under subd. 2. b.

5           **SECTION 157.** 49.32 (10) (b) of the statutes is created to read:

6           49.32 (10) (b) If a law enforcement officer believes, on reasonable grounds, that  
7 a warrant has been issued and is outstanding for the arrest of a Wisconsin works  
8 participant, the law enforcement officer may request that a law enforcement officer  
9 be notified when the participant appears to obtain his or her benefits under the  
10 Wisconsin works program. At the request of a law enforcement officer under this  
11 paragraph, an employee of a Wisconsin works agency who disburses benefits may  
12 notify a law enforcement officer when the participant appears to obtain Wisconsin  
13 works benefits.

14           **SECTION 158.** 49.33 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27,  
15 section 2047, is amended to read:

16           49.33 (1) (b) "Income maintenance program" means aid to families with  
17 dependent children under s. 49.19, Wisconsin works under ss. 49.141 to 49.161,  
18 medical assistance under subch. IV of ch. 49 or the food stamp program under 7 USC  
19 2011 to 2029.

20           **SECTION 159.** 49.33 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 27,  
21 section 2048, is amended to read:

22           49.33 (1) (c) "Income maintenance worker" means a person employed by a  
23 county or, a governing body of a federally recognized American Indian tribe or a  
24 Wisconsin works agency whose duties include determinations or redeterminations  
25 of income maintenance program eligibility.

1           **SECTION 160c.** 49.33 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 section 2043, is amended to read:

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

12           **SECTION 161c.** 49.33 (8) (a) of the statutes, as affected by 1995 Wisconsin Act  
13 27, section 3130, is amended to read:

14           49.33 (8) (a) The department shall reimburse each county for reasonable costs  
15 of income maintenance relating to the administration of the programs under this  
16 subchapter and subch. IV according to a formula based on workload within the limits  
17 of available state and federal funds under s. 20.445 (3) (de), (dz) and (nL) by contract  
18 under s. 49.33 (2). The amount of reimbursement calculated under this paragraph  
19 and par. (b) is in addition to any reimbursement provided to a county for fraud and  
20 error reduction under s. 49.197 (1m) and (4).

21           **SECTION 163.** 49.36 (title) of the statutes, as affected by 1995 Wisconsin Act 27,  
22 is amended to read:

23           **49.36 (title) Work experience and job training program for**  
24 **noncustodial parents.**

1           **SECTION 164c.** 49.36 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 section 2137, is amended to read:

3           49.36 (2) The department may contract with any county to administer a work  
4 experience and job training program for parents who are not custodial parents and  
5 who fail to pay child support or to meet their children's needs for support as a result  
6 of unemployment or underemployment. The program may provide the kinds of work  
7 experience and job training services available from the program under s. 49.193 or  
8 49.147 (3) or (4). The program may also include job search and job orientation  
9 activities. The department shall fund the program from the appropriation under s.  
10 20.445 (3) (df).

11           **SECTION 165.** 49.36 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
12 is amended to read:

13           49.36 (3) (a) Except as provided in par. (f), a person ordered to register under  
14 s. 767.295 (2) (a) shall participate in a work experience and job training program if  
15 services are available.

16           **SECTION 166.** 49.36 (3) (g) of the statutes, as affected by 1995 Wisconsin Act 27,  
17 is amended to read:

18           49.36 (3) (g) If the person's child receives benefits under s. 49.19, the liability  
19 under s. 49.195 of a parent who is a member of the child's household is reduced by  
20 the amount of the federal minimum hourly wage under 29 USC 206 (a) (1) for each  
21 hour the person participates in a program under this section. This paragraph does  
22 not apply beginning on the first day of the 6th month beginning after the date stated  
23 in the notice under s. 49.141 (2) (d).

24           **SECTION 167.** 49.36 (4) of the statutes, as affected by 1995 Wisconsin Act 27,  
25 is amended to read:

1           49.36 (4) When a person completes 16 weeks of participation in a program  
2 under this section, the county or Wisconsin works agency operating the program  
3 shall inform the clerk of courts, by affidavit, of that completion.

4           **SECTION 168.** 49.36 (5) of the statutes, as affected by 1995 Wisconsin Act 27,  
5 is amended to read:

6           49.36 (5) A person participating in work experience ~~in a county~~ as part of the  
7 program under this section is considered an employe of ~~that~~ the county or Wisconsin  
8 works agency administering the program under this section for purposes of worker's  
9 compensation benefits only.

10          **SECTION 169.** 49.36 (6) of the statutes, as affected by 1995 Wisconsin Act 27,  
11 is amended to read:

12          49.36 (6) A county or Wisconsin works agency administering the program  
13 under this section shall reimburse a person for reasonable transportation costs  
14 incurred because of participation in a program under this section up to a maximum  
15 of \$25 per month.

16          **SECTION 170.** 49.36 (7) of the statutes, as affected by 1995 Wisconsin Act 27,  
17 is amended to read:

18          49.36 (7) The department shall pay a county or Wisconsin works agency \$200  
19 for each person who participates in the program under this section in ~~that county~~ the  
20 region in which the county or Wisconsin works agency administers the program  
21 under this section. The county or Wisconsin works agency shall pay any additional  
22 costs of the program.

23          **SECTION 172c.** 49.45 (6m) (br) 1. of the statutes, as affected by 1995 Wisconsin  
24 Act 27, is amended to read:

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

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

9           49.46 **(1)** (a) 1. Any person included in the grant of aid to families with  
10          dependent children and any person who does not receive such aid solely because of  
11          the application of s. 49.19 (11) (a) 7. This subdivision does not apply beginning on  
12          the first day of the 6th month beginning after the date stated in the notice under s.  
13          49.141 (2) (d).

14          **SECTION 174.** 49.46 (1) (a) 1m. of the statutes is amended to read:

15          49.46 **(1)** (a) 1m. Any pregnant woman who meets the resource and income  
16          limits under s. 49.19 (4) (bm) and (es) and whose pregnancy is medically verified.  
17          Eligibility continues to the last day of the month in which the 60th day after the last  
18          day of the pregnancy falls. This subdivision does not apply 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          **SECTION 175.** 49.46 (1) (a) 4m. of the statutes is created to read:

21          49.46 **(1)** (a) 4m. Any dependent child whose custodial parent, as defined under  
22          s. 49.141 (1) (b), receives a payment under s. 49.77 (3v).

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

24          49.46 **(1)** (a) 5. Any child in an adoption assistance, foster care, kinship care  
25          or treatment foster care placement under ch. 48, as determined by the department.

1           **SECTION 177.** 49.46 (1) (a) 6. of the statutes is amended to read:

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

7           **SECTION 178.** 49.46 (1) (a) 6m. of the statutes is created to read:

8           49.46 (1) (a) 6m. Any person not described in pars. (c) to (e) who is considered,  
9 under federal law, to be receiving supplemental security income for the purpose of  
10 determining eligibility for medical assistance.

11           **SECTION 179.** 49.46 (1) (a) 9. of the statutes is amended to read:

12           49.46 (1) (a) 9. Any pregnant woman not described under subd. 1. or 1m. whose  
13 family income does not exceed 133% of the poverty line for a family the size of the  
14 woman's family. This subdivision does not apply beginning on the first day of the 6th  
15 month beginning after the date stated in the notice under s. 49.141 (2) (d).

16           **SECTION 180.** 49.46 (1) (a) 10. of the statutes is amended to read:

17           49.46 (1) (a) 10. Any child not described under subd. 1. who is under 6 years  
18 of age and whose family income does not exceed 133% of the poverty line for a family  
19 the size of the child's family. This subdivision does not apply beginning on the first  
20 day of the 6th month beginning after the date stated in the notice under s. 49.141 (2)  
21 (d).

22           **SECTION 181.** 49.46 (1) (a) 11. of the statutes is amended to read:

23           49.46 (1) (a) 11. Any child not described under subd. 1. who was born after  
24 September 30, 1983, who has attained the age of 6 but has not attained the age of 19  
25 and whose family income does not exceed 100% of the poverty line for a family the

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

3 **SECTION 182.** 49.46 (1) (a) 12. of the statutes is amended to read:

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

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

9 49.46 (1) (a) 13. Any child who is under one year of age, whose mother was  
10 determined to be eligible under subd. 9. and who lives with his or her mother. This  
11 subdivision does not apply beginning on the first day of the 6th month beginning  
12 after the date stated in the notice under s. 49.141 (2) (d).

13 **SECTION 184.** 49.46 (1) (a) 16. of the statutes is created to read:

14 49.46 (1) (a) 16. Any child who is living with a relative who is eligible to receive  
15 payments under s. 48.57 (3m) with respect to that child, if the department  
16 determines that no other insurance is available to the child.

17 **SECTION 185.** 49.46 (1) (am) 3. of the statutes is created to read:

18 49.46 (1) (am) 3. This paragraph does not apply beginning on the first day of  
19 the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

20 **SECTION 186.** 49.46 (1) (cb) of the statutes is created to read:

21 49.46 (1) (cb) Paragraph (c) 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 187.** 49.46 (1) (cg) of the statutes is amended to read:

24 49.46 (1) (cg) Except as provided in par. (cs), medical assistance shall be  
25 provided to a dependent child, a relative with whom the child is living or the spouse

1 of the relative, if the spouse meets the requirements of s. 49.19 (1) (c) 2. a. or b., for  
2 4 calendar months beginning with the month in which the child, relative or spouse  
3 is ineligible for aid to families with dependent children because of the collection or  
4 increased collection of maintenance or support, if the child, relative or spouse  
5 received aid to families with dependent children in 3 or more of the 6 months  
6 immediately preceding the month in which that ineligibility begins. This paragraph  
7 does not apply beginning on the first day of the 6th month beginning after the date  
8 stated in the notice under s. 49.141 (2) (d).

9 **SECTION 188.** 49.46 (1) (co) 4. of the statutes is created to read:

10 49.46 (1) (co) 4. This paragraph does not apply beginning on the first day of the  
11 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

12 **SECTION 189.** 49.46 (1) (cr) of the statutes is renumbered 49.46 (1) (cr) 1., and  
13 49.46 (1) (cr) 1. b. and c., as renumbered, are amended to read:

14 49.46 (1) (cr) 1. b. Discloses in the application under subd. 1. a. any health  
15 insurance possessed by a member of the family.

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

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

21 49.46 (1) (cr) 2. This paragraph does not apply beginning on the first day of the  
22 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

23 **SECTION 191.** 49.46 (1) (cs) of the statutes is amended to read:

24 49.46 (1) (cs) Medical assistance shall be provided to members of a  
25 work-not-welfare group, as defined in s. 49.27 (1) (c), that is eligible for transitional

1 medical assistance coverage under s. 49.27 (8) (c). If the person is or was a member  
2 of a work-not-welfare group, as defined in s. 49.27 (1) (c), and if the period of  
3 ineligibility under s. 49.27 (4) (f) and (g) for that work-not-welfare group has not yet  
4 expired, the person is not eligible for medical assistance under par. (c), (cg), (co) or  
5 (cr), unless the person was a dependent child, as defined in s. 49.19 (1) (a), at the time  
6 that he or she was a member of the work-not-welfare group. 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 192.** 49.46 (1) (d) 1. of the statutes is amended to read:

10 49.46 (1) (d) 1. Children who are placed in licensed foster homes or licensed  
11 treatment foster homes by the department and who would be eligible for payment  
12 of aid to families with dependent children in foster homes or treatment foster homes  
13 except that their placement is not made by a county department under s. 46.215,  
14 46.22 or 46.23 will be considered as recipients of aid to families with dependent  
15 children. This subdivision does not apply beginning on the first day of the 6th month  
16 beginning after the date stated in the notice under s. 49.141 (2) (d).

17 **SECTION 193.** 49.46 (1) (e) of the statutes, as affected by 1995 Wisconsin Act 27,  
18 is renumbered 49.46 (1) (e) 1.

19 **SECTION 194.** 49.46 (1) (e) 2. of the statutes is created to read:

20 49.46 (1) (e) 2. Beginning on the first day of the 6th month beginning after the  
21 date stated in the notice under s. 49.141 (2) (d), this paragraph does not apply with  
22 respect to a person who has income and resources within the limitations of s. 49.19  
23 whether or not the person requests or receives a grant of aid under that section.

24 **SECTION 195.** 49.465 (7) of the statutes is created to read:

1           49.465 (7) This section does not apply beginning on the first day of the 6th  
2 month beginning after the date stated in the notice under s. 49.141 (2) (d).

3           **SECTION 195m.** 49.47 (1) of the statutes is amended to read:

4           49.47 (1) PURPOSE. Medical assistance as set forth herein shall be provided to  
5 persons over 65, all disabled children under 18 and, ~~if the child is “dependent”~~  
6 ~~pursuant to s. 49.19, the relatives enumerated in s. 49.19 with whom the child is~~  
7 ~~living, or persons who are blind or disabled if eligible under this section.~~

8           **SECTION 196.** 49.47 (4) (a) (intro.) of the statutes is amended to read:

9           49.47 (4) (a) (intro.) Any Except as provided in par. (ag), any individual who  
10 meets the limitations on income and resources under pars. (b) and (c) and who  
11 complies with par. (cm) shall be eligible for medical assistance under this section if  
12 such individual is:

13           **SECTION 197.** 49.47 (4) (ag) of the statutes is created to read:

14           49.47 (4) (ag) No individual is eligible for medical assistance in a month that  
15 the individual is eligible for health care coverage under s. 49.153.

16           **SECTION 198.** 49.47 (4) (an) of the statutes is created to read:

17           49.47 (4) (an) Paragraph (am) does not apply beginning on the first day of the  
18 6th month beginning after the date stated in the notice under s. 49.141 (2) (d).

19           **SECTION 198g.** 49.47 (4) (c) 2. of the statutes is amended to read:

20           49.47 (4) (c) 2. Whenever an applicant has excess income under subd. 1. or par.  
21 (am), no certification may be issued until the excess income above the applicable  
22 limits has been obligated or expended for medical care or for any other type of  
23 remedial care recognized under state law or for personal health insurance premiums  
24 or both. No individual is eligible for medical assistance under this subdivision in a  
25 month in which the individual is eligible for health care coverage under s. 49.153.

1           **SECTION 199.** 49.50 (6e) (a) of the statutes is repealed.

2           **SECTION 200.** 49.50 (6e) (b) of the statutes, as affected by 1995 Wisconsin Act  
3 27, section 3091, is renumbered 49.50 (6e).

4           **SECTION 201.** 49.50 (6g) of the statutes is amended to read:

5           49.50 **(6g)** DAY CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH  
6 DEPENDENT CHILDREN. The department shall pay the child care costs of an individual  
7 who secures unsubsidized employment and loses eligibility for aid to families with  
8 dependent children because of earned income or number of hours worked for up to  
9 12 months following the loss of eligibility if the child care is provided by a child care  
10 provider. The department shall establish a formula for assistance based on ability  
11 to pay. The rates for child care services under this subsection shall be determined  
12 under s. 46.98 (4) (d), (dg) or (dm), whichever is applicable, or, if a higher rate is  
13 established under s. 46.98 (4) (e) and if the child care services meet the quality  
14 standards established under s. 46.98 (4) (e), the rates for child care services under  
15 this subsection that meet those standards shall be determined under s. 46.98 (4) (e).  
16 The department shall promulgate rules for the disbursement of funds under this  
17 subsection.

18           **SECTION 202.** 49.50 (6k) (a) of the statutes is amended to read:

19           49.50 **(6k)** (a) County departments under ss. 46.215, 46.22 and 46.23 shall  
20 administer the funds appropriated for the purpose of providing child care under  
21 subs. (6e) ~~(b)~~ and (6g) for recipients and former recipients of aid under s. 49.19 and  
22 under sub. (7) (e) for participants in the learnfare program. The department shall  
23 allocate funds to county departments under ss. 46.215, 46.22 and 46.23 for the  
24 purposes of this paragraph.

25           **SECTION 203.** 49.50 (6k) (b) of the statutes is amended to read:

1           49.50 **(6k)** (b) Beginning on January 1, 1994, a county department under s.  
2           46.215, 46.22 or 46.23 may, with the approval of the department, provide payment  
3           for, or reimbursement of, child care under s. 49.193 (8) ~~or 49.50 (6e) (a)~~ using funds  
4           allocated under par. (a). The department shall approve or disapprove this use of  
5           funds under criteria established to maximize state and federal funding available for  
6           child care.

7           **SECTION 204.** 49.50 (7) (e) of the statutes is amended to read:

8           49.50 **(7)** (e) For an individual who is a recipient of aid under s. 49.19, who is  
9           the parent with whom a dependent child lives and who is either required to attend  
10          school under par. (g) or is under 20 years of age and wants to attend school, the  
11          department shall make a monthly payment to the individual or the child care  
12          provider for the month's child care costs in an amount based on need with the  
13          maximum amount per child equal to the lesser of the actual cost of the care or the  
14          rate established under s. 46.98 (4) (d), (dg) or (dm), whichever is applicable, or, if a  
15          higher rate is established under s. 46.98 (4) (e) and if the child care meets the quality  
16          standards established under s. 46.98 (4) (e), in an amount based on need with the  
17          maximum amount per child equal to the lesser of the actual cost of the care or the  
18          rate established under s. 46.98 (4) (e), if the individual demonstrates the need to  
19          purchase child care services in order to attend school and those services are available  
20          from a child care provider.

21          **SECTION 207.** 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 209.** 49.77 (3v) of the statutes is created to read:

14 49.77 (3v) INCREASED SUPPLEMENTAL PAYMENTS TO CUSTODIAL PARENTS. (a) In this  
15 subsection:

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

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

18 (b) A person who is entitled to receive supplemental payments under this  
19 section and who is a custodial parent shall receive an increased state supplement of  
20 \$77 for each dependent child with respect to whom the person is a custodial parent.

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

1           **SECTION 210.** 49.83 of the statutes, as affected by 1995 Wisconsin Act 27,  
2 sections 3142 and 3144, is amended to read:

3           **49.83 Limitation on giving information.** Except as provided under s. 49.32  
4 (9) and (10), no person may use or disclose information concerning applicants and  
5 recipients of relief funded by a relief block grant, aid to families with dependent  
6 children, Wisconsin works under ss. 49.141 to 49.161, social services or supplemental  
7 payments under s. 49.77, for any purpose not connected with the administration of  
8 the programs. Any person violating this subsection may be fined not less than \$25  
9 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more  
10 than one year or both.

11           **SECTION 211.** 49.84 (5) of the statutes, as affected by 1995 Wisconsin Act 27,  
12 section 3211, is amended to read:

13           49.84 (5) A person applying for Wisconsin works under ss. 49.141 to 49.161, aid  
14 to families with dependent children under s. 49.19, medical assistance under subch.  
15 IV or food stamp program benefits under 7 USC 2011 to 2029 shall, as a condition  
16 of eligibility, provide a declaration and other verification of citizenship or satisfactory  
17 immigration status as required by the department by rule or as required in 42 USC  
18 1320b-7 (d).

19           **SECTION 212.** 49.85 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
20 section 2146, is amended to read:

21           49.85 (1) COUNTY DEPARTMENT NOTIFICATION REQUIREMENT. If a county  
22 department under s. 46.215, 46.22 or 46.23 ~~or~~, a governing body of a federally  
23 recognized American Indian tribe or band or a Wisconsin works agency determines  
24 that the department of health and social services may recover an amount under s.  
25 49.497 or that the department of industry, labor and human relations may recover

1 an amount under s. 49.125, 49.161 or 49.195 (3), the county department or governing  
2 body shall notify the affected department of the determination.

3 **SECTION 213.** 49.85 (2) (b) and (3) (b) 1. of the statutes, as created by 1995  
4 Wisconsin Act 27, are amended to read:

5 49.85 (2) (b) At least annually, the department of industry, labor and human  
6 relations shall certify to the department of revenue the amounts that, based on the  
7 notifications received under sub. (1) and on other information received by the  
8 department of industry, labor and human relations, the department of industry,  
9 labor and human relations has determined that it may recover under ss. 49.125,  
10 49.161 and 49.195 (3), except that the department of industry, labor and human  
11 relations may not certify an amount under this subsection unless it has met the  
12 notice requirements under sub. (3) and unless ~~it's~~ its determination has either not  
13 been appealed or is no longer under appeal.

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

19 **SECTION 214.** 49.95 (4m) (a) of the statutes, as affected by 1995 Wisconsin Act  
20 27, section 3220, is amended to read:

21 49.95 (4m) (a) Without legal authority, sends or brings a person to a county,  
22 tribal governing body or municipality or advises a person to go to a county, tribal  
23 governing body or municipality for the purpose of obtaining relief funded by a relief  
24 block grant, benefits under the Wisconsin works program under ss. 49.141 to 49.161,

1 aid to families with dependent children under s. 49.19, medical assistance under  
2 subch. IV or food stamps under 7 USC 2011 to 2029.

3 **SECTION 215.** 49.95 (11) of the statutes, as affected by 1995 Wisconsin Act 27,  
4 is amended to read:

5 49.95 (11) “Public assistance” as used in this section includes relief funded by  
6 a relief block grant and benefits under ss. 49.141 to 49.161.

7 **SECTION 216.** 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. 48.57 (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 217.** 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. 46.261, 49.19 or 49.47.

5 **SECTION 218.** 60.23 (25) of the statutes is amended to read:

6 60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its  
7 officers and employes on a self-insured basis if the self-insured plan complies with  
8 ss. 631.89, 631.90, 631.93 (2), 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3),  
9 632.87 (4) and (5), 632.895 (9) and 632.896.

10 **SECTION 219.** 66.184 of the statutes is amended to read:

11 **66.184 Self-insured health plans.** If a city, including a 1st class city, or a  
12 village provides health care benefits under its home rule power, or if a town provides  
13 health care benefits, to its officers and employes on a self-insured basis, the  
14 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
15 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) and  
16 (10), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

17 **SECTION 219m.** 71.07 (9e) (em) of the statutes is created to read:

18 71.07 (9e) (em) 1. If an employe completes a form prescribed by the department  
19 of revenue on which the employe estimates the amount of credit that is due to the  
20 employe under this subsection for the taxable year and submits the form to his or her  
21 employer and if the estimated credit for the taxable year is at least \$120, that  
22 employer may pay, for each pay period, a prorated portion of the estimated credit.

23 2. An employer who pays employes under subd. 1. may reduce the amount owed  
24 under subch. X for the reporting period by the total of the payments made during the  
25 reporting period. If the total amount due under subch. X for any reporting period is

**SECTION 219m**

1 less than the total amount paid under subd. 1. for the reporting period, the employer  
2 may subtract the difference from any contributions due under ch. 108 in accordance  
3 with s. 108.16 (11).

4 3. On his or her return for the taxable year for which an employe receives  
5 payments under subd. 1., the employe may claim a credit under this subsection only  
6 for the amount that was otherwise due under this subsection and not paid under  
7 subd. 1. and shall subtract from the refund or credit due or add to the liability under  
8 this chapter any amount received under subd. 1. that is not otherwise due under this  
9 subsection.

10 **SECTION 220.** 71.54 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin  
11 Act 27, is amended to read:

12 71.54 (2) (a) (intro.) Property taxes accrued or rent constituting property taxes  
13 accrued shall be reduced by one-twelfth for each month or portion of a month for  
14 which the claimant received relief from any county under s. 59.07 (154) equal to or  
15 in excess of \$400, participated in Wisconsin works under s. 49.147 (4) or (5) or  
16 received assistance under s. 49.19, except assistance received:

17 **SECTION 221.** 102.07 (17) of the statutes is created to read:

18 102.07 (17) A participant in a trial job under s. 49.147 (3) is an employe of any  
19 employer under this chapter for whom the participant is performing service at the  
20 time of the injury.

21 **SECTION 222.** 102.07 (18) of the statutes is created to read:

22 102.07 (18) A participant in a community service job under s. 49.147 (4) or a  
23 transitional placement under s. 49.147 (5) is an employe of the Wisconsin works  
24 agency, as defined under s. 49.001 (9), for the purposes of this chapter, except to the

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

3 **SECTION 223.** 102.29 (8m) of the statutes is created to read:

4 102.29 (8m) No participant in a community service job under s. 49.147 (4) or  
5 a transitional placement under s. 49.147 (5) who, under s. 49.147 (4) (c) or (5) (c), is  
6 provided worker's compensation coverage by a Wisconsin works agency, as defined  
7 under s. 49.001 (9), and who makes a claim for compensation under this chapter may  
8 make a claim or maintain an action in tort against the employer who provided the  
9 community service job or transitional placement from which the claim arose.

10 **SECTION 224.** 106.21 (1) (g) of the statutes, as affected by 1995 Wisconsin Act  
11 27, is amended to read:

12 106.21 (1) (g) "Public assistance" means relief provided by counties under s.  
13 59.07 (154), Wisconsin works under ss. 49.141 to 49.161, aid to families with  
14 dependent children under s. 49.19, medical assistance under subch. IV of ch. 49,  
15 low-income energy assistance under s. 16.385, weatherization assistance under s.  
16 16.39 and the food stamp program under 7 USC 2011 to 2029.

17 **SECTION 225.** 106.215 (1) (fm) of the statutes, as affected by 1995 Wisconsin Act  
18 27, is amended to read:

19 106.215 (1) (fm) "Public assistance" means relief provided by counties under  
20 s. 59.07 (154), Wisconsin works under ss. 49.141 to 49.161, aid to families with  
21 dependent children under s. 49.19, medical assistance under subch. IV of ch. 49,  
22 low-income energy assistance under s. 16.385, weatherization assistance under s.  
23 16.39 and the food stamp program under 7 USC 2011 to 2029.

24 **SECTION 225b.** 108.16 (2) (b) of the statutes is amended to read:

1           108.16 (2) (b) ~~Each~~ Except as provided in sub. (6) and s. 108.19, each employer's  
2 account shall be credited with all its contributions paid into the fund and any  
3 amounts transferred by the department to the fund in lieu of such contributions  
4 under sub. (11), and shall be charged with all benefits duly paid from the fund to its  
5 employes based on their past employment by it, except as otherwise specified in this  
6 chapter.

7           **SECTION 225d.** 108.16 (6) (L) of the statutes is created to read:

8           108.16 (6) (L) Any moneys payable from the appropriation under s. 20.445 (1)  
9 (gg) in lieu of contributions under sub. (11).

10          **SECTION 225f.** 108.16 (11) of the statutes is created to read:

11          108.16 (11) If an employer that is subject to a contribution requirement is  
12 permitted under s. 71.07 (9e) (em) to pay, and elects to pay, an estimated earned  
13 income tax credit to its employes, the employer may, after first applying the  
14 employer's payments to the total amounts owed by that employer under subch. X of  
15 ch. 71 for any quarter, reduce its contributions otherwise payable to the department  
16 under ss. 108.17 to 108.19 by the remaining total amount of credits paid by the  
17 employer to its employes for the same quarter, to the extent of the employer's  
18 contribution liability for that quarter. The department shall promptly transfer an  
19 amount equal to any reduction lawfully claimed by an employer under this  
20 subsection from the appropriation under s. 20.445 (1) (gg) to the unemployment trust  
21 fund of the United States under sub. (5) (a), except that if the reduced contributions  
22 would otherwise be credited to the balancing account or administrative account, the  
23 department shall promptly transfer an amount equal to such reduced contributions  
24 from the appropriation under s. 20.445 (1) (gg) to the appropriate account.

25          **SECTION 225h.** 108.18 (1) (a) of the statutes is amended to read:

1           108.18 (1) (a) ~~Each~~ Except as authorized in s. 108.16 (11), each employer shall  
2 pay contributions to the fund for each calendar year at whatever rate on the  
3 employer's payroll for that year duly applies to the employer pursuant to this section.

4           **SECTION 225j.** 108.19 (1) and (1m) of the statutes are amended to read:

5           108.19 (1) ~~Each~~ Except as authorized in s. 108.16 (11), each employer subject  
6 to this chapter shall regularly contribute to the administrative account at the rate  
7 of two-tenths of one per cent per year on its payroll, except that the department may  
8 prescribe at the close of any fiscal year such lower rates of contribution under this  
9 section, to apply to classes of employers throughout the ensuing fiscal year, as will  
10 in the department's judgment adequately finance the administration of this chapter,  
11 and as will in the department's judgment fairly represent the relative cost of the  
12 services rendered by the department to each such class.

13           **(1m)** ~~Each~~ Except as authorized in s. 108.16 (11), each employer subject to this  
14 chapter as of the date a rate is established under this subsection shall pay an  
15 assessment to the administrative account at a rate established by the department  
16 sufficient to pay interest due on advances from the federal unemployment account  
17 under title XII of the social security act (42 USC 1321 to 1324). The rate established  
18 by the department for employers who finance benefits under s. 108.15 (2) or 108.151  
19 (2) shall be 75% of the rate established for other employers. The amount of any  
20 employer's assessment shall be the product of the rate established for that employer  
21 multiplied by the employer's payroll of the previous calendar year as taken from  
22 quarterly contribution reports filed by the employer or, in the absence of the filing  
23 of such reports, estimates made by the department. Each assessment made under  
24 this subsection is due on the 30th day commencing after the date on which notice of  
25 the assessment is mailed by the department. If the amounts collected under this

1 subsection are in excess of the amounts needed to pay interest due, the amounts shall  
2 be retained in the administrative account and utilized for the purposes specified in  
3 s. 108.20 (2m).

4 **SECTION 225L.** 108.20 (2m) of the statutes is amended to read:

5 108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge) and (gf)  
6 which are received by the administrative account as interest and penalties under  
7 this chapter, the department shall pay the benefits chargeable to the administrative  
8 account under s. 108.07 (5) ~~and~~, the interest payable to employers under s. 108.17  
9 (3m) and the cost of administration of s. 108.16 (11) and may pay interest due on  
10 advances to the unemployment reserve fund from the federal unemployment account  
11 under title XII of the social security act, 42 USC 1321 to 1324, may make payments  
12 to satisfy a federal audit exception concerning a payment from the fund or any  
13 federal aid disallowance involving the unemployment compensation program, or  
14 may make payments to the fund if such action is necessary to obtain a lower interest  
15 rate or deferral of interest payments on advances from the federal unemployment  
16 account under title XII of the social security act, except that any interest earned  
17 pending disbursement of federal employment security grants under s. 20.445 (1) (n)  
18 shall be credited to the general fund. Any moneys reverting to the administrative  
19 account from the appropriations under s. 20.445 (1) (ge) and (gf) shall be utilized as  
20 provided in this subsection.

21 **SECTION 225n.** 108.22 (1) (g) of the statutes is created to read:

22 108.22 (1) (g) If an employer lawfully reduces its contributions otherwise  
23 payable to the department under s. 108.16 (11), the amount of any reduction is  
24 considered to be timely paid by that employer if a report claiming that reduction is  
25 filed by the employer in a timely manner.

1           **SECTION 226.** 111.70 (1) (a) of the statutes, as affected by 1995 Wisconsin Act  
2 27, is amended to read:

3           111.70 (1) (a) “Collective bargaining” means the performance of the mutual  
4 obligation of a municipal employer, through its officers and agents, and the  
5 representative of its municipal employes in a collective bargaining unit, to meet and  
6 confer at reasonable times, in good faith, with the intention of reaching an  
7 agreement, or to resolve questions arising under such an agreement, with respect to  
8 wages, hours and conditions of employment, and with respect to a requirement of the  
9 municipal employer for a municipal employe to perform law enforcement and fire  
10 fighting services under s. 61.66, except as provided in sub. (4) (m) and (n) and s. 40.81  
11 (3) and except that a municipal employer shall not meet and confer with respect to  
12 any proposal to diminish or abridge the rights guaranteed to municipal employes  
13 under ch. 164. The duty to bargain, however, does not compel either party to agree  
14 to a proposal or require the making of a concession. Collective bargaining includes  
15 the reduction of any agreement reached to a written and signed document. The  
16 municipal employer shall not be required to bargain on subjects reserved to  
17 management and direction of the governmental unit except insofar as the manner  
18 of exercise of such functions affects the wages, hours and conditions of employment  
19 of the municipal employes in a collective bargaining unit. In creating this subchapter  
20 the legislature recognizes that the municipal employer must exercise its powers and  
21 responsibilities to act for the government and good order of the jurisdiction which it  
22 serves, its commercial benefit and the health, safety and welfare of the public to  
23 assure orderly operations and functions within its jurisdiction, subject to those  
24 rights secured to municipal employes by the constitutions of this state and of the  
25 United States and by this subchapter.

1           **SECTION 227.** 111.70 (4) (n) of the statutes is created to read:

2           111.70 (4) (n) *Health benefit plan requirements.* 1. Except as provided in subd.  
3 2., the municipal employer is prohibited from bargaining collectively with respect to  
4 compliance with the health benefit plan requirements under ss. 632.745, 632.747  
5 and 632.749.

6           2. If a municipal employer offers its employes a health care coverage plan  
7 through a program offered by the group insurance board under s. 40.51 (7), the  
8 municipal employer is prohibited from bargaining collectively with respect to  
9 compliance with the health benefit plan requirements under ss. 632.745 (1) to (3) and  
10 (5) and 632.747 with respect to the health care coverage plan.

11           **SECTION 228.** 111.91 (2) (k) of the statutes is created to read:

12           111.91 (2) (k) Compliance with the health benefit plan requirements under ss.  
13 632.745 (1) to (3) and (5) and 632.747.

14           **SECTION 229.** 115.347 of the statutes, as affected by 1995 Wisconsin Act 27, is  
15 amended to read:

16           115.347 (2) Whenever a school district that is located in whole or in part in a  
17 county that has converted to the client assistance for reemployment and economic  
18 support data system submits a report under sub. (1) in the prescribed format, the  
19 department of industry, labor and human relations shall determine which children  
20 enrolled in the school district are members of Wisconsin works groups participating  
21 under s. 49.147 (3) to (5) or of families receiving aid to families with dependent  
22 children or food stamps, or both, and shall provide the information to the school board  
23 as soon thereafter as possible. The school board shall use the information to directly  
24 certify children as eligible for free or reduced-price meals served by the school

1 district under federal school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C)  
2 (ii) and (iii).

3 **SECTION 230.** 115.40 (4) (b) of the statutes, as affected by 1995 Wisconsin Act  
4 27, is amended to read:

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

14 **SECTION 231.** 115.40 (4) (c) 1. of the statutes is amended to read:

15 115.40 (4) (c) 1. Programs that involve a school district that, in the previous  
16 school year, had a high proportion of pupils for whom aid to families with dependent  
17 children was being received under s. 49.19, a high proportion of pupils who were  
18 members of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member  
19 who participated under s. 49.147 (3) to (5), a high proportion of pupils who were  
20 children at risk, as defined under s. 118.153 (1) (a), or a high proportion of dropouts,  
21 as defined under s. 118.153 (1) (b).

22 **SECTION 232.** 115.45 (3m) (a) 2. of the statutes is amended to read:

23 115.45 (3m) (a) 2. "Low-income pupil" means a pupil for whom aid to families  
24 with dependent children is being received under s. 49.19 or a pupil who is a member

1 of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is  
2 participating in Wisconsin works under s. 49.147 (3) to (5).

3 **SECTION 233.** 119.82 (1) (a) 2. of the statutes is amended to read:

4 119.82 (1) (a) 2. Is receiving aid to families with dependent children under s.  
5 49.19 or is a member of a Wisconsin works group, as defined in s. 49.141 (1) (s), with  
6 a member who is participating in Wisconsin works under s. 49.147 (3) to (5).

7 **SECTION 234.** 120.13 (2) (g) of the statutes is amended to read:

8 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
9 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.745 (2), (3) and (5) (a) 2. and (b) 2.,  
10 632.747 (3), 632.87 (4) and (5), 632.895 (9) and (10), 632.896, 767.25 (4m) (d) and  
11 767.51 (3m) (d).

12 **SECTION 234m.** 120.13 (14) of the statutes, as affected by 1995 Wisconsin Act  
13 27, is amended to read:

14 120.13 (14) DAY CARE PROGRAMS. Establish and provide or contract for the  
15 provision of day care programs for children. The school board may receive federal  
16 or state funds for this purpose. The school board may charge a fee for all or part of  
17 the cost of the service for participation in a day care program established under this  
18 subsection. Costs associated with a day care program under this subsection may not  
19 be included in shared costs under s. 121.07 (6). Day care programs established under  
20 this subsection shall meet the standards for licensed day care centers established by  
21 the department of health and family services. If a school board proposes to contract  
22 for or renew a contract for the provision of a day care program under this subsection  
23 or if on the effective date of this subsection ... [revisor inserts date], a school board  
24 is a party to a contract for the provision of a day care program under this subsection,  
25 the school board shall refer the contractor or proposed contractor to the department

1 of health and family services for the background investigations required under s.  
2 48.65 (1m).

3 **SECTION 235.** 120.13 (27m) of the statutes is amended to read:

4 120.13 **(27m)** TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to  
5 and from school for indigent pupils who reside in the school district and who are not  
6 required to be transported under s. 121.54. In this subsection, “indigent pupils”  
7 means pupils eligible for free lunches or reduced-price lunches under 42 USC 1758  
8 or aid to 18-year-old students under s. 49.20 or for whom aid to families with  
9 dependent children is being received under s. 49.19 or who are members of a  
10 Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is  
11 participating in Wisconsin works under s. 49.147 (3) to (5) or any combination  
12 thereof, as determined by the school board. If a school board determines to provide  
13 transportation under this subsection, there shall be reasonable uniformity in the  
14 transportation furnished such pupils whether they attend public or private schools.  
15 The cost of transporting pupils under this subsection may not be included in the  
16 school district’s shared cost under s. 121.07 (6) (a).

17 **SECTION 236.** 185.981 (4t) of the statutes is amended to read:

18 185.981 **(4t)** A sickness care plan operated by a cooperative association is  
19 subject to ss. 252.14, 631.89, 632.72 (2), 632.745, 632.747, 632.749, 632.87 (2m), (3),  
20 (4) and (5), 632.895 (10) and 632.897 (10) and ch. 155.

21 **SECTION 237.** 185.983 (1) (intro.) of the statutes is amended to read:

22 185.983 **(1)** (intro.) Every such voluntary nonprofit sickness care plan shall be  
23 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
24 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
25 (2), 632.745, 632.747, 632.749, 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5),

1 632.895 (5), (9) and (10), 632.896 and 632.897 (10), subch. II of ch. 619 and chs. 609,  
2 630, 635, 645 and 646, but the sponsoring association shall:

3 **SECTION 239.** 227.01 (13) (zs) of the statutes is created to read:

4 227.01 (13) (zs) Establishes geographical areas under s. 49.143 for the  
5 administration of Wisconsin works under ss. 49.141 to 49.161.

6 **SECTION 241.** 230.04 (13) (a) and (e) 1. and 2. of the statutes are amended to  
7 read:

8 230.04 (13) (a) Establish standards for plans to increase state employment of  
9 recipients of aid under s. 49.19 or benefits under s. 49.147 (3) to (5) prepared by  
10 agencies under s. 230.147 (1). The standards shall state the time periods within  
11 which these plans shall be prepared.

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

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

18 **SECTION 242.** 230.147 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
19 is amended to read:

20 230.147 (1) Each appointing authority of an agency with more than 100  
21 authorized permanent full-time equivalent positions shall prepare and implement  
22 a plan of action to employ persons who, at the time determined under sub. (4), receive  
23 aid under s. 49.19, or benefits under s. 49.147 (3) to (5), with the goal of making the  
24 ratio of those persons occupying permanent positions in the agency to the total  
25 number of persons occupying permanent positions in the agency equal to the ratio

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

5 **SECTION 243.** 230.147 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
6 is amended to read:

7 230.147 (2) Each appointing authority of an agency with 100 or fewer  
8 authorized permanent full-time equivalent positions is encouraged to employ  
9 persons who, at the time determined under sub. (4), receive aid under s. 49.19, or  
10 benefits under s. 49.147 (3) to (5), to attempt to make the ratio of those persons  
11 occupying permanent positions in the agency to the total number of persons  
12 occupying permanent positions in the agency equal to the ratio of the average case  
13 load receiving aid under s. 49.19, or benefits under s. 49.147 (3) to (5) in this state  
14 in the previous fiscal year to the average number of persons in the state civilian labor  
15 force in the preceding fiscal year, as determined by the department of industry, labor  
16 and human relations.

17 **SECTION 244.** 230.147 (3) of the statutes is amended to read:

18 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall  
19 make every reasonable effort to employ in permanent full-time equivalent positions  
20 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or  
21 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the  
22 department of employment relations to assure that its efforts under this subsection  
23 comply with ch. 230.

24 **SECTION 245.** 560.14 (1) (a) (intro.) and 1. of the statutes are consolidated,  
25 renumbered 560.14 (1) (a) and amended to read:

1           560.14 (1) (a) “Applicable median household income” means the greater of the  
2 following: ~~1. The median family income for the county where the household is~~  
3 located, as determined annually by the U.S. department of housing and urban  
4 development.

5           **SECTION 246.** 560.14 (1) (a) 2. of the statutes is repealed.

6           **SECTION 247.** 600.01 (2) (b) of the statutes is amended to read:

7           600.01 (2) (b) Group or blanket insurance described in sub. (1) (b) 3. and 4. is  
8 not exempt from s. 632.745, 632.747 or 632.749 or ch. 633 or 635.

9           **SECTION 248.** 628.34 (3) (a) of the statutes is amended to read:

10          628.34 (3) (a) No insurer may unfairly discriminate among policyholders by  
11 charging different premiums or by offering different terms of coverage except on the  
12 basis of classifications related to the nature and the degree of the risk covered or the  
13 expenses involved, subject to s. ss. 632.365 and 632.745. Rates are not unfairly  
14 discriminatory if they are averaged broadly among persons insured under a group,  
15 blanket or franchise policy, and terms are not unfairly discriminatory merely  
16 because they are more favorable than in a similar individual policy.

17          **SECTION 249.** 628.34 (3) (b) of the statutes is amended to read:

18          628.34 (3) (b) No insurer may refuse to insure or refuse to continue to insure,  
19 or limit the amount, extent or kind of coverage available to an individual, or charge  
20 an individual a different rate for the same coverage because of a mental or physical  
21 disability except when the refusal, limitation or rate differential is based on either  
22 sound actuarial principles supported by reliable data or actual or reasonably  
23 anticipated experience, subject to ss. 632.745, 632.747, 632.749, 635.09 and 635.26.

24          **SECTION 250.** 632.745 of the statutes is created to read:

1           **632.745 Coverage requirements for group health benefit plans. (1)**

2           GROUP HEALTH INSURANCE MARKET REFORM; DEFINITIONS. In this section and ss. 632.747  
3           and 632.749:

4           (a) 1. Except as provided in subd. 2., “eligible employe” means an employe who  
5           works on a permanent basis and has a normal work week of 30 or more hours. The  
6           term includes a sole proprietor, a business owner, including the owner of a farm  
7           business, a partner of a partnership and a member of a limited liability company if  
8           the sole proprietor, business owner, partner or member is included as an employe  
9           under a health benefit plan of an employer, but the term does not include an employe  
10          who works on a temporary or substitute basis.

11          2. For purposes of a group health benefit plan, or a self-insured health plan,  
12          that is offered by the state under s. 40.51 (6) or by the group insurance board under  
13          s. 40.51 (7), “eligible employe” has the meaning given in s. 40.02 (25).

14          (b) “Employer” means any of the following:

15          1. An individual, firm, corporation, partnership, limited liability company or  
16          association that is actively engaged in a business enterprise in this state, including  
17          a farm business.

18          2. A municipality, as defined in s. 16.70 (8).

19          3. The state.

20          (c) “Group health benefit plan” means a health benefit plan that is issued by  
21          an insurer to an employer on behalf of a group consisting of eligible employes of the  
22          employer. The term includes individual health benefit plans covering eligible  
23          employes when 3 or more are sold to an employer.

24          (d) “Health benefit plan” means any hospital or medical policy or certificate.  
25          “Health benefit plan” does not include accident-only, credit accident or health,

1 dental, vision, medicare supplement, medicare replacement, long-term care,  
2 disability income or short-term insurance, coverage issued as a supplement to  
3 liability insurance, worker's compensation or similar insurance, automobile medical  
4 payment insurance, individual conversion policies, specified disease policies,  
5 hospital indemnity policies, as defined in s. 632.895 (1) (c), policies or certificates  
6 issued under the health insurance risk-sharing plan or an alternative plan under  
7 subch. II of ch. 619 or other insurance exempted by rule of the commissioner.

8 (e) "Insurer" means an insurer that is authorized to do business in this state,  
9 in one or more lines of insurance that includes health insurance, and that offers  
10 group health benefit plans covering eligible employees of one or more employers in  
11 this state. The term includes a health maintenance organization, as defined in s.  
12 609.01 (2), a preferred provider plan, as defined in s. 609.01 (4), an insurer operating  
13 as a cooperative association organized under ss. 185.981 to 185.985 and a limited  
14 service health organization, as defined in s. 609.01 (3).

15 (f) 1. "Qualifying coverage" means benefits or coverage provided under any of  
16 the following:

17 a. Medicare, medicaid or the Wisconsin works healthplan.

18 b. A group health benefit plan or an employer-based health benefit  
19 arrangement that provides benefits similar to or exceeding benefits provided under  
20 a basic health benefit plan under subch. II of ch. 635.

21 c. An individual health benefit plan that provides benefits similar to or  
22 exceeding benefits provided under a basic health benefit plan under subch. II of ch.  
23 635, if the individual health benefit plan has been in effect for at least one year.

24 2. Notwithstanding subd. 1. b. and c., "qualifying coverage" does not include a  
25 high cost-share health benefit plan that is linked to a tax-preferred savings plan for

1 payment of medical expenses if the employer that provides the individual's new  
2 coverage offers its eligible employees a choice of health benefit plan options that  
3 includes a high cost-share health benefit plan that may be linked to a tax-preferred  
4 savings plan for payment of medical expenses and the individual's new coverage is  
5 not such a high cost-share health benefit plan.

6 (g) "Self-insured health plan" means a self-insured health plan of the state or  
7 a county, city, village, town or school district.

8 **(2) PREEXISTING CONDITIONS.** (a) A group health benefit plan, or a self-insured  
9 health plan, may not deny, exclude or limit benefits for a covered individual for losses  
10 incurred more than 12 months after the effective date of the individual's coverage  
11 due to a preexisting condition.

12 (b) Except as provided in par. (c), a group health benefit plan, or a self-insured  
13 health plan, may not define a preexisting condition more restrictively than any of the  
14 following:

15 1. A condition that would have caused an ordinarily prudent person to seek  
16 medical advice, diagnosis, care or treatment during the 6 months immediately  
17 preceding the effective date of coverage and for which the individual did not seek  
18 medical advice, diagnosis, care or treatment.

19 2. A condition for which medical advice, diagnosis, care or treatment was  
20 recommended or received during the 6 months immediately preceding the effective  
21 date of coverage.

22 (c) Notwithstanding par. (b) 1. and 2., a group health benefit plan, or a  
23 self-insured health plan, shall exclude pregnancy from the definition of a preexisting  
24 condition for the purpose of coverage of expenses related to prenatal and postnatal  
25 care, delivery and any complications of pregnancy.

1           **(3) PORTABILITY.** (a) A group health benefit plan, or a self-insured health plan,  
2 shall waive any period applicable to a preexisting condition exclusion or limitation  
3 period with respect to particular services for the period that an individual was  
4 previously covered by qualifying coverage that was not sponsored by the employer  
5 sponsoring the group health benefit plan or the self-insured health plan and that  
6 provided benefits with respect to such services, if the qualifying coverage terminated  
7 not more than 60 days before the effective date of the new coverage.

8           (b) Paragraph (a) does not prohibit the application of a waiting period to all new  
9 enrollees under a group health benefit plan or a self-insured health plan; however,  
10 a waiting period may not be applied when determining whether the qualifying  
11 coverage terminated not more than 60 days before the effective date of the new  
12 coverage.

13           (c) If the federal government enacts legislation providing for a federal income  
14 tax exemption for amounts deposited in a savings plan for payment of medical  
15 expenses that is linked to a high cost-share health benefit plan, and for any interest,  
16 dividends or other gain that accrues in the savings plan if redeposited in the savings  
17 plan, 6 years after the enactment of the federal legislation the commissioner shall  
18 conduct a study of individuals and groups that had coverage under a high cost-share  
19 health benefit plan linked to a tax-preferred savings plan for payment of medical  
20 expenses and that terminated that coverage in order to enroll in a health benefit plan  
21 that was not such a high cost-share health plan. If as a result of the study the  
22 commissioner determines that s. 632.745 (1) (f) 2. is not necessary for the purpose for  
23 which it was intended, the commissioner shall certify that determination to the  
24 revisor of statutes. Upon the certification, the revisor of statutes shall publish notice  
25 in the Wisconsin administrative register of the determination, the date of the

1 certification and that after 30 days after the date of the certification s. 632.745 (1)  
2 (f) 2. is not effective.

3 **(4) MINIMUM PARTICIPATION OF EMPLOYES.** (a) Except as provided in par. (d),  
4 requirements used by an insurer in determining whether to provide coverage under  
5 a group health benefit plan to an employer, including requirements for minimum  
6 participation of eligible employees and minimum employer contributions, shall be  
7 applied uniformly among all employers that apply for or receive coverage from the  
8 insurer.

9 (b) An insurer may vary its minimum participation requirements and  
10 minimum employer contribution requirements only by the size of the employer group  
11 based on the number of eligible employees.

12 (c) In applying minimum participation requirements with respect to an  
13 employer, an insurer may not count eligible employees who have other coverage that  
14 is qualifying coverage in determining whether the applicable percentage of  
15 participation is met, except that an insurer may count eligible employees who have  
16 coverage under another health benefit plan that is sponsored by that employer and  
17 that is qualifying coverage.

18 (d) An insurer may not increase a requirement for minimum employee  
19 participation or a requirement for minimum employer contribution that applies to  
20 an employer after the employer has been accepted for coverage.

21 (e) This subsection does not apply to a group health benefit plan offered by the  
22 state under s. 40.51 (6) or by the group insurance board under s. 40.51 (7).

23 **(5) PROHIBITED COVERAGE PRACTICES.** (a) 1. Except as provided in rules  
24 promulgated under subd. 3., if an insurer offers a group health benefit plan to an  
25 employer, the insurer shall offer coverage to all of the eligible employees of the

1 employer and their dependents. Except as provided in rules promulgated under  
2 subd. 3., an insurer may not offer coverage to only certain individuals in an employer  
3 group or to only part of the group, except for an eligible employe who has not yet  
4 satisfied an applicable waiting period, if any.

5 2. Except as provided in rules promulgated under subd. 3., if the state or a  
6 county, city, village, town or school district offers coverage under a self-insured  
7 health plan, it shall offer coverage to all of its eligible employes and their dependents.  
8 Except as provided in rules promulgated under subd. 3., the state or a county, city,  
9 village, town or school district may not offer coverage to only certain individuals in  
10 the employer group or to only part of the group, except for an eligible employe who  
11 has not yet satisfied an applicable waiting period, if any.

12 3. The secretary of employe trust funds, with the approval of the group  
13 insurance board, shall promulgate rules related to offering coverage to eligible  
14 employes under a group health benefit plan, or a self-insured health plan, offered  
15 by the state under s. 40.51 (6) or by the group insurance board under s. 40.51 (7). The  
16 rules shall conform to the intent of subds. 1. and 2. and may not allow the state or  
17 the group insurance board to refuse to offer coverage to an eligible employe or  
18 dependent for reasons related to health condition.

19 (b) 1. An insurer may not modify a group health benefit plan with respect to  
20 an employer or an eligible employe or dependent, through riders, endorsements or  
21 otherwise, to restrict or exclude coverage for certain diseases or medical conditions  
22 otherwise covered by the group health benefit plan.

23 2. The state or a county, city, village, town or school district may not modify a  
24 self-insured health plan with respect to an eligible employe or dependent, through

1 riders, endorsements or otherwise, to restrict or exclude coverage for certain diseases  
2 or medical conditions otherwise covered by the self-insured health plan.

3 3. Nothing in this paragraph limits the authority of the group insurance board  
4 to fulfill its obligations as trustee under s. 40.03 (6) (d) or to design or modify  
5 procedures or provisions pertaining to enrollment, premium transmitted or coverage  
6 of eligible employes for health care benefits under s. 40.51 (1).

7 **SECTION 250m.** 632.745 (1) (f) 2. of the statutes, as created by 1995 Wisconsin  
8 Act .... (this act), is repealed.

9 **SECTION 251.** 632.747 of the statutes is created to read:

10 **632.747 Guaranteed acceptance. (1) EMPLOYEE BECOMES ELIGIBLE AFTER**  
11 **COMMENCEMENT OF COVERAGE.** If an insurer provides coverage under a group health  
12 benefit plan, the insurer shall provide coverage under the group health benefit plan  
13 to an eligible employe who becomes eligible for coverage after the commencement of  
14 the employer's coverage, and to the eligible employe's dependents, regardless of  
15 health condition or claims experience, if all of the following apply:

16 (a) The employe has satisfied any applicable waiting period.

17 (b) The employer agrees to pay the premium required for coverage of the  
18 employe under the group health benefit plan.

19 **(2) EMPLOYEE WAIVED COVERAGE PREVIOUSLY.** If an insurer provides coverage  
20 under a group health benefit plan, the insurer shall provide coverage under the  
21 group health benefit plan to an eligible employe who waived coverage during an  
22 enrollment period during which the employe was entitled to enroll in the group  
23 health benefit plan, regardless of health condition or claims experience, if all of the  
24 following apply:

1           (a) The eligible employe was covered as a dependent under qualifying coverage  
2 when he or she waived coverage under the group health benefit plan.

3           (b) The eligible employe's coverage under the qualifying coverage has  
4 terminated or will terminate due to a divorce from the insured under the qualifying  
5 coverage, the death of the insured under the qualifying coverage, loss of employment  
6 by the insured under the qualifying coverage or involuntary loss of coverage under  
7 the qualifying coverage by the insured under the qualifying coverage.

8           (c) The eligible employe applies for coverage under the group health benefit  
9 plan not more than 30 days after termination of his or her coverage under the  
10 qualifying coverage.

11           (d) The employer agrees to pay the premium required for coverage of the  
12 employe under the group health benefit plan.

13           **(3) STATE OR MUNICIPAL SELF-INSURED PLANS.** If the state or a county, city, village,  
14 town or school district provides coverage under a self-insured health plan, it shall  
15 provide coverage under the self-insured health plan to an eligible employe who  
16 waived coverage during an enrollment period during which the employe was entitled  
17 to enroll in the self-insured health plan, regardless of health condition or claims  
18 experience, if all of the following apply:

19           (a) The eligible employe was covered as a dependent under qualifying coverage  
20 when he or she waived coverage under the self-insured health plan.

21           (b) The eligible employe's coverage under the qualifying coverage has  
22 terminated or will terminate due to a divorce from the insured under the qualifying  
23 coverage, the death of the insured under the qualifying coverage, loss of employment  
24 by the insured under the qualifying coverage or involuntary loss of coverage under  
25 the qualifying coverage by the insured under the qualifying coverage.

1 (c) The eligible employe applies for coverage under the self-insured health plan  
2 not more than 30 days after termination of his or her coverage under the qualifying  
3 coverage.

4 **SECTION 252.** 632.749 of the statutes is created to read:

5 **632.749 Contract termination and renewability.** (1) MIDTERM  
6 CANCELLATION. Notwithstanding s. 631.36 (2) to (4m), a group health benefit plan  
7 may not be canceled by an insurer before the expiration of the agreed term, and shall  
8 be renewable to the policyholder and all insureds and dependents eligible under the  
9 terms of the group health benefit plan at the expiration of the agreed term at the  
10 option of the policyholder, except for any of the following reasons:

11 (a) Failure to pay a premium when due.

12 (b) Fraud or misrepresentation by the policyholder, or, with respect to coverage  
13 for an insured individual, fraud or misrepresentation by that insured individual.

14 (c) Substantial breaches of contractual duties, conditions or warranties.

15 (d) The number of individuals covered under the group health benefit plan is  
16 less than the number required by the group health benefit plan.

17 (e) The employer to which the group health benefit plan is issued is no longer  
18 actively engaged in a business enterprise.

19 (2) NONRENEWAL. Notwithstanding sub. (1), an insurer may elect not to renew  
20 a group health benefit plan if the insurer complies with all of the following:

21 (a) The insurer ceases to renew all other group health benefit plans issued by  
22 the insurer.

23 (b) The insurer provides notice to all affected policyholders and to the  
24 commissioner in each state in which an affected insured individual resides at least  
25 one year before termination of coverage.

1 (c) The insurer does not issue a group health benefit plan before 5 years after  
2 the nonrenewal of the group health benefit plans.

3 (d) The insurer does not transfer or otherwise provide coverage to a  
4 policyholder from the nonrenewed business unless the insurer offers to transfer or  
5 provide coverage to all affected policyholders from the nonrenewed business without  
6 regard to claims experience, health condition or duration of coverage.

7 **(3) INSURER IN LIQUIDATION.** This section does not apply to a group health benefit  
8 plan if the insurer that issued the group health benefit plan is in liquidation.

9 **(4) APPLICABILITY TO CERTAIN GOVERNMENT PLANS.** This section does not apply to  
10 a group health benefit plan offered by the state under s. 40.51 (6) or by the group  
11 insurance board under s. 40.51 (7).

12 **SECTION 253.** 632.76 (2) (a) of the statutes is amended to read:

13 632.76 (2) (a) No claim for loss incurred or disability commencing after 2 years  
14 from the date of issue of the policy may be reduced or denied on the ground that a  
15 disease or physical condition existed prior to the effective date of coverage, unless the  
16 condition was excluded from coverage by name or specific description by a provision  
17 effective on the date of loss. This paragraph does not apply to a group health benefit  
18 plan, as defined in s. 632.745 (1) (c), which is subject to s. 632.745 (2).

19 **SECTION 254.** 632.896 (4) of the statutes is amended to read:

20 632.896 (4) **PREEXISTING CONDITIONS.** Notwithstanding s. ss. 632.745 (2) and  
21 632.76 (2) (a), a disability insurance policy that is subject to sub. (2) and that is in  
22 effect when a court makes a final order granting adoption or when the child is placed  
23 for adoption may not exclude or limit coverage of a disease or physical condition of  
24 the child on the ground that the disease or physical condition existed before coverage  
25 is required to begin under sub. (3).

1           **SECTION 255.** 635.02 (5m) of the statutes is repealed.

2           **SECTION 256.** 635.07 of the statutes is repealed.

3           **SECTION 257.** 635.17 of the statutes is repealed.

4           **SECTION 258.** 635.26 (1) (a) of the statutes is renumbered 635.26 (1).

5           **SECTION 259.** 635.26 (1) (b) of the statutes is repealed.

6           **SECTION 260.** 767.045 (1) (c) 1. of the statutes is amended to read:

7           767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m), 49.19 or 49.45 on  
8           behalf of the child, or benefits are provided to the child's custodial parent under ss.  
9           49.141 to 49.161, but the state and its delegate under s. 46.25 (7) are barred by a  
10          statute of limitations from commencing an action under s. 767.45 on behalf of the  
11          child.

12          **SECTION 261.** 767.075 (1) (c) of the statutes is amended to read:

13          767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m), 49.19 or 49.45 is  
14          provided to ~~on behalf of~~ on behalf of a dependent child or benefits are provided to the child's  
15          custodial parent under ss. 49.141 to 49.161.

16          **SECTION 262m.** 767.075 (1) (cm) of the statutes is created to read:

17          767.075 (1) (cm) Whenever aid under s. 46.261, 48.57 (3m), 49.19 or 49.45 has,  
18          in the past, been provided on behalf of a dependent child, or benefits have, in the past,  
19          been provided to the child's custodial parent under ss. 49.141 to 49.161, and the  
20          child's family is eligible for continuing child support services under 45 CFR 302.33.

21          **SECTION 263.** 767.077 (intro.) of the statutes is amended to read:

22          **767.077 Support for dependent child.** (intro.) The state or its delegate  
23          under s. 46.25 (7) shall bring an action for support of a minor child under s. 767.02  
24          (1) (f) or, if appropriate, for paternity determination and child support under s.

1 767.45 whenever the child's right to support is assigned to the state under s. 46.261,  
2 48.57 (3m) (b) 2. or 49.19 (4) (h) 1. b. if all of the following apply:

3 **SECTION 264.** 767.078 (1) (a) 2. of the statutes is amended to read:

4 767.078 (1) (a) 2. The child's right to support is assigned to the state under s.  
5 48.57 (3m) (b) 2. or 49.19 (4) (h) 1. b.

6 **SECTION 265.** 767.15 (1) of the statutes is amended to read:

7 767.15 (1) In any action affecting the family in which either party is a recipient  
8 of benefits under ss. 49.141 to 49.161 or aid under s. 46.261, 49.19 or 49.45, each party  
9 shall, either within 20 days after making service on the opposite party of any motion  
10 or pleading requesting the court or family court commissioner to order, or to modify  
11 a previous order, relating to child support, maintenance or family support, or before  
12 filing the motion or pleading in court, serve a copy of the motion or pleading upon the  
13 child support program designee under s. 59.07 (97) of the county in which the action  
14 is begun.

15 **SECTION 266.** 767.24 (6) (c) of the statutes is amended to read:

16 767.24 (6) (c) In making an order of joint legal custody and periods of physical  
17 placement, the court may specify one parent as the primary caretaker of the child and  
18 one home as the primary home of the child, for the purpose of determining eligibility  
19 for aid under s. 49.19 or benefits under ss. 49.141 to 49.161 or for any other purpose  
20 the court considers appropriate.

21 **SECTION 267.** 767.29 (1m) (c) of the statutes is amended to read:

22 767.29 (1m) (c) The party entitled to the support or maintenance money has  
23 applied for or is receiving aid to families with dependent children and there is an  
24 assignment to the state under s. 48.57 (3m) (b) 2. or 49.19 (4) (h) 1. b. of the party's  
25 right to the support or maintenance money.

1           **SECTION 268.** 767.29 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 is amended to read:

3           767.29 (2) If any party entitled to maintenance payments or support money,  
4 or both, is receiving public assistance under ch. 49, the party may assign the party's  
5 right thereto to the county department under s. 46.215, 46.22 or 46.23 granting such  
6 assistance. Such assignment shall be approved by order of the court granting the  
7 maintenance payments or support money, and may be terminated in like manner;  
8 except that it shall not be terminated in cases where there is any delinquency in the  
9 amount of maintenance payments and support money previously ordered or  
10 adjudged to be paid to the assignee without the written consent of the assignee or  
11 upon notice to the assignee and hearing. When an assignment of maintenance  
12 payments or support money, or both, has been approved by the order, the assignee  
13 shall be deemed a real party in interest within s. 803.01 but solely for the purpose  
14 of securing payment of unpaid maintenance payments or support money adjudged  
15 or ordered to be paid, by participating in proceedings to secure the payment thereof.  
16 Notwithstanding assignment under this subsection, and without further order of the  
17 court, the clerk of court, upon receiving notice that a party or a minor child of the  
18 parties is receiving aid under s. 49.19, shall forward all support assigned under s.  
19 48.57 (3m) (b) 2., 49.19 (4) (h) 1. or 49.45 (19) to the department of industry, labor and  
20 human relations.

21           **SECTION 269.** 767.29 (4) of the statutes is amended to read:

22           767.29 (4) If an order or judgment providing for the support of one or more  
23 children not receiving aid under s. 48.57 (3m) or 49.19 includes support for a minor  
24 who is the beneficiary of aid under s. 48.57 (3m) or 49.19, any support payment made  
25 under the order or judgment is assigned to the state under s. 48.57 (3m) (b) 2. or 49.19

1 (4) (h) 1. b. in the amount that is the proportionate share of the minor receiving aid  
2 under s. 48.57 (3m) or 49.19, except as otherwise ordered by the court on the motion  
3 of a party.

4 **SECTION 270.** 767.32 (1) (a) of the statutes, as affected by 1995 Wisconsin Act  
5 77, is amended to read:

6 767.32 (1) (a) After a judgment or order providing for child support under this  
7 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2), 938.355 (2) (b) 4.,  
8 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or  
9 family support payments under this chapter, or for the appointment of trustees  
10 under s. 767.31, the court may, from time to time, on the petition, motion or order to  
11 show cause of either of the parties, or upon the petition, motion or order to show cause  
12 of the department of health and family services, a county department under s.  
13 46.215, 46.22 or 46.23 or a child support program designee under s. 59.07 (97) if an  
14 assignment has been made under s. 46.261, 48.57 (3m) (b) 2., 49.153 (3), 49.19 (4) (h)  
15 or 49.45 (19) or if either party or their minor children receive aid under s. 48.57 (3m)  
16 or ch. 49, and upon notice to the family court commissioner, revise and alter such  
17 judgment or order respecting the amount of such maintenance or child support and  
18 the payment thereof, and also respecting the appropriation and payment of the  
19 principal and income of the property so held in trust, and may make any judgment  
20 or order respecting any of the matters that such court might have made in the  
21 original action, except that a judgment or order that waives maintenance payments  
22 for either party shall not thereafter be revised or altered in that respect nor shall the  
23 provisions of a judgment or order with respect to final division of property be subject  
24 to revision or modification. A revision, under this section, of a judgment or order with  
25 respect to an amount of child or family support may be made only upon a finding of

1 a substantial change in circumstances. In any action under this section to revise a  
2 judgment or order with respect to maintenance payments, a substantial change in  
3 the cost of living by either party or as measured by the federal bureau of labor  
4 statistics may be sufficient to justify a revision of judgment or order with respect to  
5 the amount of maintenance, except that a change in an obligor's cost of living is not  
6 in itself sufficient if payments are expressed as a percentage of income.

7 **SECTION 271.** 767.32 (1) (b) 1. of the statutes is amended to read:

8 767.32 (1) (b) 1. Commencement of receipt of aid to families with dependent  
9 children under s. 49.19 or participation in Wisconsin works under ss. 49.141 to  
10 49.161 by either parent since the entry of the last child support order, including a  
11 revision of a child support order under this section.

12 **SECTION 272.** 767.47 (6) (a) and (b) of the statutes are amended to read:

13 767.47 (6) (a) Whenever the state brings the action to determine paternity  
14 pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2., 49.153 (3) (a), 49.19 (4)  
15 (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157 or 49.159,  
16 the natural mother of the child may not be compelled to testify about the paternity  
17 of the child if it has been determined that the mother has good cause for refusing to  
18 cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the  
19 federal regulations promulgated pursuant to this statute, as of July 1, 1981, and  
20 pursuant to any rules promulgated by the department of health and social services  
21 which define good cause in accordance with the federal regulations, as authorized by  
22 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

23 (b) Nothing in par. (a) prevents the state from bringing an action to determine  
24 paternity pursuant to an assignment under s. 48.57 (3m) (b) 2., 49.153 (3) (a), 49.19  
25 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157 or 49.159,

1 where evidence other than the testimony of the mother may establish the paternity  
2 of the child.

3 **SECTION 272m.** 799.40 (4) of the statutes is amended to read:

4 799.40 (4) STAY OF PROCEEDING. The court shall stay the proceedings in a civil  
5 action of eviction if the tenant applies for emergency assistance under s. 49.19 (11)  
6 (b) 49.138. The tenant shall inform the court of the outcome of the determination of  
7 eligibility for emergency assistance. The stay remains in effect until the tenant's  
8 eligibility for emergency assistance is determined and, if the tenant is determined  
9 to be eligible, until the tenant receives the emergency assistance.

10 **SECTION 273.** 814.61 (13) of the statutes, as affected by 1995 Wisconsin Act 27,  
11 is amended to read:

12 814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services,  
13 whenever a person not receiving benefits under s. 49.148, 49.153 or 49.155 or aid  
14 under s. 49.19, 49.46, 49.465, 49.468 or 49.47 files a petition requesting child  
15 support, maintenance or family support payments, \$10 in addition to any other fee  
16 required under this section. This subsection does not apply to a petition filed by the  
17 state or its delegate.

18 **SECTION 274.** 948.22 (4) (b) of the statutes is amended to read:

19 948.22 (4) (b) For a person not subject to a court order requiring child,  
20 grandchild or spousal support payments, when the person knows or reasonably  
21 should have known that he or she has a dependent, failure to provide support equal  
22 to at least the amount ~~set forth~~ established by rule by the department of health and  
23 family services under s. 49.19 (11) (a) 46.25 (9) (a) or causing a spouse, grandchild  
24 or child to become a dependent person, or continue to be a dependent person, as  
25 defined in s. 49.01 (2).

1           **SECTION 275.    Nonstatutory provisions; industry, labor and job**  
2           **development.**

3           (1t) ALTERNATIVE NAME FOR THE DEPARTMENT. Notwithstanding section 15.22 of  
4           the statutes, during the period beginning on July 1, 1996, and ending on the day after  
5           publication of the 1997-99 biennial budget act, the department of industry, labor and  
6           job development may use the name "department of workforce development" for any  
7           official purpose.

8           (2) RULES RELATING TO PUBLIC ASSISTANCE. Using the procedure under section  
9           227.24 of the statutes, the department of health and social services shall promulgate  
10          rules required under chapters 46, 48 and 49 of the statutes, as affected by the acts  
11          of 1995, before July 1, 1996, for the period before permanent rules take effect, but not  
12          to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
13          Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department of  
14          health and social services need not provide evidence of the necessity of preservation  
15          of the public peace, health, safety or welfare in promulgating rules under this  
16          subsection.

17          (3) RULES ON QUALIFICATION CRITERIA FOR THE ADMINISTRATION OF WISCONSIN  
18          WORKS. Using the procedure under section 227.24 of the statutes, the department of  
19          industry, labor and job development shall promulgate rules required under sections  
20          49.143 to 49.157 of the statutes, as created by this act, for the period before  
21          permanent rules take effect, but not to exceed the period authorized under section  
22          227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2)  
23          (b) of the statutes, the department need not provide evidence of the necessity of  
24          preservation of the public peace, health, safety or welfare in promulgating rules  
25          under this subsection.

1           (4) RULES FOR THE ADMINISTRATION OF THE WISCONSIN WORKS HEALTH PLAN.

2           Using the procedure under section 227.24 of the statutes, the department of health  
3           and family services shall promulgate rules required under section 49.153 of the  
4           statutes, as created by this act, for the period before permanent rules take effect, but  
5           not 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 family 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          (4m) TRANSPORTATION TO EMPLOYMENT OPPORTUNITIES.

11          (a) The department of industry, labor and job development shall identify  
12          significant local and regional employment opportunities and shall identify the  
13          residential locations of current and potential Wisconsin works participants. Local  
14          governmental bodies shall assist the department of industry, labor and job  
15          development in identifying the employment opportunities and residential locations.

16          (b) Not later than September 30, 1996, the department of industry, labor and  
17          job development shall submit a report to the joint committee on finance that  
18          recommends options that Wisconsin works agencies could take to facilitate the  
19          transportation of Wisconsin works participants to the employment opportunities  
20          identified under paragraph (a). The report may not recommend options that would  
21          have an adverse impact on existing public transportation systems. The department  
22          of transportation shall assist the department of industry, labor and job development  
23          in developing options to be included in the report.

24          (6) KINSHIP CARE ASSESSMENTS AND BACKGROUND INVESTIGATIONS. Beginning on  
25          July 1, 1996, each county department of human services or social services under

1 sections 46.215, 46.22 and 46.23 of the statutes, when conducting its regularly  
2 scheduled reinvestigation under section 49.19 (5) (e) of the statutes of each  
3 nonlegally responsible relative who is providing care for a dependent child, as  
4 defined in section 49.19 (1) (a) of the statutes, under a program administered by that  
5 county department, shall assess and conduct a background investigation of the  
6 relative to determine if the relative is eligible to receive kinship care payments under  
7 section 48.57 (3m) (am) of the statutes, as created by this act. Immediately after  
8 conducting the assessment and background investigation, each county department  
9 of human services or social services under section 46.215, 46.22 and 46.23 of the  
10 statutes shall end income maintenance payments under section 49.33 of the statutes  
11 to the nonlegally responsible relative and, if the relative is determined to be eligible  
12 to receive kinship care payments under section 48.57 (3m) (am) of the statutes, as  
13 created by this act, the department of industry, labor and job development shall begin  
14 making those kinship care payments or, if the relative is determined eligible to  
15 receive foster care payments under section 48.62 (4) of the statutes, the county  
16 department shall begin making those foster care payments. Each county  
17 department of human services or social services under sections 46.215, 46.22 and  
18 46.23 shall complete all of the assessments and background investigations required  
19 under this subsection and shall end all income maintenance payments under section  
20 49.33 of the statutes to those relatives by July 1, 1997.

21 (7) FUNDING FOR EMPLOYMENT SKILLS ADVANCEMENT PROGRAM. Notwithstanding  
22 section 16.42 (1) (e) of the statutes, in submitting information under section 16.42  
23 of the statutes for the purposes of the 1997-98 biennial budget bill, the department  
24 of industry, labor and job development shall submit information concerning the

1 appropriation under section 20.445 (3) (em) of the statutes, as created by this act, as  
2 though the amount of that appropriation in fiscal year 1996-97 had been \$1,000,000.

3 **SECTION 277m. Appropriation changes; joint committee on finance.**

4 (1) WISCONSIN WORKS. In the schedule under section 20.005 (3) of the statutes  
5 for the appropriation to the joint committee on finance under section 20.865 (4) (a)  
6 of the statutes, as affected by the acts of 1995, the dollar amount is increased by  
7 \$13,000,000 for fiscal year 1996-97 to fund the job opportunities and basic skills  
8 program, low-income and at-risk child care and initial administrative costs and  
9 benefit payments under the Wisconsin works program.

10 **SECTION 278. Initial applicability.**

11 (2t) GROUP HEALTH INSURANCE MARKET REFORM. The treatment of sections 40.51  
12 (8) and (8m), 60.23 (25), 66.184, 111.70 (1) (a) and (4) (n), 111.91 (2) (k), 120.13 (2) (g),  
13 185.981 (4t), 185.983 (1) (intro.), 600.01 (2) (b), 628.34 (3) (a) and (b), 632.747,  
14 632.749, 632.76 (2) (a), 632.896 (4), 635.02 (5m), 635.07, 635.17 and 635.26 (1) (a) and  
15 (b) of the statutes and the creation of section 632.745 of the statutes first apply to all  
16 of the following:

17 (a) Except as provided in paragraphs (b) and (c), group health benefit plans  
18 that are issued or renewed, and self-insured health plans that are established,  
19 extended, modified or renewed, on the effective date of this paragraph.

20 (b) Group health benefit plans covering employes who are affected by a  
21 collective bargaining agreement containing provisions inconsistent with this act  
22 that are issued or renewed on the earlier of the following:

23 1. The day on which the collective bargaining agreement expires.

24 2. The day on which the collective bargaining agreement is extended, modified  
25 or renewed.

1 (c) Self-insured health plans covering employes who are affected by a  
2 collective bargaining agreement containing provisions inconsistent with this act  
3 that are established, extended, modified or renewed on the earlier of the following:

4 1. The day on which the collective bargaining agreement expires.

5 2. The day on which the collective bargaining agreement is extended, modified  
6 or renewed.

7 (3g) EARNED INCOME TAX CREDIT; TAX LIABILITY. The treatment of section 71.07  
8 (9e) (em) of the statutes first applies to taxable years beginning on January 1, 1997.

9 (3h) EARNED INCOME TAX CREDIT; CONTRIBUTION LIABILITY. The treatment of  
10 sections 20.445 (1) (gd) and (gg), 108.16 (2) (b), (6) (L) and (11), 108.18 (1) (a), 108.19  
11 (1) and (1m), 108.20 (2m) and 108.22 (1) (g) of the statutes first applies with respect  
12 to contributions payable after December 31, 1996.

13 **SECTION 279. Effective dates.** This act takes effect on July 1, 1996, or on  
14 the day after publication, whichever is later, except as follows:

15 (1) PUBLIC ASSISTANCE AND LOCAL AID. The treatment of sections 20.435 (4) (d),  
16 46.98 (1) (at) and (b), (2) (a), (3) (c), (4) (a) 2., (am), (bm), (bt), (bu) and (d) and (4g)  
17 (b), 49.141 (2), 49.143 (1), 49.19 (4e) (a) and (c), 49.193 (2) (a) and (am), (4) (g), (j) 4.,  
18 and (k) 1m., (4m), (6) (c) and (e), (7) and (9m) (a) and (ag), 49.27 (5) (e) 2., 49.50 (6e)  
19 (a) and (b), (6g), (6k) (a) and (b) and (7) (e), 49.52 (1) (d) and 560.14 (1) (a) (intro.), 1.  
20 and 2. of the statutes, the renumbering and amendment of sections 46.98 (4) (b),  
21 48.651 and 49.19 (20) of the statutes, the amendment of section 49.193 (8) (bm) of the  
22 statutes, the creation of sections 16.75 (6) (bm), 20.445 (3) (dy), (dz) and (my), 46.98  
23 (1) (bd), (bf) and (cm) and (4) (b) 1., 2. and 3., (dg) and (dm), 48.651 (1) (a) and (b) and  
24 (2) and 49.19 (20) (b) of the statutes and SECTIONS 275 NO TAG, NO TAG and (6),  
25 277m and 278 of this act take effect on the day after publication.

