

1 address the programmatic needs of clients served by the same rate-based service  
2 that generated the surplus.

3 \*~~0263/2.3~~\* SECTION 1489. 46.036 (5m) (b) 2. of the statutes is amended to  
4 read:

5 46.036 (5m) (b) 2. ~~A Subject to pars. (e) and (em),~~ a provider may accumulate  
6 funds from more than one contract period under this paragraph, except that, if at the  
7 end of a contract period the amount accumulated from all contract periods for a  
8 rate-based service exceeds 10% of the revenue received under all current contracts  
9 for that rate-based service, the provider shall, at the request of a purchaser, return  
10 to that purchaser the purchaser's proportional share of that excess and use any of  
11 that excess that is not returned to a purchaser to reduce the provider's unit rate per  
12 client for that rate-based service in the next contract period. If a provider has held  
13 for 4 consecutive contract periods an accumulated reserve for a rate-based service  
14 that is equal to or exceeds 10% of the revenue received under all current contracts  
15 for that rate-based service, the provider shall apply 50% of that accumulated  
16 amount to reducing its unit rate per client for that rate-based service in the next  
17 contract period.

18 \*~~0263/2.4~~\* SECTION 1490. 46.036 (5m) (e) of the statutes is amended to read:

19 46.036 (5m) (e) Notwithstanding ~~this subsection~~ par. (b) 1. and 2., the  
20 department or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437  
21 that purchases care and services from an inpatient alcohol and other drug abuse  
22 treatment program that is not affiliated with a hospital and that is licensed as a  
23 community-based residential facility, may allocate to the program an amount that  
24 is equal to the amount of revenues received by the program that are in excess of the  
25 allowable costs incurred in the period of a contract between the program and the

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1 department or the county department for purchase of care and services under this  
2 section. The department or the county department may make the allocation under  
3 this paragraph only if the funds so allocated do not reduce any amount of  
4 unencumbered state aid to the department or the county department that otherwise  
5 would lapse to the general fund.

6 **\*-0263/2.5\* SECTION 1491.** 46.036 (5m) (em) of the statutes is created to read:

7 46.036 (5m) (em) Notwithstanding pars. (b) 1. and 2. and (e), a county  
8 department under s. 46.215, 51.42, or 51.437 providing client services in a county  
9 having a population of 500,000 or more or a nonstock, nonprofit corporation  
10 providing client services in such a county may not retain a surplus under par. (b) 1.,  
11 accumulate funds under par. (b) 2., or allocate an amount under par. (e) from  
12 revenues that are used to meet the maintenance-of-effort requirement under the  
13 federal temporary assistance for needy families program under 42 USC 601 to 619.

14 **\*-0424/5.3\* SECTION 1492.** 46.043 (2) of the statutes is amended to read:

15 46.043 (2) Services under this section may be provided only under contract  
16 between the department and a county department under s. 46. 215, 46.22 or 46.23,  
17 a school district or another public or private entity within the state to persons  
18 referred from those entities, at the discretion of the department. The department  
19 shall charge the referring entity all costs associated with providing the services.  
20 Unless a referral is made, the department may not offer services under this section  
21 to the person who is to receive the services or his or her family. The department may  
22 not impose a charge for services under this section upon the person receiving the  
23 services or his or her family. The department shall credit any revenues received  
24 under this section to the appropriation account under s. 20.435 (2) (gk) (g).

25 **\*-0437/3.1\* SECTION 1493.** 46.057 (2) of the statutes is amended to read:

1           46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the  
2 department of corrections shall transfer to the appropriation account under s. 20.435  
3 (2) (kx) ~~\$1,273,900~~ \$1,379,300 in fiscal year ~~1999-2000~~ 2001-02 and \$1,379,300 in  
4 fiscal year ~~2000-01~~ 2002-03 and, from the appropriation account under s. 20.410 (3)  
5 (hm), the department of corrections shall transfer to the appropriation account under  
6 s. 20.435 (2) (kx) ~~\$2,489,300~~ \$2,694,400 in fiscal year ~~1999-2000~~ 2001-02 and  
7 ~~\$2,489,900~~ \$2,947,200 in fiscal year ~~2000-01~~ 2002-03 for services for juveniles  
8 placed at the Mendota juvenile treatment center. The department of health and  
9 family services may charge the department of corrections not more than the actual  
10 cost of providing those services.

11           \*~~0424/5.4~~\* SECTION 1494. 46.10 (8m) (b) 2. of the statutes is amended to read:  
12           46.10 (8m) (b) 2. Paragraph (a) 2. and 4. does not apply to services provided  
13 under s. 51.06 (4) (1m) (d) that are billed under s. 51.437 (4rm) (c) 2m. and does not  
14 apply to treatment and services provided under s. 51.42 (3) (aw) 1. d.

15           \*~~0441/6.3~~\* SECTION 1495. 46.10 (14) (a) of the statutes is amended to read:  
16           46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person  
17 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons  
18 under 18 years of age at community mental health centers, a county mental health  
19 complex under s. 51.08, the centers for the developmentally disabled, Mendota  
20 mental health institute, and Winnebago mental health institute or care and  
21 maintenance of persons under 18 years of age in residential, nonmedical facilities  
22 such as group homes, foster homes, treatment foster homes, subsidized  
23 guardianship homes, child caring institutions, and juvenile correctional institutions  
24 is determined in accordance with the cost-based fee established under s. 46.03 (18).  
25 The department shall bill the liable person up to any amount of liability not paid by

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1 an insurer under s. 632.89 (2) or (2m) or by other 3rd party benefits, subject to rules  
2 which include formulas governing ability to pay promulgated by the department  
3 under s. 46.03 (18). Any liability of the patient not payable by any other person  
4 terminates when the patient reaches age 18, unless the liable person has prevented  
5 payment by any act or omission.

6 **\*-0441/6.4\* SECTION 1496.** 46.10 (14) (b) of the statutes is amended to read:

7 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability  
8 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the  
9 parent's minor child who has been placed by a court order under s. 48.355 or 48.357  
10 in a residential, nonmedical facility such as a group home, foster home, treatment  
11 foster home, subsidized guardianship home, or child caring institution shall be  
12 determined by the court by using the percentage standard established by the  
13 department of workforce development under s. 49.22 (9) and by applying the  
14 percentage standard in the manner established by the department under s. 46.247.

15 **\*-1939/5.9\* SECTION 1497.** 46.22 (1) (d) of the statutes is repealed.

16 **\*-1939/5.10\* SECTION 1498.** 46.22 (2) (b) of the statutes is amended to read:

17 46.22 (2) (b) Appoint the county social services director under sub. (3) subject  
18 to s. 49.33 (4) to (7) and the rules promulgated thereunder and subject to the approval  
19 of the county board of supervisors in a county with a single-county department of  
20 social services or the county boards of supervisors in counties with a multicounty  
21 department of social services.

22 **\*-1939/5.11\* SECTION 1499.** 46.22 (3m) (a) of the statutes is amended to read:

23 46.22 (3m) (a) In any county with a county executive or a county administrator  
24 which has established a single-county department of social services, the county  
25 executive or county administrator, ~~subject to s. 49.33 (4) to (7) and the rules~~

1 ~~promulgated thereunder~~, shall appoint and supervise the county social services  
2 director. The appointment is subject to the confirmation of the county board of  
3 supervisors unless the county board of supervisors, by ordinance, elects to waive  
4 confirmation or unless the appointment is made under a civil service system  
5 competitive examination procedure established under s. 59.52 (8) or ch. 63.

6 **\*-0441/6.5\* SECTION 1500.** 46.261 (1) (a) of the statutes is amended to read:

7 46.261 (1) (a) The child is living in a foster home or treatment foster home  
8 licensed under s. 48.62 if a license is required under that section, in a foster home  
9 or treatment foster home located within the boundaries of a federally recognized  
10 American Indian reservation in this state and licensed by the tribal governing body  
11 of the reservation, in a group home licensed under s. 48.625, in a subsidized  
12 guardianship home under s. 48.62 (5), or in a child caring institution licensed under  
13 s. 48.60, and has been placed in the foster home, treatment foster home, group home,  
14 subsidized guardianship home, or institution by a county department under s.  
15 46.215, 46.22, or 46.23, by the department, or by a federally recognized American  
16 Indian tribal governing body in this state under an agreement with a county  
17 department under s. 46.215, 46.22, or 46.23.

18 **\*-0441/6.6\* SECTION 1501.** 46.261 (2) (a) 1. of the statutes is amended to read:

19 46.261 (2) (a) 1. A nonrelative who cares for the dependent child in a foster  
20 home or treatment foster home having a license under s. 48.62, in a foster home or  
21 treatment foster home located within the boundaries of a federally recognized  
22 American Indian reservation in this state and licensed by the tribal governing body  
23 of the reservation or in a group home licensed under s. 48.625, a subsidized guardian  
24 under s. 48.62 (5) who cares for the dependent child, or a minor custodial parent who  
25 cares for the dependent child, regardless of the cause or prospective period of

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1 dependency. The state shall reimburse counties pursuant to the procedure under s.  
2 46.495 (2) and the percentage rate of participation set forth in s. 46.495 (1) (d) for aid  
3 granted under this section except that if the child does not have legal settlement in  
4 the granting county, state reimbursement shall be at 100%. The county department  
5 under s. 46.215 or 46.22 or the department under s. 48.48 (17) shall determine the  
6 legal settlement of the child. A child under one year of age shall be eligible for aid  
7 under this subsection irrespective of any other residence requirement for eligibility  
8 within this section.

9 **\*-0441/6.7\* SECTION 1502.** 46.261 (2) (a) 3. of the statutes is amended to read:

10 46.261 (2) (a) 3. A county or, in a county having a population of 500,000 or more,  
11 the department, when the child is placed in a licensed foster home, treatment foster  
12 home, group home, or child caring institution or in a subsidized guardianship home  
13 by a licensed child welfare agency or by a federally recognized American Indian tribal  
14 governing body in this state or by its designee, if the child is in the legal custody of  
15 the county department under s. 46.215, 46.22, or 46.23 or the department under s.  
16 48.48 (17) or if the child was removed from the home of a relative, as defined under  
17 s. 48.02 (15), as a result of a judicial determination that continuance in the home of  
18 the relative would be contrary to the child's welfare for any reason and the placement  
19 is made pursuant to an agreement with the county department or the department.

20 **\*-0441/6.8\* SECTION 1503.** 46.261 (2) (a) 4. of the statutes is amended to read:

21 46.261 (2) (a) 4. A licensed foster home, treatment foster home, group home,  
22 or child caring institution or a subsidized guardianship home when the child is in the  
23 custody or guardianship of the state, when the child is a ward of an American Indian  
24 tribal court in this state and the placement is made under an agreement between the  
25 department and the tribal governing body, or when the child was part of the state's

1 direct service case load and was removed from the home of a relative, as defined  
2 under s. 48.02 (15), as a result of a judicial determination that continuance in the  
3 home of a relative would be contrary to the child's welfare for any reason and the child  
4 is placed by the department.

5 **\*-0441/6.9\* SECTION 1504.** 46.261 (2) (b) of the statutes is amended to read:

6 46.261 (2) (b) Notwithstanding par. (a), aid under this section may not be  
7 granted for placement of a child in a foster home or treatment foster home licensed  
8 by a federally recognized American Indian tribal governing body, for placement of a  
9 child in a foster home, treatment foster home, group home, subsidized guardianship  
10 home, or child caring institution by a tribal governing body or its designee, or for the  
11 placement of a child who is a ward of a tribal court if the tribal governing body is  
12 receiving or is eligible to receive funds from the federal government for that type of  
13 placement ~~or for placement of a child in a group home licensed under s. 48.625.~~

14 **\*-1627/4.5\* SECTION 1505.** 46.27 (9) (a) of the statutes is amended to read:

15 46.27 (9) (a) The department may select up to 5 counties that volunteer to  
16 participate in a pilot project under which they will receive certain funds allocated for  
17 long-term care. The department shall allocate a level of funds to these counties  
18 equal to the amount that would otherwise be paid under s. 20.435 (4) (b) or (w) to  
19 nursing homes for providing care because of increased utilization of nursing home  
20 services, as estimated by the department. In estimating these levels, the department  
21 shall exclude any increased utilization of services provided by state centers for the  
22 developmentally disabled. The department shall calculate these amounts on a  
23 calendar year basis under sub. (10).

24 **\*-1627/4.6\* SECTION 1506.** 46.27 (10) (a) 1. of the statutes is amended to read:

1           46.27 (10) (a) 1. The department shall determine for each county participating  
2 in the pilot project under sub. (9) a funding level of state medical assistance  
3 expenditures to be received by the county. This level shall equal the amount that the  
4 department determines would otherwise be paid under s. 20.435 (4) (b) or (w) because  
5 of increased utilization of nursing home services, as estimated by the department.

6           \***-0427/1.1\*** SECTION 1507. 46.27 (11) (c) 6. a. of the statutes is amended to  
7 read:

8           46.27 (11) (c) 6. a. The department approves the provision of services in a  
9 ~~community-based residential facility or group home that has 5 to 8 beds~~ or in a  
10 community-based residential facility that has 5 to 20 beds.

11           \***-1627/4.7\*** SECTION 1508. 46.275 (5) (a) of the statutes is amended to read:

12           46.275 (5) (a) Medical assistance reimbursement for services a county, or the  
13 department under sub. (3r), provides under this program is available from the  
14 appropriations under s. 20.435 (4) (b) ~~and, (o), and (w)~~. If 2 or more counties jointly  
15 contract to provide services under this program and the department approves the  
16 contract, medical assistance reimbursement is also available for services provided  
17 jointly by these counties.

18           \***-1627/4.8\*** SECTION 1509. 46.275 (5) (c) of the statutes is amended to read:

19           46.275 (5) (c) The total allocation under s. 20.435 (4) (b) ~~and, (o), and (w)~~ to  
20 counties and to the department under sub. (3r) for services provided under this  
21 section may not exceed the amount approved by the federal department of health and  
22 human services. A county may use funds received under this section only to provide  
23 services to persons who meet the requirements under sub. (4) and may not use  
24 unexpended funds received under this section to serve other developmentally  
25 disabled persons residing in the county.

1           \*~~0427/1.2~~\* SECTION 1510. 46.277 (5) (d) 2. a. of the statutes is amended to  
2 read:

3           46.277 (5) (d) 2. a. The department approves the provision of services in a  
4 ~~community-based residential facility or group home that has 5 to 8 beds~~ or in a  
5 community-based residential facility that has 5 to 20 beds.

6           \*~~1627/4.9~~\* SECTION 1511. 46.278 (6) (d) of the statutes is amended to read:

7           46.278 (6) (d) If a county makes available nonfederal funds equal to the state  
8 share of service costs under the waiver received under sub. (3), the department may,  
9 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services  
10 that the county provides under this section to persons who are in addition to those  
11 who may be served under this section with funds from the appropriation under s.  
12 20.435 (4) (b) or (w).

13           \*~~0205/3.1~~\* SECTION 1512. 46.2805 (6m) of the statutes is created to read:

14           46.2805 (6m) “Family member” has the meaning given in s. 157.061 (7).

15           \*~~0205/3.2~~\* SECTION 1513. 46.2805 (7) of the statutes is amended to read:

16           46.2805 (7) ~~“Functional and financial screen~~ Financial eligibility and  
17 cost-sharing screening” means ~~a screen~~ the use of a uniform screening tool  
18 prescribed by the department that is used to determine functional eligibility under  
19 s. 46.286 (1) (a) and financial eligibility under s. 46.286 (1) (b) and cost-sharing  
20 under s. 46.286 (2).

21           \*~~0205/3.3~~\* SECTION 1514. 46.2805 (7g) of the statutes is created to read:

22           46.2805 (7g) “Functional screening” means the use of a uniform screening tool  
23 prescribed by the department to determine functional eligibility under s. 46.286 (1)  
24 (a) and (1m).

1           \***-0203/2.1\* SECTION 1515.** 46.281 (3) of the statutes is renumbered 46.281 (3)  
2 (intro.) and amended to read:

3           46.281 (3) DUTY OF THE SECRETARY. (intro.) The secretary shall ~~certify~~ do all of  
4 the following:

5           (a) Certify to each county, hospital, nursing home, community-based  
6 residential facility, adult family home, and residential care apartment complex the  
7 date on which a resource center that serves the area of the county, hospital, nursing  
8 home, community-based residential facility, adult family home, or residential care  
9 apartment complex is first available to provide a functional screening and financial  
10 ~~screen~~ eligibility and cost-sharing screening. To facilitate phase-in of services of  
11 resource centers, the secretary may certify that the resource center is available for  
12 specified groups of eligible individuals or for specified facilities in the county.

\*\*\*\*NOTE: This is reconciled s. 46.281 (3) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0203/1 and LRB-0205/2.

13           \***-0203/2.2\* SECTION 1516.** 46.281 (3) (b) of the statutes is created to read:

14           46.281 (3) (b) Review the list of proposed initial members of a family care  
15 district board under s. 46.2895 (1) (a) 2. b. and the recommendations of the local  
16 long-term care council under s. 46.2895 (1) (a) 2. c. and approve or disapprove the  
17 proposed membership.

18           \***-0203/2.3\* SECTION 1517.** 46.281 (3) (c) of the statutes is created to read:

19           46.281 (3) (c) Review and approve or disapprove the creation by a county board  
20 of supervisors of a family care district under s. 46.2895 (1) (a).

21           \***-0205/3.4\* SECTION 1518.** 46.282 (2) (a) 2. of the statutes is amended to read:

22           46.282 (2) (a) 2. A county board of supervisors or, in a county with a county  
23 executive or a county administrator, the county executive or county administrator

1 shall appoint members of the local long-term care council who are required to be  
2 older persons or persons with physical or developmental disabilities or their  
3 ~~immediate~~ family members or other representatives from nominations that are  
4 submitted to the county board of supervisors or the county executive or county  
5 administrator by older persons or persons with physical or developmental  
6 disabilities or their ~~immediate~~ family members or other representatives and by local  
7 organizations that represent older persons or persons with physical or  
8 developmental disabilities.

9 \***-0205/3.5\*** SECTION 1519. 46.282 (2) (b) 1. of the statutes is amended to read:

10 46.282 (2) (b) 1. A local long-term care council that serves a single-county area  
11 shall consist of 17 members, at least 9 of whom are older persons or persons with  
12 physical or developmental disabilities or their ~~immediate~~ family members or other  
13 representatives. The age or disability represented by these 9 members shall  
14 correspond to the proportion of numbers of persons, as determined by the  
15 department, receiving long-term care in this state who are aged 65 or older or have  
16 a physical or developmental disability. The total remaining 8 members shall consist  
17 of providers of long-term care services, persons residing in the county with  
18 recognized ability and demonstrated interest in long-term care and up to 3 members  
19 of the county board of supervisors or other elected officials.

20 \***-0205/3.6\*** SECTION 1520. 46.282 (2) (b) 2. (intro.) of the statutes is amended  
21 to read:

22 46.282 (2) (b) 2. (intro.) A local long-term care council that serves an area of  
23 2 or more contiguous counties shall consist of 23 members, at least 12 of whom are  
24 older persons or persons with physical or developmental disabilities or their  
25 ~~immediate~~ family members or other representatives. The age or disability

1 represented by these 12 members shall correspond to the proportion of numbers of  
2 persons, as determined by the department, receiving long-term care in this state  
3 who are aged 65 or older or have a physical or developmental disability. The total  
4 remaining 11 members shall consist of all of the following:

5 **\*-0203/2.4\* SECTION 1521.** 46.282 (3) (a) 1. b. of the statutes is amended to  
6 read:

7 46.282 (3) (a) 1. b. Whether the county should create a family care district to  
8 operate a resource center or ~~under~~ a care management organization.

9 **\*-0203/2.5\* SECTION 1522.** 46.282 (3) (a) 1m. of the statutes is created to read:  
10 46.282 (3) (a) 1m. Review the list of proposed initial members of the family care  
11 district board under s. 46.2895 (1) (a) 2. b. and recommend to the secretary approval  
12 or disapproval of the proposed membership.

13 **\*-0200/2.1\* SECTION 1523.** 46.282 (3) (a) 16. of the statutes is created to read:  
14 46.282 (3) (a) 16. Review a tentative plan under s. 46.283 (4) (j) and provide to  
15 a resource center any nonbinding recommendations for ensuring cooperation and  
16 coordination between the resource center and hospitals serving the geographic area  
17 served by the resource center.

18 **\*-0205/3.7\* SECTION 1524.** 46.283 (3m) (intro.) of the statutes is created to  
19 read:

20 46.283 (3m) SPECIAL OUTREACH. The department shall assure that all of the  
21 following are available for persons within the area of a resource center:

22 **\*-0205/3.8\* SECTION 1525.** 46.283 (4) (c) of the statutes is renumbered 46.283  
23 (3m) (a) and amended to read:

24 46.283 (3m) (a) Within 6 months after the family care benefit is available to  
25 all eligible persons in the area of the resource center, ~~provide~~ provide provision of information

1 about the services of the resource center, including the services specified in sub. (3)  
2 (d), about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c)  
3 and about the family care benefit to ~~all older persons and persons with a physical~~  
4 ~~disability~~ who are residents of nursing homes, community-based residential  
5 facilities, adult family homes and residential care apartment complexes in the area  
6 of the resource center and are members of a target population served by a care  
7 management organization that operates in the county.

8 \*~~0205/3.9~~\* SECTION 1526. 46.283 (4) (f) of the statutes is renumbered 46.283  
9 (3m) (b) and amended to read:

10 46.283 (3m) (b) Provide Provision of a functional screening and financial  
11 screen a financial eligibility and cost-sharing screening to any resident, as specified  
12 in par. (e) (a), who requests a ~~screen~~ screening, and ~~assist~~ assistance in enrolling in  
13 a care management organization to any such resident who is eligible and chooses to  
14 ~~enroll in a care management organization to do so.~~

15 \*~~0205/3.10~~\* SECTION 1527. 46.283 (4) (g) of the statutes is renumbered 46.283  
16 (3m) (c) and amended to read:

17 46.283 (3m) (c) ~~Provide a functional and financial screen~~ The offer to provide  
18 and, if the offer is accepted, the provision of a functional screening and a financial  
19 eligibility and cost-sharing screening to any person seeking admission to a nursing  
20 home, community-based residential facility, residential care apartment complex or  
21 adult family home if the secretary has certified that the resource center is available  
22 to the person and the facility and the person is determined by the resource center to  
23 have a condition that is expected to last at least 90 days that would require care,  
24 assistance or supervision. ~~A resource center~~ The department may not require a  
25 ~~financial screen~~ eligibility and cost-sharing screening for a person seeking

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1 admission or about to be admitted on a private pay basis who waives the requirement  
2 for a financial ~~screen~~ eligibility and cost-sharing screening under this paragraph,  
3 unless the person is expected to become eligible for medical assistance within 6  
4 months. ~~A resource center~~ The department need not provide a functional ~~screen~~  
5 screening for a person seeking admission or about to be admitted who has received  
6 a ~~screen~~ screening for functional eligibility under s. 46.286 (1) (a) within the previous  
7 6 months.

8 **\*-0205/3.11\* SECTION 1528.** 46.283 (4) (h) of the statutes is renumbered 46.283  
9 (3m) (d) and amended to read:

10 46.283 (3m) (d) Provide The provision of access to services under s. 46.90 and  
11 ch. 55 to a person who is eligible for the services, through cooperation with the county  
12 agency or agencies that provide the services.

13 **\*-0200/2.2\* SECTION 1529.** 46.283 (4) (j) of the statutes is created to read:

14 46.283 (4) (j) Annually develop a tentative plan for coordinating appropriate  
15 referrals of individuals who are discharged from hospitals serving the geographic  
16 area served by the resource center and who are likely to be eligible for and to benefit  
17 from the family care benefit. After considering any recommendations of the local  
18 long-term care council under s. 46.282 (3) (a) 16. and in cooperation with those  
19 hospitals, develop in final form and implement the plan.

20 **\*-1627/4.10\* SECTION 1530.** 46.283 (5) of the statutes is amended to read:

21 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),  
22 (bm) ~~and~~, (pa), and (w) and (7) (b), (bd), and (md), the department may contract with  
23 organizations that meet standards under sub. (3) for performance of the duties under  
24 sub. (4) and shall distribute funds for services provided by resource centers.

1           \***-0205/3.12\*** SECTION 1531. 46.284 (2) (b) (intro.) of the statutes is amended  
2 to read:

3           46.284 (2) (b) (intro.) Within each county, the department shall initially  
4 contract to operate a care management organization with the county or a family care  
5 district if the county elects to operate, or creates a family care district to operate, a  
6 care management organization and the care management organization meets the  
7 requirements of sub. (3) and performance standards prescribed by the department.  
8 A county or family care district that contracts under this paragraph may operate the  
9 care management organization for all of the target groups or for a selected group or  
10 groups. With respect to contracts exclusively with counties or family care districts  
11 to operate a care management organization, all of the following apply:

12           \***-0205/3.13\*** SECTION 1532. 46.284 (2) (b) 1. (intro.) of the statutes is amended  
13 to read:

14           46.284 (2) (b) 1. (intro.) Before January 1, 2003, the department may not  
15 contract with an organization other than the county or a family care district to  
16 operate a care management organization in the county unless any of the following  
17 applies:

18           \***-0205/3.14\*** SECTION 1533. 46.284 (2) (b) 1. a. of the statutes is amended to  
19 read:

20           46.284 (2) (b) 1. a. The county or any family care district in the county that is  
21 contracted to operate a care management organization and the local long-term care  
22 council agree in writing that at least one additional care management organization  
23 is necessary or desirable.

24           \***-0201/3.4\*** SECTION 1534. 46.284 (5) (a) of the statutes is amended to read:

**SECTION 1534**

1           46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g) and,  
2           (im), (o), and (w) and (7) (b) and (bd), the department shall provide funding on a  
3           capitated payment basis for the provision of services under this section.  
4           Notwithstanding s. 46.036 (3) and (5m), a care management organization that is  
5           under contract with the department may expend the funds, consistent with this  
6           section, including providing payment, on a capitated basis, to providers of services  
7           under the family care benefit.

          \*\*\*\*Note: This is reconciled s. 46.284 (5) (a). This SECTION has been affected by  
          drafts with the following LRB numbers: LRB-0201/1 and LRB-1627/3.

8           **\*-0205/3.15\* SECTION 1535.** 46.285 (1) (intro.) of the statutes is amended to  
9           read:

10           46.285 (1) (intro.) In order to meet state and federal requirements and assure  
11           federal financial participation in funding of the family care benefit, a county, a tribe  
12           or band, a family care district or an organization, including a private, nonprofit  
13           corporation, may not directly operate both a resource center and a care management  
14           organization, except as follows:

15           **\*-0196/2.1\* SECTION 1536.** 46.286 (1) (a) 2. (intro.) of the statutes is amended  
16           to read:

17           46.286 (1) (a) 2. (intro.) The person has a condition that is expected to last at  
18           least 90 days or result in death within 12 months after the date of application but that  
19           does not meet the level specified under subd. 1. a. or b.; the person first applies for  
20           eligibility for the family care benefit within 36 months after the date on which the  
21           family care benefit is initially available in the person's county residence; and, on the  
22           date that the family care benefit became available in the person's county of residence,  
23           the person was a resident in a nursing home or had been receiving for at least 60 days,

1 under a written plan of care, long-term care services, as specified by the department,  
2 that were funded under any of the following:

3 **\*-0196/2.2\* SECTION 1537.** 46.286 (1m) of the statutes is amended to read:

4 46.286 (1m) ELIGIBILITY EXCEPTION. A person whose primary disabling  
5 condition is developmental disability is eligible for the family care benefit if the  
6 person is a resident of a county or is a member of a tribe or band that has operated,  
7 before July 1, ~~2001~~ 2003, a care management organization under s. 46.281 (1) (d), is  
8 at least 18 years of age and meets all other eligibility criteria under this subsection  
9 sub. (1) (a) and (b).

10 **\*-0196/2.3\* SECTION 1538.** 46.286 (3) (a) (intro.) of the statutes is amended to  
11 read:

12 46.286 (3) (a) (intro.) Subject to pars. (c) and (d), a person is entitled to and may  
13 receive the family care benefit through enrollment in a care management  
14 organization if, except as provided in subd. 5., he or she meets the requirements of  
15 sub. (1) (intro.) is at least 18 years of age, has a physical disability, as defined in s.  
16 15.197 (4) (a) 2., or infirmities of aging, as defined in s. 55.01 (3), is financially  
17 eligible, fulfills any applicable cost-sharing requirements and meets any of the  
18 following criteria:

19 **\*-0196/2.4\* SECTION 1539.** 46.286 (3) (a) 6. of the statutes is created to read:

20 46.286 (3) (a) 6. Is functionally eligible at the intermediate level and meets all  
21 of the following criteria:

22 a. On the date on which the family care benefit is initially available in the  
23 person's county of residence, is a resident in a nursing home or has been receiving  
24 for at least 60 days, under a written plan of care, long-term care services, as specified

1 by the department, which are funded as specified under sub. (1) (a) 2. a., b., c., d., or  
2 e.

3 b. Enrolls within 36 months after the date on which the family care benefit is  
4 initially available in the person's county of residence.

5 **\*-0198/2.1\* SECTION 1540.** 46.286 (3) (d) of the statutes is amended to read:

6 46.286 (3) (d) The department shall determine the date, which shall not be later  
7 than ~~July 1, 2000~~ January 1, 2004, on which par. (a) shall first apply to persons who  
8 are not eligible for medical assistance under ch. 49. Before the date determined by  
9 the department, persons who are not eligible for medical assistance may receive the  
10 family care benefit within the limits of state funds appropriated for this purpose and  
11 available federal funds.

12 **\*-0465/3.1\* SECTION 1541.** 46.286 (7) of the statutes is amended to read:

13 46.286 (7) RECOVERY OF FAMILY CARE BENEFIT PAYMENTS; RULES. The department  
14 shall promulgate rules relating to the recovery from persons who receive the family  
15 care benefit, including by liens and from estates, of correctly and incorrectly paid  
16 family care benefits, that are substantially similar to applicable provisions under ss.  
17 49.496 and 49.497. This subsection does not apply to the recovery of a family care  
18 benefit that is provided under medical assistance and is recoverable under s. 49.496  
19 (3).

20 **\*-0202/P1.1\* SECTION 1542.** 46.287 (2) (a) 1. (intro.) of the statutes is amended  
21 to read:

22 46.287 (2) (a) 1. (intro.) Except as provided in subd. 2., a client may contest any  
23 of the following applicable matters by filing, within 45 days of the failure of a resource  
24 center or care management organization to act on the contested matter within the  
25 ~~time frames specified by rule by the department or within 45 days after receipt of~~

1 ~~notice of a decision in a contested matter~~ after the effective date of the matter, a  
2 written request for a hearing under s. 227.44 to the division of hearings and appeals  
3 created under s. 15.103 (1):

4 \*~~0205/3.16~~\* SECTION 1543. 46.287 (2) (a) 1. f. of the statutes is amended to  
5 read:

6 46.287 (2) (a) 1. f. Development of a plan of care that is unacceptable because  
7 the plan of care requires the enrollee to live in a place type of residence that is  
8 unacceptable to the enrollee or the plan of care provides care, treatment or support  
9 items that are insufficient to meet the enrollee's needs, are unnecessarily restrictive  
10 or are unwanted by the enrollee.

11 \*~~0202/P1.2~~\* SECTION 1544. 46.287 (2) (a) 1. k. of the statutes is repealed.

12 \*~~0205/3.17~~\* SECTION 1545. 46.287 (2) (c) of the statutes is amended to read:

13 46.287 (2) (c) Information regarding the availability of advocacy services and  
14 notice of adverse actions taken and appeal rights shall be provided to a client by the  
15 resource center or care management organization in a form and manner that is  
16 prescribed by the department by rule or by contract.

17 \*~~0203/2.6~~\* SECTION 1546. 46.2895 (1) (a) (intro.) of the statutes is amended  
18 to read:

19 46.2895 (1) (a) (intro.) After considering recommendations of the local  
20 long-term care council under s. 46.282 (3) (a) 1., and with approval of the secretary,  
21 a county board of supervisors may create a special purpose district that is termed a  
22 "family care district", that is a local unit of government, that is separate and distinct  
23 from, and independent of, the state and the county, and that has the powers and  
24 duties specified in this section, if the county board does all of the following:

1           \***-0203/2.7\*** **SECTION 1547.** 46.2895 (1) (a) 2. of the statutes is renumbered  
2 46.2895 (1) (a) 2. (intro.) and amended to read:

3           46.2895 (1) (a) 2. (intro.) ~~Files copies of the enabling resolution~~ with the  
4 secretary of administration, the secretary of health and family services, and the  
5 secretary of revenue. copies of all of the following:

6           \***-0203/2.8\*** **SECTION 1548.** 46.2895 (1) (a) 2. a. to c. of the statutes are created  
7 to read:

8           46.2895 (1) (a) 2. a. The enabling resolution under subd. 1.

9           b. A list of the names and addresses of the proposed initial members of the  
10 family care district board under sub. (3).

11           c. Recommendations of the local long-term care council under s. 46.282 (3) (a)  
12 1m.

13           \***-0203/2.9\*** **SECTION 1549.** 46.2895 (1) (b) of the statutes is amended to read:

14           46.2895 (1) (b) The county boards of supervisors of 2 or more counties may  
15 together, with the approval of the secretary, create a family care district with the  
16 attributes specified in par. (a) (intro.) on a multicounty basis within the counties if  
17 the county boards of supervisors comply with the requirements of par. (a) 1. and 2.

18           \***-0203/2.10\*** **SECTION 1550.** 46.2895 (3) (a) 1. of the statutes is amended to  
19 read:

20           46.2895 (3) (a) 1. The county board of supervisors of a county or, in a county  
21 with a county administrator or county executive, the county administrator or county  
22 executive shall, with the approval of the secretary, appoint the initial members of the  
23 family care district board, which is the governing board of a family care district under  
24 sub. (1) (a).

1           \*–0203/2.11\* SECTION 1551. 46.2895 (3) (a) 2. of the statutes is amended to  
2 read:

3           46.2895 (3) (a) 2. The county boards of supervisors of 2 or more counties shall,  
4 with the approval of the secretary, appoint the initial members of the family care  
5 district board, which is the governing board of the family care district under sub. (1)  
6 (b). Each county board shall appoint members in the same proportion that the  
7 county's population represents to the total population of all of the counties that  
8 constitute the jurisdiction of the family care district.

9           \*–0203/2.12\* SECTION 1552. 46.2895 (3) (b) 3. of the statutes is amended to  
10 read:

11           46.2895 (3) (b) 3. Membership of the family care district board under subd. 1.  
12 or 2. shall reflect the ethnic and economic diversity of the area of jurisdiction of the  
13 family care district. ~~Up to~~ Less than one-fourth of the members of the board may  
14 be elected or appointed officials or employees of the county or counties that created  
15 the family care district. No member of the board may have a private financial  
16 interest in or profit directly or indirectly from any contract or other business of the  
17 family care district.

18           \*–0203/2.13\* SECTION 1553. 46.2895 (3) (c) of the statutes is amended to read:

19           46.2895 (3) (c) The initial members of the family care district board appointed  
20 under par. (a) shall serve 3-year terms. No member may serve more than 2  
21 consecutive terms. Of the members first appointed, 5 shall be appointed for ~~3 years~~  
22 one year; 5 shall be appointed for ~~4~~ 2 years; and 5 or, in the case of a board appointed  
23 under par. (b) 2., the remainder, shall be appointed for ~~5~~ 3 years. A member shall  
24 serve until his or her successor is appointed, unless removed for cause under s. 17.13.

25           \*–0203/2.14\* SECTION 1554. 46.2895 (3) (e) of the statutes is created to read:

1           46.2895 (3) (e) The family care district board shall appoint a successor to a  
2 member of the family care district board, including an initial member appointed  
3 under par. (a), when a member's term expires or if a member is removed for cause  
4 under s. 17.13.

5           \*~~1712/2.1~~\* SECTION 1555. 46.29 (1) (f) of the statutes is renumbered 46.29 (2)  
6 (d) and amended to read:

7           46.29 (2) (d) Submit annually to the chief clerk of each house of the legislature,  
8 for distribution to the legislature under s. 13.172 (2), a report concerning the council's  
9 recommendations under ~~par.~~ sub. (1) (c).

10           \*~~0442/6.2~~\* SECTION 1556. 46.40 (2) of the statutes is amended to read:

11           46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under  
12 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not  
13 more than ~~\$284,978,800~~ \$245,706,500 for fiscal year ~~1999-2000~~ 2001-02 and  
14 ~~\$285,511,800~~ \$245,706,500 for fiscal year ~~2000-01~~ 2002-03.

\*\*\*\*NOTE: This is reconciled s. 46.40 (2). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0442/5 and LRB-0443/2.

15           \*~~0442/6.3~~\* SECTION 1557. 46.40 (2m) (a) of the statutes is amended to read:

16           46.40 (2m) (a) *Prevention and treatment of substance abuse*. For prevention  
17 and treatment of substance abuse under 42 USC 300x-21 to 300x-35, the  
18 department shall distribute not more than ~~\$11,318,700~~ \$9,735,700 in each fiscal  
19 year.

20           \*~~0443/3.1~~\* SECTION 1558. 46.40 (8) of the statutes is amended to read:

21           46.40 (8) ALZHEIMER'S FAMILY AND CAREGIVER SUPPORT ALLOCATION. Subject to  
22 sub. (9), for services to persons with Alzheimer's discase and their caregivers under

1 s. 46.87, the department shall distribute not more than ~~\$1,993,400 for fiscal year~~  
2 ~~1999-2000 and \$2,226,300 for fiscal year 2000-01~~ \$2,342,800 in each fiscal year.

3 **\*-0439/3.2\* SECTION 1559.** 46.45 (2) (a) of the statutes, as affected by 1999  
4 Wisconsin Act 9, is amended to read:

5 46.45 (2) (a) If on December 31 of any year there remains unspent or  
6 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the  
7 amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in that  
8 year, the department shall carry forward the excess moneys and distribute not less  
9 than 50% of the excess moneys to counties having a population of less than 500,000  
10 that are making a good faith effort, as determined by the department, to comply with  
11 s. 46.22 (1) (c) 8. f. for services and projects to assist children and families,  
12 notwithstanding the percentage limit specified in sub. (3) (a). A county shall use not  
13 less than 50% of the moneys distributed to the county under this subsection for  
14 services for children who are at risk of abuse or neglect to prevent the need for child  
15 abuse and neglect intervention services, except that in the calendar year in which  
16 a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar years after  
17 that calendar year the county may use 100% of the moneys distributed under this  
18 paragraph to reimburse the department for the costs of achieving that compliance.

19 If a county does not comply with s. 46.22 (1) (c) 8. f. before July 1, 2005, the  
20 department may recover any amounts distributed to that county under this  
21 paragraph after June 30, 2001, by billing the county or deducting from that county's  
22 allocation under s. 46.40 (2). All moneys received by the department under this  
23 paragraph shall be credited to the appropriation account under s. 20.435 (3) (j).

24 **\*-0310/1.2\* SECTION 1560.** 46.48 (10) of the statutes is repealed.

25 **\*-1709/4.2\* SECTION 1561.** 46.48 (30) (a) of the statutes is amended to read:

1           46.48 (30) (a) From the appropriation under s. 20.435 (7) (bc), the department  
2 shall distribute grants on a competitive basis to county departments of social services  
3 and to private nonprofit organizations, as defined in s. 103.21 (2), for the provision  
4 of alcohol and other drug abuse treatment services ~~in counties with a population of~~  
5 ~~500,000 or more.~~ Grants distributed under this subsection may be used only to  
6 provide treatment for alcohol and other drug abuse to individuals who are eligible  
7 for federal temporary assistance for needy families under 42 USC 601 et. seq. and  
8 who have a family income of not more than 200% of the poverty line, as defined in  
9 s. 49.001 (5).

10           \*~~0441/6.10~~\* SECTION 1562. 46.495 (1) (d) of the statutes is amended to read:

11           46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw),  
12 and (o), the department shall distribute the funding for social services, including  
13 funding for foster care ~~or~~, treatment foster care, or subsidized guardianship care of  
14 a child on whose behalf aid is received under s. 46.261, to county departments under  
15 ss. 46.215, 46.22, and 46.23 as provided under s. 46.40. County matching funds are  
16 required for the distributions under s. 46.40 (2), (8), and (9) (b). Each county's  
17 required match for the distributions under s. 46.40 (2) and (8) for a year equals 9.89%  
18 of the total of the county's distributions under s. 46.40 (2) and (8) for that year for  
19 which matching funds are required plus the amount the county was required by s.  
20 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its  
21 distribution for 1987. Each county's required match for the distribution under s.  
22 46.40 (9) (b) for a year equals 9.89% of that county's amounts described in s. 46.40  
23 (9) (a) (intro.) for that year. Matching funds may be from county tax levies, federal  
24 and state revenue sharing funds, or private donations to the county that meet the  
25 requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the

1 total county match. If the county match is less than the amount required to generate  
2 the full amount of state and federal funds distributed for this period, the decrease  
3 in the amount of state and federal funds equals the difference between the required  
4 and the actual amount of county matching funds.

5 **\*-0441/6.11\* SECTION 1563.** 46.51 (4) of the statutes is amended to read:

6 46.51 (4) A county may use the funds distributed under this section to fund  
7 additional foster parents and, treatment foster parents, and subsidized guardians  
8 to care for abused and neglected children and to fund additional staff positions to  
9 provide services related to child abuse and neglect and to unborn child abuse.

10 **\*-0195/1.1\* SECTION 1564.** 46.52 of the statutes is amended to read:

11 **46.52 Systems change grants.** From the appropriation under s. 20.435 (7)  
12 (~~md~~), ~~the department may not distribute more than \$350,000 in each fiscal year to~~  
13 ~~counties to assist in relocating individuals with mental illness from institutional or~~  
14 ~~residential care to less restrictive and more cost effective community settings and~~  
15 ~~services. The department shall distribute funds to each grant recipient under this~~  
16 ~~section so as to permit initial phasing in of community services recovery-oriented~~  
17 ~~system changes, prevention and early intervention strategies, and consumer and~~  
18 ~~family involvement for individuals with mental illness ~~who are relocated or diverted~~~~  
19 ~~from institutional or residential care and. The department shall eliminate the~~  
20 ~~funding for a recipient at the end of a period of not more than 5 3 years in order to~~  
21 ~~provide funding to benefit another county recipient. The department shall require~~  
22 ~~that the community services that are developed under this section are continued,~~  
23 ~~following termination of a county's funding under this section, by use of funding~~  
24 ~~savings made available to the county from reduced institutional and residential care~~

1 utilization from incorporating recovery, prevention and early intervention  
2 strategies, and consumer and family involvement in the services.

3 \***-0310/1.3\* SECTION 1565.** 46.58 of the statutes is created to read:

4 **46.58 Competency examinations.** From the appropriation under s. 20.435  
5 (2) (bj), the department shall distribute funds to provide competency examinations  
6 under s. 971.14 (2) in a county with a population of 500,000 or more.

7 \***-1712/2.2\* SECTION 1566.** 46.76 (intro.) of the statutes is renumbered 46.76  
8 (1m) (intro.).

9 \***-1712/2.3\* SECTION 1567.** 46.76 (1) of the statutes is renumbered 46.76 (1m)  
10 (a).

11 \***-1712/2.4\* SECTION 1568.** 46.76 (2) of the statutes is renumbered 46.76 (1m)  
12 (b).

13 \***-1712/2.5\* SECTION 1569.** 46.76 (4) of the statutes is renumbered 46.76 (2m)  
14 (a) and amended to read:

15 46.76 (2m) (a) ~~Develop~~ The department may develop an annual plan that  
16 documents areas of hunger and populations experiencing hunger within this state  
17 and that recommends strategies and state and federal policy changes to address  
18 hunger in these areas and populations.

19 \***-1712/2.6\* SECTION 1570.** 46.76 (5) of the statutes is renumbered 46.76 (2m)  
20 (b) and amended to read:

21 46.76 (2m) (b) ~~Submit, by December 31 annually, the~~ The department may  
22 submit a plan developed under sub. (4) par. (a) to the governor, superintendent of  
23 public instruction and the appropriate standing committees of the legislature under  
24 s. 13.172 (3).

25 \***-0515/4.4\* SECTION 1571.** 46.93 (1m) (b) of the statutes is amended to read:

1           46.93 (1m) (b) "Board" means the adolescent pregnancy prevention and  
2 pregnancy services board under s. 15.195 (5).

3           \*~~0515/4.5~~\* SECTION 1572. 46.93 (2) (intro.) of the statutes is amended to read:

4           46.93 (2) PURPOSE; ALLOCATION. (intro.) From the ~~appropriation~~ appropriations  
5 under s. 20.434 (1) (b) and (ky), the board shall award not more than \$439,300 in each  
6 fiscal year for grants to organizations to provide adolescent pregnancy prevention  
7 programs or pregnancy services that include health care, education, counseling, and  
8 vocational training. Types of services and programs that are eligible for grants  
9 include all of the following:

10           \*~~0515/4.6~~\* SECTION 1573. 46.93 (2m) (a) of the statutes is amended to read:

11           46.93 (2m) (a) Each organization that receives a grant under this section shall  
12 provide matching funds equal to 20% of the grant amount awarded. The match may  
13 be in the form of money or in-kind services or both, but any moneys used by an  
14 organization toward a match may not include moneys received from the state or  
15 federal government.

16           \*~~0515/4.7~~\* SECTION 1574. 46.93 (3) of the statutes is amended to read:

17           46.93 (3) STAFF AND SALARIES. The salaries of the board staff and all actual and  
18 necessary operating expenses of the board shall be paid from the ~~appropriation~~  
19 appropriations under s. 20.434 (1) (a) and (kp).

20           \*~~0489/5.1~~\* SECTION 1575. 46.95 (2) (f) 9. of the statutes is amended to read:

21           46.95 (2) (f) 9. Award a ~~grant of \$25,000 in fiscal year 1999-2000 and a grant~~  
22 of \$50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic  
23 Violence for the cost of a staff person to provide assistance in obtaining legal services  
24 to domestic abuse victims.

25           \*~~1712/2.7~~\* SECTION 1576. 46.972 (4) of the statutes is amended to read:

1           46.972 (4) REPORTING. ~~On June 30 annually, the~~ The department shall may  
2 submit annually a copy of the report required under 42 USC 290cc-28 concerning the  
3 expenditure of funds under sub. (3) and a report on the allocation and expenditure  
4 of funds under sub. (2) to the legislature for distribution under s. 13.172 (2).

5           \***-0262/1.1\*** SECTION 1577. 46.99 (2) (a) (intro.) of the statutes is amended to  
6 read:

7           46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), (km) and  
8 (nL), the department, ~~beginning on January 1, 2001,~~ shall distribute \$2,125,200 in  
9 each fiscal year to applying nonprofit corporations and public agencies operating in  
10 a county having a population of 500,000 or more and ~~\$1,229,300~~ \$1,199,300 in each  
11 fiscal year to applying county departments under s. 46.22, 46.23, 51.42 or 51.437  
12 operating in counties other than a county having a population of 500,000 or more to  
13 provide programs to accomplish all of the following:

14           \***-0262/1.2\*** SECTION 1578. 46.995 (1m) of the statutes is amended to read:

15           46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS. From the appropriation  
16 account under s. 20.435 (3) (km), the department may allocate ~~\$172,500~~ \$195,000 in  
17 each fiscal year and, from the appropriation account under s. 20.435 (3) (eg), the  
18 department may allocate ~~\$7,500~~ \$15,000 in each fiscal year to provide the grants  
19 specified in subs. (2), (3) (b) and (4m) (b).

20           \***-0262/1.3\*** SECTION 1579. 46.995 (4m) (b) (intro.) of the statutes is amended  
21 to read:

22           46.995 (4m) (b) (intro.) From the allocations under sub. (1m), the department  
23 may provide a grant annually in the amount of ~~\$30,000~~ \$60,000 to the elected  
24 governing body of a federally recognized American Indian tribe or band for the  
25 provision of information to members of the tribe or band in order to increase

1 community knowledge about problems of adolescents and information to and  
2 activities for adolescents, particularly female adolescents, in order to enable the  
3 adolescents to develop skills with respect to all of the following:

4 \***-0440/3.1\*** SECTION 1580. 48.21 (5) (b) of the statutes is renumbered 48.21 (5)  
5 (b) (intro.) and amended to read:

6 48.21 (5) (b) (intro.) An order relating to a child held in custody outside of his  
7 or her home shall also ~~describe~~ include all of the following:

8 1. A description of any efforts that were made to permit the child to remain  
9 safely at home and the services that are needed to ensure the child's well-being, to  
10 enable the child to return safely to his or her home, and to involve the parents in  
11 planning for the child.

12 \***-0440/3.2\*** SECTION 1581. 48.21 (5) (b) 2. of the statutes is created to read:

13 48.21 (5) (b) 2. If the child is held in custody outside the home in a placement  
14 recommended by the intake worker, a statement that the court approves the  
15 placement recommended by the intake worker or, if the child is placed outside the  
16 home in a placement other than a placement recommended by the intake worker, a  
17 statement that the court has given bona fide consideration to the recommendations  
18 made by the intake worker and all parties relating to the placement of the child.

19 \***-0094/5.1\*** SECTION 1582. 48.315 (1) (h) of the statutes is created to read:

20 48.315 (1) (h) Any period of delay resulting from the need to appoint a qualified  
21 interpreter.

22 \***-0441/6.12\*** SECTION 1583. 48.33 (4) (intro.) of the statutes is amended to  
23 read:

24 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
25 placement of an adult expectant mother outside of her home shall be in writing. A

1 report recommending placement of a child in a foster home, treatment foster home,  
2 group home, or child caring institution or in the home of the child's guardian under  
3 s. 48.977 (2) shall be in writing and shall include all of the following:

4 \***-0441/6.13\*** SECTION 1584. 48.345 (3) (c) of the statutes is amended to read:

5 48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62  
6 or, a group home licensed under s. 48.625, or in the home of the child's guardian under  
7 s. 48.977 (2).

8 \***-0440/3.3\*** SECTION 1585. 48.355 (2) (b) 6m. of the statutes is created to read:

9 48.355 (2) (b) 6m. If the child is placed outside the home in a placement  
10 recommended by the agency designated under s. 48.33 (1), a statement that the court  
11 approves the placement recommended by the agency or, if the child is placed outside  
12 the home in a placement other than a placement recommended by that agency, a  
13 statement that the court has given bona fide consideration to the recommendations  
14 made by the agency and all parties relating to the child's placement.

15 \***-0440/3.4\*** SECTION 1586. 48.357 (2v) of the statutes is created to read:

16 48.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
17 placement would place the child outside the home in a placement recommended by  
18 the person or agency primarily responsible for implementing the dispositional order,  
19 the change in placement order shall include a statement that the court approves the  
20 placement recommended by that person or agency or, if the child is placed outside the  
21 home in a placement other than a placement recommended by that person or agency,  
22 a statement that the court has given bona fide consideration to the recommendations  
23 made by that person or agency and all parties relating to the child's placement.

24 \***-0447/3.1\*** SECTION 1587. 48.366 (8) of the statutes is amended to read:

1           48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections  
2           may transfer a person subject to an order between secured correctional facilities.  
3           After the person attains the age of 17 years, the department of corrections may place  
4           the person in a state prison named in s. 302.01. ~~If the person is 15 years of age or~~  
5           ~~over, the department of corrections may transfer the person to the Racine youthful~~  
6           ~~offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ If  
7           the department of corrections places a person subject to an order under this section  
8           in a state prison, that department shall provide services for that person from the  
9           appropriate appropriation under s. 20.410 (1). The department of corrections may  
10          transfer a person placed in a state prison under this subsection to or between state  
11          prisons named in s. 302.01 without petitioning for revision of the order under sub.  
12          (5) (a).

13           \*~~1394/2.27~~\* SECTION 1588. 48.37 (2) of the statutes is amended to read:

14           48.37 (2) Notwithstanding sub. (1), no costs, penalty assessments, law  
15          enforcement training fund assessments, or jail assessments may be assessed against  
16          any child in a circuit court exercising jurisdiction under s. 48.16.

17           \*~~0094/5.2~~\* SECTION 1589. 48.375 (7) (d) 1m. of the statutes is amended to  
18          read:

19           48.375 (7) (d) 1m. Except as provided under s. 48.315 (1) (b), (c) ~~and~~, (f), and  
20          (h), if the court fails to comply with the time limits specified under subd. 1. without  
21          the prior consent of the minor and the minor's counsel, if any, or the member of the  
22          clergy who filed the petition on behalf of the minor, if any, the minor and the minor's  
23          counsel, if any, or the member of the clergy, if any, shall select a temporary reserve  
24          judge, as defined in s. 753.075 (1) (b), to make the determination under par. (c) and  
25          issue an order granting or denying the petition and the chief judge of the judicial

1 administrative district in which the court is located shall assign the temporary  
2 reserve judge selected by the minor and the minor's counsel, if any, or the member  
3 of the clergy, if any, to make the determination and issue the order. A temporary  
4 reserve judge assigned under this subdivision to make a determination under par.  
5 (c) and issue an order granting or denying a petition shall make the determination  
6 and issue the order within 2 calendar days after the assignment, unless the minor  
7 and her counsel, if any, or the member of the clergy who filed the petition on behalf  
8 of the minor, if any, consent to an extension of that time period. The order shall be  
9 effective immediately. The court shall prepare and file with the clerk of court  
10 findings of fact, conclusions of law and a final order granting or denying the petition,  
11 and shall notify the minor of the court's order, as provided under subd. 1.

12 \***-0264/4.1\*** SECTION 1590. 48.38 (2) (intro.) of the statutes is amended to read:

13 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
14 for each child living in a foster home, treatment foster home, group home,  
15 child-caring institution, secure detention facility, or shelter care facility or in the  
16 home of a relative, the agency that placed the child or arranged the placement or the  
17 agency assigned primary responsibility for providing services to the child under s.  
18 48.355 shall prepare a written permanency plan, if one of the following conditions  
19 exists:

20 \***-0264/4.2\*** SECTION 1591. 48.38 (4) (f) (intro.) of the statutes is amended to  
21 read:

22 48.38 (4) (f) (intro.) The services that will be provided to the child, the child's  
23 family, and the child's foster parent, the child's treatment foster parent ~~or~~, the  
24 operator of the facility where the child is living, or the relative with whom the child

1 is living to carry out the dispositional order, including services planned to accomplish  
2 all of the following:

3 **\*-0264/4.3\* SECTION 1592.** 48.38 (5) (a) of the statutes is amended to read:

4 48.38 (5) (a) The court or a panel appointed under this paragraph shall review  
5 the permanency plan every 6 months from the date on which the child was first held  
6 in physical custody or placed outside of his or her home under a court order. If the  
7 court elects not to review the permanency plan, the court shall appoint a panel to  
8 review the permanency plan. The panel shall consist of 3 persons who are either  
9 designated by an independent agency that has been approved by the chief judge of  
10 the judicial administrative district or designated by the agency that prepared the  
11 permanency plan. A voting majority of persons on each panel shall be persons who  
12 are not employed by the agency that prepared the permanency plan and who are not  
13 responsible for providing services to the child or the parents of the child whose  
14 permanency plan is the subject of the review.

15 **\*-0264/4.4\* SECTION 1593.** 48.38 (5) (b) of the statutes is amended to read:

16 48.38 (5) (b) The court or the agency shall notify the parents of the child, the  
17 child if he or she is 12 years of age or older, and the child's foster parent, the child's  
18 treatment foster parent ~~or~~, the operator of the facility in which the child is living, or  
19 the relative with whom the child is living of the date, time, and place of the review,  
20 of the issues to be determined as part of the review, and of the fact that they may have  
21 an opportunity to be heard at the review by submitting written comments not less  
22 than 10 working days before the review or by participating at the review. The court  
23 or agency shall notify the person representing the interests of the public, the child's  
24 counsel, the child's guardian ad litem, and the child's court-appointed special  
25 advocate of the date of the review, of the issues to be determined as part of the review,

1 and of the fact that they may submit written comments not less than 10 working days  
2 before the review. The notices under this paragraph shall be provided in writing not  
3 less than 30 days before the review and copies of the notices shall be filed in the child's  
4 case record.

5 **\*-0441/6.14\* SECTION 1594.** 48.425 (1) (g) of the statutes is amended to read:

6 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.  
7 determines that it is unlikely that the child will be adopted, or if adoption would not  
8 be in the best interests of the child, the report shall include a plan for placing the child  
9 in a permanent family setting. The plan shall include a recommendation as to the  
10 agency to be named guardian of the child or a recommendation that the person  
11 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian  
12 of the child or that a guardian be appointed for the child under s. 48.977 (2).

13 **\*-0441/6.15\* SECTION 1595.** 48.427 (3m) (intro.) of the statutes is amended to  
14 read:

15 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are  
16 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,  
17 the court shall either do one of the following:

18 **\*-0441/6.16\* SECTION 1596.** 48.427 (3m) (c) of the statutes is created to read:

19 48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship  
20 and custody of the child to the guardian.

21 **\*-0441/6.17\* SECTION 1597.** 48.427 (3p) of the statutes is amended to read:

22 48.427 (3p) If the rights of both parents or of the only living parent are  
23 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the  
24 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters

1 an order under this subsection, the court shall terminate the guardianship under s.  
2 48.977.

3 **\*-1826/2.1\* SECTION 1598.** 48.43 (7) of the statutes is amended to read:

4 48.43 (7) If the agency specified under sub. (1) (a) is the department and a  
5 permanent adoptive placement is not in progress ~~2-years~~ one year after entry of the  
6 order, the department may petition the court to transfer legal custody of the child to  
7 a county department. The legal custody of the child and, if the county department  
8 is authorized to accept guardianship under s. 48.57 (1) (e) or (hm), guardianship of  
9 the child, and the court shall transfer the child's legal custody and guardianship of  
10 the child to the county department as specified in the petition. The If the county  
11 department is not authorized to accept guardianship under s. 48.57 (1) (e) or (hm),  
12 the department shall remain the child's guardian.

13 **\*-1889/1.2\* SECTION 1599.** 48.432 (3) (c) of the statutes is amended to read:

14 48.432 (3) (c) The person making a request under this subsection shall pay a  
15 fee for the cost of locating, verifying, purging, summarizing, copying, and mailing the  
16 medical or genetic information according to a fee schedule established by the  
17 department, or agency contracted with under sub. (9), based on ability to pay. The  
18 fee ~~may not be more than \$150 and~~ may be waived by the department or agency.

19 **\*-1889/1.3\* SECTION 1600.** 48.433 (1) (a) of the statutes is repealed and  
20 recreated to read:

21 48.433 (1) (a) "Agency" means a child welfare agency licensed under s. 48.61  
22 (8) to conduct searches for birth parents under sub. (6).

23 **\*-1889/1.4\* SECTION 1601.** 48.433 (2) of the statutes is amended to read:

24 48.433 (2) Any birth parent whose rights have been terminated in this state  
25 at any time, or who has consented to the adoption of his or her child in this state

**SECTION 1601**

1 before February 1, 1982, may file with the department, ~~or agency contracted with~~  
2 ~~under sub. (11)~~, an affidavit authorizing the department ~~or agency~~ to provide the  
3 child with his or her original birth certificate and with any other available  
4 information about the birth parent's identity and location. An affidavit filed under  
5 this subsection may be revoked at any time by notifying the department ~~or agency~~  
6 in writing.

7 **\*-1889/1.5\* SECTION 1602.** 48.433 (3) (intro.) of the statutes is amended to  
8 read:

9 48.433 (3) (intro.) Any person 21 years of age or over whose birth parent's rights  
10 have been terminated in this state or who has been adopted in this state with the  
11 consent of his or her birth parent or parents before February 1, 1982, may request  
12 the department, ~~or agency contracted with under sub. (11)~~, to provide the person with  
13 the following:

14 **\*-1889/1.6\* SECTION 1603.** 48.433 (4) of the statutes is amended to read:

15 48.433 (4) Before acting on the request, the department, ~~or agency contracted~~  
16 ~~with under sub. (11)~~, shall require the requester to provide adequate identification.

17 **\*-1889/1.7\* SECTION 1604.** 48.433 (5) (intro.) of the statutes is amended to  
18 read:

19 48.433 (5) (intro.) The department, ~~or agency contracted with under sub. (11)~~,  
20 shall disclose the requested information in either of the following circumstances:

21 **\*-1889/1.8\* SECTION 1605.** 48.433 (5) (a) of the statutes is amended to read:

22 48.433 (5) (a) The department, ~~or agency contracted with under sub. (11)~~, has  
23 on file unrevoked affidavits filed under sub. (2) from both birth parents.

24 **\*-1889/1.9\* SECTION 1606.** 48.433 (6) (a) of the statutes is amended to read:

1           48.433 (6) (a) ~~If the department, or agency contracted with under sub. (11), does~~  
2           not have on file an affidavit from each known birth parent, it shall, ~~within 3 months~~  
3           ~~after the date of the original request, advise the requester that he or she may request~~  
4           ~~an agency to undertake a diligent search for each birth parent who has not filed an~~  
5           affidavit. The search shall be commenced within 3 months after the date of the  
6           request to the agency and completed within 6 months after the date of the that  
7           request, unless the search falls within one of the exceptions established by the  
8           department by rule. If any information has been provided under sub. (5), the  
9           ~~department or agency is not required to conduct a search.~~

10           \*~~1889/1.10~~\* SECTION 1607. 48.433 (6) (d) of the statutes is amended to read:

11           48.433 (6) (d) ~~The department, or agency contracted with under sub. (11), shall~~  
12           charge the requester a reasonable fee for the cost of the search. ~~When the~~  
13           ~~department or agency determines that the fee will exceed \$100 for either birth~~  
14           ~~parent, it shall notify the requester. No fee in excess of \$100 per birth parent may~~  
15           ~~be charged unless the requester, after receiving notification under this paragraph,~~  
16           ~~has given consent to proceed with the search.~~

17           \*~~1889/1.11~~\* SECTION 1608. 48.433 (7) (a) (intro.) of the statutes is amended  
18           to read:

19           48.433 (7) (a) (intro.) ~~The department or agency conducting the search shall,~~  
20           upon locating a birth parent, make at least one verbal contact and notify him or her  
21           of the following:

22           \*~~1889/1.12~~\* SECTION 1609. 48.433 (7) (b) of the statutes is amended to read:

23           48.433 (7) (b) Within 3 working days after contacting a birth parent, the  
24           ~~department, or agency contracted with under sub. (11), shall send the birth parent~~

1 a written copy of the information specified under par. (a) and a blank copy of the  
2 affidavit.

3 **\*-1889/1.13\* SECTION 1610.** 48.433 (7) (c) of the statutes is amended to read:

4 48.433 (7) (c) If the birth parent files the affidavit, the department, ~~or agency~~  
5 ~~contracted with under sub. (11)~~, shall disclose the requested information if permitted  
6 under sub. (5).

7 **\*-1889/1.14\* SECTION 1611.** 48.433 (7) (d) of the statutes is amended to read:

8 48.433 (7) (d) If ~~the department or an agency~~ has contacted a birth parent  
9 under this subsection, and the birth parent does not file the affidavit, the department  
10 may not disclose the requested information.

11 **\*-1889/1.15\* SECTION 1612.** 48.433 (7) (e) of the statutes is amended to read:

12 48.433 (7) (e) If, after a search under this subsection, a known birth parent  
13 cannot be located, the department, ~~or agency contracted with under sub. (11)~~, may  
14 disclose the requested information if the other birth parent has filed an unrevoked  
15 affidavit under sub. (2).

16 **\*-1889/1.16\* SECTION 1613.** 48.433 (7) (f) of the statutes is amended to read:

17 48.433 (7) (f) The department ~~or agency~~ conducting ~~a~~ the search under this  
18 subsection may not contact a birth parent again on behalf of the same requester until  
19 at least 12 months after the date of the previous contact. Further contacts with a  
20 birth parent under this subsection on behalf of the same requester may be made only  
21 if 5 years have elapsed since the date of the last contact.

22 **\*-1889/1.17\* SECTION 1614.** 48.433 (8) (a) (intro.) of the statutes is amended  
23 to read:

24 48.433 (8) (a) (intro.) If a birth parent is known to be ~~dead~~ deceased and has  
25 not filed an unrevoked affidavit under sub. (2), the department, ~~or agency contracted~~

1 ~~with under sub. (11)~~, shall so inform the requester. The department ~~or agency~~ may  
2 not provide the requester with his or her original birth certificate or with the identity  
3 of that parent, but shall provide the requester with any available information it has  
4 on file regarding the identity and location of the other birth parent if both of the  
5 following conditions exist:

6 **\*-1889/1.18\* SECTION 1615.** 48.433 (8) (b) of the statutes is amended to read:

7 48.433 (8) (b) If a birth parent is known to be ~~dead~~ deceased, the department,  
8 ~~or agency contracted with under sub. (11)~~, in addition to the information provided  
9 under par. (a), shall provide the requester with any nonidentifying social history  
10 information about the deceased parent on file with the department ~~or agency~~.

11 **\*-1889/1.19\* SECTION 1616.** 48.433 (8m) of the statutes is amended to read:

12 48.433 (8m) If the department, ~~or agency contracted with under sub. (11)~~, may  
13 not disclose the information requested under this section, it shall provide the  
14 requester with any nonidentifying social history information about either of the  
15 birth parents that it has on file.

16 **\*-1889/1.20\* SECTION 1617.** 48.433 (9) of the statutes is amended to read:

17 48.433 (9) The requester may petition the circuit court to order the department  
18 ~~or agency designated by the department~~ to disclose any information that may not be  
19 disclosed under this section. The court shall grant the petition for good cause shown.

20 **\*-1889/1.21\* SECTION 1618.** 48.433 (11) of the statutes is amended to read:

21 48.433 (11) The department shall promulgate rules to implement this section  
22 ~~and may contract with an agency to administer this section.~~

23 **\*-0441/6.18\* SECTION 1619.** 48.48 (17) (a) 3. of the statutes is amended to read:

24 48.48 (17) (a) 3. Provide appropriate protection and services for children and  
25 the expectant mothers of unborn children in its care, including providing services for

1 those children and their families and for those expectant mothers in their own  
2 homes, placing the children in licensed foster homes, treatment foster homes, or  
3 group homes in this state or another state within a reasonable proximity to the  
4 agency with legal custody, placing the children in the homes of the children's  
5 guardians under s. 48.977 (2), or contracting for services for those children by  
6 licensed child welfare agencies, except that the department may not purchase the  
7 educational component of private day treatment programs unless the department,  
8 the school board, as defined in s. 115.001 (7), and the state superintendent of public  
9 instruction all determine that an appropriate public education program is not  
10 available. Disputes between the department and the school district shall be resolved  
11 by the state superintendent of public instruction.

12 \***-0441/6.19\*** SECTION 1620. 48.48 (17) (c) 4. of the statutes is amended to read:

13 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,  
14 or child caring institution or in the home of a subsidized guardian under s. 48.62 (5).

15 \***-1826/2.2\*** SECTION 1621. 48.485 of the statutes is amended to read:

16 **48.485 Transfer of tribal children to department for adoption.** If the  
17 department accepts guardianship or legal custody or both from an American Indian  
18 tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive  
19 placement for the child. If a permanent adoptive placement is not in progress within  
20 ~~2 years~~ one year after entry of the termination of parental rights order by the tribal  
21 court, the department may petition the tribal court to transfer legal custody or  
22 guardianship of the child back to the tribe.

23 \***-0442/6.4\*** SECTION 1622. 48.561 (3) (a) of the statutes is renumbered 48.561

24 (3) (a) (intro.) and amended to read:

1           48.561 (3) (a) (intro.) A county having a population of 500,000 or more shall  
2 contribute \$58,893,500 in each state fiscal year for the provision of child welfare  
3 services in that county by the department. That contribution shall be made as  
4 follows:

5           \***-0442/6.5\*** SECTION 1623. 48.561 (3) (a) 1. of the statutes is created to read:

6           48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the amount  
7 distributed to that county under s. 46.40 (2) in each state fiscal year.

8           \***-0442/6.6\*** SECTION 1624. 48.561 (3) (a) 2. of the statutes is created to read:

9           48.561 (3) (a) 2. Through a reduction of \$1,583,000 from the amount distributed  
10 to that county under s. 46.40 (2m) (a) in each state fiscal year.

11           \***-0442/6.7\*** SECTION 1625. 48.561 (3) (a) 3. of the statutes is created to read:

12           48.561 (3) (a) 3. Through a deduction of \$20,101,300 from any state payment  
13 due that county under s. 79.03, 79.04, 79.058, 79.06, or 79.08 as provided in par. (b).

14           \***-0442/6.8\*** SECTION 1626. 48.561 (3) (b) of the statutes is amended to read:

15           48.561 (3) (b) The department of administration shall collect the amount  
16 specified in par. (a) 3., from a county having a population of 500,000 or more by  
17 deducting all or part of that amount from any state payment due that county under  
18 s. ~~46.40~~, 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration  
19 shall notify the department of revenue, by September 15 of each year, of the amount  
20 to be deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or  
21 79.08. The department of administration shall credit all amounts collected under  
22 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify  
23 the county from which those amounts are collected of that collection.

24           \***-0441/6.20\*** SECTION 1627. 48.57 (1) (c) of the statutes is amended to read:

1           48.57 (1) (c) To provide appropriate protection and services for children and the  
2 expectant mothers of unborn children in its care, including providing services for  
3 those children and their families and for those expectant mothers in their own  
4 homes, placing those children in licensed foster homes, treatment foster homes, or  
5 group homes in this state or another state within a reasonable proximity to the  
6 agency with legal custody, placing those children in the homes of the children's  
7 guardians under s. 48.977 (2), or contracting for services for those children by  
8 licensed child welfare agencies, except that the county department may not purchase  
9 the educational component of private day treatment programs unless the county  
10 department, the school board, as defined in s. 115.001 (7), and the state  
11 superintendent of public instruction all determine that an appropriate public  
12 education program is not available. Disputes between the county department and  
13 the school district shall be resolved by the state superintendent of public instruction.

14           \***-0441/6.21\*** SECTION 1628. 48.57 (3m) (cm) of the statutes is amended to read:

15           48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)  
16 for providing care and maintenance for a child is not eligible to receive a payment  
17 under sub. (3n) or s. 48.62 (4) or (5) for that child.

18           \***-0441/6.22\*** SECTION 1629. 48.57 (3n) (am) 1. of the statutes is amended to  
19 read:

20           48.57 (3n) (am) 1. The long-term kinship care relative applies to the county  
21 department or department for payments under this subsection and provides proof  
22 that he or she has been appointed as the guardian of the child under s. 48.977 (2) and  
23 states that he or she was not licensed as the child's foster parent or treatment foster  
24 parent before the guardianship appointment.

25           \***-0441/6.23\*** SECTION 1630. 48.57 (3n) (cm) of the statutes is amended to read:

1           48.57 (3n) (cm) A long-term kinship care relative who receives a payment  
2 under par. (am) for providing care and maintenance for a child is not eligible to  
3 receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

4           \*~~1825/1.1~~\* SECTION 1631. 48.57 (3p) (fm) 2. of the statutes is amended to read:

5           48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may  
6 provisionally employ a person in a position in which that person would have regular  
7 contact with the child for whom those payments are being made or provisionally  
8 permit a person to be an adult resident if the person receiving those payments states  
9 to the county department or, in a county having a population of 500,000 or more, the  
10 department of health and family services that the employee or adult resident does  
11 not have any arrests or convictions that could adversely affect the child or the ability  
12 of the person receiving payments to care for the child. A person receiving payments  
13 under sub. (3m) may not finally employ a person in a position in which that person  
14 would have regular contact with the child for whom those payments are being made  
15 or finally permit a person to be an adult resident until the county department or, in  
16 a county having a population of 500,000 or more, the department of health and family  
17 services receives information from the department of justice indicating that the  
18 person's conviction record under the law of this state is satisfactory according to the  
19 criteria specified in par. (g) 1. to 3. and the county department ~~so advises or, in a~~  
20 county having a population of 500,000 or more, the department of health and family  
21 services and so advises the person receiving payments under sub. (3m) or ~~the~~  
22 department of health and family services so advises that person until a decision is  
23 made under par. (h) 4. to permit a person who is receiving payments under sub. (3m)  
24 to employ a person in a position in which that person would have regular contact with  
25 the child for whom payments are being made or to permit a person to be an adult

1 resident and the county department or, in a county having a population of 500,000  
2 or more, the department of health and family services so advises the person receiving  
3 payments under sub. (3m). A person receiving payments under sub. (3m) may finally  
4 employ a person in a position in which that person would have regular contact with  
5 the child for whom those payments are being made or finally permit a person to be  
6 an adult resident conditioned on the receipt of information from the county  
7 department or, in a county having a population of 500,000 or more, the department  
8 of health and family services that the federal bureau of investigation indicates that  
9 the person's conviction record under the law of any other state or under federal law  
10 is satisfactory according to the criteria specified in par. (g) 1. to 3.

11 **\*-0441/6.24\* SECTION 1632.** 48.61 (3) of the statutes is amended to read:

12 48.61 (3) To provide appropriate care and training for children in its legal or  
13 physical custody and, if licensed to do so, to place children in licensed foster homes,  
14 licensed treatment foster homes, and licensed group homes and in the homes of the  
15 children's guardians under s. 48.977 (2).

16 **\*-1889/1.22\* SECTION 1633.** 48.61 (8) of the statutes is created to read:

17 48.61 (8) If licensed to do so, to conduct searches for birth parents under s.  
18 48.433 (6).

19 **\*-0441/6.25\* SECTION 1634.** 48.615 (1) (b) of the statutes is amended to read:

20 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to  
21 a child welfare agency that places children in licensed foster homes, licensed  
22 treatment foster homes, and licensed group homes and in the homes of the children's  
23 guardians under s. 48.977 (2), the child welfare agency must pay to the department  
24 a biennial fee of \$254.10, (2) who was licensed as the child's foster parent or

1 treatment foster parent before the guardianship appointment, and who is a resident  
2 of a county having a population of 500,000 or more.

3 **\*-0264/4.5\* SECTION 1635.** 48.62 (2) of the statutes is amended to read:

4 48.62 (2) A relative, as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a),  
5 or a guardian of a child, who provides care and maintenance for a child, is not  
6 required to obtain the license specified in this section. The department, a county  
7 department, or a licensed child welfare agency as provided in s. 48.75 ~~may~~ shall issue  
8 a license to operate a foster home or a treatment foster home to a relative who has  
9 no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster  
10 home or treatment foster home for a specific child who is either placed by court order  
11 or who is the subject of a voluntary placement agreement under s. 48.63. The  
12 department, a county department, or a licensed child welfare agency ~~may~~ shall, at  
13 the request of a guardian appointed under s. 48.977 or 48.978 or ch. 880, license the  
14 guardian's home as a foster home or treatment foster home for the guardian's minor  
15 ward who is living in the home and who is placed in the home by court order.  
16 Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978  
17 or ch. 880 who are licensed to operate foster homes or treatment foster homes are  
18 subject to the department's licensing rules.

19 **\*-0441/6.26\* SECTION 1636.** 48.62 (5) of the statutes is created to read:

20 48.62 (5) (a) Subject to par. (b), monthly subsidized guardianship payments  
21 shall be provided to a guardian of a child under s. 48.977 (2) who was licensed as the  
22 child's foster parent or treatment foster parent before the guardianship  
23 appointment, and who is a resident of a county having a population of 500,000 or  
24 more according to a rate established by the department based on the average amount  
25 of general purpose revenues expended for foster care per child in foster care in a

1 county having a population of 500,000 or more in fiscal year 2000-01 if the child  
2 meets any of the following conditions:

3 1. The child is 12 years of age or over and has been placed outside of his or her  
4 home, as described in s. 48.365 (1), for 15 of the most recent 22 months, the parental  
5 rights of both of the child's parents or of the child's only living parent have been  
6 terminated, or the court has found under s. 48.977 (2) (f) that the agency primarily  
7 responsible for providing services to the child under a court order has made  
8 reasonable efforts to make it possible for the child to return to his or her home, while  
9 assuring that the child's health and safety are the paramount concerns, but that  
10 reunification of the child with the child's parent or parents is unlikely or contrary to  
11 the best interests of the child and that further reunification efforts are unlikely to  
12 be made or are contrary to the best interests of the child, or that any of the  
13 circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., or 4. apply.

14 2. The child does not meet the conditions specified in subd. 1., but the  
15 department has determined, and the court has confirmed under s. 48.977 (3r), that  
16 providing monthly subsidized guardianship payments to the guardian is in the best  
17 interests of the child.

18 (b) The department shall request from the secretary of the federal department  
19 of health and human services a waiver of the requirements under 42 USC 670 to 679a  
20 that would authorize the state to receive federal foster care and adoption assistance  
21 reimbursement under 42 USC 670 to 679a for the costs of providing care for a child  
22 who is in the care of a guardian who was licensed as the child's foster parent or  
23 treatment foster parent before the guardianship appointment. If the waiver is  
24 approved, the rate established under par. (a) shall not apply, and monthly subsidized

1 guardianship payments under par. (a) shall be provided to the guardian according  
2 to the terms of the waiver.

3 **\*-0261/1.1\* SECTION 1637.** 48.627 (3) (h) of the statutes is amended to read:

4 48.627 (3) (h) If a claim by a foster, treatment foster or family-operated group  
5 home parent or a member of the foster, treatment foster or family-operated group  
6 home parent's family is approved, the department shall deduct from the amount  
7 approved ~~\$200~~ \$100 less any amount deducted by an insurance company from a  
8 payment for the same claim, except that a foster, treatment foster or family-operated  
9 group home parent and his or her family are subject to only one deductible for all  
10 claims filed in a fiscal year.

11 **\*-1843/1.1\* SECTION 1638.** 48.651 (1) (intro.) of the statutes is amended to  
12 read:

13 48.651 (1) (intro.) Each county department shall certify, according to the  
14 standards adopted by the department of workforce development under s. 49.155 (1d),  
15 each day care provider reimbursed for child care services provided to families  
16 determined eligible under s. 49.155 (~~1m~~), unless the provider is a day care center  
17 licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each  
18 county may charge a fee to cover the costs of certification. To be certified under this  
19 section, a person must meet the minimum requirements for certification established  
20 by the department of workforce development under s. 49.155 (1d), meet the  
21 requirements specified in s. 48.685 and pay the fee specified in this section. The  
22 county shall certify the following categories of day care providers:

23 **\*-0441/6.27\* SECTION 1639.** 48.977 (title) of the statutes is amended to read:

24 **48.977 (title) Appointment of relatives as guardians for certain**  
25 **children in need of protection or services.**

1           \*~~0441/6.28~~\* SECTION 1640. 48.977 (1) of the statutes is repealed.

2           \*~~0441/6.29~~\* SECTION 1641. 48.977 (2) (intro.) of the statutes is amended to  
3 read:

4           48.977 (2) TYPE OF GUARDIANSHIP. (intro.) This section may be used for the  
5 appointment of a ~~relative of a child as a~~ guardian of the person for ~~the~~ a child if the  
6 court finds all of the following:

7           \*~~0441/6.30~~\* SECTION 1642. 48.977 (2) (a) of the statutes is amended to read:

8           48.977 (2) (a) That the child has been adjudged to be in need of protection or  
9 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or  
10 938.13 (4) and been placed, or continued in a placement, outside of his or her home  
11 pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,  
12 938.345, 938.357, 938.363, or 938.365 ~~for a cumulative total period of one year or~~  
13 longer or that the child has been so adjudged and placement of the child in the home  
14 of a guardian under this section has been recommended under s. 48.33 (1) or 938.33  
15 (1) or requested under s. 48.357 (1) or (2m) or 938.357 (1) or (2m).

16           \*~~0441/6.31~~\* SECTION 1643. 48.977 (2) (b) of the statutes is amended to read:

17           48.977 (2) (b) That the person nominated as the guardian of the child is a  
18 ~~relative of the child~~ person with whom the child has been placed or in whose home  
19 placement of the child is recommended or requested under par. (a) and that it is likely  
20 that the child will continue to be placed with that ~~relative~~ person for an extended  
21 period of time or until the child attains the age of 18 years.

22           \*~~0441/6.32~~\* SECTION 1644. 48.977 (2) (c) of the statutes is amended to read:

23           48.977 (2) (c) That, if appointed, it is likely that the ~~relative~~ person would be  
24 willing and able to serve as the child's guardian for an extended period of time or until  
25 the child attains the age of 18 years.

1           \***-0441/6.33\*** SECTION 1645. 48.977 (2) (f) of the statutes is amended to read:

2           48.977 (2) (f) That the agency primarily responsible for providing services to  
3 the child under a court order has made reasonable efforts to make it possible for the  
4 child to return to his or her home, while assuring that the child's health and safety  
5 are the paramount concerns, but that reunification of the child with the child's  
6 parent or parents is unlikely or contrary to the best interests of the child and that  
7 further reunification efforts are unlikely to be made or are contrary to the best  
8 interests of the child or that the agency primarily responsible for providing services  
9 to the child under a court order has made reasonable efforts to prevent the removal  
10 of the child from his or her home, while assuring that the child's health and safety  
11 are the paramount concerns, but that continued placement of the child in the home  
12 would be contrary to the health, safety, and welfare of the child, except that the court  
13 need not find that the agency has made those reasonable efforts with respect to a  
14 parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3.,  
15 or 4. apply to that parent.

16           \***-0441/6.34\*** SECTION 1646. 48.977 (3r) of the statutes is created to read:

17           48.977 (3r) SUBSIDIZED GUARDIANSHIP. If the department has determined that  
18 providing monthly subsidized guardianship payments to the guardian of a child who  
19 does not meet the conditions specified under s. 48.62 (5) (a) 1. is in the best interests  
20 of the child, the petitioner under sub. (4) (a) shall include in the petition under sub.  
21 (4) (b) a statement of that determination and a request for the court to include in the  
22 court's findings under sub. (4) (d) a finding confirming that determination. If the  
23 court confirms that determination and appoints a guardian for the child under sub.  
24 (2) and if the guardian was licensed as the child's foster parent or treatment foster  
25 parent before the guardianship appointment and is a resident of a county having a

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1 population of 500,000 or more, the department shall provide monthly subsidized  
2 guardianship payments to the guardian under s. 48.62 (5).

3 **\*-0441/6.35\* SECTION 1647.** 48.977 (4) (a) 4. of the statutes is amended to read:

4 48.977 (4) (a) 4. The relative person with whom the child is placed or in whose  
5 home placement of the child is recommended or requested as described in sub. (2) (a),  
6 if the relative person is nominated as the guardian of the child in the petition.

7 **\*-0441/6.36\* SECTION 1648.** 48.977 (4) (a) 6. of the statutes is amended to read:

8 48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has  
9 been placed pursuant to an order under ch. 938 or the child's placement with the  
10 guardian is recommended or requested under ch. 938, a county department under  
11 s. 46.215, 46.22, or 46.23.

12 **\*-0441/6.37\* SECTION 1649.** 48.977 (4) (b) 3. of the statutes is amended to read:

13 48.977 (4) (b) 3. The date the child was adjudged in need of protection or  
14 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11) or (11m) or  
15 938.13 (4) and the dates that the child has been placed, or continued in a placement,  
16 outside of his or her home pursuant to one or more court orders under s. 48.345,  
17 48.357, 48.363, 48.365, 938.345, 938.357, 938.363 or 938.365 or, if the child has been  
18 so adjudged, but not so placed, the date of the report under s. 48.33 (1) or 938.33 (1)  
19 or the request for a change in placement under s. ~~48.357~~ (1) or (2m) or 938.357 (1)  
20 or (2m) in which placement of the child in the home of the person is recommended  
21 or requested.

22 **\*-0441/6.38\* SECTION 1650.** 48.977 (4) (c) 1. g. of the statutes is amended to  
23 read:

1           48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose  
2 home placement of the child is recommended or requested as described in sub. (2) (a),  
3 if the relative is nominated as the guardian of the child in the petition.

4           \*~~0441/6.39~~\* SECTION 1651. 48.977 (4) (e) of the statutes is amended to read:  
5           48.977 (4) (e) *Court report.* The For a child who has been placed, or continued  
6 in a placement, outside of his or her home for 6 months or longer, the court shall order  
7 the person or agency primarily responsible for providing services to the child under  
8 a court order to file with the court a report containing the written summary under  
9 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian  
10 as is reasonably ascertainable. For a child who has been placed, or continued in a  
11 placement, outside of his or her home for less than 6 months, the court shall order  
12 the person or agency primarily responsible for providing services to the child under  
13 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33  
14 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,  
15 and as much information relating to the appointment of a guardian as is reasonably  
16 ascertainable. The agency shall file the report at least 48 hours before the date of  
17 the dispositional hearing under par. (fm).

18           \*~~0441/6.40~~\* SECTION 1652. 48.977 (4) (g) 1. of the statutes is amended to read:  
19           48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of  
20 the child.

21           \*~~0441/6.41~~\* SECTION 1653. 48.977 (4) (g) 2. of the statutes is amended to read:  
22           48.977 (4) (g) 2. The willingness and ability of the relative person to serve as  
23 the child's guardian for an extended period of time or until the child attains the age  
24 of 18 years.

25           \*~~0490/2.6~~\* SECTION 1654. 48.982 (2) (d) of the statutes is amended to read:

1           48.982 (2) (d) Solicit and accept contributions, grants, gifts, and bequests for  
2 the children's trust fund or for any other purpose for which a contribution, grant, gift,  
3 or bequest is made and received. ~~Moneys and receive moneys under s. 341.14 (6r)~~  
4 ~~(b) 6. Contributions, grants, gifts, and bequests received under this paragraph, other~~  
5 ~~than 50% of the moneys received under s. 341.14 (6r) (b) 6., may be credited to the~~  
6 ~~appropriation accounts under s. 20.433 (1) (i), (q) or (r). Interest and all interest~~  
7 ~~earned on the moneys received under s. 341.14 (6r) (b) 6. may be credited to the~~  
8 ~~appropriation accounts account under s. 20.433 (1) (q) or (r).~~

9           \***-0490/2.7\*** SECTION 1655. 48.982 (2m) (intro.) of the statutes is amended to  
10 read:

11           48.982 (2m) DONATION USES. (intro.) If money is accepted by the board for the  
12 children's trust fund or for any other purpose under sub. (2) (d) and appropriated  
13 under s. 20.433 (1) (q) ~~or (r)~~, the board shall use the money in accordance with the  
14 wishes of the donor to do any of the following:

15           \***-0490/2.8\*** SECTION 1656. 48.982 (3) of the statutes is amended to read:

16           48.982 (3) STAFF AND SALARIES. The board shall determine the qualifications of  
17 and appoint, in the classified service, an executive director and staff. The salaries  
18 of the executive director and staff and all actual and necessary operating expenses  
19 of the board shall be paid from the appropriations under s. 20.433 (1) (g), (i), (k), (m),  
20 and ~~(r)~~ (q).

21           \***-0490/2.9\*** SECTION 1657. 48.982 (5) of the statutes is amended to read:

22           48.982 (5) STATEWIDE PROJECTS. From the appropriations under s. 20.433 (1) (i)  
23 and ~~(r)~~ (q), the board shall administer any statewide project for which it has accepted  
24 money under sub. (2m) (c).

25           \***-0490/2.10\*** SECTION 1658. 48.982 (6) (a) of the statutes is amended to read:

1           48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (ma),  
2 and (q), the board shall award grants to organizations in accordance with the  
3 request-for-proposal procedures developed under sub. (2) (a). No organization may  
4 receive a grant or grants under this subsection totaling more than \$150,000 in any  
5 year.

6           \***-1302/8.1\*** SECTION 1659. 49.137 (4m) of the statutes is created to read:

7           49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The department shall award  
8 grants to local governments and tribal governing bodies for programs to improve the  
9 quality of child care. The department shall promulgate rules to administer the grant  
10 program, including rules that specify the eligibility criteria and procedures for  
11 awarding the grants.

12           \***-0525/2.1\*** SECTION 1660. 49.143 (2) (a) (intro.) of the statutes is amended to  
13 read:

14           49.143 (2) (a) (intro.) Establish a community steering committee within 60  
15 days after the date on which the contract is awarded. The Wisconsin works agency  
16 shall recommend the members of the committee to the chief executive officer of each  
17 county served by the Wisconsin works agency. The chief executive officer of each  
18 county shall appoint the members of the committee. The number of members that  
19 each chief executive officer appoints to the committee shall be in proportion to the  
20 population of that officer's county relative to the population of each other county  
21 served by the Wisconsin works agency, except that the chief executive officer of a  
22 county that is not a Wisconsin works agency shall appoint the director of the county  
23 department under s. 46.215, 46.22, or 46.23, or his or her designee, and one other  
24 representative of the county department under s. 46.215, 46.22, or 46.23. The  
25 ~~committee shall consist of at least 12 members, but not more than 15 members.~~ The

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1 members of the committee shall appoint a chairperson who shall be a person who  
2 represents business interests. The committee shall do all of the following:

3 **\*-0525/2.2\* SECTION 1661.** 49.143 (2) (a) 7. of the statutes is amended to read:

4 49.143 (2) (a) 7. Coordinate with the council on workforce investment  
5 established under 29 USC 2821 and a local workforce development board established  
6 under 29 USC 2832 to ensure compatibility of purpose and no duplication of effort.

7 **\*-0525/2.3\* SECTION 1662.** 49.143 (2) (a) 11. of the statutes is created to read:

8 49.143 (2) (a) 11. Serve individuals who are receiving temporary assistance for  
9 needy families under 42 USC 601 to 619.

10 **\*-1302/8.2\* SECTION 1663.** 49.155 (1g) (b) of the statutes is amended to read:

11 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute  
12 ~~\$8,012,500~~ \$29,199,300 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$7,412,500~~  
13 \$29,185,400 in fiscal year ~~2000-01~~ 2002-03 for the purposes of providing technical  
14 assistance for child care providers and of administering the child care program under  
15 this section and for grants under s. 49.136 (2) for the start-up and expansion of child  
16 day care services, and for child day care start-up and expansion planning, for grants  
17 under s. 49.134 (2) for child day care resource and referral services, for grants under  
18 s. 49.137 (3) to assist child care providers in meeting the quality of care standards  
19 established under sub. (1d), and for a system of rates or a program of grants, as  
20 provided under sub. (1d), to reimburse child care providers that meet those quality  
21 of care standards and for grants under s. 49.137 (2) and (4m) and contracts under s.  
22 49.137 (4) to improve the quality of child day care services in this state.

23 **\*-1302/8.3\* SECTION 1664.** 49.155 (1g) (c) of the statutes is amended to read:

24 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer  
25 ~~\$3,596,900~~ \$4,549,500 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$3,745,200~~ \$4,733,700

1 in fiscal year ~~2000-01~~ 2002-03 to the appropriation under s. 20.435 (3) (kx), and  
2 transfer \$20,700 in fiscal year ~~1999-2000~~ and \$27,700 in fiscal year ~~2000-01~~ to the  
3 appropriation under s. 20.435 (8) (kx), for the purpose of day care center licensing  
4 under s. 48.65.

5 **\*-1843/1.2\* SECTION 1665.** 49.155 (1m) (intro.) of the statutes is amended to  
6 read:

7 49.155 (1m) ELIGIBILITY. (intro.) A Wisconsin works agency shall determine  
8 eligibility for a child care subsidy under this section. ~~Under this section~~ Except as  
9 provided in sub. (2m), an individual may receive a subsidy for child care for a child  
10 who has not attained the age of 13 or, if the child is disabled, who has not attained  
11 the age of 19, if the individual meets all of the following conditions:

12 **\*-0441/6.42\* SECTION 1666.** 49.155 (1m) (bm) of the statutes is amended to  
13 read:

14 49.155 (1m) (bm) If the individual is providing care for a child under a court  
15 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or  
16 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child  
17 care is needed for that child, the individual meets the requirement under s. 49.145  
18 (2) (c).

\*\*\*\*NOTE: This is reconciled s. 49.155 (1m). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0441/5 and LRB-1302/7.

19 **\*-1302/8.4\* SECTION 1667.** 49.155 (1m) (c) (intro.) of the statutes is repealed.

20 **\*-1302/8.5\* SECTION 1668.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended  
21 to read:

22 49.155 (1m) (c) 1. (intro.) ~~The~~ Except as provided in subds. 1g., 1h., 1m., 2., and  
23 3., the gross income of the individual's family is at or below 185% of the poverty line

1 for a family the size of the individual's family or, for an individual who is already  
2 receiving a child care subsidy under this section, the gross income of the individual's  
3 family is at or below 200% of the poverty line for a family the size of the individual's  
4 family. In calculating the gross income of the family, the Wisconsin works agency  
5 shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in  
6 calculating farm and self-employment income, the Wisconsin works agency shall  
7 include the sum of the following:

8 \***-1302/8.6\*** SECTION 1669. 49.155 (1m) (c) 1g. of the statutes is amended to  
9 read:

10 49.155 (1m) (c) 1g. ~~The~~ If the individual is a foster parent of the child ~~and~~, the  
11 child's biological or adoptive family has a gross income that is at or below 200% of the  
12 poverty line. In calculating the gross income of the child's biological or adoptive  
13 family, the Wisconsin works agency shall include income described under s. 49.145  
14 (3) (b) 1. and 3.

15 \***-1302/8.7\*** SECTION 1670. 49.155 (1m) (c) 1h. of the statutes is amended to  
16 read:

17 49.155 (1m) (c) 1h. ~~The~~ If the individual is a relative of the child, is providing  
18 care for the child under a court order, and is receiving payments under s. 48.57 (3m)  
19 or (3n) on behalf of the child ~~and~~, the child's biological or adoptive family has a gross  
20 income that is at or below 200% of the poverty line. In calculating the gross income  
21 of the child's biological or adoptive family, the Wisconsin works agency shall include  
22 income described under s. 49.145 (3) (b) 1. and 3.

23 \***-1302/8.8\*** SECTION 1671. 49.155 (1m) (c) 1m. of the statutes is amended to  
24 read:

1           49.155 (1m) (c) 1m. ~~The~~ If the individual was eligible under s. 49.132 (4) (a),  
2           1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995  
3           stats., on September 30, 1997, but lost aid solely because of the application of s.  
4           49.132 (6), 1995 stats., and the gross income of the individual's family is at or below  
5           200% of the poverty line for a family the size of the individual's family. This  
6           subdivision does not apply to an individual whose family's gross income at any time  
7           on or after September 30, 1997, is more than 200% of the poverty line for a family the  
8           size of the individual's family.

9           \*~~1302/8.9~~\* SECTION 1672. 49.155 (1m) (c) 2. of the statutes is amended to read:

10           49.155 (1m) (c) 2. ~~The~~ If the individual was eligible under s. 49.132 (4) (am),  
11           1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995  
12           stats., on or after May 10, 1996, but lost eligibility solely because of increased  
13           income, and the gross income of the individual's family is at or below 200% of the  
14           poverty line for a family the size of the individual's family. This subdivision does not  
15           apply to an individual whose family's gross income increased to more than 200% of  
16           the poverty line for a family the size of the individual's family.

17           \*~~1302/8.10~~\* SECTION 1673. 49.155 (1m) (c) 3. of the statutes is amended to  
18           read:

19           49.155 (1m) (c) 3. ~~The~~ If the individual was eligible for a child care subsidy  
20           under s. 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care  
21           subsidy on or after May 10, 1996, but lost the subsidy solely because of increased  
22           income, and the gross income of the individual's family is at or below 200% of the  
23           poverty line for a family the size of the individual's family. This subdivision does not  
24           apply to an individual whose family's gross income increased to more than 200% of  
25           the poverty line for a family the size of the individual's family.

1           \***-1843/1.3\*** SECTION 1674. 49.155 (2m) of the statutes is created to read:

2           49.155 (2m) PLAN TO LIMIT PARTICIPATION. If the department determines that  
3           moneys allocated under s. 49.175 (1) (p) are insufficient to provide a child care  
4           subsidy to individuals who meet the requirements under sub. (1m), the department  
5           may develop a plan to limit participation in the child care subsidy program. The plan  
6           may specify requirements that an individual must meet to be eligible for a subsidy  
7           that are different from those specified under sub. (1m). The department shall submit  
8           the plan to the secretary of administration for approval. If the secretary of  
9           administration approves the plan, the department may limit participation as  
10          specified in the plan.

11          \***-1843/1.4\*** SECTION 1675. 49.155 (3) (a) of the statutes is amended to read:

12          49.155 (3) (a) A Wisconsin works agency shall refer an individual who has been  
13          determined eligible under sub. (1m) or under a plan approved by the secretary of  
14          administration under sub. (2m) to a county department under s. 46.215, 46.22 or  
15          46.23 for child care assistance.

16          \***-1302/8.11\*** SECTION 1676. 49.155 (3m) (title) of the statutes is amended to  
17          read:

18          49.155 (3m) (title) DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES, WISCONSIN  
19          WORKS AGENCIES, AND CERTAIN CHILD CARE PROVIDERS.

20          \***-1302/8.12\*** SECTION 1677. 49.155 (3m) (a) of the statutes is amended to read:

21          49.155 (3m) (a) The department shall reimburse child care providers or shall  
22          distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care  
23          services provided under this section and to private nonprofit agencies that provide  
24          child care for children of migrant workers. The department may reimburse a

1 Wisconsin works agency for child care that the Wisconsin works agency provides to  
2 the children of Wisconsin works participants and applicants.

3 \***-1302/8.13\* SECTION 1678.** 49.155 (3m) (d) of the statutes is amended to read:

4 49.155 (3m) (d) No funds distributed under par. (a) may be used to provide for  
5 child care services that are provided for a child by a person child care provider who  
6 is the parent of the child or who resides with the child, unless the county determines  
7 that the care is necessary because of a special health condition of the child.

8 \***-1303/5.4\* SECTION 1679.** 49.1635 of the statutes is repealed.

9 \***-1303/5.5\* SECTION 1680.** 49.175 (1) (intro.) of the statutes is amended to  
10 read:

11 49.175 (1) ALLOCATION OF FUNDS (intro.) Within Except as provided in sub. (2),  
12 within the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e),  
13 (em), (jL), (k), (L), (Lm), (mc), (md), (nL), (pm), and (ps), the department shall allocate  
14 the following amounts for the following purposes:

15 \***-1303/5.6\* SECTION 1681.** 49.175 (1) (a) of the statutes is amended to read:

16 49.175 (1) (a) *Wisconsin works benefits.* For Wisconsin works benefits provided  
17 under contracts having a term that begins on January 1, ~~2000~~ 2002, and ends on  
18 December 31, ~~2001, \$24,649,800~~ 2003, \$26,041,300 in fiscal year ~~1999-2000~~  
19 2001-02 and ~~\$49,309,600~~ \$52,082,600 in fiscal year ~~2000-01~~ 2002-03.

20 \***-1303/5.7\* SECTION 1682.** 49.175 (1) (b) of the statutes is amended to read:

21 49.175 (1) (b) *Wisconsin works administration and ancillary services.* For  
22 administration of Wisconsin works and program services under Wisconsin works  
23 performed under contracts under s. 49.143 having a term that begins on January 1,  
24 ~~2000~~ 2002, and ends on December 31, ~~2001, \$64,216,800~~ 2003, \$62,830,400 in fiscal

1 year ~~1999-2000~~ 2001-02 and ~~\$128,433,800~~ \$125,660,800 in fiscal year ~~2000-01~~  
2 2002-03.

3 \*~~1303/5.8~~\* SECTION 1683. 49.175 (1) (c) of the statutes is repealed.

4 \*~~1303/5.9~~\* SECTION 1684. 49.175 (1) (d) of the statutes is amended to read:  
5 49.175 (1) (d) *Community reinvestment*. For reinvestment of funds into  
6 communities under s. 49.179, ~~\$2,779,800~~ \$5,559,800 in fiscal year ~~1999-2000~~  
7 2001-02 and ~~\$5,559,800~~ in fiscal year ~~2000-01~~ 2002-03.

8 \*~~1303/5.10~~\* SECTION 1685. 49.175 (1) (e) of the statutes is amended to read:  
9 49.175 (1) (e) *Initial contracts*. For contracts under s. 49.143 having a term that  
10 ends on December 31, ~~1999,~~ ~~\$245,171,800~~ 2001, \$157,658,100 in fiscal year  
11 ~~1999-2000~~ 2001-02.

12 \*~~1303/5.11~~\* SECTION 1686. 49.175 (1) (f) of the statutes is repealed.

13 \*~~1303/5.12~~\* SECTION 1687. 49.175 (1) (g) of the statutes is amended to read:  
14 49.175 (1) (g) *State administration of public assistance programs*. For state  
15 administration of public assistance programs, ~~\$31,831,000~~ \$24,736,200 in fiscal year  
16 ~~1999-2000~~ 2001-02 and ~~\$31,783,200~~ \$24,742,500 in fiscal year ~~2000-01~~ 2002-03.

17 \*~~1303/5.13~~\* SECTION 1688. 49.175 (1) (h) of the statutes is amended to read:  
18 49.175 (1) (h) *Food stamps for legal immigrants*. For food stamp benefits to  
19 qualified aliens under s. 49.124 (8), ~~\$420,000~~ \$550,000 in each fiscal year.

20 \*~~1303/5.14~~\* SECTION 1689. 49.175 (1) (j) of the statutes is amended to read:  
21 49.175 (1) (j) *Funeral expenses*. For funeral expenses under s. 49.30,  
22 ~~\$3,300,000~~ \$4,550,200 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$3,925,100~~ \$4,550,200  
23 in fiscal year ~~2000-01~~ 2002-03.

24 \*~~1303/5.15~~\* SECTION 1690. 49.175 (1) (m) of the statutes is amended to read:

1           49.175 (1) (m) *Children first*. For services under the work experience program  
2 for noncustodial parents under s. 49.36, ~~\$1,140,000~~ \$2,800,000 in each fiscal year.

3           \***-1303/5.16\*** SECTION 1691. 49.175 (1) (n) of the statutes is amended to read:

4           49.175 (1) (n) *Job access loans*. For job access loans under s. 49.147 (6),  
5 ~~\$600,000~~ \$1,000,000 in each fiscal year.

6           \***-1303/5.17\*** SECTION 1692. 49.175 (1) (p) of the statutes is amended to read:

7           49.175 (1) (p) *Direct child care services*. For direct child care services under s.  
8 49.155, ~~\$159,560,000~~ \$242,475,000 in fiscal year ~~1999-2000~~ 2001-02 and  
9 ~~\$181,050,000~~ \$242,475,000 in fiscal year ~~2000-01~~ 2002-03.

10          \***-1303/5.18\*** SECTION 1693. 49.175 (1) (q) of the statutes is amended to read:

11          49.175 (1) (q) *Indirect child care services*. For indirect child care services under  
12 s. 49.155 (1g), ~~\$11,812,300~~ \$16,253,800 in fiscal year ~~1999-2000~~ 2001-02 and  
13 ~~\$11,367,600~~ \$16,439,000 in fiscal year ~~2000-01~~ 2002-03.

14          \***-1302/8.14\*** SECTION 1694. 49.175 (1) (qm) of the statutes is created to read:

15          49.175 (1) (qm) *Local pass-through grant program*. For the local pass-through  
16 grant program under s. 49.137 (4m), \$17,495,000 in fiscal year 2001-02 and  
17 \$17,481,100 in fiscal year 2002-03.

18          \***-1303/5.19\*** SECTION 1695. 49.175 (1) (s) of the statutes is repealed.

19          \***-1303/5.20\*** SECTION 1696. 49.175 (1) (t) of the statutes is amended to read:

20          49.175 (1) (t) *Wisconsin works contracts in certain counties*. For contracts with  
21 persons for oversight of the administrative structure of Wisconsin works, and of  
22 Wisconsin works agencies, in counties having a population of 500,000 or more,  
23 ~~\$1,500,000 in fiscal year 1999-2000 and \$1,000,000~~ \$500,000 in each fiscal year  
24 ~~2000-01~~.

25          \***-1303/5.21\*** SECTION 1697. 49.175 (1) (u) of the statutes is amended to read:

1           49.175 (1) (u) *Workforce attachment*. For services specified under s. 49.173,  
2           ~~\$9,700,000 in fiscal year 1999-2000 and \$10,000,000 in each~~ fiscal year 2000-01.  
3           ~~The department may not distribute moneys allocated under this paragraph unless~~  
4           ~~the joint committee on finance approves the distribution.~~

5           \*~~-1303/5.22~~\* SECTION 1698. 49.175 (1) (v) of the statutes is amended to read:

6           49.175 (1) (v) *Transportation assistance*. For transportation assistance under  
7           s. 49.157, ~~\$200,000 in fiscal year 1999-2000 and \$2,000,000 in each~~ fiscal year  
8           2000-01.

9           \*~~-1303/5.23~~\* SECTION 1699. 49.175 (1) (w) of the statutes is repealed.

10          \*~~-1303/5.24~~\* SECTION 1700. 49.175 (1) (x) of the statutes is repealed.

11          \*~~-1303/5.25~~\* SECTION 1701. 49.175 (1) (y) of the statutes is amended to read:

12          49.175 (1) (y) *Literacy initiative*. For literacy grants under s. 49.169 and  
13          literacy services administered by the governor's office, ~~\$1,454,100 in each~~ \$1,425,800  
14          in fiscal year 2001-02 and \$800,000 in fiscal year 2002-03.

15          \*~~-1303/5.26~~\* SECTION 1702. 49.175 (1) (z) of the statutes is amended to read:

16          49.175 (1) (z) *Community youth grant*. For a competitive grant program  
17          administered by the department to fund programs that improve social, academic,  
18          and employment skills of youth who are eligible to receive temporary assistance for  
19          needy families under 42 USC 601 et seq., ~~\$7,500,000 in each~~ \$7,079,700 in fiscal year  
20          2001-02.

21          \*~~-1303/5.27~~\* SECTION 1703. 49.175 (1) (zb) of the statutes is amended to read:

22          49.175 (1) (zb) *Work-based learning programs for youth*. For work-based  
23          learning programs for youth funded from the appropriation under s. 20.445 (7) (kc),  
24          ~~\$2,969,700~~ \$6,399,000 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$6,084,500 in~~  
25          \$2,000,000 in fiscal year ~~2000-01~~ 2002-03.

1           \***-1303/5.28\*** SECTION 1704. 49.175 (1) (zc) of the statutes is amended to read:  
2           49.175 (1) (zc) *Fatherhood initiative*. For a grant program to promote fathers'  
3 involvement in their children's lives, ~~\$75,000 in fiscal year 1999-2000~~ \$200,000 in  
4 each fiscal year.

5           \***-1303/5.29\*** SECTION 1705. 49.175 (1) (zd) of the statutes is amended to read:  
6           49.175 (1) (zd) *Alcohol and other drug abuse*. For grants made under s. 49.167  
7 to organizations that provide community-based alcohol and other drug abuse  
8 treatment to individuals who are eligible for temporary assistance for needy families  
9 under 42 USC 601 et. seq., ~~\$1,000,000 in each~~ \$500,000 in fiscal year 2001-02.

10          \***-1303/5.30\*** SECTION 1706. 49.175 (1) (ze) 1. of the statutes is amended to  
11 read:

12          49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the  
13 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and  
14 (3p), ~~\$24,530,100 in~~ \$24,565,300 in each fiscal year 1999-2000 and \$26,164,100 in  
15 fiscal year 2000-01.

16          \***-1303/5.31\*** SECTION 1707. 49.175 (1) (ze) 2. of the statutes is amended to  
17 read:

18          49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For  
19 payments made under s. 49.775 for the support of the dependent children of  
20 recipients of supplemental security income, ~~\$13,745,200~~ \$18,288,800 in fiscal year  
21 1999-2000 2001-02 and \$17,930,000 \$16,771,600 in fiscal year 2000-01 2002-03.

22          \***-1303/5.32\*** SECTION 1708. 49.175 (1) (ze) 3. of the statutes is amended to  
23 read:

1 49.175 (1) (ze) 3. 'Community aids.' For community aids, \$31,800,000  
2 ~~\$18,086,200 in fiscal year 1999-2000~~ 2001-02 and ~~\$18,086,200~~ \$13,494,000 in fiscal  
3 year ~~2000-01~~ 2002-03.

4 **\*-1303/5.33\* SECTION 1709.** 49.175 (1) (ze) 7. of the statutes is amended to  
5 read:

6 49.175 (1) (ze) 7. 'Adolescent services and pregnancy prevention programs.'  
7 For adolescent services and pregnancy prevention programs under ss. 46.93, 46.99,  
8 and 46.995, ~~\$1,808,300~~ \$1,821,300 in each fiscal year.

9 **\*-1303/5.34\* SECTION 1710.** 49.175 (1) (ze) 8. of the statutes is amended to  
10 read:

11 49.175 (1) (ze) 8. 'Domestic abuse services grants.' For the domestic abuse  
12 services grants under s. 46.95 (2), ~~\$975,000 in fiscal year 1999-2000~~ and \$1,000,000  
13 in each fiscal year thereafter.

14 **\*-1303/5.35\* SECTION 1711.** 49.175 (1) (ze) 10. of the statutes is repealed.

15 **\*-1303/5.36\* SECTION 1712.** 49.175 (1) (zf) of the statutes is amended to read:

16 49.175 (1) (zf) *Badger Challenge*. For the Badger Challenge program under s.  
17 21.25, ~~\$33,300 in fiscal year 1999-2000~~ and ~~\$83,200 in~~ \$83,200 in each fiscal year  
18 ~~2000-01~~.

19 **\*-1303/5.37\* SECTION 1713.** 49.175 (1) (zh) of the statutes is amended to read:

20 49.175 (1) (zh) EARNED INCOME TAX CREDIT. For the transfer of moneys from the  
21 appropriation account under s. 20.445 (3) (md) to the appropriation account under  
22 s. 20.835 (2) (kf) for the earned income tax credit, ~~\$51,000,000~~ \$51,244,500 in fiscal  
23 year ~~1999-2000~~ 2001-02 and ~~\$54,000,000~~ \$53,665,500 in fiscal year ~~2000-01~~  
24 2002-03.

25 **\*-1303/5.38\* SECTION 1714.** 49.175 (1) (zk) of the statutes is repealed.

1           \***-1303/5.39\*** SECTION 1715. 49.175 (1) (zL) of the statutes is repealed.

2           \***-1303/5.40\*** SECTION 1716. 49.175 (1) (zm) of the statutes is repealed.

3           \***-1303/5.41\*** SECTION 1717. 49.175 (2) (title) of the statutes is amended to  
4 read:

5           49.175 (2) (title) ~~REDISTRIBUTION~~ REALLOCATION OF FUNDS.

6           \***-1303/5.42\*** SECTION 1718. 49.175 (2) of the statutes is renumbered 49.175  
7 (2) (a) and amended to read:

8           49.175 (2) (a) The department may ~~redistribute~~ reallocate the funds allocated  
9 under sub. (1) for a purpose specified under any paragraph under sub. (1) ~~to be used~~  
10 ~~for any other purpose specified in any other paragraph under sub. (1)~~ if the secretary  
11 of administration approves the ~~redistribution~~ reallocation.

12           \***-1303/5.43\*** SECTION 1719. 49.175 (2) (b) of the statutes is created to read:

13           49.175 (2) (b) If the amounts of federal block grant moneys that are required  
14 to be credited to the appropriation accounts under s. 20.445 (3) (mc) and (md) are less  
15 than the amounts appropriated under s. 20.445 (3) (mc) and (md), the department  
16 shall submit a plan to the secretary of administration for reducing the amounts of  
17 moneys allocated under sub. (1). If the secretary of administration approves the  
18 plan, the amounts of moneys required to be allocated under sub. (1) may be reduced  
19 as proposed by the department and the department shall allocate the moneys as  
20 specified in the plan.

21           \***-1303/5.44\*** SECTION 1720. 49.175 (3) of the statutes is created to read:

22           49.175 (3) REPORT ON EXPENDITURES. In each fiscal year, the department shall  
23 submit a report to the secretary of administration on the expenditures made from the  
24 appropriation accounts under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em), (jL), (k),

1 (L), (Lm), (mc), (md), (nL), (pm), and (ps) in the previous fiscal year for the purposes  
2 specified in sub. (1).

3 **\*-1790/1.1\* SECTION 1721.** 49.185 (2) of the statutes is renumbered 49.185 (2)  
4 (a) and amended to read:

5 49.185 (2) (a) ~~A~~ Subject to par. (b), a person contracting with the department  
6 under sub. (4) may make an employment skills advancement grant of up to \$500  
7 \$1,000 to an individual eligible under sub. (3) for tuition, books, transportation or  
8 other direct costs of training or education in a vocational training or education  
9 program.

10 **\*-1790/1.2\* SECTION 1722.** 49.185 (3) (g) of the statutes is amended to read:

11 49.185 (3) (g) The income of the individual's family does not exceed ~~165%~~ 185%  
12 of the poverty line.

13 **\*-1790/1.3\* SECTION 1723.** 49.185 (3) (i) of the statutes is amended to read:

14 49.185 (3) (i) The individual contributes, or obtains from other sources, an  
15 amount at least equal to 50% of the amount of the grant, for tuition, books,  
16 transportation or other direct costs of the training or education.

17 **\*-1790/1.4\* SECTION 1724.** 49.185 (3) (j) of the statutes is renumbered 49.185

18 (2) (b) and amended to read:

19 49.185 (2) (b) The total amount of ~~the grant plus the amount of any grant that~~  
20 ~~that individual has previously received all grants awarded to an individual~~ under  
21 this section does may not exceed \$500 \$1,000.

22 **\*-1939/5.12\* SECTION 1725.** 49.197 (1m) of the statutes is amended to read:

23 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)  
24 (dz), (L), (md), (n), and (nL), the department shall establish a program to investigate  
25 suspected fraudulent activity on the part of recipients of medical assistance under

1 ~~subch. IV~~, aid to families with dependent children under s. 49.19 and food stamp  
2 benefits under the food stamp program under 7 USC 2011 to 2036 and, on the part  
3 of participants in the Wisconsin works program under ss. 49.141 to 49.161, and, if  
4 the department of health and family services contracts with the department under  
5 s. 49.45 (2) (b) 6., on the part of recipients of medical assistance under subch. IV. The  
6 department's activities under this subsection may include, but are not limited to,  
7 comparisons of information provided to the department by an applicant and  
8 information provided by the applicant to other federal, state, and local agencies,  
9 development of an advisory welfare investigation prosecution standard, and  
10 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to  
11 Wisconsin works agencies to encourage activities to detect fraud. The department  
12 shall cooperate with district attorneys regarding fraud prosecutions.

13 \*~~1939/5.13~~\* SECTION 1726. 49.197 (3) of the statutes is amended to read:

14 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct  
15 activities to reduce payment errors in ~~medical assistance under subch. IV~~, Wisconsin  
16 works under ss. 49.141 to 49.161, ~~aid to families with dependent children under s.~~  
17 ~~49.19~~ and the food stamp program under 7 USC 2011 to ~~2029~~ 2036, and, if the  
18 department of health and family services contracts with the department under s.  
19 49.45 (2) (b) 6., the medical assistance program under subch. IV. The department  
20 shall fund the activities under this section from the appropriation under s. 20.445  
21 (3) (L).

22 \*~~1939/5.14~~\* SECTION 1727. 49.197 (4) of the statutes is amended to read:

23 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide  
24 funds from the appropriations under s. 20.445 (3) (dz), (L), and (Lm) and federal  
25 matching funds from the appropriations under s. 20.445 (3) (md), (n), and (nL) to

1 counties and governing bodies of federally recognized American Indian tribes  
2 administering ~~medical assistance under subch. IV, aid to families with dependent~~  
3 ~~children under s. 49.19~~ or the food stamp program under 7 USC 2011 to ~~2029~~ 2036  
4 or, if the department of health and family services contracts with the department  
5 under s. 49.45 (2) (b) 6., the medical assistance program under subch. IV to offset  
6 administrative costs of reducing payment errors in those programs.

7 **\*-1939/5.15\* SECTION 1728.** 49.30 (2) of the statutes is amended to read:

8 49.30 (2) From the ~~appropriation~~ appropriations under s. 20.445 (3) (dz) and  
9 (md), the department shall reimburse a county or applicable tribal governing body  
10 or organization for any amount that the county or applicable tribal governing body  
11 or organization is required to pay under sub. (1). From the ~~appropriation~~  
12 appropriations under s. 20.445 (3) (dz) and (md), the department shall reimburse a  
13 county or applicable tribal governing body or organization for cemetery expenses or  
14 for funeral and burial expenses for persons described under sub. (1) that the county  
15 or applicable tribal governing body or organization is not required to pay under subs.  
16 (1) and (1m) only if the department approves the reimbursement due to unusual  
17 circumstances.

18 **\*-1939/5.16\* SECTION 1729.** 49.32 (2) (d) of the statutes is amended to read:

19 49.32 (2) (d) The department shall disburse from state or federal funds or both  
20 the entire amount and charge the county for its share under s. 49.33 (8) ~~and (9)~~.

21 **\*-1939/5.17\* SECTION 1730.** 49.32 (7) (b) of the statutes is amended to read:

22 49.32 (7) (b) The department shall conduct a program to periodically match the  
23 records of recipients of ~~medical assistance under s. 49.46, 49.468 or 49.47~~, aid to  
24 families with dependent children under s. 49.19 and food stamp benefits under the  
25 food stamp program under 7 USC 2011 to ~~2029~~ 2036 and, if the department of health

1 and family services contracts with the department under s. 49.45 (2) (b) 6., recipients  
2 of medical assistance under subch. IV with the records of recipients under those  
3 programs in other states. If an agreement with the other states can be obtained,  
4 matches with records of states contiguous to this state shall be conducted at least  
5 annually.

6 \***-1939/5.18\*** SECTION 1731. 49.32 (7) (c) of the statutes is amended to read:

7 49.32 (7) (c) The department shall conduct a program to periodically match the  
8 address records of recipients of ~~medical assistance under s. 49.46, 49.468 or 49.47,~~  
9 aid to families with dependent children under s. 49.19 and food stamp benefits under  
10 the food stamp program under 7 USC 2011 to 2029 2036 and, if the department of  
11 health and family services contracts with the department under s. 49.45 (2) (b) 6.,  
12 recipients of medical assistance under subch. IV to verify residency and to identify  
13 recipients receiving duplicate or fraudulent payments.

14 \***-1939/5.19\*** SECTION 1732. 49.32 (7) (d) of the statutes is amended to read:

15 49.32 (7) (d) The department, with assistance from the department of  
16 corrections, shall conduct a program to periodically match the records of persons  
17 confined in state correctional facilities with the records of recipients of ~~medical~~  
18 ~~assistance under s. 49.46, 49.468 or 49.47,~~ aid to families with dependent children  
19 under s. 49.19 and food stamp benefits under the food stamp program under 7 USC  
20 2011 to 2029 2036 and, if the department of health and family services contracts with  
21 the department under s. 49.45 (2) (b) 6., recipients of medical assistance under subch.  
22 IV to identify recipients who may be ineligible for benefits.

23 \***-1939/5.20\*** SECTION 1733. 49.33 (1) (b) of the statutes is amended to read:

24 49.33 (1) (b) "Income maintenance program" means ~~aid to families with~~  
25 ~~dependent children under s. 49.19,~~ the Wisconsin works program under ss. 49.141

1 to 49.161, the medical assistance program under subch. IV of ~~ch. 49~~, or the food stamp  
2 program under 7 USC 2011 to ~~2029~~ 2036.

3 \*~~1939/5.21~~\* SECTION 1734. 49.33 (2) of the statutes is repealed and recreated  
4 to read:

5 49.33 (2) CONTRACTS. (a) Annually, the department and the department of  
6 health and family services shall, jointly, contract with county departments under ss.  
7 46.215, 46.22, and 46.23 to reimburse the county departments for the reasonable cost  
8 of administering the medical assistance program under subch. IV.

9 (b) Annually, the department shall contract with county departments under ss.  
10 46.215, 46.22, and 46.23 to reimburse the county departments for the reasonable cost  
11 of administering income maintenance programs, other than the medical assistance  
12 program under subch. IV.

13 \*~~1939/5.22~~\* SECTION 1735. 49.33 (4) of the statutes is repealed.

14 \*~~1939/5.23~~\* SECTION 1736. 49.33 (5) of the statutes is repealed.

15 \*~~1939/5.24~~\* SECTION 1737. 49.33 (6) of the statutes is repealed.

16 \*~~1939/5.25~~\* SECTION 1738. 49.33 (7) of the statutes is repealed.

17 \*~~1939/5.26~~\* SECTION 1739. 49.33 (8) (a) of the statutes is amended to read:

18 49.33 (8) (a) The From the appropriation accounts under ss. 20.445 (3) (dz),  
19 (~~lx~~), (md), and (nL) and subject to par. (b), the department shall reimburse each  
20 county that contracts with the department and the department of health and family  
21 services under sub. (2) (a) for reasonable costs of ~~income maintenance relating to the~~  
22 administration of the programs under this subchapter and subch. IV according to  
23 administering the medical assistance program under subch. IV and that contracts  
24 with the department under sub. (2) (b) for the reasonable costs of administering  
25 income maintenance programs other than the medical assistance program under

1 subch. IV. The amount of each reimbursement paid under this paragraph shall be  
2 calculated using a formula based on workload within the limits of available state and  
3 federal funds under s. 20.445 (3) (dz), (kx), (md), and (nL) by contract under s. 49.33  
4 (2). The amount of reimbursement calculated under this paragraph and par. (b) is  
5 in addition to any reimbursement provided to a county for fraud and error reduction  
6 under s. 49.197 (1m) and (4).

7 \*~~1939/5.27~~\* SECTION 1740. 49.33 (8) (b) of the statutes is amended to read:

8 49.33 (8) (b) The department may adjust the amounts determined under par.  
9 (a) for workload changes and computer network activities performed by counties and  
10 may reduce the amount of any reimbursement if federal reimbursement is withheld  
11 due to audits, quality control samples, or program reviews.

12 \*~~1939/5.28~~\* SECTION 1741. 49.33 (9) of the statutes is repealed.

13 \*~~1939/5.29~~\* SECTION 1742. 49.33 (10) (a) of the statutes is amended to read:

14 49.33 (10) (a) The county treasurer and each director of a county department  
15 under s. 46.215, 46.22, or 46.23 shall certify monthly under oath to the department  
16 in such manner as the department prescribes the claim of the county for state  
17 reimbursement under subs. sub. (8) and (9) and (a). The department shall review  
18 each claim of reimbursement and, if the department approves such the claim it, the  
19 department shall certify to the department of administration for reimbursement to  
20 the county for amounts due under these subsections sub. (8) (a) and payment claimed  
21 to be made to the counties monthly. The department may make advance payments  
22 prior to the beginning of each month equal to one-twelfth of the contracted amount.

23 \*~~1300/1.1~~\* SECTION 1743. 49.36 (1) of the statutes is renumbered 49.36 (1)

24 (intro.) and amended to read:

25 49.36 (1) (intro.) In this section, ~~“custodial;~~

1           (a) “Custodial parent” means a parent who lives with his or her child for  
2 substantial periods of time.

3           \*–1300/1.2\* SECTION 1744. 49.36 (1) (b) of the statutes is created to read:

4           49.36 (1) (b) “Tribal governing body” means an elected tribal governing body  
5 of a federally recognized American Indian tribe or band.

6           \*–1300/1.3\* SECTION 1745. 49.36 (2) of the statutes is amended to read:

7           49.36 (2) The department may contract with any county, tribal governing body,  
8 or Wisconsin works agency to administer a work experience and job training program  
9 for parents who are not custodial parents and who fail to pay child support or to meet  
10 their children’s needs for support as a result of unemployment or underemployment.  
11 The program may provide the kinds of work experience and job training services  
12 available from the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The  
13 program may also include job search and job orientation activities. The department  
14 shall fund the program from the appropriation under s. 20.445 (3) (dz).

15           \*–1300/1.4\* SECTION 1746. 49.36 (4) of the statutes is amended to read:

16           49.36 (4) When a person completes 16 weeks of participation in a program  
17 under this section, the county, tribal governing body, or Wisconsin works agency  
18 operating the program shall inform the clerk of courts, by affidavit, of that  
19 completion.

20           \*–1300/1.5\* SECTION 1747. 49.36 (5) of the statutes is amended to read:

21           49.36 (5) A person participating in work experience as part of the program  
22 under this section is considered an employee of the county, tribal governing body, or  
23 Wisconsin works agency administering the program under this section for purposes  
24 of worker’s compensation benefits only.

25           \*–1300/1.6\* SECTION 1748. 49.36 (6) of the statutes is amended to read:

1           49.36 (6) A county, tribal governing body, or Wisconsin works agency  
2 administering the program under this section shall reimburse a person for  
3 reasonable transportation costs incurred because of participation in a program  
4 under this section up to a maximum of \$25 per month.

5           \***-1300/1.7\*** SECTION 1749. 49.36 (7) of the statutes is amended to read:

6           49.36 (7) The department shall pay a county, tribal governing body, or  
7 Wisconsin works agency not more than \$400 for each person who participates in the  
8 program under this section in the region in which the county, tribal governing body,  
9 or Wisconsin works agency administers the program under this section. The county,  
10 tribal governing body, or Wisconsin works agency shall pay any additional costs of  
11 the program.

12           \***-1926/3.1\*** SECTION 1750. 49.43 (8) of the statutes is amended to read:

13           49.43 (8) "Medical assistance" means any services or items under ss. 49.45 to  
14 49.472 49.473, except s. 49.472 (6), and under ss. 49.49 to 49.497, or any payment or  
15 reimbursement made for such services or items.

16           \***-1939/5.30\*** SECTION 1751. 49.45 (2) (a) 3. of the statutes is amended to read:

17           49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,  
18 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and  
19 policies adopted by the department and ~~may~~ shall, under a contract under s. 49.33  
20 (2) (a), designate this function to the county department under s. 46.215, 46.22, or  
21 46.23 or, to the extent permitted by federal law or a waiver from the federal secretary  
22 of health and human services, to a Wisconsin works agency.

23           \***-1939/5.31\*** SECTION 1752. 49.45 (2) (a) 3m. of the statutes is created to read:

24           49.45 (2) (a) 3m. If the department does not contract with the department of  
25 workforce development under par. (b) 6., establish a program to investigate

1 suspected fraudulent activity on the part of recipients of medical assistance and  
2 establish a program to reduce errors in the payments of medical assistance.

3 \***-0193/3.2\* SECTION 1753.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45  
4 (2) (a) 10. a. and amended to read:

5 49.45 (2) (a) 10. a. After reasonable notice and opportunity for hearing the  
6 provider to present information and argument to department staff, recover money  
7 improperly or erroneously paid, or overpayments to a provider either by offsetting  
8 or adjusting amounts owed the provider under the program, crediting against a  
9 provider's future claims for reimbursement for other services or items furnished by  
10 the provider under the program, or by requiring the provider to make direct payment  
11 to the department or its fiscal intermediary.

12 \***-0193/3.3\* SECTION 1754.** 49.45 (2) (a) 10. b. of the statutes is created to read:

13 49.45 (2) (a) 10. b. Establish a deadline for payment of a recovery imposed  
14 under this subdivision and, if a provider fails to pay all of the amount to be recovered  
15 by the deadline, require payment, by the provider, of interest on any delinquent  
16 amount at the rate of 1% per month or fraction of a month from the date of the  
17 overpayment.

18 \***-0193/3.4\* SECTION 1755.** 49.45 (2) (a) 11. of the statutes is amended to read:

19 49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of  
20 ~~services under Title XIX of the social security act~~ medical assistance and, except as  
21 provided in par. (b) 6m. and s. 49.48, and subject to par. (b) 7. and 8., certify such  
22 eligible providers who meet the criteria.

23 \***-0193/3.5\* SECTION 1756.** 49.45 (2) (a) 12. of the statutes is amended to read:

24 49.45 (2) (a) 12. Decertify ~~or suspend under this subdivision~~ a provider from  
25 or restrict a provider's participation in the medical assistance program, if after

1 giving reasonable notice and opportunity for hearing, the department finds that the  
2 provider has violated a federal statute or regulation or a state law statute or  
3 administrative rule and such violations are by law the violation is by statute,  
4 regulation, or rule grounds for decertification or suspension restriction. The  
5 department shall suspend the provider pending the hearing under this subdivision  
6 if the department includes in its decertification notice findings that the provider's  
7 continued participation in the medical assistance program pending hearing is likely  
8 to lead to the irretrievable loss of public funds and is unnecessary to provide  
9 adequate access to services to medical assistance recipients. As soon as practicable  
10 after the hearing, the department shall issue a written decision. No payment may  
11 be made under the medical assistance program with respect to any service or item  
12 furnished by the provider subsequent to decertification or during the period of  
13 suspension.

14 **\*-1939/5.32\* SECTION 1757.** 49.45 (2) (b) 6. of the statutes is created to read:

15 49.45 (2) (b) 6. Contract with the department of workforce development to  
16 investigate suspected fraudulent activity on the part of medical assistance recipients  
17 and to reduce errors in the payments of medical assistance under s. 49.197.

18 **\*-0193/3.6\* SECTION 1758.** 49.45 (2) (b) 6m. of the statutes is created to read:

19 49.45 (2) (b) 6m. Limit the number of providers of particular services that may  
20 be certified under par. (a) 11. or the amount of resources, including employees and  
21 equipment, that a certified provider may use to provide particular services to medical  
22 assistance recipients, if the department finds all of the following:

23 a. That existing certified providers and resources provide services that are  
24 adequate in quality and amount to meet the need of medical assistance recipients for  
25 the particular services.

1           b. That the potential for medical assistance fraud or abuse exists if additional  
2 providers are certified or additional resources are used by certified providers.

      \*\*\*\*NOTE: This is reconciled s. 49.45 (2) (b) 6m. This SECTION has been affected by  
drafts with the following LRB numbers: -0193/2 and -1939/4.

3           \***-0193/3.7\*** SECTION 1759. 49.45 (2) (b) 7. of the statutes is created to read:

4           49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all  
5 providers of a specific service that is among those enumerated under s. 49.46 (2) or  
6 49.47 (6) (a), as specified in this subdivision, to file with the department a surety bond  
7 issued by a surety company licensed to do business in this state. Providers subject  
8 to this subdivision provide those services specified under s. 49.46 (2) or 49.47 (6) (a)  
9 for which providers have demonstrated significant potential to violate s. 49.49 (1) (a),  
10 (2) (a) or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a), to require recovery under par. (a)  
11 10., or to need additional sanctions under par. (a) 13. The surety bond shall be  
12 payable to the department in an amount that the department determines is  
13 reasonable in view of amounts of former recoveries against providers of the specific  
14 service and the department's costs to pursue those recoveries. The department shall  
15 promulgate rules under this subdivision that specify all of the following:

16           a. Services under medical assistance for which providers have demonstrated  
17 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),  
18 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions  
19 under par. (a) 13.

20           b. The amount or amounts of the surety bonds.

21           c. Terms of the surety bond, including amounts, if any, without interest to be  
22 refunded to the provider upon withdrawal or decertification from the medical  
23 assistance program.