

(3) ADJUSTMENTS. (a) 1. If a district board transfers to another governmental unit responsibility for providing any service that it provided in the preceding fiscal year, the limit otherwise applicable under sub. (2) in the current fiscal year is decreased by the cost that it would have incurred to provide that service, as determined by the department of revenue.

2. If a district board increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit that provided the service in the previous fiscal year, the limit otherwise applicable under sub. (2) in the current fiscal year is increased by the cost of that service, as determined by the department of revenue.

(b) The limit otherwise applicable under this section does not apply to amounts levied by a district board for the payment of any general obligation debt service, including debt service on debt issued or reissued to fund or refund outstanding municipal obligations, interest on outstanding municipal obligations, or the payment of related issuance costs or redemption premiums.

(4) REFERENDUM. (a) 1. A district board may exceed the levy limit under sub. (2) if it adopts a resolution to that effect and the resolution is approved in a referendum. The resolution shall specify the proposed amount of increase in the levy beyond the amount that is allowed under sub. (2), and shall specify whether the proposed amount of increase is for the next fiscal year only or if it will apply on an ongoing basis.

2. Except as provided in subd. 3., the district board may call a special referendum for the purpose of submitting the resolution to the electors of the district for approval or rejection.

3. A referendum to exceed the limit under sub. (2) for the 2008 levy shall be held at the spring primary or election or September primary or general election in 2008.

(b) The district board shall publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2). Section 5.01 (1) applies in the event of failure to comply with the notice requirements of this paragraph.

(c) The referendum shall be held in accordance with chs. 5 to 12. The district board shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The question shall be submitted as follows: "Under state law, the percentage increase in the levy of the (name of district) for the (next) fiscal year is limited to percent, resulting in a levy of \$..... Shall the (name of district) be allowed to exceed this limit such that the percentage increase for the (next) fiscal year will be percent, resulting in a levy of \$.....?"

(d) Within 14 days after the referendum, the district board shall certify the results of the referendum to the department of revenue. The limit otherwise applicable to

the district under sub. (2) is increased for the next fiscal year by the amount approved by a majority of those voting on the question. If the resolution specifies that the increase is for one year only, the amount of the increase shall be subtracted from the base used to calculate the limit for the 2nd succeeding fiscal year.

(5) PENALTY. The department of revenue shall notify the board of any amount levied by a district board that exceeds the district's limit under this section. The board shall reduce the district's state aid under s. 38.28 in the same fiscal year in which the excess levy occurred by an amount equal to the amount of the excess levy. The amount of the reduction shall lapse to the general fund.

SECTION 737r. 38.17 of the statutes, as created by 2007 Wisconsin Act (this act), is repealed.

SECTION 738mr. 38.24 (7) (b) 2. of the statutes is amended to read:

38.24 (7) (b) 2. ~~An~~ Except as provided in subd. 2m., an unremarried surviving spouse of an eligible veteran. The remission under this subdivision applies only during the first 10 years after the veteran died.

SECTION 738mw. 38.24 (7) (b) 2m. of the statutes is created to read:

38.24 (7) (b) 2m. An unremarried surviving spouse of an eligible veteran who had a child with the eligible veteran. The remission under this subdivision applies only until 10 years after the youngest child that the spouse had with the eligible veteran reaches or would have reached 18 years of age, or during the first 10 years after the veteran died, whichever is longer.

SECTION 739. 38.24 (7) (b) 3. of the statutes is amended to read:

38.24 (7) (b) 3. A child of an eligible veteran, if the child is at least ~~18~~ 17 but not yet 26 years of age ~~and is a full-time student at a technical college.~~

SECTION 740. 38.24 (7) (c) of the statutes is created to read:

38.24 (7) (c) The higher educational aids board shall reimburse the district board for all fees under sub. (1m) (a) to (c) remitted under par. (b) as provided in s. 39.50 (2) and (3m).

SECTION 741. 38.24 (8) (c) of the statutes is created to read:

38.24 (8) (c) The higher educational aids board shall reimburse the district board for all fees under sub. (1m) (a) to (c) remitted under par. (b) as provided in s. 39.50 (2) and (3m).

SECTION 743m. 38.41 (2) and (3) of the statutes are created to read:

38.41 (2) (a) The board may award a grant of up to \$20,000 to a district board to provide skills training or other education to a business if all of the following apply:

1. The business is located in this state and satisfies any of the following criteria:

a. The business has no more than 100 employees.

b. The business had no more than \$10,000,000 in gross annual income in its most recent fiscal year.

2. The district board agrees in writing to use the grant only to provide skills training or other education related to the needs of the business to current or prospective employees of the business.

3. The business agrees in writing to comply with par. (b).

4. The business and the district board submit a plan to the board detailing the proposed use of the grant, and the board approves the plan.

5. The business and the district board enter into a written agreement with the board that specifies the conditions for the use of the grant, including reporting and auditing requirements.

6. The business and the district board agree in writing to submit to the board the report required under par. (c) by the time required under par. (c).

7. The business provides matching funds at least equal to the amount of the grant. The board may waive the requirement under this subdivision if the board determines that the business is subject to extreme financial hardship.

(b) A grant under this subsection may not be used for any of the following:

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

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

(c) A district board that receives a grant under this subsection shall submit to the board, within 6 months after the grant has been fully depleted, a report prepared jointly with the business detailing how the grant was used.

(3) (a) The board shall award grants under this section from the appropriation under s. 20.292 (1) (eh).

(b) The board may award no more than \$1,500,000 in the 2007-08 fiscal year, and no more than \$2,000,000 in any fiscal year thereafter, under sub. (1).

(c) The board may award no more than \$500,000 in the 2007-08 fiscal year, and no more than \$1,000,000 in any fiscal year thereafter, under sub. (2).

SECTION 743s. 39.12 (5) of the statutes is amended to read:

39.12 (5) Any corporation established under this section shall be organized so that contributions to it will be deductible from adjusted gross income under section 170 of the internal revenue code and so that the corporation will be exempt from taxation under section 501 of the internal revenue code and ss. 71.26 (1) (a) and 71.45 (1) (a).

SECTION 745. 39.435 (7) (a) 1. of the statutes is amended to read:

39.435 (7) (a) 1. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fe) for fiscal year ~~2007-08~~ 2009-10, "base amount" means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year ~~2006-07~~ 2008-09.

SECTION 746. 39.435 (7) (a) 2. of the statutes is amended to read:

39.435 (7) (a) 2. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fe) for each fiscal year after fiscal year ~~2007-08~~ 2009-10, "base amount" means the appropriation amount calculated under par. (b) for the previous fiscal year.

SECTION 747. 39.435 (7) (b) (intro.) of the statutes is amended to read:

39.435 (7) (b) (intro.) Biennially, beginning on February 1, ~~2007~~ 2009, the board shall calculate the amounts to be appropriated under s. 20.235 (1) (fe) for the next biennium as follows:

SECTION 748. 39.437 of the statutes is created to read:

39.437 Wisconsin covenant scholars grants. (1) ESTABLISHMENT OF GRANT PROGRAM. There is established, to be administered by the board, a Wisconsin Covenant Scholars Program to provide grants to students who meet the eligibility criteria specified in sub. (2).

(2) ELIGIBILITY. (a) Except as provided in par. (b), a student is eligible for a grant under this section if the student meets all of the following criteria:

1. The student is a resident of this state and is enrolled at least half time and registered as a freshman, sophomore, junior, or senior in a public or private, nonprofit, accredited institution of higher education or in a tribally controlled college in this state.

2. The student is eligible for a Federal Pell Grant under 20 USC 1070a, the federal adjusted gross income of a parent of the student, as shown on the student's application for student financial assistance, does not exceed the income guidelines prescribed under 42 USC 1758 (b) for determining eligibility for reduced-price lunches under the federal National School Lunch Act, 42 USC 1751 to 1769i, or, if the student is an independent student, as defined in 20 USC 1087vv, the federal adjusted gross income of the student, as shown on the student's application for student financial assistance, does not exceed those income guidelines.

(b) 1. The board may not make a grant under this section to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

2. No student shall be eligible for a grant under this section in more than the equivalent of 10 semesters of undergraduate education.

3. No student who fails to meet acceptable academic standards prescribed by the student's institution of higher

education or tribally controlled college shall be or shall remain eligible for a grant under this section.

(3) AMOUNT OF GRANT. The amount of a grant shall be based on financial need, as determined by the board, and shall be paid from the appropriation account under s. 20.235 (1) (fm).

(4) ADMINISTRATION OF GRANT PROGRAM. (a) By February 1 of each year, the Board of Regents of the University of Wisconsin System shall provide to the board information relating to the resident undergraduate academic fees charged to attend each of the institutions within that system for the current academic year, the technical college system board shall provide to the board information relating to the fees under s. 38.24 (1m) (a) to (c) charged to attend each of the technical colleges within that system for the current academic year, and each tribally controlled college in this state shall provide to the board information relating to the tuition and fees charged to attend the tribal college for the current academic year.

(b) By April 1 of each year, the board shall determine the average of the resident undergraduate academic fees charged for the current academic year among the institutions within the University of Wisconsin System, the average of the fees under s. 38.24 (1m) (a) to (c) charged for the current academic year among the technical colleges in this state, and the average of the tuition and fees charged for the current academic year among the tribally controlled colleges in this state.

(5) RULES. The board shall promulgate rules to implement this section, including rules establishing a reporting system to periodically provide student economic data and any other rules the board considers necessary to assure the uniform administration of this section.

SECTION 748t. 39.47 (1) of the statutes is amended to read:

39.47 (1) There is established, to be administered by the board, a Minnesota-Wisconsin student reciprocity agreement, the purpose of which shall be to ensure that neither state shall profit at the expense of the other and that the determination of any amounts owed by either state under the agreement shall be based on an equitable formula which reflects the educational costs incurred by the 2 states, reflects any differentials in usage by residents of either state of the public institutions of higher education located in the other state, and reflects any differentials in the resident tuition charged at comparable public institutions of higher education of the 2 states. The board, representing this state, shall enter into an agreement meeting the requirements of this section with the designated body representing the state of Minnesota.

SECTION 748u. 39.47 (2) of the statutes is amended to read:

39.47 (2) The agreement under this section shall provide for the waiver of nonresident tuition for a resident of either state who is enrolled in a public vocational school located in the other state. The agreement shall also estab-

lish a reciprocal fee structure for residents of either state who are enrolled in public institutions of higher education, other than vocational schools, located in the other state. The reciprocal fee may not exceed the higher of the resident tuition that would be charged the student at the public institution of higher education in which the student is enrolled or the resident tuition that would be charged the student at comparable public institutions of higher education located in his or her state of residence, as specified in the annual administrative memorandum under sub. (2g). The agreement shall take effect on July 1, 1998 ~~2007~~. The agreement is subject to the approval of the joint committee on finance under s. 39.42.

SECTION 748v. 39.47 (3) of the statutes is amended to read:

39.47 (3) ~~Annually~~ At the end of each semester or academic term, each state shall determine the number of students for whom nonresident tuition has been waived under the agreement. Each state shall certify to the other state, in addition to the number of students so determined, the aggregate amount of its reimbursement obligation. The state with the ~~smaller~~ larger reimbursement obligation shall ~~receive from the other state pay as provided in the agreement~~ an amount determined by subtracting the reimbursement obligation of the state receiving the payment with the smaller reimbursement obligation from the reimbursement obligation of the state making the payment with the larger reimbursement obligation. The agreement shall provide a reasonable date for payment of any such sums due and owing to ~~either state,~~ after which date interest may be charged on the amount owed. The methodology for determination of the appropriate interest rate shall be included in the agreement. Any payments received by this state under this subsection shall be deposited in the general fund.

SECTION 749. 39.50 of the statutes is created to read:

39.50 Remission of fees for veterans and dependents. (1) UNIVERSITY OF WISCONSIN SYSTEM. At the end of each semester, the Board of Regents of the University of Wisconsin System shall certify to the board the number of students enrolled in the University of Wisconsin System to whom any fees or nonresident tuition has been remitted under s. 36.27 (3n) or (3p), the number of credits for which those fees or that nonresident tuition has been remitted, and the amount of fees and nonresident tuition remitted. Subject to sub. (3m), if the board approves the information certified under this subsection, the board, from the appropriation account under s. 20.235 (1) (fz), shall reimburse the board of regents for the full amount of fees and nonresident tuition remitted. The board of regents shall credit any amounts received under this subsection to the appropriation under s. 20.285 (1) (k) and shall expend those amounts received for degree credit instruction.

(2) TECHNICAL COLLEGES. At the end of each semester, each technical college district board shall certify to

the board the number of students enrolled in the technical college governed by the district board to whom any fees have been remitted under s. 38.24 (7) or (8), the number of credits for which those fees have been remitted, and the amount of those fees remitted. Subject to sub. (3m), if the board approves the information certified under this subsection, the board, from the appropriation account under s. 20.235 (1) (fz), shall reimburse the district board for the full amount of fees remitted.

(3m) PRORATED REIMBURSEMENT. In June of each fiscal year, the board shall determine the total amount of fees and nonresident tuition remitted by the board of regents that are eligible for reimbursement under sub. (1) and fees remitted by the district boards that are eligible for reimbursement under sub. (2). If the moneys appropriated under s. 20.235 (1) (fz) are not sufficient to reimburse the board of regents for the full amount of those fees and that nonresident tuition and each district board for the full amount of those fees, the board shall prorate the reimbursement paid under subs. (1) and (2) in the proportion that the moneys available bears to the total amount eligible for reimbursement under subs. (1) and (2).

SECTION 756. 40.02 (28) of the statutes is amended to read:

40.02 (28) "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229 and a family long-term care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3) and subch. X. "Employer" does not include a local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.

SECTION 757. 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65, is amended to read:

40.02 (28) "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229 and a family long-term care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.

SECTION 759. 40.02 (36) of the statutes is amended to read:

40.02 (36) "Governing body" means the legislature or the head of each state agency with respect to employees of that agency for the state, the common council in cities, the village board in villages, the town board in towns, the county board in counties, the school board in school districts, or the board, commission or other governing body having the final authority for any other unit of government, for any agency or instrumentality of 2 or more units of government, for any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, for a local exposition district created under subch. II of ch. 229 or for a family long-term care district created under s. 46.2895, but does not include a local cultural arts district created under subch. V of ch. 229.

SECTION 761. 40.02 (54) (L) of the statutes is created to read:

40.02 (54) (L) The Health Insurance Risk-Sharing Plan Authority.

SECTION 763. 40.05 (4) (a) 2. of the statutes is amended to read:

40.05 (4) (a) 2. For an insured employee who is an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m., the employer shall pay required employer contributions toward the health insurance premium of the insured employee beginning on the date on which the employee becomes insured. For an insured state employee who is currently employed, but who is not a limited term appointment under s. 230.26 or an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m., the employer shall pay required employer contributions toward the health insurance premium of the insured employee beginning on the first day of the 7th 3rd month beginning after the date on which the employee begins employment with the state, not including any leave of absence. For an insured employee who has a limited term appointment under s. 230.26, the employer shall pay required employer contributions toward the health insurance premium of the insured employee beginning on the first day of the 7th month beginning after the date on which the employee first becomes a participating employee.

SECTION 770g. 41.41 (10) (a) 1. of the statutes is renumbered 41.41 (10) (a) 1. a. and amended to read:

41.41 (10) (a) 1. a. ~~Estimated~~ Subject to subd. 1. b., "estimated value", for the year following the year in which the department acquires land within the Kickapoo valley reserve or the board acquires land under sub. (7), means the full value of the land determined by the department of revenue and, for each later year, means the value that was used for calculating the aid payment under this subsection on the land for the prior year increased or decreased to reflect the annual percentage change in the equalized valuation of all real property, excluding

improvements, in the taxation district in which the land is located, as determined by comparing the most recent determination of equalized valuation under s. 70.57 for all real property to the next preceding determination of equalized valuation under s. 70.57 for all real property.

SECTION 770m. 41.41 (10) (a) 1. b. of the statutes is created to read:

41.41 (10) (a) 1. b. The "estimated value" of the land in the town of Stark in Vernon County shall include, in 2008, the value of improvements constituting the Kickapoo Valley Reserve Visitor Center and the maintenance buildings associated with the Kickapoo Valley Reserve Visitor Center and, in each later year, the value that was included under this subd. 1. b. in the prior year increased or decreased in the manner described in subd. 1. a.

SECTION 781p. 42.04 of the statutes is amended to read:

42.04 Private operation and leasing. The state fair park board may provide for the operation and leasing of any facilities by private entrepreneurs, except that the state fair park board shall reserve the use of state fair park facilities for a sufficient period of time every year for purposes of conducting an annual state fair. ~~This section does not apply to a lease authorized under s. 42.11 (3).~~

SECTION 781r. 42.11 of the statutes is repealed and recreated to read:

42.11 Olympic Ice Training Center. The state fair park board may purchase the Olympic Ice Training Center and associated land and parking areas from the Pettit National Ice Center, Inc., if the Pettit National Ice Center, Inc., discontinues its operation of the facility as an ice skating rink and training facility.

SECTION 781s. 42.115 of the statutes is repealed.

SECTION 781t. 42.12 (1) of the statutes is amended to read:

42.12 (1) Beginning on July 1, 1992, in each fiscal year, the state fair park board may award a grant to the city of West Allis to be used to provide crowd and traffic control services related to events held at the state fair park, ~~including events associated with the Olympic Ice Training Center under s. 42.11.~~

SECTION 781v. 42.13 of the statutes is created to read:

42.13 Financial reports. (1) The state fair park board shall make quarterly reports to the department of administration and the joint committee on finance projecting the revenues and expenditures for the ensuing quarter for each of the board's program revenue appropriation accounts.

(2) (a) The state fair park board shall annually submit to the department of administration a plan to ensure that there are sufficient revenues to meet projected expenditures under the board's program revenue appropriation accounts and to eliminate any deficits that have developed in those accounts.

(b) The department of administration may approve or approve with modifications each plan submitted by the

state fair park board under par. (a). The department shall forward the plan as approved to the joint committee on finance by November 15 of each year. If the cochairpersons of the joint committee on finance do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed plan within 14 working days after the date of the secretary's submittal, any portion of the plan that does not require the action of the legislature or the action of the committee under another law may be implemented. If, within 14 working days after the date of the secretary's submittal, the cochairpersons of the joint committee on finance notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, no part of the plan may be implemented without the approval of the committee.

(3) Subsections (1) and (2) do not apply after December 31, 2013.

SECTION 781x. 43.70 (3) of the statutes is amended to read:

43.70 (3) Immediately upon making such apportionment, the state superintendent shall certify to the department of administration the estimated amount that each school district is entitled to receive under this section and shall notify each school district administrator of the estimated amount so certified for his or her school district. The department of administration shall distribute each school district's aid entitlement in one payment on or before May 1. The amount paid to each school district shall be based upon the amount in the appropriation account under s. 20.255 (2) (s) on April 15. ~~All moneys~~ Moneys distributed under this section shall ~~may~~ be expended only for the purchase of instructional materials from the state historical society for use in teaching Wisconsin history and for the purchase of library books and other instructional materials for school libraries, but not for public library facilities operated by school districts under s. 43.52, in accordance with rules promulgated by the state superintendent. In addition, a school district may use up to 25 percent of the moneys received in a fiscal year under this section to purchase school library computers and related software if the school board consults with the person who supervises the school district's libraries and the computers and software are housed in the school library. Appropriate records of ~~such~~ all purchases under this section shall be kept and necessary reports thereon shall be made to the state superintendent.

SECTION 782. 44.02 (28) of the statutes is created to read:

44.02 (28) Annually distribute the amount appropriated under s. 20.245 (1) (b) as a grant to the Wisconsin Black Historical Society and Museum to fund the operations of that society and museum.

SECTION 782m. 45.03 (13) (f) of the statutes is created to read:

45.03 (13) (f) Provide services related to post-traumatic stress disorder to service members and veterans, which shall include at least one of the following services:

1. Outreach services to service members and veterans who may be experiencing post-traumatic stress disorder.
2. Information on the availability of post-traumatic stress disorder medical services and referrals to those services.

SECTION 783. 45.03 (20) of the statutes is amended to read:

45.03 (20) **TRANSFER OF FUNDS TO THE VETERANS TRUST FUND.** If the balance in the appropriation account under s. 20.485 (1) (gk) is in excess of the amount needed for the care of the members of the Wisconsin veterans homes under s. 45.50 and the payment of stipends under s. 45.50 (9) during fiscal year ~~2006-07~~ 2007-08 or 2008-09, the department may request permission from the joint committee on finance to transfer the excess moneys to the veterans trust fund. If the cochairpersons of the committee do not notify the department within 14 working days after the date of receipt of the department's request that the committee has scheduled a meeting for the purpose of reviewing the transfer, the transfer may be made as proposed by the department. If, within 14 working days after the date of receipt of the department's request, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed transfer, the transfer may be made only upon approval of the committee. The ~~total~~ amount transferred under this subsection may not exceed ~~\$16,000,000~~ \$7,000,000.

SECTION 783m. 45.045 of the statutes is created to read:

45.045 Veteran registry. The department shall establish a voluntary statewide registry that will collect information from veterans and inform veterans on health issues, including post-traumatic stress disorder, Agent Orange, and Gulf War syndrome.

SECTION 784. 45.20 (2) (d) 2. b. of the statutes is amended to read:

45.20 (2) (d) 2. b. A statement that the veteran is not delinquent in child support or maintenance payments and does not owe past support, medical expenses or birth expenses, signed by the department of ~~workforce development~~ children and families or its designee within 7 working days before the date of the application.

SECTION 785. 45.33 (2) (b) 1. b. of the statutes is amended to read:

45.33 (2) (b) 1. b. A statement that the person is not delinquent in child support or maintenance payments and does not owe past support, medical expenses, or birth expenses, signed by the department of ~~workforce development~~ children and families or its designee within 7 working days before the date of the application.

SECTION 785d. 45.40 (1) (b) of the statutes is amended to read:

45.40 (1) (b) The maximum amount that any veteran may receive under this subsection per occurrence during a consecutive 12-month period may not exceed ~~\$2,000~~ \$3,000.

SECTION 785g. 45.40 (2) (b) of the statutes is repealed.

SECTION 785m. 45.40 (3) of the statutes is amended to read:

45.40 (3) **LIMITATIONS.** The total cumulative amount that any veteran may receive under this section may not exceed ~~\$5,000~~ \$7,500.

SECTION 786. 45.42 (6) (b) of the statutes is amended to read:

45.42 (6) (b) Provides to the department a statement that the applicant is not delinquent in child support or maintenance payments and does not owe past support, medical expenses, or birth expenses, signed by the department of ~~workforce development~~ children and families or its designee within 7 working days before the date of the application.

SECTION 786g. 45.43 (1) of the statutes is amended to read:

45.43 (1) The department shall administer a program to provide assistance to persons who served in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who were discharged under conditions other than dishonorable. The department shall provide assistance to persons whose need for services is based upon homelessness, incarceration, or other circumstances designated by the department by rule. The department shall designate the assistance available under this section, which may include assistance in receiving medical care, dental care, education, employment, and transitional housing. The department may provide payments to facilitate the provision of services under this section. From the appropriation under s. 20.485 (2) (ac), the department shall provide \$15,000 annually during fiscal years 2007-08 and 2008-09 to the Center for Veterans Issues, Ltd., of Milwaukee, to provide outreach services to homeless veterans with post-traumatic stress disorder.

SECTION 786m. 45.43 (3) of the statutes is created to read:

45.43 (3) The department shall annually provide the governor, and the appropriate standing committees of the legislature under s. 13.172 (3), with the number of veterans that were referred to the U.S. veterans administration hospitals, veterans centers, or other health care facilities as a result of telemedicine facilities. This subsection does not apply after June 30, 2009.

SECTION 786u. 45.51 (9) of the statutes is repealed.

SECTION 787. 45.51 (10) (b) of the statutes is amended to read:

45.51 (10) (b) ~~Except where a sale occurs under s. 16.848, the~~ The department may manage, sell, lease, or transfer property passing to the state pursuant to this sec-

tion or conveyed to it by members, defend and prosecute all actions concerning it, pay all just claims against it, and do all other things necessary for the protection, preservation, and management of the property. All expenditures necessary for the execution of functions under this paragraph or sub. (14) shall be made from the appropriation in s. 20.485 (1) (h).

SECTION 788. 45.51 (13) (intro.) of the statutes is amended to read:

45.51 (13) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SKILLED NURSING FACILITIES. (intro.) Any person admitted to a skilled nursing facility at a veterans home shall meet the eligibility requirements under ss. 49.45 and 49.46, and, if applicable, s. 49.471 and rules promulgated under those sections during residence at the skilled nursing facility except if any of the following apply:

SECTION 789. 45.51 (13) (a) of the statutes is amended to read:

45.51 (13) (a) Persons with sufficient income and resources to meet the expenses of care for one or more months may be admitted to the skilled nursing facility but shall apply income and resources to costs to the extent required under ss. 49.45 and 49.46, and, if applicable, s. 49.471 and rules promulgated under those sections.

SECTION 790. 45.51 (13) (b) of the statutes is amended to read:

45.51 (13) (b) Persons who meet all the requirements of this section but whose degree of physical disability does not meet the minimum requirements under ss. 49.45 and 49.46 and rules promulgated under those sections may be admitted to the skilled nursing facility but shall apply income and resources to costs to the extent required by ss. 49.45 and 49.46, and, if applicable, s. 49.471 and rules promulgated under those sections.

SECTION 791. 45.61 (2) (a) of the statutes is amended to read:

45.61 (2) (a) A person who died while on active duty or who was discharged or released from active duty in the U.S. armed forces under ~~honorable~~ conditions other than dishonorable and who was a resident of this state at the time of his or her entry ~~or reentry~~ into active service and his or her dependent child and surviving spouse.

SECTION 791m. 45.61 (2) (am) of the statutes is created to read:

45.61 (2) (am) A person who died while on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces.

SECTION 792. 45.61 (2) (b) of the statutes is amended to read:

45.61 (2) (b) A person who was discharged or released from active duty in the U.S. armed forces under ~~honorable~~ conditions other than dishonorable and who was a resident of this state at the time of his or her death and his or her dependent child and surviving spouse.

SECTION 792c. 45.61 (5) of the statutes is renumbered 45.61 (5) (a) and amended to read:

45.61 (5) EXPENSES. (a) Expenses incident to the burial under this section of persons described in sub. (2) (a) and (b) to (e) shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part of the burial, shall be paid from the appropriation under s. 20.485 (1) (gk) for members of veterans homes, and the amount expended for those expenses shall not exceed the amount established for funeral and burial expenses under s. 49.785 (1) (b).

SECTION 792e. 45.61 (5) (b) of the statutes is created to read:

45.61 (5) (b) Expenses incident to the burial under this section of persons described in sub. (2) (am) shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part of the burial, shall be paid by the relatives who requested the burial.

SECTION 793. 46.001 of the statutes is amended to read:

46.001 Purposes of chapter. The purposes of this chapter are to conserve human resources in Wisconsin; ~~to provide a just and humane program of services to children and unborn children in need of protection or services, nonmarital children and the expectant mothers of those unborn children;~~ to prevent dependency, mental illness, developmental disability, mental infirmity, and other forms of social maladjustment by a continuous attack on causes; to provide effective aid and services to all persons in need ~~thereof~~ of that aid and those services and to assist those persons to achieve or regain self-dependence at the earliest possible date; to avoid duplication and waste of effort and money on the part of public and private agencies; and to coordinate and integrate a social welfare program.

SECTION 794. 46.011 (intro.) of the statutes is amended to read:

46.011 Definitions. (intro.) In chs. 46, 48, 50, 51, 54, 55, and 58:

SECTION 795. 46.011 (1g) of the statutes is created to read:

46.011 (1g) "Disabled children's long-term support program" means the programs described under 2001 Wisconsin Act 16, section 9123 (16rs), and 2003 Wisconsin Act 33, section 9124 (8c).

SECTION 796. 46.014 (4) of the statutes is renumbered 49.265 (6) and amended to read:

49.265 (6) REPORTS. At least annually, the secretary shall submit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), concerning activities of community action agencies under ~~s. 46.30~~ this section and their effectiveness in promoting social and economic opportunities for poor persons.

SECTION 797. 46.016 of the statutes is amended to read:

46.016 Cooperation with federal government.

The department may cooperate with the federal government in carrying out federal acts concerning public assistance, social security, ~~child welfare and youth services,~~ mental hygiene, services for the blind, and in other matters of mutual concern pertaining to public welfare.

SECTION 798. 46.02 of the statutes is amended to read:

46.02 Agency powers and duties. Any institution which that is subject to chs. 46, 48 ~~49~~ to 51, 55, and 58 and to regulation under ch. 150 shall, in cases of conflict between chs. 46, 48 ~~49~~ to 51, 55, and 58 and ch. 150, be governed by ch. 150. The department shall promulgate rules and establish procedures for resolving any such ~~controversy a conflict.~~

SECTION 799. 46.023 of the statutes is renumbered 48.562.

SECTION 800. 46.03 (4) (b) of the statutes is amended to read:

46.03 (4) (b) In order to discharge more effectively its responsibilities under this chapter ~~and ch. 48~~ and other relevant provisions of the statutes, be authorized to study causes and methods of prevention and treatment of mental illness, mental deficiency, mental infirmity, and related social problems, including establishment of demonstration projects to apply and evaluate such methods in actual cases. The department is directed and authorized to utilize all powers provided by the statutes, including the authority under sub. (2a), to accept grants of money or property from federal, state, or private sources, and to enlist the cooperation of other appropriate agencies and state departments. The department may enter into agreements with local government subdivisions, departments, and agencies for the joint conduct of these projects, and it may purchase services when deemed considered appropriate.

SECTION 801. 46.03 (7) (a) of the statutes is amended to read:

46.03 (7) (a) Promote the enforcement of laws for the protection of developmentally disabled children, ~~children and unborn children in need of protection or services and nonmarital children;~~ and to this end cooperate with courts assigned to exercise jurisdiction under chs. 48 and 938, licensed child welfare agencies, and public and private institutions and take the initiative in all matters involving the interests of those children ~~and unborn children~~ when adequate provision for those interests has not already been made, including the establishment and enforcement of standards for services provided under ss. 48.345 and 48.347.

SECTION 802. 46.03 (7) (bm) of the statutes is amended to read:

46.03 (7) (bm) Maintain a file containing records of artificial inseminations under s. 891.40, ~~declarations of paternal interest under s. 48.025,~~ and statements acknowledging paternity under s. 69.15 (3) (b). The

department may release those records, ~~declarations,~~ and statements only upon an order of the court except that the department may use nonidentifying information concerning artificial inseminations for the purpose of compiling statistics, ~~declarations of paternal interest shall be released as provided in s. 48.025 (3) (b) and (c),~~ and statements acknowledging paternity shall be released without a court order to the department of ~~workforce development~~ children and families or a county child support agency under s. 59.53 (5) upon the request of that department or county child support agency pursuant to the program responsibilities under s. 49.22 or to any other person with a direct and tangible interest in the statement.

SECTION 803. 46.03 (7) (c) of the statutes is repealed.

SECTION 804. 46.03 (7) (cm) of the statutes is renumbered 48.47 (7) (cm).

SECTION 805. 46.03 (7) (d) of the statutes is renumbered 48.47 (7) (d).

SECTION 806. 46.03 (7) (e) of the statutes is repealed.

SECTION 807. 46.03 (7) (f) of the statutes is renumbered 48.47 (7) (f).

SECTION 808. 46.03 (7) (h) of the statutes is renumbered 48.47 (7) (h).

SECTION 809. 46.03 (7g) of the statutes is renumbered 48.47 (7g) and amended to read:

48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish a statewide automated child welfare information system. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e) 55.22 (3),~~ 146.82, 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396 (1) and (2) (a) 938.396 (1) and (2),~~ and 938.78 (2) (a), the department may enter the content of any record kept or information received by the department into the statewide automated child welfare information system, and a county department under s. 46.215, 46.22, or 46.23, the department, or any other organization that has entered into an information sharing and access agreement with the department or any of those county departments and that has been approved for access to the statewide automated child welfare information system by the department may have access to information that is maintained in that system, if necessary to enable the county department, department, or organization to perform its duties under this chapter, ch. 48, ~~46,~~ 51, 55, or 938, or 42 USC 670 to 679b to or to coordinate the delivery of services under this chapter, ch. 48, ~~46,~~ 51, 55, or 938, or 42 USC 670 to 679b.

SECTION 810. 46.03 (7m) of the statutes is renumbered 48.62 (7) and amended to read:

48.62 (7) ~~FOSTER CARE.~~ In each federal fiscal year, the department shall ensure that there are no more than 2,200 children in foster care and treatment foster care placements for more than 24 months, consistent with the best interests of each child. Services provided in connec-

tion with this requirement shall comply with the requirements under P.L. 96-272.

SECTION 812c. 46.03 (18) (a) of the statutes is amended to read:

46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department of health and family services shall establish a uniform system of fees for services provided or purchased by the department of health and family services, or a county department under s. 46.215, 46.22, 51.42, or 51.437, except for services provided under ch. 48 and subch. III of ch. 49; services relating to adoption; services provided to courts; outreach, information and referral services; or where when, as determined by the department of health and family services, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, 51.42, or 51.437 shall apply the fees which that it collects under this program to cover the cost of such those services. ~~The department of health and family services shall report to the joint committee on finance no later than March 1 of each year on the number of children placed for adoption by the department of health and family services during the previous year and the costs to the state for services relating to such adoptions.~~

SECTION 813. 46.03 (18) (am) of the statutes is amended to read:

46.03 (18) (am) Paragraph (a) ~~does not prevent the department from charging and collecting the cost of adoptive placement investigations and child care as authorized under s. 48.837 (7).~~ Paragraph (a) also does not prevent a county department under s. 51.42 or 51.437 from charging and collecting the cost of an examination ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).

SECTION 814. 46.03 (18) (ar) of the statutes is created to read:

46.03 (18) (ar) A county may retain fees that it collects under this subsection for services the county provides without state funding under the disabled children's long-term support program.

SECTION 814m. 46.03 (18) (f) of the statutes is amended to read:

46.03 (18) (f) Notwithstanding par. (a), any person who submits to an assessment or airman or driver safety plan under s. 23.33 (13) (e), 30.80 (6) (d), 114.09 (2) (bm), 343.16 (5) (a), 343.30 (1q), 343.305 (10) or 350.11 (3) (d) shall pay a reasonable fee therefor to the appropriate county department under s. 51.42 or traffic safety school under s. 345.60. A county may allow the person to pay the assessment fee in 1, 2, 3 or 4 equal installments. The fee for the airman or driver safety plan may be reduced or waived if the person is unable to pay the complete fee, but no fee for assessment or attendance at a traffic safety school under s. 345.60 may be reduced or waived. Nonpayment of the assessment fee is noncom-

pliance with the court order that required completion of an assessment and airman or driver safety plan. Upon a finding that the person has the ability to pay, nonpayment of the airman or driver safety plan fee is noncompliance with the court order that required completion of an assessment and airman or driver safety plan.

SECTION 815. 46.03 (20) (a) of the statutes is amended to read:

46.03 (20) (a) Except for payments provided under ch. 48 or subch. III of ch. 49, the department may make payments directly to recipients of public assistance or to such persons authorized to receive such payments in accordance with law and rules of the department on behalf of the counties. Except for payments provided under ch. 48 or subch. III of ch. 49, the department may charge the counties for the cost of operating public assistance systems which make such payments.

SECTION 816. 46.03 (22) (title) of the statutes is amended to read:

46.03 (22) (title) COMMUNITY LIVING ARRANGEMENTS FOR ADULTS.

SECTION 817. 46.03 (22) (a) of the statutes is amended to read:

46.03 (22) (a) ~~“Community In this subsection, “community living arrangement for adults” means any of the following facilities licensed or operated, or permitted under the authority of the department: residential care centers for children and youth, as defined in s. 48.02 (15d), operated by child welfare agencies licensed under s. 48.60, group homes for children, as defined in s. 48.02 (7), and community-based residential facilities a community-based residential facility, as defined in s. 50.01 (1g); but does not include adult family homes, as defined in s. 50.01 (1), day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.~~

SECTION 818. 46.03 (22) (b) of the statutes is amended to read:

46.03 (22) (b) Community living arrangements for adults shall be subject to the same building and housing ordinances, codes, and regulations of the municipality or county as similar residences located in the area in which the facility is located.

SECTION 819. 46.03 (22) (c) of the statutes is amended to read:

46.03 (22) (c) The department shall designate a subunit to keep records and supply information on community living arrangements for adults under ss. 59.69 (15) (f), 60.63 (7), and 62.23 (7) (i) 6. The subunit shall be responsible for receiving all complaints regarding community living arrangements for adults and for coordinating all necessary investigatory and disciplinary actions under the laws of this state and under the rules of the department relating to the licensing of community living arrangements for adults.

SECTION 820. 46.03 (22) (d) of the statutes is amended to read:

46.03 (22) (d) A community living arrangement for adults with a capacity for 8 or fewer persons shall be a permissible use for purposes of any deed covenant which limits use of property to single-family or 2-family residences. A community living arrangement for adults with a capacity for 15 or fewer persons shall be a permissible use for purposes of any deed covenant which limits use of property to more than 2-family residences. Covenants in deeds which expressly prohibit use of property for community living arrangements for adults are void as against public policy.

SECTION 821. 46.03 (22) (e) of the statutes is amended to read:

46.03 (22) (e) If a community living arrangement for adults is required to obtain special zoning permission, as defined in s. 59.69 (15) (g), the department shall, at the request of the unit of government responsible for granting the special zoning permission, inspect the proposed facility and review the program proposed for the facility. After such inspection and review, the department shall transmit to the unit of government responsible for granting the special zoning permission a statement that the proposed facility and its proposed program have been examined and are either approved or disapproved by the department.

SECTION 822. 46.03 (29) of the statutes is repealed.

SECTION 823. 46.03 (39) of the statutes is renumbered 48.47 (39).

SECTION 824. 46.031 (3) (a) of the statutes is amended to read:

46.031 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the county board of supervisors of each county or the county boards of supervisors of 2 or more counties jointly shall establish a citizen advisory committee to the county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437. The citizen advisory committee shall advise in the formulation of the budget under sub. (1). Membership on the committee shall be determined by the county board of supervisors in a county with a single-county committee or by the county boards of supervisors in counties with a multicounty committee and shall include representatives of those persons receiving services, providers of service and citizens. A majority of the members of the committee shall be citizen and service consumers. ~~At least one member of the committee shall be chosen from the governing or administrative board of the community action agency serving the county or counties under s. 46.30, if any.~~ The committee's membership may not consist of more than 25% county supervisors, nor of more than 20% service providers. The chairperson of the committee shall be appointed by the county board of supervisors establishing it. In the case of a multicounty committee, the chairperson shall be nominated by the committee and approved by the county boards of supervisors establishing it. The county board of supervisors in a county with a single-county commit-

tee or the county boards of supervisors in counties with a multicounty committee may designate an agent to determine the membership of the committee and to appoint the committee chairperson or approve the nominee.

SECTION 825. 46.034 (1) of the statutes is amended to read:

46.034 (1) The department, in order to discharge more effectively its responsibilities under this chapter and chs. 48, 51, 250, and 251 and other relevant provisions of the statutes, may establish community human services pilot programs for the study, implementation, and evaluation of improved human services delivery systems. In the implementation of ~~such those~~ pilot programs, the requirement of statewide uniformity with respect to the organization and governance of human services shall not apply. The department and local governmental bodies may establish such departments, boards, committees, organizational structures, and procedures as may be needed to implement the pilot programs. The departments, boards, committees, and organizational structures may assume responsibilities currently assigned by statute to the departments, boards, committees, or organizational structures that are replaced.

SECTION 826. 46.036 (1) of the statutes is amended to read:

46.036 (1) All care and services purchased by the department or by a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, except as provided under subch. III of ch. 49 and s. 301.08 (2), shall be authorized and contracted for under the standards established under this section. The department may require the county departments to submit the contracts to the department for review and approval. For purchases of \$10,000 or less the requirement for a written contract may be waived by the department. ~~No contract is required for care provided by foster homes or treatment foster homes that are required to be licensed under s. 48.62.~~ When the department directly contracts for services, it shall follow the procedures in this section in addition to meeting purchasing requirements established in s. 16.75.

SECTION 827. 46.036 (4) (a) of the statutes is amended to read:

46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double entry accounting system and a management information system which are compatible with cost accounting and control systems prescribed by the department. ~~The department shall establish a simplified double entry bookkeeping system for use by family-operated group homes. Each purchaser shall determine whether a family-operated group home from which it purchases services shall use the double entry accounting system or the simplified system and shall include this determination in the purchase of service contract. In this paragraph, "family-operated group home" means a group home licensed under s. 48.66 (1) (a) for which the~~

licensee is one or more individuals who operate not more than one group home.

SECTION 829c. 46.036 (4) (c) of the statutes is amended to read:

46.036 (4) (c) Unless waived by the department, biennially, or annually if required under federal law, provide the purchaser with a certified financial and compliance audit report if the care and services purchased exceed \$25,000. The audit shall follow standards that the department prescribes. ~~A purchaser may waive the requirements of this paragraph for any family-operated group home, as defined under par. (a), from which it purchases services.~~

SECTION 830. 46.037 of the statutes is renumbered 49.343 and amended to read:

49.343 Rates for residential child care centers and group homes. (1) Subject to sub. (1m), each residential child care center for children and youth, as defined in s. 48.02 (15d), and each group home, as defined in s. 48.02 (7), that is licensed under s. 48.625 and incorporated under ch. 180, 181, 185, or 193 shall establish a per client rate for its services and shall charge all purchasers the same rate.

(1m) Notwithstanding sub. (1), the department, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the department and one or more of those county departments, and a residential child care center for children and youth or group home, as described in sub. (1), may negotiate a per client rate for the services of that residential child care center for children and youth or group home, if the department, that county department, the county departments in that group of county departments, or the department and one or more of those county departments, agree to place 75% or more of the residents of that residential child care center for children and youth or group home during the period for which that rate is effective. A residential child care center for children and youth or group home that negotiates a per client rate under this subsection shall charge that rate to all purchasers of its services.

(2) A residential child care center for children and youth or a group home, as described in sub. (1) or (1m), shall submit to the department the rate it charges and any change in that rate before a charge is made to any purchaser. The department shall provide forms and instructions for the submission of rates and changes in rates under this subsection and a residential child care center for children and youth or a group home that is required to submit a rate or a change in a rate under this subsection shall submit that rate or change in a rate using those forms and instructions.

(3) The department may require an audit of any residential child care center for children and youth or group home, as described in sub. (1) or (1m), for the purpose of collecting federal funds.

SECTION 831. 46.043 (1) of the statutes is amended to read:

46.043 (1) In addition to inpatient and outpatient services provided at mental health institutes under ss. 51.05 and 51.07, the department may authorize mental health institutes to offer services other than inpatient mental health services when the department determines that community services need to be supplemented. Services that may be offered under this section include mental health outpatient treatment and services, day programming, consultation and services in residential facilities, including group homes, child-care institutions residential care centers for children and youth and community-based residential facilities.

SECTION 832. 46.057 (2) of the statutes is amended to read:

46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the department of corrections shall transfer to the appropriation account under s. 20.435 (2) (kx) \$1,379,300 in each fiscal year 2005-06 and \$1,379,300 ~~in fiscal year 2006-07~~ and, from the appropriation account under s. 20.410 (3) (hm), the department of corrections shall transfer to the appropriation account under s. 20.435 (2) (kx) ~~\$2,271,200~~ \$2,639,800 in fiscal year 2005-06 and ~~\$2,390,600~~ \$2,707,300 in fiscal year ~~2006-07~~ 2008-09 for services for juveniles placed at the Mendota juvenile treatment center. The department of health and family services may charge the department of corrections not more than the actual cost of providing those services.

SECTION 833. 46.10 (14) (b) of the statutes is amended to read:

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

SECTION 834. 46.10 (14) (g) of the statutes is created to read:

46.10 (14) (g) For purposes of determining child support under par. (b), the department shall promulgate rules related to the application of the standard established by the department of children and families under s. 49.22 (9) to a child support obligation for the care and maintenance of a child who is placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical facility. The rules shall take into account the needs of any person, including

dependent children other than the child, whom either parent is legally obligated to support.

SECTION 835. 46.10 (16) of the statutes is amended to read:

46.10 (16) The department shall delegate to county departments under ss. 51.42 and 51.437 or the local providers of care and services meeting the standards established by the department under s. 46.036, the responsibilities vested in the department under this section for collection of patient fees for services other than those provided at state facilities or those provided to children that are reimbursed under a waiver under s. 46.27 (11), 46.275, 46.278, or 46.2785, or a waiver requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8e), those provided under the disabled children's long-term support program if the county departments or providers meet the conditions that the department determines are appropriate. The department may delegate to county departments under ss. 51.42 and 51.437 the responsibilities vested in the department under this section for collection of patient fees for services provided at the state facilities if the necessary conditions are met.

SECTION 836. 46.16 (1) of the statutes is amended to read:

46.16 (1) **GENERALLY.** The department shall investigate and supervise all the charitable and curative institutions, including county infirmaries, of every county and municipality, except tuberculosis sanatoriums; ~~all shelter care facilities for children and~~ and all hospitals, asylums, and institutions, organized for the purpose set forth in s. 58.01, and familiarize itself with all the circumstances affecting their management and usefulness.

SECTION 837. 46.16 (2) of the statutes is repealed.

SECTION 838. 46.16 (2m) of the statutes is repealed.

SECTION 839. 46.16 (2s) of the statutes is repealed.

SECTION 840. 46.16 (3) of the statutes is amended to read:

46.16 (3) **COUNTY HOMES, POOR RELIEF.** ~~It~~ The department shall visit the county homes and ascertain the number of each sex and the number of mentally ill, mentally deficient, deaf, or blind persons, ~~and children~~ supported in each, at what cost and under what circumstances affecting their health, comfort, morals, and education; collect statistics of the cost of support, and other important facts, of the poor relieved at public expense outside of county homes; and collect information as to the adequacy and efficiency of existing laws for the support and relief of the poor, and the causes of pauperism in the state.

SECTION 841. 46.16 (7) of the statutes is amended to read:

46.16 (7) **ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS.** Upon request of the department, the attorney general or the district attorney of the proper county shall aid in any investigation, inspection, hearing, or trial had under the provisions of this chapter, ~~or those~~

~~sections of ch. 48~~ relating to powers of the department, and shall institute and prosecute all necessary actions or proceedings for the enforcement of ~~such~~ those provisions and for the punishment of violations of ~~the same~~ those provisions. The attorney general or district attorney so requested shall report or confer with the department regarding the request, within 30 days after the receipt of ~~such~~ the request.

SECTION 842. 46.17 (1) of the statutes is amended to read:

46.17 (1) The department shall fix reasonable standards and regulations for the design, construction, repair, and maintenance of county homes, county infirmaries, county hospitals, and mental health facilities ~~and shelter care facilities~~, with respect to their adequacy and fitness for the needs which they are to serve.

SECTION 843. 46.206 (1) (a) of the statutes is amended to read:

46.206 (1) (a) The department shall supervise the administration of social services, except as provided under ch. 48 and subch. III of ch. 49 and except for juvenile delinquency-related services. The department shall submit to the federal authorities state plans for the administration of social services, except as provided under ch. 48 and subch. III of ch. 49 and except for juvenile delinquency-related services, in such form and containing such information as the federal authorities require, and shall comply with all requirements prescribed to ensure their correctness.

SECTION 844. 46.206 (1) (bm) of the statutes is amended to read:

46.206 (1) (bm) All records of the department relating to aid provided under s. 49.46, 49.465, 49.468, 49.47, 49.471, or 49.77 are open to inspection at reasonable hours by members of the legislature who require the information contained in the records in pursuit of a specific state legislative purpose. All records of any county relating to aid provided under s. 49.46, 49.465, 49.468, 49.47, 49.471, or 49.77 are open to inspection at reasonable hours by members of the board of supervisors of the county or the governing body of a city, village or town located in the county who require the information contained in the records in pursuit of a specific county or municipal legislative purpose. The right to records access provided by this paragraph does not apply if access is prohibited by federal law or regulation or if this state is required to prohibit such access as a condition precedent to participation in a federal program in which this state participates.

SECTION 845. 46.206 (2) of the statutes is amended to read:

46.206 (2) The county administration of all laws relating to social services, except with respect to the programs under ch. 48 and subch. III of ch. 49 and to juvenile delinquency-related programs, shall be vested in the officers and agencies designated in the statutes.

SECTION 846. 46.21 (2m) (c) of the statutes is amended to read:

46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7) and 253.07 (3) (c), a subunit of a county department of human services or tribal agency acting under this subsection may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the same county department of human services or tribal agency, with a resource center, a care management organization, or a family long-term care district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client under a purchase of services contract with the county department of human services or tribal agency or with a resource center, a care management organization, or a family long-term care district, if necessary to enable an employee or service provider to perform his or her duties, or to enable the county department of human services or tribal agency to coordinate the delivery of services to the client. An agency that releases information under this paragraph shall document that a request for information was received and what information was provided.

SECTION 847. 46.21 (5) (b) of the statutes is amended to read:

46.21 (5) (b) Sections 46.10, 49.08, 49.345, 49.90, and 301.12 govern the support and maintenance of persons in any of the institutions specified in sub. (2) (a).

SECTION 848. 46.215 (1) (d) of the statutes is amended to read:

46.215 (1) (d) To make investigations that relate to services under subchs. II, IV, and V of ch. 49 upon request by the department of health and family services, to make investigations that relate to juvenile delinquency-related services at the request of the department of corrections, and to make investigations that relate to programs under ch. 48 and subch. III of ch. 49 upon request by the department of workforce development children and families.

SECTION 849. 46.215 (1) (j) of the statutes is amended to read:

46.215 (1) (j) To make payments in such manner as the department of workforce development children and families may determine for training of recipients, former recipients, and potential recipients of aid in programs established under s. 49.193, 1997 stats., and s. 49.26 (1).

SECTION 850. 46.215 (1m) of the statutes is amended to read:

46.215 (1m) EXCHANGE OF INFORMATION; LONG-TERM CARE. Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social services or tribal agency acting under this section may exchange confidential

information about a client, without the informed consent of the client, with any other subunit of the same county department of social services or tribal agency, with a resource center, a care management organization, or a family long-term care district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client under a purchase of services contract with the county department of social services or tribal agency or with a resource center, a care management organization, or a family long-term care district, if necessary to enable an employee or service provider to perform his or her duties, or to enable the county department of social services or tribal agency to coordinate the delivery of services to the client. An agency that releases information under this subsection shall document that a request for information was received and what information was provided.

SECTION 851. 46.215 (1p) of the statutes is amended to read:

46.215 (1p) EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396 (1) and (2) (a)~~ 938.396 (1) and (2), and 938.78 (2) (a), a county department under this section may enter the content of any record kept or information received by that county department into the statewide automated child welfare information system established under s. ~~46.03~~ 48.47 (7g).

SECTION 852. 46.215 (2) (a) 2. of the statutes is amended to read:

46.215 (2) (a) 2. In order to ensure the availability of a full range of care and services, the county department of social services may contract, either directly or through the department of workforce development children and families, with public or voluntary agencies or others to purchase, in full or in part, care and services under ch. 48 and subch. III of ch. 49 which the county department of social services is authorized to furnish. This care and these services may be purchased from the department of workforce development children and families if the department of workforce development children and families has staff to furnish the services. If the county department of social services has adequate staff, it may sell the care and services directly to another county or state agency.

SECTION 853. 46.215 (2) (b) of the statutes is amended to read:

46.215 (2) (b) A county department of social services may purchase development and training services from the department of health and family services, from the department of workforce development children and families, from the department of corrections or from other

county agencies when the services are available. A county department of social services may sell the development and staff training services to another county or state agency if the county department has adequate staff to provide the services.

SECTION 854. 46.215 (2) (c) 2. of the statutes is amended to read:

46.215 (2) (c) 2. A county department of social services shall develop, under the requirements of s. 49.34, plans and contracts for care and services to be purchased under ch. 48 and subch. III of ch. 49. The department of ~~workforce development~~ children and families may review the contracts and approve them if they are consistent with s. 49.34 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of ~~workforce development~~ children and families to submit the contracts to the committee for review and approval. The department of ~~workforce development~~ children and families may not make any payments to a county for programs included in a contract under review by the committee.

SECTION 856. 46.215 (3) of the statutes is amended to read:

46.215 (3) PROGRAM BUDGETS. The county department of social services shall submit a final budget to the department of health and family services under s. 46.031 (1), to the department of corrections under s. 301.031 (1), and to the department of ~~workforce development~~ children and families under s. 49.325 (1), for authorized services.

SECTION 857. 46.22 (1) (b) 1. b. of the statutes is amended to read:

46.22 (1) (b) 1. b. To make investigations which relate to welfare services, except as provided under ch. 48 and subch. III of ch. 49, upon request by the department of health and family services.

SECTION 858. 46.22 (1) (b) 1. d. of the statutes is amended to read:

46.22 (1) (b) 1. d. To submit a final budget in accordance with s. 46.031 (1) for services authorized in this section, except for the administration of and cost of aid granted under ss. 49.02, 49.19 and 49.45 to 49.47 49.471.

SECTION 859. 46.22 (1) (b) 1. f. of the statutes is renumbered 46.22 (1) (b) 2. fm.

SECTION 860. 46.22 (1) (b) 2. (intro.) of the statutes is amended to read:

46.22 (1) (b) 2. (intro.) A county department of social services shall have the following functions, duties, and powers in accordance with the rules promulgated by the department of ~~workforce development~~ children and families and subject to the supervision of the department of ~~workforce development~~ children and families:

SECTION 861. 46.22 (1) (b) 2. c. of the statutes is amended to read:

46.22 (1) (b) 2. c. To make investigations as provided under ch. 48 and subch. III of ch. 49 upon request by the

department of ~~workforce development~~ children and families.

SECTION 862. 46.22 (1) (b) 2. e. of the statutes is amended to read:

46.22 (1) (b) 2. e. To make payments in such manner as the department of ~~workforce development~~ children and families may determine for training of recipients, former recipients and potential recipients of aid in programs established under ss. 49.193, 1997 stats., and s. 49.26 (1).

SECTION 863. 46.22 (1) (b) 2. g. of the statutes is amended to read:

46.22 (1) (b) 2. g. To make certification or referral of eligibles for state or federal works or other assistance programs under ch. 48 and subch. III of ch. 49, eligibility for which is based on need.

SECTION 864. 46.22 (1) (b) 3. (intro.) of the statutes is amended to read:

46.22 (1) (b) 3. (intro.) A county department of social services shall have the following functions, duties, and powers in accordance with the rules promulgated and standards established by the department of health and family services and subject to the supervision of the department of ~~workforce development~~ children and families:

SECTION 865. 46.22 (1) (b) 3. d. of the statutes is amended to read:

46.22 (1) (b) 3. d. To submit a final budget to the department of ~~workforce development~~ children and families in accordance with s. 49.325 for services authorized in this subdivision.

SECTION 866. 46.22 (1) (c) 8. f. of the statutes is amended to read:

46.22 (1) (c) 8. f. The county department of social services shall implement the statewide automated child welfare information system established ~~by the department~~ under s. ~~46.03 48.47~~ (7g).

SECTION 867. 46.22 (1) (d) of the statutes is amended to read:

46.22 (1) (d) *Merit system; records.* The county department of social services is subject to s. 49.78 (4) to (7). The county department of social services and all county officers and employees performing any duties in connection with the administration of aid to families with dependent children shall observe all rules promulgated by the department of ~~workforce development~~ children and families under s. 49.78 (4) and shall keep records and furnish reports as the department of ~~workforce development~~ children and families requires in relation to their performance of such duties.

SECTION 868. 46.22 (1) (dm) of the statutes is amended to read:

46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of

a county department of social services or tribal agency acting under this subsection may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the same county department of social services or tribal agency, with a resource center, a care management organization, or a family long-term care district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client under a purchase of services contract with the county department of social services or tribal agency or with a resource center, a care management organization, or a family long-term care district, if necessary to enable an employee or service provider to perform his or her duties, or to enable the county department of social services or tribal agency to coordinate the delivery of services to the client. An agency that releases information under this paragraph shall document that a request for information was received and what information was provided.

SECTION 869. 46.22 (1) (dp) of the statutes is amended to read:

46.22 (1) (dp) *Exchange of information; statewide automated child welfare information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396 (1) and (2) (a)~~ 938.396 (1) and (2), and 938.78 (2) (a), a county department under this section may enter the content of any record kept or information received by that county department into the statewide automated child welfare information system established under s. ~~46.03 48.47~~ (7g).

SECTION 870. 46.22 (1) (e) 1. of the statutes is amended to read:

46.22 (1) (e) 1. In order to ensure the availability of a full range of care and services, a county department of social services may contract, either directly or through the department of health and family services, the department of ~~workforce development~~ children and families, or the department of corrections, with public or voluntary agencies or others to purchase, in full or in part, care and services which the county department of social services is authorized by any statute to furnish in any manner. The services may be purchased from the department of health and family services, the department of ~~workforce development~~ children and families, or the department of corrections if the department of health and family services, the department of ~~workforce development~~ children and families, or the department of corrections has staff to furnish the services. The county department of social services, if it has adequate staff, may sell the care and services directly to another county or state agency.

SECTION 871. 46.22 (1) (e) 2. of the statutes is amended to read:

46.22 (1) (e) 2. A county department of social services may purchase development and training services from the department of health and family services, the department of ~~workforce development~~ children and families, or the department of corrections or from other county agencies if the services are available or sell the development and staff training services to another county or state agency if the county department of social services has adequate staff to provide the services.

SECTION 872. 46.22 (1) (e) 3. a. of the statutes is amended to read:

46.22 (1) (e) 3. a. A county department of social services shall develop, under the requirements of s. 46.036, plans and contracts for care and services, except under ch. 48, subch. III of ch. 49, and s. 301.08 (2), to be purchased. The department of health and family services may review the contracts and approve them if they are consistent with s. 46.036 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of health and family services to submit the contracts to the committee for review and approval. The department of health and family services may not make any payments to a county for programs included in the contract that is under review by the committee. The department of health and family services shall reimburse each county for the contracts from the appropriations under s. 20.435 (7) (b) and (o) according to s. 46.495.

SECTION 873. 46.22 (1) (e) 3. b. of the statutes is amended to read:

46.22 (1) (e) 3. b. A county department of social services shall develop, under the requirements of s. 49.34, plans and contracts for care and services under ch. 48 and subch. III of ch. 49 to be purchased. The department of ~~workforce development~~ children and families may review the contracts and approve them if they are consistent with s. 49.34 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of ~~workforce development~~ children and families to submit the contracts to the committee for review and approval. The department of ~~workforce development~~ children and families may not make any payments to a county for programs included in the contract that is under review by the committee.

SECTION 875. 46.22 (2g) (d) of the statutes is amended to read:

46.22 (2g) (d) Prepare, with the assistance of the county social services director under sub. (3m) (b) 5., a proposed budget for submission to the county executive or county administrator, a final budget for submission to the department of health and family services in accordance with s. 46.031 (1) for authorized services, except services under ch. 48, subch. III of ch. 49, or s. 301.08 (2), a final budget for submission to the department of ~~workforce development~~ children and families in accordance

with s. 49.325 for authorized services under ch. 48 and subch. III of ch. 49, and a final budget for submission to the department of corrections in accordance with s. 301.031 (1) for authorized juvenile delinquency-related services.

SECTION 876. 46.22 (3m) (b) 12. of the statutes is amended to read:

46.22 (3m) (b) 12. Establish priorities in addition to those mandated by the department of health and family services, by the department of ~~workforce development~~ children and families, or by the department of corrections.

SECTION 877. 46.22 (3m) (b) 17. b. of the statutes is amended to read:

46.22 (3m) (b) 17. b. Such other reports as are required by the secretary of health and family services, the secretary of ~~workforce development~~ children and families, the secretary of corrections, and the county board of supervisors.

SECTION 878. 46.23 (3) (a) of the statutes is amended to read:

46.23 (3) (a) *Creation.* Upon approval by the secretary of health and family services, by the secretary of corrections, and by the secretary of ~~workforce development~~ children and families of a feasibility study and a program implementation plan, the county board of supervisors of any county with a population of less than 500,000, or the county boards of supervisors of 2 or more contiguous counties, each of which has a population of less than 500,000, may establish by resolution a county department of human services on a single-county or multicounty basis to provide the services required under this section. The county department of human services shall consist of the county human services board, the county human services director and necessary personnel.

SECTION 879. 46.23 (3) (am) 4. of the statutes is amended to read:

46.23 (3) (am) 4. No funds may be allocated to any multicounty department of human services until the counties have drawn up a detailed contractual agreement, approved by the secretary of health and family services, by the secretary of corrections, and by the secretary of ~~workforce development~~ children and families, setting forth the plan for joint sponsorship.

SECTION 880. 46.23 (3) (e) of the statutes is amended to read:

46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of human services or tribal agency acting under this section may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the same county department of human services or tribal agency, with a resource center, a care management organization, or a

~~family long-term~~ care district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client under a purchase of services contract with the county department of human services or tribal agency or with a resource center, a care management organization, or a ~~family long-term~~ care district, if necessary to enable an employee or service provider to perform his or her duties, or to enable the county department of human services or tribal agency to coordinate the delivery of services to the client. An agency that releases information under this paragraph shall document that a request for information was received and what information was provided.

SECTION 881. 46.23 (3) (ed) of the statutes is amended to read:

46.23 (3) (ed) *Exchange of information; statewide automated child welfare information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e) 55.22 (3)~~, 146.82, 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396 (1) and (2) (a) 938.396 (1) and (2)~~, and 938.78 (2) (a), a county department under this section may enter the content of any record kept or information received by that county department into the statewide automated child welfare information system established under s. ~~46.03 48.47~~ (7g).

SECTION 882. 46.23 (5) (a) 1. of the statutes is amended to read:

46.23 (5) (a) 1. Shall determine administrative and program policies, except as provided under ch. 48 and subch. III of ch. 49 and except for juvenile delinquency-related policies, within limits established by the department of health and family services. Policy decisions, except as provided under ch. 48 and subch. III of ch. 49 and except for juvenile delinquency-related policies, not reserved by statute for the department of health and family services may be delegated by the secretary to the county human services board.

SECTION 883. 46.23 (5) (a) 2. of the statutes is amended to read:

46.23 (5) (a) 2. Shall determine administrative and program policies under ch. 48 and subch. III of ch. 49 within limits established by the department of ~~workforce development~~ children and families. Policy decisions under ch. 48 and subch. III of ch. 49 not reserved by statute for the department of ~~workforce development~~ children and families may be delegated by the secretary of ~~workforce development~~ children and families to the county human services board.

SECTION 884. 46.23 (5) (b) of the statutes is amended to read:

46.23 (5) (b) Shall establish priorities in addition to those mandated by the department of health and family

services, the department of corrections, or the department of workforce development children and families.

SECTION 885. 46.23 (5) (c) 1. of the statutes is amended to read:

46.23 (5) (c) 1. Shall determine whether state mandated services, except for services under ch. 48 and subch. III of ch. 49 and juvenile delinquency-related services, are provided or purchased or contracted for with local providers, and monitor the performance of such contracts. Purchase of services contracts shall be subject to the conditions specified in s. 46.036.

SECTION 886. 46.23 (5) (c) 2. of the statutes is amended to read:

46.23 (5) (c) 2. Shall determine whether state mandated services under ch. 48 and subch. III of ch. 49 are provided or purchased or contracted for with local providers, and monitor the performance of such contracts. Purchase of services contracts shall be subject to the conditions specified in s. 49.34.

SECTION 887. 46.23 (5) (n) 1. of the statutes is amended to read:

46.23 (5) (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for authorized services, except for services under ch. 48 and subch. III of ch. 49 and juvenile delinquency-related services. Notwithstanding the categorization of or limits specified for funds allocated under s. 46.495 or 51.423 (2), with the approval of the department of health and family services the county human services board may expend these funds consistent with any service provided under s. 46.495 or 51.42.

SECTION 888. 46.23 (5) (n) 2. of the statutes is amended to read:

46.23 (5) (n) 2. Shall submit a final budget in accordance with s. 49.325 (1) for authorized services under ch. 48 and subch. III of ch. 49. Notwithstanding the categorization of or limits specified for funds allocated under s. 48.569, with the approval of the department of children and families the county human services board may expend these funds consistent with any service provided under s. 48.569.

SECTION 889. 46.23 (5m) (c) of the statutes is amended to read:

46.23 (5m) (c) Prepare, with the assistance of the county human services director under sub. (6m) (e), a proposed budget for submission to the county executive or county administrator, a final budget for submission to the department of health and family services in accordance with s. 46.031 (1) for authorized services, except services under ch. 48 and subch. III of ch. 49 and juvenile delinquency-related services, a final budget for submission to the department of ~~workforce development~~ children and families in accordance with s. 49.325 for authorized services under ch. 48 and subch. III of ch. 49, and a final budget for submission to the department of corrections in accordance with s. 301.031 for authorized juvenile delinquency-related services.

SECTION 890. 46.23 (6) (a) (intro.) of the statutes is amended to read:

46.23 (6) (a) (intro.) A county human services director appointed under sub. (5) (f) shall have all of the administrative and executive powers and duties of managing, operating, maintaining, and improving the programs of the county department of human services, subject to the rules promulgated by the department of health and family services for programs, except services or programs under ch. 48 and subch. III of ch. 49 and juvenile delinquency-related services or programs, subject to the rules promulgated by the department of ~~workforce development~~ children and families for services or programs under ch. 48 and subch. III of ch. 49, and subject to the rules promulgated by the department of corrections for juvenile delinquency-related services or programs. In consultation with the county human services board under sub. (5) and subject to its approval, the county human services director shall prepare:

SECTION 891. 46.23 (6) (a) 3. of the statutes is amended to read:

46.23 (6) (a) 3. Such other reports as are required by the secretary of health and family services, by the secretary of corrections, or by the secretary of ~~workforce development~~ children and families and the county board of supervisors in a county with a single-county department of human services or the county boards of supervisors in counties with a multicounty department of human services.

SECTION 892. 46.24 of the statutes is renumbered 48.375 (9) and amended to read:

48.375 (9) ASSISTANCE TO MINORS CONCERNING PARENTAL CONSENT FOR ABORTION. If a minor who is contemplating an abortion requests assistance from a county department under s. 46.215, 46.22 or 46.23 in seeking the consent of the minor's parent, guardian, or legal custodian, or in seeking the consent of an adult family member, as defined in s. 48.375 (2) (b), for the contemplated abortion or in seeking a waiver from the circuit court, the county department shall provide assistance, including, if so requested, accompanying the minor as appropriate.

SECTION 893. 46.247 of the statutes is renumbered 49.345 (14) (g) and amended to read:

49.345 (14) (g) ~~Application of child support standard for certain children.~~ For purposes of determining child support under s. ~~46.10 (14) par. (b)~~, the department shall promulgate rules related to the application of the standard established by the department of ~~workforce development~~ under s. 49.22 (9) to a child support obligation for the care and maintenance of a child who is placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical facility. The rules shall take into account the needs of any person, including dependent children other than the child, whom either parent is legally obligated to support.

SECTION 894. 46.261 (title) of the statutes is renumbered 48.645 (title).

SECTION 895. 46.261 (1) of the statutes is renumbered 48.645 (1).

SECTION 896. 46.261 (2) (title) of the statutes is renumbered 48.645 (2) (title).

SECTION 897. 46.261 (2) (a) (intro.) of the statutes is renumbered 48.645 (2) (a) (intro.).

SECTION 898. 46.261 (2) (a) 1. of the statutes is renumbered 48.645 (2) (a) 1. and amended to read:

48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster home or treatment foster home having a license under s. 48.62, in a foster home or treatment foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation or in a group home licensed under s. 48.625, a subsidized guardian or interim caretaker under s. 48.62 (5) who cares for the dependent child, or a minor custodial parent who cares for the dependent child, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 46.495 ~~48.569~~ (2) and the percentage rate of participation set forth in s. 46.495 ~~48.569~~ (1) (d) for aid granted under this section except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215 ~~or~~, 46.22, ~~or~~ 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 899. 46.261 (2) (a) 2. of the statutes is renumbered 48.645 (2) (a) 2. and amended to read:

48.645 (2) (a) 2. A county or, in a county having a population of 500,000 or more, the department, on behalf of a child in the legal custody of a county department under s. 46.215, 46.22, ~~or~~ 46.23 or the department under s. 48.48 (17) or on behalf of a child who was removed from the home of a relative, ~~as defined under s. 48.02 (15)~~, as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason when ~~such~~ the child is placed in a licensed ~~child caring institution~~ residential care center for children and youth by the county department or the department. Reimbursement shall be made by the state ~~pursuant to as provided in~~ subd. 1.

SECTION 900. 46.261 (2) (a) 3. of the statutes is renumbered 48.645 (2) (a) 3. and amended to read:

48.645 (2) (a) 3. A county or, in a county having a population of 500,000 or more, the department, when the child is placed in a licensed foster home, treatment foster home, group home, or residential care center for children and youth or in a subsidized guardianship home by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the

department under s. 48.48 (17) or if the child was removed from the home of a relative, ~~as defined under s. 48.02 (15)~~, as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made ~~pursuant to~~ under an agreement with the county department or the department.

SECTION 901. 46.261 (2) (a) 4. of the statutes is renumbered 48.645 (2) (a) 4. and amended to read:

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

SECTION 902. 46.261 (2) (b) of the statutes is renumbered 48.645 (2) (b).

SECTION 903. 46.261 (3) of the statutes is renumbered 48.645 (3).

SECTION 904. 46.27 (4) (am) of the statutes is amended to read:

46.27 (4) (am) If ~~a local long-term care council in a county~~ the governing board of a resource center assumes under s. 46.282 (3) (b) ~~46.283 (6) (b) 10.~~ the duties of the county long-term support planning committee under this subsection, the county long-term support planning committee for the county is dissolved.

SECTION 905. 46.27 (4) (c) (intro.) of the statutes is amended to read:

46.27 (4) (c) (intro.) The planning committee shall develop, or, if ~~a local long-term care council~~ the governing board of a resource center has under s. 46.282 (3) (b) ~~46.283 (6) (b) 10.~~ assumed the duties of the planning committee, ~~the local long-term care council~~ governing board of the resource center shall recommend a community options plan for participation in the program. The plan shall include:

SECTION 906. 46.27 (4) (c) 5. of the statutes is amended to read:

46.27 (4) (c) 5. A description of the method to be used by the committee or, if ~~a local long-term care council~~ the governing board of a resource center has under s. 46.282 (3) (b) ~~46.283 (6) (b) 10.~~ assumed the duties of the planning committee, ~~the local long-term care council~~ governing board of the resource center to monitor the implementation of the program.

SECTION 907. 46.27 (4) (c) 8. of the statutes is amended to read:

46.27 (4) (c) 8. If a contract with an entity under s. ~~46.281 (1) (e) 1.~~ 46.284 (2) is established in the county, a description of how the activities of the entity relate to and are coordinated with the county's proposed program.

SECTION 908. 46.27 (5) (am) of the statutes is amended to read:

46.27 (5) (am) Organize assessment activities specified in sub. (6). The county department or aging unit shall utilize persons for each assessment who can determine the needs of the person being assessed and who know the availability within the county of services alternative to placement in a nursing home. If any hospital patient is referred to a nursing home for admission, these persons shall work with the hospital discharge planner in performing the activities specified in sub. (6). The county department or aging unit shall coordinate the involvement of representatives from the county departments under ss. 46.215, 46.22, 51.42 and 51.437, health service providers and the county commission on aging in the assessment activities specified in sub. (6), as well as the person being assessed and members of the person's family or the person's guardian. This paragraph does not apply to a county department or aging unit in a county in which the department has contracted with an entity under s. ~~46.281 (1) (e) 1.~~ 46.284 (2).

SECTION 909. 46.27 (5) (j) of the statutes is created to read:

46.27 (5) (j) Within the time period specified by the department, offer counseling, that is specified by the department, concerning public and private benefit programs to prospective residents of community-based residential facilities who are referred to the county department or aging unit under s. 50.035 (4n).

SECTION 910. 46.27 (6) (a) 3. of the statutes is amended to read:

46.27 (6) (a) 3. In each participating county, except in counties in which the department has contracted with an entity under s. ~~46.281 (1) (e) 1.~~ 46.284 (2), assessments shall be conducted for those persons and in accordance with the procedures described in the county's community options plan. The county may elect to establish assessment priorities for persons in target groups identified by the county in its plan regarding gradual implementation. If a person who is already admitted to a nursing home requests an assessment and if funds allocated for assessments under sub. (7) (am) are available, the county shall conduct the assessment.

SECTION 911. 46.27 (6g) (intro.) of the statutes is amended to read:

46.27 (6g) FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and within the limitations under sub. (7) (b), the fiscal responsibility of a county for an assessment, unless the assessment is performed by an entity under a contract as specified under s. ~~46.281 (1) (e) 1.~~ 46.284 (2), case plan, or services provided to a person under this section is as follows:

SECTION 912. 46.27 (6u) (c) 1. a. of the statutes is amended to read:

46.27 (6u) (c) 1. a. Eligible for medical assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471 (4) (a).

SECTION 913. 46.27 (6u) (d) (intro.) of the statutes is amended to read:

46.27 (6u) (d) (intro.) In determining financial eligibility under par. (c) 1. and in calculating the amount under par. (c) 2., the county department or aging unit shall include as the assets for any person, except those persons who are eligible for medical assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471 (4) (a), any portion of assets that the person or the person's spouse has, after August 12, 1993, transferred to another as specified in par. (b), unless one of the following conditions applies:

SECTION 914. 46.27 (7) (am) of the statutes is amended to read:

46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department shall allocate funds to each county or private nonprofit agency with which the department contracts to pay assessment and case plan costs under sub. (6) not otherwise paid by fee or under s. 49.45 or 49.78 (2). The department shall reimburse counties for the cost of assessing persons eligible for medical assistance under s. 49.46, 49.468, ~~or~~ 49.47, or 49.471 (4) (a) as part of the administrative services of medical assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this paragraph to pay the cost of long-term community support services and for a risk reserve under par. (fr).

SECTION 915. 46.27 (7) (b) of the statutes is amended to read:

46.27 (7) (b) From the appropriations under s. 20.435 (7) (bd) and (im), the department shall allocate funds to each county to pay the cost of providing long-term community support services under sub. (5) (b) not otherwise paid under s. 49.45 to persons eligible for medical assistance under s. 49.46 ~~or~~, 49.47, or 49.471 (4) (a) or to persons whom the county department or aging unit administering the program finds likely to become medically indigent within 6 months by spending excess income or assets for medical or remedial care. The average per person reimbursement under this paragraph may not exceed the state share of the average per person payment rate the department expects under s. 49.45 (6m). The county department or aging unit administering the program may spend funds received under this paragraph only in accordance with the case plan and service contract created for each person receiving long-term community support services. Counties may use unspent funds allocated under this paragraph from the appropriation under s. 20.435 (7) (bd) for a risk reserve under par. (fr).

SECTION 916. 46.27 (7) (cj) 3. a. of the statutes is repealed.

SECTION 917. 46.27 (7) (fr) 3. c. of the statutes is amended to read:

46.27 (7) (fr) 3. c. If approved by a resolution of the county board of supervisors, to transfer funds to a family long-term care district.

SECTION 919. 46.27 (9) (c) of the statutes is amended to read:

46.27 (9) (c) All long-term community support services provided under this pilot project in lieu of nursing home care shall be consistent with those services described in the participating county's community options plan under sub. (4) (c) 1. and provided under sub. (5) (b). Unless the department has contracted under s. 46.281 (1) (e) 1. 46.284 (2) with an entity other than the county department, each county participating in the pilot project shall assess persons under sub. (6).

SECTION 921. 46.27 (11) (c) 5n. a. of the statutes is repealed.

SECTION 922. 46.275 (1m) (a) of the statutes is amended to read:

46.275 (1m) (a) "Medical assistance" means aid provided under subch. IV of ch. 49, except s. ss. 49.468 and 49.471.

SECTION 926. 46.277 (1m) (a) of the statutes is amended to read:

46.277 (1m) (a) "Medical assistance" means aid provided under subch. IV of ch. 49, except s. ss. 49.468 and 49.471.

SECTION 927. 46.277 (3) (d) of the statutes is created to read:

46.277 (3) (d) The county department or aging unit that administers the program under this section shall, within the time period specified by the department, offer counseling, that is specified by the department, concerning public and private benefit programs to prospective residents of community-based residential facilities who are referred to the county department or aging unit under s. 50.035 (4n).

SECTION 928. 46.277 (5) (d) 1n. a. of the statutes is repealed.

SECTION 930. 46.278 (1m) (b) of the statutes is amended to read:

46.278 (1m) (b) "Medical assistance" means aid provided under subch. IV of ch. 49, except s. ss. 49.468 and 49.471.

SECTION 933. 46.28 (1) (f) of the statutes is amended to read:

46.28 (1) (f) "Victim of domestic abuse" means an individual who has encountered domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a).

SECTION 934. 46.2803 (2) of the statutes is created to read:

46.2803 (2) Notwithstanding s. 46.27 (7), a county in which a care management organization is operating pursuant to a contract under s. 46.284 (2) or a county in which a program described under s. 46.2805 (1) (a) or (b) is administered may use funds appropriated under 20.435 (7) (bd) and allocated to the county under s. 46.27 (7) to

provide community mental health or substance abuse services and supports for persons with mental illness or persons in need of services or supports for substance abuse and to provide services under the Family Support Program under s. 46.985.

SECTION 935. 46.2804 (title) of the statutes is amended to read:

46.2804 (title) ~~Managed care programs for Client management of managed care long-term care services benefit.~~

SECTION 936. 46.2804 (1) of the statutes is repealed.

SECTION 937. 46.2804 (2) of the statutes is renumbered 46.2804.

SECTION 938. 46.2805 (5) of the statutes is renumbered 46.2805 (7r) and amended to read:

46.2805 (7r) "Family Long-term care district" means a special purpose district created under s. 46.2895 (1).

SECTION 939. 46.2805 (6) of the statutes is renumbered 46.2805 (7u) and amended to read:

46.2805 (7u) "Family Long-term care district board" means the governing board of a family long-term care district.

SECTION 940. 46.2805 (6m) of the statutes is created to read:

46.2805 (6m) "Family member" means a spouse or an individual related by blood, marriage, or adoption within the 3rd degree of kinship as computed under s. 990.001 (16).

SECTION 941. 46.2805 (6r) of the statutes is created to read:

46.2805 (6r) "Financial and cost-sharing screening" means a screening to determine financial eligibility under s. 46.286 (1) (b) and cost-sharing under s. 46.286 (2) using a uniform tool prescribed by the department.

SECTION 942. 46.2805 (6v) of the statutes is created to read:

46.2805 (6v) "Frail elder" means an individual who is 65 years of age or older and has a physical disability or irreversible dementia that restricts the individual's ability to perform normal daily tasks or that threatens the capacity of the individual to live independently.

SECTION 943. 46.2805 (7) of the statutes is amended to read:

46.2805 (7) "~~Functional and financial screen screening~~" means a ~~screen prescribed by the department that is used screening~~ to determine functional eligibility under s. 46.286 (1) (a) ~~and financial eligibility under s. 46.286 (1) (b) using a uniform tool prescribed by the department.~~

SECTION 944. 46.2805 (7m) of the statutes is repealed.

SECTION 944r. 46.281 (title) of the statutes is amended to read:

46.281 (title) ~~Powers and duties of the department and the, secretary, and counties; long-term care.~~

SECTION 945. 46.281 (1) (intro.) of the statutes is renumbered 46.281 (1n) (intro.), and 46.281 (1n) (title), as renumbered, is amended to read:

46.281 (1n) (title) DUTIES OTHER DUTIES OF THE DEPARTMENT.

SECTION 946. 46.281 (1) (c) of the statutes is renumbered 46.281 (1d) and amended to read:

46.281 (1d) WAIVER REQUEST. Request The department shall request from the secretary of the federal department of health and human services any waivers of federal medicaid laws necessary to permit the use of federal moneys to provide the family care benefit to recipients of medical assistance. The department shall implement any waiver that is approved and that is consistent with ss. 46.2805 to 46.2895. Regardless of whether a waiver is approved, the department may implement operation of resource centers, care management organizations, and the family care benefit.

SECTION 947m. 46.281 (1) (d) of the statutes is renumbered 46.281 (1g) (b) and amended to read:

46.281 (1g) (b) In geographic areas in which, in the aggregate, resides no more than 29 percent of the state population that is eligible for the family care benefit, contract with a county, a family care district, a tribe or band, the Great Lakes Inter-Tribal Council, Inc., or with 2 or more of these entities to manage all long-term care programs and administer the family care benefit as care management organizations. If the department proposes to contract with these entities to administer ~~care management organizations~~ the family care benefit in geographic areas in which, in the aggregate, resides more than 29 percent ~~but less than 50 percent~~ of the state population that is eligible for the family care benefit, the department shall first notify the joint committee on finance in writing of the proposed contract. The notification shall include the contract proposal; and an estimate of the fiscal impact of the proposed addition that demonstrates that the addition will be cost neutral, including startup, transitional, and ongoing operational costs and any proposed county contribution. The notification shall also include, for each county affected by the proposal, documentation that the county consents to administration of the family care benefit in the county, the amount of the county's payment or reduction in community aids under s. 46.281 (4), and a proposal by the county for using any savings in county expenditures on long-term care that result from administration of the family care benefit in the county. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's notification that the committee has scheduled a meeting for the purpose of reviewing the proposed contract, the department may enter into the proposed contract. If within 14 working days after the date of the department's notification the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the pro-

posed contract, the department may enter into the proposed contract only ~~upon approval of~~ if the committee. ~~The department may contract with these entities to administer care management organizations in geographic areas in which, in the aggregate, resides 50 percent or more of the state population that is eligible for the family care benefit only if specifically authorized by the legislature and if the legislature appropriates necessary funding approves the proposed contract or if the committee fails to act on the proposed contract within 59 working days after the date of the department's notification.~~

SECTION 948. 46.281 (1) (e) of the statutes is repealed.

SECTION 949. 46.281 (1) (f) of the statutes is renumbered 46.281 (1n) (a).

SECTION 950. 46.281 (1) (g) of the statutes is renumbered 46.281 (1n) (b).

SECTION 951. 46.281 (1) (h) of the statutes is renumbered 46.281 (1n) (c).

SECTION 952. 46.281 (1) (i) of the statutes is repealed.

SECTION 952m. 46.281 (1g) (title) of the statutes is created to read:

46.281 (1g) (title) CONTRACTING FOR RESOURCE CENTERS AND CARE MANAGEMENT ORGANIZATIONS.

SECTION 953. 46.281 (1g) (a) of the statutes is created to read:

46.281 (1g) (a) Subject to par. (b), the department may contract with entities as provided under s. 46.283 (2) to provide the services under s. 46.283 (3) and (4) as resource centers in any geographic area in the state, and may contract with entities as provided under s. 46.284 (2) to administer the family care benefit as care management organizations in any geographic area in the state.

SECTION 954. 46.281 (1n) (d) of the statutes is created to read:

46.281 (1n) (d) 1. Establish regions for long-term care advisory committees under s. 46.2825, periodically review the boundaries of the regions, and, as appropriate, revise the boundaries.

2. Specify the number of members that each governing board of a resource center shall appoint to a regional long-term care advisory committee. The total number of committee members shall not exceed 25, and the department shall allot committee membership equally among the governing boards of resource centers operating within the boundaries of the regional long-term care advisory committee.

3. Provide information and staff assistance to assist regional long-term care advisory committees in performing the duties under s. 46.2825 (2).

SECTION 954m. 46.281 (1n) (e) of the statutes is created to read:

46.281 (1n) (e) Contract with a person to provide the advocacy services described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family care bene-

fit who are under age 60 or to their families or guardians. The department may not contract under this paragraph with a county or with a person who has a contract with the department to provide services under s. 46.283 (3) and (4) as a resource center or to administer the family care benefit as a care management organization. The contract under this paragraph shall include as a goal that the provider of advocacy services provide one advocate for every 2,500 individuals under age 60 who receive the family care benefit. The department shall allocate \$190,000 for the contract under this paragraph in fiscal year 2007-08 and \$525,000 in each subsequent fiscal year.

SECTION 954mb. 46.281 (1n) (f) of the statutes is created to read:

46.281 (1n) (f) From the appropriation under s. 20.435 (7) (b), provide \$75,000 annually to Grant County to provide, with respect to issues concerning family care benefits, liaison services between the county and a managed care organization and advocacy services on behalf of the county.

SECTION 955. 46.281 (2) (title) of the statutes is amended to read:

46.281 (2) (title) ~~POWERS~~ OTHER POWERS OF THE DEPARTMENT.

SECTION 956. 46.281 (3) of the statutes is amended to read:

46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county, hospital, nursing home, community-based residential facility, adult family home and residential care apartment complex the date on which a resource center that serves the area of the county, hospital, nursing home, community-based residential facility, adult family home or residential care apartment complex is first available to ~~provide a perform~~ functional screenings and financial ~~screen and cost-sharing screenings.~~ To facilitate phase-in of services of resource centers, the secretary may certify that the resource center is available for specified groups of eligible individuals or for specified facilities in the county.

SECTION 956g. 46.281 (4) of the statutes is created to read:

46.281 (4) COUNTY CONTRIBUTION. (a) In this subsection, "base amount" means the amount that a county expended in calendar year 2006, as determined by the department, to provide long-term care services to individuals who would have been eligible for the family care benefit in calendar year 2006 if the family care benefit had been available to residents of the county.

(b) Except as provided in par. (c), each county in which the department has a contract with an entity to administer the family care benefit shall in each year of the contract either pay the department the following amount or agree to reduce the community aids distribution to the county under s. 46.40 (2) by the following amount:

1. If the base amount for the county is less than or equal to 22 percent of the calendar year 2006 community aids distribution to the county under s. 46.40 (2), the base amount.

2. If the base amount for the county is greater than 22 percent of the calendar year 2006 community aids distribution to the county under s. 46.40 (2), the following amounts in the following years:

a. For the first year that the department contracts for administration of the family care benefit in the county, the base amount for the county.

b. For the 2nd, 3rd, and 4th years that the department contracts for administration of the family care benefit in the county, the amount from the previous year minus 25 percent of the difference between the base amount for the county and 22 percent of the calendar year 2006 community aids distribution to the county under s. 46.40 (2).

c. For the 5th year and each subsequent year that the department contracts for administration of the family care benefit in the county, 22 percent of the calendar year 2006 community aids distribution to the county under s. 46.40 (2).

(c) Each county in which the department has a contract with an entity to administer the family care benefit, and in which the department had such a contract before January 1, 2006, shall annually either pay the department or agree to reduce the community aids distribution to the county under s. 46.40 (2) by the amount that the county paid the department, or by which the county's community aids distribution was reduced, in calendar year 2006 to fund the program under ss. 46.2805 to 46.2895.

(d) The department shall deposit payments made by counties under this subsection in the appropriation account under s. 20.435 (7) (g).

SECTION 957. 46.282 (title) of the statutes is repealed.

SECTION 958. 46.282 (2) of the statutes is repealed.

SECTION 959. 46.282 (3) (title) of the statutes is repealed.

SECTION 960. 46.282 (3) (a) (intro.) of the statutes is repealed.

SECTION 961. 46.282 (3) (a) 1. of the statutes is repealed.

SECTION 962. 46.282 (3) (a) 2. of the statutes is repealed.

SECTION 963. 46.282 (3) (a) 3. of the statutes is repealed.

SECTION 964. 46.282 (3) (a) 4. of the statutes is repealed.

SECTION 965. 46.282 (3) (a) 5. of the statutes is repealed.

SECTION 966. 46.282 (3) (a) 6. of the statutes is repealed.

SECTION 967. 46.282 (3) (a) 7. of the statutes is repealed.

SECTION 968. 46.282 (3) (a) 8. of the statutes is renumbered 46.2825 (2) (e) and amended to read:

46.2825 (2) (e) Monitor the pattern of enrollments and disenrollments in local care management organizations that provide services in the committee's region.

SECTION 969. 46.282 (3) (a) 9. of the statutes is renumbered 46.283 (6) (b) 3. and amended to read:

46.283 (6) (b) 3. Identify any gaps in services, living arrangements, and community resources ~~and develop strategies to build local capacity to serve older persons and persons with physical or developmental disabilities needed by individuals belonging to the client groups served by the resource center,~~ especially those with long-term care needs.

SECTION 970. 46.282 (3) (a) 10. of the statutes is renumbered 46.2825 (2) (g) and amended to read:

46.2825 (2) (g) Perform long-range planning on long-term care policy for older persons and persons with physical or developmental disabilities individuals belonging to the client groups served by the resource center.

SECTION 971. 46.282 (3) (a) 11. of the statutes is renumbered 46.283 (6) (b) 8. and amended to read:

46.283 (6) (b) 8. Annually review interagency agreements between ~~a~~ the resource center and care management organization or organizations that provide services in the area served by the resource center and make recommendations, as appropriate, on the interaction between the resource center and the care management ~~organiza-~~ tion or organizations to assure coordination between or among them and to assure access to and timeliness in provision of services by the resource center and the care management organizations.

SECTION 972. 46.282 (3) (a) 12. of the statutes is renumbered 46.283 (6) (b) 9. and amended to read:

46.283 (6) (b) 9. ~~Annually review~~ Review the number and types of ~~complaints and grievances about and appeals concerning~~ the long-term care system by persons who receive or may receive care under the system in the area served by the resource center, to determine if a need exists for system changes, and recommend system or other changes if appropriate.

SECTION 973. 46.282 (3) (a) 13. of the statutes is renumbered 46.283 (6) (b) 6. and amended to read:

46.283 (6) (b) 6. Identify potential new sources of community resources and funding for needed services for ~~older persons and persons with physical or developmental disabilities~~ individuals belonging to the client groups served by the resource center.

SECTION 974. 46.282 (3) (a) 14. of the statutes is repealed.

SECTION 975. 46.282 (3) (a) 15. of the statutes is repealed.

SECTION 976. 46.282 (3) (b) of the statutes is renumbered 46.283 (6) (b) 10. and amended to read:

46.283 (6) (b) 10. ~~A local long-term care council may, within the local long-term care council's area~~ If directed to do so by the county board, assume the duties of the county long-term community support planning committee as specified under s. 46.27 (4) for a county served by the resource center.

SECTION 977. 46.2825 of the statutes is created to read:

46.2825 Regional long-term care advisory committees. (1) CREATION. The governing board of each resource center operating in a region established by the department under s. 46.281 (1n) (d) 1. shall appoint the number of its members that is specified by the department under s. 46.281 (1n) (d) 2. to a regional long-term care advisory committee. At least 50 percent of the persons a resource center board appoints to a regional long-term care advisory committee shall be older persons or persons with a physical or developmental disability or their family members, guardians, or other advocates.

(2) DUTIES. A regional long-term care advisory committee shall do all of the following:

(a) Evaluate the performance of care management organizations and entities that operate a program described under s. 46.2805 (1) (a) or (b) in the committee's region with respect to responsiveness to recipients of their services, fostering choices for recipients, and other issues affecting recipients; and make recommendations based on the evaluation to the department and to the care management organizations and entities, as appropriate.

(b) Evaluate the performance of resource centers operating in the committee's region and, as appropriate, make recommendations, concerning their performance to the department and the resource centers.

(c) Monitor grievances and appeals made to care management organizations or entities that operate a program described under s. 46.2805 (1) (a) or (b) within the committee's region.

(d) Review utilization of long-term care services in the committee's region.

(f) Using information gathered under s. 46.283 (6) (b) 2. by governing boards of resources centers operating in the committee's region and other available information, identify any gaps in the availability of services, living arrangements, and community resources needed by older persons and persons with physical or developmental disabilities, and develop strategies to build capacity to provide those services, living arrangements, and community resources in the committee's region.

(h) Annually report to the department regarding significant achievements and problems relating to the provision of long-term care services in the committee's region.

SECTION 978. 46.283 (1) (a) 2. of the statutes is amended to read:

46.283 (1) (a) 2. Whether to create a family long-term care district to apply to the department for a contract to operate a resource center.

SECTION 979. 46.283 (2) (a) of the statutes is repealed.

SECTION 980. 46.283 (2) (b) of the statutes is renumbered 46.283 (2), and 46.283 (2) (intro.) and (b), as renumbered, are amended to read:

46.283 (2) (intro.) ~~After June 30, 2001, the~~ The department may, ~~if the applicable review conditions under s. 46.281 (1) (e) 2. are satisfied,~~ contract to operate a resource center with counties, family long-term care districts, or the governing body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc., under a joint application of any of these, or with a private nonprofit organization if the department determines that the organization has no significant connection to an entity that operates a care management organization and if any of the following applies:

(b) A county agency or a family long-term care district applies for a contract but fails to meet the standards specified in sub. (3).

SECTION 981. 46.283 (3) (h) of the statutes is repealed.

SECTION 982. 46.283 (3) (i) of the statutes is repealed.

SECTION 983. 46.283 (3) (k) of the statutes is amended to read:

46.283 (3) (k) A determination of eligibility for state supplemental payments under s. 49.77, medical assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471, or the federal food stamp program under 7 USC 2011 to 2029.

SECTION 984. 46.283 (4) (e) of the statutes is amended to read:

46.283 (4) (e) ~~Within 6 months after the family care benefit is available to all eligible persons in the area of the resource center, provide~~ Provide information about the services of the resource center, including the services specified in sub. (3) (d), about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c) and about the family care benefit to all older persons and persons with a physical disability who are residents of nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes in the area of the resource center.

SECTION 985. 46.283 (4) (f) of the statutes is amended to read:

46.283 (4) (f) ~~Provide~~ Perform a functional screening and a financial screen ~~to~~ and cost-sharing screening for any resident, as specified in par. (e), who requests a ~~screen~~ screening and assist any resident who is eligible and chooses to enroll in a care management organization to do so.

SECTION 986. 46.283 (4) (g) of the statutes is amended to read:

46.283 (4) (g) ~~Provide~~ Perform a functional screening and a financial screen ~~to~~ and cost-sharing screening for any person seeking admission to a nursing home, community-based residential facility, residential care apartment complex, or adult family home if the secretary has certified that the resource center is available to the person and the facility and the person is determined by the resource center to have a condition that is expected to last at least 90 days that would require care, assistance, or supervision. A resource center may not require a financial screen and cost-sharing screening for a person seeking admission or about to be admitted on a private pay basis who waives the requirement for a financial screen and cost-sharing screening under this paragraph, unless the person is expected to become eligible for medical assistance within 6 months. A resource center need not ~~provide~~ perform a functional screen ~~for~~ screening for a person seeking admission or about to be admitted ~~who has received a screen for whom a~~ functional eligibility ~~under s. 46.286 (1) (a)~~ screening was performed within the previous 6 months.

SECTION 987. 46.283 (4) (j) of the statutes is created to read:

46.283 (4) (j) Target any outreach, education, and prevention services it provides and any service development efforts it conducts on the basis of findings made by the governing board of the resource center under sub. (6) (b) 2. and 3.

SECTION 989. 46.283 (6) of the statutes is amended to read:

46.283 (6) GOVERNING BOARD. (a) 1. A resource center shall have a governing board that reflects the ethnic and economic diversity of the geographic area served by the resource center.

2. At least one-fourth of the members of the governing board shall be older persons or persons with physical or developmental disabilities individuals who belong to a client group served by the resource center or their family members, guardians, or other advocates. The proportion of these board members who belong to each client group, or their family members, guardians, or advocates, shall be the same, respectively, as the proportion of individuals in this state who receive services under s. 46.2805 to 46.2895 and belong to each client group.

SECTION 990. 46.283 (6) (a) 3. of the statutes is created to read:

46.283 (6) (a) 3. An individual who has a financial interest in, or serves on the governing board of, a care management organization or an organization that administers a program described under s. 46.2805 (1) (a) or (b) or a managed care program under s. 49.45 for individuals who are eligible to receive supplemental security income under 42 USC 1381 to 1383c, which serves any geographic area also served by a resource center, and the

individual's family members, may not serve as members of the governing board of the resource center.

SECTION 991. 46.283 (6) (b) of the statutes is created to read:

46.283 (6) (b) The governing board of a resource center shall do all of the following:

1. Determine the structure, policies, and procedures of, and oversee the operations of, the resource center. The operations of a resource center that is operated by a county are subject to the county's ordinances and budget.

2. Annually gather information from consumers and providers of long-term care services and other interested persons concerning the adequacy of long-term care services offered in the area served by the resource center. The board shall provide well-advertised opportunities for persons to participate in the board's information gathering activities conducted under this subdivision.

4. Report findings made under subds. 2. and 3. to the applicable regional long-term care advisory committee.

5. Recommend strategies for building local capacity to serve older persons and persons with physical or developmental disabilities, as appropriate, to local elected officials, the regional long-term care advisory committee, or the department.

7. Appoint members to the regional long-term care advisory committee, as provided under s. 46.2825 (1).

SECTION 992. 46.284 (1) (a) (intro.) of the statutes is amended to read:

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

SECTION 993. 46.284 (1) (a) 2. of the statutes is amended to read:

46.284 (1) (a) 2. Whether to create a family long-term care district to apply to the department for a contract to operate a care management organization.

SECTION 994. 46.284 (2) (b) (intro.) of the statutes is repealed.

SECTION 995. 46.284 (2) (b) 1. of the statutes is repealed.

SECTION 996. 46.284 (2) (b) 2. of the statutes is repealed.

SECTION 997. 46.284 (2) (b) 3. of the statutes is renumbered 46.284 (2) (bm) and amended to read:

46.284 (2) (bm) ~~After December 31, 2003, the~~ The department may contract with counties, family long-term care districts, the governing body of a tribe or band or the Great Lakes inter-tribal council, inc., or under a joint application of any of these, or with a private organization that has no significant connection to an entity that operates a resource center. Proposals for contracts under this subdivision shall be solicited under a competitive sealed proposal process under s. 16.75 (2m) and,

~~after consulting with the local long-term care council for the county or counties,~~ the department shall evaluate the proposals primarily as to the quality of care that is proposed to be provided, certify those applicants that meet the requirements specified in sub. (3) (a), select certified applicants for contract and contract with the selected applicants.

SECTION 997m. 46.284 (2) (c) of the statutes is created to read:

46.284 (2) (c) The department shall require, as a term of any contract with a care management organization under this section, that the care management organization contract for the provision of services that are covered under the family care benefit with any community-based residential facility under s. 50.01 (1g), residential care apartment complex under s. 50.01 (1d), nursing home under s. 50.01 (3), intermediate care facility for the mentally retarded under s. 50.14 (1) (b), community rehabilitation program, home health agency under s. 50.49 (1) (a), provider of day services, or provider of personal care, as defined in s. 50.01 (4o), that agrees to accept the reimbursement rate that the care management organization pays under contract to similar providers for the same service and that satisfies any applicable quality of care, utilization, or other criteria that the care management organization requires of other providers with which it contracts to provide the same service.

SECTION 998. 46.284 (3) (a) of the statutes is amended to read:

46.284 (3) (a) If an entity meets the requirements under par. (b) and applicable rules of the department and submits to the department an application for initial certification or certification renewal, the department shall certify that the entity meets the requirements for a care management organization. ~~An application shall include comments about the applicant and recommendations about the application that are provided by the appropriate local long-term care council, as specified under s. 46.282 (3) (a) 3.~~

SECTION 999. 46.284 (5) (a) of the statutes is amended to read:

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

SECTION 1000. 46.284 (6) of the statutes is amended to read:

46.284 (6) **GOVERNING BOARD.** A care management organization shall have a governing board that reflects the ethnic and economic diversity of the geographic area

served by the care management organization. At least one-fourth of the members of the governing board shall be ~~older persons or persons with physical or developmental disabilities or their family members, guardians or other advocates who are~~ representative of the client group or groups whom the care management organization's enrollee organization is contracted to serve or those clients' family members, guardians, or other advocates.

SECTION 1001. 46.285 (1) of the statutes is renumbered 46.285, and 46.285 (intro.), (1) and (2), as renumbered, are amended to read:

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

(1) For an entity with which the department has contracted under s. 46.281 (1) (e) 1., 2005 stats., provision of the services specified under s. 46.283 (3) (b), (e), (f) and (g) shall be structurally separate from the provision of services of the care management organization by January 1, 2001.

(2) The department may approve separation of the functions of a resource center from those of a care management organization by a means other than ~~those specified in sub. (2) creating a long-term care district under s. 46.2895 to serve either as a resource center or as a care management organization.~~

SECTION 1002. 46.285 (2) of the statutes is repealed.

SECTION 1003. 46.286 (1) (intro.) of the statutes is amended to read:

46.286 (1) ELIGIBILITY. (intro.) A person is eligible for, but not necessarily entitled to, the family care benefit if the person is at least 18 years of age; has a physical disability, as defined in s. 15.197 (4) (a) 2., or a developmental disability, as defined in s. 51.01 (5) (a), or degenerative brain disorder, as defined in s. 55.01 (1v) is a frail elder; and meets all of the following criteria:

SECTION 1004. 46.286 (1) (a) 1. of the statutes is amended to read:

46.286 (1) (a) 1. The person's ~~functional capacity level of care need~~ is at either of the following levels:

a. The ~~comprehensive nursing home~~ level, if the person has a long-term or irreversible condition, expected to last at least 90 days or result in death within one year of the date of application, and requires ongoing care, assistance or supervision.

b. The ~~intermediate non-nursing home~~ level, if the person has a condition that is expected to last at least 90 days or result in death within 12 months after the date of application, and is at risk of losing his or her independence or functional capacity unless he or she receives assistance from others.

SECTION 1005. 46.286 (1) (b) (intro.) of the statutes is amended to read:

46.286 (1) (b) *Financial eligibility.* (intro.) A person is financially eligible if all any of the following apply:

SECTION 1006. 46.286 (1) (b) 1. (intro.) of the statutes is repealed.

SECTION 1007. 46.286 (1) (b) 1. a. of the statutes is renumbered 46.286 (1) (b) 3. and amended to read:

46.286 (1) (b) 3. The person was receiving the family care benefit on the effective date of this subdivision [revisor inserts date], the person would qualify for medical assistance except for financial or disability criteria, and the projected cost of the person's care plan, as calculated by the department or its designee, exceeds the person's gross monthly income, plus one-twelfth of his or her countable assets, less deductions and allowances permitted by rule by the department.

SECTION 1008. 46.286 (1) (b) 1. b. and 2. of the statutes are consolidated, renumbered 46.286 (1) (b) 1m. and amended to read:

46.286 (1) (b) 1m. The person is eligible under ch. 49 for medical assistance. ~~2. If subd. 1. b. applies, the person accepts medical assistance and, unless he or she is exempt from the acceptance under rules promulgated by the department, accepts medical assistance.~~

SECTION 1009. 46.286 (3) (a) (intro.) of the statutes is amended to read:

46.286 (3) (a) (intro.) Subject to ~~pars. par. (c) and (d)~~, a person is entitled to and may receive the family care benefit through enrollment in a care management organization if ~~he or she~~ all of the following apply:

1m. The person is at least 18 years of age.

2m. The person has a physical disability, as defined in s. 15.197 (4) (a) 2., a developmental disability, as defined in s. 51.01 (5) (a), ~~or degenerative brain disorder, as defined in s. 55.01 (1v); is a frail elder.~~

4m. The person is financially eligible, ~~under sub. (1) (b) 1m., and fulfills any applicable cost-sharing requirements and meets any of the following criteria:~~

SECTION 1010. 46.286 (3) (a) 1. of the statutes is repealed.

SECTION 1011. 46.286 (3) (a) 2. of the statutes is repealed.

SECTION 1012. 46.286 (3) (a) 3. of the statutes is repealed.

SECTION 1013. 46.286 (3) (a) 3m. of the statutes is created to read:

46.286 (3) (a) 3m. The person is functionally eligible under sub. (1) (a).

SECTION 1014. 46.286 (3) (a) 4. of the statutes is repealed.

SECTION 1015. 46.286 (3) (a) 6. of the statutes is repealed.

SECTION 1016. 46.286 (3) (d) of the statutes is repealed.

SECTION 1017. 46.286 (3m) of the statutes is repealed and recreated to read:

46.286 (3m) INFORMATION ABOUT ENROLLEES. The department shall obtain and share information about family care enrollees as provided in s. 49.475.

SECTION 1018. 46.288 (2) (intro.) of the statutes is amended to read:

46.288 (2) (intro.) Criteria and procedures for determining functional eligibility under s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost sharing under s. 46.286 (2) (a) and entitlement under s. 46.286 (3). The rules for determining functional eligibility under s. 46.286 (1) (a) 1. a. shall be substantially similar to eligibility criteria for receipt of the long-term support community options program under s. 46.27. Rules under this subsection shall include definitions of the following terms applicable to s. 46.286:

SECTION 1019. 46.289 (title) of the statutes is renumbered 46.2803 (title).

SECTION 1020. 46.289 of the statutes is renumbered 46.2803 (1).

SECTION 1021. 46.2895 (title) of the statutes is amended to read:

46.2895 (title) Family Long-term care district.

SECTION 1022. 46.2895 (1) (a) (intro.) of the statutes is amended to read:

46.2895 (1) (a) (intro.) A county board of supervisors, a tribe or band, or any combination of counties or tribes or bands, may create a special purpose district that is termed a "family long-term care district", that is a local unit of government, that is separate and distinct from, and independent of, the state and the county or tribe or band that created it, and that has the powers and duties specified in this section, if the each county board or tribe or band that participates in creating the district does all of the following:

SECTION 1023. 46.2895 (1) (a) 1. a. of the statutes is amended to read:

46.2895 (1) (a) 1. a. Declares the need for establishing the family long-term care district.

SECTION 1024. 46.2895 (1) (a) 1. b. of the statutes is amended to read:

46.2895 (1) (a) 1. b. Specifies the family long-term care district's primary purpose, which shall be to operate, under contract with the department, either a resource center under s. 46.283 or a care management organization under s. 46.284, but not both, or a program described under s. 46.2805 (1) (a) or (b).

SECTION 1025. 46.2895 (1) (a) 1. c. of the statutes is created to read:

46.2895 (1) (a) 1. c. Specifies the number of individuals who shall be appointed as members of the long-term care district board, the length of their terms, and, if the long-term care district is created by more than one county or tribe or band, how many members shall be appointed by each county or tribe or band.

SECTION 1026. 46.2895 (1) (b) of the statutes is repealed.

SECTION 1027. 46.2895 (1) (c) of the statutes is created to read:

46.2895 (1) (c) A long-term care district may not operate a care management organization under s. 46.284 or a program described under s. 46.2805 (1) (a) or (b) if the district operates a resource center under s. 46.283.

SECTION 1028. 46.2895 (1) (d) of the statutes is created to read:

46.2895 (1) (d) A county or tribe or band may create more than one long-term care district.

SECTION 1029. 46.2895 (1) (e) of the statutes is created to read:

46.2895 (1) (e) A long-term care district may change its primary purpose specified under par. (a) 1. b. if all the counties or tribes or bands that created the district and that have not withdrawn or been removed from the district under sub. (14), adopt a resolution approving the change in primary purpose and if the change in purpose does not violate par. (c) or any provision of a contract between the department and the district.

SECTION 1030. 46.2895 (2) of the statutes is amended to read:

46.2895 (2) JURISDICTION. A family long-term care district's jurisdiction is the geographical area of the county or counties of the county board or boards of supervisors who that created the family long-term care district and the geographic area of the reservation of, or lands held in trust for, any tribe or band that created the long-term care district.

SECTION 1031. 46.2895 (3) (title) of the statutes is amended to read:

46.2895 (3) (title) FAMILY LONG-TERM CARE DISTRICT BOARD.

SECTION 1032. 46.2895 (3) (a) 1. of the statutes is renumbered 46.2895 (3) (a) and amended to read:

46.2895 (3) (a) The county board of supervisors of a county or, in a county with a county administrator or county executive, the county administrator or county executive shall appoint the members of the family long-term care district board, which is the governing board of a family care district under sub. (1) (a) members whom the county is allotted, by resolutions adopted under sub. (1) (a) 1. c., to appoint.

SECTION 1033. 46.2895 (3) (a) 2. of the statutes is repealed.

SECTION 1034. 46.2895 (3) (b) 1. of the statutes is amended to read:

46.2895 (3) (b) 1. The family care district board appointed under par. (a) 1. shall consist of 15 persons who are residents of the area of jurisdiction of the family care district. At least one-fourth of the members of a long-term care district board shall be representative of the client group or groups whom it is the family long-term care

district's primary purpose to serve or those clients' family members, guardians, or other advocates.

SECTION 1035. 46.2895 (3) (b) 2. of the statutes is repealed.

SECTION 1036. 46.2895 (3) (b) 3. of the statutes is amended to read:

46.2895 (3) (b) 3. Membership of the family a long-term care district board ~~under subd. 1. or 2.~~ shall reflect the ethnic and economic diversity of in the area of jurisdiction of the family long-term care district. ~~Up to one-fourth of the members of the board may be elected or appointed officials or employees of the county or counties that created the family care district.~~

4. No member of the a long-term care district board may have a private financial interest in or profit directly or indirectly from any contract or other business of the family long-term care district.

SECTION 1037. 46.2895 (3) (b) 5. of the statutes is created to read:

46.2895 (3) (b) 5. Only individuals who reside within the jurisdiction of a long-term care district may serve as members of the long-term care district board.

SECTION 1038. 46.2895 (3) (c) of the statutes is repealed.

SECTION 1039. 46.2895 (3) (d) of the statutes is amended to read:

46.2895 (3) (d) As soon as possible after the appointment of the initial members of the family long-term care district board, the board shall organize for the transaction of business and elect a chairperson and other necessary officers. Each chairperson shall be elected by the board from time to time for the term of that chairperson's office as a member of the board or for the term of 3 years, whichever is shorter, and shall be eligible for reelection. A majority of the board shall constitute a quorum. Unless specified otherwise in a bylaw adopted by the board, the board may act based on the affirmative vote of a majority of a quorum.

SECTION 1040. 46.2895 (4) (intro.) of the statutes is amended to read:

46.2895 (4) POWERS. (intro.) Subject to sub. (1) (a) ~~1. b. (c),~~ a family long-term care district has all the powers necessary or convenient to carry out the purposes and provisions of ss. 46.2805 to 46.2895. In addition to all these powers, a family long-term care district may do all of the following:

SECTION 1041. 46.2895 (4) (b) of the statutes is amended to read:

46.2895 (4) (b) Adopt bylaws and policies and procedures for the regulation of its affairs and the conduct of its business. The bylaws, policies and procedures shall be consistent with ss. 46.2805 to 46.2895 and, if the family long-term care district contracts with the department under par. (d) or (dm), with the terms of that contract.

SECTION 1042. 46.2895 (4) (dm) of the statutes is created to read:

46.2895 (4) (dm) Subject to sub. (1) (c), enter into a contract with the department to operate a program described under s. 46.2805 (1) (a) or (b) and provide services related to the contracted services.

SECTION 1043. 46.2895 (4) (g) of the statutes is amended to read:

46.2895 (4) (g) Subject to sub. (8), employ any agent, employee, or special adviser that the family long-term care district finds necessary, fix and regulate his or her compensation and provide, either directly or subject to an agreement under s. 66.0301 as a participant in a benefit plan of another governmental entity, any employee benefits, including an employee pension plan.

SECTION 1044. 46.2895 (4) (h) of the statutes is amended to read:

46.2895 (4) (h) Mortgage, pledge or otherwise encumber the family long-term care district's property or funds.

SECTION 1045. 46.2895 (4) (k) of the statutes is amended to read:

46.2895 (4) (k) Create a risk reserve or other special reserve as the family long-term care district board desires or as the department requires under the contract with the department that is specified under par. (d).

SECTION 1046. 46.2895 (4) (L) of the statutes is amended to read:

46.2895 (4) (L) Accept aid, including loans, to accomplish the purpose of the family long-term care district from any local, state or federal governmental agency or accept gifts, loans, grants or bequests from individuals or entities, if the conditions under which the aid, loan, gift, grant or bequest is furnished are not in conflict with this section.

SECTION 1047. 46.2895 (4) (m) of the statutes is amended to read:

46.2895 (4) (m) Make and execute other instruments necessary or convenient to exercise the powers of the family long-term care district.

SECTION 1048. 46.2895 (5) of the statutes is amended to read:

46.2895 (5) LIMITATION ON POWERS. A family long-term care district may not issue bonds or levy a tax or assessment.

SECTION 1049. 46.2895 (6) (intro.) of the statutes is amended to read:

46.2895 (6) DUTIES. (intro.) The family long-term care district board shall do all of the following:

SECTION 1050. 46.2895 (6) (b) of the statutes is amended to read:

46.2895 (6) (b) Subject to sub. (8), develop and implement a personnel structure and other employment policies for employees of the family long-term care district.

SECTION 1051. 46.2895 (6) (c) of the statutes is amended to read:

46.2895 (6) (c) Assure compliance with the terms of any contract with the department under sub. (4) (d) or (dm).

SECTION 1052. 46.2895 (6) (d) of the statutes is amended to read:

46.2895 (6) (d) Establish a fiscal operating year and annually adopt a budget for the family long-term care district.

SECTION 1053. 46.2895 (6) (e) of the statutes is amended to read:

46.2895 (6) (e) Contract for any legal services required for the family long-term care district.

SECTION 1054. 46.2895 (7) (a) of the statutes is amended to read:

46.2895 (7) (a) Manage the property and business of the family long-term care district and manage the employees of the district, subject to the general control of the family long-term care district board.

SECTION 1055. 46.2895 (7) (b) of the statutes is amended to read:

46.2895 (7) (b) Comply with the bylaws and direct enforcement of all policies and procedures adopted by the family long-term care district board.

SECTION 1056. 46.2895 (7) (c) of the statutes is amended to read:

46.2895 (7) (c) Perform duties in addition to those specified in pars. (a) and (b) as are prescribed by the family long-term care district board.

SECTION 1057. 46.2895 (8) (a) (intro.) of the statutes is amended to read:

46.2895 (8) (a) (intro.) A family long-term care district board that is created at least in part by a county shall do all of the following:

SECTION 1058. 46.2895 (8) (a) 1. of the statutes is amended to read:

46.2895 (8) (a) 1. If the family long-term care district offers employment to any individual who was previously employed by the a county, which participated in creating the district and at the time of the offer had not withdrawn or been removed from the district under sub. (14), and who while employed by the county performed duties relating to the same or a substantially similar function for which the individual is offered employment by the district and whose wages, hours and conditions of employment were established in a collective bargaining agreement with the county under subch. IV of ch. 111 that is in effect on the date that the individual commences employment with the district, with respect to that individual, abide by the terms of the collective bargaining agreement concerning the individual's compensation and benefits wages and, if applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday allowance, funeral leave allowance, personal day allowance, or paid time off allowance until the time of the expiration of that collective bargaining agreement or adoption of a collective bargaining agreement with the district under subch.

IV of ch. 111 covering the individual as an employee of the district, whichever occurs first.

SECTION 1059. 46.2895 (8) (a) 2. of the statutes is repealed.

SECTION 1060. 46.2895 (8) (a) 3. of the statutes is amended to read:

46.2895 (8) (a) 3. If the family long-term care district offers employment to any individual who was previously employed by the a county, which participated in creating the district and at the time of the offer had not withdrawn or been removed from the district under sub. (14), and who while employed by the county performed duties relating to the same or a substantially similar function for which the individual is offered employment by the district, with respect to that individual, recognize all years of service with the county for any benefit provided or program operated by the district for which an employee's years of service may affect the provision of the benefit or the operation of the program.

SECTION 1061. 46.2895 (8) (a) 4. of the statutes is amended to read:

46.2895 (8) (a) 4. If the county has not established its own retirement system for county employees, adopt a resolution that the family long-term care district be included within the provisions of the Wisconsin retirement system under s. 40.21 (1). In this resolution, the family long-term care district shall agree to recognize 100% of the prior creditable service of its employees earned by the employees while employed by the district.

SECTION 1062. 46.2895 (8) (b) (intro.) of the statutes is amended to read:

46.2895 (8) (b) (intro.) The county board of supervisors of the area of jurisdiction of the family each county that creates a long-term care district shall do all of the following:

SECTION 1063. 46.2895 (8) (b) 1. of the statutes is amended to read:

46.2895 (8) (b) 1. If the county has established its own retirement system for county employees, provide that family long-term care district employees are eligible to participate in the county retirement system.

SECTION 1064. 46.2895 (8) (b) 2. of the statutes is repealed.

SECTION 1065. 46.2895 (8) (b) 2m. of the statutes is created to read:

46.2895 (8) (b) 2m. If the long-term care district employs any individual who was previously employed by the county, provide the individual health care coverage that is similar to the health care coverage that the county provided the individual when he or she was employed by the county.

SECTION 1066. 46.2895 (8) (b) 3. of the statutes is repealed.

SECTION 1067. 46.2895 (8) (c) of the statutes is created to read:

46.2895 (8) (c) A long-term care district and any county that created the district and has not withdrawn from or been removed from the district under sub. (14) may enter into an agreement allocating the costs of providing benefits described under this section between the district and the county.

SECTION 1068. 46.2895 (9) of the statutes is amended to read:

46.2895 (9) CONFIDENTIALITY OF RECORDS. No record, as defined in s. 19.32 (2), of a family long-term care district that contains personally identifiable information, as defined in s. 19.62 (5), concerning an individual who receives services from the family long-term care district may be disclosed by the family long-term care district without the individual's informed consent, except as required to comply with s. 16.009 (2) (p) or 49.45 (4).

SECTION 1069. 46.2895 (10) of the statutes is amended to read:

46.2895 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss. 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a family long-term care district acting under this section may exchange confidential information about a client, as defined in s. 46.287 (1), without the informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the jurisdiction of the family long-term care district, if necessary to enable the family long-term care district to perform its duties or to coordinate the delivery of services to the client.

SECTION 1070. 46.2895 (11) of the statutes is amended to read:

46.2895 (11) OBLIGATIONS AND DEBTS, AND RESPONSIBILITIES NOT THOSE OF COUNTY. The obligations and debts of the family a long-term care district are not the obligations or debts of the any county that created the family care district. If a long-term care district is obligated by statute or contract to provide or pay for services or benefits, no county is responsible for providing or paying for those services or benefits.

SECTION 1071. 46.2895 (12) of the statutes is amended to read:

46.2895 (12) ASSISTANCE TO FAMILY LONG-TERM CARE DISTRICT. From moneys in the a county treasury that are not appropriated to some other purpose, the county board of supervisors ~~under sub. (1) (a) or the county boards of supervisors under sub. (1) (b)~~ may appropriate moneys to the family a long-term care district that the county participated in creating as a gift or may lend moneys to the family long-term care district.

SECTION 1072. 46.2895 (13) (intro.), (a) and (b) of the statutes are consolidated, renumbered 46.2895 (13) and amended to read:

46.2895 (13) DISSOLUTION. (intro.) Subject to the performance of the contractual obligations of a family

long-term care district and if first approved by the secretary of the department, the family long-term care district may be dissolved by the joint action of the family long-term care district board and each county ~~board of supervisors under sub. (1) (a) or the county boards of supervisors under sub. (1) (b) or tribe or band~~ that created the family long-term care district and has not withdrawn or been removed from the district under sub. (14). If the family a long-term care district that is created by one county or tribe or band is dissolved, the property of the district shall be transferred to the county ~~board of supervisors or tribe or band~~ that created the family care district except as follows: it, (a) If the family a long-term care district was is created under sub. (1) (b), by more than one county or tribe or band, all of the county boards of supervisors counties or tribes or bands that created the district and that have not withdrawn or been removed from the district under sub. (14) shall agree on the apportioning of the family long-term care district's property before the district may be dissolved. (b) If the family long-term care district operates a care management organization under s. 46.284, disposition of any remaining funds in the risk reserve under s. 46.284 (5) (e) shall be made under the terms of the district's contract with the department.

SECTION 1073. 46.2895 (14) of the statutes is created to read:

46.2895 (14) WITHDRAWAL OR REMOVAL OF A COUNTY OR TRIBE OR BAND. Subject to approval from the department, a long-term care district may establish conditions for a county or tribe or band that participated with one or more counties or tribes or bands in creating the district to withdraw from the district or for the district to remove the county or tribe or band from the district.

SECTION 1073v. 46.29 (1) (intro.) of the statutes is amended to read:

46.29 (1) (intro.) From the appropriation under s. 20.435 (6) (a), the department shall allocate ~~up to~~ \$10,000 at least \$16,100 in each fiscal year for operation of the council on physical disabilities. The council on physical disabilities shall do all of the following:

SECTION 1076. 46.30 (title) of the statutes is renumbered 49.265 (title).

SECTION 1077. 46.30 (1) of the statutes is renumbered 49.265 (1).

SECTION 1078. 46.30 (2) of the statutes is renumbered 49.265 (2).

SECTION 1079. 46.30 (3) (title) of the statutes is renumbered 49.265 (3) (title).

SECTION 1080. 46.30 (3) (a) (intro.) of the statutes is renumbered 49.265 (3) (a) (intro.).

SECTION 1081. 46.30 (3) (a) 1. of the statutes is renumbered 49.265 (3) (a) 1.

SECTION 1082. 46.30 (3) (a) 2. of the statutes is renumbered 49.265 (3) (a) 2.

SECTION 1083. 46.30 (3) (a) 3. of the statutes is renumbered 49.265 (3) (a) 3.

SECTION 1084. 46.30 (3) (a) 4. of the statutes is renumbered 49.265 (3) (a) 4.

SECTION 1085. 46.30 (3) (a) 5. of the statutes is renumbered 49.265 (3) (a) 5.

SECTION 1086. 46.30 (3) (a) 6. of the statutes is renumbered 49.265 (3) (a) 6.

SECTION 1087. 46.30 (3) (a) 7. of the statutes is renumbered 49.265 (3) (a) 7.

SECTION 1088. 46.30 (3) (a) 8. of the statutes is renumbered 49.265 (3) (a) 8. and amended to read:

49.265 (3) (a) 8. Appoint a representative or representatives to the citizen advisory committee under s. ~~46.031~~ 49.325 (3) (a), in order to participate in developing and implementing programs designed to serve the poor.

SECTION 1089. 46.30 (3) (b) of the statutes is renumbered 49.265 (3) (b).

SECTION 1090. 46.30 (4) (title) of the statutes is renumbered 49.265 (4) (title).

SECTION 1091. 46.30 (4) (a) of the statutes is renumbered 49.265 (4) (a) and amended to read:

49.265 (4) (a) The department shall distribute the federal community services block grant funds received under 42 USC 9903 and deposited in the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (mc) and (md).

SECTION 1092. 46.30 (4) (b) of the statutes is renumbered 49.265 (4) (b).

SECTION 1093. 46.30 (4) (c) of the statutes is renumbered 49.265 (4) (c).

SECTION 1094. 46.30 (4) (d) of the statutes is renumbered 49.265 (4) (d).

SECTION 1095. 46.30 (5) of the statutes is renumbered 49.265 (5).

SECTION 1096. 46.40 (1) (a) of the statutes is amended to read:

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

SECTION 1097. 46.40 (1) (b) of the statutes is renumbered 48.563 (1) (b) and amended to read:

48.563 (1) (b) Notwithstanding s. ~~46.49~~ 48.568, if the department receives any federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated under par. (a) for the provision of foster care, the department shall distribute those federal moneys for services and projects to assist children and families and for the purposes specified in s. ~~46.46~~ 48.567.

SECTION 1098. 46.40 (1) (c) of the statutes is renumbered 48.563 (1) (c) and amended to read:

48.563 (1) (c) The Milwaukee County department of social services shall report to the department in a manner specified by the department on all children under the supervision of the Milwaukee County department of social services who are placed in foster homes and whose foster parents receive funding for child care from the amounts distributed under par. (a) so that the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the amounts expended by the Milwaukee County department of social services for the provision of child care for those children. Notwithstanding s. ~~46.49~~ 48.568, if the department receives any federal moneys under 42 USC 670 to 679a in reimbursement of the amounts expended by the Milwaukee County department of social services for the provision of child care for children in foster care in 1996 and 1997, the department shall distribute those federal moneys to the Milwaukee County department of social services for the provision of child care for children in foster care.

SECTION 1099. 46.40 (1) (d) of the statutes is amended to read:

46.40 (1) (d) If the department of health and family services receives any federal moneys under 42 USC 1396 to 1396v in reimbursement of the cost of preventing out-of-home placements of children, the department of health and family services shall transfer those moneys to the department of children and families, and the department of children and families shall use those moneys as the first source of moneys used to meet the amount of the allocation under ~~sub. s. 48.563 (2)~~ that is budgeted from federal funds.

SECTION 1100. 46.40 (2) of the statutes is amended to read:

46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not more than ~~\$242,078,700~~ \$242,725,500 in each fiscal year.

SECTION 1101. 46.40 (2) of the statutes, as affected by 2007 Wisconsin Act (this act), is amended to read:

46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not more than ~~\$242,725,500~~ \$176,068,400 in each fiscal year.

SECTION 1101p. 46.40 (2m) (b) of the statutes is amended to read:

46.40 (2m) (b) *Community mental health services.* For community mental health services under 42 USC 300x to 300x-9, the department shall distribute ~~not more than~~ \$2,513,400 in each fiscal year.

SECTION 1102. 46.40 (3) of the statutes is renumbered 48.563 (3) and amended to read:

48.563 (3) TRIBAL CHILD CARE. For child care services under 42 USC 9858, the department shall distribute not more than \$412,800 in each fiscal year from the appropriation account under s. ~~20.435 (7)~~ 20.437 (1) (b) to federally recognized American Indian tribes or bands. A tribe or band that receives funding under this subsection shall use that funding to provide child care for an eligible child, as defined in 42 USC 9858n (4).

SECTION 1103. 46.40 (7m) of the statutes is renumbered 48.563 (7m) and amended to read:

48.563 (7m) USE BY COUNTY OF COMMUNITY CHILDREN AND FAMILY AIDS FUNDS TO PAY PRIVATE ATTORNEYS FOR CERTAIN PROCEEDINGS UNDER THE CHILDREN'S CODE. Upon application by a county department under s. 46.215, 46.22, or 46.23 to the department for permission to use funds allocated to that county department under sub. (2) to employ private counsel for the purposes specified in this subsection and a determination by the department that use of funds for those purposes does not affect any federal grants or federal funding allocated under this section, the department and the county department shall execute a contract authorizing the county department to expend, as agreed upon in the contract, funds allocated to that county department under sub. (2) to permit the county department to employ private counsel to represent the interests of the state or county in proceedings under ~~ch. 48 this chapter~~ relating to child abuse or neglect cases, unborn child abuse cases, ~~proceedings to terminate, termination of parental rights, and any ch. 48 cases or proceedings involving the Indian child welfare act~~ Child Welfare Act, 25 USC 1901 to 1963.

SECTION 1104a. 46.40 (9) (a) of the statutes is renumbered 46.40 (9) (ar) and amended to read:

46.40 (9) (ar) *Transfer to family care program and adult protective services allocation.* If a care management organization under s. 46.284 is available in a county, the department may ~~dispose of not more than 21.3% of the amount allocated under sub. (2) to that county as follows; and, of the amount allocated under sub. (8), may dispose of the lesser of up to 60% or the amount remaining after subtracting an amount necessary to maintain funding for recipients under sub. (8) who, on September 1, 2001, are ineligible for the family care benefit under s. 46.286, to that county, as follows:~~

1. By transferring a portion of ~~those amounts that amount,~~ as determined by the department, to the family care program to fund the services of resource centers under s. 46.283 (5) and the services of care management organizations under s. 46.284 (4).

2. By transferring a portion of ~~those amounts that amount,~~ as determined by the department, to the county's adult protective services allocation under par. (b).

SECTION 1104c. 46.40 (9) (ag) of the statutes is created to read:

46.40 (9) (ag) *Adjustment for family care.* If a care management organization under s. 46.284 is available in

a county and the county has under s. 46.281 (4) agreed to a reduction in its distribution under sub. (2), the department shall use the amount established under s. 46.281 (4) to fund the services of care management organizations under s. 46.284 (4).

SECTION 1104g. 46.40 (9) (b) of the statutes is amended to read:

46.40 (9) (b) *Adult protective services allocation.* For adult protective services, the department shall distribute the amounts transferred under par. (a) ~~(ar)~~ (ar) 2. in each fiscal year.

SECTION 1106. 46.45 (2) (a) of the statutes is renumbered 48.565 (2) (a) and amended to read:

48.565 (2) (a) Subject to par. (am), if on December 31 of any year there remains unspent or unencumbered in the allocation under s. ~~46.40 48.563~~ (2) an amount that exceeds the amount received under 42 USC 670 to 679a and allocated under s. ~~46.40 48.563~~ (2) in that year, the department shall carry forward the excess moneys and distribute not less than 50% of the excess moneys to counties having a population of less than 500,000 that are making a good faith effort, as determined by the department, to comply with s. 46.22 (1) (c) 8. f. for services and projects to assist children and families, notwithstanding the percentage limit specified in sub. (3) ~~(a)~~. A county shall use not less than 50% of the moneys distributed to the county under this subsection for services for children who are at risk of abuse or neglect to prevent the need for child abuse and neglect intervention services, except that in the calendar year in which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar years after that calendar year the county may use 100% of the moneys distributed under this paragraph to reimburse the department for the costs of achieving that compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before July 1, 2005, the department may recover any amounts distributed to that county under this paragraph after June 30, 2001, by billing the county or deducting from that county's allocation under s. ~~46.40 48.563~~ (2). All moneys received by the department under this paragraph shall be credited to the appropriation account under s. ~~20.435 (3) 20.437 (1)~~ (j).

SECTION 1107. 46.45 (2) (am) of the statutes is renumbered 48.565 (2) (am) and amended to read:

48.565 (2) (am) If on December 31 of any year a county is not using the centralized unit contracted for under s. ~~46.03 48.47~~ (7) (h) for determining whether the cost of providing care for a child is eligible for reimbursement under 42 USC 670 to 679a, the department shall reduce that county's distribution under par. (a) by 50%.

SECTION 1108. 46.45 (2) (b) of the statutes is renumbered 48.565 (2) (b).

SECTION 1109. 46.45 (2) (c) of the statutes is renumbered 48.565 (2) (c) and amended to read:

48.565 (2) (c) The department shall credit to the appropriation account under s. ~~20.435 (8) (mb) 20.437~~

(3) (mp) any moneys carried forward under par. (a), but not distributed to counties, and may expend those moneys as provided in s. 46.46 ~~48.567~~.

SECTION 1110. 46.45 (3) (a) of the statutes is amended to read:

46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal governing body, or private nonprofit organization, the department shall carry forward up to 3% of the total amount allocated to the county, tribal governing body, or nonprofit organization for a calendar year, not including the amount allocated to the county under s. 46.40 (7), which amount may be carried forward as provided in par. (c). All funds carried forward for a tribal governing body or nonprofit organization, ~~all federal child welfare funds under 42 USC 620 to 626, and all funds allocated under s. 46.40 (2m) carried forward for a county shall be used for the purpose for which the funds were originally allocated. Other funds carried forward under this paragraph may be used for any purpose under s. 20.435 (7) (b), except that a county may not use any funds carried forward under this paragraph for administrative or staff costs. An allocation of carried-forward funding under this paragraph does not affect a county's base allocations under s. 46.40 (2), (2m), (8), and (9).~~

SECTION 1111. 46.46 (1) of the statutes is amended to read:

46.46 (1) From the appropriation account under s. 20.435 (8) (mb), the department shall support costs that are exclusively related to the ongoing and recurring operational costs of augmenting the amount of moneys received under ~~42 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to 1396v~~ and to any other purpose provided for by the legislature by law or in budget determinations and shall distribute moneys to counties as provided in sub. (1g). In addition, the department may expend moneys from the appropriation account under s. 20.435 (8) (mb) as provided in ~~subs. (1m) and sub. (2)~~.

SECTION 1112. 46.46 (1m) of the statutes is renumbered 48.567 (1m) and amended to read:

48.567 (1m) In addition to expending moneys from the appropriation account under s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) for the augmentation activities specified in sub. (1), the department may expend moneys received under 42 USC 1396 to 1396v in reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under 42 USC 670 to 679a and credited to the appropriation account under s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) to support the counties' share of implementing the statewide automated child welfare information system under s. 46.22 (1) (c) 8. f. and to provide services to children and families under s. 48.48 (17).

SECTION 1113. 46.46 (2) of the statutes is amended to read:

46.46 (2) If the department proposes to use any moneys from the appropriation account under s. 20.435 (8) (mb) for any purpose other than the purposes specified in subs. (1), ~~(1g), and (1m)~~ and (1g), the department shall submit a plan for the proposed use of those moneys to the secretary of administration by September 1 of the fiscal year after the fiscal year in which those moneys were received. If the secretary of administration approves the plan, he or she shall submit the plan to the joint committee on finance by October 1 of the fiscal year after the fiscal year in which those moneys were received. If the cochairpersons of the committee do not notify the secretary of administration within 14 working days after the date of submittal of the plan that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan only with the approval of the committee.

SECTION 1114. 46.48 (9) of the statutes is created to read:

46.48 (9) **QUALITY HOME CARE PROGRAM.** The department shall distribute at least \$167,000 in each fiscal year as a grant to an organization to provide services to consumers and providers of supportive home care and personal care.

SECTION 1115. 46.48 (11m) (b) of the statutes is amended to read:

46.48 (11m) (b) The department shall award not more than \$83,800 in fiscal year 2005-06 and not more than \$106,400 in fiscal year 2006-07 annually as a grant to an organization or a group of organizations to provide services for female prisoners and offenders from Milwaukee County and their children, if the prisoners or offenders have been convicted of nonviolent crimes.

SECTION 1116e. 46.48 (18) of the statutes is created to read:

46.48 (18) **OUTREACH SERVICES.** The department shall distribute \$84,000 in each fiscal year as grants to community organizations in southeastern and south central Wisconsin to provide outreach services relating to health, mental health, housing, assisted living, domestic violence, and other services.

SECTION 1117. 46.481 (intro.) of the statutes is renumbered 48.481 (intro.) and amended to read:

48.481 Grants for children's community programs. (intro.) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (bc), the department shall distribute the following grants for children's community programs:

SECTION 1118. 46.481 (1) (title) of the statutes is renumbered 48.481 (1) (title).

SECTION 1119. 46.481 (1) (a) of the statutes is renumbered 48.481 (1) (a) and amended to read:

48.481 (1) (a) The department shall distribute \$497,200 in each fiscal year to counties for the purpose of supplementing payments for the care of an individual who attains age 18 after 1986 and who resided in a foster home, as defined in s. 48.02 (6), or a treatment foster home, as defined in s. 48.02 (17q), for at least 2 years immediately prior to attaining age 18 and, for at least 2 years, received exceptional foster care or treatment foster care payments in order to avoid institutionalization, as provided under rules promulgated by the department, so that the individual may live in a family home or other noninstitutional situation after attaining age 18. No county may use funds provided under this paragraph to replace funds previously used by the county for this purpose.

SECTION 1120. 46.481 (1) (b) of the statutes is renumbered 48.481 (1) (b).

SECTION 1121. 46.481 (3) of the statutes is renumbered 48.481 (3).

SECTION 1123. 46.485 (3g) of the statutes is amended to read:

46.485 (3g) The amount that the department may transfer under sub. (2g) for counties may not exceed the estimated state share of payments under s. 49.45, 49.46 or 49.47, or 49.471 for mental health care and treatment that is provided in inpatient facilities for children with severe emotional disturbances.

SECTION 1124. 46.49 (title) of the statutes is amended to read:

46.49 (title) Allocation of federal funds for community aids and child welfare.

SECTION 1125. 46.49 (1) of the statutes is amended to read:

46.49 (1) ~~Subject to s. 46.40 (1) (b) and (c), if~~ If the department receives unanticipated federal community mental health services block grant funds under 42 USC 300x to 300x-9, or federal prevention and treatment of substance abuse block grant funds under 42 USC 300x-21 to 300x-35, or foster care and adoption assistance payments under 42 USC 670 to 679a and ~~it if the~~ department proposes to allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the department may implement the plan, notwithstanding any allocation limits under s. 46.40. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that

the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding s. 46.40, only with the approval of the committee.

SECTION 1125m. 46.495 (1) (d) of the statutes is amended to read:

46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute the funding for social services, including funding for foster care, treatment foster care, or subsidized guardianship care of a child on whose behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for the distribution under s. 46.40 (2) shall be specified in a schedule established annually by the department of health and family services. Each county's required match for the distribution under s. 46.40 (8) for a year equals 9.89% of the total of the county's distributions under s. 46.40 (8) for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its distribution for 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that county's amounts described in s. 46.40 (9) ~~(a)~~ (ar) (intro.) for that year. Matching funds may be from county tax levies, federal and state revenue sharing funds, or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 1126. 46.495 (1) (d) of the statutes, as affected by 2007 Wisconsin Act (this act), is amended to read:

46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute the funding for social services, ~~including funding for foster care, treatment foster care, or subsidized guardianship care of a child on whose behalf aid is received under s. 46.261,~~ to county departments under ss. 46.215, 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for the distribution under s. 46.40 (2) shall be specified in a schedule established annually by the department ~~of health and family services.~~ Each county's required match for the distribution under s. 46.40 (8) for a year equals 9.89% of the total of the county's distributions under s. 46.40 (8) for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c),

1985 stats., to spend for juvenile delinquency-related services from its distribution for 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that county's amounts described in s. 46.40 (9) (ar) (intro.) for that year. Matching funds may be from county tax levies, federal and state revenue sharing funds, or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 1127. 46.51 (title) of the statutes is renumbered 48.986 (title).

SECTION 1128. 46.51 (1) of the statutes is renumbered 48.986 (1) and amended to read:

48.986 (1) From the amounts distributed under s. 46.40 ~~48.563~~ (1) for services for children and families, the department shall distribute funds to eligible counties for services related to child abuse and neglect and to unborn child abuse, including child abuse and neglect and unborn child abuse prevention, investigation, and treatment.

SECTION 1129. 46.51 (3) of the statutes is renumbered 48.986 (3).

SECTION 1130. 46.51 (4) of the statutes is renumbered 48.986 (4).

SECTION 1131. 46.51 (5) of the statutes is renumbered 48.986 (5).

SECTION 1133. 46.515 (title) of the statutes is renumbered 48.983 (title).

SECTION 1134. 46.515 (1) (intro.) of the statutes is renumbered 48.983 (1) (intro.).

SECTION 1135. 46.515 (1) (a) of the statutes is repealed.

SECTION 1136. 46.515 (1) (b) (intro.) of the statutes is renumbered 48.983 (1) (b) (intro.).

SECTION 1137. 46.515 (1) (b) 1. (intro.) of the statutes is renumbered 48.983 (1) (b) 1. (intro.).

SECTION 1138. 46.515 (1) (b) 1. a. of the statutes is renumbered 48.983 (1) (b) 1. a.

SECTION 1139. 46.515 (1) (b) 1. b. of the statutes is renumbered 48.983 (1) (b) 1. b.

SECTION 1140. 46.515 (1) (b) 1. c. of the statutes is renumbered 48.983 (1) (b) 1. c. and amended to read:

48.983 (1) (b) 1. c. A family that includes a person who has contacted a county department, ~~as defined in s. 48.02 (2g),~~ or an Indian tribe that has been awarded a grant under this section or, in a county having a population of 500,000 or more that has been awarded a grant under this section, the department or a licensed child welfare agency under contract with the department requesting assistance to prevent abuse or neglect of a child in the

person's family and with respect to which an individual responding to the request has determined that all of the conditions in subd. 2. exist.

SECTION 1141. 46.515 (1) (b) 2. of the statutes is renumbered 48.983 (1) (b) 2.

SECTION 1142. 46.515 (1) (c) of the statutes is repealed.

SECTION 1143. 46.515 (1) (cm) of the statutes is renumbered 48.983 (1) (cm).

SECTION 1144. 46.515 (1) (d) of the statutes is renumbered 48.983 (1) (d).

SECTION 1145. 46.515 (1) (e) of the statutes is renumbered 48.983 (1) (e).

SECTION 1146. 46.515 (1) (f) of the statutes is renumbered 48.983 (1) (f).

SECTION 1147. 46.515 (1) (g) of the statutes is renumbered 48.983 (1) (g).

SECTION 1148. 46.515 (1) (h) of the statutes is renumbered 48.983 (1) (h).

SECTION 1149. 46.515 (1) (i) of the statutes is renumbered 48.983 (1) (i).

SECTION 1150. 46.515 (1) (j) of the statutes is renumbered 48.983 (1) (j).

SECTION 1151. 46.515 (2) of the statutes is renumbered 48.983 (2) and amended to read:

48.983 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected by the department under sub. (5) to participate in the program under this section, the department shall award, from the appropriation under s. ~~20.435 (5)~~ 20.437 (2) (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and (am). The minimum amount of a grant is \$10,000. The department shall determine the amount of a grant awarded to a county, other than a county with a population of 500,000 or more, or Indian tribe in excess of the minimum amount based on the number of births that are funded by medical assistance under subch. IV of ch. 49 in that county or the reservation of that Indian tribe in proportion to the number of births that are funded by medical assistance under subch. IV of ch. 49 in all of the counties and the reservations of all of the Indian tribes to which grants are awarded under this section. The department shall determine the amount of a grant awarded to a county with a population of 500,000 or more in excess of the minimum amount based on 60% of the number of births that are funded by medical assistance under subch. IV of ch. 49 in that county in proportion to the number of births that are funded by medical assistance under subch. IV of ch. 49 in all of the counties and the reservations of all of the Indian tribes to which grants are awarded under this section.

SECTION 1152. 46.515 (3) of the statutes is renumbered 48.983 (3).

SECTION 1153. 46.515 (4) of the statutes is renumbered 48.983 (4).

SECTION 1154. 46.515 (5) of the statutes is renumbered 48.983 (5) and amended to read:

48.983 (5) SELECTION OF COUNTIES AND INDIAN TRIBES. The department shall provide competitive application procedures for selecting counties and Indian tribes for participation in the program under this section. The department shall establish a method for ranking applicants for selection based on the quality of their applications. In ranking the applications submitted by counties, the department shall give favorable consideration to a county that has indicated under sub. (6) (d) 2. that it is willing to use a portion of any moneys distributed to the county under s. ~~46.45~~ 48.565 (2) (a) to provide case management services to a medical assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member of a family that is a case and that has explained under sub. (6) (d) 2. how the county plans to use that portion of those moneys to promote the provision of those services for the case by using a wraparound process so as to provide those services in a flexible, comprehensive and individualized manner in order to reduce the necessity for court-ordered services. The department shall also provide application requirements and procedures for the renewal of a grant awarded under this section. The application procedures and the renewal application requirements and procedures shall be clear and understandable to the applicants. The department need not promulgate as rules under ch. 227 the application procedures, the renewal application requirements or procedures or the method for ranking applicants established under this subsection.

SECTION 1155. 46.515 (6) (intro.) of the statutes is renumbered 48.983 (6) (intro.).

SECTION 1156. 46.515 (6) (a) of the statutes is renumbered 48.983 (6) (a).

SECTION 1157. 46.515 (6) (b) of the statutes is renumbered 48.983 (6) (b).

SECTION 1158. 46.515 (6) (c) of the statutes is renumbered 48.983 (6) (c).

SECTION 1159. 46.515 (6) (d) (title) of the statutes is renumbered 48.983 (6) (d) (title).

SECTION 1160. 46.515 (6) (d) 1. of the statutes is renumbered 48.983 (6) (d) 1.

SECTION 1161. 46.515 (6) (d) 2. of the statutes is renumbered 48.983 (6) (d) 2. and amended to read:

48.983 (6) (d) 2. The applicant indicates in the grant application whether the applicant is willing to use a portion of any moneys distributed to the applicant under s. ~~46.45~~ 48.565 (2) (a) to provide case management services to a medical assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member of a family that is a case. If the applicant is so willing, the applicant shall explain how the applicant plans to use that portion of those moneys to promote the provision of those services for the case by using a wraparound process so as to provide those services in a flexible, comprehensive and

individualized manner in order to reduce the necessity for court-ordered services.

SECTION 1162. 46.515 (6) (e) of the statutes is renumbered 48.983 (6) (e).

SECTION 1163. 46.515 (6g) of the statutes is renumbered 48.983 (6g).

SECTION 1164. 46.515 (6m) of the statutes is renumbered 48.983 (6m) and amended to read:

48.983 (6m) NOTIFICATION OF PARENT PRIOR TO MAKING ABUSE OR NEGLECT REPORT. If a person who is providing services under a home visitation program under sub. (4) (b) 1. determines that he or she is required or permitted to make a report under s. 48.981 (2) about a child in a family to which the person is providing those services, the person shall, prior to making the report under s. 48.981 (2), make a reasonable effort to notify the child's parent that a report under s. 48.981 (2) will be made and to encourage the parent to contact a county department ~~under s. 46.22 or 46.23~~ to request assistance. The notification requirements under this subsection do not affect the reporting requirements under s. 48.981 (2).

SECTION 1165. 46.515 (6r) of the statutes is renumbered 48.983 (6r).

SECTION 1166. 46.515 (7) of the statutes is renumbered 48.983 (7).

SECTION 1167. 46.515 (8) of the statutes is renumbered 48.983 (8).

SECTION 1167n. 46.54 of the statutes is amended to read:

46.54 Consumer and family self-help and peer-support programs. From the appropriation under s. 20.435 (7) (md), the department ~~may not shall~~ distribute ~~more than~~ \$874,000 in each fiscal year to increase support for mental health family support projects, employment projects operated by consumers of mental health services, mental health crisis intervention and drop-in projects, and public mental health information activities.

SECTION 1168. 46.75 (title) of the statutes is renumbered 49.171 (title).

SECTION 1169. 46.75 (1) of the statutes is renumbered 49.171 (1).

SECTION 1170. 46.75 (2) (title) of the statutes is renumbered 49.171 (2) (title).

SECTION 1171. 46.75 (2) (a) of the statutes is renumbered 49.171 (2) (a) and amended to read:

49.171 (2) (a) From the appropriation under s. ~~20.435~~ ~~(5)~~ 20.437 (2) (dn), the department shall award grants to agencies to operate food distribution programs that qualify for participation in the emergency food assistance program under P.L. 98-8, as amended.

SECTION 1172. 46.75 (2) (b) of the statutes is renumbered 49.171 (2) (b).

SECTION 1173. 46.75 (3) of the statutes is renumbered 49.171 (3).

SECTION 1174. 46.76 (intro.) of the statutes is renumbered 49.172 (intro.).

SECTION 1175. 46.76 (1) of the statutes is renumbered 49.172 (1).

SECTION 1176. 46.76 (2) of the statutes is renumbered 49.172 (2).

SECTION 1176d. 46.76 (4) of the statutes is renumbered 49.172 (4).

SECTION 1176f. 46.76 (5) of the statutes is renumbered 49.172 (5).

SECTION 1179. 46.766 of the statutes is repealed.

SECTION 1180. 46.77 of the statutes is renumbered 49.1715 and amended to read:

49.1715 Food distribution administration. From the appropriation under s. ~~20.435 (5)~~ 20.437 (2) (dn), the department shall allocate funds to eligible recipient agencies, as defined in the emergency food assistance act, P.L. 98-8, section 201A, as amended, for the storage, transportation, and distribution of commodities provided under the hunger prevention act of 1988, P.L. 100-435, as amended.

SECTION 1181. 46.95 (title) of the statutes is renumbered 49.165 (title).

SECTION 1182. 46.95 (1) of the statutes is renumbered 49.165 (1).

SECTION 1183. 46.95 (2) (title) of the statutes is renumbered 49.165 (2) (title).

SECTION 1185. 46.95 (2) (a) of the statutes is renumbered 49.165 (2) (a) and amended to read:

49.165 (2) (a) The secretary shall make grants from the ~~appropriations~~ appropriation accounts under s. ~~20.435 (3)~~ 20.437 (1) (cd) and (hh) to organizations for the provision of any of the services specified in sub. (1) (d). Grants may be made to organizations which have provided those domestic abuse services in the past or to organizations which propose to provide those services in the future. No grant may be made to fund services for child or unborn child abuse or abuse of elderly persons.

SECTION 1186. 46.95 (2) (b) of the statutes is renumbered 49.165 (2) (b).

SECTION 1187. 46.95 (2) (c) of the statutes is renumbered 49.165 (2) (c).

SECTION 1188. 46.95 (2) (d) of the statutes is renumbered 49.165 (2) (d).

SECTION 1189. 46.95 (2) (e) of the statutes is renumbered 49.165 (2) (e).

SECTION 1190. 46.95 (2) (f) (intro.) of the statutes is renumbered 49.165 (2) (f) (intro.) and amended to read:

49.165 (2) (f) (intro.) From the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cd) and (hh), the department shall do all of the following:

SECTION 1191. 46.95 (2) (f) 1. of the statutes is renumbered 49.165 (2) (f) 1.

SECTION 1192. 46.95 (2) (f) 5. of the statutes is renumbered 49.165 (2) (f) 5.

SECTION 1193. 46.95 (2) (f) 6. of the statutes is renumbered 49.165 (2) (f) 6.

SECTION 1194. 46.95 (2) (f) 7. of the statutes is renumbered 49.165 (2) (f) 7.

SECTION 1195. 46.95 (2) (f) 8. of the statutes is renumbered 49.165 (2) (f) 8.

SECTION 1196. 46.95 (2) (f) 9. of the statutes is renumbered 49.165 (2) (f) 9.

SECTION 1197. 46.95 (2) (f) 10. of the statutes is renumbered 49.165 (2) (f) 10.

SECTION 1198. 46.95 (2m) of the statutes is renumbered 49.165 (2m).

SECTION 1199. 46.95 (3) of the statutes is renumbered 49.165 (3).

SECTION 1200. 46.95 (4) of the statutes is renumbered 49.165 (4).

SECTION 1201. 46.976 of the statutes is repealed.

SECTION 1202. 46.985 (2) (a) 2. of the statutes is repealed.

SECTION 1203. 46.985 (2) (f) of the statutes is created to read:

46.985 (2) (f) Establish criteria for priority of services that take into account urgency of need, statewide consistency, developmental impact on eligible children, and other factors, so as to ensure that available funds are used consistently and effectively.

SECTION 1204. 46.99 (title) of the statutes is renumbered 48.545 (title).

SECTION 1205. 46.99 (1) of the statutes is renumbered 48.545 (1).

SECTION 1206. 46.99 (2) (title) of the statutes is renumbered 48.545 (2) (title).

SECTION 1207. 46.99 (2) (a) (intro.) of the statutes is renumbered 48.545 (2) (a) (intro.) and amended to read:

48.545 (2) (a) (intro.) From the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (eg) and (nL), the department shall distribute \$2,125,200 in each fiscal year to applying nonprofit corporations and public agencies operating in a county having a population of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county having a population of 500,000 or more to provide programs to accomplish all of the following:

SECTION 1208. 46.99 (2) (a) 1. of the statutes is renumbered 48.545 (2) (a) 1.

SECTION 1209. 46.99 (2) (a) 2. of the statutes is renumbered 48.545 (2) (a) 2.

SECTION 1210. 46.99 (2) (a) 3. of the statutes is renumbered 48.545 (2) (a) 3.

SECTION 1211. 46.99 (2) (a) 4. of the statutes is renumbered 48.545 (2) (a) 4.

SECTION 1212. 46.99 (2) (a) 5. of the statutes is renumbered 48.545 (2) (a) 5.

SECTION 1213. 46.99 (2) (b) of the statutes is renumbered 48.545 (2) (b).

SECTION 1214. 46.99 (3) of the statutes is renumbered 48.545 (3).

SECTION 1215. 46.995 (title) of the statutes is renumbered 48.487 (title).

SECTION 1216. 46.995 (1m) of the statutes is renumbered 48.487 (1m) and amended to read:

48.487 (1m) **TRIBAL ADOLESCENT SERVICES ALLOCATION.** From the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (eg), the department may allocate \$210,000 in each fiscal year to provide the grants specified in subs. (2), (3) (b), and (4m) (b).

SECTION 1217. 46.995 (2) of the statutes is renumbered 48.487 (2).

SECTION 1218. 46.995 (3) of the statutes is renumbered 48.487 (3).

SECTION 1219. 46.995 (4m) of the statutes is renumbered 48.487 (4m).

SECTION 1220. 46.997 (title) of the statutes is renumbered 48.647 (title).

SECTION 1221. 46.997 (1) of the statutes is renumbered 48.647 (1).

SECTION 1222. 46.997 (2) (title) of the statutes is renumbered 48.647 (2) (title).

SECTION 1223. 46.997 (2) (a) of the statutes is renumbered 48.647 (2) (a) and amended to read:

48.647 (2) (a) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (f), the department shall distribute not more than \$0 in each fiscal year as grants to private agencies to provide 2nd-chance homes and related services to eligible persons who are placed under s. 48.63 (5) in 2nd-chance homes operated by those private agencies. A private agency that is awarded a grant under this paragraph may use the amount awarded under the grant to provide care and maintenance to eligible persons who are placed under s. 48.63 (5) in a 2nd-chance home operated by the private agency; provide services, including the services specified in sub. (3), to eligible persons who currently are or formerly were placed under s. 48.63 (5) in the 2nd-chance home, to the children and families of those eligible persons, and to the noncustodial parents of the children of those eligible persons; and, in the first year of the grant period, pay for the start-up costs, other than capital costs, of the private agency's program funded under this paragraph.

SECTION 1224. 46.997 (2) (b) of the statutes is renumbered 48.647 (2) (b) and amended to read:

48.647 (2) (b) The department of ~~health and family services~~ shall award the grants under par. (a) on a competitive basis and according to request-for-proposal procedures that the department of ~~health and family services~~ shall prescribe in consultation with the ~~department of workforce development~~, local health departments, as defined in s. 250.01 (4), and other providers of services to eligible persons. Those request-for-proposal procedures shall include a requirement that a private agency that applies for a grant under par. (a) include in its grant

application proof that the private agency has the cultural competency to provide services under the grant to persons and families in the various cultures in the private agency's target population and that cultural competency is incorporated in the private agency's policies, administration, and practices. In awarding the grants under par. (a), the department of ~~health and family services~~ shall consider the need for those grants to be distributed both on a statewide basis and in the areas of the state with the greatest need for 2nd-chance homes and the need to provide placements for children who are voluntarily placed in a 2nd-chance home as well as for children who are placed in a 2nd-chance home by court order.

SECTION 1225. 46.997 (2) (c) of the statutes is renumbered 48.647 (2) (c).

SECTION 1226. 46.997 (2) (d) of the statutes is renumbered 48.647 (2) (d).

SECTION 1227. 46.997 (2) (e) of the statutes is renumbered 48.647 (2) (e).

SECTION 1228. 46.997 (3) of the statutes is renumbered 48.647 (3).

SECTION 1229. 46.997 (4) of the statutes is renumbered 48.647 (4) and amended to read:

48.647 (4) **EVALUATION.** From the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (f), the department shall conduct or shall select an evaluator to conduct an evaluation of the grant program under this section and, by June 1 of the 3rd calendar year beginning after the year in which the first grant under this section is awarded, shall submit a report on that evaluation to the governor and to the appropriate standing committees under s. 13.172 (3). The evaluation shall measure the economic self-sufficiency, parenting skills, independent living skills, and life choice decision-making skills of the eligible persons who received services under the program and any other criteria that the department determines to be appropriate for evaluation.

SECTION 1230. 48.01 (1) (h) of the statutes is created to read:

48.01 (1) (h) To provide a just and humane program of services to nonmarital children, children and unborn children in need of protection or services, and the expectant mothers of those unborn children; to avoid duplication and waste of effort and money on the part of public and private agencies; and to coordinate and integrate a program of services to children and families.

SECTION 1231. 48.02 (4) of the statutes is amended to read:

48.02 (4) "Department" means the department of ~~health and family services~~ children and families.

SECTION 1232. 48.02 (16) of the statutes is created to read:

48.02 (16) "Secretary" means the secretary of children and families.

SECTION 1233. 48.06 (4) of the statutes is amended to read:

48.06 (4) STATE AID. State aid to any county for court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. 46.495 ~~48.569~~. Counties having a population of less than 500,000 may use funds received under s. 46.495 ~~48.569~~ (1) (d), including county or federal revenue sharing funds allocated to match funds received under s. 46.495 ~~48.569~~ (1) (d), for the cost of providing court attached intake services in amounts not to exceed 50% of the cost of providing court attached intake services or \$30,000 per county per calendar year, whichever is less.

SECTION 1234. 48.21 (5) (b) 1. of the statutes is renumbered 48.21 (5) (b) 1. a. and amended to read:

48.21 (5) (b) 1. a. A finding that continued placement of the child in his or her home would be contrary to the welfare of the child. ~~Unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, the order shall in addition include a~~

b. A finding as to whether the person who took the child into custody and the intake worker have made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, and a ~~unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~

c. A finding as to whether the person who took the child into custody and the intake worker have made reasonable efforts to make it possible for the child to return safely home or, if,

1m. If for good cause shown sufficient information is not available for the judge or circuit court commissioner to make a finding as to whether those reasonable efforts were made to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, a finding as to whether those reasonable efforts were made to make it possible for the child to return safely home and an order for the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child under the custody order to file with the court sufficient information for the judge or circuit court commissioner to make a finding as to whether those reasonable efforts were made to prevent the removal of the child from the home by no later than 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of on which the order is granted.

SECTION 1235. 48.21 (5) (b) 1. d. of the statutes is created to read:

48.21 (5) (b) 1. d. If the child is under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an order ordering the child into the placement and care responsibility of the county department or department as required under

42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.

SECTION 1236. 48.21 (5) (c) of the statutes is amended to read:

48.21 (5) (c) The judge or circuit court commissioner shall make the findings specified in par. (b) 1., 1m., and 3. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the custody order. A custody order that merely references par. (b) 1., 1m., or 3. without documenting or referencing that specific information in the custody order or an amended custody order that retroactively corrects an earlier custody order that does not comply with this paragraph is not sufficient to comply with this paragraph.

SECTION 1237. 48.235 (4) (b) of the statutes is amended to read:

48.235 (4) (b) The court shall order the agency identified under s. ~~48.355 (2) (b) 1.~~ 48.33 (1) (c) as primarily responsible for the provision of services to notify the guardian ad litem, if any, regarding actions to be taken under par. (a).

SECTION 1238. 48.235 (4m) (b) of the statutes is amended to read:

48.235 (4m) (b) The court shall order the agency identified under s. ~~48.355 (2) (b) 1.~~ 48.33 (1) (c) as primarily responsible for the provision of services to notify the guardian ad litem, if any, regarding actions to be taken under par. (a).

SECTION 1239. 48.275 (2) (d) 2. of the statutes is amended to read:

48.275 (2) (d) 2. In a county having a population of 500,000 or more, reimbursement payments shall be made to the clerk of courts of the county where the proceedings took place. Each payment shall be transmitted to the secretary of administration, who shall deposit the amount paid in the general fund and credit 25% of the amount paid to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (gx) and the remainder to the appropriation account under s. 20.550 (1) (L).

SECTION 1240. 48.30 (6) (b) of the statutes is amended to read:

48.30 (6) (b) If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts, and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts, and living expenses a document setting forth the percentage standard established by the department ~~of workforce development~~ under s. 49.22 (9) and the manner of its application established by the depart-

ment of health and family services under s. ~~46.247~~ 49.345 (14) (g) and listing the factors that a court may consider under s. ~~46.10~~ 49.345 (14) (c).

SECTION 1241. 48.31 (7) (b) of the statutes is amended to read:

48.31 (7) (b) If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts, and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts, and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. ~~46.247~~ 49.345 (14) (g) and listing the factors that a court may consider under s. ~~46.10~~ 49.345 (14) (c).

SECTION 1242. 48.315 (2m) (a) 1. of the statutes is amended to read:

48.315 (2m) (a) 1. The court making an initial finding under s. 48.21 (5) (b) 1. or 1m., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, or an initial finding under s. 48.21 (5) (b) 3., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required to be made because a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more than 60 days after the date on which the child was removed from the home.

SECTION 1243. 48.32 (1) (b) 1. of the statutes is renumbered 48.32 (1) (b) 1. (intro.) and amended to read:

48.32 (1) (b) 1. (intro.) If at the time the consent decree is entered into the child is placed outside the home under a voluntary agreement under s. 48.63 or is otherwise living outside the home without a court order and if the consent decree maintains the child in that placement or other living arrangement, the consent decree shall include ~~a~~ all of the following:

a. A finding that placement of the child in his or her home would be contrary to the welfare of the child, ~~a.~~

b. A finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, ~~and a.~~

c. A finding as to whether the county department, department, or agency has made reasonable efforts to

achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

SECTION 1244. 48.32 (1) (b) 1. d. of the statutes is created to read:

48.32 (1) (b) 1. d. If the child's placement or other living arrangement is under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an order ordering the child into the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.

SECTION 1245. 48.33 (4m) (intro.) of the statutes is amended to read:

48.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In making a recommendation for an amount of child support under sub. (4), the agency shall consider the factors that the court considers under s. ~~46.10~~ 49.345 (14) (c) for deviation from the percentage standard. Prior to the dispositional hearing under s. 48.335, the agency shall provide the child's parent with all of the following:

SECTION 1246. 48.33 (4m) (b) of the statutes is amended to read:

48.33 (4m) (b) A written explanation of how the parent may request that the court modify the amount of child support under s. ~~46.10~~ 49.345 (14) (c).

SECTION 1247. 48.335 (3g) of the statutes is renumbered 48.335 (3g) (intro.) and amended to read:

48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent, the agency shall present as evidence specific information showing that all of the following:

(a) That continued placement of the child in his or her home would be contrary to the welfare of the child, ~~specific information showing that.~~

(b) That the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, ~~and specific information showing that.~~

(c) That the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and any of

the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

SECTION 1248. 48.355 (2) (b) 1. of the statutes is amended to read:

48.355 (2) (b) 1. The specific services ~~or continuum of services~~ to be provided to the child and family, to the child expectant mother and family, or to the adult expectant mother, ~~the identity of the agencies which are to be primarily responsible for the provision of the services ordered by the judge, the identity of the person or agency who will provide case management or coordination of services, if any, and, if custody of the child is to be transferred to effect the treatment plan, the identity of the legal custodian.~~

SECTION 1249. 48.355 (2) (b) 6g. of the statutes is created to read:

48.355 (2) (b) 6g. If the child is placed outside the home under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an order ordering the child into the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.

SECTION 1250. 48.357 (1) (am) 3. of the statutes is amended to read:

48.357 (1) (am) 3. If the court changes the child's placement from a placement outside the home to another placement outside the home, the change in placement order shall contain ~~one of the statements~~ the applicable order specified in sub. (2v) (a) 1m. and the applicable statement specified in sub. (2v) (a) 2.

SECTION 1251. 48.357 (1) (c) 3. of the statutes is amended to read:

48.357 (1) (c) 3. If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the change in placement order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements~~ the applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination specified in sub. (2v) (a) 3.

SECTION 1252. 48.357 (2m) (c) of the statutes is amended to read:

48.357 (2m) (c) If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the change in placement order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements~~ the applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination specified in sub. (2v) (a) 3. If the court changes the child's

placement from a placement outside the home to another placement outside the home, the change in placement order shall contain the applicable order specified in sub. (2v) (a) 1m. and the applicable statement specified in sub. (2v) (a) 2.

SECTION 1253. 48.357 (2v) (a) 1m. of the statutes is created to read:

48.357 (2v) (a) 1m. If the change in placement order changes the placement of a child who is under the supervision of the county department or, in a county having a population of 500,000 or more, the department to a placement outside the child's home, whether from a placement in the home or from another placement outside the home, an order ordering the child into, or to be continued in, the placement and care responsibility of the county department or department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility, or continued primary responsibility, for providing services to the child.

SECTION 1254. 48.357 (5m) (a) of the statutes is amended to read:

48.357 (5m) (a) If a proposed change in placement changes a child's placement from a placement in the child's home to a placement outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts, and living expenses a document setting forth the percentage standard established by the department ~~of workforce development~~ under s. 49.22 (9) and the manner of its application established by the department ~~of health and family services~~ under s. 46.247 49.345 (14) (g) and listing the factors that a court may consider under s. 46.10 49.345 (14) (c). If the child is placed outside the child's home, the court shall determine the liability of the parent in the manner provided in s. 46.10 49.345 (14).

SECTION 1255. 48.36 (1) (a) of the statutes is amended to read:

48.36 (1) (a) If legal custody is transferred from the parent or guardian or the court otherwise designates an alternative placement for the child by a disposition made under s. 48.345 or by a change in placement under s. 48.357, the duty of the parent or guardian or, in the case of a transfer of guardianship and custody under s. 48.839 (4), the duty of the former guardian to provide support shall continue even though the legal custodian or the placement designee may provide the support. A copy of the order transferring custody or designating alternative placement for the child shall be submitted to the agency or person receiving custody or placement and the agency or person may apply to the court for an order to compel the parent or guardian to provide the support. Support

payments for residential services, when purchased or otherwise funded or provided by the department or a county department ~~under s. 46.22, 46.23, 51.42 or 51.437, shall be determined under s. 46.10 49.345 (14).~~ Support payments for residential services, when purchased or otherwise funded by the department of health and family services or a county department under s. 51.42 or 51.437, shall be determined under s. 46.10 (14).

SECTION 1256. 48.36 (1) (b) of the statutes is amended to read:

48.36 (1) (b) In determining the amount of support under par. (a), the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported under s. 49.22 (2m) to the department of ~~workforce development~~ or the county child support agency under s. 59.53 (5). If the court has insufficient information with which to determine the amount of support, the court shall order the child's parent to furnish a statement of income, assets, debts, and living expenses, if the parent has not already done so, to the court within 10 days after the court's order transferring custody or designating an alternative placement is entered or at such other time as ordered by the court.

SECTION 1257. 48.36 (2) of the statutes is amended to read:

48.36 (2) If an expectant mother or a child whose legal custody has not been taken from a parent or guardian is given educational and social services, or medical, psychological or psychiatric treatment by order of the court, the cost of those services or that treatment, if ordered by the court, shall be a charge upon the county in a county having a population of less than 500,000 or the department in a county having a population of 500,000 or more. This section does not prevent recovery of reasonable contribution toward the costs from the parent or guardian of the child or from an adult expectant mother as the court may order based on the ability of the parent, guardian or adult expectant mother to pay. This subsection shall be subject to s. ~~46.03 (18) 49.32 (1).~~

SECTION 1258. 48.361 (2) (c) of the statutes is amended to read:

48.361 (2) (c) Payment for alcohol and other drug abuse services by a county department under this section does not prohibit the county department from contracting with another county department or approved treatment facility for the provision of alcohol and other drug abuse services. Payment by the county under this section does not prevent recovery of reasonable contribution toward the costs of the court-ordered alcohol and other drug abuse services from the parent or adult expectant mother which is based upon the ability of the parent or adult expectant mother to pay. This subsection is subject to s. ~~46.03 (18) 49.32 (1).~~

SECTION 1259. 48.362 (4) (c) of the statutes is amended to read:

48.362 (4) (c) A county department that pays for court-ordered special treatment or care under par. (a) may recover from the parent or adult expectant mother, based on the ability of the parent or adult expectant mother to pay, a reasonable contribution toward the costs of the court-ordered special treatment or care. This paragraph is subject to s. ~~46.03 (18) 49.32 (1).~~

SECTION 1260. 48.363 (1) (c) of the statutes is amended to read:

48.363 (1) (c) If the proposed revision is for a change in the amount of child support to be paid by a parent, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court and the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts, and living expenses a document setting forth the percentage standard established by the department of ~~workforce development~~ under s. 49.22 (9) and the manner of its application established by the department of ~~health and family services~~ under s. ~~46.247 49.345 (14) (g)~~ and listing the factors that a court may consider under s. ~~46.10 49.345 (14) (c).~~

SECTION 1261. 48.363 (2) of the statutes is amended to read:

48.363 (2) If the court revises a dispositional order with respect to the amount of child support to be paid by a parent for the care and maintenance of the parent's minor child who has been placed by a court order under this chapter in a residential, nonmedical facility, the court shall determine the liability of the parent in the manner provided in s. ~~46.10 49.345 (14).~~

SECTION 1262. 48.38 (2) (intro.) of the statutes is amended to read:

48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, treatment foster home, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) ~~6g~~, shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

SECTION 1263. 48.417 (2) (c) of the statutes is amended to read:

48.417 (2) (c) The agency primarily responsible for providing services to the ~~child and the family~~ under a court order, if required under s. 48.355 (2) (b) 6. to make reasonable efforts to make it possible for the child to return safely to his or her home, has not provided to the family of the child, consistent with the time period in the

child's permanency plan, the services necessary for the safe return of the child to his or her home.

SECTION 1264. 48.425 (1) (c) of the statutes is amended to read:

48.425 (1) (c) If the child has been previously adjudicated to be in need of protection and services, a statement of the steps the agency or person responsible for provision of services has taken to remedy the conditions responsible for court intervention and the parent's response to and cooperation with these services. If the child has been removed from the home, the report ~~should~~ shall also include a statement of the reasons why the child cannot be returned safely to the family, and the steps the person or agency has taken to effect this return. If a permanency plan has previously been prepared for the child, the report shall also include specific information showing that the agency primarily responsible for providing services to the child has made reasonable efforts to achieve the goal of the child's permanency plan.

SECTION 1265. 48.43 (1) (am) of the statutes is created to read:

48.43 (1) (am) If the department or a county department receives guardianship or custody of the child under par. (a), an order ordering the child into the placement and care responsibility of the department or county department as required under 42 USC 672 (a) (2) and assigning the department or county department primary responsibility for providing services to the child.

SECTION 1266. 48.43 (1) (cm) of the statutes is created to read:

48.43 (1) (cm) If a permanency plan has previously been prepared for the child, a finding as to whether the agency primarily responsible for providing services to the child has made reasonable efforts to achieve the goal of the child's permanency plan. The court shall make the findings specified in this paragraph on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the order. An order that merely references this paragraph without documenting or referencing that specific information in the order or an amended order that retroactively corrects an earlier order that does not comply with this paragraph is not sufficient to comply with this paragraph.

SECTION 1267. Subchapter XI (title) of chapter 48 [precedes 48.468] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XI

PURPOSE, DUTIES, AND AUTHORITY OF DEPARTMENT

SECTION 1267g. 48.468 of the statutes is created to read:

48.468 Purpose of department. The purpose of the department is to focus on integrating the child welfare, child care, and child support services provided in this state and the services provided under the Wisconsin

Works program and on increasing collaboration and efficiency in providing those services.

SECTION 1268. 48.47 (intro.) of the statutes is created to read:

48.47 Duties of department. (intro.) The department shall do all of the following:

SECTION 1269. 48.47 (3) of the statutes is created to read:

48.47 (3) TRUSTEE DUTY. When ordered by the court, act as trustee of funds paid for the support of any child if appointed by the court or a circuit court commissioner under s. 767.82 (7).

SECTION 1270. 48.47 (4) of the statutes is created to read:

48.47 (4) EDUCATION AND PREVENTION. Develop and maintain education and prevention programs that the department considers to be proper.

SECTION 1271. 48.47 (7) (title) of the statutes is created to read:

48.47 (7) (title) CHILDREN AND YOUTH.

SECTION 1272. 48.48 (2b) of the statutes is created to read:

48.48 (2b) To accept gifts, grants, or donations of money or of property from private sources to be administered by the department for the execution of its functions. All moneys so received shall be paid into the general fund and may be appropriated from that fund as provided in s. 20.437 (1) (i).

SECTION 1273. 48.48 (4) of the statutes is created to read:

48.48 (4) In order to discharge more effectively its responsibilities under this chapter and other relevant provisions of the statutes, to study causes and methods of prevention and treatment of problems among children and families and related social problems. The department may utilize all powers provided by the statutes, including the authority to accept grants of money or property from federal, state, or private sources, and enlist the cooperation of other appropriate agencies and state departments.

SECTION 1274. 48.48 (12) (a) of the statutes is amended to read:

48.48 (12) (a) To enter into an agreement to assist in the cost of care of a child after legal adoption when the department has determined that such assistance is necessary to assure the child's adoption. Agreements under this paragraph shall be made in accordance with s. 48.975. Payments shall be made from the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (dd).

SECTION 1275. 48.48 (17) (am) of the statutes is created to read:

48.48 (17) (am) The requirement of statewide uniformity with respect to the organization and governance of human services does not apply to the administration of child welfare services under par. (a).

SECTION 1276. 48.48 (17) (c) (intro.) of the statutes is amended to read:

48.48 (17) (c) (intro.) From the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cx), (gx), (kw), and (mx), the department may provide funding for the maintenance of any child who meets all of the following criteria:

SECTION 1277. 48.48 (17) (c) 3. of the statutes is amended to read:

48.48 (17) (c) 3. Received funding under s. 20.437 (1) (cx) or 48.569 (1) (d) or under s. 20.435 (3) (cx), 2005 stats., or 46.495 (1) (d), 2005 stats., immediately prior to his or her 18th birthday.

SECTION 1278. 48.48 (17) (d) of the statutes is amended to read:

48.48 (17) (d) The funding provided for the maintenance of a child under par. (c) shall be in an amount equal to that which the child would receive under s. ~~20.435 (3)~~ 20.437 (1) (cx), (gx), (kw), and (mx) or 46.495 48.569 (1) (d) if the child were 17 years of age.

SECTION 1279. 48.48 (18) of the statutes is created to read:

48.48 (18) To contract with public or voluntary agencies or others for the following purposes:

(a) To purchase in full or in part care and services that the department is authorized by any statute to provide as an alternative to providing that care and those services itself.

(b) To purchase or provide in full or in part the care and services that county agencies may provide or purchase under any statute and to sell to county agencies such portions of that care and those services as the county agency may desire to purchase.

(d) To sell services, under contract, that the department is authorized to provide by statute, to any federally recognized tribal governing body.

SECTION 1283. 48.547 (2) of the statutes is amended to read:

48.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the program, the department shall select counties to participate in the program. Unless a county department of human services has been established under s. 46.23 in the county that is seeking to implement a program, the application submitted to the department shall be a joint application by the county department that provides social services and the county department established under s. 51.42 or 51.437. The department shall select counties in accordance with the request for proposal procedures established by the department. The department shall give a preference to county applications that include a plan for case management.

SECTION 1284g. 48.55 (1) of the statutes is amended to read:

48.55 (1) The department shall establish a state adoption information exchange for the purpose of finding

adoptive homes for children with special needs who do not have permanent homes and a state adoption center for the purposes of increasing public knowledge of adoption and promoting to adolescents and pregnant women the availability of adoption services. From the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (dg), the department may provide not more than \$163,700 in fiscal year 2001-02 and not more than \$171,300 in each fiscal year thereafter as grants to individuals and private agencies to provide adoption information exchange services and to operate the state adoption center.

SECTION 1285. 48.561 (3) (a) 1. of the statutes is amended to read:

48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the ~~amount~~ amounts distributed to that county under s. ~~ss.~~ 46.40 (2) and 48.563 (2) in each state fiscal year.

SECTION 1286. 48.561 (3) (b) of the statutes is amended to read:

48.561 (3) (b) The department of administration shall collect the amount specified in par. (a) 3. from a county having a population of 500,000 or more by deducting all or part of that amount from any state payment due that county under s. 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration shall notify the department of revenue, by September 15 of each year, of the amount to be deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration shall credit all amounts collected under this paragraph to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (kw) and shall notify the county from which those amounts are collected of that collection. The department may not expend any moneys from the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (cx) for providing services to children and families under s. 48.48 (17) until the amounts in the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (kw) are exhausted.

SECTION 1287. 48.563 of the statutes is created to read:

48.563 Children and family aids funding. (1) DISTRIBUTION LIMITS. (a) Within the limits of available federal funds and of the appropriations under s. 20.437 (1) (b) and (o), the department shall distribute funds for children and family services to county departments as provided in subs. (2), (3), and (7m) and s. 48.986.

(d) If the department receives from the department of health and family services under s. 46.40 (1) (d) any federal moneys under 42 USC 1396 to 1396v in reimbursement of the cost of preventing out-of-home placements of children, the department shall use those moneys as the first source of moneys used to meet the amount of the allocation under sub. (2) that is budgeted from federal funds.

(2) BASIC COUNTY ALLOCATION. For children and family services under s. 48.569 (1) (d), the department

shall distribute not more than \$67,452,000 in each fiscal year.

(14m) COUNTY CHILDREN AND FAMILY AIDS BUDGETS. Before December 1 of each year, each county department and each tribal governing body shall submit to the department a proposed budget for the expenditure of funds allocated under this section, distributed under s. 48.565 (2) (a), or carried forward under s. 48.565 (3). The proposed budget shall be submitted on a form developed by the department and approved by the department of administration.

SECTION 1288. 48.565 of the statutes is created to read:

48.565 Carry-over of children and family aids funds. Funds allocated by the department under s. 48.569 (1) (d) but not spent or encumbered by counties, governing bodies of federally recognized American Indian tribes, or private nonprofit organizations by December 31 of each year and funds recovered under s. 48.569 (2) (b) and deposited into the appropriation account under s. 20.437 (1) (b) lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year under s. 20.437 (1) (b) or as follows:

(3) At the request of a county, tribal governing body, or private nonprofit organization, the department shall carry forward up to 3 percent of the total amount allocated to the county, tribal governing body, or nonprofit organization for a calendar year. All funds carried forward for a tribal governing body or nonprofit organization and all federal child welfare funds under 42 USC 620 to 626 carried forward for a county shall be used for the purpose for which the funds were originally allocated. Other funds carried forward under this subsection may be used for any purpose under s. 20.437 (1) (b), except that a county may not use any funds carried forward under this subsection for administrative or staff costs. An allocation of carried-forward funding under this subsection does not affect a county's base allocation under s. 48.563 (2).

(6) The department may carry forward 10 percent of any funds specified in sub. (3) that are not carried forward under sub. (3) for emergencies, for justifiable unit services costs above planned levels, and for increased costs due to population shifts. An allocation of carried-forward funding under this subsection does not affect a county's base allocation under s. 48.563 (2).

SECTION 1289. 48.567 of the statutes is created to read:

48.567 Expenditure of income augmentation services receipts. **(1)** From the appropriation account under s. 20.437 (3) (mp), the department shall support costs that are exclusively related to the ongoing and recurring operational costs of augmenting the amount of moneys received under 42 USC 670 to 679a and to any other purpose provided for by the legislature by law or in budget determinations. In addition, the department may expend

moneys from the appropriation account under s. 20.437 (3) (mp) as provided in subs. (1m) and (2).

(2) If the department proposes to use any moneys from the appropriation account under s. 20.437 (3) (mp) for any purpose other than the purposes specified in subs. (1) and (1m), the department shall submit a plan for the proposed use of those moneys to the secretary of administration by September 1 of the fiscal year after the fiscal year in which those moneys were received. If the secretary of administration approves the plan, he or she shall submit the plan to the joint committee on finance by October 1 of the fiscal year after the fiscal year in which those moneys were received. If the cochairpersons of the committee do not notify the secretary of administration within 14 working days after the date of submittal of the plan that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan only with the approval of the committee.

SECTION 1290. 48.568 of the statutes is created to read:

48.568 Allocation of federal funds for children and family aids and child welfare. Subject to s. 48.563 (1) (b) and (c), if the department receives unanticipated federal foster care and adoption assistance payments under 42 USC 670 to 679a and it proposes to allocate the unanticipated funds so that an allocation limit in s. 48.563 is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the department may implement the plan, notwithstanding any allocation limits under s. 48.563. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding s. 48.563, only with the approval of the committee.

SECTION 1291. 48.569 of the statutes is created to read:

48.569 Distribution of children and family aids funds to counties. **(1) (am)** The department shall reimburse each county from the appropriations under s. 20.437 (1) (b) and (o) for children and family services as approved by the department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

(d) From the appropriations under s. 20.437 (1) (b) and (o), the department shall distribute the funding for children and family services, including funding for foster care, treatment foster care, or subsidized guardianship care of a child on whose behalf aid is received under s. 48.645 to county departments as provided under s. 48.563. County matching funds are required for the distribution under s. 48.563 (2). Each county's required match for the distribution under s. 48.563 (2) shall be specified in a schedule established annually by the department. Matching funds may be from county tax levies, federal and state revenue sharing funds, or private donations to the county that meet the requirements specified in sub. (1m). Private donations may not exceed 25 percent of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

(dc) The department shall prorate the amount allocated to any county department under par. (d) to reflect actual federal funds available.

(f) 1. If any state matching funds allocated under par. (d) to match county funds are not claimed, the funds shall be redistributed for the purposes the department designates.

2. The county allocation to match aid increases shall be included in the contract under s. 49.325 (2g), and approved by January 1 of the year for which funds are allocated, in order to generate state aid matching funds. All funds allocated under par. (d) shall be included in the contract under s. 49.325 (2g) and approved.

(1m) (a) A private donation to a county may be used to match the state grant-in-aid under sub. (1) (d) only if the donation is both of the following:

1. Donated to a county department and the donation is under the administrative control of that county department.

2. Donated without restrictions as to use, unless the restrictions specify that the donation be used for a particular service and the donor neither sponsors nor operates the service.

(b) Voluntary federated fund-raising organizations are not sponsors or operators of services within the meaning of par. (a) 2. Any member agency of such an organization that sponsors or operates services is considered to be an autonomous entity separate from the organization unless the board membership of the organization and the agency interlock.

(2) (a) The county treasurer and each director of a county department shall monthly certify under oath to the department, in the manner the department prescribes, the claim of the county for state reimbursement under this section, and if the department approves the claim it shall certify to the department of administration for reimburse-

ment to the county for amounts due under this section and payment claimed to be made to the counties monthly. The department may make advance payments prior to the beginning of each month equal to one-twelfth of the contracted amount.

(b) To facilitate prompt reimbursement, the certificate of the department may be based on the certified statements of the county officers filed under par. (a). Funds recovered from audit adjustments from a prior fiscal year may be included in subsequent certifications only to pay counties owed funds as a result of any audit adjustment. By September 30 of each year the department shall submit a report to the appropriate standing committees under s. 13.172 (3) on funds recovered and paid out during the previous calendar year as a result of audit adjustments.

SECTION 1292. 48.57 (1) (g) of the statutes is amended to read:

48.57 **(1)** (g) Upon request of the department of ~~health and family services~~ or the department of corrections, to provide service for any child or expectant mother of an unborn child in the care of those departments.

SECTION 1293. 48.57 (3) (a) 3. (intro.) of the statutes is amended to read:

48.57 **(3)** (a) 3. (intro.) Received funding under s. 48.569 (1) (d) or under s. 46.495 (1) (d), 2005 stats., immediately prior to his or her 18th birthday; and

SECTION 1294. 48.57 (3) (b) of the statutes is amended to read:

48.57 **(3)** (b) The funding provided for the maintenance of a child under par. (a) shall be in an amount equal to that which the child would receive under s. 46.495 48.569 (1) (d) if the child were 17 years of age.

SECTION 1295. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

48.57 **(3m)** (am) (intro.) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (kc), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$215 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 1296. 48.57 (3m) (e) of the statutes is amended to read:

48.57 **(3m)** (e) The department shall determine whether the child is eligible for medical assistance under ss. 49.43 to ~~49.47~~ 49.471.

SECTION 1297. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 **(3n)** (am) (intro.) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (kc), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and

shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make monthly payments for each child in the amount specified in sub. (3m) (am) (intro.) to a long-term kinship care relative who is providing care and maintenance for that child if all of the following conditions are met:

SECTION 1298. 48.57 (3n) (e) of the statutes is amended to read:

48.57 (3n) (e) The department shall determine whether the child is eligible for medical assistance under ss. 49.43 to 49.47 ~~49.471~~.

SECTION 1299. 48.57 (3p) (b) 1. of the statutes is amended to read:

48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~, with the assistance of the department of justice, shall conduct a background investigation of the applicant.

SECTION 1300. 48.57 (3p) (b) 2. of the statutes is amended to read:

48.57 (3p) (b) 2. The county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~, with the assistance of the department of justice, may conduct a background investigation of any person who is receiving payments under sub. (3m) at the time of review under sub. (3m) (d) or at any other time that the county department or department of ~~health and family services~~ considers to be appropriate.

SECTION 1301. 48.57 (3p) (b) 3. of the statutes is amended to read:

48.57 (3p) (b) 3. The county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~, with the assistance of the department of justice, may conduct a background investigation of any person who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that the county department or department of ~~health and family services~~ considers to be appropriate.

SECTION 1302. 48.57 (3p) (c) 1. of the statutes is amended to read:

48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~, with the assistance of the department of justice, shall, in addition to the investigation under par. (b) 1., conduct a background investigation of all employees and prospective employees of the applicant who have or would have regular contact with the child for whom those payments are being made and of each adult resident.

SECTION 1303. 48.57 (3p) (c) 2. of the statutes is amended to read:

48.57 (3p) (c) 2. The county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~, with the assistance of the department of justice, may conduct a background investigation of any of the employees or prospective employees of any person who is receiving payments under sub. (3m) who have or would have regular contact with the child for whom those payments are being made and of each adult resident at the time of review under sub. (3m) (d) or at any other time that the county department or department of ~~health and family services~~ considers to be appropriate.

SECTION 1304. 48.57 (3p) (c) 2m. of the statutes is amended to read:

48.57 (3p) (c) 2m. The county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~, with the assistance of the department of justice, may conduct a background investigation of any of the employees or prospective employees of any person who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child for whom payments are being made and of each adult resident at any time that the county department or department of ~~health and family services~~ considers to be appropriate.

SECTION 1305. 48.57 (3p) (c) 3. of the statutes is amended to read:

48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or (3n) or s. 48.62 (5) (a) or (b) may employ any person in a position in which that person would have regular contact with the child for whom those payments are being made or permit any person to be an adult resident, the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~, with the assistance of the department of justice, shall conduct a background investigation of the prospective employee or prospective adult resident unless that person has already been investigated under subd. 1., 2. or 2m.

SECTION 1306. 48.57 (3p) (d) of the statutes is amended to read:

48.57 (3p) (d) If the person being investigated under par. (b) or (c) is a nonresident, or at any time within the 5 years preceding the date of the application has been a nonresident, or if the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ determines that the person's employment, licensing or state court records provide a reasonable basis for further investigation, the county department or department of ~~health and family services~~ shall require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may provide for

the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrest and conviction.

SECTION 1307. 48.57 (3p) (e) (intro.) of the statutes is amended to read:

48.57 (3p) (e) (intro.) Upon request, a person being investigated under par. (b) or (c) shall provide the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ with all of the following information:

SECTION 1308. 48.57 (3p) (fm) 1. of the statutes is amended to read:

48.57 (3p) (fm) 1. The county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ may provisionally approve the making of payments under sub. (3m) based on the applicant's statement under sub. (3m) (am) 4m. The county department or department of ~~health and family services~~ may not finally approve the making of payments under sub. (3m) unless the county department or department of ~~health and family services~~ receives information from the department of justice indicating that the conviction record of the applicant under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. or payment is approved under par. (h) 4. The county department or department of ~~health and family services~~ may make payments under sub. (3m) conditioned on the receipt of information from the federal bureau of investigation indicating that the person's conviction record under the law of any other state or under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

SECTION 1309. 48.57 (3p) (fm) 1m. of the statutes is amended to read:

48.57 (3p) (fm) 1m. The county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ may not enter into the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b) unless the county department or department of ~~health and family services~~ receives information from the department of justice relating to the conviction record of the applicant under the law of this state and that record indicates either that the applicant has not been arrested or convicted or that the applicant has been arrested or convicted but the director of the county department or, in a county having a population of 500,000 or more, the person designated by the secretary of ~~health and family services~~ to review conviction records under this subdivision determines that the conviction record is satisfactory because it does not include any arrest or conviction that the director or person designated by the secretary determines is likely to adversely affect the child or the applicant's ability to care for the child. The county department or, in a county having a population of 500,000 or more, the department of ~~health~~

~~and family services~~ may make payments under sub. (3n) or s. 48.62 (5) (a) or (b) conditioned on the receipt of information from the federal bureau of investigation indicating that the person's conviction record under the law of any other state or under federal law is satisfactory because the conviction record does not include any arrest or conviction that the director of the county department or, in a county having a population of 500,000 or more, the person designated by the secretary of ~~health and family services~~ to review conviction records under this subdivision determines is likely to adversely affect the child or the applicant's ability to care for the child.

SECTION 1310. 48.57 (3p) (fm) 2. of the statutes is amended to read:

48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ that the employee or adult resident does not have any arrests or convictions that could adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payments under sub. (3m) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ receives information from the department of justice indicating that the person's conviction record under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. and the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ so advises the person receiving payments under sub. (3m) or until a decision is made under par. (h) 4. to permit a person who is receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or to permit a person to be an adult resident and the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ so advises the person receiving payments under sub. (3m). A person receiving payments under sub. (3m) may finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident conditioned on the receipt of information from the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ that the federal bureau of investigation indicates that the person's conviction

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

SECTION 1311. 48.57 (3p) (fm) 2m. of the statutes is amended to read:

48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ that, to the best of his or her knowledge, the employee or adult resident does not have any arrests or convictions that could adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62 (5) (a) or (b) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ receives information from the department of justice relating to the person's conviction record under the law of this state and that record indicates either that the person has not been arrested or convicted or that the person has been arrested or convicted but the director of the county department or, in a county having a population of 500,000 or more, the person designated by the secretary of ~~health and family services~~ to review conviction records under this subdivision determines that the conviction record is satisfactory because it does not include any arrest or conviction that is likely to adversely affect the child or the ability of the person receiving payments to care for the child and the county department or department of ~~health and family services~~ so advises the person receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b). A person receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) may finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident conditioned on the receipt of information from the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ that the federal bureau of investigation indicates that the person's conviction record under the law of any other state or under federal law is satisfactory because the conviction record does not include any arrest or conviction that the director of the county department or, in a county having a population of 500,000 or more, the person designated by the secretary of ~~health and family services~~ to review conviction records under this subdivision determines is

likely to adversely affect the child or the ability of the person receiving payments to care for the child.

SECTION 1312. 48.57 (3p) (g) (intro.) of the statutes is amended to read:

48.57 (3p) (g) (intro.) Except as provided in par. (h), the county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ may not make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may not employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or permit a person to be an adult resident if any of the following applies:

SECTION 1313. 48.57 (3p) (g) 3. of the statutes is amended to read:

48.57 (3p) (g) 3. The person has been convicted of a violation of ch. 940, 944₂, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63₂, or 948.70, or of a violation of the law of any other state or federal law that would be a violation of ch. 940, 944₂, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63₂, or 948.70, if committed in this state, except that a county department or, in a county having a population of 500,000 or more, the department of ~~health and family services~~ may make payments to a person applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may employ in a position in which the person would have regular contact with the child for whom those payments are being made or permit to be an adult resident a person who has been convicted of a violation of s. 944.30, 944.31₂, or 944.33 or of a violation of the law of any other state or federal law that would be a violation of s. 944.30, 944.31, or 944.33 if committed in this state, if that violation occurred 20 years or more before the date of the investigation.

SECTION 1314. 48.57 (3p) (h) 2. of the statutes is amended to read:

48.57 (3p) (h) 2. The request for review shall be filed with the director of the county department or, in a county having a population of 500,000 or more, with the person designated by the secretary of ~~health and family services~~ to receive requests for review filed under this subdivision. If the governing body of a federally recognized American Indian tribe or band has entered into an agreement under sub. (3t) to administer the program under this subsection and sub. (3m), the request for review shall be filed with the person designated by that governing body to receive requests for review filed under this subdivision.

SECTION 1315. 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

48.57 (3p) (h) 3. (intro.) The director of the county department, the person designated by the governing body of a federally recognized American Indian tribe or band

or, in a county having a population of 500,000 or more, the person designated by the secretary of health and family services shall review the denial of payments or the prohibition on employment or being an adult resident to determine if the conviction record on which the denial or prohibition is based includes any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative to care for the child. In reviewing the denial or prohibition, the director of the county department, the person designated by the governing body of the federally recognized American Indian tribe or band or the person designated by the secretary of health and family services shall consider, but not be limited to, all of the following factors:

SECTION 1316. 48.57 (3p) (h) 4. of the statutes is amended to read:

48.57 (3p) (h) 4. If the director of the county department, the person designated by the governing body of the federally recognized American Indian tribe or band or, in a county having a population of 500,000 or more, the person designated by the secretary of health and family services determines that the conviction record on which the denial of payments or the prohibition on employment or being an adult resident is based does not include any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative to care for the child, the director of the county department, the person designated by the governing body of the federally recognized American Indian tribe or band, or the person designated by the secretary of health and family services may approve the making of payments under sub. (3m) or may permit a person receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or permit a person to be an adult resident.

SECTION 1317. 48.57 (3p) (i) of the statutes is amended to read:

48.57 (3p) (i) A county department and, in a county having a population of 500,000 or more, the department of health and family services shall keep confidential all information received under this subsection from the department of justice or the federal bureau of investigation. Such information is not subject to inspection or copying under s. 19.35.

SECTION 1318. 48.57 (3p) (j) of the statutes is amended to read:

48.57 (3p) (j) A county department or, in a county having a population of 500,000 or more, the department of health and family services may charge a fee for conducting a background investigation under this subsection. The fee may not exceed the reasonable cost of conducting the investigation.

SECTION 1319. 48.576 of the statutes is created to read:

48.576 Shelter care facilities; general supervision and inspection by department. (1) **GENERALLY.** The department shall investigate and supervise all shelter care facilities and familiarize itself with all the circumstances affecting their management and usefulness.

(2) **INSPECTIONS.** The department shall inquire into the methods of treatment, instruction, government, and management of children placed in shelter care facilities; the conduct of the trustees, managers, directors, superintendents, and other officers and employees of those facilities; the condition of the buildings, grounds, and all other property pertaining to those facilities; and all other matters pertaining to the usefulness and management of those facilities; and recommend to the officers in charge such changes and additional provisions as the department considers proper.

(3) **FREQUENCY OF INSPECTIONS.** The department shall inspect and investigate each shelter care facility at least annually and, when directed by the governor, the department shall conduct a special investigation into a shelter care facility's management, or anything connected with its management, and report to the governor the testimony taken, the facts found, and conclusions drawn.

(4) **ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS.** Upon request of the department, the attorney general or the district attorney of the proper county shall aid in any investigation, inspection, hearing, or trial had under the provisions of this chapter relating to powers of the department, and shall institute and prosecute all necessary actions or proceedings for the enforcement of those provisions and for the punishment of violations of those provisions. The attorney general or district attorney so requested shall report or confer with the department regarding the request, within 30 days after the receipt of the request.

(5) **OPPORTUNITY TO INSPECT.** All trustees, managers, directors, superintendents, and other officers or employees of a shelter care facility shall at all times afford to every member of the department and its agents unrestrained facility for inspection of and free access to all parts of the buildings and grounds and to all books and papers of the shelter care facility, and shall give, either verbally or in writing, such information as the department requires. Any person who violates this subsection shall forfeit not less than \$10 nor more than \$100.

(6) **TESTIMONIAL POWER; EXPENSES.** The department or any person delegated by the department may administer oaths, take testimony, and cause depositions to be taken. All expenses of the investigations, including fees of officers and witnesses, shall be charged to the appropriation for the department.

(7) **STATISTICS TO BE FURNISHED.** Whenever the department is required to collect statistics, the person or agency shall furnish the required statistics on request.