

ENGROSSED ASSEMBLY BILL 100

SECTION 710

1 38.26, 38.27, 38.33, and 38.38, all fees collected under s. 38.24, and driver education
2 and chauffeur training aids.

3 **SECTION 713m.** 38.35 of the statutes is repealed.

4 **SECTION 714d.** 38.40 (title) of the statutes is amended to read:

5 **38.40 (title) ~~School-to-work, Technical preparation, school-to-work,~~**
6 **~~and work-based learning programs.~~**

7 **SECTION 715d.** 38.40 (1) of the statutes is amended to read:

8 **38.40 (1) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION.** The board shall
9 plan, coordinate, administer, and implement the technical preparation,
10 school-to-work, and work-based learning programs under sub. (1m) and such other
11 employment and education programs as the governor may by executive order assign
12 to the board. Notwithstanding any limitations placed on the use of state employment
13 and education funds under this section or under an executive order assigning an
14 employment and education program to the board, the board may issue a general or
15 special order waiving any of those limitations on finding that the waiver will promote
16 the coordination of employment and education services.

17 **SECTION 716d.** 38.40 (1m) (title) of the statutes is amended to read:

18 **38.40 (1m) (title) ~~SCHOOL-TO-WORK TECHNICAL PREPARATION, SCHOOL-TO-WORK,~~**
19 **~~AND WORK-BASED LEARNING PROGRAMS.~~**

20 **SECTION 716m.** 38.40 (1m) (a) of the statutes is created to read:

21 **38.40 (1m) (a)** A technical preparation program that includes the technical
22 preparation programs under s. 118.34.

23 **SECTION 719d.** 38.40 (2) of the statutes is amended to read:

24 **38.40 (2) INTERAGENCY ASSISTANCE.** The council on workforce investment
25 established under 29 USC 2821 and the department of public instruction shall assist

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1 the board in providing the technical preparation, school-to-work, and work-based
2 learning programs under sub. (1m).

3 **SECTION 724m.** 38.41 of the statutes is created to read:

4 **38.41 Jobs advantage training program.** (1) Subject to sub. (2), the board
5 may award a grant to a business if all of the following apply:

6 (a) The business is located in this state and satisfies any of the following
7 criteria:

8 1. The business has not more than 50 full-time employees.

9 2. The business had not more than \$5,000,000 in gross annual income in the
10 year preceding the year in which the business receives the grant.

11 (b) The business has been in compliance with s. 77.58 for at least 6 months
12 before applying for the grant.

13 (c) The business agrees in writing to use the grant only to provide skills training
14 or other education related to the needs of the business to current or prospective
15 employees of the business.

16 (d) The business agrees in writing to comply with sub. (2) (c).

17 (e) The business submits a plan to the board detailing the proposed use of the
18 grant, and the board approves the plan.

19 (f) The business enters into a written agreement with the board that specifies
20 the conditions for the use of the grant, including reporting and auditing
21 requirements.

22 (g) The business agrees in writing to submit to the board the report required
23 under sub. (3) by the time required under sub. (3).

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SECTION 724m

1 (h) The business provides matching funds at least equal to the amount of the
2 grant. The board may waive the requirement under this paragraph if the board
3 determines that the business is subject to extreme financial hardship.

4 (2) (a) The board may not award a business more than \$20,000 in grants under
5 this section.

6 (b) Annually, each district board shall submit to the board a list of the types of
7 businesses that the district board believes, based upon regional need, should be
8 given preference in the granting of awards. The board shall give preference to those
9 types of businesses designated by the district boards in awarding grants under this
10 section.

11 (c) A grant under this section may not be used for any of the following:

12 1. To pay more than 80 percent of the cost of any skills training or other
13 education related to the needs of the recipient business that is provided to the owner
14 of the business, the owner's spouse, or a child of the owner.

15 2. To pay wages or compensate for lost revenue, if any, in connection with
16 providing the training or other education, or otherwise.

17 (3) A business that receives a grant under this section shall submit to the
18 board, within 6 months after spending the full amount of the grant proceeds, a report
19 detailing how the grant proceeds were used.

20 (4) The board shall promulgate rules to implement and administer this section.

21 **SECTION 725g.** 38.50 (11) of the statutes is created to read:

22 **38.50 (11) CLOSED SCHOOLS; PRESERVATION OF RECORDS.** (a) In this subsection:

23 1. "Association" means the Wisconsin Association of Independent Colleges and
24 Universities or a successor organization.

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1 2. Notwithstanding sub. (1) (e), "school" has the meaning given in sub. (1) (e)
2 (intro.) and also includes a school described in sub. (1) (e) 1., 6., 7., or 8.

3 3. "Student record" means, in the case of a school, as defined in sub. (1) (e)
4 (intro.), a transcript for a student or former student of a school showing the name of
5 the student, the title of the program in which the student was or is enrolled, the total
6 number of credits or hours of instruction completed by the student, the dates of
7 enrollment, the grade for each course, lesson, or unit of instruction completed by the
8 student, the student's cumulative grade for the program, and an explanation of the
9 school's credit and grading system. In the case of a school described in sub. (1) (e) 1.,
10 6., 7., or 8., "student record" means a transcript for a student or former student of the
11 school showing such information about the academic work completed by the student
12 or former student as is customarily maintained by the school.

13 (b) 1. If a school operating in this state discontinues its operations, proposes to
14 discontinue its operations, or is in imminent danger of discontinuing its operations
15 as determined by the board, if the student records of the school are not taken into
16 possession under subd. 2., and if the board determines that the student records of the
17 school are in danger of being destroyed, secreted, mislaid, or otherwise made
18 unavailable to the persons who are the subjects of those student records or the
19 authorized representatives of those persons, the board may take possession of those
20 student records.

21 2. If a school operating in this state that is a member of the association
22 discontinues its operations, proposes to discontinue its operations, or is in imminent
23 danger of discontinuing its operations as determined by the association and if the
24 association determines that the student records of the school are in danger of being
25 destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are

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1 the subjects of those student records or the authorized representatives of those
2 persons, the association shall take possession of those student records.

3 (c) If necessary to protect student records from being destroyed, secreted,
4 mislaid, or otherwise made unavailable to the persons who are the subjects of those
5 student records or the authorized representatives of those persons, the board or
6 association may seek a court order authorizing the board or association to take
7 possession of those student records.

8 (d) The board or association shall preserve a student record that comes into the
9 possession of the board or association under par. (b) 1. or 2. and shall keep the student
10 record confidential as provided under 20 USC 1232g and 34 CFR part 99. A student
11 record in the possession of the board is not open to public inspection or copying under
12 s. 19.35 (1). Upon request of the person who is the subject of a student record or an
13 authorized representative of that person, the board or association shall provide a
14 copy of the student record to the requester. The board or association may charge a
15 fee for providing a copy of a student record. The fee shall be based on the
16 administrative cost of taking possession of, preserving, and providing the copy of the
17 student record. All fees collected by the board under this paragraph shall be credited
18 to the appropriation account under s. 20.292 (2) (i).

19 **SECTION 725m.** 39.374 (2) of the statutes is amended to read:

20 ~~39.374 (2) There is created a separate nonlapsible trust fund designated the~~
21 ~~Wisconsin health education loan repayment fund consisting of all~~ All revenues
22 received in repayment of loans funded under this section or loans financed from
23 moneys made available under chapter 20, laws of 1981, section 2022 (1). ~~The board~~
24 ~~may pledge revenues received or to be received by the fund to secure revenue~~
25 ~~obligations issued under this section, and shall have all other powers necessary and~~

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1 ~~convenient to distribute the proceeds of the revenue obligations and loan repayments~~
2 ~~in accordance with subch. II of ch. 18, shall be deposited in the general fund.~~

3 **SECTION 727.** 39.435 (7) (a) 1. of the statutes is amended to read:

4 39.435 (7) (a) 1. For purposes of determining the appropriation calculating the
5 amount to be appropriated under s. 20.235 (1) (fe) for fiscal year ~~2005-06~~ 2007-08,
6 "base amount" means the amount shown in the schedule under s. 20.005 for that
7 appropriation for fiscal year ~~2004-05~~ 2006-07.

8 **SECTION 728d.** 39.435 (7) (a) 2. of the statutes is amended to read:

9 39.435 (7) (a) 2. For purposes of determining the appropriation calculating the
10 amount to be appropriated under s. 20.235 (1) (fe) for each fiscal year after fiscal year
11 ~~2005-06~~ 2007-08, "base amount" means the ~~maximum~~ appropriation amount
12 determined calculated under par. (b) for the previous fiscal year.

13 **SECTION 729d.** 39.435 (7) (b) (intro.) of the statutes is amended to read:

14 39.435 (7) (b) (intro.) Annually Biennially, beginning on February 1, ~~2005~~ 2007,
15 the board shall ~~determine the appropriation~~ calculate the amounts to be
16 appropriated under s. 20.235 (1) (fe) for the next fiscal year biennium as follows:

17 **SECTION 729f.** 39.435 (7) (b) 1. of the statutes is amended to read:

18 39.435 (7) (b) 1. The board shall determine the percentage by which the
19 undergraduate academic fees that will be charged for the ~~current~~ next academic year
20 at each institution within the University of Wisconsin System ~~has increased or~~
21 decreased, as estimated by the board, will increase or decrease from the
22 undergraduate academic fees charged for the ~~previous~~ current academic year.

23 **SECTION 729h.** 39.435 (7) (b) 1m. of the statutes is created to read:

24 39.435 (7) (b) 1m. The board shall determine the percentage by which the
25 undergraduate academic fees that will be charged for the academic year after the

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1 the next academic year at each institution within the University of Wisconsin System,
2 as estimated by the board, will increase or decrease from the estimated
3 undergraduate academic fees that will be charged for the next academic year.

4 **SECTION 729j.** 39.435 (7) (b) 2. of the statutes is amended to read:

5 39.435 (7) (b) 2. The appropriation for the next first fiscal year of the next
6 biennium shall be the result obtained by increasing, to the nearest \$100, the base
7 amount by the highest average of the percentage increase increases determined
8 under subd. 1., except that, if the undergraduate academic fees for the current next
9 academic year decreased or did are estimated to decrease or not change from the
10 undergraduate academic fees charged for the previous current academic year at each
11 institution specified in subd. 1., the appropriation shall be the base amount.

12 **SECTION 729k.** 39.435 (7) (b) 2m. of the statutes is created to read:

13 39.435 (7) (b) 2m. The appropriation for the 2nd fiscal year of the next biennium
14 shall be the result obtained by increasing, to the nearest \$100, the base amount by
15 the average of the percentage increases determined under subd. 1m., except that, if
16 the undergraduate academic fees for the academic year after the next academic year
17 are estimated to decrease or not change from the estimated undergraduate academic
18 fees charged for the next academic year at each institution specified in subd. 1m., the
19 appropriation shall be the base amount.

20 **SECTION 730.** 39.435 (8) of the statutes is amended to read:

21 39.435 (8) The board shall award grants under this section to University of
22 Wisconsin System students from the appropriations appropriation under s. 20.235
23 (1) (fe) and (ke).

24 **SECTION 731.** 39.76 (1) of the statutes is amended to read:

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1 **39.76 (1)** STATE REPRESENTATION ON THE EDUCATION COMMISSION OF THE STATES.

2 There is created a 7-member delegation to represent the state of Wisconsin on the
3 education commission of the states. The delegation shall consist of the governor, the
4 state superintendent of public instruction, one senator and one representative to the
5 assembly selected as are the members of standing committees in their respective
6 houses, and 3 members appointed by the governor in compliance with s. 39.75 (3) (a)
7 who shall serve at the pleasure of the governor. The chairperson of the delegation
8 shall be designated by the governor from among its members. Members of the
9 delegation shall serve without compensation but shall be reimbursed for actual and
10 necessary expenses incurred in the performance of their duties from the
11 appropriation in s. 20.505 (4) ~~(ba)~~ (1) (ka). Annual commission membership dues
12 shall be paid from the appropriation in s. 20.505 (4) ~~(ba)~~ (1) (ka).

13 **SECTION 735b.** Subchapter V (title) of chapter 39 [precedes 39.90] of the
14 statutes, as created by 2005 Wisconsin Act ... (Assembly Bill 210), is repealed.

15 **SECTION 735c.** 39.90 (title) of the statutes, as created by 2005 Wisconsin Act
16 (Assembly Bill 210), is renumbered 38.50 (title).

17 **SECTION 735d.** 39.90 (1) (intro.) of the statutes, as created by 2005 Wisconsin
18 Act ... (Assembly Bill 210), is renumbered 38.50 (1) (intro.).

19 **SECTION 735e.** 39.90 (1) (a) of the statutes, as created by 2005 Wisconsin Act
20 (Assembly Bill 210), is renumbered 38.50 (1) (a) and amended to read:

21 **38.50 (1) (a)** ~~"Board"~~ Notwithstanding s. 38.01 (2), "board" means the
22 educational approval board.

23 **SECTION 735f.** 39.90 (1) (b) of the statutes, as created by 2005 Wisconsin Act
24 (Assembly Bill 210), is renumbered 38.50 (1) (b).

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SECTION 735g

1 **SECTION 735g.** 39.90 (1) (c) of the statutes, as created by 2005 Wisconsin Act
2 (Assembly Bill 210), is renumbered 38.50 (1) (c).

3 **SECTION 735h.** 39.90 (1) (d) of the statutes, as created by 2005 Wisconsin Act
4 (Assembly Bill 210), is renumbered 38.50 (1) (d).

5 **SECTION 735i.** 39.90 (1) (e) of the statutes, as created by 2005 Wisconsin Act
6 (Assembly Bill 210), is renumbered 38.50 (1) (e).

7 **SECTION 735j.** 39.90 (1) (f) of the statutes, as created by 2005 Wisconsin Act
8 (Assembly Bill 210), is renumbered 38.50 (1) (f).

9 **SECTION 735k.** 39.90 (1) (g) of the statutes, as created by 2005 Wisconsin Act
10 (Assembly Bill 210), is renumbered 38.50 (1) (g).

11 **SECTION 735km.** 39.90 (2) of the statutes, as created by 2005 Wisconsin Act
12 (Assembly Bill 210), is renumbered 38.50 (2).

13 **SECTION 735m.** 39.90 (3) of the statutes, as created by 2005 Wisconsin Act
14 (Assembly Bill 210), is renumbered 38.50 (3).

15 **SECTION 735n.** 39.90 (4) of the statutes, as created by 2005 Wisconsin Act
16 (Assembly Bill 210), is renumbered 38.50 (5) and amended to read:

17 **38.50 (5) EMPLOYEES, QUARTERS.** The board shall employ a person to perform
18 the duties of an executive secretary and any other persons under the classified
19 service that may be necessary to carry out the board's responsibilities. The person
20 performing the duties of the executive secretary shall be in charge of the
21 administrative functions of the board. The board shall, to the maximum extent
22 practicable, keep its office with the department of veterans affairs technical college
23 system board.

24 **SECTION 735o.** 39.90 (5) of the statutes, as created by 2005 Wisconsin Act
25 (Assembly Bill 210), is renumbered 38.50 (7).

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SECTION 735p

1 **SECTION 735p.** 39.90 (6) of the statutes, as created by 2005 Wisconsin Act ...
2 (Assembly Bill 210), is renumbered 38.50 (8), and 38.50 (8) (b) and (c) 5., as
3 renumbered, are amended to read:

4 38.50 (8) (b) *Solicitor's permit.* The application for a solicitor's permit shall be
5 made on a form furnished by the board and shall be accompanied by a fee and a surety
6 bond acceptable to the board in the sum of \$2,000. The board shall, by rule, specify
7 the amount of the fee for a solicitor's permit. The bond may be continuous and shall
8 be conditioned to provide indemnification to any student suffering loss as the result
9 of any fraud or misrepresentation used in procuring his or her enrollment or as a
10 result of the failure of the school to perform faithfully the agreement the solicitor
11 made with the student, and may be supplied by the solicitor or by the school itself
12 either as a blanket bond covering each of its solicitors in the amount of \$2,000 or the
13 surety bond under sub. (5) (7) (i). Upon approval of a permit, the board shall issue
14 an identification card to the solicitor giving his or her name and address, the name
15 and address of the employing school, and certifying that the person whose name
16 appears on the card is authorized to solicit students for the school. A permit shall
17 be valid for one year from the date issued. Liability under this paragraph of the
18 surety on the bond for each solicitor covered by the bond shall not exceed the sum of
19 \$2,000 as an aggregate for any and all students for all breaches of the conditions of
20 the bond. The surety of a bond may cancel the bond upon giving 30 days' notice in
21 writing to the board and shall be relieved of liability under this paragraph upon
22 giving the notice for any breach of condition occurring after the effective date of the
23 cancellation. An application for renewal shall be accompanied by a fee, a surety bond
24 acceptable to the board in the sum of \$2,000 if a continuous bond has not been

1 furnished, and such information as the board requests of the applicant. The board
2 shall, by rule, specify the amount of the fee for renewal of a solicitor's permit.

3 (c) 5. Failure of the school which the solicitor represents to meet requirements
4 and standards established by and to comply with rules promulgated by the board
5 under sub. (5) (7).

6 **SECTION 735q.** 39.90 (7) (title) of the statutes, as created by 2005 Wisconsin Act
7 (Assembly Bill 210), is renumbered 38.50 (10) (title).

8 **SECTION 735r.** 39.90 (7) (a) of the statutes, as created by 2005 Wisconsin Act
9 (Assembly Bill 210), is renumbered 38.50 (10) (a) and amended to read:

10 **38.50 (10) (a) Authority.** All proprietary schools shall be examined and
11 approved by the board before operating in this state. Approval shall be granted to
12 schools meeting the criteria established by the board for a period not to exceed one
13 year. No school may advertise in this state unless approved by the board. All
14 approved schools shall submit quarterly reports, including information on
15 enrollment, number of teachers and their qualifications, course offerings, number of
16 graduates, number of graduates successfully employed, and such other information
17 as the board considers necessary. If a school closure results in losses to students,
18 parents, or sponsors, the board may authorize the full or partial payment of those
19 losses from the appropriation under s. 20.485 (5) 20.292 (2) (gm).

20 **SECTION 735s.** 39.90 (7) (b) of the statutes, as created by 2005 Wisconsin Act
21 (Assembly Bill 210), is renumbered 38.50 (10) (b).

22 **SECTION 735t.** 39.90 (7) (c) of the statutes, as created by 2005 Wisconsin Act
23 (Assembly Bill 210), is renumbered 38.50 (10) (c).

24 **SECTION 735u.** 39.90 (7) (cm) of the statutes, as created by 2005 Wisconsin Act
25 (Assembly Bill 210), is renumbered 38.50 (10) (cm).

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SECTION 735v

1 SECTION 735v. 39.90 (7) (d) of the statutes, as created by 2005 Wisconsin Act
2 ... (Assembly Bill 210), is renumbered 38.50 (10) (d).

3 SECTION 735w. 39.90 (7) (e) of the statutes, as created by 2005 Wisconsin Act
4 ... (Assembly Bill 210), is renumbered 38.50 (10) (e).

5 SECTION 735x. 39.90 (7) (f) of the statutes, as created by 2005 Wisconsin Act
6 ... (Assembly Bill 210), is renumbered 38.50 (10) (f).

7 SECTION 737. 40.03 (2) (b) of the statutes is amended to read:

8 40.03 (2) (b) Shall employ and select administrative, clerical or other
9 employees as required for the administration of this chapter and establish the
10 internal organization of the department, but the department shall always maintain
11 an office in Milwaukee.

12 SECTION 738p. 40.05 (4) (bp) 3. c. of the statutes is repealed.

13 SECTION 740m. 41.11 (6) of the statutes is created to read:

14 41.11 (6) CERTAIN EXPENDITURES REQUIRED. From the appropriation under s.
15 20.380 (1) (b), (kg), or (w), the department shall expend the following amounts for the
16 following purposes:

17 (a) In each fiscal year, not less than \$125,000 to conduct or contract for
18 marketing activities related to sporting activities and events.

19 (b) In each fiscal year, at least \$25,000 for state sponsorship of, and advertising
20 during, media broadcasts of the Milwaukee symphony.

21 (c) In each biennium, at least \$50,000 for grants to America's Black Holocaust
22 Museum in the city of Milwaukee.

23 (d) In each biennium, at least \$200,000 for grants to the Milwaukee Public
24 Museum for Native American exhibits and activities.

25 SECTION 741. 41.17 (5) of the statutes is amended to read:

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1 **41.17 (5) FUNDING SOURCE.** Subject to the 50% limitation under s. 20.380 (1) (b)
2 and the proportional expenditure requirements under s. 20.380 (1) (b) and (kg), the
3 department shall expend, from the appropriations under s. 20.380 (1) (b) and, (kg),
4 and (v), at least \$1,130,000 in the aggregate in each fiscal year in joint effort
5 marketing funds under this section.

6 **SECTION 743.** 44.53 (1) (fm) of the statutes is created to read:

7 **44.53 (1) (fm)** Conduct a program identical to that described in par. (f), but only
8 for American Indian individuals and groups. The program shall be funded from the
9 appropriation under s. 20.215 (1) (km).

10 **SECTION 744.** 44.53 (2) (am) of the statutes is created to read:

11 **44.53 (2) (am)** Enter into contracts with American Indian individuals,
12 organizations and institutions and American Indian tribal governments for services
13 furthering the development of the arts and humanities.

14 **SECTION 745b.** 45.03 (5) (c) 1. a. of the statutes, as affected by 2005 Wisconsin
15 Act ... (Assembly Bill 210), is amended to read:

16 **45.03 (5) (c) 1. a.** Without limitation by reason of any other provisions of the
17 statutes except s. 16.848, unless otherwise required by law, the power to sell and to
18 convey title in fee simple to a nonprofit corporation any land and any existing
19 buildings owned by the state that are under the jurisdiction of the department for
20 the consideration and upon the terms and conditions as in the judgment of the board
21 are in the public interest.

22 **SECTION 745d.** 45.03 (13) (j) of the statutes is created to read:

23 **45.03 (13) (j)** Provide grants to eligible persons who administer a program to
24 identify, train, and place volunteers at the community level who will assist national
25 guard members, members of the U.S. armed forces or forces incorporated in the U.S.

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1 armed forces, and their spouses and dependents, who return to this state after
2 serving on active duty. The department shall make available to the volunteers,
3 veterans, and their spouses and dependents, a packet of information about the
4 benefits that they may be eligible to receive from the state or federal government.
5 This paragraph does not apply after June 30, 2007.

6 **SECTION 745f.** 45.03 (13) (k) of the statutes is created to read:

7 45.03 (13) (k) Provide \$117,300 in 2005-06 and \$117,300 in 2006-07 to a
8 housing authority in a 1st class city in a county with a population of at least 500,000
9 to supplement the housing costs of chronically homeless veterans and their families
10 if the housing authority does all of the following:

11 1. Provides evidence that the money will be used to provide multi-family
12 housing for individuals and families that contain at least one veteran who has been
13 chronically homeless.

14 2. Uses at least 50 percent of the money for supplementing temporary privately
15 owned rental housing costs and the remainder for subsidizing public rental housing
16 costs.

17 3. In coordination with the department, submits reports to the legislature
18 under s. 13.172 (2) and to the governor by August 15, 2006, and August 15, 2007, that
19 contain the following information related to the money received in the previous fiscal
20 year:

21 a. The number of veterans that received a housing supplement.

22 b. The size of the veterans' households.

23 c. The amount of the supplement and time that the supplement was provided
24 to each veteran's household.

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1 d. The housing status of the assisted veteran's household at the time the
2 supplement ended.

3 e. Any other information that the department considers necessary to evaluate
4 the program.

5 **SECTION 745h.** 45.03 (13) (L) of the statutes is created to read:

6 45.03 (13) (L) Provide verification to the educational institution of the
7 information required under s. 36.27 (3p) (a) or 38.24 (8) (a).

8 **SECTION 745i.** 45.03 (13) (m) of the statutes is created to read:

9 45.03 (13) (m) Provide verification to the educational institution of the
10 information required under s. 36.27 (3n) (a) or 38.24 (7) (a).

11 **SECTION 745j.** 45.03 (13) (n) of the statutes is created to read:

12 45.03 (13) (n) Provide verification to the department of revenue of the
13 information required under s. 71.07 (6e) (a) 2. or 3.

14 **SECTION 746g.** 45.20 of the statutes, as affected by 2005 Wisconsin Act ...

15 (Assembly Bill 210), is repealed and recreated to read:

16 **45.20 Tuition reimbursement.** (1) DEFINITIONS. In this section:

17 (a) "Institution of higher education" has the meaning given in 20 USC 1001 (a).

18 (c) "Part-time classroom study" means any of the following:

19 1. Enrollment in courses for which no more than 11 semester or the equivalent
20 trimester or quarter credits will be given upon satisfactory completion.

21 2. Enrollment in courses during a summer semester or session.

22 (d) "Tuition," when referring to the University of Wisconsin System, means:

23 academic fees and segregated fees; when referring to the technical colleges, means:

24 "program fees" and "additional fees" as described in s. 38.24 (1m) and (1s); and when

25 referring to a high school, a school that is approved under s. 45.03 (11), or a

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SECTION 746g

1 proprietary school that is approved under s. 38.50, means the charge for the courses
2 for which a person is enrolled.

3 **(2) TUITION REIMBURSEMENT PROGRAM.** (a) *Administration.* 1. The department
4 shall administer a tuition reimbursement program for eligible veterans enrolling as
5 undergraduates in any institution of higher education in this state, enrolling in a
6 school that is approved under s. 45.03 (11), enrolling in a proprietary school that is
7 approved under s. 38.50, enrolling in a public or private high school, or receiving a
8 waiver of nonresident tuition under s. 39.47.

9 2. A veteran who is a resident of this state and otherwise qualified to receive
10 benefits under this subsection may receive the benefits under this subsection upon
11 the completion of any correspondence courses or part-time classroom study from an
12 institution of higher education located outside this state, from a school that is
13 approved under s. 45.03 (11), or from a proprietary school that is approved under s.
14 38.50, if any of the following applies:

15 a. The part-time classroom study is not offered within 50 miles of the veteran's
16 residence by any school or institution under this paragraph and the educational
17 institution from which the study is offered is located not more than 50 miles from the
18 boundary line of this state.

19 b. The correspondence course is not offered in this state.

20 (b) *Eligibility.* 1. A veteran is eligible for the tuition reimbursement program
21 if he or she meets all of the following criteria:

22 a. The annual income of the veteran and his or her spouse does not exceed
23 \$50,000 plus \$1,000 for each dependent in excess of 2 dependents.

24 b. The veteran applies for the program for courses begun within 10 years after
25 separation from the service. This subd. 1. b. does not apply to a veteran who is

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1 applying for reimbursement for up to 60 credits of part-time classroom study
2 courses.

3 c. The veteran is a resident at the time of application for the program and was
4 a Wisconsin resident at the time of entry into service or was a resident for any
5 consecutive 12-month period after entry into service and before the date of his or her
6 application. If a person applying for a benefit under this subsection meets the
7 residency requirement of 12 consecutive months, the department may not require
8 the person to reestablish that he or she meets that residency requirement when he
9 or she later applies for any other benefit under this chapter that requires that
10 residency.

11 2. In determining eligibility under this subsection, the department shall verify
12 all reported income amounts.

13 3. A veteran is not eligible under this program if the veteran has an
14 undergraduate degree from any institution of higher education.

15 (c) *Program benefits.* 1. A veteran who meets the eligibility requirements
16 under par. (b) 1. may be reimbursed upon satisfactory completion of an
17 undergraduate semester in any institution of higher education in this state, or upon
18 satisfactory completion of a course at any school that is approved under s. 45.03 (11),
19 any proprietary school that is approved under s. 38.50, any public or private high
20 school, or any institution from which the veteran receives a waiver of nonresident
21 tuition under s. 39.47. Except as provided in par. (e), the amount of reimbursement
22 may not exceed the total cost of the veteran's tuition minus any grants or
23 scholarships that the veteran receives specifically for the payment of the tuition, or,
24 if the tuition is for an undergraduate semester in any institution of higher education,

ENGROSSED ASSEMBLY BILL 100**SECTION 746g**

1 the standard cost of tuition for a state resident for an equivalent undergraduate
2 semester at the University of Wisconsin-Madison, whichever is less.

3 2. An application for reimbursement of tuition under this subsection shall meet
4 all of the following requirements:

5 a. Be completed and received by the department no later than 60 days after the
6 completion of the semester or course. The department may accept an application
7 received more than 60 days after the completion of the semester or course if the
8 applicant shows good cause for the delayed receipt.

9 b. Contain the information necessary to establish eligibility as determined by
10 the department.

11 c. Be on the application form established by the department.

12 d. Contain the signatures of both the applicant and a representative of the
13 institution or school certifying that the applicant has satisfactorily completed the
14 semester.

15 3. Reimbursement provided under this subsection shall be paid from the
16 appropriation under s. 20.485 (2) (tf). If the amount of funds applied for exceeds the
17 amount available under s. 20.485 (2) (tf), the department may reduce the
18 reimbursement percentage, except to disabled veterans who are eligible for 100
19 percent of tuition and fees under par. (e), or deny applications for reimbursement
20 that would otherwise qualify under this subsection. In those cases, the department
21 shall determine the reimbursement percentage, except to disabled veterans who are
22 eligible for 100 percent of tuition and fees under par. (e), and eligibility on the basis
23 of the dates on which applications for reimbursement were received.

24 4. Reimbursement of tuition and fees for a course may be provided at an
25 institution or school under this paragraph other than the one from which the veteran

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SECTION 746g

1 is receiving his or her degree or certificate of graduation or course completion if all
2 of the following apply:

3 a. The curriculum at the institution or school consists only of courses necessary
4 to complete a degree in a particular course of study.

5 b. The course is accepted as transfer credits at the institution or school listed
6 under this paragraph from which the veteran is receiving his or her degree but is not
7 available at that institution or school.

8 (d) *Limitations.* 1. A veteran's eligibility for reimbursement under this
9 subsection at any institution of higher education in this state, at a school that is
10 approved under s. 45.03 (11), at a proprietary school that is approved under s. 38.50,
11 at a public or private high school, or at an institution where he or she is receiving a
12 waiver of nonresident tuition under s. 39.47 is limited to the following:

13 a. If the veteran served on active duty, except service on active duty for training
14 purposes, for 90 to 180 days, the veteran may be reimbursed for a maximum of 30
15 credits or 2 semesters, or an equivalent amount of credits or semesters if at a school
16 other than an institution of higher education.

17 b. If the veteran served on active duty, except service on active duty for training
18 purposes, for 181 to 730 days, the veteran may be reimbursed for a maximum of 60
19 credits or 4 semesters, or an equivalent amount of credits or semesters if at a school
20 other than an institution of higher education.

21 c. If the veteran served on active duty, except service on active duty for training
22 purposes, for more than 730 days, the veteran may be reimbursed for a maximum
23 of 120 credits or 8 semesters, or an equivalent amount of credits or semesters if at
24 a school other than an institution of higher education.

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SECTION 746g

1 2. The department may provide reimbursement under this subsection to a
2 veteran who is delinquent in child support or maintenance payments or who owes
3 past support, medical expenses or birth expenses, as established by appearance of
4 the veteran's name on the statewide support lien docket under s. 49.854 (2) (b), only
5 if the veteran provides the department with one of the following:

6 a. A repayment agreement that the veteran has entered into, that has been
7 accepted by the county child support agency under s. 59.53 (5) and that has been kept
8 current for the 6-month period immediately preceding the date of the application.

9 b. A statement that the veteran is not delinquent in child support or
10 maintenance payments and does not owe past support, medical expenses or birth
11 expenses, signed by the department of workforce development or its designee within
12 7 working days before the date of the application.

13 3. A veteran may not receive reimbursement under this subsection for any
14 semester in which he or she is eligible for or received a grant under s. 21.49 or under
15 10 USC 2007.

16 4. A veteran may not receive reimbursement under this subsection for any
17 semester in which the veteran fails to receive at least a 2.0 grade point average or
18 an average grade of "C".

19 (e) *Disabled veteran eligibility.* A disabled veteran who meets the requirements
20 under this subsection and whose disability is rated at 30% or more under 38 USC
21 1114 or 1134 may be reimbursed for up to 100% of the cost of tuition and fees, but that
22 reimbursement is limited to 100% of the standard cost for a state resident for tuition
23 and fees for an equivalent undergraduate course at the University of
24 Wisconsin-Madison per course if the tuition and fees are for an undergraduate
25 semester in any institution of higher education.

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SECTION 746g

1 (f) *Reporting requirements.* The department shall promulgate a rule that
2 establishes the number of days after the commencement of an academic term that
3 begins after December 31, 2005, by which a veteran who will be seeking
4 reimbursement under this section must provide the department with all of the
5 following information:

- 6 1. The veteran's name.
- 7 2. The educational institution the veteran is attending.
- 8 3. Whether the veteran is enrolled full-time or part-time at the educational
9 institution.
- 10 4. An estimate of the amount of tuition reimbursement that the veteran will
11 claim at the end of the academic term.

12 **SECTION 746r.** 45.21 (2) (a) of the statutes, as affected by 2005 Wisconsin Act
13 (Assembly Bill 210), is amended to read:

14 45.21 (2) (a) The veteran is enrolled in a training course in a technical college
15 under ch. 38 or in a proprietary school in the state approved by the educational
16 approval board under s. 39.90 38.50, other than a proprietary school offering a
17 4-year degree or 4-year program, or is engaged in a structured on-the-job training
18 program that meets program requirements promulgated by the department by rule.

19 **SECTION 763p.** 45.31 (9) of the statutes, as affected by 2005 Wisconsin Act
20 (Assembly Bill 210), is amended to read:

21 45.31 (9) "Home" means a building or portion of a building used as the veteran's
22 principal place of by the veteran as a residence, and includes condominiums and
23 income-producing property, a portion of which is used as a principal place of
24 residence by the veteran, and the land, including existing improvements,
25 appertaining to the building.

ENGROSSED ASSEMBLY BILL 100

SECTION 763q

1 **SECTION 763q.** 45.31 (15) of the statutes is created to read:

2 45.31 (15) "Qualified veterans' mortgage bonds" means federally tax-exempt
3 bonds issued under the authority of 26 USC 143.

4 **SECTION 763r.** 45.33 (1) (d) of the statutes is created to read:

5 45.33 (1) (d) Any person who has completed 6 continuous years of service under
6 honorable conditions in the army or air national guard or in any reserve component
7 of the U.S. armed forces, and who is living in this state at the time of his or her
8 application for benefits.

9 **SECTION 763s.** 45.34 (1) (c) of the statutes, as affected by 2005 Wisconsin Act
10 (Assembly Bill 210), is amended to read:

11 45.34 (1) (c) A loan of ~~not more than~~ \$25,000 to improve a home, including the
12 construction of a garage or the removal or other alteration of existing improvements
13 that were made to improve the accessibility of a home for a permanently and totally
14 disabled individual.

15 **SECTION 763t.** 45.34 (1) (d) of the statutes, as affected by 2005 Wisconsin Act
16 (Assembly Bill 210), is repealed and recreated to read:

17 45.34 (1) (d) Refinancing the balance due on an indebtedness that was incurred
18 for a use designated in pars. (a) to (c).

19 **SECTION 763u.** 45.34 (2) (b) 1. of the statutes, as affected by 2005 Wisconsin Act
20 (Assembly Bill 210), is amended to read:

21 45.34 (2) (b) 1. ~~The residence property~~ to be purchased, constructed, improved,
22 or refinanced with financial assistance under this subchapter will be used as the
23 ~~person's principal~~ by the person as a residence.

24 **SECTION 763v.** 45.34 (3) of the statutes is created to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 763v**

1 **45.34 (3) QUALIFIED VETERANS MORTGAGE BONDS.** If the source of the funding for
2 a loan under this subchapter is the proceeds of a qualified veterans mortgage bond,
3 the department shall apply any applicable requirements of the Internal Revenue
4 Code in determining a person's eligibility for a loan to assure that the bonds are
5 exempt from federal tax.

6 **SECTION 795c.** 45.40 of the statutes, as affected by 2005 Wisconsin Act ...
7 (Assembly Bill 210), is repealed and recreated to read:

8 **45.40 Assistance to needy veterans. (1) SUBSISTENCE AID.** (a) The
9 department may provide subsistence payments to a veteran on a month-to-month
10 basis or for a 3-month period. The department may pay subsistence aid for a
11 3-month period if the veteran will be incapacitated for more than 3 months and if
12 earned or unearned income or aid from sources other than those listed in the
13 application will not be available in the 3-month period. The department may provide
14 subsistence payments only to a veteran who has suffered a loss of income due to
15 illness, injury, or natural disaster. The department may grant subsistence aid under
16 this subsection to a veteran whose loss of income is the result of abuse of alcohol or
17 other drugs only if the veteran is participating in an alcohol and other drug abuse
18 treatment program that is approved by the department. No payment may be made
19 under this subsection if the veteran has other assets or income available to meet
20 basic subsistence needs or if the veteran is eligible to receive aid from other sources
21 to meet those needs.

22 (b) The maximum amount that any veteran may receive under this subsection
23 per occurrence during a consecutive 12-month period may not exceed \$2,000.

ENGROSSED ASSEMBLY BILL 100

SECTION 795c

1 (2) HEALTH CARE. (a) The department may provide health care aid to a veteran
2 for dental care, including dentures; vision care, including eyeglass frames and
3 lenses; and hearing care, including hearing aids.

4 (b) The maximum amount that may be paid under this subsection for any
5 consecutive 12-month period may not exceed \$2,500 for dental care, \$500 for vision
6 care, and \$1,500 per ear for hearing care.

7 (c) The department may not provide health care aid under this subsection
8 unless the aid recipient's health care provider agrees to accept, as full payment for
9 the health care provided, the amount of the payment, the amount of the recipient's
10 health insurance or other 3rd-party payments, if any, and the amount that the
11 department determines the veteran is capable of paying. The department may not
12 pay health care aid under this subsection if the liquid assets of the veteran are in
13 excess of \$1,000.

14 (2m) DEPENDENTS ELIGIBILITY. (a) The unremarried spouse and dependent
15 children of a veteran who died on active duty, or in the line of duty while on active
16 or inactive duty for training purposes, in the U.S. armed forces or forces incorporated
17 in the U.S. armed forces are eligible to receive payments under subs. (1) and (2) if the
18 household income of those persons does not exceed the income limitations
19 established under sub. (3m).

20 (b) The spouse and dependent children of a member of the U.S. armed forces
21 or of the Wisconsin national guard who has been activated or deployed to serve in the
22 U.S. armed forces who are residents of this state, who have suffered a loss of income
23 due to that activation or deployment, and who experience an economic emergency
24 during the member's activation or deployment are eligible to receive assistance
25 under subs. (1) and (2).

ENGROSSED ASSEMBLY BILL 100

SECTION 795c

1 (3) LIMITATIONS. The total cumulative amount that any veteran may receive
2 under this section may not exceed \$5,000.

3 (3m) RULES. The department shall promulgate rules establishing eligibility
4 criteria and household income limits for payments under subs. (1), (2), and (2m).

5 (4) APPROPRIATIONS. The department may make payments under this section
6 from the appropriation in s. 20.485 (2) (vm). Nothing in this section empowers the
7 department to incur any state debt.

8 (5) JOINT FINANCE SUPPLEMENTAL FUNDING. The department may submit a
9 request to the joint committee on finance for supplemental funds from the veterans
10 trust fund to be credited to the appropriation account under s. 20.485 (2) (vm) to
11 provide payments under this section. The joint committee on finance may, from the
12 appropriation under s. 20.865 (4) (u), supplement the appropriation under s. 20.485
13 (2) (vm) in an amount equal to the amount that the department expects to expend
14 under this section. If the cochairpersons of the committee do not notify the
15 department that the committee has scheduled a meeting for the purpose of reviewing
16 the request for a supplement within 14 working days after the date of the
17 department's notification, the supplement to the appropriation is approved. If,
18 within 14 working days after the date of the department's notification, the
19 cochairpersons of the committee notify the department that the committee has
20 scheduled a meeting for the purpose of reviewing the proposed supplement, the
21 supplement may occur only upon approval of the committee.

22 SECTION 795d. 45.42 (2) of the statutes, as affected by 2005 Wisconsin Act ...
23 (Assembly Bill 210), is amended to read:

24 45.42 (2) The department may lend a veteran, a veteran's unremarried
25 surviving spouse, or a deceased veteran's child not more than \$25,000, or a lesser

ENGROSSED ASSEMBLY BILL 100**SECTION 795d**

1 amount established by the department under sub. (9). The department may
2 prescribe loan conditions, but the term of the loan may not exceed 10 years, or a
3 shorter term established by the department under sub. (12). The department shall
4 ensure that the proceeds of any loan made under this section shall first be applied
5 to pay any delinquent child support or maintenance payments owed by the person
6 receiving the loan and then to pay any past support, medical expenses, or birth
7 expenses owed by the person receiving the loan.

8 **SECTION 795e.** 45.42 (12) of the statutes is created to read:

9 **45.42 (12)** Subject to the limit established in sub. (2), the department may
10 periodically adjust the maximum term limits for loans based upon financial market
11 conditions, funds available, needs of the veterans trust fund, or other factors that the
12 department considers relevant.

13 **SECTION 795f.** 45.50 (6) (a) of the statutes, as affected by 2005 Wisconsin Act
14 ... (Assembly Bill 210), is amended to read:

15 **45.50 (6) (a)** The department may enter into agreements for furnishing and
16 charging for water and sewer service from facilities constructed at and for veterans
17 homes to public and private properties lying in the immediate vicinity of veterans
18 homes.

19 **SECTION 795g.** 45.51 (3) (b) of the statutes, as affected by 2005 Wisconsin Act
20 ... (Assembly Bill 210), is amended to read:

21 **45.51 (3) (b)** Spouses, surviving spouses, and parents derive their eligibility
22 from the eligibility of the person under sub. (2) (a) 1. or 2. Surviving spouses and
23 parents of eligible persons under sub. (2) (a) 1. or 2. are shall not be eligible for
24 admission only to a skilled nursing facility at a veterans home for admission to the
25 Wisconsin Veterans Home at Union Grove or the Wisconsin Veterans Home at King

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1 unless a home's overall occupancy level is below an optimal level as determined by
2 the board.

3 **SECTION 795h.** 45.51 (10) (b) of the statutes, as affected by 2005 Wisconsin Act
4 (Assembly Bill 210), is amended to read:

5 45.51 (10) (b) ~~The~~ Except where a sale occurs under s. 16.848, the department
6 may manage, sell, lease, or transfer property passing to the state pursuant to this
7 section or conveyed to it by members, defend and prosecute all actions concerning it,
8 pay all just claims against it, and do all other things necessary for the protection,
9 preservation, and management of the property. All expenditures necessary for the
10 execution of functions under this paragraph or sub. (14) shall be made from the
11 appropriation in s. 20.485 (1) (h).

12 **SECTION 816r.** 45.60 (2) of the statutes, as affected by 2005 Wisconsin Act ✓
13 (Assembly Bill 210), is repealed. *INS'D ✓*

14 **SECTION 824m.** 45.82 (4) of the statutes, as affected by 2005 Wisconsin Act
15 ...(Assembly Bill 210), is amended to read:

16 45.82 (4) The department shall provide grants to the governing bodies of
17 federally recognized American Indian tribes and bands from the appropriation
18 under s. 20.485 (2) ~~(vz)~~ (km) if that governing body enters into an agreement with
19 the department regarding the creation, goals, and objectives of a tribal veterans
20 service officer, appoints a veteran to act as a tribal veterans service officer, and gives
21 that veteran duties similar to the duties described in s. 45.80 (5), except that the
22 veteran shall report to the governing body of the tribe or band. The department may
23 make annual grants of up to ~~\$2,500~~ \$8,500 under this subsection and shall
24 promulgate rules to implement this subsection.

25 **SECTION 827.** 46.03 (30) (a) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 100**SECTION 827**

1 46.03 (30) (a) To provide for an orderly reduction of state institutional primary
2 psychiatric services the department may approve the institutes entering into
3 contracts with county departments under s. 51.42 for providing primary psychiatric
4 care. If excess capacity exists at state operated mental health institutes, the
5 department shall, subject to s. 16.848, explore whether the possible sale or lease of
6 such excess facilities may be sold or leased to a county department under s. 51.42.

7 **SECTION 830.** 46.034 (3) of the statutes is amended to read:

8 46.034 (3) With the agreement of the affected county board of supervisors in
9 a county with a single-county department or boards of supervisors in counties with
10 a multicounty department, effective for the contract period beginning January 1,
11 1980, the department may approve a county with a single-county department or
12 counties participating in a multicounty department to administer a single
13 consolidated aid consisting of the state and federal financial aid available to that
14 county or those counties from appropriations under s. 20.435 (3) (e) and (7) (b) and
15 (o) for services provided and purchased by county departments under ss. 46.215,
16 46.22, 46.23, 51.42, and 51.437. Under such an agreement, in the interest of
17 improved service coordination and effectiveness, the county board of supervisors in
18 a county with a single-county department or county boards of supervisors in
19 counties with a multicounty department may reallocate among county departments
20 under ss. 46.215, 46.22, 46.23, 51.42, and 51.437 funds that otherwise would be
21 specified for use by a single county department. The budget under s. 46.031 (1) shall
22 be the vehicle for expressing the proposed use of the single consolidated fund by the
23 county board of supervisors in a county with a single-county department or county
24 boards of supervisors in counties with a multicounty department. Approval by the
25 department of this use of the fund shall be in the contract under s. 46.031 (2g).

ENGROSSED ASSEMBLY BILL 100

SECTION 830

1 Counties that were selected by the department to pilot test consolidated aids for
2 contract periods beginning January 1, 1978, may continue or terminate
3 consolidation with the agreement of the affected county board of supervisors in a
4 county with a single-county department or county boards of supervisors in counties
5 with a multicounty department.

6 **SECTION 831.** 46.035 (1) (a) of the statutes is amended to read:

7 46.035 (1) (a) The term "existing building" in relation to any conveyance, lease
8 or sublease made under sub. (2) (a) ~~1., 2. and 3., (b), and (c)~~ means all detention,
9 treatment, administrative, recreational, infirmary, hospital, vocational and
10 academic buildings; all dormitories and cottages; all storage facilities, heating
11 plants, sewage disposal plants, and such other buildings, structures, facilities and
12 permanent improvements as in the judgment of the secretary are needed or useful
13 for the purposes of the department, and all equipment therefor and all improvements
14 and additions thereto which were erected, constructed or installed prior to the
15 making of such conveyance, lease or sublease.

16 **SECTION 832.** 46.035 (1) (b) of the statutes is amended to read:

17 46.035 (1) (b) The term "new building" in relation to any conveyance, lease or
18 sublease made under sub. (2) (a) ~~1., 2. and 3., (b), and (c)~~ means all detention,
19 treatment, administrative, recreational, infirmary, hospital, vocational and
20 academic buildings; all dormitories and cottages; all storage facilities, heating
21 plants, sewage disposal plants, and such other buildings, structures, facilities and
22 permanent improvements as in the judgment of the secretary are needed or useful
23 for the purposes of the department, and all equipment therefor and all improvements
24 and additions thereto which are erected, constructed or installed after the making
25 of such conveyance, lease or sublease.

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SECTION 833

1 **SECTION 833.** 46.035 (2) (intro.) of the statutes is repealed.

2 **SECTION 834.** 46.035 (2) (a) of the statutes is renumbered 46.035 (2), and 46.035
3 (2) (intro.), (a) and (c) to (j), as renumbered, are amended to read:

4 46.035 (2) (intro.) In order to provide new buildings and to enable the
5 construction and financing thereof, to refinance indebtedness hereafter created by
6 a nonprofit corporation for the purpose of providing a new building or buildings or
7 additions or improvements thereto which are located on land owned by, or owned by
8 the state and held for, the department or on lands of the institutions under the
9 jurisdiction of the department or by the nonprofit corporation, or for any one or more
10 of said purposes, but for no other purpose unless authorized by law, the department
11 has, subject to s. 16.848, the following powers and duties:

12 (a) Without limitation by reason of any other provisions of the statutes except
13 s. 16.848, the power to sell and to convey title in fee simple to a nonprofit corporation
14 any land and any existing buildings thereon owned by, or owned by the state and held
15 for, the department or of any of the institutions under the jurisdiction of the
16 department for such consideration and upon such terms and conditions as in the
17 judgment of the secretary are in the public interest.

18 (c) The power to lease or sublease from such nonprofit corporation, and to make
19 available for public use, any such land and existing buildings conveyed or leased to
20 such nonprofit corporation under subds. 1. and 2. pars. (a) and (b), and any new
21 buildings erected upon such land or upon any other land owned by such nonprofit
22 corporation, upon such terms, conditions and rentals, subject to available
23 appropriations, as in the judgment of the secretary are in the public interest. With
24 respect to any property conveyed to such nonprofit corporation under subd. 1. par.

ENGROSSED ASSEMBLY BILL 100

SECTION 834

1 (a), such lease from such nonprofit corporation may be subject or subordinated to one
2 or more mortgages of such property granted by such nonprofit corporation.

3 (d) The duty to submit the plans and specifications for all such new buildings
4 and all conveyances, leases and subleases made under this ~~section~~ subsection to the
5 department of administration and the governor for written approval before they are
6 finally adopted, executed and delivered.

7 (e) The power to pledge and assign all or any part of the revenues derived from
8 the operation of such new buildings as security for the payment of rentals due and
9 to become due under any lease or sublease of such new buildings under ~~subd. 3~~ par.

10 ~~(c).~~ (c).

11 (f) The power to covenant and agree in any lease or sublease of such new
12 buildings made under ~~subd. 3.~~ par. (c) to impose fees, rentals or other charges for the
13 use and occupancy or other operation of such new buildings in an amount calculated
14 to produce net revenues sufficient to pay the rentals due and to become due under
15 such lease or sublease.

16 (g) The power to apply all or any part of the revenues derived from the operation
17 of existing buildings to the payment of rentals due and to become due under any lease
18 or sublease made under ~~subd. 3~~ par. (c).

19 (h) The power to pledge and assign all or any part of the revenues derived from
20 the operation of existing buildings to the payment of rentals due and to become due
21 under any lease or sublease made under ~~subd. 3~~ par. (c).

22 (i) The power to covenant and agree in any lease or sublease made under ~~subd.~~
23 ~~3.~~ par. (c) to impose fees, rentals or other charges for the use and occupancy or other
24 operation of existing buildings in an amount calculated to produce net revenues
25 sufficient to pay the rentals due and to become due under such lease or sublease.

ENGROSSED ASSEMBLY BILL 100

SECTION 834

1 (j) The power and duty, upon receipt of notice of any assignment by any such
2 nonprofit corporation of any lease or sublease made under ~~subd. 3. par. (c)~~, or of any
3 of its rights under any such sublease, to recognize and give effect to such assignment,
4 and to pay to the assignee thereof rentals or other payments then due or which may
5 become due under any such lease or sublease which has been so assigned by such
6 nonprofit corporation.

7 **SECTION 835.** 46.035 (2) (b) of the statutes is renumbered 46.035 (3) and
8 amended to read:

9 **46.035 (3)** The state ~~shall be~~ is liable for accrued rentals and for any other
10 default under any lease or sublease made under ~~par. (a) 3. sub. (2) (c)~~, and may be
11 sued therefor on contract as in other contract actions pursuant to ch. 775, except that
12 it ~~shall not be~~ is not necessary for the lessor under any such lease or sublease or any
13 assignee of such lessor or any person or other legal entity proceeding on behalf of such
14 lessor to file any claim with the legislature prior to the commencement of any such
15 action.

16 **SECTION 836.** 46.035 (2) (c) of the statutes is renumbered 46.035 (4).

17 **SECTION 837.** 46.035 (2) (d) of the statutes is repealed.

18 **SECTION 838.** 46.035 (2) (e) of the statutes is renumbered 46.035 (5) and
19 amended to read:

20 **46.035 (5)** All laws, except s. 16.848 and ch. 150, ~~conflicting that conflict~~ with
21 any provisions of this section, are, insofar as they conflict with this section and no
22 further, superseded by this section.

23 **SECTION 839.** 46.057 (2) of the statutes is amended to read:

24 **46.057 (2)** From the appropriation account under s. 20.410 (3) (ba), the
25 department of corrections shall transfer to the appropriation account under s. 20.435

ENGROSSED ASSEMBLY BILL 100

1 (2) (kx) \$1,379,300 in fiscal year ~~2003-04~~ 2005-06 and \$1,379,300 in fiscal year
2 ~~2004-05~~ 2006-07 and, from the appropriation account under s. 20.410 (3) (hm), the
3 department of corrections shall transfer to the appropriation account under s. 20.435
4 (2) (kx) ~~\$2,086,700~~ \$2,271,200 in fiscal year ~~2003-04~~ 2005-06 and \$2,155,600
5 \$2,390,600 in fiscal year ~~2004-05~~ 2006-07 for services for juveniles placed at the
6 Mendota juvenile treatment center. The department of health and family services
7 may charge the department of corrections not more than the actual cost of providing
8 those services.

9 **SECTION 840.** 46.06 (intro.) of the statutes is created to read:

10 **46.06 Lands; condemnation, easements, leases, sales, purchases.**

11 (intro.) Subject to s. 16.848:

12 **SECTION 841m.** 46.07 of the statutes is amended to read:

13 **46.07 Property of patients or residents.** All money including wages and

14 other property delivered to an officer or employee of any institution for the benefit

15 of a patient or resident shall ~~forthwith~~ be delivered to the steward, who shall enter

16 the ~~same~~ money upon the steward's books to the credit of the patient or resident. The

17 property shall be used only under the direction and with the approval of the

18 superintendent and for the crime victim and witness assistance surcharge under s.

19 973.045 (4), the delinquency victim and witness assistance surcharge under s. 938.34

20 (8d) (c), the deoxyribonucleic acid analysis surcharge under s. 973.046, the drug

21 offender diversion surcharge under s. 973.043, or the benefit of the patient or

22 resident. If the money remains uncalled for for one year after the patient's or

23 resident's death or departure from the institution, the superintendent shall deposit

24 the ~~same~~ money in the general fund. If any patient or resident leaves property, other

25 than money, uncalled for at an institution for one year, the superintendent shall sell

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1 the property, and the proceeds shall be deposited in the general fund. If any person
2 satisfies the department, within 5 years after the deposit, of his or her right to the
3 deposit, the department shall direct the department of administration to draw its
4 warrant in favor of the claimant and it shall charge the same to the appropriation
5 made by s. 20.913 (3) (c).

6 **SECTION 842.** 46.09 (intro.) of the statutes is created to read:

7 **46.09 Purchases, bills, audits, payments.** (intro.) Subject to s. 16.848:

8 **SECTION 843.** 46.10 (14) (a) of the statutes is amended to read:

9 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person
10 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
11 under 18 years of age at community mental health centers, a county mental health
12 complex under s. 51.08, the centers for the developmentally disabled, the Mendota
13 Mental Health Institute, and the Winnebago Mental Health Institute or care and
14 maintenance of persons under 18 years of age in residential, nonmedical facilities
15 such as group homes, foster homes, treatment foster homes, child caring institutions,
16 subsidized guardianship homes, residential care centers for children and youth, and
17 juvenile correctional institutions is determined in accordance with the cost-based
18 fee established under s. 46.03 (18). The department shall bill the liable person up
19 to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
20 3rd-party benefits, subject to rules that include formulas governing ability to pay
21 promulgated by the department under s. 46.03 (18). Any liability of the patient not
22 payable by any other person terminates when the patient reaches age 18, unless the
23 liable person has prevented payment by any act or omission.

24 **SECTION 844.** 46.10 (14) (b) of the statutes is amended to read:

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1 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
2 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
3 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
4 in a residential, nonmedical facility such as a group home, foster home, treatment
5 foster home, subsidized guardianship home, or residential care center for children
6 and youth shall be determined by the court by using the percentage standard
7 established by the department of workforce development under s. 49.22 (9) and by
8 applying the percentage standard in the manner established by the department
9 under s. 46.247.

10 **SECTION 845.** 46.10 (16) of the statutes is amended to read:

11 46.10 (16) The department shall delegate to county departments under ss.
12 51.42 and 51.437 or the local providers of care and services meeting the standards
13 established by the department under s. 46.036, the responsibilities vested in the
14 department under this section for collection of patient fees for services other than
15 those provided at state facilities or those provided to children that are reimbursed
16 under a waiver under s. 46.27 (11), 46.275, ~~or~~ 46.278, or 46.2785 or a waiver
17 requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act
18 33, section 9124 (8c), if the county departments or providers meet the conditions that
19 the department determines are appropriate. The department may delegate to
20 county departments under ss. 51.42 and 51.437 the responsibilities vested in the
21 department under this section for collection of patient fees for services provided at
22 the state facilities if the necessary conditions are met.

23 **SECTION 849.** 46.215 (2) (c) 1. of the statutes is amended to read:

24 46.215 (2) (c) 1. A county department of social services shall develop, under the
25 requirements of s. 46.036, plans and contracts for care and services to be purchased,

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1 except for care and services under subch. III of ch. 49 or s. 301.08 (2). The department
2 of health and family services may review the contracts and approve them if they are
3 consistent with s. 46.036 and if state or federal funds are available for such purposes.
4 The joint committee on finance may require the department of health and family
5 services to submit the contracts to the committee for review and approval. The
6 department of health and family services may not make any payments to a county
7 for programs included in a contract under review by the committee. The department
8 of health and family services shall reimburse each county for the contracts from the
9 appropriations under s. 20.435 ~~(3) (e)~~ and (7) (b) and (o), as appropriate, under s.
10 46.495.

11 **SECTION 850.** 46.22 (1) (e) 3. a. of the statutes is amended to read:

12 46.22 (1) (e) 3. a. A county department of social services shall develop, under
13 the requirements of s. 46.036, plans and contracts for care and services, except under
14 subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and
15 family services may review the contracts and approve them if they are consistent
16 with s. 46.036 and to the extent that state or federal funds are available for such
17 purposes. The joint committee on finance may require the department of health and
18 family services to submit the contracts to the committee for review and approval.
19 The department of health and family services may not make any payments to a
20 county for programs included in the contract that is under review by the committee.
21 The department of health and family services shall reimburse each county for the
22 contracts from the appropriations under s. 20.435 ~~(3) (e)~~ and (7) (b) and (o) according
23 to s. 46.495.

24 **SECTION 851.** 46.261 (1) (a) of the statutes is amended to read:

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1 46.261 (1) (a) The child is living in a foster home or treatment foster home
2 licensed under s. 48.62 if a license is required under that section, in a foster home
3 or treatment foster home located within the boundaries of a federally recognized
4 American Indian reservation in this state and licensed by the tribal governing body
5 of the reservation, in a group home licensed under s. 48.625, in a subsidized
6 guardianship home under s. 48.62 (5), or in a residential care center for children and
7 youth licensed under s. 48.60, and has been placed in the foster home, treatment
8 foster home, group home, subsidized guardianship home, or center by a county
9 department under s. 46.215, 46.22, or 46.23, by the department, or by a federally
10 recognized American Indian tribal governing body in this state under an agreement
11 with a county department under s. 46.215, 46.22, or 46.23.

12 **SECTION 852.** 46.261 (2) (a) 1. of the statutes is amended to read:

13 46.261 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
14 home or treatment foster home having a license under s. 48.62, in a foster home or
15 treatment foster home located within the boundaries of a federally recognized
16 American Indian reservation in this state and licensed by the tribal governing body
17 of the reservation or in a group home licensed under s. 48.625, a subsidized guardian
18 or interim caretaker under s. 48.62 (5) who cares for the dependent child, or a minor
19 custodial parent who cares for the dependent child, regardless of the cause or
20 prospective period of dependency. The state shall reimburse counties pursuant to the
21 procedure under s. 46.495 (2) and the percentage rate of participation set forth in s.
22 46.495 (1) (d) for aid granted under this section except that if the child does not have
23 legal settlement in the granting county, state reimbursement shall be at 100%. The
24 county department under s. 46.215 or 46.22 or the department under s. 48.48 (17)
25 shall determine the legal settlement of the child. A child under one year of age shall

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1 be eligible for aid under this subsection irrespective of any other residence
2 requirement for eligibility within this section.

3 **SECTION 853.** 46.261 (2) (a) 3. of the statutes is amended to read:

4 46.261 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
5 the department, when the child is placed in a licensed foster home, treatment foster
6 home, group home, or residential care center for children and youth or in a subsidized
7 guardianship home by a licensed child welfare agency or by a federally recognized
8 American Indian tribal governing body in this state or by its designee, if the child is
9 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
10 department under s. 48.48 (17) or if the child was removed from the home of a
11 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
12 continuance in the home of the relative would be contrary to the child's welfare for
13 any reason and the placement is made pursuant to an agreement with the county
14 department or the department.

15 **SECTION 854.** 46.261 (2) (a) 4. of the statutes is amended to read:

16 46.261 (2) (a) 4. A licensed foster home, treatment foster home, group home,
17 or residential care center for children and youth or a subsidized guardianship home
18 when the child is in the custody or guardianship of the state, when the child is a ward
19 of an American Indian tribal court in this state and the placement is made under an
20 agreement between the department and the tribal governing body, or when the child
21 was part of the state's direct service case load and was removed from the home of a
22 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
23 continuance in the home of a relative would be contrary to the child's welfare for any
24 reason and the child is placed by the department.

25 **SECTION 855.** 46.261 (2) (b) of the statutes is amended to read:

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1 46.261 (2) (b) Notwithstanding par. (a), aid under this section may not be
2 granted for placement of a child in a foster home or treatment foster home licensed
3 by a federally recognized American Indian tribal governing body, for placement of a
4 child in a foster home, treatment foster home, group home, subsidized guardianship
5 home, or residential care center for children and youth by a tribal governing body or
6 its designee, or for the placement of a child who is a ward of a tribal court if the tribal
7 governing body is receiving or is eligible to receive funds from the federal government
8 for that type of placement ~~or for placement of a child in a group home licensed under~~
9 ~~s. 48.625.~~

10 **SECTION 856.** 46.27 (5) (i) of the statutes is amended to read:

11 46.27 (5) (i) In the instances in which an individual who is provided long-term
12 community support services under par. (b) for which the individual receives direct
13 funding, serve directly as a fiscal agent or contract with a fiscal intermediary to serve
14 as a fiscal agent for that individual for the purposes of performing the responsibilities
15 and protecting the interests of the individual under the unemployment insurance
16 law. The county department or aging unit may elect to act as a fiscal agent or contract
17 with a fiscal intermediary to serve as a fiscal agent for an individual who is provided
18 long-term support services under s. 46.275, 46.277, 46.278, 46.2785, 46.495, 51.42,
19 or 51.437. The fiscal agent under this paragraph is responsible for remitting any
20 federal unemployment compensation taxes or state unemployment insurance
21 contributions owed by the individual, including any interest and penalties which are
22 owed by the individual; for serving as the representative of the individual in any
23 investigation, meeting, hearing or appeal involving ch. 108 or the federal
24 unemployment tax act (26 USC 3301 to 3311) in which the individual is a party; and
25 for receiving, reviewing, completing and returning all forms, reports and other

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1 documents required under ch. 108 or the federal unemployment tax act on behalf of
2 the individual. An individual may make an informed, knowing and voluntary
3 election to waive the right to a fiscal agent. The waiver may be as to all or any portion
4 of the fiscal agent's responsibilities. The waiver may be rescinded in whole or in part
5 at any time.

6 **SECTION 857.** 46.27 (6r) (a) of the statutes is amended to read:

7 46.27 (6r) (a) A person who is initially eligible for services under sub. (7) (b),
8 for whom home and community-based services are available under sub. (11) or s.
9 46.275, 46.277 or, 46.278, or 46.2785 that require less total expenditure of state funds
10 than do comparable services under sub. (7) (b) and who is eligible for and offered the
11 home and community-based services under sub. (11) or s. 46.275, 46.277 or, 46.278,
12 or 46.2785, but who declines the offer, except that a county may use funds received
13 under sub. (7) (b) to pay for long-term community support services for the person for
14 a period of up to 90 days during which an application for services under sub. (11) or
15 s. 46.275, 46.277 or, 46.278, or 46.2785 for the person is processed.

16 **SECTION 862.** 46.27 (11) (a) of the statutes is repealed.

17 **SECTION 865m.** 46.275 (5) (b) 5. of the statutes is amended to read:

18 46.275 (5) (b) 5. Provide residential services in any community-based
19 residential facility, as defined in s. 50.01 (1g), or group home, as defined in s. 48.02
20 (7) that has more than ~~4~~ 8 beds, ~~unless the department approves the provision of~~
21 ~~services in a community-based residential facility or group home that has 5 to 8 beds.~~

22 **SECTION 868.** 46.277 (1m) (ag) of the statutes is created to read:

23 46.277 (1m) (ag) "Delicensed" means deducted from the number of beds stated
24 on a facility's license, as specified under s. 50.03 (4) (e).

25 **SECTION 869.** 46.277 (5) (g) of the statutes is amended to read:

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SECTION 869

1 46.277 (5) (g) The department may provide enhanced reimbursement for
2 services provided under this section to an individual who has resided in a nursing
3 home for at least 100 consecutive days and who is relocated to the community from
4 a nursing home by a county department on or after July 26, 2003 the effective date
5 of this paragraph [revisor inserts date], if the nursing home bed that was used by
6 the individual is delicensed upon relocation of the individual number of individuals
7 served under this paragraph does not exceed the number of nursing home beds that
8 are delicensed as part of plans submitted by nursing homes and approved by the
9 department. The department shall develop and utilize a formula to determine the
10 enhanced reimbursement rate.

11 **SECTION 872.** 46.2785 of the statutes is created to read:

12 **46.2785 Community Opportunities and Recovery Program. (1)**

13 DEFINITIONS. In this section:

14 (a) "Nursing facility" has the meaning given in 42 USC 1396r (a).

15 (b) "Serious mental illness" has the meaning given in 42 CFR 483.102 (b) (1).

16 (c) "Waiver program" means the Community Opportunities and Recovery
17 Program for which a waiver has been requested under sub. (2) and granted under 42
18 USC 1396n (c).

19 **(2) WAIVER REQUEST.** The department may request a waiver from the secretary
20 of the U.S. department of health and human services, under 42 USC 1396n (c),
21 authorizing the department to serve in their communities medical assistance
22 recipients who meet eligibility requirements specified in sub. (4) by providing them
23 home or community-based services as part of the Medical Assistance program. If the
24 department requests the waiver, it shall include all the assurances required under

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1 42 USC 1396n (c) (2) in the request. If the department receives the waiver, it may
2 request an extension of the waiver under 42 USC 1396n (c).

3 (3) CONTRACT FOR ADMINISTRATION. If doing so is consistent with the waiver
4 received by the department as specified in sub. (2), the department may contract with
5 a county or a private agency to administer the waiver program. A private agency
6 with which the department contracts shall have the powers and duties of a county
7 under this section.

8 (4) ELIGIBILITY. Any medical assistance recipient who has a serious mental
9 illness and meets the level of care requirements under s. 49.45 (6m) (i) for
10 reimbursement of nursing home care under the Medical Assistance program is
11 eligible to participate in the waiver program.

12 (5) FUNDING. (a) Medical assistance reimbursement for services a county or
13 private agency contracts for or provides under the waiver program shall be made
14 from the appropriation accounts under s. 20.435 (4) (b) and (o).

15 (b) The department may, from the appropriation account under s. 20.435 (4) (o),
16 reimburse a county for providing, or contracting to provide, services that cost more
17 than the average annual per person rate established by the department, but less
18 than the average amount approved by the federal government for the waiver
19 program.

20 **SECTION 872g.** 46.279 (4n) of the statutes is created to read:

21 46.279 (4n) CONTRACT FOR PLAN PAYMENT. The department and the county
22 specified in sub. (4m) (a) shall negotiate a contract under which the department shall
23 provide payment, from the appropriation account under s. 20.435 (4) (b), to
24 implement a plan to provide care in a noninstitutional community setting to an
25 individual who has established residence in the county in order to be admitted to an

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SECTION 872g

1 intermediate facility in the county. The contract may provide for the negotiation of
2 a memorandum of understanding between the parties that identifies the relative
3 functions and duties of the department and the county in implementing plans under
4 sub. (4) for residents of intermediate facilities in the county.

5 **SECTION 872m.** 46.281 (1) (e) of the statutes is renumbered 46.281 (1) (e)
6 (intro.) and amended to read:

7 46.281 (1) (e) (intro.) After June 30, 2001, if:

8 1. If the local long-term care council for the applicable area has developed the
9 initial plan under s. 46.282 (3) (a) 1., contract with entities specified under par. (d)
10 and, only if specifically authorized by the legislature and if the legislature
11 appropriates necessary funding, contract as so authorized with one or more entities
12 in addition to those specified in par. (d) certified as meeting requirements under s.
13 46.284 (3) for services of the entity as a care management organization and one or
14 more entities for services specified under s. 46.283 (3) and (4).

15 **SECTION 872n.** 46.281 (1) (e) 2. of the statutes is created to read:

16 46.281 (1) (e) 2. Contract with entities specified under par. (d) and other
17 entities for the provision of services under s. 46.283 (3) and (4), except that after the
18 effective date of this subdivision [revisor inserts date], the department shall notify
19 the joint committee on finance in writing of any proposed contract with an entity that
20 did not have a contract to provide services under s. 46.283 (3) and (4) before the
21 effective date of this subdivision [revisor inserts date]. If the cochairpersons of
22 the committee do not notify the department within 14 working days after the date
23 of the department's notification that the committee has scheduled a meeting for the
24 purpose of reviewing the proposed contract, the department may enter into the
25 proposed contract. If within 14 working days after the date of the department's

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1 notification the cochairpersons of the committee notify the department that the
2 committee has scheduled a meeting for the purpose of reviewing the proposed
3 contract, the department may enter into the proposed contract only upon approval
4 of the committee.

5 **SECTION 872o.** 46.283 (1) (a) (intro.) of the statutes is amended to read:

6 46.283 (1) (a) (intro.) ~~After considering recommendations of the local~~
7 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors
8 and, in a county with a county executive or a county administrator, the county
9 executive or county administrator, may decide all of the following:

10 **SECTION 872p.** 46.283 (1) (b) of the statutes is amended to read:

11 46.283 (1) (b) ~~After considering recommendations of the local long-term care~~
12 ~~council under s. 46.282 (3) (a) 1., the~~ The governing body of a tribe or band or of the
13 Great Lakes Inter-Tribal Council, Inc., may decide whether to authorize a tribal
14 agency to apply to the department for a contract to operate a resource center for tribal
15 members and, if so, which client group to serve.

16 **SECTION 872q.** 46.283 (1) (c) of the statutes is amended to read:

17 46.283 (1) (c) ~~Under the requirements of par. (a), a~~ A county board of
18 supervisors may decide to apply to the department for a contract to operate a
19 multicounty resource center in conjunction with the county board or boards of one
20 or more other counties or a county-tribal resource center in conjunction with the
21 governing body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc.

22 **SECTION 872r.** 46.283 (1) (d) of the statutes is amended to read:

23 46.283 (1) (d) ~~Under the requirements of par. (b), the~~ The governing body of a
24 tribe or band may decide to apply to the department for a contract to operate a
25 resource center in conjunction with the governing body or governing bodies of one or

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1 more other tribes or bands or the Great Lakes Inter-Tribal Council, Inc., or with a
2 county board of supervisors.

3 **SECTION 872s.** 46.283 (2) (b) (intro.) of the statutes is amended to read:

4 46.283 (2) (b) (intro.) After June 30, 2001, the department shall contract with
5 the entities specified under s. 46.281 (1) (d) 1. and may, if the applicable review
6 conditions under s. 48.281 (1) (e) 2. are satisfied, in addition to contracting with these
7 entities and ~~subject to approval of necessary funding~~, contract to operate a resource
8 center with counties, family care districts, or the governing body of a tribe or band
9 or the Great Lakes Inter-Tribal Council, Inc., under a joint application of any of
10 these, or with a private nonprofit organization if the department determines that the
11 organization has no significant connection to an entity that operates a care
12 management organization and if any of the following applies:

13 **SECTION 877.** 46.286 (1) (a) 2. b. of the statutes is amended to read:

14 46.286 (1) (a) 2. b. Home and community-based waiver programs under 42
15 USC 1396n (c), including ~~community integration program~~ a community integration
16 program under s. 46.275, 46.277, or 46.278 and the Community Opportunities and
17 Recovery Program under s. 46.2785.

18 **SECTION 878.** 46.286 (3) (d) of the statutes is amended to read:

19 46.286 (3) (d) The department shall determine the date, which shall not be later
20 than January 1, ~~2006~~ 2008, on which par. (a) shall first apply to persons who are not
21 eligible for medical assistance under ch. 49. Before the date determined by the
22 department, persons who are not eligible for medical assistance may receive the
23 family care benefit within the limits of state funds appropriated for this purpose and
24 available federal funds.

25 **SECTION 878m.** 46.2895 (1) (a) (intro.) of the statutes is amended to read:

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1 46.2895 (1) (a) (intro.) ~~After considering recommendations of the local~~
2 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors may
3 create a special purpose district that is termed a “family care district”, that is a local
4 unit of government, that is separate and distinct from, and independent of, the state
5 and the county, and that has the powers and duties specified in this section, if the
6 county board does all of the following:

7 **SECTION 879.** 46.40 (1) (a) of the statutes is amended to read:

8 46.40 (1) (a) Within the limits of available federal funds and of the
9 appropriations under s. 20.435 (3) (e) and (7) (b) and (o), the department shall
10 distribute funds for community social, mental health, developmental disabilities,
11 and alcohol and other drug abuse services and for services under ss. 46.51, 46.87,
12 46.985, and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42, and
13 51.437 and to county aging units, as provided in subs. (2), (2m), and (7) to (9).

14 **SECTION 880.** 46.48 (11m) of the statutes is created to read:

15 46.48 (11m) FEMALE OFFENDER REINTEGRATION PROGRAM. (a) In this subsection:

- 16 1. “Offender” has the meaning given in s. 304.16 (2) (i).
17 2. “Prisoner” has the meaning given in s. 301.01 (2).

18 (b) The department shall award not more than \$83,800 in fiscal year 2005-06
19 and not more than \$106,400 in fiscal year 2006-07 as a grant to an organization or
20 a group of organizations to provide services for female prisoners and offenders from
21 Milwaukee County and their children, if the prisoners or offenders have been
22 convicted of nonviolent crimes.

23 (c) The grant awardee under par. (b) shall provide at least all of the following
24 for up to 6 months before a prisoner’s release from prison and up to 2 years after
25 release:

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SECTION 880

1 1. Screening, assessment, and treatment, including mental health and
2 permanency services, for the prisoners or offenders to assist in their reintegration
3 into the community.

4 2. At-risk assessments for all dependent children of female prisoners or
5 offenders who receive services under subd. 1., and comprehensive support services.

6 **SECTION 883.** 46.495 (1) (am) of the statutes is amended to read:

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

12 **SECTION 884.** 46.495 (1) (d) of the statutes is amended to read:

13 46.495 (1) (d) From the appropriations under s. 20.435 (3) (e) and (7) (b) and
14 (o), the department shall distribute the funding for social services, including funding
15 for foster care or, treatment foster care, or subsidized guardianship care of a child on
16 whose behalf aid is received under s. 46.261, to county departments under ss. 46.215,
17 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for
18 the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for
19 the distribution under s. 46.40 (2) shall be specified in a schedule established
20 annually by the department of health and family services. Each county's required
21 match for the distribution under s. 46.40 (8) for a year equals 9.89% of the total of
22 the county's distributions under s. 46.40 (8) for that year for which matching funds
23 are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats.,
24 to spend for juvenile delinquency-related services from its distribution for 1987.
25 Each county's required match for the distribution under s. 46.40 (9) (b) for a year

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1 equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for that
2 year. Matching funds may be from county tax levies, federal and state revenue
3 sharing funds, or private donations to the county that meet the requirements
4 specified in s. 51.423 (5). Private donations may not exceed 25% of the total county
5 match. If the county match is less than the amount required to generate the full
6 amount of state and federal funds distributed for this period, the decrease in the
7 amount of state and federal funds equals the difference between the required and the
8 actual amount of county matching funds.

9 **SECTION 885.** 46.51 (4) of the statutes is amended to read:

10 **46.51 (4)** A county may use the funds distributed under this section to fund
11 additional foster parents and, treatment foster parents, and subsidized guardians
12 or interim caretakers to care for abused and neglected children and to fund
13 additional staff positions to provide services related to child abuse and neglect and
14 to unborn child abuse.

15 **SECTION 889.** 46.515 (2) of the statutes is amended to read:

16 **46.515 (2) FUNDS PROVIDED.** If a county or Indian tribe applies and is selected
17 by the department under sub. (5) to participate in the program under this section,
18 the department shall award, from the appropriation under s. 20.435 ~~(3)~~ (5) (ab),
19 a grant annually to be used only for the purposes specified in sub. (4) (a) and (am).
20 The minimum amount of a grant is \$10,000. The department shall determine the
21 amount of a grant awarded to a county, other than a county with a population of
22 500,000 or more, or Indian tribe in excess of the minimum amount based on the
23 number of births that are funded by medical assistance under subch. IV of ch. 49 in
24 that county or the reservation of that Indian tribe in proportion to the number of
25 births that are funded by medical assistance under subch. IV of ch. 49 in all of the

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1 counties and the reservations of all of the Indian tribes to which grants are awarded
2 under this section. The department shall determine the amount of a grant awarded
3 to a county with a population of 500,000 or more in excess of the minimum amount
4 based on 60% of the number of births that are funded by medical assistance under
5 subch. IV of ch. 49 in that county in proportion to the number of births that are
6 funded by medical assistance under subch. IV of ch. 49 in all of the counties and the
7 reservations of all of the Indian tribes to which grants are awarded under this
8 section.

9 **SECTION 895.** 46.52 of the statutes is amended to read:

10 **46.52 Systems change grants.** From the appropriation under s. 20.435 (7)
11 (md), the department shall distribute funds to each grant recipient under this section
12 so as to permit initial phasing in of recovery-oriented system changes, prevention
13 and early intervention strategies, and consumer and family involvement for
14 individuals with mental illness. At least 10% of the funds distributed shall be for
15 children with mental illness. ~~The department shall eliminate the funding for a~~
16 ~~recipient at the end of a period of not more than 3 years in order to provide funding~~
17 ~~to benefit another recipient. The department shall require that community services~~
18 ~~that are developed under this section are continued, following termination of funding~~
19 ~~under this section, by use of savings made available from incorporating recovery,~~
20 ~~prevention and early intervention strategies, and consumer and family involvement~~
21 ~~in the services.~~

22 **SECTION 896.** 46.75 (2) (a) of the statutes is amended to read:

23 **46.75 (2) (a)** From the appropriation under s. 20.435 (3) (5) (dn), the
24 department shall award grants to agencies to operate food distribution programs

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1 that qualify for participation in the emergency food assistance program under P.L.
2 98-8, as amended.

3 **SECTION 897.** 46.77 of the statutes is amended to read:

4 **46.77 Food distribution administration.** From the appropriation under s.
5 20.435 (3) (5) (dn), the department shall allocate funds to eligible recipient agencies,
6 as defined in the emergency food assistance act, P.L. 98-8, section 201A, as amended,
7 for the storage, transportation and distribution of commodities provided under the
8 hunger prevention act of 1988, P.L. 100-435, as amended.

9 **SECTION 897p.** 46.81 (2) of the statutes is amended to read:

10 46.81 (2) From the appropriation account under s. 20.435 (7) (dh), the
11 department shall allocate \$2,298,400 in each fiscal year and from the appropriation
12 account under s. 20.435 (7) (kz) the department shall allocate \$600,000 in fiscal year
13 2006-07 to aging units to provide benefit specialist services for older individuals.
14 The department shall ensure that each aging unit receives funds and shall take into
15 account the proportion of the state's population of low-income older individuals who
16 reside in a county.

17 **SECTION 897r.** 46.81 (2) of the statutes, as affected by 2005 Wisconsin Act
18 (this act), is amended to read:

19 46.81 (2) From the appropriation account under s. 20.435 (7) (dh), the
20 department shall allocate \$2,298,400 in each fiscal year and from the appropriation
21 account under s. 20.435 (7) (kz) the department shall allocate \$600,000 in fiscal year
22 2006-07 to aging units to provide benefit specialist services for older individuals.
23 The department shall ensure that each aging unit receives funds and shall take into
24 account the proportion of the state's population of low-income older individuals who
25 reside in a county.