

1985 Assembly Bill 889

Date of enactment: April 2, 1986
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1985 Wisconsin Act 176

AN ACT *to repeal* 46.034 (title), (1) and (2) (title), 46.034 (3), 46.206 (3), 46.21 (8) (intro.), 46.21 (9) (title), 46.21 (11), 46.22 (2) (a) (title), 46.22 (2) (b) (intro.), 46.22 (2g) (title), 46.22 (2g) (b) (intro.), 46.22 (2g) (b) 4, 46.22 (3) (a), 46.22 (3m) (a), 46.22 (3m) (b) 8, 46.22 (6), 46.23 (2) (a) and (c), 46.23 (3m), 46.23 (5) (a), 46.23 (5) (d) 1, 46.23 (5m) (a), 46.23 (5m) (b) 4, 46.23 (6) (a), 46.23 (6) (am), 46.23 (6m) (h) and (i), 46.23 (7) (b) and (c), 46.985 (1) (b), 48.56 (1) (a) and (c), 48.981 (1) (c), 49.51 (2) (title), 51.42 (2) (a), 51.42 (2) (am), 51.42 (2) (b), 51.42 (2) (d), 51.42 (3) (b), 51.42 (3m) (title), 51.42 (5a) (a), 51.42 (5a) (b) 4, 51.42 (5e) (title), 51.42 (5g) (title), 51.42 (6) (a), 51.42 (6) (am), 51.42 (7) (title), 51.42 (8) (ba) 2, 51.42 (8m) (title), 51.42 (9m) (title), 51.42 (12) (title), 51.437 (1) (a), (am) and (b), 51.437 (1m) (title), 51.437 (4) (d), 51.437 (6) (title), 51.437 (9b) (a), 51.437 (9b) (b) 4, 51.437 (9e) (title), 51.437 (9m) (title), 51.437 (11) (title), 51.437 (13) (title), 51.437 (13m) (title) and 59.031 (2) (d); *to renumber* 46.22 (4) (j), 46.22 (4) (o), 46.22 (4) (p) and (q), 46.23 (2) (d) and (e), 46.23 (5) (d) 8 and 9, 46.985 (1) (c), 48.432 (1) (a), 48.48 (9) (b), 48.88 (1), 49.51 (3) (title), 51.437 (15) and 59.031 (2r); *to renumber and amend* 46.034 (2), 46.034 (4), 46.21 (1), 46.21 (3) (b), 46.21 (6) (a), 46.21 (6) (b), 46.21 (8) (a) to (d), 46.21 (9), 46.22 (1), 46.22 (1m) (a), 46.22 (1m) (b), 46.22 (2) (a), 46.22 (2) (b) 1 to 5, 46.22 (2g) (a), 46.22 (2g) (b) 1, 1m and 2, 46.22 (2g) (b) 3, 46.22 (2g) (b) 5 to 8, 46.22 (3) (b), 46.22 (3m) (b) (intro.), 46.22 (4) (intro.) and (a) to (g), 46.22 (4) (L), (m) and (n), 46.22 (5) (intro.) and (a) (intro.) and 1, 46.22 (5) (a) 2 and (am), 46.22 (5) (b) to (gm), 46.22 (5m), 46.22 (7), 46.23 (3) (am), 46.23 (3) (ar), 46.23 (3) (b), 46.23 (3) (c), 46.23 (4) (b) and (c), 46.23 (4) (d), 46.23 (5) (d) (intro.), 46.23 (5) (d) 2 to 6, 46.23 (5) (d) 7, 46.23 (5) (d) 10, 46.23 (5) (d) 11 to 14, 46.23 (5) (e), 46.23 (5) (f), 46.23 (5m) (b) (intro.), 1 and 2, 46.23 (5m) (b) 3, 46.23 (5m) (b) 5 to 8, 46.23 (6) (b), 46.23 (7) (a), 46.23 (9) and (10), 48.48 (9) (a), 48.56 (1) (intro.), 48.64 (1), 48.78, 48.981 (3) (d), 49.51 (title), 49.51 (2) (a) (intro.) and 1 to 5, 49.51 (2) (a) 6, 49.51 (2) (a) 6m, 49.51 (2) (a) 7 to 11, 49.51 (2) (a) 13 and 16, 49.51 (2) (a) 14 and 15, 49.51 (3) (a) and (b), 49.51 (3) (c) and (4), 51.42 (3) (am), 51.42 (3m), 51.42 (4) (b) and (c), 51.42 (5) (i), 51.42 (5a) (b) (intro.), 1 and 2, 51.42 (5a) (b) 3, 51.42 (5a) (b) 5 to 8, 51.42 (5e), 51.42 (5g), 51.42 (5m) (title), 51.42 (5m), 51.42 (5s), 51.42 (6) (b), 51.42 (6) (c), 51.42 (7) (a) and (c), 51.42 (8) (title) and (a), 51.42 (8) (b), 51.42 (8) (ba) 1, 51.42 (8) (ba) 3, 51.42 (8) (bc), 51.42 (8) (bd), 51.42 (8) (bf), 51.42 (8) (c) and (e) to (g), 51.42 (8) (h), 51.42 (8) (i), 51.42 (8) (L), 51.42 (8m), 51.42 (9), 51.42 (9m), 51.42 (10) (title), 51.42 (10), 51.42 (12), 51.437 (1m), 51.437 (2), 51.437 (3), 51.437 (4) (e) (intro.), 51.437 (4) (e) 2 to 4, 51.437 (5) (title), 51.437 (5) (a) and (b), 51.437 (5) (c), 51.437 (6), 51.437 (7) (am) 4, 51.437 (9b) (b) (intro.), 1 and 2, 51.437 (9b) (b) 3, 51.437 (9b) (b) 5 to 8, 51.437 (9e), 51.437 (9m), 51.437 (10) (a), 51.437 (11), 51.437 (12), 51.437 (13) and 51.437 (13m); *to consolidate, renumber and amend* 48.427 (3) (a) 1 and 2, 49.51 (2) (a) 12 (intro.) and a, 51.42 (2) (intro.) and (c), 51.437 (1) (intro.) and (c) and 51.437 (4) (e) 1. (intro.), a and b; *to amend* subchapter XVI (title) of chapter 48, 13.94 (1) (m), 13.94 (4) (a) 1, 13.94 (4) (c), 20.435 (2) (gk), 20.435 (4) (b), 20.435 (4) (Lm), 20.435 (4) (o), 27.065 (5) (a), 43.17 (4), 43.58 (4), 45.30 (1) (b), 46.03 (18) (a), 46.03 (18) (e), 46.03 (18) (f), 46.03 (18) (g), 46.03 (20) (c), 46.03 (30) (a), 46.031 (1), 46.031 (2g), 46.031 (2r) (a) (intro.), 46.031 (2r) (a) 4, 46.031 (2r) (b), 46.031 (3) (a), 46.032, 46.033 (1), 46.033 (3), 46.036 (1) (c), 46.041 (1) (a), 46.09 (3), 46.10 (2), 46.10 (8) (h) and (i), 46.10 (8m) (intro.) and (am), 46.10 (16), 46.206 (1) (c), 46.208 (2) and (2m), 46.21 (2) (a), (b), (e), (g) and (i), 46.21 (3) (a), 46.21 (4) (b) and (c), 46.21 (5) (a), 46.21 (5) (b), 46.22 (title), 46.22 (1m) (title), 46.22 (2) (title), 46.22 (3) (title), 46.22 (3m) (title), 46.22 (3m) (b) 1, 1m and 3, 46.22 (3m) (b) 5 and 6, 46.22 (3m) (b) 9, 46.22 (3m) (b) 12, 16 and 17. (intro.) and b, 46.225, 46.23 (title), 46.23 (3) (title), 46.23 (3) (a), 46.23 (4) (title), 46.23 (4) (a), 46.23 (6) (title), 46.23 (6) (c) (intro.), 46.23 (6m) (intro.), (b) and (c), 46.23 (6m) (e) and (f), 46.24, 46.245, 46.26 (2) (a), 46.26 (2m), 46.26 (4) (b) 1, 46.27 (2) (c) and (f), 46.27 (3) (b) 1, 46.27 (3) (b) 2, 46.27 (3) (b) 3, 46.27 (4) (a) 4, 46.27 (4) (a) 5, 46.27 (4) (c) 4, 46.27 (5) (intro.), 46.27 (5) (am), 46.27 (5) (d) 1 and (6) (d), 46.27 (7) (b) 1, 46.27 (7) (b) 1m, 46.27 (7) (e) 3, 46.275 (3) (b) (intro.), 46.275 (3) (b) 2, 46.275 (3) (b) 3, 46.275 (3) (b) 4, 46.275 (4) (b) (intro.) and (c) 2, 46.275 (5) (b) 2, 46.277 (2) (d), 46.277 (3) (b) 2, 46.28 (1) (e) 4, 46.70 (1), 46.855 (1), 46.87 (3) (c) 1 to 3, 46.90 (3) (a), 46.98 (2) (a) 1, 46.985 (1) (a), 46.985 (1) (h), 46.985 (2) (a) (intro.), 1 and 2, 46.985 (2) (b) and (c), 46.985 (3) (intro.) and

(a) 2, 46.985 (3) (c), 46.985 (3) (d) and (e), 46.985 (7) (a) and (c), 46.99 (5) (a), 48.04 (1), 48.06 (1) (a) 1, 48.06 (1) (a) 3, 48.06 (1) (am) 1, 48.06 (2) (a), 48.06 (2) (b), 48.06 (3), 48.069 (1) (intro.) and (3), 48.07 (intro.), (1) and (3), 48.09 (2) and (4) to (6), 48.19 (1) (d) 6, 48.208 (1), 48.22 (1) (a), 48.22 (5), 48.227 (1), 48.275 (2) (a) to (c), 48.34 (4) and (9), 48.36 (1), 48.36 (3), 48.38 (1) (a), 48.38 (5) (d), 48.40 (1), 48.422 (9) (a), 48.425 (1) (intro.), 48.427 (6) (a), 48.428 (2), 48.43 (7), 48.432 (4) (b), 48.433 (1), 48.433 (6) (b), 48.48 (1), (5) to (8) and (10), 48.555 (2) (a), 48.56 (2), 48.57 (title) and (1) (intro.), 48.57 (1) (a) to (hm) and (j), 48.57 (2), 48.58 (1) (b), 48.59, 48.62 (1), 48.62 (2), 48.63 (1), 48.64 (2) and (4) (a), 48.651, 48.66, 48.67 (title) and (1), 48.675 (2), 48.69, 48.70 (4), 48.745 (2), 48.75 (title), (1) and (2), 48.833, 48.837 (4) (c) and (d) and (6) (b), 48.839 (4) (a) and (b), 48.88 (2) (a) 2 and (c), 48.89 (1) (b) and (3), 48.95, 48.98 (2) (a), 48.981 (2), 48.981 (3) (a) and (c) (title), 1, 4, 5 and 7, 48.981 (3) (c) 3, 6 and 8, 48.981 (5), 48.981 (7) (a) (intro.), 2, 6 and 13, 48.981 (7) (a) 5 and 7, 48.981 (7) (d) and (8) (a) and (c), 48.981 (8) (d), 49.01 (5r), 49.046 (4) (b), 49.046 (4) (e), 49.047 (3) (b), 49.11 (2) (intro.), 49.125, 49.16 (1), 49.16 (2), 49.177 (3s) (b), 49.19 (1) (a) 2, b, 49.19 (1) (c) 3, b, 49.19 (3) (a), 49.19 (3) (b), 49.19 (4) (b), 49.19 (4) (br) 1, 49.19 (4) (c), 49.19 (4) (d) 8, 49.19 (4) (ds), 49.19 (4) (g) 1, 49.19 (4) (g) 2, 49.19 (4) (h) 2, 49.19 (5) (c) and (e), 49.19 (6), 49.19 (10) (a) to (c), 49.19 (13), 49.197 (1) and (2) (a), 49.197 (2) (b), 49.30 (1) (intro.), 49.45 (2) (a) 3, 49.45 (2) (b) 1, 49.45 (3) (a), 49.45 (6) (b), 49.45 (18) (b) 6, 49.45 (19) (a) 3, 49.46 (1) (d) 1, 49.46 (2) (b) 3, 49.46 (2) (e) 1, 49.497 (1), 49.50 (2) and (7) (a) and (c), 49.50 (7m), 49.50 (8) (a), 49.50 (8) (c), 49.52 (1) (a), 49.52 (1) (am), 49.52 (1) (d), 49.52 (1) (dc), 49.52 (1) (g) and (h), 49.52 (2) (a), 49.53 (2) (a), 49.53 (3) (intro.), 49.80 (1) (a), 49.80 (3) (e) 2 (intro.), (4) (a) and (8), 49.90 (2), 50.03 (2) (f) 2, 50.03 (14) (b), 50.035 (4), 51.04, 51.05 (2), 51.05 (3), 51.06 (1) (b), 51.07 (3), 51.10 (1), 51.10 (2), 51.10 (6), 51.13 (1) (e), 51.13 (1) (f), 51.13 (2) (a), 51.13 (4) (g) 3, 51.15 (2) (a), 51.20 (2) and (4), 51.20 (8) (a), 51.20 (8) (b), 51.20 (9) (b), 51.20 (13) (a) 3, 51.20 (13) (c) 2, 51.20 (13) (c) 3, 51.20 (13) (dm), 51.20 (13) (f), 51.20 (13) (g) 3, 51.20 (14), 51.20 (16) (c), 51.20 (16) (k), 51.22 (1), 51.22 (2), 51.22 (3), 51.22 (4), 51.30 (1) (a), 51.30 (1) (b), 51.30 (4) (a), 51.30 (4) (b) 2, 51.30 (4) (b) 5, 51.30 (4) (b) 10. (intro.), 51.30 (4) (b) 15. (intro.), 51.30 (4) (f), 51.30 (11), 51.35 (1) (a), 51.35 (1) (b), 51.35 (1) (c), 51.35 (1) (d), 51.35 (4) (a), 51.35 (4) (b), 51.35 (4m), 51.35 (8) (a), 51.37 (4), 51.37 (5) (c), 51.37 (8) (b), 51.42 (title), 51.42 (1), 51.42 (3) (title), 51.42 (3) (a), 51.42 (3) (ar) (intro.), 51.42 (3) (ar) 1 and 2, 51.42 (3) (c), 51.42 (3) (d), 51.42 (4) (title), 51.42 (4) (a) 1, 51.42 (4) (a) 2, 51.42 (4) (d), 51.42 (5) (intro.), 51.42 (5) (a) to (e), 51.42 (6m) (intro.), (a) and (c), 51.42 (6m) (e) and (f), 51.42 (6m) (h) and (i), 51.42 (6m) (m) (intro.), 2 and 3, 51.421 (2), 51.421 (3) (a), 51.437 (4) (a) and (c), 51.437 (7) (title), 51.437 (7) (a), 51.437 (7) (am) 1 to 3, 51.437 (9) (intro.) and (a), 51.437 (10) (am) and (ar) (intro.) and 3, 51.437 (10) (b) (intro.), 51.437 (10m) (intro.) and (c), 51.437 (10m) (e) and (f), 51.437 (10m) (h), 51.437 (10m) (i) and (n) (intro.) and 3, 51.437 (14) (intro.), 51.437 (14) (a), (c) and (g), 51.437 (15) (title), 51.437 (16), 51.45 (2) (c), 51.45 (2) (cm) and (cr), 51.45 (4) (c), 51.45 (8) (a) and (c), 51.45 (10) (c), 51.45 (10) (d), 51.45 (10) (e), 51.45 (11) (c), 51.45 (11) (e), 51.45 (12) (a), 51.45 (12) (c) 1, 51.45 (12) (c) 3, 51.45 (12) (d), 51.45 (13) (a) (intro.), 51.45 (13) (b) 1, 51.45 (13) (b) 3, 51.45 (13) (c), 51.45 (13) (d), 51.45 (13) (f), 51.45 (13) (g), 51.45 (13) (h), 51.45 (13) (k), 51.45 (13) (L), 51.45 (13) (p), 51.61 (1) (intro.), 51.61 (5) (a), 51.61 (6), 51.87 (2) (a) and (c), 51.87 (3), 51.87 (4), 51.87 (7), 55.01 (1), 55.02, 55.05 (1), 56.08 (8), 56.08 (9), 56.17, 59.031 (2) (b), 59.031 (2) (bm) 1, b, 59.033 (2) (b), 59.456 (2), 63.03 (2) (y), 63.065, 102.07 (1m), 115.36 (3) (d), 115.365 (2) (a), 115.77 (3) (d) (intro.), 115.77 (4) (a) to (c), 115.85 (2m), 115.85 (4), 118.24 (2) (f), 125.07 (4) (cg) 1, 142.07 (4) (a), 146.78 (2) (intro.), 343.30 (1q) (c), 343.30 (1q) (d), 343.30 (1q) (e), 343.305 (9) (c), 343.305 (9) (e), 619.01 (9), 632.89 (1) (e) 1, 701.06 (5m), 753.016 (3) (c) and (e), 767.08 (3), 767.24 (1) (c) 1, 767.29 (2), 767.29 (2), 767.32 (1), 880.01 (1), 880.38 (3), 946.71 (1) and 971.14 (6) (c); *to repeal and recreate* 46.22 (3m) (b) 15; and *to create* 46.21 (1), 46.21 (2) (intro.), 46.21 (2) (jm), 46.21 (4m), 46.22 (1) (title), 46.22 (1m) (a) (title), 46.22 (1m) (b) (intro.), 1 and 3 and (c), 46.22 (2) (f) to (n), 46.22 (3) (f) and (g), 46.22 (3m) (b) (intro.), 46.22 (4), 46.23 (3) (am) (title), 46.23 (3) (b) and (bm), 46.23 (4) (a) (title), 46.23 (5) (p), 46.23 (6) (e), 46.23 (6m) (L) and (m), 46.985 (1) (c), 48.02 (2g), 48.432 (1) (a), 48.433 (1) (a), 48.64 (1), 48.78 (1), 48.88 (1), 48.981 (3) (d) 1, 51.42 (3) (ar) 3, 51.42 (3) (ar) 9, 51.42 (4) (a) (title), 51.42 (4) (b) (title), 51.42 (5) (g) and (h), 51.42 (5) (i) to (L), 51.42 (5a) (h), 51.42 (6) (f) and (g), 51.42 (6m) (n), 51.42 (8), 51.437 (4m) (a), (j) and (k), 51.437 (4r) (intro.), 51.437 (7) (am) (title), 51.437 (9) (e) to (h), 51.437 (9b) (am), 51.437 (9b) (h), 51.437 (10) (c) to (e), 51.437 (15) (c) and 55.01 (1r) of the statutes; and *to affect* 1985 Wisconsin Act 29, section 3023 (1) (intro.) and (3) (intro.); 1985 Wisconsin Act 29, section 3023 (3) (a) 1; 1985 Wisconsin Act 29, section 3023 (3) (a) 2; 1985 Wisconsin Act 29, section 3023 (3) (g) 1; and 1985 Wisconsin Act 29, section 3023 (3) (p) and (qr) 3, 1985 Wisconsin Act 29, section 3023 (10) (b) 2; 1985 Wisconsin Act 120, section 3023 (3); *relating to various changes in human services and county laws.*

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

SECTION 1. 13.94 (1) (m) of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is amended to read:

13.94 (1) (m) Audit the records of any county, city, village, town or school district at the direction of the joint legislative audit committee. The committee may direct an audit of ~~the a county department of social services in counties having a population of 500,000 or more under s. 46.215~~ at any time. The committee may

not direct more than 3 other audits of counties, cities, villages, towns or school districts in any calendar year.

SECTION 2. 13.94 (4) (a) 1 of the statutes, as affected by 1985 Wisconsin Act 57, is amended to read:

13.94 (4) (a) 1. Every state department, board, examining board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature; every provider of medical assistance under ch. 49; vocational, technical and adult education district boards; every ~~board created~~ county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from appropriations made by state law, including subgrantee or sub-contractor recipients of such funds.

SECTION 3. 13.94 (4) (c) of the statutes, as created by 1985 Wisconsin Act 120, is amended to read:

13.94 (4) (c) In performing audits of ~~departments of social services in counties having a population of 500,000 or more~~ a county department under s. 46.215, the legislative audit bureau may include program, fiscal, compliance and management elements in the audit and the audit may be directed toward any of the following:

1. Examination of procedures for applying for and receiving grants and services administered by the county department ~~of social services~~ under s. 46.215.

2. A general examination of the efficiency and effectiveness with which programs are administered by the county department ~~of social services~~ under s. 46.215.

3. A measurement of how effectively the goals and objectives of programs are being met by the county department ~~of social services~~ under s. 46.215, including a determination of whether the county department has considered alternatives which might yield the desired results at a lower cost.

4. An examination of whether financial operations are properly conducted, whether the financial and accounting reports of the county department ~~of social services~~ under s. 46.215 are fairly presented and whether the county department has complied with applicable laws, rules and regulations of the state and federal governments governing the programs under its administration.

SECTION 4. 20.435 (2) (gk) of the statutes is amended to read:

20.435 (2) (gk) *Institutional operations and charges.* The amounts in the schedule for care provided by the centers for the developmentally disabled to reimburse the cost of providing the services and to remit any credit balances to ~~boards~~ county departments that occur on and after July 1, 1978, in accordance with s.

51.437 ~~(12)~~ (4rm) (c), for care provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to ~~boards~~ county departments that occur on and after January 1, 1979, in accordance with s. 51.42 ~~(9)-(b) (3) (as) 2~~, and for reimbursing the total cost of using, producing and providing services, products and care. All moneys received as payments from medical assistance on and after August 1, 1978, as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 ~~(12)~~ (4rm) (c) received on and after July 1, 1978, as medical assistance payments, other payments under s. 46.10 and payments under s. 51.42 ~~(9)-(b) (3) (as) 2~~ received on and after January 1, 1979, and as payments for the rental of state institutional facilities, for the sale of utilities and for other services, products and care shall be credited to this appropriation. Whenever the unencumbered balance of the portions of this appropriation pertaining to farm operations plus the portions of the appropriation under sub. (3) (kk) pertaining to farm operations totals \$200,000 on June 30 of any year, the excess shall revert to the general fund.

SECTION 5. 20.435 (4) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

20.435 (4) (b) *Community social and mental hygiene services.* The amounts in the schedule for the provision or purchase of mental health services under ss. 51.42 and 51.437, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4) and for shelter care under ss. 48.22 and 48.58, for reimbursement for county administration of social services under ss. 46.215 (2) and (3) and 46.22 (5m) and 49.51 (3) and (4) (1) (e), including foster care under ss. 49.19 (10) and 49.50 and, before January 1, 1986, services under s. 46.27. Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Distributions to private nonprofit child care providers under s. 46.98 (2) (a) 2 may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Counties are liable for any share of the social services disbursements according to the rate established under s. 49.52. The receipt of the counties' payments for their share of the cost of services under s. 46.03 (20) (d) shall be returned to this appropriation. Allocation of the fund for mental health services shall be exclusively determined by the department of health and social services, subject to ss. 51.42, 51.423 and 51.437. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and social services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation and may transfer between calendar years funds it recovers under ss. 49.52 (2) (b) and ~~51.42 (8m)~~ 51.423 (15) from prior

year audit adjustments including those resulting from audits of services under s. 46.26 or 46.27. The department may also transfer between calendar years funds it allocates under ss. 49.52 (1) (d) and ~~51.42 (8) (b)~~ 51.423 (2) but not spent or encumbered on or before December 31 of any year by counties or by ~~boards created county departments~~ under s. 46.23, 51.42 or 51.437. The department may use the funds it transfers to pay counties owed funds for the purchase or provision of mental health services, social services or services under s. 46.26 or 46.27, due to any prior year audit adjustment. The department may not transfer more than \$500,000 for these purposes. Except for the amounts a ~~board created county department~~ under s. 46.23 or 51.42 is authorized to retain for noninstitutional community programs under s. 49.45 (2) (a) 19 and (6) (b), 90% of funds not transferred between calendar years, allocated under s. ~~51.42 (8) (b)~~ 51.423 (2) and not spent or encumbered by ~~boards created county departments~~ under s. 46.23, 51.42 or 51.437 by December 31 of each year, and except for the amounts the department is authorized to retain under s. 46.27 (7) (g), 90% of funds not transferred between calendar years, allocated under ss. 46.27 and 49.52 (1) (d) and not spent or encumbered by counties by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance. The department may allocate the 10% not lapsing for emergencies, for justifiable unit service costs above planned levels and to recognize shifts in service populations among counties during the following calendar year.

SECTION 6. 20.435 (4) (Lm) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

20.435 (4) (Lm) *Welfare fraud investigation; local assistance.* From the moneys received under s. 49.195 (5) as this state's share of recovery of aid under s. 49.19 that was provided as a result of fraudulent activity by a recipient, the amounts in the schedule for grants to not more than 4 county ~~agencies departments~~ under s. 46.215, 46.22 or 46.23 in state fiscal year 1985-86 for welfare fraud investigation under s. 49.197 (2). Notwithstanding s. 20.001 (3) (c), all moneys not expended or encumbered at the end of state fiscal year 1985-86 from this appropriation shall lapse to the general fund.

SECTION 7. 20.435 (4) (o) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

20.435 (4) (o) *Federal aid; community social and mental hygiene services.* All federal moneys received in amounts pursuant to allocation plans developed by the department for the provision or purchase of services authorized under par. (b) and s. 46.70, all federal moneys received as child welfare funds under 42 USC 620 to 626 as limited under 1985 Wisconsin Act 29, section 3023 (10) (b) and all amounts transferred from par. (md) for distribution under s. 49.52 (1) (d) as pro-

vided under s. 49.80 (3) (a). Disbursements from this appropriation may be made directly to counties for social and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal requirements for the disbursal of federal funds or directly to tribal governing bodies under s. 46.70. The department shall, on December 31 of any year, transfer to par. (n) all of the funds allocated for day care services under s. 49.52 (1) (d), that are not spent or encumbered as of December 31 of any year by county departments of ~~public welfare and social services or boards created~~ under s. ~~46.215, 46.22 or 46.23~~.

SECTION 8. 27.065 (5) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

27.065 (5) (a) No such work or improvement shall be commenced by the county board until the county park commission except in counties with a county executive or county administrator, until the general manager, ~~shall have~~ has made a preliminary estimate of the cost thereof and submitted the same, together with a proposed plan of such improvement showing the character and extent of the same to the county board. The county board may thereafter determine the character and extent of the improvements to be made. Such improvements may be made by contract or noncontract work as the county board shall determine. All contracts awarded ~~pursuant hereto~~ under this paragraph shall be let by contract to the lowest responsible and reliable bidder. When the work required or directed to be let to the lowest responsible and reliable bidder, plans and specifications for the same containing a description of the work, materials to be used and such other matters as will give an intelligent idea of the work required, shall be prepared and filed with the county clerk for the inspection of bidders, together with a form of contract and bond, with sureties required, and the same shall be furnished to all persons desiring to bid on the work. All contracts shall be entered into in the name of the county and shall be executed and performed under the direction of the county board, except that in any county without a county executive or county administrator the county board may vest its county highway committee or the county park commission with authority to enter into such contracts and to have charge of the performance thereof. In any county without a county executive or county administrator, the county highway commissioner, under the direction of the county board, or the county highway committee or park commission, shall superintend such work.

SECTION 9. 43.17 (4) of the statutes is amended to read:

43.17 (4) SYSTEM ADMINISTRATION. Responsibility Notwithstanding ss. 59.031 (2r) and 59.033 (2) (b), responsibility for administration of a public library system shall vest in a head librarian who shall be appointed by and directly responsible to the public library system board.

SECTION 10. 43.58 (4) of the statutes is amended to read:

43.58 (4) ~~The Notwithstanding ss. 59.031 (2r) and 59.033 (2) (b), the library board may appoint a librarian to supervise the administration of the public library and may appoint~~ such other assistants and employes as it deems necessary, and prescribe their duties and compensation.

SECTION 11. 45.30 (1) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

45.30 (1) (b) Any commitment of a veteran under this section shall be in accordance with s. 51.20. The commitment of a person to a veterans facility within this state by a judge of or a court of record of another state under a similar provision of law has the same force as if such commitment were made by a court of this state. After a person has been legally committed to the department of health and social services or to a ~~board county department~~ under s. 51.42 in this state, the department of health and social services, upon request of such person and upon receipt of a certificate of eligibility from the veterans administration evidencing the right of such person to be admitted to a veterans facility, may transfer such person to such facility and the cost of the person's transportation, together with that of any necessary attendant, shall be a proper charge against such person's care in such institution. After such transfer the powers granted by this section to the chief officer of such veterans facility shall be applicable. Any person transferred as provided in this subsection is deemed committed to the veterans administration pursuant to the original commitment.

SECTION 12. 46.03 (18) (a) of the statutes is amended to read:

46.03 (18) (a) The department of health and social services shall establish a uniform system of fees for services provided or purchased by the department of health and social services, a county department of ~~public welfare or social services or a board~~ under s. 46.215, 46.22, 51.42 or 51.437, except for services relating to adoption, or services provided to courts, for provision of child support and paternity establishment services to recipients of aid to families with dependent children or for outreach, information and referral services, or where as determined by the department of health and social services, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. ~~Fees collected by a A county department of public welfare or social services under s. 46.215, 46.22, 51.42 or 51.437 shall be applied by such department apply the fees which it collects under this program to cover the cost of such services.~~ The department of health and social services shall report to the joint committee on finance no later than January 31 of each year on the number of children placed for adoption by the department of health and social services and the costs to the state for services relating to such adoptions.

SECTION 13. 46.03 (18) (e) of the statutes is amended to read:

46.03 (18) (e) The department may delegate to county departments of ~~public welfare or social services under s. 46.215, 46.22, 51.42 or 51.437~~ and other providers of care and services the powers and duties vested in the department by pars. (c) and (d) as it deems necessary to efficiently administer this subsection, subject to such conditions as the department deems appropriate.

SECTION 14. 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 driver safety plan under s. 343.16 (2) (a), 343.30 (1q) or 343.305 (9) shall pay a reasonable fee therefor to the appropriate county department of ~~public welfare, board~~ under s. 51.42 or traffic safety school under s. 345.60. The fee for the 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.

SECTION 15. 46.03 (18) (g) of the statutes is amended to read:

46.03 (18) (g) The department shall return to county departments of ~~public welfare~~ under s. 46.215, 46.22, 51.42 or 51.437 50% of collections made by the department on and after January 1, 1978, for delinquent accounts previously delegated under par. (e) and then referred back to the department for collections.

SECTION 16. 46.03 (20) (c) of the statutes is amended to read:

46.03 (20) (c) The county ~~agency department under s. 46.215, 46.22 or 46.23~~ shall provide the department with information which the department shall use to determine each person's eligibility and amount of payment. The county ~~agency department under s. 46.215, 46.22 or 46.23~~ shall provide the department all necessary information in the manner prescribed by the department.

SECTION 17. 46.03 (30) (a) of the statutes is amended to read:

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

SECTION 18. 46.031 (1) of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is amended to read:

46.031 (1) BUDGET. (a) Each county department under s. 46.215, 46.22, 46.23, ~~49.51~~, 51.42 or 51.437 shall submit its proposed budget for services directly

provided or purchased to the department by September 30 annually.

(b) The department shall submit a model of the contract under sub. (2g) (a) to each county department under s. 46.215, 46.22, 46.23, 49.51, 51.42 and 51.437 by May 1 annually.

SECTION 19. 46.031 (2g) of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is amended to read:

46.031 (2g) CONTRACT. (a) The department shall annually submit to the county board of supervisors in a county with a single-county department or combination of the county boards of supervisors in counties with a multicounty department a proposed written contract as containing the allocation of funds and such administrative requirements as necessary. The contract as approved may contain conditions of participation consistent with federal and state law. The contract may also include provisions necessary to ensure uniform cost accounting of services. Any changes to the proposed contract shall be mutually agreed upon. The county board of supervisors in a county with a single-county department or combination of the county boards of supervisors in counties with a multicounty department shall approve the contract before January 1 of the year in which it takes effect unless the department grants an extension. The county board of supervisors in a county with a single-county department or combination of the county boards of supervisors in counties with a multicounty department may designate an agent to approve addenda to any contract after the contract has been approved.

(b) The department may not approve contracts for amounts in excess of available revenues. The county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department may appropriate funds not used to match state funds under ss. 49.52 (1) and 51.42 (8) 51.423. Actual expenditure of county funds shall be reported in compliance with procedures developed by the department, and shall comply with standards guaranteeing quality of care comparable to similar facilities.

(c) The joint committee on finance may require the department to submit contracts between county departments under s. ss. 46.215, 46.22, 46.23, 49.51, 51.42 and 51.437 and providers of service to the committee for review and approval.

SECTION 20. 46.031 (2r) (a) (intro.) of the statutes, as created by 1985 Wisconsin Act 120, is amended to read:

46.031 (2r) (a) (intro.) The department, after reasonable notice, may withhold a portion of the appropriation allocated to a county department under s. 46.215, 46.22, 46.23, 49.51, 51.42 or 51.437 if the department determines that that portion of the allocated appropriation:

SECTION 21. 46.031 (2r) (a) 4 of the statutes, as affected by 1985 Wisconsin Act 120, is amended to read:

46.031 (2r) (a) 4. Is for inpatient treatment in excess of an average of 21 days, as ~~defined provided~~ in s. 51.42 (8) (L) 51.423 (12), excluding care for patients at the centers for the developmentally disabled.

SECTION 22. 46.031 (2r) (b) of the statutes, as affected by 1985 Wisconsin Act 120, is amended to read:

46.031 (2r) (b) If the department withholds a portion of the allocable appropriation ~~pursuant to~~ under par. (a), the county department affected by the action of the department may submit to the county board ~~or boards~~ of supervisors in a county with a single-county department or to a its designated agent or the county boards of supervisors in counties with a multicounty department or their designated agents a plan to rectify the deficiency found by the department. The county board of supervisors or its designated agent in a county with a single-county department or combination of the county boards of supervisors in counties with a multicounty department or their designated agents may approve or amend the plan and may submit for departmental approval the plan as adopted. If a ~~combination of counties multicounty department~~ is administering a program, the plan may not be submitted unless each county board of supervisors which participated in the establishment of the multicounty department, or its designated agent, adopts it.

SECTION 23. 46.031 (3) (a) of the statutes, as affected by 1985 Wisconsin Act 120, 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 listed in sub. (1) 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 ~~or boards~~ of supervisors establishing it 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 committee or the county boards of 2 or more of supervisors in counties acting jointly 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 24. 46.032 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.032 Income maintenance administration. County public welfare or social services departments organized under s. 46.215, 46.22 or 49.51 and boards created under s. and 46.23 shall annually enter into a contract with the department detailing the reasonable cost of administering the income maintenance programs under ss. 49.046, 49.19, 49.45 to 49.47 and 49.50 (7g) when so appointed by the department. Contracts created under this section control the distribution of payments under s. 20.435 (4) (de) 1 and (nL) in accordance with the reimbursement method established under s. 49.52 (1) (ag). The department may reduce its payment to any county under s. 20.435 (4) (de) 1 and (nL) if federal reimbursement is withheld due to audits, quality control samples or program reviews.

SECTION 25. 46.033 (1) of the statutes is amended to read:

46.033 (1) The department, in order to discharge more effectively its responsibilities under this chapter and chs. 48, 51, 140 and 141 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 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. Such departments, boards, committees and organizational structures may assume responsibilities currently assigned by statute to the departments, boards, committees or organizational structures which are to be replaced.

SECTION 26. 46.033 (3) of the statutes, as affected by 1985 Wisconsin Act 120, is amended to read:

46.033 (3) With the agreement of the affected county board of supervisors in a county with a single-county department or boards of supervisors in counties with a multicounty department, effective for the contract period beginning January 1, 1980, the department may approve counties a county with a single-county department or a combination of counties participating in a multicounty department to administer a single consolidated aid consisting of the state and federal financial aid available to that county or those counties from appropriations under s. 20.435 (4) (b) and (c) for services provided and purchased by county

departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437. Under such an agreement, in the interest of improved service coordination and effectiveness, the county board of supervisors in a county with a single-county department or county boards of supervisors in counties with a multicounty department may reallocate among county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 funds that otherwise would be specified for use by a single county department. The budget under s. 46.031 (1) shall be the vehicle for expressing the county board or boards of supervisors' proposed use of the single consolidated fund by the county board of supervisors in a county with a single-county department or county boards of supervisors in counties with a multicounty department. Approval by the department of this use of the fund shall be in the contract under s. 46.031 (2g). Counties that were selected by the department to pilot test consolidated aids for contract periods beginning January 1, 1974, may continue or terminate consolidation with the agreement of the affected county board of supervisors in a county with a single-county department or county boards of supervisors in counties with a multicounty department.

SECTION 27. 46.034 (title), (1) and (2) (title) of the statutes are repealed.

SECTION 28. 46.034 (2) of the statutes is renumbered 46.22 (1m) (a) 2 and amended to read:

46.22 (1m) (a) 2. In any combination of counties multicounty department of social services, the county social services board shall be composed of 11 members plus 3 additional members for each combining county in a multicounty department of social services in excess of 2. The county boards of supervisors of the combining counties shall make appointments in a manner acceptable to the combining counties, but each of the combining counties may appoint to the board not more than 3 members from its county board of supervisors. The term of office of any member of the board shall be 3 years, but of the members first appointed, at least one third shall be appointed for one year; at least one third for 2 years; and the remainder for 3 years. Vacancies shall be filled for the residue of the unexpired term in the manner that original appointments are made. Any board member may be removed from office for cause by a two-thirds vote of the appointing authority, on due notice in writing and hearing of the charges against the member.

SECTION 29. 46.034 (3) of the statutes is repealed.

SECTION 30. 46.034 (4) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 46.22 (1) (am) and amended to read:

46.22 (1) (am) (title) *Funding for multicounties.* State social services funding under s. 20.435 (4) (b) shall is not be available to counties combining under this section which establish a multicounty department of social services until the counties have drafted a contractual agreement, approved by the secretary, setting forth the plans for direct sponsorship and have

drafted a proposed budget in accordance with s. 46.22 (4) ~~(j)~~ under par. (b) 8.

SECTION 31. 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 social service department, a county department of public welfare, or a board established under s. 46.215, 46.22, 46.23, 51.42 or 51.437~~ shall be authorized and contracted for pursuant to under the standards established under this section. 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 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 32. 46.041 (1) (a) of the statutes is amended to read:

46.041 (1) (a) Provide for the temporary residence and evaluation of children referred from courts assigned to exercise jurisdiction under ch. 48, the institutions and services under the jurisdiction of the department, university of Wisconsin hospital and clinics, county ~~child welfare agencies~~ departments under s. 46.215, 46.22 or 46.23, private child welfare agencies, schools for the deaf and visually handicapped, and mental health facilities within the state at the discretion of the superintendent.

SECTION 33. 46.09 (3) of the statutes is amended to read:

46.09 (3) PUBLIC WELFARE INSTITUTIONS PREAUDIT; PAYMENTS. Unless otherwise provided by law, no bills shall may be incurred in the management of such institutions nor be paid until they have been audited by the department of health and social services under the supervision of the department of administration. All payments shall be made on the warrant of the department of administration drawn in accordance with the certificate of the proper designated officer of the department of health and social services. All claims and accounts before being certified to the department of administration by the ~~aforsaid~~ department of health and social services, shall be verified and approved in the same manner as provided in s. 16.53.

SECTION 34. 46.10 (2) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.10 (2) Except as provided in sub. (2m), any person, including but not limited to a person admitted or committed under ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.06, 971.14 (2) and (5), 971.17 (1), 975.01, 1977 stats., 975.02, 1977 stats., 975.06 and 975.17, 1977 stats., receiving care, maintenance, services and supplies provided by any institution in this state including university of Wisconsin hospital and clinics, in which the state is chargeable with all or part of the person's care, maintenance, services and supplies, and any per-

son receiving care and services ~~under boards or facilities in a facility established under ss. s. 49.175, or from a county department under s. 51.42 and or 51.437,~~ and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

SECTION 35. 46.10 (8) (h) and (i) of the statutes are amended to read:

46.10 (8) (h) Ensure that all moneys collected under sub. (12) on and after January 1, 1974, be credited ~~pursuant to under~~ ss. 46.036 and ~~51.42 (8)~~ 51.423.

(i) Pay quarterly from the appropriation under s. 20.435 (2) (gk) and (4) (gg) the collection moneys due ~~boards established county departments~~ under ss. 51.42 and 51.437. Payments shall be made as soon after the close of each quarter as is practicable.

SECTION 36. 46.10 (8m) (intro.) and (am) of the statutes are amended to read:

46.10 (8m) (intro.) For ~~boards established county departments~~ under s. 51.42 or 51.437, the department shall:

(am) 1. Deduct 100% of all money collected prior to January 1, 1982, from the chargeable cost of care at the centers for the developmentally disabled under s. 51.437 ~~(12)~~ (4rm) (c) 1; and

2. Deduct or remit, through the appropriation under s. 20.435 (2) (gk), all money collected for persons ineligible for medical assistance benefits and who lack other means of full payment for care provided on or after January 1, 1982, by centers for the developmentally disabled. The deduction or remittance under this subdivision may not exceed the amount chargeable under s. 51.437 ~~(12)~~ (4rm) (c) 2. a.

SECTION 37. 46.10 (16) of the statutes is amended to read:

46.10 (16) The department shall delegate to ~~boards established 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 if such ~~boards county departments~~ or providers meet the conditions deemed appropriate by the department. The department may delegate to ~~boards established 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 ~~departmental~~ conditions are met.

SECTION 38. 46.206 (1) (c) of the statutes is amended to read:

46.206 (1) (c) The department may at any time audit all county records relating to the administration of such services and public assistance and may at any time conduct administrative reviews of county departments of ~~public welfare or social services created by~~ under ss. 46.215 and 46.22 ~~and 49.51 (2) (a). Whenever.~~ If the department conducts such audit or administrative review in a county, it shall furnish a copy of the audit or administrative review report to the chairperson of the county board, ~~to of supervisors and~~ the county clerk in a county with a single-county department or to the county boards of supervisors and the county clerks in counties with a multicounty department, and to the director of the county department of ~~public welfare or to the director of the department that administers the health and human services programs,~~ of such county under s. 46.21 or 46.22.

SECTION 39. 46.206 (3) of the statutes is repealed.

SECTION 40. 46.208 (2) and (2m) of the statutes, as affected by 1985 Wisconsin Acts 29, section 831, and 120, are amended to read:

46.208 (2) Before January 1, 1987, the department may at any time audit all records of the county or municipality relating to the administration of general relief, if the department reimburses the county or municipality under s. 49.035, and may at any time conduct administrative reviews of a municipality or of a county department under s. ~~46.034~~ 46.215, 46.22, or 46.23 ~~or 49.51~~. The department shall furnish a copy of the county audit or administrative review report to the chairperson of the county board, ~~to of supervisors and~~ the county clerk in a county with a single-county department or to the county boards of supervisors and the county clerks in counties with a multicounty department, and to the director of the county department under s. ~~46.034~~ 46.215, 46.22, or 46.23 ~~or 49.51~~. The department shall furnish a copy of the municipal audit or administrative review report to the municipal relief agency director.

(2m) After December 31, 1986, the department may at any time audit all records of the general relief agency relating to the administration of general relief,

if the department reimburses the county under s. 49.035 and may at any time conduct administrative reviews of a county department under s. ~~46.034~~ 46.215, 46.22, or 46.23 ~~or 49.51~~. The department shall furnish a copy of the county audit or administrative review report to the chairperson of the county board, ~~to of supervisors and~~ the county clerk in a county with a single-county department or to the county boards of supervisors and the county clerks in counties with a multicounty department, and to the county director of the county department under s. ~~46.034~~ 46.215, 46.22, or 46.23 ~~or 49.51~~.

SECTION 41. 46.21 (1) of the statutes is renumbered 46.21 (1m) and amended to read:

46.21 (1m) APPOINTING A DIRECTOR. (a) The county executive shall, ~~under ss. 63.01 to 63.17,~~ appoint under ss. 63.01 to 63.17 a director of the county department that ~~administers the health and human services programs.~~ Such. The appointment shall be made on the basis of recognized and demonstrated public interest in and knowledge of the problems of public welfare, and with due regard to training, experience, executive and administrative ability and efficiency, and general qualifications and fitness for performing the duties of the office. ~~Such~~ The director shall file an official oath and bond in ~~such sum as shall be fixed~~ the amount determined by the county board of supervisors. The county board of supervisors may create one or 2 positions of deputy director of the county department that ~~administers the health and human services programs.~~ The director shall be appointed by the county executive in the unclassified civil service and is subject to confirmation by the county board, ~~as provided in~~ of supervisions under s. 59.031 (2) (bm).

(b) Provisions shall be made in the organization of the office of ~~the~~ director for the devolution of ~~his~~ the director's authority in the case of his or her temporary absence, illness or other disability to act.

SECTION 42. 46.21 (1) of the statutes is created to read:

46.21 (1) DEFINITIONS. In this section:

(a) "County board of supervisors" means the county board of supervisors in a county with a population of 500,000 or more.

(b) Unless the context requires otherwise, "county department" means the county department that administers the health and human service programs in a county with a population of 500,000 or more.

(c) "Director" means the director of a county department appointed under sub. (1m) (a).

SECTION 43. 46.21 (2) (intro.) of the statutes is created to read:

46.21 (2) (intro.) The county board of supervisors:

SECTION 44. 46.21 (2) (a), (b), (e), (g) and (i) of the statutes are amended to read:

46.21 (2) (a) ~~The county board of supervisors shall~~ Shall determine policy for the operation, maintenance

and improvement in each county by the director of the department that administers the health and human services programs, of the county hospital, dispensary, emergency unit of the hospital, guidance clinic, infirmary, the home for children, the detention home, and center; the probation section of the children's court center, and; the provision and maintenance of the physical facilities for that the children's court and its intake section under the supervision and operation of the judges assigned to exercise jurisdiction under ch. 48 and as provided in s. 48.06 (1); the mental health center, north division and south division, tuberculosis hospital, complex; the county department of social services created by under s. 49.51 (2) (a), county agent's department, farm, 46.215; the central service departments; and all buildings and land used in connection with any or all such institutions. A diagnostic and treatment center may be designated as part of the county mental health center, north division, and all personnel fully attached to that facility shall be under the jurisdiction of the superintendent or medical director of the county mental health center, north division institution under this section. The powers and duties of the county board of supervisors are policy forming only, and not administrative or executive.

(b) ~~The hospitals and sanatoriums of the county shall be devoted to hospital service and the treatment of such persons who would otherwise be unable to secure the same, but other persons may be admitted to the county hospitals upon such terms and conditions as the county board of supervisors establishes. Such hospitals and sanatoriums may be utilized for instruction of medical students, physicians and nurses and for scientific and clinical research as will promote the welfare of the patients and assist the application of science to the alleviation of human suffering. The county board of supervisors may May make such arrangements with the medical school of the university of Wisconsin Wisconsin-Madison medical school or the medical college of Wisconsin, inc., or any other duly accredited medical colleges and medical societies for teaching and research in such institutions as in its judgment will best promote the foregoing hospital aims purpose of hospitals and sanitariums under sub. (4m).~~

(e) ~~The county may May~~ pay a reasonable fee and the actual travel expense of persons called into consultation by the county board of supervisors as to matters within the field of human services or health care delivery.

(g) ~~The county board of supervisors shall Shall~~ establish rules as may be necessary for the management and operation of the county institutions and departments mentioned in s. 46.21 (2) (a) specified in par. (a).

(i) ~~The county board of supervisors may May~~ designate an amount as and appropriate funds for a work allowance to inmates at its institutions. The county

board of supervisors shall prescribe the amount of such work allowance after the director determines reasonable hours and health and other conditions, as shall be observed in connection with the employment. Such employment is not within the provisions of ss. 63.01 to 63.17 nor is it subject to ch. 102. Work allowances or wages paid to inmates shall not be included as costs in arriving at the per capita rate for state aids or charges to other counties and the state for care of inmates.

SECTION 45. 46.21 (2) (jm) of the statutes is created to read:

46.21 (2) (jm) Shall provide for the appointment of department heads under sub. (4).

SECTION 46. 46.21 (3) (a) of the statutes is amended to read:

46.21 (3) (a) All of the administrative and executive powers and duties of managing, operating, maintaining and improving the several institutions and departments, specified in sub. (2) (a) and such other institutions and departments as may be placed by the county board of supervisors under the jurisdiction of the director by the county board of supervisors, shall be vested in such director, to be administered by him the director under the rules promulgated, subject to the policies and in accordance with the principles established by the county board of supervisors.

SECTION 47. 46.21 (3) (b) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 46.21 (2) (j) and amended to read:

46.21 (2) (j) ~~The county board of supervisors may May~~ exercise approval or disapproval power over contracts and purchases of the director that are for \$50,000 or more, except that the county board of supervisors may not exercise approval or disapproval power over any personal service contracts. ~~The county board of supervisors also may not exercise approval or disapproval power contract or over contracts and purchases any contract or purchase of the director relating which relates to community living arrangements or foster homes and which was entered into pursuant to a contract under s. 46.031 (2g), regardless of whether the contract mentions the provider, except as provided in sub. (8) (b) par. (m).~~ This paragraph does not preclude the county board of supervisors from creating a central purchasing department for all county purchases.

SECTION 48. 46.21 (4) (b) and (c) of the statutes is amended to read:

46.21 (4) (b) Each ~~such~~ department head appointed under par. (a) shall take and file his an official oath and execute and file an official bond with the sureties approved and in ~~such sum as shall be fixed~~ the amount determined by the county board of supervisors.

(c) Each department head appointed under par. (a) may, subject to the approval of the director, appoint, discipline and remove, under the provisions of ss. 63.01 to 63.17 all officers and employes in his or her department. Each department head may at any time

present communications to the county board of supervisors upon any matter through the director who shall present such communications to the county board of supervisors at its next meeting thereafter.

SECTION 49. 46.21 (4m) of the statutes is created to read:

46.21 (4m) HOSPITALS AND SANATORIUMS. The hospitals and sanatoriums of a county with a population of 500,000 or more shall be devoted to hospital service and the treatment of any person who would otherwise be unable to secure that service and treatment, but other persons may be admitted to the county hospitals upon such terms and conditions as the county board of supervisors establishes. Such hospitals and sanatoriums may be utilized for instruction of medical students, physicians and nurses and for scientific and clinical research as will promote the welfare of the patients and assist the application of science to the alleviation of human suffering.

SECTION 50. 46.21 (5) (a) of the statutes is amended:

46.21 (5) (a) Any resident of this state, not indigent, may be received into ~~the~~ an infirmary to be treated, cared for, and maintained upon such terms and conditions and at such rate of pay as may be established by the county board of supervisors; but indigent and destitute persons shall have preference in admission to and care in such institution.

SECTION 51. 46.21 (5) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.21 (5) (b) Sections 46.10, 49.08, 49.90 and 767.42 govern the support and maintenance of persons in any of the institutions ~~listed~~ specified in sub. (2) (a).

SECTION 52. 46.21 (6) (a) of the statutes is renumbered 46.21 (6) and amended to read:

46.21 (6) REPORTS; APPROPRIATIONS; EXPENDITURES. ~~On the first day of~~ Annually at anytime between July of each year, or within 30 days thereafter ~~I and July 31,~~ the director and the department heads appointed under sub. (4) shall submit annual reports to the county board of supervisors, including itemized statements of receipts and disbursements for the preceding calendar year. Such director and each department head shall maintain the uniform system of books, accounts, records and reports prescribed by the department, conforming in all respects with s. 46.18 (9) and requirements of the county auditor and county department of administration.

SECTION 53. 46.21 (6) (b) of the statutes is renumbered 46.21 (2) (k) and amended to read:

46.21 (2) (k) ~~The county board of supervisors shall~~ Shall make sufficient appropriation annually for the support, maintenance, salaries, repairs and improvements to the institutions. The appropriations shall be used subject to the order of the director and as the rules of the county board of supervisors provide. The director may not incur any expense or contract for

new buildings, additions to present buildings or the purchase of land until the county board of supervisors has appropriated or provided for the money to defray such expense.

SECTION 54. 46.21 (8) (intro.) of the statutes is repealed.

SECTION 55. 46.21 (8) (a) to (d) of the statutes are renumbered 46.21 (2) (L) to (o) and amended to read:

46.21 (2) (L) ~~To~~ May establish and maintain a public health and medical dispensary and conduct same as may be proper and necessary for the preservation of the public health and the prevention of disease in ~~such~~ the county.

(m) ~~To~~ May establish and maintain in connection with such county hospital, an emergency unit or department for the treatment, subject to such rules as may be prescribed by the county board of supervisors, of persons in the county who may meet with accidents or be suddenly afflicted with illness not contagious; provided that medical care and treatment shall only be furnished in such unit or department until such time as the patient may be safely removed to another hospital or to his or her place of abode, or regularly admitted to ~~said~~ the county hospital. The county board of supervisors may also contract with any private hospital or nonprofit hospital within the county for the use of its facilities and for medical service to be furnished by a licensed physician or physicians to patients who require emergency medical treatment or first aid as a result of any accident, injury or sudden affliction of illness occurring within the county, except that reasonable compensation may only be authorized ~~for such period of time~~ until the patient ~~may be~~ is regularly admitted as an inpatient or safely removed to another hospital or to his place of abode. In this paragraph, "hospital" includes, without limitation due to enumeration, public health centers, medical facilities and general, tuberculosis, mental, chronic disease and other types of hospitals and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, ~~but not in limitation thereof by enumeration,~~ and central service facilities operated in connection with hospitals, ~~but.~~ In this paragraph, "hospital" does not include any hospital furnishing primarily domiciliary care; ~~and.~~ In this paragraph "nonprofit hospital" means any hospital owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(n) ~~To~~ May establish and maintain, in connection with the institutions and departments under the control of the county board of supervisors, a training school for nurses, to purchase and take over all property, to assume all obligations and to conduct any training school now operated in connection with ~~said~~ those institutions or departments ~~or any of them.~~

(o) To establish and maintain in connection with or separate from the county hospital a unit or depart-

ment for the treatment, subject to the rules of the county board of supervisors, of persons in said the county who may be afflicted with contagious diseases.

SECTION 56. 46.21 (9) (title) of the statutes is repealed.

SECTION 57. 46.21 (9) of the statutes is renumbered 46.21 (2) (p) and amended to read:

46.21 (2) (p) ~~The county board of supervisors may~~ May, on such terms as it prescribes, make its land, buildings, facilities and supportive services available to organizations for the construction and operation of medical, hospital and health-related activities at the site of the institutions under this section.

SECTION 58. 46.21 (11) of the statutes is repealed.

SECTION 59. 46.22 (title) of the statutes is amended to read:

46.22 (title) County social services.

SECTION 60. 46.22 (1) (title) of the statutes is created to read:

46.22 (1) COUNTY DEPARTMENT OF SOCIAL SERVICES.

SECTION 61. 46.22 (1) of the statutes is renumbered 46.22 (1) (a) and amended to read:

46.22 (1) (a) *Creation.* 1. ~~In every county having~~ Except as provided under s. 46.23 (3) (b), the county board of supervisors of any county with a population of less than 500,000, or the county boards of 2 or more contiguous counties each with a population of less than 500,000 there is created, shall establish a county department of public welfare. This social services on a single-county or multicounty basis. The county department of social services shall consist of a county social services board of public welfare, a county director of public welfare, social services director and necessary personnel.

SECTION 62. 46.22 (1m) (title) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

46.22 (1m) (title) COUNTY SOCIAL SERVICES BOARD.

SECTION 63. 46.22 (1m) (a) (title) of the statutes is created to read:

46.22 (1m) (a) (title) *Composition.*

SECTION 64. 46.22 (1m) (a) of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 46.22 (1m) (a) 1 and amended to read:

46.22 (1m) (a) 1. ~~Except as provided under par. (b) In any single-county department of social services, the county social services board of public welfare shall consist of 3, 5 or 7 residents of the county, as determined by the county board of supervisors, elected by the county board of supervisors or appointed by the chairperson of the county board under rules of the county board. The members of the county board of public welfare shall be elected or appointed either from members of the county board of supervisors or from the county at large, or both, on the basis of knowledge and interest in public welfare and shall hold office for a term fixed by the county board of supervisors. The members of the county social ser-~~

~~vices board of public welfare shall receive compensation as fixed by the county board of supervisors.~~

SECTION 65. 46.22 (1m) (b) of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 46.22 (1m) (b) 2 and amended to read:

46.22 (1m) (b) 2. In any county with a county executive or county administrator which ~~does not combine its~~ has established a single-county department of public welfare with another county under s. 46.034 social services, the county executive or county administrator shall appoint ~~the county board of public welfare, subject to confirmation by the county board. A member of the county board of public welfare appointed under this paragraph may be removed by the county executive or county administrator for cause of supervisors,~~ the county social services board, which shall be only a policy-making body determining the broad outlines and principles governing the administration of programs under this section.

SECTION 66. 46.22 (1m) (b) (intro.), 1 and 3 and (c) of the statutes are created to read:

46.22 (1m) (b) *Appointment, election.* (intro.) The members of the county social services board shall be elected or appointed either from members of the county board of supervisors or from the county at large, or both, on the basis of knowledge and interest in public welfare as follows:

1. In a single-county department of social services in a county without a county executive or county administrator, the county of board supervisors shall elect, or the chairperson of the county board of supervisors under rules of the county board of supervisors shall appoint, the county social services board.

3. The county boards of supervisors of the counties in a multicounty department of social services shall make appointments in a manner acceptable to the counties in a multicounty department of social services, but each of the counties in a multicounty department of social services may appoint to the county social services board not more than 3 members from its county board of supervisors.

(c) *Compensation; terms; removal.* The members of the county social services board shall receive compensation and hold office for a term as fixed by the county board of supervisors in a county with a single-county department or by the county boards of supervisors in counties with a multicounty department, except as follows:

1. A member of the county social services board appointed under par. (b) 2 may be removed by the county executive or county administrator for cause.

2. The term of office of any member of the county social services board appointed under par. (b) 3 shall be 3 years, but of the members first appointed, at least one-third shall be appointed for one year; at least one-third for 2 years; and the remainder for 3 years. Vacancies shall be filled for the residue of the unexpired term in the manner that original appointments are made. Any county social services board

member may be removed from office for cause by a two-thirds vote of the appointing authority, on due notice in writing and hearing of the charges against the member.

SECTION 67. 46.22 (2) (title) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.22 (2) (title) POWERS AND DUTIES OF COUNTY SOCIAL SERVICES BOARD IN CERTAIN COUNTIES.

SECTION 68. 46.22 (2) (a) (title) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 69. 46.22 (2) (a) of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 46.22 (2) (intro.) and amended to read:

46.22 (2) (intro.) ~~In this subsection, "board" means a A county social services board of public welfare in a county without a county executive or county administrator and "board" means a combined board of public welfare under s. 46.034. elected or appointed under sub. (1m) (b) 1 and 3 shall:~~

SECTION 70. 46.22 (2) (b) (intro.) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 71. 46.22 (2) (b) 1 to 5 of the statutes, as affected by 1985 Wisconsin 29, are renumbered 46.22 (2) (a) to (e) and amended to read:

46.22 (2) (a) At the first meeting of the county social services board, elect from their number, a chairperson, a secretary and other officers as deemed necessary. Vacancies in these offices shall be filled for the unexpired terms. The chairperson presides at all meetings when present, and countersigns all actions taken by the county social services board. In case of the absence of the chairperson for any meeting the members present shall choose a temporary chairperson.

(b) ~~Under sub. (3), appoint a~~ Appoint the county social services director of public welfare under sub. (3) subject to s. 49.50 (2) to (5) and the rules promulgated thereunder and subject to the approval of the county board of supervisors in a county with a single-county department of social services or the county boards of supervisors in counties with a multicounty department of social services.

(c) Supervise the working of the county department of ~~public welfare social services~~ and shall be a policy-making body determining the broad outlines and principles governing the administration of the functions, duties and powers assigned to ~~said the county department of social services~~ under subs. (4) and (5) sub. (1) (b) and (c).

(d) ~~Whenever~~ As it determines ~~that there is a need therefor necessary,~~ appoint committees consisting of residents of the county, which ~~committee~~ shall advise with the county social services board on any matters for which they are created, ~~but members.~~ Members of such committees shall serve without compensation.

(e) Consult with the county social services director of ~~public welfare~~ appointed under par. (b) concerning the preparation of the annual budget, the annual

report of the operation of the county department of ~~public welfare social services~~ and the appointment of necessary personnel.

SECTION 72. 46.22 (2) (f) to (n) of the statutes are created to read:

46.22 (2) (f) Recommend program priorities, identify unmet service needs and prepare short-term and long-term plans and budgets for meeting such priorities and needs.

(g) Determine, subject to the approval of the county board of supervisors in a county with a single-county department of social services or the county boards of supervisors in counties with a multicounty department of social services and with the advice of the county social services director appointed under par. (b), whether services are to be provided directly by the county department of social services or contracted for with other providers and make such contracts. The county board of supervisors in a county with a single-county department of social services or the county boards of supervisors in counties with a multicounty department of social services may elect to require the approval of any such contract by the county board of supervisors in a county with a single-county department of social services or the county boards of supervisors in counties with a multicounty department of social services.

(h) Develop county social services board operating procedures.

(i) Comply with state requirements.

(j) Assist in arranging cooperative working agreements with persons providing health, education, vocational or welfare services related to services provided under this section.

(k) Establish priorities in addition to those mandated by the department.

(L) Evaluate services delivery.

(m) Cooperate to the extent feasible with the school board, health planning agencies, law enforcement agencies, and other human service agencies, committees and planning bodies in the geographic area served by the county department of social services.

(n) Assume the powers and duties of the county department of social services under sub. (1) (b) to (e).

SECTION 73. 46.22 (2g) (title) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 74. 46.22 (2g) (a) of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 46.22 (2g) (intro.) and amended to read:

46.22 (2g) (title) POWERS AND DUTIES OF COUNTY SOCIAL SERVICES BOARD IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) ~~In this subsection, "board" means a A county social services board of public welfare in a county with a county executive or county administrator which has not combined its department of public welfare with another county under s. 46.034. appointed under sub. (1m) (b) 2 shall:~~

SECTION 75. 46.22 (2g) (b) (intro.) of the statutes, as created by Wisconsin Act 29, is repealed.

SECTION 76. 46.22 (2g) (b) 1, 1m and 2 of the statutes, as created by Wisconsin Act 29, are renumbered 46.22 (2g) (a), (b) and (c), and 46.22 (2g) (a) and (b), as renumbered, are amended to read:

46.22 (2g) (a) At the first meeting of the county social services board, elect from their number, a chairperson, a secretary and other officers as deemed necessary. Vacancies in these offices shall be filled for the unexpired terms. The chairperson presides at all meetings when present, and countersigns all actions taken by the county social services board. In case of the absence of the chairperson for any meeting the members present shall choose a temporary chairperson.

(b) Appoint committees consisting of residents of the county to advise the county social services board as it deems necessary. Member of such committees shall serve without compensation.

SECTION 77. 46.22 (2g) (b) 3 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is renumbered 46.22 (2g) (d) and amended to read:

46.22 (2g) (d) Prepare, with the assistance of the county social services director ~~of public welfare~~ under sub. (3m) (b) 5, a proposed budget for submission to the county executive or county administrator and to the department of health and social services in accordance with s. 46.031 (1) for authorized services.

SECTION 78. 46.22 (2g) (b) 4 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is repealed.

SECTION 79. 46.22 (2g) (b) 5 to 8 of the statutes, as created by 1985 Wisconsin Act 29, are renumbered 46.22 (2g) (e) to (h), and 46.22 (2g) (e) and (f), as renumbered, are amended to read:

46.22 (2g) (e) Advise the county social services director ~~of public welfare~~ under sub. (3m) (b) 3 regarding purchasing and providing services and the selection of purchase of service vendors, and make recommendations to the county executive or county administrator regarding modifications in such purchasing, providing and selection.

(f) Develop county social services board operating procedures.

SECTION 80. 46.22 (3) (title) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.22 (3) (title) COUNTY SOCIAL SERVICES DIRECTOR IN CERTAIN COUNTIES.

SECTION 81. 46.22 (3) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 82. 46.22 (3) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.22 (3) (intro.) and amended to read:

46.22 (3) (intro.) ~~The~~ A county social services director appointed under sub. (2) (b) shall serve:

(a) Serve as the executive and administrative officer of the county department of ~~public welfare~~ social services.

(b) In consultation and agreement with the county social services board ~~of public welfare~~, ~~the county director shall under sub. (2)~~, prepare and submit to the county board of supervisors an annual budget of all funds necessary for the county department of social services, and ~~shall~~ prepare annually a full report of the operations and administration of the county department of social services. The county board of supervisors shall review and approve, reject or revise by majority vote the annual budget of the county department of ~~public welfare~~. ~~The county director shall recommend social services.~~

(c) Recommend to the county social services board ~~of public welfare~~ under sub. (2) the appointment of employees necessary to administer the functions of the county department, ~~subject to sub. (6) and s. 49.50 (2) to (5) and the rules promulgated thereunder.~~ ~~The county director shall make of social services.~~

(d) Make recommendations to the county board of supervisors in a county with a single-county department of social services or the county boards of supervisors in counties with a multicounty department of social services who shall fix the salary of such employees.

SECTION 83. 46.22 (3) (f) and (g) of the statutes are created to read:

46.22 (3) (f) Comply with state requirements.

(g) Cooperate to the extent feasible with the school board, health planning agencies, law enforcement agencies, and other human service agencies, committees and planning bodies in the geographic area served by the county department of social services.

SECTION 84. 46.22 (3m) (title) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

46.22 (3m) (title) COUNTY SOCIAL SERVICES DIRECTOR IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR.

SECTION 85. 46.22 (3m) (a) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 86. 46.22 (3m) (b) (intro.) of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 46.22 (3m) (a) and amended to read:

46.22 (3m) (a) In any county with a county executive or a county administrator which has ~~not combined its~~ established a single-county department of ~~public welfare with another county under s. 46.034~~ social services, the county executive or county administrator, subject to s. 49.50 (2) to (5) and the rules promulgated thereunder, shall appoint and supervise the county social services director. The appointment is subject to the confirmation of the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system com-

petitive examination procedure established under s. 59.07 (20) or ch. 63. ~~The director shall:~~

SECTION 87. 46.22 (3m) (b) (intro.) of the statutes is created to read:

46.22 (3m) (b) (intro.) A county social services director appointed under par. (a) shall:

SECTION 88. 46.22 (3m) (b) 1, 1m and 3 of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

46.22 (3m) (b) 1. Supervise and administer any program established ~~under this section~~ by the county department of social services.

1m. Supervise the operations and administration of the county department of ~~public welfare~~ social services.

3. Determine, subject to ~~county board~~ the approval of the county board of supervisors and with the advice of the county social services board of public welfare under sub. (2g) (e), whether services are to be provided directly by the county agency department of social services or contracted for with other providers and make such contracts. The county board of supervisors may elect to require the approval of any such contract by the county board of supervisors.

SECTION 89. 46.22 (3m) (b) 5 and 6 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, are amended to read:

46.22 (3m) (b) 5. Assist the county social services board of public welfare in the preparation of the proposed budget required under sub. (2g) (b)-3 (d).

6. Make recommendations to the county executive or county administrator regarding modifications to the proposed budget prepared by the county social services board of public welfare under sub. (2g) (b)-3 (d).

SECTION 90. 46.22 (3m) (b) 8 of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 91. 46.22 (3m) (b) 9 of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

46.22 (3m) (b) 9. Establish salaries and personnel policies of the ~~program~~ county department of social services subject to approval of the county executive or county administrator and county board of supervisors.

SECTION 92. 46.22 (3m) (b) 12, 16 and 17. (intro.) and b of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

46.22 (3m) (b) 12. Establish priorities in addition to those mandated by the department of health and social services.

16. Cooperate to the extent feasible with the school board, health planning agencies, law enforcement agencies, and other human service agencies, committees and planning bodies in the geographic area served by the county department of ~~public welfare~~ social services.

17. (intro.) In consultation with the county social services board of public welfare under sub. (2g), prepare:

b. Such other reports as are required by the secretary and the county board of supervisors.

SECTION 93. 46.22 (3m) (b) 15 of the statutes is repealed and recreated to read:

46.22 (3m) (b) 15. Prepare annually a full report of the operations and administration of the county department of social services.

SECTION 94. 46.22 (4) (intro.) and (a) to (g) of the statutes are renumbered 46.22 (1) (b) (intro.) and 1 to 7, and 46.22 (1) (b) (intro.), 3, 4 and 6, as renumbered, are amended to read:

46.22 (1) (b) *Powers and duties.* (intro.) The county department of ~~public welfare~~ social services shall have the following functions, duties and powers in accordance with the rules and regulations promulgated by the department of health and social services and subject to the supervision of ~~said the~~ department of health and social services:

3. To make investigations which relate to welfare services upon request by the department of health and social services.

4. To administer relief to needy Indians under s. 49.046 when appointed by the department of health and social services under ~~such section~~ s. 49.046.

6. To make payments in such manner as the department of health and social services may determine for training of recipients, former recipients and potential recipients of aid in programs established under s. 49.50 (7).

SECTION 95. 46.22 (4) (j) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 46.22 (1) (b) 8.

SECTION 96. 46.22 (4) (L), (m) and (n) of the statutes, as affected by 1985 Wisconsin Act 29, are renumbered 46.22 (1) (b) 9, 10 and 11, and 46.22 (1) (b) 9 and 10, as renumbered, are amended to read:

46.22 (1) (b) 9. To administer the long-term support community options program singly under s. 46.27, ~~if~~ (3) (b) 1 or jointly under s. 46.27 (3) (b) 5, as designated by the county board of supervisors ~~designates as the administrative agency the county department of public welfare or the combination of the county department of public welfare and a combined community human services department created under s. 46.23 with the powers and duties specified under ss. 51.42 and 51.437 in a county with a single-county department of social services or the county boards of supervisors in counties with a multicounty department of social services.~~

10. To collect and transmit information to the department of health and social services so that a federal energy assistance payment or weatherization services may be made to an eligible household; to receive applications from individuals seeking low-income energy assistance under s. 49.80 (4); to provide infor-

mation on the income eligibility for weatherization of a recipient of low-income energy assistance to an entity with which the department of health and social services contracts for provision of weatherization under ~~sub. s. 49.80~~ (9); and to receive a request, determine a correct payment amount, if any, and provide payment, if any, for emergency assistance under s. 49.80 (8).

SECTION 97. 46.22 (4) (o) of the statutes is renumbered 46.22 (1) (b) 12.

SECTION 98. 46.22 (4) (p) and (q) of the statutes, as created by 1985 Wisconsin Act 29, are renumbered 46.22 (1) (b) 13 and 14.

SECTION 99. 46.22 (4) of the statutes is created to read:

46.22 (4) CONSTRUCTION. (a) Any reference in any law to a county department of social services applies to a county department under s. 46.23 in its administration of the powers and duties of the county department of social services under s. 46.23 (3) (b).

(b) 1. Any reference in any law to a county social services director appointed under sub. (2) (b) applies to the director of a county department appointed under s. 46.23 (5) (f) in his or her administration of the powers and duties of that county social services director.

2. Any reference in any law to a county social services director appointed under sub. (3m) (a) applies to the director of a county department appointed under s. 46.23 (6m) (intro.) in his or her administration of the powers and duties of that county social services director.

(c) 1. Any reference in any law to a county social services board appointed under sub. (1m) (b) 1 and 3 applies to the board of a county department appointed under s. 46.23 (4) (b) 1 in its administration of the powers and duties of that county social services board.

2. Any reference in any law to a county social services board appointed under sub. (1m) (b) 2 applies to the board of a county department appointed under s. 46.23 (4) (b) 2 in its administration of the powers and duties of that county social services board.

SECTION 100. 46.22 (5) (intro.) and (a) (intro.) and 1 of the statutes are renumbered 46.22 (1) (c) (intro.) and 1. (intro.) and a, and 46.22 (1) (c) (intro.) and 1. (intro.), as renumbered, are amended to read:

46.22 (1) (c) (title) *Other powers and duties.* (intro.) The county board of supervisors in a county with a single-county department of social services and the county boards of supervisors in counties with a multicounty department of social services may provide that the county department of ~~public welfare~~ social services shall, in addition to exercising the mandatory functions, duties, and powers ~~as provided in sub. (4) under par. (b)~~, have any or all of the following functions, duties and powers and such other welfare functions as may be delegated to it by ~~such the~~ county board of supervisors in a county with a single-county

department of social services and the county boards of supervisors in counties with a multicounty department of social services:

1. (intro.) Make investigations in ~~co-operation~~ cooperation with the court, institution superintendent, district attorney and other agencies and officials operating in the welfare field regarding admissions to and release (or conditional release) from the following county and state institutions:

SECTION 101. 46.22 (5) (a) 2 and (am) of the statutes, as affected by 1985 Wisconsin Act 29, are renumbered 46.22 (1) (c) 1. b and 2, and 46.22 (1) (c) 2, as renumbered, is amended to read:

46.22 (1) (c) 2. ~~Paragraph (a) Subdivision 1~~ does not authorize the county department of ~~public welfare~~ social services to make investigations regarding admission to or release from the Waupun correctional institution, the Columbia correctional institution, the Menomonee Valley correctional institution, the Oshkosh correctional institution, the Green Bay correctional institution, the Dodge correctional institution, the Taycheedah correctional institution, county houses of correction, jails, detention homes or reforestation camps.

SECTION 102. 46.22 (5) (b) to (gm) of the statutes are renumbered 46.22 (1) (c) 3 to 9, and 46.22 (1) (c) 8 and 9, as renumbered, are amended to read:

46.22 (1) (c) 8. To administer child welfare services including services to children who are mentally retarded, dependent, neglected, delinquent, or nonmarital, and to other children who are in need of such services. In administering child welfare services the county ~~agency~~ department of social services shall be governed by the following:

a. The county ~~agency~~ department of social services may avail itself of the ~~co-operation~~ cooperation of any individual or private agency or organization interested in the social welfare of children in ~~such the~~ county with a single-county department of social services or in the counties with a multicounty department of social services.

b. The county ~~agency~~ department of social services shall administer and expend such amounts as may be necessary out of any moneys which may be appropriated for child welfare purposes by the county board of supervisors in a county with a single-county department of social services or by the county boards of supervisors in counties with a multicounty department of social services or donated by individuals or private organizations.

c. Upon the request of the judge assigned to exercise jurisdiction under ch. 48, the county ~~agency~~ department of social services shall investigate the home environment and other factors in the life of any child brought to the attention of the court for alleged dependency, neglect, or delinquency, and to assume guidance and supervision of any child placed on probation by that court.

d. Upon the request of the department of health and social services and under its direction, the county ~~agency department of social services~~ shall assume the oversight of any juvenile under parole from or otherwise subject to the supervision of any state institution.

e. The county ~~agency department of social services~~ shall have the powers and duties specified in s. 48.57.

9. The authority given to the county department of ~~public welfare social services~~ under ~~par. (e) subd. 8~~ to function as an authorized child welfare agency shall not be interpreted as excluding agencies licensed ~~pursuant to~~ under s. 48.60 from also exercising such functions.

SECTION 103. 46.22 (5m) of the statutes is renumbered 46.22 (1) (e) and amended to read:

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

2. A county ~~agency department of social services~~ may purchase development and training services from the ~~state~~ department of health and social services or from other county agencies ~~when~~ if such services are available or sell such development and staff training services to another county or state agency ~~when they have~~ if the county department of social services has adequate staff to provide such service.

3. ~~County agencies~~ A county department of social services shall submit to the department of health and social services plans and contracts for care and services to be purchased. Such contracts shall be developed under s. 46.036. The department of health and social services shall review such 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 social services to submit ~~such~~ the contracts to the committee for review and approval. The department ~~shall~~ of health and social services may not make any payments to a county for programs included in the contract which is under review by the committee. The department of health and social services shall reimburse each county for such approved contracts from the appropriations under s. 20.435 (4) (o) or under s. 20.435 (4) (cd), according to s. 49.52, or from the appropriation under s. 20.435 (4) (b).

SECTION 104. 46.22 (6) of the statutes is repealed.

SECTION 105. 46.22 (7) of the statutes is renumbered 46.22 (1) (d) and amended to read:

46.22 (1) (d) (title) *Merit system; records.* The county department of social services is subject to s. 49.50 (2) to (5). The county department of public welfare social services and all county officers and employes performing any duties in connection with the administration of aid to the blind, old-age assistance, aid to families with dependent children and aid to totally and permanently disabled persons shall observe all rules ~~and regulations~~ promulgated by the department ~~pursuant to~~ of health and social services ~~under~~ s. 49.50 (2) and shall keep ~~such~~ such records and furnish ~~such~~ such reports as the department of health and social services requires in relation to their performance of such duties.

SECTION 106. 46.225 of the statutes is amended to read:

46.225 Indigency determinations. If applicable under s. 977.07 (1), a county department ~~or board~~ under s. 46.21, 46.22 or 46.23 shall make indigency determinations.

SECTION 107. 46.23 (title) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.23 (title) County department of human services.

SECTION 108. 46.23 (2) (a) and (c) of the statutes, as affected by 1985 Wisconsin Act 29, are repealed.

SECTION 109. 46.23 (2) (d) and (e) of the statutes are renumbered 46.23 (2) (a) and (b).

SECTION 110. 46.23 (3) (title) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.23 (3) (title) COUNTY DEPARTMENT OF HUMAN SERVICES.

SECTION 111. 46.23 (3) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.23 (3) (a) (title) *Creation.* Upon approval by the secretary 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 ~~one~~ 2 or more contiguous counties, each of which has a population of less than 500,000, may, ~~by resolution of the county boards of supervisors,~~ establish by resolution a community county department of human services department on a county 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 112. 46.23 (3) (am) (title) of the statutes is created to read:

46.23 (3) (am) (title) *Delivery of services plan.*

SECTION 113. 46.23 (3) (am) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.23 (3) (am) 1 and amended to read:

46.23 (3) (am) 1. The community county department of human services department shall prepare a local plan for the delivery of human services which includes an inventory of all existing resources, identifies needed new resources and services and contains a plan for meeting the health, mental health and social needs of individuals and families. The plan shall be based on an annual need survey of the prevalence and incidence of the various disabilities within the geographic boundaries of the community county department of human services department. The plan shall also include the establishment of long-range goals and intermediate-range plans, detailing priorities and estimated costs and providing for coordination of local services and continuity of care.

SECTION 114. 46.23 (3) (ar) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.23 (3) (am) 2 and amended to read:

46.23 (3) (am) 2. Prior to adoption of the plan by the community county department of human services department under ~~par. (am) subd. 1~~, it shall hold a public hearing on the plan. As far as practicable, the community county department of human services department shall annually publish or otherwise circulate notice of its proposed plan and afford interested persons opportunity to submit data or views orally or in writing.

SECTION 115. 46.23 (3) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.23 (3) (am) 3 and amended to read:

46.23 (3) (am) 3. The county board of supervisors in a county with a single-county department of human services and the county boards of supervisors in counties with a multicounty department of human services shall review and approve the overall plan, program and budgets proposed by the community county department of human services department.

SECTION 116. 46.23 (3) (b) and (bm) of the statutes are created to read:

46.23 (3) (b) *Transfer of other county powers and duties.* 1. If a county department of human services is established under par. (a), the county board of supervisors in a county with single-county department of human services or the county boards of supervisors in counties with a multicounty department of human services shall transfer the powers and duties of the county departments under ss. 46.22, 51.42 and 51.437 to the county department of human services. The county board of supervisors in a county with a single-county department of human services and the county boards of supervisors in counties with a multicounty department of human services may transfer the powers and duties of the following to the county department of human services established under par. (a):

a. A county unit created by the county board of supervisors exercising its authority under s. 59.025.

b. A board of health or a health officer appointed under s. 140.09.

c. A county health commission or committee created under s. 141.01.

d. Any other human services program under county control.

2. a. Any reference in any law to a county department under s. 46.22, 51.42 or 51.437 applies to the county department of human services in its administration of the powers and duties of the county department to which the reference is made.

b. Any reference in any law to a county director appointed under s. 46.22 (2) (b), 51.42 (5) (d) or 51.437 (9) (a) applies to the county human services director appointed under sub. (5) (f) in his or her administration of the powers and duties of the county director to which the reference is made. Any reference in any law to a county director appointed under s. 46.22 (3m) (a), 51.42 (6m) (intro.) or 51.437 (10m) (intro.) applies to the county human services director appointed under sub. (6m) (intro.) in his or her administration of the powers and duties of the county director to which the reference is made.

c. Any reference to a county board appointed under s. 46.22 (1m) (b) 1, 51.42 (4) (a) 1 or 51.437 (7) (a) 1 applies to the county human services board appointed under sub. (4) (b) 1 in its administration of the powers and duties of the county board to which the reference is made. Any reference in any law to the county board appointed under s. 46.22 (1m) (b) 2, 51.42 (4) (a) 2 or 51.437 (7) (a) 2 applies to the county human services board appointed under sub. (4) (b) 2 in its administration of the powers and duties of the county board to which the reference is made.

(bm) *Long-term support community options program.* If 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 designate the county department of human services as the administrative agency under s. 46.27 (3) (h) 3, the county department of human services shall administer the long-term support community options program under s. 46.27.

SECTION 117. 46.23 (3) (c) of the statutes is renumbered 46.23 (3) (am) 4 and amended to read:

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

SECTION 118. 46.23 (3m) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 119. 46.23 (4) (title) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.23 (4) (title) COUNTY HUMAN SERVICES BOARD.

SECTION 120. 46.23 (4) (a) (title) of the statutes is created to read:

46.23 (4) (a) (title) *Composition.*

SECTION 121. 46.23 (4) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.23 (4) (b) and amended to read:

46.23 (4) (b) (title) *Appointment*. 1. Except as provided under subd. 2, the county board ~~or boards of supervisors of any county or combination of counties establishing a community in a county which has established a single-county department of human services or the county boards of supervisors in counties which have established a multicounty department of human service department under sub. (3) (a) services~~ shall, before qualification under this section, appoint a governing and policy-making board ~~of directors~~ to be known as the community county human services board.

2. In any county ~~which has with~~ a county executive or county administrator and which has established a community single-county department of human services department under sub. (3) (a), but not in combination with another county, the county executive or county administrator shall appoint, subject to confirmation by the county board ~~of supervisors,~~ the community county human services board, which shall be only a policy-making body determining the ~~board broad~~ outlines and principles governing the administration of programs under this section. A member of a community county human services board appointed under this subdivision may be removed by the county executive or county administrator for cause.

SECTION 122. 46.23 (4) (b) and (c) of the statutes, as affected by 1985 Wisconsin Act 29, are renumbered 46.23 (4) (a) 1 and 2 and amended to read:

46.23 (4) (a) 1. In any ~~county or any combination of counties~~ single-county or multicounty department of human services, the community county human services board shall be composed of not less than 7 nor more than 15 persons of recognized ability and demonstrated interest in human services. Not less than one-third nor more than two-thirds of the community county human services board members may be members of the county board of supervisors. The remainder of the community county human services board members shall be consumers of services or citizens-at-large. No public or private provider of services may be appointed to the community county human services board.

2. In a ~~combination of counties~~ multicounty department of human services, the community county human services board shall be constituted so that the representation shall be as equal as possible among the participating counties.

SECTION 123. 46.23 (4) (d) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.23 (4) (c) and amended to read:

46.23 (4) (c) (title) *Terms*. Members of a community county human services board shall serve for terms of 3 years, so arranged that as nearly as practicable, the terms of one-third of the members shall expire each year. Vacancies shall be filled in the same man-

ner as the original appointments. ~~Except as provided under sub. (4) (a) 2, any community~~ A county human services board member appointed under par. (a) 1 may be removed from office for cause by a two-thirds vote of each county board of supervisors participating in the appointment, on due notice in writing and hearing of the charges against the member.

SECTION 124. 46.23 (5) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 125. 46.23 (5) (d) (intro.) of the statutes is renumbered 46.23 (5) (intro.) and amended to read:

46.23 (5) (title) **POWERS AND DUTIES OF COUNTY HUMAN SERVICES BOARD IN CERTAIN COUNTIES.** (intro.) The A county human service board appointed under sub. (4) (b) 1:

SECTION 126. 46.23 (5) (d) 1 of the statutes, as affected by 1985 Wisconsin Act 120, is repealed.

SECTION 127. 46.23 (5) (d) 2 to 6 of the statutes are renumbered 46.23 (5) (a) to (e), and 46.23 (5) (a), (b) and (d), as renumbered, are amended to read:

46.23 (5) (a) Shall determine administrative and program policies within limits established by the department of health and social services. Policy decisions not reserved by statute for the department of health and social services may be delegated by the secretary to the county human services board.

(b) Shall establish priorities in addition to those mandated by the department of health and social services.

(d) Shall determine ~~what additional services are to be provided directly by the board, purchased from other agencies, or provided on a referral basis only,~~ subject to the approval of 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 and with the advice of the county human services director appointed under par. (f), whether services are to be provided directly by the county department of human services or contracted for with other providers and make such contracts. 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 may elect to require the approval of any such contract by 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 128. 46.23 (5) (d) 7 of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.23 (5) (f) and amended to read:

46.23 (5) (f) Shall appoint a county human services director on the basis of recognized and demonstrated interest in and knowledge of human services problems, with due regard to training, experience, executive and administrative ability and general qualification and fitness for the performance of the

duties of the county human services director. ~~Such~~ The appointment shall be is subject to the personnel policies and procedures established by ~~the each~~ county board ~~or boards~~ of supervisors ~~establishing such~~ which participated in the appointment of the county human services board.

SECTION 129. 46.23 (5) (d) 8 and 9 of the statutes are renumbered 46.23 (5) (g) and (h).

SECTION 130. 46.23 (5) (d) 10 of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.23 (5) (i) and amended to read:

46.23 (5) (i) ~~May recommend to the county board or boards of supervisors~~ the removal of the county human services director for cause to each county board of supervisors which participated in the appointment of the county human services board, and ~~the each such~~ county board ~~or boards~~ of supervisors may remove the county human services director for cause by a two-thirds vote of each such county, on due notice in writing and hearing of the charges against the county human services director.

SECTION 131. 46.23 (5) (d) 11 to 14 of the statutes are renumbered 46.23 (5) (j) to (m), and 46.23 (5) (j), as renumbered, is amended to read:

46.23 (5) (j) Shall develop county human services board operating procedures.

SECTION 132. 46.23 (5) (e) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 46.23 (5) (n) and amended to read:

46.23 (5) (n) ~~The board shall~~ Shall submit a proposed budget in accordance with s. 46.031 (1) for authorized services. Notwithstanding the categorization of or limits specified for funds allocated under s. 49.52 (1) (d) or ~~51.42 (8) (b) 51.423 (2)~~, with the ~~department's approval of the department of health and social services~~ the county human services board may expend these funds consistent with any service provided under s. 49.52 (1) (d) or 51.42.

SECTION 133. 46.23 (5) (f) of the statutes is renumbered 46.23 (5) (o) and amended to read:

46.23 (5) (o) ~~The board shall~~ Shall cooperate to the extent feasible with the school board, health planning agencies, law enforcement agencies, and other human service agencies, committees and planning bodies in the geographic area served by the county human services board.

SECTION 134. 46.23 (5) (p) of the statutes is created to read:

46.23 (5) (p) Shall comply with state requirements.

SECTION 135. 46.23 (5m) (a) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 136. 46.23 (5m) (b) (intro.), 1 and 2 of the statutes, as created by 1985 Wisconsin Act 29, are renumbered 46.23 (5m) (intro.), (a) and (b) and amended to read:

46.23 (5m) (title) POWERS AND DUTIES OF COUNTY HUMAN SERVICES BOARD IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR.

(intro.) ~~The A~~ A county human services board appointed under sub. (4) ~~(a)~~ (b) 2 shall:

(a) Appoint committees consisting of residents of the county to advise the county human services board as it deems necessary.

(b) Recommend program priorities and policies, identify unmet service needs and prepare short-term and long-term plans and budgets for meeting such priorities and needs.

SECTION 137. 46.23 (5m) (b) 3 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is renumbered 46.23 (5m) (c) and 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 and the department of health and social services in accordance with s. 46.031 (1) for authorized services.

SECTION 138. 46.23 (5m) (b) 4 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is repealed.

SECTION 139. 46.23 (5m) (b) 5 to 8 of the statutes, as created by 1985 Wisconsin Act 29, are renumbered 46.23 (5m) (d) to (g), and 46.23 (5m) (d) and (e), as renumbered, are amended to read:

46.23 (5m) (d) Advise the county human services director under sub. (6m) regarding purchasing and providing services and the selection of purchase of service vendors, and make recommendations to the county executive or county administrator regarding modifications in such purchasing, providing and selection.

(e) Develop county human services board operating procedures.

SECTION 140. 46.23 (6) (title) of the statutes, is affected by 1985 Wisconsin Act 29, is amended to read:

46.23 (6) (title) POWERS AND DUTIES OF COUNTY HUMAN SERVICES DIRECTOR IN CERTAIN COUNTIES.

SECTION 141. 46.23 (6) (a) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 142. 46.23 (6) (am) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 143. 46.23 (6) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.23 (6) (a), and 46.23 (6) (a) (intro.) and 3, as renumbered, are amended to read:

46.23 (6) (a) (intro.) A county human services director appointed under sub. (5) (g) 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 social services under this section. In consultation with the ~~community~~ county human services board under sub. (5) and subject to its approval, the county human services director shall prepare:

3. Such other reports as are required by the secretary and the county board ~~or boards of supervisors 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 144. 46.23 (6) (c) (intro.) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.23 (6) (c) (intro.) ~~The~~ A county human services director under this subsection shall make recommendations to the community county human services board under sub. (5) for:

SECTION 145. 46.23 (6) (e) of the statutes is created to read:

46.23 (6) (e) A county human services director under this subsection shall comply with state requirements.

SECTION 146. 46.23 (6m) (intro.), (b) and (c) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

46.23 (6m) (title) COUNTY HUMAN SERVICES DIRECTOR IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county executive or county administrator in which the county board of supervisors has established a ~~community single-county department of human services department under sub. (3) (a), but not in combination with another county,~~ the county executive or county administrator shall appoint the a county human services director on the basis of recognized and demonstrated interest in and knowledge of human services problems, with due regard to training, experience, executive and administrative ability and general qualification and fitness for the performance of the duties of the director. The appointment is subject to confirmation by the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.07 (20) or ch. 63. ~~Such~~ The county human services director, subject only to the supervision of the county executive or county administrator, shall:

(b) Determine administrative and program procedures and administrative policies.

(c) Determine, subject to ~~county board~~ the approval of the county board of supervisors and with the advice of the ~~community county~~ human services board under sub. (5m), whether services are to be provided directly by the county ~~agency~~ department of human services or contracted for with other providers and make such contracts. The county board of supervisors may elect to require the approval of any such contract by the county board of supervisors.

SECTION 46.23 (6m) (e) and (f) of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, are amended to read:

46.23 (6m) (e) Assist the ~~community county~~ human services board under sub. (5m) (c) in the preparation of the proposed budget required under sub. (5m) ~~(b) 3~~ (c).

(f) Make recommendations to the county executive or county administrator regarding modifications to the proposed budget prepared by the county human services board under sub. (5m) ~~(b) 3~~ (c).

SECTION 147. 46.23 (6m) (h) and (i) of the statutes, as created by 1985 Wisconsin Act 29, are repealed.

SECTION 148. 46.23 (6m) (L) and (m) of the statutes are created to read:

46.23 (6m) (L) Represent human service agencies, professionals and consumers of services in negotiations with the state and federal governments.

(m) Determine the number and location of outstations when appropriate to meet service demands.

SECTION 149. 46.23 (7) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.23 (3) (c) and amended to read:

46.23 (3) (c) (title) *Transfer of state powers and duties.* 1. Except as provided under subd. 2, the secretary may, with the approval of the ~~designated county~~ human services board, delegate any duty, authority or responsibility vested in the department of health and social services relative to any program or service provided by the state on July 31, 1975, to any ~~board~~ county department of human services established under this section which has an approved plan in effect for the affected program or service. The authority granted under this ~~section~~ subdivision shall include the authority to transfer to a ~~board~~ county department of human services that portion of any unexpended appropriation which represents a savings to the department of health and social services by virtue of the assumption by the ~~board~~ county department of human services of the duty, authority or responsibility as delegated. The delegation of any duty, authority or responsibility, and transfer of funds therewith, shall be subject to the maintenance by the county department of human services of applicable standards prescribed by the department of health and social services. Upon failure to maintain the prescribed standards, any delegated function and unexpended funds shall revert to the department of health and social services according to procedures established by it. The secretary shall report annually to the governor and the legislature on the operations and effectiveness of the programs of each county department of human services under this paragraph.

2. In any county with a county executive or a county administrator which has established a ~~community single-county department of human services department under sub. (3) (a), but not in combination with another county,~~ the delegation by the secretary under subd. 1 ~~shall be~~ is subject to the approval of the

county board of supervisors, not the designated county human services board.

SECTION 150. 46.23 (7) (b) and (c) of the statutes are repealed.

SECTION 151. 46.23 (9) and (10) of the statutes are renumbered 46.23 (3) (d) and (e) and amended to read:

46.23 (3) (d) (title) *Employee protections.* (a) All persons employed by a county or by the state, whose functions are assumed by a ~~board~~ county department of human services shall continue as employes of the ~~board~~ county department of human services without loss in seniority, status or benefits, subject to the merit or civil service system.

(e) *Exchange of information.* Notwithstanding ss. 49.45 (4), 49.53 (1), 51.30, 51.45 (14) (a), 55.06 (17) (c), 143.07 (7), 146.80 (3) (c) and 146.82, any subunit of an agency administering a program a county department of human services 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 agency county department of human services or with any person providing services to the client under a purchase of services contract with the agency county department of human services, if necessary to enable an employe or service provider to perform his or her duties, or to enable the agency county department of human services to coordinate the delivery of services to the client.

SECTION 152. 46.24 of the statutes, as created by 1985 Wisconsin Act 56, is amended to read:

46.24 Assistance to minors concerning abortion notification. If a minor who is contemplating an abortion requests assistance from a county agency providing services department under s. 46.034 46.215, 46.22, or 46.23 or 49.51 in notifying his or her the minor's parent or guardian of the contemplated abortion, the county shall provide assistance, including, if so requested, accompanying the minor for the notification of his or her the minor's parent or guardian.

SECTION 153. 46.245 of the statutes, as created by 1985 Wisconsin Act 56, is amended to read:

46.245 Information for pregnant women. In any county in which a hospital, clinic or other facility in which abortions are performed is located, a county agency providing services department under s. 46.034 46.215, 46.22, or 46.23 or 49.51 shall prepare the lists specified under s. 146.78 (2). The county agency department shall distribute the lists to each of those hospitals, clinics or other facilities.

SECTION 154. 46.26 (2) (a) of the statutes is amended to read:

46.26 (2) (a) Beginning January 1, 1980, all funds to counties under this section shall be allocated to county social service departments or to county public welfare departments established under ss. 46.034, 46.21, 46.22, and 46.23 and 49.51, subject to ss. 46.031 and 49.52 (2), except that monthly advance payments to the counties may be less than one-twelfth of the con-

tracted amounts. No reimbursement may be made to any combination of counties multicounty department until the counties which established the department have drawn up a detailed contractual agreement, approved by the secretary, setting forth the plans for joint sponsorship.

SECTION 155. 46.26 (2m) of the statutes, as affected by 1985 Wisconsin Act 120, is amended to read:

46.26 (2m) PUBLIC PARTICIPATION PROCESS. In determining the use of funds under this section, county departments under ss. 46.034, 46.21, 46.22 and 46.23 shall assess needs using an open public participation process which involves representatives of those receiving services.

SECTION 156. 46.26 (4) (b) 1 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.26 (4) (b) 1. Assessment of costs under par. (a) shall be made periodically on the basis of a per person per day cost estimate adjusted at least annually by the department. Liability shall apply to county public welfare or social service departments established under s. 46.21, 46.22, or 46.23 or 49.51 in the county of the court exercising jurisdiction under ch. 48 for each person receiving department services under ss. 48.34 and 51.35 (3). In multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) and (d) to the total applicable estimated costs of department care, services and supplies under ss. 48.34 and 51.35 (3).

SECTION 157. 46.27 (2) (c) and (f) of the statutes are amended to read:

46.27 (2) (c) Review and approve or disapprove the selection of a county agency department under sub. (3) (b) to administer the program.

(f) Evaluate the cost-effectiveness of the program, the ability of the program to provide alternatives to institutional care of persons and the reasons why any agency county department administering the program finds that a community arrangement is not feasible under sub. (6) (d).

SECTION 158. 46.27 (3) (b) 1 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.27 (3) (b) 1. A county department of social services or public welfare under s. 46.215 or 46.22.

SECTION 159. 46.27 (3) (b) 2 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.27 (3) (b) 2. A combined county department under s. 51.437 (5) (b) 51.42 to which the powers and

duties of a county department under s. 51.437 have been transferred under s. 51.437 (4g) (b).

SECTION 160. 46.27 (3) (b) 3 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.27 (3) (b) 3. A ~~community human services~~ county department created under s. 46.23.

SECTION 161. 46.27 (4) (a) 4 of the statutes is amended to read:

46.27 (4) (a) 4. One representative of the county department of ~~social services or public welfare~~ under s. 46.215 or 46.22;

SECTION 162. 46.27 (4) (a) 5 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.27 (4) (a) 5. One representative of the ~~boards created~~ county department under s. 51.42 or 51.437; and

SECTION 163. 46.27 (4) (c) 4 of the statutes is amended to read:

46.27 (4) (c) 4. A description of the method to be used to coordinate the use of funds received under this program with the use of other funds allocated to the county under ss. 46.80 (5) and 49.52 (1) (d) and to ~~community mental health boards~~ county departments under s. ~~51.42 (8)~~ 51.423.

SECTION 164. 46.27 (5) (intro.) of the statutes is amended to read:

46.27 (5) (title) COUNTY DEPARTMENT DUTIES. (intro.) The agency county department selected by the county board of supervisors to administer the program shall:

SECTION 165. 46.27 (5) (am) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.27 (5) (am) Organize assessment activities specified in sub. (6). The agency county department 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 or in a state center for the developmentally disabled. 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 agency county department shall coordinate the involvement of representatives from the county ~~department of social services or public welfare, boards created~~ departments under s. ~~ss. 46.215, 46.22, 51.42 or~~ 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.

SECTION 166. 46.27 (5) (d) 1 and (6) (d) of the statutes are amended to read:

46.27 (5) (d) 1. Apply the uniform fee schedule under s. 46.03 (18) for long-term community support

services provided any person under par. (b), if the person is eligible for medical assistance under s. 49.46 or 49.47 or if the agency county department finds the person likely to become medically indigent within 6 months by spending excess income or assets for medical or remedial care.

(6) (d) If the county, through an assessment, determines that a community arrangement is not feasible, the agency county department administering the program shall explain the reasons to the person and his or her family or guardian. The agency county department administering the program shall maintain records sufficient to provide the county long-term support planning committee and the department with a periodic review of the reasons community arrangements were not feasible in order to assist future program planning.

SECTION 167. 46.27 (7) (b) 1 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.27 (7) (b) 1. Before January 1, 1986, from the appropriation under s. 20.435 (4) (b), the department shall allocate funds to pay the cost of providing long-term community support services under sub. (5) (b) to persons eligible for medical assistance under s. 49.46 or 49.47 or to persons whom the agency county department 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 reimbursement rate the department expects under s. 49.45 (6m). The agency county department 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.

SECTION 168. 46.27 (7) (b) 1m of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

46.27 (7) (b) 1m. After December 31, 1985, from the appropriation under s. 20.435 (4) (bd), the department shall allocate funds to pay the cost of providing long-term community support services under sub. (5) (b) to persons eligible for medical assistance under s. 49.46 or 49.47 or to persons whom the agency county department 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 reimbursement rate the department expects under s. 49.45 (6m). The agency county department 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.

SECTION 169. 46.27 (7) (e) 3 of the statutes is amended to read:

46.27 (7) (e) 3. Reduce the federal, state or county matching expenditures for long-term community support services provided to any person under sub. (5) (b) from funds allocated under s. 46.80 (5), 49.52 (1) (d) or ~~51.42 (8)~~ 51.423, except to the extent that federal or state funding allocated under these sections decreases.

SECTION 170. 46.275 (3) (b) (intro.) of the statutes is amended to read:

46.275 (3) (b) (intro.) The board of supervisors of any county that participates in the program shall designate one of the following ~~agencies~~ county departments to administer the program, subject to departmental review and approval:

SECTION 171. 46.275 (3) (b) 2 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.275 (3) (b) 2. A ~~combined county~~ department under s. ~~51.437 (5) (b)~~ s. 51.42 to which the powers and duties of a county department under s. 51.437 have been transferred under s. 51.437 (4g) (b).

SECTION 172. 46.275 (3) (b) 3 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.275 (3) (b) 3. A ~~community human services~~ county department established under s. 46.23.

SECTION 173. 46.275 (3) (b) 4 of the statutes is amended to read:

46.275 (3) (b) 4. A ~~community developmental disabilities services~~ county department established under s. 51.437.

SECTION 174. 46.275 (4) (b) (intro.) and (c) 2 of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

46.275 (4) (b) (intro.) The department in conjunction with the county shall review any application for participation in the program as to eligibility and the appropriateness of planned services. The ~~agency~~ county department administering the program for the county in which the medical assistance recipient resides shall review any application for participation in the program as to eligibility, except applications for relocation under sub. (3r). No person may participate in the program unless all of the following occur:

(c) 2. If a person who has been relocated from a state center for the developmentally disabled under this program seeks to return to the center within 365 days after relocating because the person or the county ~~agency~~ department administering the program, or the department under sub. (3r), finds that the services available are inappropriate, the center shall accept the person as a patient to fill the bed that the person vacated. After this 365-day period, the person may only be readmitted into a bed not left vacant because of relocation under this section.

SECTION 175. 46.275 (5) (b) 2 of the statutes, as affected by 1985 Wisconsin Act 120, is amended to read:

46.275 (5) (b) 2. Reduce federal, state or county matching expenditures for long-term community support services provided to any person as part of this program from funds allocated under s. 46.80 (5), 49.52 (1) (d) or ~~51.42 (8)~~ 51.423, as indicated in the county's budget or by actual expenditures.

SECTION 176. 46.277 (2) (d) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.277 (2) (d) Review and approve or disapprove each plan of care developed by the county ~~agency~~ department under sub. (3).

SECTION 177. 46.277 (3) (b) 2 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.277 (3) (b) 2. Each county ~~agency~~ department participating in the program shall provide home or community-based care to persons eligible under this section, except that the number of persons who receive home or community-based care under this section may not exceed the number of nursing home beds that are delicensed as part of a plan submitted by the facility and approved by the department.

SECTION 178. 46.28 (1) (e) 4 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.28 (1) (e) 4. Any county department created under s. 46.21, 46.22, 46.23, 51.42 or 51.437.

SECTION 179. 46.70 (1) of the statutes is amended to read:

46.70 (1) To facilitate the delivery of accessible, available and culturally appropriate social services and mental hygiene services to American Indians by county departments ~~of social services or public welfare, created under s. 46.215, 46.22 or 49.51, or by boards created under s.~~ 51.42 or 51.437, the department may fund federally recognized tribal governing bodies.

SECTION 180. 46.855 (1) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

46.855 (1) Provide training and technical assistance to the staff of county departments ~~of public welfare and social services and departments created under s.~~ ss. 46.215, 46.22 and 46.23, and to the staff of administering agencies designated under s. 46.87 (3) (c) and to other providers of services to victims of Alzheimer's disease, as defined under s. 46.87 (1) (a).

SECTION 181. 46.87 (3) (c) 1 to 3 of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

46.87 (3) (c) 1. The county department ~~of public welfare or social services~~ under s. 46.215 or 46.22 or 49.51.

2. The county department created under s. 51.42 or 51.437.

3. The county department ~~created~~ under s. 46.23.

SECTION 182. 46.90 (3) (a) of the statutes is amended to read:

46.90 (3) (a) Each county agency shall develop a policy for notifying law enforcement officials in appropriate cases and shall establish an elder abuse reporting system to carry out the purposes of this section. Each county agency shall enter into a memorandum of understanding regarding the operation of the system with the county department of ~~public welfare or social services~~ under s. 46.215 or 46.22 and with any private or public agency, including a ~~board created county department~~ under s. 51.42 or 51.437, within the county that is participating in the elder abuse reporting system. The memorandum of understanding shall, at a minimum, identify the agencies that are responsible for the investigation of reports of abuse, material abuse, neglect or self-neglect and for the provision of specific services.

SECTION 183. 46.98 (2) (a) 1 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

46.98 (2) (a) 1. County departments of ~~public welfare and social services~~ created under s. 46.215, 46.22 or 49.51 or departments created under s. 46.23.

SECTION 184. 46.985 (1) (a) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

46.985 (1) (a) "Administering agency" means ~~the a~~ a county department or a human service agency that administers the program in a service area under a contract with a county department.

SECTION 185. 46.985 (1) (b) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 186. 46.985 (1) (c) of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 46.985 (1) (b).

SECTION 187. 46.985 (1) (c) of the statutes is created to read:

46.985 (1) (c) "County department", unless otherwise qualified, means a county department under s. 46.23, 51.42 or 51.437.

SECTION 188. 46.985 (1) (h) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

46.985 (1) (h) "Service area" means a county or ~~combination group~~ of counties served by a board county department.

SECTION 189. 46.985 (2) (a) (intro.), 1 and 2 of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

46.985 (2) (a) (intro.) After consulting with county departments of ~~public welfare and social services, boards~~ under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, providers of educational programs and services to families and representatives of families, promulgate rules for implementing the program, including all of the following:

1. Criteria for participation in the family support program and application procedures for ~~boards county departments~~.

2. Criteria by which ~~boards county departments~~ may determine priorities for available funding.

SECTION 190. 46.985 (2) (b) and (c) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

46.985 (2) (b) Select participants from among the ~~boards county departments~~ that apply based on the criteria promulgated under ~~sub. (2) par. (a) 1~~ and on the availability of funding.

(c) Specify the required content of the annual county department program plan.

SECTION 191. 46.985 (3) (intro.) and (a) 2 of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

46.985 (3) (title) DUTIES OF PARTICIPATING COUNTY DEPARTMENTS. (intro.) Each participating ~~board county department~~ shall do all of the following:

(a) 2. Persons from the service area representing the ~~board, any county department under s. 46.23, 51.42 or 51.437 and the county department of public welfare or social services~~ under s. 46.215 or 46.22, school districts and public health agencies. At least one of the committee members selected under this subdivision shall be a person providing community social services to disabled children or families eligible for the program.

SECTION 192. 46.985 (3) (c) of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is amended to read:

46.985 (3) (c) Submit the proposed program plan to the county board of supervisors in each county in the service area for review. After approval by the county board of supervisors in each county in which families are eligible to participate in the program, the ~~board county department~~ shall submit the proposed program plan to the department.

SECTION 193. 46.985 (3) (d) and (e) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

46.985 (3) (d) ~~Act as the administering agency for~~ Administer the program or contract with a human ~~services service~~ agency in the service area to ~~act as the administering agency in order to implement~~ administer the program within the limits of state and federal funds allocated under sub. (7).

(e) In conjunction with the ~~administering agency and with any county department of public welfare or social services~~ under s. 46.215 or 46.22, if any, in the service area and with the administering agency, if it is not the county department under s. 46.23, 51.42 or 51.437, coordinate the administration of the program with the administration of other publicly funded programs that serve disabled children.

SECTION 194. 46.985 (7) (a) and (c) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

46.985 (7) (a) From the appropriations under s. 20.435 (4) (b) and (o), the department shall allocate to boards county departments funds for the administration and implementation of the program.

(c) The total amount of a board's county department's allocation used to pay for staff salaries and other administrative costs associated with the program may not exceed 10% of the allocation.

SECTION 195. 46.99 (5) (a) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

46.99 (5) (a) When the department offers a contract under sub. (2) (c) to a school board, and when the school board accepts the offer, the department shall notify the county department of ~~public welfare or social services or the department created~~ under s. 46.215, 46.22 or 46.23 in each county in which the school district is located.

SECTION 196. 48.02 (2g) of the statutes is created to read:

48.02 (2g) "County department" means a county department under s. 46.215, 46.22 or 46.23, unless the context requires otherwise.

SECTION 197. 48.04 (1) of the statutes is amended to read:

48.04 (1) If the county contains one or more cities of the 2nd or 3rd class, the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district, may appoint, by an instrument in writing, filed with the county clerk, a clerk of court for juvenile matters and such deputies as may be needed, who shall perform the duties of clerk and reporter of the court as directed by the judges. The clerk and deputies shall take and file the official oath and shall receive such salary as the county board of supervisors determines.

SECTION 198. 48.06 (1) (a) 1 of the statutes is amended to read:

48.06 (1) (a) 1. In counties having a population of 500,000 or more, the county board of supervisors shall provide the court with the services necessary for investigating and supervising cases by operating a children's court center under the supervision of a director who shall be appointed as provided in s. 46.21 (4) (a). The director is the chief administrative officer of the center and of the intake and probation sections and secure detention facilities of the center except as otherwise provided in this subsection. The director is charged with administration of the personnel and services of the sections and of the secure detention facilities, and is responsible for supervising both the operation of the physical plant and the maintenance and improvement of the buildings and grounds of the center. The center shall include investigative services for all children alleged to be in need of protection or services to be provided by the county department of ~~social services~~, and the services of an assistant district attorney or assistant corporation counsel or both, who shall be assigned to the center to provide investigative as well as legal work in the cases.

SECTION 199. 48.06 (1) (a) 3 of the statutes is amended to read:

48.06 (1) (a) 3. The county board of supervisors shall develop policies and establish necessary rules for the management and administration of the nonjudicial operations of the children's court center. The director of the center shall report and is responsible to the director of the county department ~~that administers the health and human services programs~~ for the execution of all nonjudicial operational policies and rules governing the center, including activities of probation officers whenever they are not performing services for the court. The director of the center is also responsible for the preparation and submission to the county board of supervisors of the annual budget for the center except for the judicial functions or responsibilities which are delegated by law to the judge or judges and clerk of circuit court. The county board of supervisors shall make provision in the organization of the office of director for the devolution of the director's authority in the case of temporary absence, illness, disability to act or a vacancy in position and shall establish the general qualifications for the position. The county board of supervisors also has the authority to investigate, arbitrate and resolve any conflict in the administration of the center as between judicial and nonjudicial operational policy and rules. The county board of supervisors does not have authority and may not assert jurisdiction over the disposition of any case or child after a written order is made under s. 48.21 or if a petition is filed under s. 48.25. All personnel of the intake and probation sections and of the secure detention facilities shall be appointed under civil service by the director except that existing court service personnel having permanent civil service status may be reassigned to any of the respective sections within the center specified in this paragraph.

SECTION 200. 48.06 (1) (am) 1 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

48.06 (1) (am) 1. All intake workers beginning employment after May 15, 1980, shall have ~~such~~ the qualifications ~~as are~~ required to perform entry level social work in a county departments of social services department and shall have successfully completed 30 hours of intake training approved by the department prior to the completion of the first 6 months of employment in the position. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

SECTION 201. 48.06 (2) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

48.06 (2) (a) In counties having less than 500,000 population, the county board of supervisors shall authorize the county ~~social services~~ department or court or both to provide intake services required by s. 48.067 and ~~agency~~ the staff needed to carry out the objectives and provisions of this chapter under s.

48.069. Intake services shall be provided by employees of the court or county ~~social services~~ department and may not be subcontracted to other individuals or agencies, except any county which had intake services subcontracted from the county sheriff's department on April 1, 1980, may continue to subcontract intake services from the county sheriff's department. Intake workers shall be governed in their intake work, including their responsibilities for recommending the filing of a petition and entering into an informal disposition, by general written policies which shall be formulated by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

SECTION 202. 48.06 (2) (b) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

48.06 (2) (b) All intake workers beginning employment after May 15, 1980, shall have the qualifications required to perform entry level social work in a county department of ~~social services~~ and shall have successfully completed 30 hours of intake training approved by the department prior to the completion of the first 6 months of employment in the position. The department shall monitor compliance with this paragraph according to rules promulgated by the department.

SECTION 203. 48.06 (3) of the statutes is amended to read:

48.06 (3) INTAKE SERVICES. The court or ~~agency~~ county department responsible for providing intake services under s. 48.067 shall specify one or more persons to provide intake services. If there is more than one such worker, one of the workers shall be designated as chief worker and shall supervise other workers.

SECTION 204. 48.069 (1) (intro.) and (3) of the statutes are amended to read:

48.069 (1) (intro.) The staff of the department, the court or, a county department of ~~public welfare or social services~~, or a licensed child welfare agency designated by the court to carry out the objectives and provisions of this chapter shall:

(3) A court or county ~~social services agency department~~ responsible for disposition staff may agree with the court or county ~~social services agency department~~ responsible for providing intake services that the disposition staff may be designated to provide some or all of the intake services.

SECTION 205. 48.07 (intro.), (1) and (3) of the statutes are amended to read:

48.07 Additional sources of court services. (intro.) If the county board of supervisors has complied with s. 48.06, the court may obtain supplementary services for investigating cases and providing supervision of cases from one or more of the following sources:

(1) (title) DEPARTMENT OF HEALTH AND SOCIAL SERVICES. The court may request the services of the department for cases with special needs which cannot adequately be provided by the county services department. The department may furnish such requested

services, subject to s. 46.03 (18). When such services are requested after January 1, 1980, the department shall provide, from the appropriation under s. 20.435 (4) (km), such services only to the extent that the county provides funds to the department equal to the net cost the department will incur as a result of providing the services requested and only if s. 46.26 does not apply.

(3) (title) COUNTY DEPARTMENT IN POPULOUS COUNTIES. In counties having a population of 500,000 or more, the director of the county department of ~~social services~~ may be ordered by the court to provide services for furnishing emergency shelter care to any child whose need therefor, either by reason of need of protection and services or delinquency, is determined by the intake worker under s. 48.205. The court may authorize the director to appoint members of the ~~director's~~ county department to furnish emergency shelter care services for the child. The emergency shelter care may be provided as specified in s. 48.207.

SECTION 206. 48.09 (2) and (4) to (6) of the statutes are amended to read:

48.09 (2) By the district attorney or, if designated by the county board of supervisors, by the corporation counsel, in any matter concerning a civil law violation arising under s. 48.125.

(4) By any appropriate person designated by the county board of supervisors in any matter concerning a noncity ordinance violation arising under s. 48.125.

(5) By the district attorney or, if designated by the county board of supervisors, by the corporation counsel, in any matter arising under s. 48.13.

(6) By any appropriate person designated by the county board of supervisors in any matter arising under s. 48.14.

SECTION 207. 48.19 (1) (d) 6 of the statutes is amended to read:

48.19 (1) (d) 6. The child has violated the terms of court-ordered supervision or aftercare supervision administered by the department or a county department;

SECTION 208. 48.208 (1) of the statutes is amended to read:

48.208 (1) Probable cause exists to believe that the child has committed a delinquent act and either presents a substantial risk of physical harm to another person or a substantial risk of running away as evidenced by a previous act or attempt so as to be unavailable for a court or revocation hearing for children on ~~departmental~~ aftercare. For children on ~~departmental~~ aftercare, the delinquent act referred to in this section may be the act for which the child was committed to a secured correctional facility.

SECTION 209. 48.22 (1) (a) of the statutes is amended to read:

48.22 (1) (a) The county board of ~~one county~~ supervisors may establish a secure detention facility or a shelter care facility or both or the county boards of

supervisors for 2 or more counties may join together and jointly establish a secure detention facility or a shelter care facility or both in accordance with ss. 46.16 and 46.20.

SECTION 210. 48.22 (5) of the statutes is amended to read:

48.22 (5) A county board of supervisors, or 2 or more county boards of supervisors jointly, may contract with privately operated shelter care facilities or home detention programs for purchase of services. ~~The A~~ county board of supervisors may delegate this authority to its county social services department.

SECTION 211. 48.227 (1) of the statutes is amended to read:

48.227 (1) Nothing contained in this section prohibits a home licensed under s. 48.48 or 48.75 from providing housing and services to a runaway child with the consent of the child and the consent of the child's parent, guardian or legal custodian, under the supervision of a county ~~social services agency department~~, a child welfare agency or the department. When the parent, guardian or legal custodian and the child both consent to the provision of these services and the child has not been taken into custody, no hearing as described in this section is required.

SECTION 212. 48.275 (2) (a) to (c) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

48.275 (2) (a) If this state or a county provides legal counsel to a child subject to s. 48.12 or 48.13 and if the court or the district attorney moves for such an order, the court shall order the parents or guardian to provide a statement of income, assets and living expenses to the county department of ~~social services or public welfare~~ and shall order the parents or guardian of the child to reimburse the state or county in accordance with par. (b) or (c). The court may not order reimbursement if a parent or guardian is the complaining or petitioning party or if the court finds that the interests of the parent or guardian and the interests of the child in the proceedings are substantially and directly adverse and that reimbursement would be unfair to the parent or guardian. The court may not order reimbursement until after the child is found to be delinquent under s. 48.12 or in need of protection and services under s. 48.13, or until after the completion of all court proceedings under this chapter.

(b) If this state provides the child with legal counsel and the court orders reimbursement under par. (a), the county department of ~~social services or public welfare~~ shall determine whether the parent or guardian is indigent as provided under s. 977.07 and shall determine the amount of reimbursement. If the parent or guardian is found not to be indigent, the amount of reimbursement shall be the maximum amount established by the public defender board. If the parent or guardian is found to be indigent in part, the amount of reimbursement shall be the amount of partial payment

determined in accordance with the rules of the public defender board under s. 977.02 (3).

(c) If the county provides the child with legal counsel and the court orders reimbursement under par. (a), the court shall either make a determination of indigency or shall appoint a the county agency department to make the determination. If the court or the agency county department finds that the parent or guardian is not indigent or is indigent in part, the court shall establish the amount of reimbursement and shall order the parent or guardian to pay it.

SECTION 213. 48.34 (4) and (9) of the statutes are amended to read:

48.34 (4) If it is shown that the rehabilitation or the treatment and care of the child cannot be accomplished by means of voluntary consent of the parent or guardian, transfer legal custody to any of the following:

- (a) A relative of the child;
- (b) A county ~~agency~~ department.
- (c) A licensed child welfare agency; ~~or~~.

(9) SUPERVISED WORK PROGRAM. (a) The judge may utilize as a dispositional alternative court-ordered participation in a supervised work program. The judge shall set standards for the program within the budgetary limits established by the county board of supervisors. The work program may provide the child reasonable compensation reflecting a reasonable market value of the work performed, or it may consist of uncompensated community service work, and shall be administered by the county department of ~~public welfare~~ or a community agency approved by the judge.

(b) The supervised work program shall be of a constructive nature designed to promote the rehabilitation of the child, shall be appropriate to the age level and physical ability of the child and shall be combined with counseling from a member of ~~an agency~~ the staff of the county department or community agency or other qualified person. The program may not conflict with the child's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the child's offense.

SECTION 214. 48.36 (1) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

48.36 (1) 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. 48.34 or 48.345, 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 com-

pel the parent or guardian to provide the support. Support payments for residential services, when purchased or otherwise funded or provided by the department, a county department of ~~public welfare or a board~~ under s. ~~46.215, 46.22, 46.23, 51.42 or 51.437~~, shall be subject to the payment provisions under ss. 46.03 (18) and 46.10 (14). However, if at the time the child is placed into such residential services a court order for support already exists under s. 49.90 or ch. 767 the amount of parental payment to be applied to residential services shall not be less than the amount specified in that court order.

SECTION 215. 48.36 (3) of the statutes is amended to read:

48.36 (3) In determining county liability, this section does not apply to services specified in ch. 115 or provided by ~~mental health boards~~ county departments under ch. 51.

SECTION 216. 48.38 (1) (a) of the statutes, as affected by 1985 Wisconsin Act 70, is amended to read:

48.38 (1) (a) "Agency" means the department, a county ~~agency under s. 48.56 (1)~~ department or a licensed child welfare agency ~~licensed under s. 48.60~~.

SECTION 217. 48.38 (5) (d) of the statutes is amended to read:

48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), a person appointed to a review panel who is not an employe of an agency may have access to the child's records for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

SECTION 218. 48.40 (1) of the statutes is amended to read:

48.40 (1) "Agency" Except as otherwise provided, "agency" means the department, a county department of ~~social services~~ or a licensed child welfare agency.

SECTION 219. 48.422 (9) (a) of the statutes is amended to read:

48.422 (9) (a) If a petition for termination of the rights of a birth parent, as defined under s. 48.432 (1) ~~(a)~~ (am), is filed by a person other than an agency enumerated under s. 48.069 (1) or (2) or if the court waives the report required under s. 48.425, the court shall order any parent whose rights may be terminated to file with the court the information specified under s. 48.425 (1) (am).

SECTION 220. 48.425 (1) (intro.) of the statutes is amended to read:

48.425 (1) (intro.) If the petition for the termination of parental rights is filed by ~~the department, a county department of public welfare or social services or a licensed child welfare~~ an agency, or if the court orders a report under s. 48.424 (4) (b), the agency shall file a report with the court which shall include:

SECTION 221. 48.427 (3) (a) 1 and 2 of the statutes are consolidated, renumbered 48.427 (3) (a) 1 and amended to read:

48.427 (3) (a) 1. A county department of ~~social services in counties having a population of 500,000 or more.~~ 2. A county department of social services licensed authorized to accept guardianship under s. 48.57 (1) (e) or (hm).

SECTION 222. 48.427 (6) (a) of the statutes is amended to read:

48.427 (6) (a) Inform each birth parent, as defined under s. 48.432 (1) ~~(a)~~ (am), whose rights have been terminated of the provisions of ss. 48.432 and 48.433.

SECTION 223. 48.428 (2) of the statutes is amended to read:

48.428 (2) When a court places a child in sustaining care, the court shall transfer legal custody of the child to the county department of ~~social services~~ or a licensed child welfare agency, transfer guardianship of the child to an agency listed in s. 48.427 (3) (a) 1 to 4 and place the child in the home of a licensed foster parent with whom the child has resided for 6 months or longer. Pursuant to such a placement, this licensed foster parent shall be a sustaining parent with the powers and duties specified in sub. (3).

SECTION 224. 48.43 (7) of the statutes is amended to read:

48.43 (7) If the agency specified under sub. (1) (a) is the department and a permanent adoptive placement is not in progress 2 years after entry of the order, the department may petition the court to transfer legal custody of the child to a county ~~agency specified under s. 48.56 (1)~~ department. The court shall transfer the child's custody to the agency county department specified in the petition. The department shall remain the child's guardian.

SECTION 225. 48.432 (1) (a) of the statutes is renumbered 48.432 (1) (am).

SECTION 226. 48.432 (1) (a) of the statutes is created to read:

48.432 (1) (a) "Agency" means a county department or a licensed child welfare agency.

SECTION 227. 48.432 (4) (b) of the statutes is amended to read:

48.432 (4) (b) Upon receipt of a request under par. (a), the department shall undertake a diligent search for the child's parents. Upon request by the department, ~~a county agency under s. 48.56 (1) or an agency licensed under s. 48.60~~ shall cooperate in the search and shall make its records available to the department. The department may not require an agency to conduct the search, but may designate an agency to do so with the agency's consent.

SECTION 228. 48.433 (1) of the statutes is amended to read:

48.433 (1) In this section, "~~birth~~:"

(b) "Birth parent" has the meaning given under s. 48.432 (1) ~~(a)~~ (am).

SECTION 229. 48.433 (1) (a) of the statutes is created to read:

48.433 (1) (a) "Agency" has the meaning given under s. 48.432 (1) (a).

SECTION 230. 48.433 (6) (b) of the statutes is amended to read:

48.433 (6) (b) Upon request by the department, a ~~county department under s. 48.56 (1) or an agency licensed under s. 48.60~~ shall cooperate in the search and shall make its records available to the department. The department may not require an agency to conduct the search, but may designate an agency to do so with the agency's consent.

SECTION 231. 48.48 (1), (5) to (8) and (10) of the statutes are amended to read:

48.48 (1) To promote the enforcement of the laws relating to delinquent children, nonmarital children and children in need of protection or services including developmentally disabled children and to take the initiative in all matters involving the interests of such children where adequate provision therefor is not made. This duty shall be discharged in cooperation with the courts, county ~~agencies~~ departments, licensed child welfare agencies and with parents and other individuals interested in the welfare of children.

(5) To provide for the moral and religious training of children in its legal custody according to the religious belief of the child or of his parents;

(6) To consent to emergency surgery under the direction of a licensed physician or surgeon for any child in its legal custody upon notification by a licensed physician or surgeon of the need for such surgery and if reasonable effort, compatible with the nature and time limitation of the emergency, has been made to secure the consent of the child's parent or guardian;

(7) To accept guardianship of children when appointed by the court;

(8) To place children under its guardianship for adoption;

(10) To license child welfare agencies and day care centers as provided in s. 48.66;

SECTION 232. 48.48 (9) (a) of the statutes is renumbered 48.48 (9) and amended to read:

48.48 (9) To license foster homes as provided in s. 48.66 for its own use or for the use of licensed child welfare agencies or, if requested to do so, for the use of county ~~agencies;~~ departments.

SECTION 233. 48.48 (9) (b) of the statutes is renumbered 48.48 (9m).

SECTION 234. 48.555 (2) (a) of the statutes, as created by 1985 Wisconsin Act 56, is amended to read:

48.555 (2) (a) Training persons who provide counseling to adolescents including school counselors, county employes providing child welfare services under s. 48.56 ~~(1)~~ and family planning clinic employes.

SECTION 235. 48.56 (1) (intro.) of the statutes is renumbered 48.56 (1) and amended to read:

48.56 (1) Each county shall provide child welfare services through ~~the staff of one or more of the following agencies;~~ its county department.

SECTION 236. 48.56 (1) (a) and (c) of the statutes are repealed.

SECTION 237. 48.56 (2) of the statutes is amended to read:

48.56 (2) Each county ~~shall require the agency furnishing child welfare services to~~ department shall employ personnel who devote all or part of their time to child welfare services. Whenever possible, ~~this~~ these personnel shall have the qualifications required for state social workers under civil service law who perform similar types of duties.

SECTION 238. 48.57 (title) and (1) (intro.) of the statutes are amended to read:

48.57 (title) Powers and duties of county departments providing child welfare services. (1) (intro.) ~~The Each county agency specified in s. 48.56 (1) to provide child welfare services~~ department shall administer and expend such amounts as may be necessary out of any moneys which may be appropriated for child welfare purposes by the county board of supervisors or donated by individuals or private organizations. It shall have authority:

SECTION 239. 48.57 (1) (a) to (hm) and (j) of the statutes are amended to read:

48.57 (1) (a) To investigate the conditions surrounding delinquent children, nonmarital children and children in need of protection or services including developmentally disabled children within the county and to take every reasonable action within its power to secure for them the full benefit of all laws enacted for their benefit. Unless provided by another agency, ~~the county agencies~~ department shall offer social services to the caretaker of any child who is referred to ~~the agencies as coming within it~~ under the conditions specified in this paragraph. This duty shall be discharged in cooperation with the court and with the public officers or boards legally responsible for the administration and enforcement of these laws;

(b) To accept legal custody of children transferred to it by the court under s. 48.355 and to provide special treatment and care if ordered by the court;

(c) To provide appropriate protection and services for children in its care, including providing services for children and their families in their own homes, placing the children in licensed foster homes or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody or contracting for services for them by licensed child welfare agencies, except that the county ~~agency~~ department shall not purchase the educational component of private day treatment programs unless the county ~~agency department,~~ department, the school board as defined in s. 115.001 (7) and the state superintendent of public

instruction all determine that an appropriate public education program is not available. Disputes between the county agency department and the school district shall be resolved by the state superintendent of public instruction.

(d) To provide for the moral and religious training of children in its care according to the religious belief of the child or of his or her parents.

(e) If a county department ~~of social services~~ in a county with a population of 500,000 or more, to place children in a county children's home in the county under policies adopted by the county board of supervisors, to accept guardianship of children when appointed by the court and to place children under its guardianship for adoption.

(f) To provide services to the court under s. 48.06.

(g) Upon request of the department to provide service for any child in the care of the department.

(h) To contract with any parent or guardian or other person for the care and maintenance of any child.

(hm) If a county department in a county with a population of less than 500,000 and licensed by the department to do so, to accept guardianship of children when appointed by the court and to place children under its guardianship for adoption.

(j) To use in the media a picture or description of a child in the its guardianship of the department or the agency for the purpose of finding adoptive parents for that child.

SECTION 240. 48.57 (2) of the statutes is amended to read:

48.57 (2) In performing the functions specified in sub. (1) the county agency department may avail itself of the ~~co-operation~~ cooperation of any individual or private agency or organization interested in the social welfare of children in the county.

SECTION 241. 48.58 (1) (b) of the statutes is amended to read:

48.58 (1) (b) Provide care for children in need of protection or services and delinquent children; ~~provided that the delinquent children are placed in separate facilities~~ referred by the county welfare department or department of social services, if the delinquent children are placed in separate facilities;

SECTION 242. 48.59 of the statutes is amended to read:

48.59 Examination and records. (1) The county agency department shall investigate the personal and family history and environment of any child transferred to its legal custody and make any physical or mental examinations of the child considered necessary to determine the type of care necessary for the child. The county agency department shall keep a complete record of the information received from the court, the date of reception, all available data on the personal and family history of the child, the results of all tests

and examinations given the child and a complete history of all placements of the child while in the legal custody of the county agency.

(2) ~~The~~ At the department's request, the county agency department shall report to the department, as the department shall request, regarding children in the legal custody or under the supervision of the county agency department.

SECTION 243. 48.62 (1) of the statutes is amended to read:

48.62 (1) No person may receive, with or without transfer of legal custody, 4 or fewer children to provide care and maintenance for those children unless he or she obtains a license to operate a foster home from the department ~~or from, a county agency or department or a licensed child welfare agency~~ as provided in s. 48.75.

SECTION 244. 48.62 (2) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

48.62 (2) Relatives as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a) or a guardian of a child, who provide care and maintenance for a child, are not required to obtain the license specified in this section. The department ~~or a, a county agency department~~ or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home to those relatives who have no duty of support under s. 49.90 (1) (a) and who request a license to operate a foster home for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. Relatives with no duty of support who seek licenses to operate foster homes are subject to the department's licensing rules.

SECTION 245. 48.63 (1) of the statutes is amended to read:

48.63 (1) Acting pursuant to court order or voluntary agreement, the child's parent or guardian or the department, a county ~~agency performing child welfare services under s. 48.56 (1)~~ department or a child welfare agency licensed to place children in foster homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home or group home. Voluntary agreements under this subsection may not be used for placements in facilities other than foster or group homes and may not be extended. A foster home placement under a voluntary agreement may not exceed 6 months. A group home placement under a voluntary agreement may not exceed 15 days. These time limitations do not apply to placements made under ss. 48.34 and 48.345. Voluntary agreements may be made only under this subsection and shall be in writing and shall specifically state that the agreement can be terminated at any time by the parent or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older.

SECTION 246. 48.64 (1) of the statutes is renumbered 48.64 (1m) and amended to read:

48.64 (1m) FOSTER HOME AND GROUP HOME AGREEMENTS. If the department, a county agency specified in s. 48.56, or a child welfare agency authorized to do so, places a child in a foster home under a court order or voluntary agreement under s. 48.63, it shall enter into a written agreement with the head of the home. The agreement shall provide that the agency shall have access at all times to the child and the home, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require it. If a child has been in a foster home or group home for 6 months or more, the department or agency shall give the head of the home written notice of intent to remove the child, stating the reasons for the removal. The child shall not be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days from the receipt of the notice, whichever is later, unless the safety of the child requires it. If the safety of the child requires earlier removal, s. 48.19 shall apply. If an agency removes a child is removed from an adoptive placement, the head of the home shall have no claim against the placing agency for the expense of care, clothing or medical treatment.

SECTION 247. 48.64 (1) of the statutes is created to read:

48.64 (1) In this section, "agency" means the department, a county department or a licensed child welfare agency authorized to place children in foster homes.

SECTION 248. 48.64 (2) and (4) (a) of the statutes are amended to read:

48.64 (2) SUPERVISION OF FOSTER HOME AND GROUP HOME PLACEMENTS. Every child in a foster home or group home shall be under the supervision of a county agency, specified in s. 48.56, a child welfare agency authorized to place children in foster homes or group homes, or of the department.

(4) (a) Any decision or order issued by a division of the department of health and social services, a county welfare department or department of social services, or a child welfare agency affecting that affects the head of a foster or group home or the children involved may be appealed to the department of health and social services under fair hearing procedures established under department rules. The department shall, upon receipt of such petition, give the head of the home reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as it deems necessary. Notice of the hearing shall be given to the head of the home and to the division, the departmental subunit, county department or child welfare agency. They shall be that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this subsection, the head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and

records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses. A continuance for a reasonable period of time shall be granted when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department and. The department shall be make the record available at any reasonable time and at an accessible place to the head of the home or the his or her representative, at a place accessible to them, at any reasonable time. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in a departmental or an agency action being appealed shall participate in the final administrative decision on such action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home, and to the division, the departmental subunit, county department or the child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

SECTION 249. 48.651 of the statutes is amended to read:

48.651 Certification of day care providers. Each county agency providing child welfare services under subch. XII department shall certify, according to the standards adopted by the department under s. 46.03 (21), each day care provider from whom it purchases services under s. 46.036 on or after January 1, 1985, and each day care provider that provides day care services to parents pursuant to a voucher provided under s. 46.98 (3) (c) on or after January 1, 1985, unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14).

SECTION 250. Subchapter XVI (title) of chapter 48 of the statutes is amended to read:

CHAPTER 48
SUBCHAPTER XVI
LICENSING PROCEDURES AND
REQUIREMENTS FOR CHILD
WELFARE AGENCIES, FOSTER HOMES,
GROUP HOMES, DAY CARE CENTERS
AND COUNTY DEPARTMENTS

SECTION 251. 48.66 of the statutes is amended to read:

48.66 Licensing duties of the department. The department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as

required by s. 48.625, shelter care facilities, as required by s. 48.48 and day care centers, as required by s. 48.65. The department may license foster homes, as provided by s. 48.62, and may license and supervise county departments of ~~social services or public welfare~~ in accordance with the procedures specified in ss. 48.67 to 48.74.

SECTION 252. 48.67 (title) and (1) of the statutes are amended to read:

48.67 (title) Rules governing child welfare agencies, day care centers, foster homes, group homes, shelter care facilities and county departments. (1) The department shall prescribe rules establishing minimum requirements for the issuance of licenses to and establishing standards for the operation of child welfare agencies, day care centers, foster homes, group homes, shelter care facilities and county departments of ~~social services or public welfare~~. These rules shall be designed to protect and promote the health, safety and welfare of the children in the care of all licensees. The department shall consult with the department of industry, labor and human relations and the department of public instruction before prescribing these rules.

SECTION 253. 48.675 (2) of the statutes is amended to read:

48.675 (2) APPROVAL OF PROGRAMS. The department shall promulgate rules for approval of programs to meet the requirements of this section. Such programs may include, but need not be limited to: in-service training; workshops and seminars developed by the department or by county departments of ~~social services~~; seminars and courses offered through public or private education agencies; and workshops, seminars and courses pertaining to behavioral and developmental disabilities and to the development of mutual support services for foster parents. The department may approve programs under this subsection only after consideration of relevant factors including level of education, useful or necessary skills, location and other criteria as determined by the department.

SECTION 254. 48.69 of the statutes is amended to read:

48.69 Provisional licenses. A provisional license for a period of 6 months may be issued to any child welfare agency, day care center or county department of ~~social services or public welfare~~ whose services are needed, but which is temporarily unable to conform to all established minimum requirements. This provisional license may be renewed for 6-month periods up to 2 years.

SECTION 255. 48.70 (4) of the statutes is amended to read:

48.70 (4) (title) SPECIAL PROVISIONS FOR COUNTY DEPARTMENTS. Licenses to county departments of ~~social services or public welfare~~ shall specify whether the county department may accept guardianship of children and place ~~such~~ children for adoption.

SECTION 256. 48.745 (2) of the statutes is amended to read:

48.745 (2) Any individual may file a formal complaint under this section regarding the general operation of a child welfare agency or group home and shall not be subject to reprisals for doing so. All formal complaints regarding child welfare agencies and group homes shall be filed with the county ~~public welfare~~ department on forms supplied by the county department unless the county department designates the department to receive formal complaints. The county department shall investigate or cause to be investigated each formal complaint. Records of the results of each investigation and the disposition of each formal complaint shall be kept by the county department and filed with the ~~bureau within subunit~~ of the department which licenses child welfare agencies and group homes.

SECTION 257. 48.75 (title), (1) and (2) of the statutes are amended to read:

48.75 (title) Foster homes licensed by county departments and by child welfare agencies. (1) Child welfare agencies, if licensed to do so by the department, and county agencies, ~~specified in s. 48.56 (1) to furnish child welfare services~~, departments may license foster homes under the rules adopted by the department under s. 48.67 governing the licensing of foster homes. All such licenses shall be for a term not to exceed one year from date of issuance, shall not be transferable, and may be revoked by the child welfare agency or by the county department because the licensee has substantially and intentionally violated any provision of this chapter or of the rules of the department adopted pursuant to s. 48.67 or because the licensee fails to meet the minimum requirements for a license. The licensee shall be given written notice of any revocation and the grounds therefor.

(2) Any foster home applicant or licensee of a county ~~agency~~ department or a child welfare agency may, if aggrieved by the failure to issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

SECTION 258. 48.78 of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 48.78 (2) and amended to read:

48.78 (2) **Records** (a) No agency may make available for inspection or disclose the contents of any record kept or information received by the department, county agencies specified in s. 48.56, licensed child welfare agencies, licensed day care centers and licensed maternity hospitals regarding individuals in their about an individual in its care or legal custody shall not be open to inspection or their contents disclosed, except as provided under ss. s. 48.432, 48.433, 48.93 and or 48.981 (7) or by order of the court. This section

(b) Paragraph (a) does not apply to the confidential exchange of information between these agencies or other an agency and another social welfare or law

enforcement agencies ~~agency~~ regarding ~~individuals an individual~~ in the care or legal custody of one of the agencies. ~~This section~~

(c) Paragraph (a) does not prohibit the department or a county department ~~of public welfare or social services~~ from using in the media a picture or description of a child in the guardianship of the department or a county department ~~of public welfare or social services~~ for the purpose of finding adoptive parents for that child.

SECTION 259. 48.78 (1) of the statutes is created to read:

48.78 (1) In this section, unless otherwise qualified, "agency" means the department, a county department, a licensed child welfare agency, a licensed day care center or a licensed maternity hospital.

SECTION 260. 48.833 of the statutes is amended to read:

48.833 (title) Placement of children for adoption by the department, county departments and child welfare agencies. The department, a county ~~agency department~~ department under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s. 48.60 may place a child for adoption in a licensed foster home without a court order if the department, county department under s. 48.57 (1) (e) or (hm) or the child welfare agency is the guardian of the child or makes the placement at the request of another agency which is the guardian of the child.

SECTION 261. 48.837 (4) (c) and (d) and (6) (b) of the statutes are amended to read:

48.837 (4) (c) Shall order the department or a county ~~agency department~~ department under s. 48.57 (1) (e) or (hm) to investigate the proposed adoptive placement, to interview each petitioner, to provide counseling if requested and to report its recommendation to the court at least 5 days before the hearing on the petition. If a licensed child welfare agency has investigated the proposed adoptive placement and interviewed the petitioners, the court may accept a report and recommendation from the child welfare agency in place of the court-ordered report required under this paragraph.

(d) May, at the request of a petitioning parent, or on its own motion after ordering the child taken into custody under s. 48.19 (1) (c), order the department or a county ~~agency under s. 48.56~~ department to place the child, pending the hearing on the petition, in any home licensed under s. 48.62 except the home of the proposed adoptive parents or a relative of the proposed adoptive parents.

(6) (b) If the proposed placement is approved, the court shall proceed immediately to a hearing on the petition required under sub. (3). If the parental rights of the parent are terminated, the court shall order the child placed with the proposed adoptive parent or parents and appoint as guardian of the child the department, a county ~~agency department~~ department under s. 48.57 (1)

(e) or (hm) or ~~an a child welfare~~ agency licensed to accept guardianship under s. 48.61 (5).

SECTION 262. 48.839 (4) (a) and (b) of the statutes are amended to read:

48.839 (4) (a) Shall transfer guardianship of the child to the department ~~or, to an agency a county department~~ department under s. 48.57 (1) (e) or (hm) or to a child welfare agency under s. 48.61 (5) and order the guardian to file a petition for termination of parental rights under s. 48.42 within 10 days.

(b) Shall transfer legal custody of the child to a county department ~~under s. 48.56 (1)~~ or a child welfare agency licensed under s. 48.60.

SECTION 263. 48.88 (1) of the statutes is renumbered 48.88 (1m).

SECTION 264. 48.88 (1) of the statutes is created to read:

48.88 (1) In this section, unless otherwise qualified, "agency" means any public or private entity except an individual.

SECTION 265. 48.88 (2) (a) 2 and (c) of the statutes are amended to read:

48.88 (2) (a) 2. If no agency has guardianship of the child and a relative other than a stepparent has filed the petition for adoption, the department, a county ~~agency department~~ department under s. 48.57 (1) (e) or (hm) or a licensed child welfare agency.

(c) If a stepparent has filed a petition for adoption and no agency has guardianship of the child, the court shall order a county ~~agency under s. 48.56~~ department or, with the consent of the department or a licensed child welfare agency, order the department or the child welfare agency to conduct a screening, consisting of no more than one interview with the petitioner and a check of the petitioner's background through public records, including records maintained by the department or any county ~~agency department~~ department under s. 48.981. The department, county department or child welfare agency that conducts the screening shall file a report of the screening with the court within 30 days. After reviewing the report, the court may proceed to act on the petition, may order the county ~~agency department~~ department to conduct an investigation as described under par. (a) (intro.) or may order the department or a licensed child welfare agency to make the investigation if the department or child welfare agency consents.

SECTION 266. 48.89 (1) (b) and (3) of the statutes are amended to read:

48.89 (1) (b) A child who has no living parents or whose parents have had their rights legally terminated if the child is not under the guardianship of ~~an agency a county department~~ department under s. 48.57 (1) (e) or (hm) or a child welfare agency under s. 48.61 (5).

(3) The recommendation of the department shall not be required if the recommendation of ~~that the~~ department, a licensed child welfare agency, ~~or a county department of social services or public welfare~~

~~or a county children's board authorized by under s. 48.57 to accept guardianship of a child (1) (e) or (hm) is required by s. 48.841, or if one of the petitioners is a stepparent.~~

SECTION 267. 48.95 of the statutes is amended to read:

48.95 Withdrawal or denial of petition. Except as provided under s. 48.839 (3) (b), if the petition is withdrawn or denied, the circuit court shall order the case transferred to the court assigned to exercise jurisdiction under this chapter for appropriate action, except that if parental rights have been terminated and the guardian of the minor is the department, a licensed child welfare agency, or a county department of social services in counties having a population of 500,000 or more, a county department of public welfare or a county children's board licensed for such purpose by the department under s. 48.57 (1) (e) or (hm), the minor shall remain in the legal custody of that department or agency the guardian.

SECTION 268. 48.98 (2) (a) of the statutes is amended to read:

48.98 (2) (a) Any person, except a county ~~agency under s. 48.56 or an department or licensed child welfare agency licensed under s. 48.60,~~ who brings a child into this state for the purpose of placing the child in a foster home shall, before the child's arrival in this state, file with the department a \$1,000 noncancelable bond in favor of this state, furnished by a surety company licensed to do business in this state. The condition of the bond shall be that the child will not become dependent on public funds for his or her primary support before the child reaches age 18 or is adopted.

SECTION 269. 48.981 (1) (c) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 270. 48.981 (2) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

48.981 (2) **PERSONS REQUIRED TO REPORT.** A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, other medical or mental health professional, social or public assistance worker, school teacher, administrator or counselor, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a ~~board established~~ county department under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, speech therapist, emergency medical technician — advanced (paramedic), ambulance attendant or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall report as provided in sub. (3). Any other person, including an attorney, having reason to sus-

pect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. No person making a report under this subsection may be discharged from employment for so doing.

SECTION 271. 48.981 (3) (a) and (c) (title), 1, 4, 5 and 7 of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

48.981 (3) (a) *Referral of report.* ~~Persons~~ A person required to report under sub. (2) shall immediately ~~contact inform,~~ by telephone or personally, the county ~~agency, department or the sheriff or city police department~~ and, in the case of American Indian children, the tribal government ~~and shall inform the agency or department~~ of the facts and circumstances contributing to a suspicion of child abuse or neglect or to a belief that abuse or neglect will occur. The sheriff or police department shall within 12 hours, exclusive of Saturdays, Sundays or legal holidays, refer to the county ~~agency department~~ and, in the case of American Indian children, the tribal government all cases reported to it. The county ~~agency department~~ may require that a subsequent report be made in writing. Each county ~~agency department~~ shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

(c) (title) *Duties of county departments.* 1. Within 24 hours after receiving a report under sub. (3) (a), the county ~~agency department~~ shall, in accordance with the authority granted it under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child is in need of protection or services. The investigation shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations and shall include observation of or an interview with the child, or both, and, if possible, a visit to the child's home or usual living quarters and an interview with the child's parents, guardian or legal custodian. At the initial visit to the child's home or living quarters, the person making the investigation shall identify himself or herself and the county ~~agency department~~ involved to the child's parents, guardian or legal custodian. The county ~~agency department~~ may contact, observe or interview the child at any location without permission from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services, except that the person making the investigation may enter a child's home or living quarters only with permission from the child's parent, guardian or legal custodian or after obtaining a court order to do so.

4. The county ~~agency department~~ shall determine, within 60 days after receipt of a report, whether abuse or neglect has occurred or is likely to occur. The determination shall be based on a preponderance of the evidence produced by the investigation. A determination that abuse or neglect has occurred may not

be based solely on the fact that the child's parent, guardian or legal custodian in good faith selects and relies on prayer or other religious means for treatment of disease or for remedial care of the child. In making a determination that emotional damage has occurred, the county agency department shall give due regard to the culture of the subjects and shall establish that the person alleged to be responsible for the emotional damage is unwilling to remedy the harm. This subdivision does not prohibit a court from ordering medical services for the child if the child's health requires it.

5. The county agency department shall maintain a record of its actions in connection with each report it receives. The record shall include a description of the services provided to any child and to the parents, guardian or legal custodian of the child. The county agency department shall update the record every 6 months until the case is closed.

7. The county agency department shall cooperate with law enforcement officials, courts of competent jurisdiction, tribal governments and other human service agencies to prevent, identify and treat child abuse and neglect. The county agency department shall coordinate the development and provision of services to abused and neglected children and to families where abuse or neglect has occurred or to children and families where circumstances justify a belief that abuse or neglect will occur.

SECTION 272. 48.981 (3) (c) 3, 6 and 8 of the statutes are amended to read:

48.981 (3) (c) 3. If the county agency department determines that a child, any member of the child's family or the child's guardian or legal custodian is in need of services, the county agency department shall offer to provide appropriate services or to make arrangements for the provision of services. If the child's parent, guardian or legal custodian refuses to accept the services, the county agency department may request that a petition be filed under s. 48.13 alleging that the child who is the subject of the report or any other child in the home is in need of protection or services.

6. The county agency department shall, within 60 days after it receives a report from a person required under sub. (2) to report, inform the reporter what action, if any, was taken to protect the health and welfare of the child who is the subject of the report.

8. Using the format prescribed by the department, each county agency department shall provide the department with information about each report it receives and about each investigation it conducts. This information shall be used by the department to monitor services provided by county agencies departments. The department shall use nonidentifying information to maintain statewide statistics on child abuse and neglect, and for planning and policy development.

SECTION 273. 48.981 (3) (d) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 48.981 (3) (d) 2 and amended to read:

48.981 (3) (d) 2. If an agent or employe of a county agency department required to investigate under this subsection is the subject of a report, or if the county agency department determines that, because of the relationship between the county agency department and the subject of a report, there is a substantial probability that the county agency department would not conduct an unbiased investigation, ~~it~~ the county department shall, after taking any action necessary to protect the child, notify the department. Upon receipt of the notice, the department or ~~a~~ a county department or child welfare agency designated by ~~it~~ the department shall conduct an independent investigation. If the department designates a county agency or board established department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, that ~~agency or board~~ county department shall conduct the independent investigation. If a licensed child welfare agency agrees to conduct the independent investigation, the department may designate that agency to do so. The powers and duties of the department or ~~other designated county department or child welfare agency~~ making an independent investigation are those given to county agencies departments under sub. (3) (c). ~~In this paragraph, "agent" includes, but is not limited to, a foster parent or other person given custody of the child or a human service professional of a community board established under s. 46.23, 51.42 or 51.437, if the professional is working with the child under contract with or under the supervision of the county agency.~~

SECTION 274. 48.981 (3) (d) 1 of the statutes is created to read:

48.981 (3) (d) 1. In this paragraph, "agent" includes, but is not limited to, a foster parent or other person given custody of a child or a human services professional employed by a county department under s. 51.42 or 51.437 who is working with the child under contract with or under the supervision of the county department under s. 46.215 or 46.22.

SECTION 275. 48.981 (5) of the statutes is amended to read:

48.981 (5) CORONER'S REPORT. Any person or official required to report cases of suspected child abuse or neglect who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report the fact to the appropriate medical examiner or coroner. The medical examiner or coroner shall accept the report for investigation and shall report the findings to the appropriate district attorney, the department, the county agency department and, if the institution making the report initially is a hospital, to the hospital.

SECTION 276. 48.981 (7) (a) (intro.), 2, 6 and 13 of the statutes are amended to read:

48.981 (7) (a) (intro.) All reports and records made under this section and maintained by the department, county agencies departments and other persons, officials and institutions shall be confidential. Reports

- 1031 -

and records may be disclosed only to the following persons:

2. Appropriate staff of the department or a county agency department.

6. A multidisciplinary child abuse and neglect team recognized by the county agency department.

13. The department, a county agency department or licensed child welfare agency ordered to conduct a screening or an investigation of a stepparent under s. 48.88 (2) (c).

SECTION 277. 48.981 (7) (a) 5 and 7 of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

48.981 (7) (a) 5. A professional employe of a ~~board established county department~~ under s. ~~46.23~~, 51.42 or 51.437 who is working with the child under contract with or under the supervision of the county agency department under s. 46.215 or 46.22.

7. Another county agency department currently investigating a report of suspected or threatened child abuse or neglect involving a subject of the record or report.

SECTION 278. 48.981 (7) (d) and (8) (a) and (c) of the statutes are amended to read:

48.981 (7) (d) The department may have access to any report or record maintained by a county agency department under this section.

(8) (a) The department and county agencies departments to the extent feasible shall conduct continuing education and training programs for ~~state department~~ and county department staff, persons and officials required to report, the general public and others as appropriate. The programs shall be designed to encourage reporting of child abuse and neglect, to encourage self-reporting and voluntary acceptance of services and to improve communication, cooperation and coordination ~~among all agencies~~ in the identification, prevention and treatment of child abuse and neglect. The department and county agencies departments shall develop public information programs about child abuse and neglect.

(c) In meeting its responsibilities under par. (a) or (b), the department or a county agency department may contract with any public or private organization which meets the standards set by the department. In entering into the contracts the department or county agency department shall give priority to parental organizations combating child abuse and neglect.

SECTION 279. 48.981 (8) (d) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

48.981 (8) (d) 1. Each county agency department staff member and supervisor whose responsibilities include investigation or treatment of child abuse and neglect shall successfully complete training in child abuse and neglect protective services approved by the department. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

2. Each year the department shall make available training programs that permit intake workers and county agency department staff members and supervisors to satisfy the requirements under subd. 1 and s. 48.06 (1) (am) 2 and (2) (c).

SECTION 280. 49.01 (5r) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

49.01 (5r) "General relief agency" means a county department ~~of public welfare or social services organized under s. 46.034 46.215, 46.22 or 49.51, or a department created under s. 46.23.~~

SECTION 281. 49.046 (4) (b) of the statutes is amended to read:

49.046 (4) (b) The department shall appoint each elected tribal governing body administering federal assistance on tax-free land to administer this section. If a tribal governing body elects not to administer this section, the department, with the consent of the elected tribal governing body, shall appoint an American Indian organization in the county or municipality, or the county department ~~of public welfare or social services~~ under s. 46.215 or 46.22, as the administering agency.

SECTION 282. 49.046 (4) (e) of the statutes is amended to read:

49.046 (4) (e) If the administering agency waives a hearing under par. (d) or if the secretary determines that another administering agency should be appointed, the department shall, after consulting with the elected tribal governing body, appoint an American Indian organization in the county or municipality as the administering agency, or shall appoint the county department ~~of public welfare or social services~~ under s. 46.215 or 46.22 as the administering agency.

SECTION 283. 49.047 (3) (b) of the statutes is amended to read:

49.047 (3) (b) Any county department ~~of public welfare or social services~~ under s. 46.215 or 46.22 operating a work experience program is liable to persons participating in the program for any worker's compensation benefits recoverable under ch. 102. The agency may contract with any governmental unit for whose benefit a work experience project is primarily designed to assume wholly or to share liability. Any governmental unit benefited by a work experience project may contract to assume this liability. If an elected tribal governing body or an Indian organization is operating the work experience program, liability for worker's compensation benefits attaches only if the elected tribal governing body or Indian organization contracts to assume this liability with the department.

SECTION 284. 49.11 (2) (intro.) of the statutes is amended to read:

49.11 (2) RIGHT TO COLLECT FROM PLACE OF SETTLEMENT. (intro.) The county or municipality in which the relief recipient has settlement shall be chargeable with relief furnished, except that no county or municipality may be charged for relief furnished to any recip-

ient who has not resided within such county or municipality during the previous 24 months. If the relief recipient has no settlement in this state, or if he or she has not resided in the county or municipality of legal settlement during the previous 24 months, then the county where the relief is furnished shall be chargeable with such relief. The state shall reimburse for relief charges when the person has no settlement and until such person has had residence in this state for a period of one year, under s. 49.04. All notices of claims to the department or to counties or municipalities of legal settlement for reimbursement for general relief provided by other counties or municipalities, in or outside the county of legal settlement, shall be accompanied by a sworn statement of the relief granting agency. The statement shall certify that the relief recipient has been informed of the benefits and eligibility requirements under the federally funded medical and public assistance program and that such recipient has been determined to be ineligible by the relief granting agency if the recipient is clearly ineligible or, otherwise, by the appropriate county ~~agency department~~ under s. 46.215 or 46.22, along with an explanation of the reasons for such ineligibility, or that an application for medical or public assistance is pending or approved.

SECTION 285. 49.125 of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

49.125 Recovery of food stamps. The department, or a county or elected governing body of a federally recognized American Indian tribe or band acting on behalf of the department, may recover overpayments that arise from an overissuance of food coupons under the food stamp program administered under s. ~~46.22 (4) (e) or 49.51 (2) (a) or 46.215 (1) (k) or 46.22 (1) (b) 5.~~ Recovery shall be made in accordance with 7 USC 2022.

SECTION 286. 49.16 (1) of the statutes is amended to read:

49.16 (1) Each county may establish a county hospital for the treatment of dependent persons, ~~pursuant to~~ under s. 46.17, and other persons authorized under s. 46.21 (2) (b) (4m).

SECTION 287. 49.16 (2) of the statutes is amended to read:

49.16 (2) In counties with a population of ~~250,000~~ 500,000 or more ~~such, an institution established under sub. (1) shall be governed pursuant to~~ under s. 46.21, but in all other counties it shall be governed pursuant to ~~under~~ ss. 46.18, 46.19 and 46.20.

SECTION 288. 49.177 (3s) (b) of the statutes is amended to read:

49.177 (3s) (b) The person receives at least 10 hours of supportive home care per week through a county department of public welfare and social services created under s. 46.215, 46.22 or 49.51 or a board created under s., 46.23, 51.42 or 51.437.

SECTION 289. 49.19 (1) (a) 2. b of the statutes is amended to read:

49.19 (1) (a) 2. b. Is living in a foster home licensed under s. 48.62 if a license is required under that section or in a 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 is living in a child-caring institution licensed under s. 48.60, and has been placed in the foster home or institution by a county ~~agency under ch. 48 department under s. 46.215, 46.22 or 46.23,~~ by the department or by a federally recognized American Indian tribal governing body in this state under an agreement with a county ~~agency department.~~

SECTION 290. 49.19 (1) (c) 3. b of the statutes is amended to read:

49.19 (1) (c) 3. b. The individual who may be a caseworker has been designated by the county ~~welfare or social services~~ department under s. 46.215 or 46.22 to receive payment of the aid or cash payments to recipients who are engaged in an approved work relief or training project.

SECTION 291. 49.19 (3) (a) of the statutes is amended to read:

49.19 (3) (a) After the investigation and report and a finding of eligibility, aid as defined in sub. (1) shall be granted by the county ~~welfare or social services~~ department under s. 46.215 or 46.22 as the best interest of the child requires. No such aid shall be furnished any person for any period during which that person is receiving supplemental security income or for any month if, on the last day of the month, that person is participating in a strike or to any person who fails to apply for or provide such social security account numbers as required by federal law.

SECTION 292. 49.19 (3) (b) of the statutes is amended to read:

49.19 (3) (b) If the county ~~agency department under s. 46.215 or 46.22~~ finds a person eligible for aid under this section, ~~such agency that county department~~ shall, on a form to be prescribed by the department, direct the payment of such aid by order upon the state treasurer. Payment of aid shall be made monthly, based on a calendar month or fiscal month as defined by the department; except that the director of the county ~~agency department~~ may, in his or her discretion for the purpose of protecting the public, direct that the monthly allowance be paid in accordance with sub. (5) (c).

SECTION 293. 49.19 (4) (b) of the statutes is amended to read:

49.19 (4) (b) The person applying for aid has allowed the county ~~agent department under s. 46.215 or 46.22~~ 15 to 30 days to process his or her application and, if not already a resident of the county, has notified the ~~agency county department under s. 46.215 or 46.22~~ of his or her intent to establish residence in the county. The effective date of eligibility for aid to eligible individuals is the date the applicant submits a

signed and completed application to the county department of ~~public welfare or social services~~ under s. 46.215 or 46.22, or the first date on which the applicant meets all of the eligibility criteria, whichever is later.

SECTION 294. 49.19 (4) (br) 1 of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

49.19 (4) (br) 1. The owner enters into a signed, written agreement with the county department of ~~public welfare or social services~~ under s. 46.215 or 46.22 that he or she shall make a good faith effort to sell the real property and repay the amount of aid granted during the asset exclusion period up to the amount of net proceeds of the sale of the real property.

SECTION 295. 49.19 (4) (c) of the statutes is amended to read:

49.19 (4) (c) The person having the care and custody of the dependent child must be fit and proper to have the child. Aid shall not be denied by the county ~~agency~~ department under s. 46.215 or 46.22 on the grounds that a person is not fit and proper to have the care and custody of the child until the ~~agency~~ county department obtains a finding substantiating that fact from a court assigned to exercise jurisdiction under ch. 48 or other court of competent jurisdiction; but in appropriate cases it is the responsibility of the county ~~agency~~ department to petition under ch. 48 or refer the case to a proper child protection agency.

SECTION 296. 49.19 (4) (d) 8 of the statutes is amended to read:

49.19 (4) (d) 8. Is incapacitated and the county ~~agency~~ department under s. 46.215 or 46.22 believes she is the proper payee.

SECTION 297. 49.19 (4) (ds) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

49.19 (4) (ds) Aid may not be paid to any person who fails to meet any applicable requirements of a community work experience program established under s. 46.215 (1) (o) or 46.22 (4) (n) or ~~49.51 (2) (a) to (c) or 49.51 (2) (b) 11~~. Any person who would otherwise be exempt from registering for a work program because the person is caring for a child whose age is more than 3 years but less than 6 years may be required to participate in a community work experience program if child day care licensed under s. 48.65 (1) is available for the child.

SECTION 298. 49.19 (4) (g) 1 of the statutes is amended to read:

49.19 (4) (g) 1. If the pregnancy is medically verified, a pregnant woman receiving aid under this section who notifies the county department of ~~public welfare or social services~~ under s. 46.215 or 46.22 before the 7th month of pregnancy begins shall receive a monthly payment determined under sub. (11) (a) 4 from the first day of the month in which the 7th month of pregnancy begins, in addition to the payment determined according to family size under sub. (11) (a). If the recipient provides notification after the 7th month

of pregnancy begins, the woman shall receive the additional monthly payment determined under sub. (11) (a) 4 beginning with the first day of the month following notification.

SECTION 299. 49.19 (4) (g) 2 of the statutes is amended to read:

49.19 (4) (g) 2. Aid to a pregnant woman who is otherwise eligible but has no children is available from the first day of the month in which the 7th month of pregnancy begins or the date the woman submits a signed and completed application for aid to the county department of ~~public welfare or social services~~ under s. 46.215 or 46.22, whichever is later, if the pregnancy is medically verified. The pregnant woman has a family size of one for grant determination purposes under sub. (11) (a) and is additionally eligible for a monthly payment determined under sub. (11) (a) 4.

SECTION 300. 49.19 (4) (h) 2 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

49.19 (4) (h) 2. If the person charged with the care and custody of the dependent child or children does not comply with the requirements of subd. 1. a, that person shall be ineligible for assistance under this section. In such instances, aid payments made on behalf of the dependent child or children shall be made in the form of protective payments. If the county department of ~~public welfare or social services~~ under s. 46.215 or 46.22 has been unsuccessful in finding a person other than the person charged with the care of the dependent child to receive the protective payment on behalf of the child, after performance of a reasonable effort to do so, the county department may make the payment on behalf of the child to the person charged with the care of the dependent child.

SECTION 301. 49.19 (5) (c) and (e) of the statutes are amended to read:

49.19 (5) (c) The aid allowed under this subsection may be given in the form of supplies or commodities or vouchers for the same, in lieu of money, as a type of remedial care authorized under sub. (1) (c), whenever the giving of aid in such form is deemed advisable by the ~~county welfare~~ director of the county department under s. 46.215, 46.22 or 46.23 dispensing such aid as a means either of attempting to rehabilitate a particular person having the care and custody of any such children or of preventing the misuse or mismanagement by such person of aid in the form of money payments.

(e) No aid may continue longer than 6 months without reinvestigation. The county ~~welfare~~ department under s. 46.215, 46.22 or 46.23 shall submit information, at such times and in such form as the department requires, detailing the number of redeterminations completed, the number overdue and the length of time they are overdue. The department shall recertify a 10% random sample of all recipients in person every 6 months.

SECTION 302. 49.19 (6) of the statutes is amended to read:

49.19 (6) The county agency department under s. 46.215, 46.22 or 46.23 may require the child's parent to do such remunerative work as in its judgment can be done without detriment to the parent's health or the neglect of the children or the home; and may prescribe the hours during which the parent may be required to work outside of the home.

SECTION 303. 49.19 (10) (a) to (c) of the statutes are amended to read:

49.19 (10) (a) Aid under this section may also be granted to a nonrelative who cares for a child dependent upon the public for proper support in a foster home having a license under s. 48.62 or in a 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, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure and the percentage rate of participation set forth in s. 49.52 for aid granted under this subsection except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county agency department under s. 46.215 or 46.22 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.

(b) Aid under this section may also be granted on behalf of a child in the legal custody of a county agency providing child welfare services department under s. 46.215, 46.22 or 46.23 or on behalf of a child who was removed from the home of a relative specified in sub. (1) (a) 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 child is placed in a licensed child-caring institution by the county agency department. Reimbursement shall be made by the state pursuant to par. (a).

(c) Reimbursement under par. (a) may also be paid to the county when the child is placed in a licensed foster home or child-caring institution 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 agency providing child welfare services department under s. 46.215, 46.22 or 46.23 or if the child was removed from the home of a relative specified in sub. (1) (a) 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 an agreement with the county agency department.

SECTION 304. 49.19 (13) of the statutes is amended to read:

49.19 (13) When an agency a county department under s. 46.215, 46.22 or 46.23 proposes to terminate, discontinue, suspend or reduce assistance to a recipient under this section such agency county department

shall provide at least the minimum notice required under 42 USC 601 to 613.

SECTION 305. 49.197 (1) and (2) (a) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

49.197 (1) DEPARTMENT INVESTIGATION. From the appropriations under s. 20.435 (4) (L), (Lm), (n) and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under ss. 49.46 and 49.47, aid to families with dependent children under s. 49.19 and the food stamp program administered under s. 46.215 (1) (k) or 46.22 (4) (e) or 49.51 (2) (a) + (1) (b) 5. The department's activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state and local agencies, development of an advisory welfare investigation prosecution standard and administration of the welfare fraud investigation pilot project under sub. (2).

(2) (a) *Grants to county agencies.* From the appropriations under s. 20.435 (4) (Lm) and (nL), the department shall award grants to not more than 4 county departments of ~~public welfare and social services and departments created~~ under s. 46.215, 46.22 and 46.23 for the purpose of encouraging activities to detect fraud and reduce the error rate in benefits provided to recipients of medical assistance under ss. 49.46 and 49.47, aid to families with dependent children under s. 49.19 and the food stamp program administered under s. 46.215 (1) (k) or 46.22 (4) (e) or 49.51 (2) (a) + (1) (b) 5. One grant shall ~~solely~~ be solely for the purpose of pursuing eligibility verification of applications for medical assistance, aid to families with dependent children and the food stamp program by ascertaining if applicants for these benefits are concurrently recipients in another state.

SECTION 306. 49.197 (2) (b) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

49.197 (2) (b) *Grant award procedure.* The department of health and social services shall solicit from county departments of ~~public welfare and social services and departments created~~ under s. ss. 46.215, 46.22 and 46.23 innovative proposals designed to accomplish the purposes specified under par. (a), shall develop criteria for use in reviewing the proposals received and shall award grants on the basis of the criteria it establishes.

SECTION 307. 49.30 (1) (intro.) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

49.30 (1) (intro.) If any recipient of benefits under s. 49.046, 49.177 or 49.46, or under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the deceased recipient is insufficient to pay the funeral, burial and actual cemetery expenses of the deceased recipient, the county or applicable tribal governing body or organization responsible for burial of the

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

SECTION 308. 49.45 (2) (a) 3 of the statutes is amended to read:

49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance, rehabilitative and social services ~~pursuant to~~ under ss. 49.46 and 49.47 and rules and policies adopted by the department and may designate this function to the county ~~agency administering the social security aid program~~ department under s. 46.215 or 46.22;

SECTION 309. 49.45 (2) (b) 1 of the statutes is amended to read:

49.45 (2) (b) 1. Designate other functions, responsibilities and services as may be appropriate to be performed by the county ~~welfare agency~~ department under s. 46.215 or 46.22 in each county;

SECTION 310. 49.45 (3) (a) of the statutes is amended to read:

49.45 (3) (a) Reimbursement shall be made to each county ~~agency department~~ under ss. 46.215 and 46.22 for the administrative services performed in the medical assistance program on the basis of s. 49.52. For purposes of reimbursement under this paragraph, assessments completed under s. 46.27 (6) (a) are administrative services performed in the medical assistance program.

SECTION 311. 49.45 (6) (b) of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is amended to read:

49.45 (6) (b) Each county department under s. 46.23 or 51.42 that participates in this pilot program is liable for the entire nonfederal share of medical assistance expenditures for mental health, including alcohol and other drug abuse treatment. Mental health services for medical assistance recipients may be paid by medical assistance only if authorized by the county department. Each county department may apply the funds it receives under par. (a) against this liability. Funds applied by each ~~board~~ county department against this liability shall be transferred or credited to the appropriation under s. 20.435 (1) (b). The county department may use the funds received that it does not apply against this liability for noninstitutional community programs. The county department may retain any amounts that remain unexpended or unencumbered at the end of a calendar year to provide noninstitutional community programs during the next calendar year.

SECTION 312. 49.45 (18) (b) 6 of the statutes is amended to read:

49.45 (18) (b) 6. Transportation by common carrier or private motor vehicle, if authorized in advance by a county department ~~of public welfare or social services~~

under s. 46.215 or 46.22, or by specialized medical vehicle.

SECTION 313. 49.45 (19) (a) 3 of the statutes is amended to read:

49.45 (19) (a) 3. The county ~~agency administering medical assistance~~ department under s. 46.215 or 46.22 shall notify applicants of the requirements of this subsection at the time of application.

SECTION 314. 49.46 (1) (d) 1 of the statutes is amended to read:

49.46 (1) (d) 1. Children placed in licensed foster homes by the department and which children would be eligible for payment of aid to families with dependent children in foster homes except that such placement is not made by a county ~~agency~~ department under s. 46.215, 46.22 or 46.23 will be considered as recipients of aid to families with dependent children.

SECTION 315. 49.46 (2) (b) 3 of the statutes is amended to read:

49.46 (2) (b) 3. Transportation by emergency medical vehicle to obtain emergency medical care, transportation by specialized medical vehicle to obtain medical care or, if authorized in advance by the county department ~~of public welfare or social services~~ under s. 46.215 or 46.22, transportation by common carrier or private motor vehicle to obtain medical care.

SECTION 316. 49.46 (2) (e) 1 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is amended to read:

49.46 (2) (e) 1. (intro.) The department shall pay for inpatient psychiatric care for persons aged 22 to 64, including alcohol and other drug abuse services, under par. (a) 4. a and services under par. (b) 6. f only if the county department under s. 51.42 for the county in which the person resides authorizes payment, except that this provision does not apply if the county department under s. 51.42 in the county in which the person resides participates in the program under s. 49.45 (6) or if the recipient of the care or services is enrolled in a health maintenance organization under the department's authority under s. 49.45 (9). The county department under s. 51.42 and the county department ~~under s. 46.215 or 46.22 or 49.51~~ under s. 46.215 or 46.22 for the county in which the patient resides shall develop a written agreement for programs for persons requiring these mental health services. The county department under s. 51.42 is liable for a portion of the customary charge or of the medical assistance rate for these services, whichever is less, as follows:

a. For inpatient psychiatric care, including alcohol and other drug abuse services, under par. (a) 4. a for recipients aged 22 to 64, the county department under s. 51.42 is liable for 20% of the charge or rate paid by the department.

b. For services under par. (b) 6. f, the county department under s. 51.42 is liable for 10% of the charge or rate.

SECTION 317. 49.497 (1) of the statutes is amended to read:

49.497 (1) The department may recover any payment made incorrectly for benefits specified under s. 49.46 or 49.47 if the incorrect payment results from any misstatement or omission of fact by a person supplying information in an application for benefits under s. 49.46 or 49.47. The department may also recover if a medical assistance recipient or any other person responsible for giving information on the recipient's behalf fails to report the receipt of income or assets in an amount that would have affected the recipient's eligibility for benefits. The department's right of recovery is against any medical assistance recipient to whom or on whose behalf the incorrect payment was made. The extent of recovery is limited to the amount of the benefits incorrectly granted. The county ~~agency administering aid to the recipient under s. 49.46 or 49.47~~ department under s. 46.215 or 46.22 shall begin recovery actions on behalf of the department according to rules the department may adopt.

SECTION 318. 49.50 (2) and (7) (a) and (c) of the statutes are amended to read:

49.50 (2) RULES AND REGULATIONS, MERIT SYSTEM. The department shall adopt rules and regulations, not in conflict with law, for the efficient administration of aid to families with dependent children in agreement with the requirement for federal aid, including the establishment and maintenance of personnel standards on a merit basis. The provisions of this section relating to personnel standards on a merit basis supersede any inconsistent provisions of any law relating to county personnel; but this subsection shall not be construed to invalidate the provisions of s. 46.22 ~~(6)~~ (1) (d).

(7) (a) The department shall ensure that all appropriate individuals so required by federal law and regulations as a condition of eligibility for aid to families with dependent children shall register for manpower services, training and employment under the work incentive demonstration program under 42 USC 645. The department shall administer or purchase directly or through contracts with county ~~welfare or social services~~ departments under s. 46.215 or 46.22 or the department of industry, labor and human relations, supportive and employment services provided under the work incentive demonstration program to assist individuals to obtain gainful employment. Supportive services may include, but are not limited to, counseling, child care, transportation and vocational rehabilitation services. Employment services may include, but are not limited to, job training and placement, vocational counseling, job finding clubs, grant diversion to public or private employers, contracting with private employment agencies, promotion of targeted jobs tax credit programs and performance-based job placement incentives. The department shall adopt rules to administer this program.

(c) The department shall reimburse under s. 49.52 (1) and (2) county ~~welfare or social services~~ departments ~~under s. 49.52 (1) and (2)~~ under ss. 46.215 and 46.22 for payments advanced by the county ~~welfare~~ departments to or in behalf of recipients of aid and potential aid recipients.

SECTION 319. 49.50 (7m) of the statutes is amended to read:

49.50 (7m) COMMUNITY WORK EXPERIENCE PROGRAM. The department shall promulgate rules for the administration of community work experience programs that are administered by county departments of ~~public welfare and social services~~ under s. 46.215 (1) (o) or 46.22 (4) ~~(n) or 49.51 (2) (a) 15 (1) (b) 11.~~

SECTION 320. 49.50 (8) (a) of the statutes is amended to read:

49.50 (8) (a) Any person whose application for aid to families with dependent children is not acted upon by the county ~~agency~~ department under s. 46.215 or 46.22 or by the federally recognized tribal governing body with reasonable promptness after the filing of the application, or is denied in whole or in part, whose award is modified or canceled, or who believes his award to be insufficient, may petition the department for a review of such action. Review is unavailable if the decision or failure to act arose more than 45 days prior to submission of the petition for a hearing.

SECTION 321. 49.50 (8) (c) of the statutes is amended to read:

49.50 (8) (c) Whenever any municipality or county receives a nonresident notice under s. 49.11 and there is reasonable basis for belief that the recipient of such relief may be eligible for assistance under s. 49.19, the municipality or county may after 60 days request the county department of ~~social services or public welfare~~ under s. 46.215 or 46.22 of the county wherein the recipient of relief is residing to investigate the possible eligibility of the relief recipient for assistance under s. 49.19. If the latter county refuses to grant such assistance, the municipality or county wherein liability for paying the relief ultimately rests may petition the department for a hearing under this section to determine eligibility of the relief recipient for such assistance. Copies of the petition shall be sent to the county wherein the dependent person may be residing or receiving relief by the county or municipality liable for ultimately paying ~~said~~ the relief. This procedure or any subsequent decision of the department shall may not bar recovery of any claim under s. 49.11 to the date of the final decision.

SECTION 322. 49.51 (title) of the statutes is renumbered 46.215 (title) and amended to read:

46.215 (title) County department of social services in populous counties.

SECTION 323. 49.51 (2) (title) of the statutes is repealed.

SECTION 324. 49.51 (2) (a) (intro.) and 1 to 5 of the statutes are renumbered 46.215 (1) (intro.) and (a)

to (e), and 46.215 (1) (intro.), (b), (d) and (e), as renumbered, are amended to read:

46.215 (1) (title) CREATION; POWERS AND DUTIES. (intro.) In counties having a population of 500,000 or more the administration of welfare services shall be vested in a county department of social services. Each county department of social services may be placed under the jurisdiction of the county board of supervisors under s. 46.21 and in conformity with s. 49.50. The county department of social services shall have the following functions, duties and powers, and such other welfare functions as may be delegated to it:

(b) Furnishing To furnish services to families or persons other than the granting of financial or material aid where such services may prevent such families or persons from becoming public charges or restore them to a condition of self-support.

(d) Making To make investigations which relate to welfare services upon request by the department of health and social services.

(e) ~~The maintenance of~~ To maintain administrative and reporting relationships with all pertinent state departments.

SECTION 325. 49.51 (2) (a) 6 of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 46.215 (1) (f) and amended to read:

46.215 (1) (f) Before January 1, 1987, ~~the administration of to administer~~ general relief under ss. 49.02 and 49.03 in the event that the county administers general relief under those sections.

SECTION 326. 49.51 (2) (a) 6m of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 46.215 (1) (fm) and amended to read:

46.215 (1) (fm) After December 31, 1986, ~~the administration of to administer~~ general relief under s. 49.02.

SECTION 327. 49.51 (2) (a) 7 to 11 of the statutes are renumbered 46.215 (1) (g) to (k), and 46.215 (1) (g), (j) and (k), as renumbered, are amended to read:

46.215 (1) (g) ~~The administration of~~ To administer aid to families with dependent children under s. 49.19.

(j) To make payments in such manner as the department of health and social services may determine for training of recipients, former recipients and potential recipients of aid in programs established under s. 49.50 (7).

(k) To certify eligibility for and issue food coupons to needy households in conformity with the federal food stamp act of 1964 as amended, and, in addition, the county department of ~~public welfare~~ social services may certify eligibility for and distribute surplus commodities and food stuffs.

SECTION 328. 49.51 (2) (a) 12. (intro.) and a of the statutes are consolidated, renumbered 46.215 (1) (L) and amended to read:

46.215 (1) (L) Within the limits of available state and federal funds and of county funds appropriated to match state funds, to provide social services for:—a.

~~Persons~~ persons eligible for or receiving benefits under the supplementary security income program under federal Title XVI, the supplemental payments program under s. 49.177 or aid to families with dependent children under s. 49.19.

SECTION 329. 49.51 (2) (a) 13 and 16 of the statutes are renumbered 46.215 (1) (m) and (p), and 46.215 (1) (m), as renumbered, is amended to read:

46.215 (1) (m) To administer the long-term support community options program under s. 46.27, if the county board of supervisors designates the county department of social services ~~or public welfare~~ as the administrative agency.

SECTION 330. 49.51 (2) (a) 14 and 15 of the statutes, as affected by 1985 Wisconsin Act 29, are renumbered 46.215 (1) (n) and (o), and 46.215 (1) (n), as renumbered, is amended to read:

46.215 (1) (n) To collect and transmit information to the department of health and social services so that a federal energy assistance payment or weatherization services may be made to an eligible household; to receive applications from individuals seeking low-income energy assistance under s. 49.80 (4); to provide information on the income eligibility for weatherization of a recipient of low-income energy assistance to an entity with which the department of health and social services contracts for provision of weatherization under ~~sub. s.~~ s. 49.80 (9); and to receive a request, determine a correct payment amount, if any, and provide payment, if any, for emergency assistance under s. 49.80 (8).

SECTION 330m.. 49.51 (3) (title) of the statutes is renumbered 46.215 (2) (title).

SECTION 331. 49.51 (3) (a) and (b) of the statutes are renumbered 46.215 (2) (a) and (b) and amended to read:

46.215 (2) (a) In order to ensure the availability of a full range of care and services, the county department of social services ~~or public welfare~~ may contract, either directly or through the ~~state~~ department of health and social services, with public or voluntary agencies or others to purchase, in full or in part, care and services which ~~such the county departments are~~ department of social services is authorized by any statute to furnish in any manner. Such services may be purchased from the department ~~where~~ of health and social services if the department of health and social services has staff to furnish the services. If the ~~agency~~ county department of social services has adequate staff, it may sell the care and services directly to another county or state agency.

(b) A county ~~agency~~ department of social services may purchase development and training services from the department of health and social services or from other county agencies when such services are available. A county ~~agency~~ department of social services may sell such development and staff training services to another county or state agency ~~when~~ if it has adequate staff to provide such services.

SECTION 332. 49.51 (3) (c) and (4) of the statutes, as affected by 1985 Wisconsin Act 120, are renumbered 46.215 (2) (c) and (3) and amended to read:

46.215 (2) (c) ~~County agencies~~ A county department of social services shall submit to the department of health and social services plans and contracts for care and services to be purchased. The contracts shall be developed under s. 46.036. The department of health and social services shall review such contracts and approve them if they are consistent with s. 46.036 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of health and social services to submit such contracts to the committee for review and approval. The department ~~shall~~ of health and social services ~~may~~ not make any payments to a county for programs included in a contract under review by the committee. The department of health and social services shall reimburse each county for such approved contracts from the appropriations under s. 20.435 (4) (b) and (o) or under s. 20.435 (4) (cd), as appropriate, ~~according to~~ under s. 49.52.

(3) PROGRAM BUDGETS. The county ~~agency department of social services~~ shall submit a proposed budget ~~in accordance with~~ under s. 46.031 (1) for authorized services.

SECTION 333. 49.52 (1) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

49.52 Reimbursement to counties. (1) (a) Before January 1, 1987, the department shall reimburse each county from the appropriations under s. 20.435 (4) (b), (d), (o) and (p) for 100% of the cost of aid to families with dependent children granted ~~pursuant to~~ under s. 49.19, for social services as approved by the department under ss. ~~46.215 (1), (2) (c) and (3) and 46.22 (4) (j) (1) (b) 8 and (5m) (e) and 49.51 (2) (a), (3) (e) and (4) (e) 3,~~ and for funeral expenses paid for recipients of aid under s. 49.30, except that no reimbursement may be made for the administration of or aid granted under ss. 49.02 and 49.03.

SECTION 334. 49.52 (1) (am) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

49.52 (1) (am) After December 31, 1986, the department shall reimburse each county from the appropriations under s. 20.435 (4) (b), (d), (o) and (p) for 100% of the cost of aid to families with dependent children granted ~~pursuant to~~ under s. 49.19, for social services as approved by the department under ss. ~~46.215 (1), (2) (c) and (3) and 46.22 (4) (j) (1) (b) 8 and (5m) (e) and 49.51 (2) (a), (3) (e) and (4) (e) 3,~~ and for funeral expenses paid for recipients of aid under s. 49.30, except that no reimbursement may be made for the administration of or aid granted under s. 49.02.

SECTION 335. 49.52 (1) (d) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

49.52 (1) (d) From the appropriations under s. 20.435 (4) (b) and (o), the department shall allocate

the funding for social services, including funding for foster care of a child receiving aid under s. 49.19, to county departments of ~~public welfare and social services or to boards created~~ under ss. 46.215 and 46.22 or to county departments under s. 46.23 as provided under 1985 Wisconsin Act 29, section 3023 (3). County matching funds are required for the allocations under 1985 Wisconsin Act 29, section 3023 (3) (a), ~~(as), (bm), (e) to (h), (i) to (n) and (qr).~~ The ratio of state and federal funds to county matching funds shall equal 91 to 9. 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. ~~51.42 (8) (bd)~~ 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 allocated 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 336. 49.52 (1) (dc) of the statutes is amended to read:

49.52 (1) (dc) The department shall prorate the amount allocated to any county department of ~~public welfare or social services~~ under s. 46.215 or 46.22 under par. (d) to reflect actual federal funds available.

SECTION 337. 49.52 (1) (g) and (h) of the statutes are amended to read:

49.52 (1) (g) In addition to funds allocated under par. (d) to (f), each county department of ~~social services~~ under ss. 46.215 and 46.22 shall receive in its allocation funds appropriated by new legislation for new and expanded programs according to the purpose stated in such legislation.

(h) Funds allocated under par. (d) but not spent by the end of each calendar year may not be reallocated to other counties except to counties experiencing overall program deficits due to unanticipated high cost variable services, as defined by the department. Grant-in-aid funds allocated to counties under s. 51.423 but not claimed, due to the ratio requirement under par. (d), lapse in accordance with s. 20.435 (4) (b).

SECTION 338. 49.52 (2) (a) of the statutes is amended to read:

49.52 (2) (a) The county treasurer and each director of a county agency administrator of each county department under s. 46.215, 46.22 or 46.23 shall monthly certify under oath to the department in such manner as the department prescribes the claim of the county for state reimbursement under this section and if the department approves such claim it shall certify to the department of administration for reimbursement to the county for amounts due under this subsection 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.

SECTION 339. 49.53 (2) (a) of the statutes is amended to read:

49.53 (2) (a) Each county ~~agency department under s. 46.215 or 46.22~~ administering aid to families with dependent children and each official or agency administering general relief shall maintain a monthly report at its office showing the names and addresses of all persons receiving such aids together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in the report of any information (names, addresses, amounts of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes under s. 49.19 (10).

SECTION 340. 49.53 (3) (intro.) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

49.53 (3) (intro.) Each county ~~agency administering aid to families with dependent children department under s. 46.215 or 46.22~~ may release the current address of a recipient of aid under s. 49.19 to a law enforcement officer if the officer meets all of the following conditions:

SECTION 341. 49.80 (1) (a) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

49.80 (1) (a) "County department" means a county department ~~of public welfare as created under s. 46.215 or 46.22 or a county department of social services as created under s. 49.51 (2) (a).~~

SECTION 342. 49.80 (3) (e) 2 (intro.), (4) (a) and (8) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

49.80 (3) (e) 2. (intro.) Allocate the following to a county department under s. ~~46.22 (4) (m) or 49.51 (2) (a) 14~~ 46.215 (1) (n) or 46.22 (1) (b) 10 for the payment of a household eligible for a benefit to meet weather-related or fuel supply shortage emergencies under sub. (8):

(4) (a) A household may apply after September 30 and before May 16 of any year for low-income energy assistance from the county department under s. ~~46.22 (4) (m) or 49.51 (2) (a) 14~~ 46.215 (1) (n) or 46.22 (1) (b) 10 and shall have the opportunity to do so on a form prescribed by the department for that purpose. The federal social security administration may provide to the department information constituting an application under this paragraph for those households eligible under sub. (5) (a).

(8) EMERGENCY PROGRAM. A household eligible for a benefit under sub. (5) may also be eligible for a benefit payment to meet weather-related or fuel supply shortage emergencies. A county department under s. ~~46.22 (4) (m) or 49.51 (2) (a) 14~~ 46.215 (1) (n) or 46.22 (1) (b) 10 shall define the circumstances constituting an emergency for which a payment may be made and shall establish the amount of payment to an eligible household or individual.

SECTION 343. 49.90 (2) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

49.90 (2) Upon failure of these relatives to provide maintenance the authorities or board shall submit to the district attorney a report of its findings. Upon receipt of the report the district attorney shall, within 60 days, apply to the circuit court for the county in which the dependent person resides for an order to compel such maintenance. Upon such an application the district attorney shall make a written report to the county department ~~of social services or public welfare under s. 46.215 or 46.22~~, with a copy to the chairperson of the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department, and to the department of health and social services.

SECTION 344. 50.03 (2) (f) 2 of the statutes is amended to read:

50.03 (2) (f) 2. Any individual may file a formal complaint under this section regarding the general operation of a community-based residential facility and shall not be subject to reprisals for doing so. All formal complaints regarding community-based residential facilities shall be filed with the county ~~public welfare department under s. 46.215 or 46.22~~ on forms supplied by the county department, unless the county department designates the department of health and social services to receive a formal complaint. The county department shall investigate or cause to be investigated each formal complaint. Records of the results of each investigation and the disposition of each formal complaint shall be kept by the county department and filed with the unit within the department of health and social services which licenses community-based residential facilities.

SECTION 345. 50.03 (14) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

50.03 (14) (b) The ~~agencies county departments~~ of the county in which the facility is located that are responsible for providing services under s. ~~46.215 (1) (L), 46.22 (4) (g) 1, 49.51 (2) (a) 12-a (1) (b) 7, a, 51.42 or 51.437~~ shall participate in the development and implementation of individual relocation plans. Any ~~agency county department~~ of another county shall participate in the development and implementation of individual relocation plans in place of the ~~agencies county departments~~ of the county in which the facility is located, if the ~~agency county department~~ accepts responsibility for the resident or is delegated responsibility for the resident by the department or by a court.

SECTION 346. 50.035 (4) of the statutes is amended to read:

50.035 (4) FIRE NOTICE. The licensee of a community-based residential facility, or his or her designee, shall notify the department and any county ~~agency department under s. 46.215 or 46.22~~ that has residents placed in the facility of any fire that occurs in the facility for which the fire department is contacted. The

notice shall be provided within 72 hours after such a fire occurs.

SECTION 347. 51.04 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.04 Outpatient treatment facility determination. Any facility may apply to the department for determination of whether such facility is an outpatient treatment facility established and maintained according to rules promulgated by the department under s. 51.42 (42) (7) (b). The department shall charge a fee for each such determination.

SECTION 348. 51.05 (2) of the statutes is amended to read:

51.05 (2) The department may not accept for admission to a mental health institute any resident person, except in an emergency, unless the board established county department under s. 51.42 in the county where the person has legal residency authorizes the care, as provided in s. 51.42 (9) (3) (as). Patients who are committed to the department under s. 971.14, 971.17, 975.01, 1977 stats., s. 975.02, 1977 stats., or s. 975.06, admitted by the department under s. 975.17, 1977 stats., or are transferred from a juvenile correctional facility to a state treatment facility under s. 51.35 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not subject to this section.

SECTION 349. 51.05 (3) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.05 (3) Any person who is without a county responsible for his or her care and any person entering this state through the compact established under s. 51.75 may be accepted by the department and temporarily admitted to an institute. Such person shall be transferred to the board established county department under s. 51.42 for the community where the best interests of the person can best be served, as soon as practicable.

SECTION 350. 51.06 (1) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.06 (1) (b) Development-evaluation services to citizens through boards established county departments under ss. 51.42 and 51.437.

SECTION 351. 51.07 (3) of the statutes is amended to read:

51.07 (3) The department may provide outpatient services only to patients contracted for with county departments under s. 51.42 and s. 51.437 boards in accordance with s. 46.03 (18), except for those patients whom the department finds to be nonresidents of this state. The full and actual cost less applicable collections of such services contracted for shall be charged to the respective county department under s. 51.42 or s. 51.437 board. The state shall provide the services required for patient care only if no such services are funded by the department in the county or combina-

~~tion group~~ of counties served by the respective board county department under s. 51.42 or 51.437.

SECTION 352. 51.10 (1) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.10 (1) With the approval of the treatment director of the treatment facility or the director's designee, or in the case of a center for the developmentally disabled, the director of the center or the director's designee, and the approval of the director of the appropriate board established county department under ss. 51.42 ~~and~~ or 51.437, an adult desiring admission to an approved inpatient treatment facility may be admitted upon application. This subsection applies only to admissions made through a board established county department under s. 51.42 or 51.437 or through the department.

SECTION 353. 51.10 (2) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.10 (2) With the approval of the director of the treatment facility or the director's designee and the director of the appropriate board established county department under s. 51.42 or 51.437, an adult may be voluntarily admitted to a state inpatient treatment facility.

SECTION 354. 51.10 (6) of the statutes is amended to read:

51.10 (6) A person against whom a petition for involuntary commitment has been filed under s. 51.15 or 51.20 may agree to be admitted under this section. The court may permit the person to become a voluntary patient or resident pursuant to this section upon signing an application for voluntary admission, if the director of the appropriate board established county department under s. 51.42 or 51.437 and the director of the facility to which the person will be admitted approve of the voluntary admission within 14 days of such admission, and the judge shall then dismiss the proceedings under s. 51.20 within 14 days of such admission.

SECTION 355. 51.13 (1) (e) of the statutes is amended to read:

51.13 (1) (e) A minor may be admitted immediately upon the approval of the application executed ~~pursuant to~~ under par. (a) or (b) by the treatment director of the facility or his or her designee or, in the case of a center for the developmentally disabled, the director of the center or his or her designee, and the director of the appropriate board established county department under s. 51.42 or 51.437 if such board county department is to be responsible for the cost of the minor's therapy and treatment. Approval shall be based upon an informed professional opinion that the minor is in need of psychiatric services or services for developmental disability, alcoholism or drug abuse, that the treatment facility offers inpatient therapy or treatment which is appropriate for the minor's needs and that inpatient care in the facility is the least restrictive therapy or treatment consistent with the minor's needs.

SECTION 356. 51.13 (1) (f) of the statutes is amended to read:

51.13 (1) (f) Admission under par. (c) or (d) shall also be approved by the treatment director of the facility or his or her designee, or in the case of a center for the developmentally disabled, the director of the center or his or her designee, and the director of the appropriate ~~board-established~~ county department under s. 51.42 or 51.437 if the ~~board~~ county department is to be responsible for the cost of the minor's therapy and treatment, within 14 days of the minor's admission.

SECTION 357. 51.13 (2) (a) of the statutes is amended to read:

51.13 (2) (a) A minor may be admitted to an inpatient treatment facility without complying with the requirements of this section if the admission does not involve the department or a ~~board-established~~ county department under s. 51.42 or 51.437, or a contract between a treatment facility and the department or ~~such a board~~ between a treatment facility and a county department. The application for voluntary admission of a minor who is 14 years of age or over shall be executed by the minor and a parent who has legal custody of the minor or the minor's guardian.

SECTION 358. 51.13 (4) (g) 3 of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

51.13 (4) (g) 3. The director of the appropriate ~~board-created~~ county department under s. 51.42 or 51.437 if the ~~board~~ county department is to be responsible for the cost of the minor's therapy or treatment.

SECTION 359. 51.15 (2) (a) of the statutes is amended to read:

51.15 (2) (a) A hospital which is approved by the department as a detention facility or under contract with a ~~board-established~~ county department under s. 51.42 or 51.437, or an approved public treatment facility;

SECTION 360. 51.20 (2) and (4) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

51.20 (2) NOTICE OF HEARING AND DETENTION. Upon filing of a petition for examination, the court shall review the petition to determine whether an order of detention should be issued. The subject individual shall be detained only if there is cause to believe that the individual is mentally ill, drug dependent or developmentally disabled and the individual is eligible for commitment under sub. (1) (a) or (am) based upon specific recent overt acts, attempts or threats to act or on a pattern of recent acts or omissions made by the individual. If the subject individual is to be detained, a law enforcement officer shall present the subject individual with a notice of hearing, a copy of the petition and detention order and a written statement of the individual's right to an attorney, a jury trial if requested more than 48 hours prior to the final hearing, the standard upon which he or she may be committed under this section and the right to a hearing to

determine probable cause for commitment within 72 hours after the individual arrives at the facility, excluding Saturdays, Sundays and legal holidays. The officer shall orally inform the individual that he or she is being taken into custody as the result of a petition and detention order issued under this chapter. If the individual is not to be detained, the law enforcement officer shall serve these documents on the subject individual and shall also orally inform the individual of these rights. The individual who is the subject of the petition, his or her counsel and if the individual is a minor, his or her parent or guardian, if known, shall receive notice of all proceedings under this section. The court may also designate other persons to receive notices of hearings and rights under this chapter. The notice of time and place of a hearing shall be served personally on the subject of the petition, and his or her attorney, within a reasonable time prior to the hearing to determine probable cause for commitment. If the law enforcement officer has a detention order issued by a court, or if the law enforcement officer has cause to believe that the subject individual is mentally ill, drug dependent or developmentally disabled and is eligible for commitment under sub. (1) (a) or (am), based upon specific recent overt acts, attempts or threats to act or on a pattern of omissions made by the individual, the law enforcement officer shall take the subject individual into custody. If the individual is detained by a law enforcement officer, the individual shall be orally informed of his or her rights under this section on arrival at the detention facility by the facility staff, who shall also serve all documents required by this section on the individual. Placement shall be made in a hospital which is approved by the department as a detention facility or under contract with a ~~board-established~~ county department under s. 51.42 or 51.437, approved public treatment facility, mental health institute, center for the developmentally disabled under the requirements of s. 51.06 (3), state treatment facility, or in an approved private treatment facility if the facility agrees to detain the subject individual. Upon arrival at the facility, the individual is deemed to be in the custody of the facility.

(4) PUBLIC REPRESENTATION. Except as provided in ss. 51.42 (3) ~~(am)-6~~ (ar) 1 and 51.437 ~~(5)-(e)~~ (4m) (f), the district attorney or, if designated by the county board of supervisors, the corporation counsel or other counsel shall represent the interests of the public in the conduct of all proceedings under this chapter, including the drafting of all necessary papers related to the action.

SECTION 361. 51.20 (8) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.20 (8) (a) If it is shown that there is probable cause to believe the allegations under sub. (1), the court may release the subject individual pending the full hearing and the individual has the right to receive treatment services, on a voluntary basis, from the

~~board-established county department~~ under s. 51.42 or 51.437, or from the department. The court may issue an order stating the conditions under which the subject individual may be released from detention pending the final hearing. If acceptance of treatment is made a condition of such release, the subject individual may elect to accept the conditions or choose detention pending the hearing. The court order may state the action to be taken upon information of breach of such conditions. A final hearing must be held within 30 days of such order, if the subject individual is released. Any detention under this paragraph invokes time limitations specified in sub. (7) (c), beginning with the time of such detention.

SECTION 362. 51.20 (8) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.20 (8) (b) If the court finds the services provided under par. (a) are not available, suitable, or desirable based on the condition of the individual, it may issue a detention order and the subject individual may be detained pending the hearing as provided in sub. (7) (c). Detention may be in a hospital which is approved by the department as a detention facility or under contract with a ~~board-established county department~~ under s. 51.42 or 51.437, approved public treatment facility, mental health institute, center for the developmentally disabled under the requirements of s. 51.06 (3), state treatment facility, or in an approved private treatment facility if the facility agrees to detain the subject individual.

SECTION 363. 51.20 (9) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.20 (9) (b) If the examiner determines that the subject individual is a proper subject for treatment, the examiner shall make a recommendation concerning the appropriate level of treatment. Such recommendation shall include the level of inpatient facility which provides the least restrictive environment consistent with the needs of the individual, if any, and the name of the facility where the subject individual should be received into the mental health system. The court may, prior to disposition, order additional information concerning such recommended level of treatment to be provided by the staff of the appropriate ~~board county department~~ under s. 51.42 or 51.437, or by the staff of a public treatment facility if the subject individual is detained there pending the final hearing.

SECTION 364. 51.20 (13) (a) 3 of the statutes is amended to read:

51.20 (13) (a) 3. If the allegations specified in sub. (1) (a) are proven, order commitment to the care and custody of the appropriate ~~board county department~~ under s. 51.42 or 51.437, or if inpatient care is not required order commitment to outpatient treatment under care of such ~~board county department~~; or

SECTION 365. 51.20 (13) (c) 2 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.20 (13) (c) 2. The ~~board county department~~ under s. 51.42 or 51.437 shall arrange for treatment in the least restrictive manner consistent with the requirements of the subject individual in accordance with a court order designating the maximum level of inpatient facility, if any, which may be used for treatment, except that, if the subject individual is under the age of 22 years and the facility is a center for the developmentally disabled, designation shall be only to the central center for the developmentally disabled unless the department authorizes the placement of the individual at the northern or southern center for the developmentally disabled; and

SECTION 366. 51.20 (13) (c) 3 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.20 (13) (c) 3. The ~~board county department~~ under s. 51.42 or 51.437 shall report to the court as to the initial plan of treatment for the subject individual.

SECTION 367. 51.20 (13) (dm) of the statutes is amended to read:

51.20 (13) (dm) If the court finds that the dangerousness of the subject individual is likely to be controlled with appropriate medication administered on an outpatient basis, the court may direct in its order of commitment that the ~~board-established county department~~ under s. 51.42 or 51.437 or the department may, after a facility evaluates the subject individual and develops an appropriate treatment plan, release the individual on a conditional transfer in accordance with s. 51.35 (1), with one of the conditions being that the individual shall take medication as prescribed by a physician and that the individual shall report to a particular treatment facility on an outpatient basis for evaluation as often as required by the director of the facility or the director's designee. The court order may direct that, if the director or his or her designee determines that the individual has failed to take the medication as prescribed or has failed to report for evaluation as directed, the director or designee may request that the individual be taken into custody by a law enforcement agency in accordance with s. 51.39, and that medication, as prescribed by the physician, may be administered voluntarily or against the will of the individual under s. 51.61 (1) (g) and (h). A court order under this paragraph is effective only as long as the commitment is in effect in accordance with par. (h) and s. 51.35 (4).

SECTION 368. 51.20 (13) (f) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.20 (13) (f) The ~~board-established pursuant to county department~~ under s. 51.42 or 51.437 which receives an individual who is committed by a court under this section is authorized to place such individual in an approved treatment facility subject to any

limitations which are specified by the court under par. (c) 2. The ~~board~~ county department shall place the subject individual in the treatment program and treatment facility which is least restrictive of the individual's personal liberty, consistent with the treatment requirements of the individual. The ~~board~~ county department shall have ongoing responsibility to review the individual's needs, in accordance with sub. (17), and transfer the person to the least restrictive program consistent with the individual's needs. If the subject individual is under the age of 22 years and if the facility appropriate for placement or transfer is a center for the developmentally disabled, placement or transfer of the individual shall be made only to the central center for the developmentally disabled unless the department authorizes the placement or transfer to the northern or southern center for the developmentally disabled.

SECTION 369. 51.20 (13) (g) 3 of the statutes is amended to read:

51.20 (13) (g) 3. The ~~board~~ county department under s. 51.42 or 51.437 to whom the individual is committed may discharge the individual at any time, and shall place a committed individual in accordance with par. (f). Upon application for extension of a commitment by the department or the ~~board~~ county department having custody of the subject, the court shall proceed under subs. (10) to (13). If the court determines that the individual is a proper subject for commitment as prescribed in sub. (1) (a) 1 and evidences the conditions under sub. (1) (a) 2 or (am) or is a proper subject for commitment as prescribed in sub. (1) (ar), it shall order judgment to that effect and continue the commitment. The burden of proof is upon the ~~board~~ county department or other person seeking commitment to establish evidence that the subject individual is in need of continued commitment.

SECTION 370. 51.20 (14) of the statutes is amended to read:

51.20 (14) TRANSPORTATION; EXPENSES. The sheriff or any law enforcement officer shall transport an individual who is the subject of a petition and execute the commitment, or any competent relative, friend or member of the staff of a treatment facility may assume responsibility for the individual and transport him or her to the inpatient facility. The director of the ~~board established~~ county department under s. 51.42 or 51.437 may request the sheriff to provide transportation for a subject individual or may arrange any other method of transportation which is feasible. The ~~board~~ county department may provide reimbursement for the transportation costs from its budgeted operating funds.

SECTION 371. 51.20 (16) (c) of the statutes is amended to read:

51.20 (16) (c) If a hearing has been held with respect to the subject individual's commitment within 30 days of the filing of a petition under this subsection, no hearing shall be held. If such a hearing has not been

held within 30 days of the filing of a petition, but has been held within 120 days of the filing, the court shall within 24 hours of the filing order an examination to be completed within 7 days by the appropriate ~~board~~ county department under s. 51.42 or 51.437. A hearing may then be held in the court's discretion. If such a hearing has not been held within 120 days of the filing, a hearing shall be held on the petition within 30 days of receipt.

SECTION 372. 51.20 (16) (k) of the statutes is amended to read:

51.20 (16) (k) Any order of a ~~board established~~ county department under s. 51.42 or 51.437 is subject to review by the court assigned to exercise probate jurisdiction upon petition under this subsection.

SECTION 373. 51.22 (1) of the statutes is amended to read:

51.22 (1) Except as provided in s. 51.20 (13) (a) 4 or 5, any person committed under this chapter shall be committed to the ~~board established~~ county department under s. 51.42 or 51.437 serving the person's county of residence, and such ~~board~~ county department shall authorize placement of the person in an appropriate facility for care, custody and treatment according to s. 51.42 ~~(9) (a) (3) (as) 1~~ or 51.437 ~~(42) (4rm) (a)~~.

SECTION 374. 51.22 (2) of the statutes is amended to read:

51.22 (2) Voluntary admissions under ss. 51.10, 51.13 and 51.45 (10) shall be through the ~~board established~~ county department under s. 51.42 or 51.437 serving the person's county of residence, or through the department if the person to be admitted is a non-resident of this state. Admissions through a ~~community board~~ county department under s. 51.42 or 51.437 shall be made in accordance with s. 51.42 ~~(9) (a) (3) (as) 1~~ or 51.437 ~~(42) (4rm) (a)~~. Admissions through the department shall be made in accordance with sub. (3).

SECTION 375. 51.22 (3) of the statutes is amended to read:

51.22 (3) Whenever an admission is made through the department, the department shall determine the need for inpatient care of the individual to be admitted. Unless a state-operated facility is used, the department may only authorize care in an inpatient facility which is operated by or under a purchase of service contract with a ~~board established~~ county department under s. 51.42 or 51.437 or an inpatient facility which is under a contractual agreement with the department. Except in the case of state treatment facilities, the department shall reimburse the facility for the actual cost of all authorized care and services from the appropriation under s. 20.435 (4) (da). For collections made under the authority of s. 46.10 (16), moneys shall be credited or remitted to the department no later than 60 days after the month in which collections are made. Such collections are also subject to s. 46.036 or special agreement. Collections made by

the department under ss. 46.03 (18) and 46.10 shall be deposited in the general fund.

SECTION 376. 51.22 (4) of the statutes is amended to read:

51.22 (4) If a patient is placed in a facility authorized by a ~~community board~~ county department under s. 51.42 and such placement is outside the jurisdiction of ~~such board~~ that county department under s. 51.42, the placement does not transfer the patient's legal residence to the county of the facility's location while such patient is under commitment.

SECTION 377. 51.30 (1) (a) of the statutes is amended to read:

51.30 (1) (a) "Registration records" include all the records of the department, ~~boards established~~ county departments under s. 51.42 or 51.437, treatment facilities, and other persons providing services to the department, ~~boards~~ county departments or facilities which identify individuals who are receiving or who at any time have received services for mental illness, developmental disabilities, alcoholism or drug dependence.

SECTION 378. 51.30 (1) (b) of the statutes is amended to read:

51.30 (1) (b) "Treatment records" include the registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, developmental disabilities, alcoholism, or drug dependence which are maintained by the department, by ~~boards established~~ county departments under s. 51.42 or 51.437 and their staffs, and by treatment facilities. Such records do not include notes or records maintained for personal use by an individual providing treatment services for the department, a ~~community board established~~ county department under s. 51.42 or 51.437, or a treatment facility if such notes or records are not available to others.

SECTION 379. 51.30 (4) (a) of the statutes is amended to read:

51.30 (4) (a) *Confidentiality of records.* Except as otherwise provided in this chapter and ss. 905.03 and 905.04, all treatment records shall remain confidential and are privileged to the subject individual. Such records may be released only to the persons designated in this chapter or s. 905.03 and 905.04, or to other designated persons with the informed written consent of the subject individual as provided in this section. This restriction applies to elected officials and to members of boards ~~established~~ appointed under s. 51.42 (4) (a) or 51.437 (7) (a).

SECTION 380. 51.30 (4) (b) 2 of the statutes is amended to read:

51.30 (4) (b) 2. To the department, the ~~program~~ director of a ~~board established~~ county department under s. 51.42 or 51.437, or a qualified staff member designated by the ~~program~~ director as is necessary for, and only to be used for, billing or collection purposes. Such information shall remain confidential. The

department and ~~community boards~~ county departments shall develop procedures to assure the confidentiality of such information.

SECTION 381. 51.30 (4) (b) 5 of the statutes is amended to read:

51.30 (4) (b) 5. To qualified staff members of the department, to the ~~program~~ director of the ~~board established~~ county department under s. 51.42 or 51.437 which is responsible for serving a subject individual or to qualified staff members designated by the ~~program~~ director as is necessary to determine progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. Such information shall remain confidential. The department and ~~boards established~~ county departments under s. 51.42 or 51.437 shall develop procedures to assure the confidentiality of such information.

SECTION 382. 51.30 (4) (b) 10. (intro.) of the statutes is amended to read:

51.30 (4) (b) 10. (intro.) To a correctional facility or to a probation and parole agent who is responsible for the supervision of an individual who is receiving inpatient or outpatient evaluation or treatment under this chapter in a program that is operated by, or is under contract with, the department or a ~~board established~~ county department under s. 51.42 or 51.437, or in a treatment facility, as a condition of the probation and parole supervision plan, or whenever such an individual is transferred from a state or local correctional facility to such a treatment program and is then transferred back to the correctional facility. Every probationer or parolee who receives evaluation or treatment under this chapter shall be notified of the provisions of this subdivision by the individual's probation and parole agent. Release of records under this subdivision is limited to:

SECTION 383. 51.30 (4) (b) 15. (intro.) of the statutes is amended to read:

51.30 (4) (b) 15. (intro.) To personnel employed by ~~the a county department of social services or public welfare and the board or boards established~~ under ss. 46.215, 46.22, 51.42 and or 51.437 in any county where ~~such agencies have~~ the county department has established and submitted to the department a written agreement to coordinate services to individuals receiving services under this chapter. This information shall be released upon request of such agency county department personnel, and may be utilized only for the purposes of coordinating human services delivery and case management. This information shall remain confidential, and shall continue to be governed by this section. Information may be released under this subdivision only if the subject individual has received services through a ~~board established~~ county department under s. 51.42 or 51.437 within 6 months preceding the request for information, and the information is limited to:

SECTION 384. 51.30 (4) (f) of the statutes is amended to read:

51.30 (4) (f) *Correction of information.* A subject individual, or the parent, guardian or person in the place of a parent of a minor, or the guardian of an incompetent may, after having gained access to treatment records, challenge the accuracy, completeness, timeliness, or relevance of factual information in his or her treatment records and request in writing that the facility maintaining the record correct the challenged information. Such request shall be granted or denied within 30 days by the director of the treatment facility, the ~~program~~ director of the ~~board-established county department~~ under s. 51.42 or 51.437, or the secretary depending upon which person has custody of the record. Reasons for denial of the requested changes shall be given by the responsible officer and the individual shall be informed of any applicable grievance procedure or court review procedure. If the request is denied, the individual, parent, guardian or person in the place of a parent shall be allowed to insert into the record a statement correcting or amending the information at issue. The statement shall become a part of the record and shall be released whenever the information at issue is released.

SECTION 385. 51.30 (11) of the statutes is amended to read:

51.30 (11) **DISCIPLINE OF EMPLOYEES.** Any employe of the department, a ~~board-established county department~~ under s. 51.42 or 51.437, or a public treatment facility who violates this section or any rule adopted pursuant to this section may be subject to discharge or suspension without pay.

SECTION 386. 51.35 (1) (a) of the statutes is amended to read:

51.35 (1) (a) The department or the ~~board-established county department~~ under s. 51.42 or 51.437 may transfer any patient or resident who is committed to it, or who is admitted to a facility under its supervision or operating under an agreement with it, between treatment facilities or from a facility into the community if such transfer is consistent with reasonable medical and clinical judgment and consistent with s. 51.22 (5). The transfer shall be made in accordance with par. (e). Terms and conditions which will benefit the patient or resident may be imposed as part of a transfer to a less restrictive treatment alternative. A patient or resident who is committed to the department or a ~~board-established county department~~ under s. 51.42 or 51.437 may be required to take medications and receive treatment through a community support program as a term or condition of a transfer. The patient or resident shall be informed at the time of transfer of the consequences of violating such terms and conditions, including possible transfer back to a facility which imposes a greater restriction on personal freedom of the patient or resident.

SECTION 387. 51.35 (1) (b) of the statutes is amended to read:

51.35 (1) (b) In addition to the requirements in par. (a), a transfer of a patient in a mental health institute or center for the developmentally disabled by the department is subject to the approval of the appropriate ~~board-established county department~~ under s. 51.42 and 51.437 to which the patient was committed or through which the patient was admitted to the facility, if any.

SECTION 388. 51.35 (1) (c) of the statutes is amended to read:

51.35 (1) (c) The department may, without approval of the ~~board-established county department~~ under s. 51.42 or 51.437 and notwithstanding par. (d) 3, transfer any patient from a treatment facility to another treatment facility when the condition of the patient requires such transfer without delay. The department shall notify the appropriate ~~board-established county department~~ under s. 51.42 or 51.437 that the transfer has been made. Any patient so transferred may be returned to the treatment facility from which the transfer was made, upon orders from the department or the ~~board-established county department~~ under s. 51.42 or 51.437, when such return would be in the best interests of the patient.

SECTION 389. 51.35 (1) (d) of the statutes is amended to read:

51.35 (1) (d) 1. The department may, without approval of the appropriate ~~board county department~~ under s. 51.42 or 51.437, transfer any patient from a state treatment facility or other inpatient facility to an approved treatment facility which is less restrictive of the patient's personal freedom.

2. Transfer under this subsection may be made only if the transfer is consistent with the requirements of par. (a), and the department finds that the appropriate ~~board-established county department~~ under s. 51.42 or 51.437 is unable to locate an approved treatment facility in the community, or that such ~~board county department~~ has acted in an arbitrary or capricious manner to prevent the transfer of the patient out of the state treatment facility or other inpatient facility contrary to medical and clinical judgment.

3. A transfer of a patient, made under authority of this subsection, may be made only after the department has notified the ~~board-established county department~~ under s. 51.42 or 51.437 of its intent to transfer a patient in accordance with this subsection. The patient's guardian, if any, or if a minor his or her parent or person in the place of a parent shall be notified.

SECTION 390. 51.35 (4) (a) of the statutes is amended to read:

51.35 (4) (a) The ~~board-established county department~~ under s. 51.42 or 51.437 shall grant a discharge from an order of commitment when it determines that the patient no longer meets the standard for recommitment under s. 51.20 (13) (g). The ~~board county department~~ shall grant a discharge to a patient who is voluntarily admitted to an inpatient facility if the

treatment director determines that treatment is no longer necessary or if the individual requests such discharge. Discharge or retention of a patient who is voluntarily admitted is subject to the procedures prescribed in ss. 51.10 (5) and 51.13 (7).

SECTION 391. 51.35 (4) (b) of the statutes is amended to read:

51.35 (4) (b) The department shall grant a discharge from commitment or from voluntary admission for patients committed or voluntarily admitted to a facility under control of the department. The standards applied by the department in granting a discharge shall be the same as those provided in par. (a). The department may not discharge from a commitment an individual who has been committed to a ~~board-established county department~~ under s. 51.42 or 51.437 without first obtaining approval of that ~~board~~ county department. The department may discharge a voluntarily admitted patient if the appropriate ~~board~~ county department is notified. Transfers of patients may be made by the department in accordance with sub. (1).

SECTION 392. 51.35 (4m) of the statutes is amended to read:

51.35 (4m) TRANSFER OR DISCHARGE OF PERSONS WITH CHRONIC MENTAL ILLNESS. The department or ~~board-established county department~~ under s. 51.42 or any person authorized to discharge or transfer patients pursuant to this section shall, prior to the discharge of a patient with chronic mental illness from an inpatient facility, or prior to the transfer of a patient with chronic mental illness from inpatient to outpatient status, with the patient's permission if the patient is a voluntary patient, refer the patient to the ~~board-established county department~~ under s. 51.42 which is responsible for the patient's care for referral to a community support program in the county to which the patient will be discharged or transferred for evaluation of the need for and feasibility of the provision of community-based services and of the need for and feasibility of the provision of aftercare services.

SECTION 393. 51.35 (8) (a) of the statutes is amended to read:

51.35 (8) (a) The department or the ~~board-established county department~~ under s. 51.42 or 51.437 may grant to a patient or resident who is committed to it under this chapter, or who is admitted or transferred under this chapter to a facility under its supervision or operating under a contractual agreement with it, a home visit for up to 15 days, or a leave for employment or education purposes in which the patient or resident is not absent from the facility for more than 15 days.

SECTION 394. 51.37 (4) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.37 (4) The department may, with the approval of the committing court and the ~~board-established county department~~ under s. 51.42 or 51.437, and subject to s. 51.35, transfer to the care and custody of a

~~board-established county department~~ under s. 51.42 or 51.437 any person in an institution of the department committed under s. 971.14 or 971.17, if in its opinion, the mental condition of the person is such that further care is required and can be properly provided under the direction of the ~~board-established county department~~ under s. 51.42 or 51.437.

SECTION 395. 51.37 (5) (c) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.37 (5) (c) No state treatment facility may accept for admission an individual who is being transferred from a county jail under par. (a) or (b) without the approval of the ~~board-established county department~~ under s. 51.42 or 51.437 of the county in which the jail is located. No state treatment facility may retain such an individual beyond 72 hours without the approval of the ~~board-established county department~~ under s. 51.42 or 51.437 of the county where the transferred individual has legal residence.

SECTION 396. 51.37 (8) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.37 (8) (b) If the condition of any prisoner committed or transferred under this section requires psychiatric or psychological treatment after his or her date of release as determined under s. 53.11 (7) (a), the director of the state treatment facility shall, within a reasonable time before the prisoner's release date, make a written application to the court which committed the prisoner under sub. (5) (a). Thereupon, the proceeding shall be upon application made under s. 51.20, but no physician or psychologist who is connected with a state prison, Winnebago or Mendota mental health institute or any county jail may be appointed as an examiner. If the court does not commit the prisoner, it may dismiss the application and order the prisoner returned to the institution from which he or she was transferred until the prisoner's release date. If the court commits the prisoner for the period commencing upon his or her release date, such commitment shall be to the care and custody of the ~~board-established county department~~ under s. 51.42 or 51.437.

SECTION 397. 51.42 (title) of the statutes is amended to read:

51.42 (title) Community mental health, developmental disabilities, alcoholism and drug abuse services.

SECTION 398. 51.42 (1) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.42 (1) PROGRAM. (a) (title) *Purpose and intent.* ~~The purpose~~ All of the following are the purposes and intent of this section ~~is to:~~

1. ~~To~~ enable and encourage counties to develop a comprehensive range of services offering continuity of care; ~~to.~~

2. ~~To~~ utilize and expand existing governmental, voluntary and private community resources for provi-

sion of services to prevent or ameliorate mental disabilities, including but not limited to mental illness, ~~mental retardation developmental disabilities~~, alcoholism and drug abuse; ~~to~~.

3. To provide for the integration of administration of those services and facilities organized under this section through the establishment of a ~~community county department; and to~~ of community programs.

4. To authorize state consultative services, reviews and establishment of standards and grants-in-aid for such program of services and facilities.

(b) (title) *County liability.* The county boards ~~board~~ of supervisors ~~have~~ has the primary responsibility for the well-being, treatment and care of the mentally ill, developmentally disabled, alcoholic and other drug dependent citizens residing within ~~their respective counties~~ its county and for ensuring that those individuals in need of such emergency services found within ~~their respective counties~~ its county receive immediate emergency services. County liability for care and services purchased through or provided by a ~~community county department of community programs~~ established under this section shall be based upon the client's county of residence except for emergency services for which liability shall be placed with the county in which the individual is found. For the purpose of establishing county liability, "~~emergency~~" services "~~emergency~~" includes those services provided under the authority of s. 51.15, 51.45 (11) (a) or (b) ~~and or~~ (12), 55.05 (4), or 55.06 (11) (a) ~~or 51.45 (11) (a)~~ for not more than 72 hours. Nothing in this paragraph prevents recovery of liability under s. 46.10 or any other statute creating liability upon the individual receiving a service or any other designated responsible party, or prevents reimbursement by the department of health and social services for the actual cost of all care and services from the appropriation under s. 20.435 (4) (da), as provided in s. 51.22 (3).

SECTION 399. 51.42 (2) (intro.) and (c) of the statutes, as affected by 1985 Wisconsin Act 29, are consolidated, renumbered 51.42 (2) and amended to read:

51.42 (2) (title) DEFINITION. ~~Except as otherwise provided, in~~ In this section: (c) "~~Program~~", "~~program~~" means community services and facilities for the prevention or amelioration of mental disabilities, including but not limited to mental illness, ~~mental retardation developmental disabilities~~, alcoholism and drug abuse.

SECTION 400. 51.42 (2) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 401. 51.42 (2) (am) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 402. 51.42 (2) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 403. 51.42 (2) (d) of the statutes is repealed.

SECTION 404. 51.42 (3) (title) of the statutes is amended to read:

51.42 (3) (title) COUNTY DEPARTMENT OF COMMUNITY PROGRAMS.

SECTION 405. 51.42 (3) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.42 (3) (a) (title) *Creation.* ~~The~~ Except as provided under s. 46.23 (3) (b), the county board of supervisors of ~~every any~~ county, or the county boards of supervisors of ~~any combination of 2 or more contiguous~~ counties, shall establish a ~~community county department of community programs~~ on a ~~county single-county~~ or multicounty basis to administer a community mental health, ~~mental retardation developmental disabilities~~, alcoholism and drug abuse program, make appropriations to operate the program and authorize the ~~community county department of community programs~~ to apply for grants-in-aid under this section. ~~The community board appointed under sub. (4) (a) 1 shall govern a community department established under this paragraph s. 51.423. The county department of community programs shall consist of a county community programs board, a county community programs director and necessary personnel.~~

SECTION 406. 51.42 (3) (am) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.42 (3) (ar) 4, and 51.42 (3) (ar) 4. (intro.), as renumbered, is amended to read:

51.42 (3) (ar) 4. (intro.) Within the limits of available state and federal funds and of county funds appropriated to match state funds, ~~community departments~~ shall provide for the program needs of persons suffering from mental disabilities, including mental illness, ~~mental retardation developmental disabilities~~, alcoholism or drug abuse, by offering the following services:

SECTION 407. 51.42 (3) (ar) (intro.) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

51.42 (3) (ar) (title) *Duties.* (intro.) A county department ~~established under par. (a) of community programs~~ shall do all of the following:

SECTION 408. 51.42 (3) (ar) 1 and 2 of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

51.42 (3) (ar) 1. Enter into contracts to render services to or secure services from other agencies or resources including out-of-state agencies or resources. Notwithstanding ss. 59.07 (44), 59.456 and 59.47, any multicounty department ~~under sub. (3) (a) or s. 51.437 (5) (b) of community programs~~ may contract for professional legal services that are necessary to carry out the duties of the multicounty department of community programs if the corporation counsel of each county of the multicounty department of community programs has notified the multicounty department of community programs that he or she is unable to provide such services in a timely manner.

2. Enter into contracts for the use of any facility as an approved public treatment facility under s. 51.45 for the treatment of alcoholics if the community county department of community programs deems it to be an effective and economical course to follow.

SECTION 409. 51.42 (3) (ar) 3 of the statutes is created to read:

51.42 (3) (ar) 3. Plan for and establish a community developmental disabilities program to deliver the services required under s. 51.437 if, under s. 51.437 (4g) (b), the county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs transfer the powers and duties of the county department under s. 51.437 to the county department of community programs. The county board of supervisors in a county with a single-county department of community programs and the county boards of supervisors in counties with a multicounty department of community programs may designate the county department of community programs to which these powers and duties have been transferred as the administrative agency of the long-term support community options program under s. 46.27 (3) (b) 1 and 5 and the community integration programs under ss. 46.275 and 46.277.

SECTION 410. 51.42 (3) (ar) 9 of the statutes is created to read:

51.42 (3) (ar) 9. Develop the cost of all services which it purchases based on the standards and requirements of s. 46.036.

SECTION 411. 51.42 (3) (b) of the statutes, as affected by 1985 Wisconsin Act 120, is repealed.

SECTION 412. 51.42 (3) (c) of the statutes is amended to read:

51.42 (3) (c) (title) *Multicounty contract*. No grant-in-aid may be made under s. 51.423 to any combination of counties multicounty department of community programs until the counties which established the multicounty department of community programs have drawn up a detailed contractual agreement, approved by the secretary, setting forth the plans for joint sponsorship.

SECTION 413. 51.42 (3) (d) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.42 (3) (b) and amended to read:

51.42 (3) (b) (title) *Other powers and duties*. The county board of supervisors of any county with a single-county department of community programs and the county boards of supervisors of counties with a multicounty department of community programs may designate the community county department of community programs as the administrator of any other county health care program or institution, but the operation of such program or institution shall is not be reimbursable under sub. (8) s. 51.423.

SECTION 414. 51.42 (3m) (title) of the statutes, as created by 1985 Wisconsin Act 120, is repealed.

SECTION 415. 51.42 (3m) of the statutes, as created by 1985 Wisconsin Act 120, is renumbered 51.42 (3) (ar) 12 and amended to read:

51.42 (3) (ar) 12. ~~Each community department~~ If participating in the program under s. 49.45 (6) or 49.46 (2) (e) shall, provide case management and payment authorization for medical assistance recipients who need medical day treatment, mental health services or alcohol and other drug abuse services covered under s. 49.46 (2) as long as a federal waiver is in effect authorizing the department of health and social services to restrict free choice of provider. In this subsection subdivision, "case management" means prior approval for provision of services based on appropriateness and ~~cost-effectiveness~~ cost-effectiveness, and monitoring provision of services to avoid duplication and overutilization.

SECTION 416. 51.42 (4) (title) of the statutes is amended to read:

51.42 (4) (title) COUNTY COMMUNITY PROGRAMS BOARD.

SECTION 417. 51.42 (4) (a) (title) of the statutes is created to read:

51.42 (4) (a) (title) *Appointment*.

SECTION 418. 51.42 (4) (a) 1 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.42 (4) (a) 1. Except as provided under subd. 2, the county board ~~or boards~~ of supervisors of every county with a single-county department of community programs or every combination of the county boards of supervisors in counties establishing a community with a multicounty department under sub. (3) (a) of community programs shall, before it qualifies qualification under this section, appoint a governing and policy-making board ~~of directors~~ to be known as the county community programs board. The A county community programs board appointed under this subdivision shall govern a community the single-county or multicounty department established under sub. (3) (a) of community programs and shall assume all of the powers and duties of the county department of community programs under sub. (3) (ar) to (bm). A member of a county community programs board appointed under this subdivision may be removed from office for cause by a two-thirds vote of each county board of supervisors participating in the appointment, on due notice in writing and hearing of the charges against the member.

SECTION 419. 51.42 (4) (a) 2 of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

51.42 (4) (a) 2. In any county which has with a county executive or county administrator and which has established a community single-county department under sub. (3) (a), but not in combination with another county of community programs, the county executive or county administrator shall appoint, subject to confirmation by the county board of supervi-

sors, the county community programs board, which shall be only a policy-making body determining the broad outlines and principles governing the administration of programs under this section. A member of a county community programs board appointed under this subdivision may be removed by the county executive or county administrator for cause.

SECTION 420. 51.42 (4) (b) (title) of the statutes is created to read:

51.42 (4) (b) (title) *Composition.*

SECTION 421. 51.42 (4) (b) and (c) of the statutes, as affected by 1985 Wisconsin Act 29, are renumbered 51.42 (4) (b) 1 and 2 and amended to read:

51.42 (4) (b) 1. ~~In any county which does not combine with another county a single-county department of community programs the county community programs board shall be composed of not less than 9 nor more than 15 persons of recognized ability and demonstrated interest in the problems of the mentally ill, developmentally disabled, alcoholic or drug dependent persons. The community board and shall have representation from each of the aforementioned mental disability interest groups the interest group of the mentally ill, the interest group of the developmentally disabled, the interest group of the alcoholic and the interest group of the drug dependent.~~ No more than 5 members may be appointed from the county board of supervisors.

2. ~~In any combination of counties a multicounty department of community programs, the county community programs board shall be composed of 11 members with 3 additional members for each combining county in a multicounty department of community programs in excess of 2. Appointments shall be made by the county boards of supervisors of the combining counties in a multicounty department of community programs in a manner acceptable to the combining counties; in the multicounty department of community programs and shall have representation from the interested groups mentioned in par. (b), but each the interest group of the mentally ill, the interest group of the developmentally disabled, the interest group of the alcoholic and the interest group of the drug dependent. Each of the combining counties in the multicounty department of community programs may appoint to the county community programs board not more than 3 members from its county board of supervisors.~~

SECTION 422. 51.42 (4) (d) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.42 (4) (d) (title) *Term.* The term of office of any member of ~~the~~ a county community programs board shall be 3 years, but of the members first appointed, at least one-third shall be appointed for one year; at least one-third for 2 years; and the remainder for 3 years. Vacancies shall be filled for the residue of the unexpired term in the manner that original appointments are made. ~~Except as provided under sub. (4) (a)~~

~~2, any community board member may be removed from office for cause by a two-thirds vote of the appointing authority, on due notice in writing and hearing of the charges against him or her.~~

SECTION 423. 51.42 (5) (intro.) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

51.42 (5) (title) POWERS AND DUTIES OF COUNTY COMMUNITY PROGRAMS BOARD IN CERTAIN COUNTIES. (intro.) ~~In this subsection, "board" means a~~ A county community programs board appointed under sub. (4) (a) 1. ~~The board shall do all of the following:~~

SECTION 424. 51.42 (5) (a) to (e) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

51.42 (5) (a) Establish long-range goals and intermediate-range plans, detail priorities and estimate costs;

(b) Develop coordination of local services and continuity of care where indicated;

(c) Utilize available community resources and develop new resources necessary to carry out the purposes of this section;

(d) Appoint a county community programs director of the program, subject to the approval of ~~the each~~ each county board or boards of supervisors which participated in the appointment of the county community programs board, on the basis of recognized and demonstrated interest in and knowledge of the problems of mental health, ~~mental retardation developmental disability~~, alcoholism and drug addiction, with due regard to training, experience, executive and administrative ability, and general qualification and fitness for the performance of the duties of the county community programs director under sub. (6). The county board ~~or boards of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs~~ may delegate ~~such this~~ this appointing authority to the county community programs board; and.

(e) Fix the salaries of ~~personnel employed to administer the program employes of the county department of community programs~~, subject to the approval of ~~the each~~ each county board or boards of supervisors. The which participated in the appointment of the county community programs board unless such county board or boards of supervisors may delegate this authority to the board established under this section; elects not to review the salaries.

SECTION 425. 51.42 (5) (g) and (h) of the statutes are created to read:

51.42 (5) (g) Appoint committees consisting of residents of the county to advise the county community programs board as it deems necessary.

(h) Develop county community programs board operating procedures.

SECTION 426. 51.42 (5) (i) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 51.42 (5) (f) and amended to read:

51.42 (5) (f) Prepare a proposed budget for submission to the county board and the department of health and social services in accordance with s. 46.031 (1).

SECTION 427. 51.42 (5) (i) to (L) of the statutes are created to read:

51.42 (5) (i) Comply with state requirements.

(j) Assist in arranging cooperative working agreements with persons providing health, education, vocational or welfare services related to services provided under this section.

(k) Evaluate service delivery.

(L) Determine, subject to the approval of the county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs and with the advice of the county community programs director appointed under par. (d), whether services are to be provided directly by the county department of community programs or contracted for with other providers and make such contracts. The county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs may elect to require the approval of any such contract by the county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs.

SECTION 428. 51.42 (5a) (a) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 429. 51.42 (5a) (b) (intro.), 1 and 2 of the statutes, as created by 1985 Wisconsin Act 29, are renumbered 51.42 (5a) (intro.), (a) and (b), and 51.42 (5a) (intro.) and (a), as renumbered, are amended to read:

51.42 (5a) (title) POWERS AND DUTIES OF COUNTY COMMUNITY PROGRAMS BOARD, IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) The A county community programs board appointed under sub. (4) (a) 2 shall do all of the following:

(a) Appoint committees consisting of residents of the county to advise the county community programs board as it deems necessary.

SECTION 430. 51.42 (5a) (b) 3 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is renumbered 51.42 (5a) (c) and amended to read:

51.42 (5a) (c) Prepare, with the assistance of the county community programs director appointed under sub. (6m), a proposed budget for submission to the county executive or county administrator and the department of health and social services in accordance with s. 46.031 (1) for authorized services.

SECTION 431. 51.42 (5a) (b) 4 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is repealed.

SECTION 432. 51.42 (5a) (b) 5 to 8 of the statutes, as created by 1985 Wisconsin Act 29, are renumbered 51.42 (5a) (d) to (g), and 51.42 (5a) (d) and (e), as renumbered, are amended to read:

51.42 (5a) (d) Advise the county community programs director appointed under sub. (6m) regarding purchasing and providing services and the selection of purchase of service vendors, and make recommendations to the county executive or county administrator regarding modifications in such purchasing, providing and selection.

(e) Develop county community programs board operating procedures.

SECTION 433. 51.42 (5a) (h) of the statutes is created to read:

51.42 (5a) (h) Advise the county community programs director regarding coordination of local services and continuity of care.

SECTION 434. 51.42 (5e) (title) of the statutes is repealed.

SECTION 435. 51.42 (5e) of the statutes is renumbered 51.42 (3) (ar) 7 and amended to read:

51.42 (3) (ar) 7. ~~The board shall acknowledge~~ Acknowledge receipt of the notification received under s. 115.85 (4).

SECTION 436. 51.42 (5g) (title) of the statutes is repealed.

SECTION 437. 51.42 (5g) of the statutes is renumbered 51.42 (3) (aw) 2 and amended to read:

51.42 (3) (aw) 2. ~~The board~~ A county department of community programs may allocate services among service recipients to reflect the availability of limited resources.

SECTION 438. 51.42 (5m) (title) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.42 (3) (aw) (title) and amended to read:

51.42 (3) (aw) (title) Powers.

SECTION 439. 51.42 (5m) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.42 (3) (aw) 1, and 51.42 (3) (aw) 1. (intro.), as renumbered, is amended to read:

51.42 (3) (aw) 1. (intro.) Within the limits of state and county appropriations and maximum available funding from other sources, ~~community departments~~ a county department of community programs may provide for the program needs of persons suffering from mental disabilities, including but not limited to mental illness, ~~mental retardation~~ developmental disability, alcoholism or drug abuse, by offering the following services:

SECTION 440. 51.42 (5s) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.42 (3) (bm) and amended to read:

51.42 (3) (bm) Educational services. ~~The board~~ A county department of community programs may not

furnish services and programs provided by the department of public instruction and local educational agencies.

SECTION 441. 51.42 (6) (a) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 442. 51.42 (6) (am) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 443. 51.42 (6) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.42 (6) (intro.) and (a) to (d) and amended to read:

51.42 (6) (title) POWERS AND DUTIES OF COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES. (intro.) A county community programs director appointed under sub. (5) (d) shall have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of the county department of community programs, subject to such delegation of authority as is not inconsistent with this section and the rules of the department of health and social services promulgated under this section. In consultation and agreement with the county community programs board, the county community programs director appointed under sub. (5) (d) shall ~~prepare~~ do all of the following:

(a) ~~An~~ Prepare an annual comprehensive plan and budget of all funds necessary for the program and services authorized by this section in which priorities and objectives for the year are established as well as any modifications of long-range objectives;

(b) ~~Intermediate-range~~ Prepare intermediate-range plans;

(c) ~~An~~ Prepare an annual report of the operation of the program; ~~and~~.

(d) ~~Such~~ Prepare other reports as are required by the secretary and the county board ~~or boards~~ of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs.

SECTION 444. 51.42 (6) (c) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.42 (6) (e), and 51.42 (6) (e) (intro.) and 1, as renumbered, are amended to read:

51.42 (6) (e) (intro.) ~~The director shall make~~ Make recommendations to the county community programs board under sub. (5) for all of the following:

1. Personnel and the salaries of employees; ~~and~~.

SECTION 445. 51.42 (6) (f) and (g) of the statutes are created to read:

51.42 (6) (f) After consultation with the county community programs board, administer the duties of the county department of community programs under sub. (3) (aw) 2.

(g) Comply with state requirements.

SECTION 446. 51.42 (6m) (intro.), (a) and (c) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

51.42 (6m) (title) COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county executive or county administrator in which the county board of supervisors has established a ~~community single-county department, but not in combination with another county of community programs,~~ the county executive or county administrator shall appoint and supervise the county community programs director. In any county with a population of 500,000 or more, the county executive or county administrator shall appoint either the director of the department that administers the health and human services programs or a department head under s. 46.21 as the county community programs director ~~of the program.~~ The appointment of a county community programs director under this subsection shall be on the basis of recognized and demonstrated interest in and knowledge of the problems of mental health, mental retardation, alcoholism and drug addiction, with due regard to training, experience, executive and administrative ability, and general qualification and fitness for the performance of the duties of the director. The appointment of a county community programs director under this subsection is subject to confirmation by the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.07 (20) or ch. 63. ~~Such~~ The county community programs director, subject only to the supervision of the county executive or county administrator, shall:

(a) Supervise and administer any program established under this section, subject to such delegation of authority as is not inconsistent with this section and the rules of the department of health and social services promulgated ~~thereunder~~ under this section.

(c) Determine, subject to ~~county board~~ the approval of the county board of supervisors and with the advice of the county community programs board, whether services are to be provided directly by the county ~~agency~~ department of community programs or contracted for with other providers and make such contracts. The county board of supervisors may elect to require the approval of any such contract by the county board of supervisors.

SECTION 447. 51.42 (6m) (e) and (f) of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, are amended to read:

51.42 (6m) (e) Assist the county community programs board under sub. (5a) in the preparation of the proposed budget required under sub. (5a) ~~(b)-3~~ (c).

(f) Make recommendations to the county executive or county administrator regarding modifications to the proposed budget prepared by the county community programs board under sub. (5a) ~~(b)-3~~ (c).

SECTION 51.42 (6m) (h) and (i) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

51.42 (6m) (h) After consultation with the county community programs board, ~~allocate services among service recipients to reflect the availability of limited resources under sub. (5a),~~ administer the duties of the county department of community programs under sub. (3) (aw) 2.

(i) Establish salaries and personnel policies of the ~~program programs of the county department of community programs~~ subject to approval of the county executive or county administrator and county board of supervisors unless the county board of supervisors elects not to review the salaries and personnel policies.

SECTION 448. 51.42 (6m) (m) (intro.), 2 and 3 of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

51.42 (6m) (m) (intro.) In consultation with the county community programs board under sub. (5a), prepare:

2. An annual report of the operation of the ~~program county department of community programs.~~

3. Such other reports as are required by the secretary and the county board of supervisors.

SECTION 449. 51.42 (6m) (n) of the statutes is created to read:

51.42 (6m) (n) Provide for coordination of local services and continuity of care.

SECTION 450. 51.42 (7) (title) of the statutes is repealed.

SECTION 451. 51.42 (7) (a) and (c) of the statutes are renumbered 51.42 (3) (ar) 5 and 6 and amended to read:

51.42 (3) (ar) 5. ~~The first step in the establishment of a program shall be the preparation of~~ Prepare a local plan which includes an inventory of all existing resources, identifies needed new resources and services and contains a plan for meeting the needs of the mentally ill, developmentally disabled, alcoholic, drug abusers and other psychiatric disabilities for citizens residing within the jurisdiction of the ~~board~~ county department of community programs and for persons in need of emergency services found within the jurisdiction of the ~~board~~ county department of community programs. The plan shall also include the establishment of long-range goals and intermediate-range plans, detailing priorities and estimated costs and providing for coordination of local services and continuity of care.

6. Under the supervision of a the county community programs director, using qualified personnel with training or experience, or both, in mental health, developmental disabilities, or in alcoholism and drug abuse shall be responsible for the planning and implementation of programs relating to mental health, developmental disabilities, alcoholism or drug abuse. A single coordinator may be responsible for alcohol-

ism, drug abuse, mental health and developmental disabilities programs.

SECTION 452. 51.42 (8) (title) and (a) of the statutes are renumbered 51.423 (title) and (1), and 51.423 (1), as renumbered, is amended to read:

51.423 (1) The department shall fund, within the limits of the department's allocation for mental health services under s. 20.435 (4) (b) and (o) and subject to this ~~subsection~~ section, services for mental illness, developmental disability ~~and~~, alcoholism and drug abuse to meet standards of service quality and accessibility. The department's primary responsibility is to guarantee that ~~boards~~ county departments established under either ~~this section or s. 51.42 or 51.437~~ receive a reasonably uniform minimum level of funding and its secondary responsibility is to fund programs which meet exceptional community needs or provide specialized or innovative services. Moneys appropriated under s. 20.435 (4) (b) and earmarked by the department for mental health services under s. 20.435 (4) (o) shall be allocated by the department to ~~boards established~~ county departments under ~~this section or s. 51.42 or 51.437~~ in the manner set forth in this ~~subsection~~ section.

SECTION 453. 51.42 (8) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.423 (2) and amended to read:

51.423 (2) From the appropriations under s. 20.435 (4) (b) and (o), the department shall allocate the funding for services provided or purchased by ~~boards created~~ county departments under ~~this section or s. 46.23, 51.42 or 51.437,~~ to ~~boards created under this section or s. 46.23 or 51.437~~ such county departments as provided under 1985 Wisconsin Act 29, section 3023 (3). County matching funds are required for the allocations under 1985 Wisconsin Act 29, section 3023 (3) (a), ~~(as)~~, (bm), (g), (h), (i), (km), (L) and (qr). The ratio of state and federal funds to county matching funds shall equal 91 to 9. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the ~~county counties~~ that meet the requirements specified in ~~par. (bd) sub. (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 allocated 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. The secretary shall promulgate rules which govern the eligibility of single-county and multicounty departments for grants-in-aid under this section.

SECTION 454. 51.42 (8) (ba) 1 of the statutes is renumbered 51.423 (3) (b), and 51.423 (3) (b) (intro.), as renumbered, is amended to read:

51.423 (3) (b) (intro.) From the funds allocated under ~~par. (b) sub. (2)~~, except funds allocated for community support programs on a one-time basis, the department shall do all of the following:

SECTION 455. 51.42 (8) (ba) 2 of the statutes is repealed.

SECTION 456. 51.42 (8) (ba) 3 of the statutes is renumbered 51.423 (3) (a) and amended to read:

51.423 (3) (a) In this ~~paragraph~~ subsection, "community support programs" means community support programs for the developmentally disabled and the chronically mentally ill, including programs associated with federal housing and urban development projects.

SECTION 457. 51.42 (8) (bc) of the statutes is renumbered 51.423 (4) and amended to read:

51.423 (4) The department shall prorate the amount allocated to any board county department under ~~par. (b) sub. (2)~~ to reflect actual federal funds available.

SECTION 458. 51.42 (8) (bd) of the statutes is renumbered 51.423 (5), and 51.423 (5) (a) and (b), as renumbered, are amended to read:

51.423 (5) (a) ~~Private donations~~ A private donation to a county may be used to match the state grant-in-aid under s. 49.52 (1) (d) or under ~~par. (b) sub. (2)~~ only if the ~~fund~~ donation is both of the following:

1. Donated to a ~~board established county department under this section or under s. 46.215, 46.22, 51.42 or 51.437 or to a county department of public welfare or social services and the donation is under its the administrative control; and of such county department.~~

2. Donated without restrictions as to use, unless the restrictions specify that the fund donation be used for a particular service and the donor neither sponsors nor operates the service.

(b) Voluntary federated ~~fund raising fund-raising~~ organizations are not sponsors or operators of services within the meaning of ~~subd. 1. b par. (a) 2.~~ Any member agency of such an organization that sponsors or operates services is deemed an autonomous entity separate from the organization unless the board membership of the organization and the agency interlock.

SECTION 459. 51.42 (8) (bf) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 51.423 (6) and amended to read:

51.423 (6) The county allocation to match aid increases shall be included in the contract under s. 46.031 (2g) and approved by January 1 of the year for which the funds are allocated, in order to generate state aid matching funds. All funds allocated under ~~par. (b) sub. (2)~~ shall be included in the contract under s. 46.031 (2g) and approved.

SECTION 460. 51.42 (8) (c) and (e) to (g) of the statutes are renumbered 51.423 (7) to (10) and amended to read:

51.423 (7) Each ~~board established county department~~ board established county department under either s. 51.42 or 51.437, but not both, shall be treated, for the purpose of this ~~subsection~~ section only, as unified with any other board county department established in its jurisdiction under either

s. 51.42 or 51.437. ~~The boards so unified and~~ shall receive an amount determined under ~~par. (b) sub. (2).~~

(8) If any state matching funds allocated under ~~par. (b) 2. e or 3. d sub. (2)~~ to match county funds are not claimed, such funds shall be redistributed for the purposes the department designates. Funds allocated to boards county departments under ~~par. (b) sub. (2)~~ and not spent by the end of each calendar year may not be allocated to other boards county departments, except for boards county departments implementing the pilot regional centers for the care of the chronically mentally ill or for boards county departments experiencing overall program deficits due to unanticipated high cost high-cost variable services, as defined by the department. ~~Grant-in-aid funds~~ Funds allocated to boards county departments under this section but not claimed, due to the ratio requirement under ~~par. (b) 2 and 3 sub. (2)~~, lapse in accordance with s. 20.435 (4) (b).

(9) If the funds appropriated under s. 20.435 (4) (b) for any fiscal year are insufficient to provide boards county departments with the sums calculated under ~~pars. (a) to (e) subs. (1) to (7)~~, the appropriation shall be allocated among boards county departments in proportion to the sums they would receive ~~thereunder~~ under subs. (1) to (7).

(10) Each board county department which is eligible under the state plan for medical assistance shall obtain a medical assistance provider number and shall bill for all eligible clients. A board county department operating an inpatient facility shall apply for a special hospital license under s. 50.33 (2) (c). Under powers delegated under s. 46.10 (16), each board county department shall retain 100% of all collections it makes and its providers make for care other than that provided or purchased by the state.

SECTION 461. 51.42 (8) (h) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.423 (11) and amended to read:

51.423 (11) Each ~~board established county department under either this section or s. 51.42 or 51.437, or both, shall apply all funds it receives under pars. (a) to (e) subs. (1) to (7) to provide the services required under this section and ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and accessibility of the persons in its jurisdiction, except that the board county department may pay for inpatient treatment only with funds designated by the department for this purpose inpatient treatment.~~ The board county department may expand programs and services with county funds not used to match state funds under this ~~subsection~~ section subject to the approval of the county board ~~or boards~~ of supervisors in a county with a single-county department or the county boards of supervisors in counties with multicounty departments and with other local or private funds subject to the approval of the department and the county board ~~or boards~~ of supervisors in a county with a single-county department under s. 51.42 or 51.437 or the

county boards of supervisors in counties with a multicounty department under s. 51.42 or 51.437. The county board or boards of supervisors in a county with a single-county department under s. 51.42 or 51.437 or the county boards of supervisors in counties with a multicounty department under s. 51.42 or 51.437 may delegate this the authority to expand programs and services to the board established under this section county department under s. 51.42 or 51.437. The board county department under s. 51.42 or 51.437 shall report to the department all county funds allocated to the board county department under s. 51.42 or 51.437 and the use of such funds. Moneys collected under s. 46.10 shall be applied to cover the costs of primary services, exceptional and specialized services or to reimburse supplemental appropriations funded by counties. Boards County departments under ss. 51.42 and 51.437 shall include collections made on and after October 1, 1978, by the department that are subject to s. 46.10 (8m) (b) and (c) and are distributed to boards county departments under ss. 51.42 and 51.437 under s. 20.435 (4) (gg), as revenues on their grant-in-aid expenditure reports to the department.

SECTION 462. 51.42 (8) (i) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 51.42 (3) (ar) 8 and amended to read:

51.42 (3) (ar) 8. By September 30, ~~each board shall~~ submit for inclusion as part of the proposed county budget to the county executive or county administrator or, in those counties without a county executive or county administrator, directly to the county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs a proposed budget for the succeeding calendar year covering services, including active treatment community mental health center services, based on the plan required under ~~sub. (7) (a) subd. 5.~~ The proposed budget shall also be submitted to the department. ~~The cost of all services purchased by the board shall be developed based on the standards and requirements of s. 46.036 of health and social services.~~

SECTION 463. 51.42 (8) (L) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 51.423 (12) and amended to read:

51.423 (12) The department ~~shall~~ may not provide state aid to any ~~board county department under s. 51.42 or 51.437~~ for excessive inpatient treatment. For each ~~board county department under ss. 51.42 and 51.437~~ in each calendar year, sums expended for the 22nd and all subsequent average days of care shall be deemed excessive inpatient treatment. No inpatient treatment provided to children, adolescents, chronically mentally ill patients, patients requiring specialized care at a mental health institute, or patients at the centers for the developmentally disabled ~~shall~~ may be deemed excessive. If a patient is discharged or released and then readmitted within 60 days after such

discharge or release from an inpatient facility, the number of days of care following readmission shall be added to the number of days of care before discharge or release for the purpose of calculating the total length of such patient's stay in the inpatient facility.

SECTION 464. 51.42 (8) of the statutes is created to read:

51.42 (8) CONSTRUCTION. (a) Any reference in any law to a county department of community programs applies to a county department under s. 46.23 in its administration of the powers and duties of the county department of community programs under s. 46.23 (3) (b).

(b) 1. Any reference in any law to a county community programs director appointed under sub. (5) (d) applies to the director of a county department appointed under s. 46.23 (5) (f) in his or her administration of the powers and duties of that county community programs director.

2. Any reference in any law to a county community programs director appointed under sub. (6m) (intro.) applies to the director of a county department appointed under s. 46.23 (6m) (intro.) in his or her administration of the powers and duties of that county community programs director.

(c) 1. Any reference in any law to a county community programs board appointed under sub. (4) (a) 1 applies to the board of a county department appointed under s. 46.23 (4) (b) 1 in its administration of the powers and duties of that county community programs board.

2. Any reference in any law to a county community programs board appointed under sub. (4) (a) 2 applies to the board of a county department appointed under s. 46.23 (4) (b) 2 in its administration of the powers and duties of that county community programs board.

SECTION 465. 51.42 (8m) (title) of the statutes is repealed.

SECTION 466. 51.42 (8m) of the statutes is renumbered 51.423 (15) and amended to read:

51.423 (15) Funds allocated under this section and 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 June 30 of each year the department shall report to the presiding officer of each house of the legislature on funds recovered and paid out during the previous calendar year as a result of audit adjustments.

SECTION 467. 51.42 (9) of the statutes is renumbered 51.42 (3) (as) and amended to read:

51.42 (3) (as) *Care in other facilities.* 1. Authorization for A county department of community programs shall authorize all care of any patient in a state, local or private facility ~~shall be provided~~ under a contractual agreement between the ~~board county department of community programs~~ and the facility, unless the

~~board~~ county department of community programs governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the ~~board~~ county department of community programs or its contract agency. In cases of emergency, a facility under contract with any ~~board~~ county department of community programs shall charge the ~~board~~ county department of community programs having jurisdiction in the county where the patient is found. The ~~board~~ county department of community programs shall reimburse the facility for the actual cost of all authorized care and services less applicable collections ~~according to~~ under s. 46.036, unless the department of health and social services determines that a charge is administratively infeasible, or unless the department of health and social services, after individual review, determines that the charge is not attributable to the cost of basic care and services. ~~Boards shall~~ A county department of community programs may not reimburse any state institution ~~nor~~ or receive credit for collections for care received therein by non-residents of this state, interstate compact clients, transfers under s. 51.35 (3), and transfers from Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 971.14, 971.17, 975.01, 1977 stats., 975.02, 1977 stats., 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the guardianship or legal custody of the department of health and social services under s. 48.355, 48.427 or 48.43. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which are attributable to care and treatment of the client.

2. If a state hospital has provided a ~~board established under this section~~ county department of community programs with service, the department of health and social services shall regularly bill the ~~board~~ county department of community programs. If collections for care exceed current billings, the difference shall be remitted to the ~~board~~ county department of community programs through the appropriation under s. 20.435 (2) (gk). For care provided on and after February 1, 1979, the department of health and social services shall adjust collections from medical assistance to compensate for differences between specific rate scales for care charged to the ~~board~~ county department of community programs and the average daily medical assistance reimbursement rate. Payment shall be due from the ~~board~~ county department of community programs within 60 days of the billing date subject to provisions of the contract. If any payment has not been received within 60 days, the department of health and social services shall deduct all or part of the amount from any payment due from the department of health and social services to the ~~board~~ county department of community programs.

3. Care, services and supplies provided after December 31, 1973, to any person who, on December

31, 1973, was in or under the supervision of a mental health institute, or was receiving mental health services in a facility authorized by s. 51.08 or 51.09, but was not admitted to a mental health institute by the department of health and social services, shall be charged to the ~~board established under this section~~ county department of community programs which was responsible for such care and services at the place where the patient resided when admitted to the institution. The department of health and social services shall bill ~~boards established under this section~~ county departments of community programs for care provided at the mental health institutes which reflects the estimated per diem cost of specific levels of care, to be adjusted annually by the department of health and social services.

SECTION 468. 51.42 (9m) (title) of the statutes is repealed.

SECTION 469. 51.42 (9m) of the statutes is renumbered 51.42 (3) (ar) 11 and amended to read:

51.42 (3) (ar) 11. ~~Each board that enters into a contract under s. 51.87 for the purchase or provision of services shall annually~~ Annually report to the department of health and social services regarding the use of ~~the~~ any contract entered into under s. 51.87.

SECTION 470. 51.42 (10) (title) of the statutes is renumbered 51.42 (7) (title) and amended to read:

51.42 (7) (title) DUTIES OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

SECTION 471. 51.42 (10) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 51.42 (7) (a) (intro.) and 1 to 5, and 51.42 (7) (a) (intro.), 1, 2, 4 and 5, as renumbered, are amended to read:

51.42 (7) (a) (intro.) The department of health and social services shall:

1. Review requests and certify ~~boards created under sub. (4)~~ county departments of community programs to assure that ~~the boards~~ those county departments are in compliance with ~~the respective subsections~~ this section.

2. Periodically review and evaluate ~~boards and~~ county departments of community programs to assure compliance with this section. Such review shall include a periodic assessment of need which shall separately identify elements of service required under this section.

4. Develop and implement a uniform cost reporting system according to s. 46.18 (8), ~~(9)~~ and to (10).

5. Ensure that ~~boards~~ county departments of community programs that elect to provide special education programs to children aged 3 years and under comply with requirements established by the department of public instruction.

SECTION 472. 51.42 (12) (title) of the statutes is repealed.

SECTION 473. 51.42 (12) of the statutes is renumbered 51.42 (7) (b) and amended to read:

51.42 (7) (b) The secretary shall ~~adopt promulgate~~ promulgate rules ~~governing~~ which do all of the following:

1. ~~Govern~~ the administrative structure deemed necessary to administer community mental health, developmental disabilities, alcoholism and drug abuse services; ~~establishing.~~

2. ~~Establish~~ uniform cost record-keeping requirements; ~~governing eligibility of counties and combinations of counties for state grants-in-aid to operate programs; prescribing.~~

3. ~~Prescribe~~ standards for qualifications and salaries of personnel; ~~prescribing.~~

4. ~~Prescribe~~ standards for quality of professional services; ~~prescribing.~~

5. ~~Prescribe~~ requirements for in-service and educational leave programs for personnel; ~~prescribing.~~

6. ~~Prescribe~~ standards for establishing patient fee schedules; ~~governing.~~

7. ~~Govern~~ eligibility of patients to the end that no person is denied service on the basis of age, race, color, creed, location or inability to pay; ~~and prescribing.~~

8. ~~Prescribe~~ such other standards and requirements as may be necessary to carry out the purposes of this section.

SECTION 474. 51.421 (2) of the statutes is amended to read:

51.421 (2) SERVICES. If funds are provided, and within the limits of the availability of funds provided under s. ~~51.42 (8) (b)~~ 51.423 (2), each ~~board established~~ county department under s. 51.42 shall establish a community support program. Each community support program shall use a coordinated case management system and shall provide or assure access to services for persons with chronic mental illness who reside within the community. Services provided or coordinated through a community support program shall include assessment, diagnosis, identification of persons in need of services, case management, crisis intervention, psychiatric treatment including medication supervision, counseling and psychotherapy, activities of daily living, psychosocial rehabilitation which may include services provided by day treatment programs, client advocacy, residential services and recreational activities. Services shall be provided to an individual based upon his or her treatment needs.

SECTION 475. 51.421 (3) (a) of the statutes is amended to read:

51.421 (3) (a) Promulgate rules establishing standards for the provision of community support programs by ~~boards established~~ county departments under s. 51.42. The department shall develop the standards in consultation with representatives of ~~boards established~~ county departments under s. 51.42, elected county officials and consumer advocates.

SECTION 476. 51.437 (1) (intro.) and (c) of the statutes, as affected by 1985 Wisconsin Act 29, are

consolidated, renumbered 51.437 (1) and amended to read:

51.437 (1) (title) DEFINITION. ~~Except as otherwise provided, in~~ In this section:-(c) "Services"; "services" means specialized services or special adaptations of generic services directed toward the prevention and alleviation of a developmental disability or toward the social, personal, physical or economic habilitation or rehabilitation of an individual with such a disability, and includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, sheltered employment, protective and other social and socio-legal services, follow-along services and transportation services necessary to assure delivery of services to individuals with developmental disabilities.

SECTION 477. 51.437 (1) (a), (am) and (b) of the statutes, as created by 1985 Wisconsin Act 29, are repealed.

SECTION 478. 51.437 (1m) (title) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 479. 51.437 (1m) of the statutes is renumbered 51.437 (15) (b) and amended to read:

51.437 (15) (b) ~~Education~~ Nothing in this section may be deemed to require a county department of developmental disabilities services to provide education, recreation, counseling of the, information or referral services to any individual with a developmental disability and or to his or her family and information and referral services are optional services that are not required under this section.

SECTION 480. 51.437 (2) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 51.437 (14r), and 51.437 (14r) (a) 3, as renumbered, is amended to read:

51.437 (14r) (a) 3. Review and advise the department of health and social services on community budgets and community plans for programs affecting persons with developmental disabilities.

SECTION 481. 51.437 (3) of the statutes is renumbered 51.437 (14m), and 51.437 (14m) (intro.), as renumbered, is amended to read:

51.437 (14m) DUTIES OF THE SECRETARY. (intro.) The secretary of ~~health and social services~~ shall:

SECTION 482. 51.437 (4) (a) and (c) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

51.437 (4) (a) The county ~~boards~~ board of supervisors ~~have~~ has the primary governmental responsibility for the well-being of those developmentally disabled citizens residing within ~~their respective counties~~ its county and the families of the developmentally disabled insofar as the usual resultant family stresses bear on the well-being of the developmentally disabled citizen.

(c) County liability for care and services purchased through or provided by a ~~community county department~~ county department of developmental disabilities services ~~department~~ established under this section shall be based

upon the client's county of residence except for emergency services for which liability shall be placed with the county in which the individual is found. For the purpose of establishing county liability, "~~emergency~~" services "emergency services" means those services provided under the authority of s. 51.15, 55.05 (4) or 55.06 (11) (a). Nothing in this paragraph prevents recovery of liability under s. 46.10 or any other statute creating liability upon the individual receiving a service or any other designated responsible party.

SECTION 483. 51.437 (4) (d) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 484. 51.437 (4) (e) (intro.) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.437 (4m) (intro.) and amended to read:

51.437 (4m) (title) DUTIES OF COUNTY DEPARTMENT OF DEVELOPMENTAL DISABILITIES SERVICES. (intro.) ~~The responsibility of a community~~ A county department of developmental disabilities services department established under this section includes shall do all of the following:

SECTION 485. 51.437 (4) (e) 1. (intro.), a and b of the statutes, as affected by 1985 Wisconsin Act 29, are consolidated, renumbered 51.437 (4m) (b) and amended to read:

51.437 (4m) (b) ~~The development, approval~~ Develop, approve and modify on a continuing modification of basis a county single-county or multicounty plan for the delivery of services, including the construction of facilities, to those citizens affected by developmental disabilities. a. The purpose of such planning the plan shall be to insure ensure the delivery of needed services and the prevention of unnecessary duplication, fragmentation of services and waste of resources. Plans shall include, to the fullest extent possible, participation by existing and planned agencies of the state, counties, municipalities, school districts and all other public and private agencies as are required to, or may agree to, participate in the delivery of services. b. Plans The plan shall, to the fullest extent possible, be coordinated with and integrated into plans developed by regional comprehensive health planning agencies.

SECTION 486. 51.437 (4) (e) 2 to 4 of the statutes, as affected by 1985 Wisconsin Act 29, are renumbered 51.437 (4m) (c) to (e) and amended to read:

51.437 (4m) (c) ~~Providing~~ Provide continuing counsel to public and private agencies as well as other appointed and elected bodies within the county.

(d) ~~Establishing~~ Establish a program of citizen information and education concerning the problems associated with developmental disabilities.

(e) ~~Establishing~~ Establish a fixed point of referral within the community for developmentally disabled persons and their families.

SECTION 487. 51.437 (4m) (a), (j) and (k) of the statutes are created to read:

51.437 (4m) (a) Within the limits of available state and federal funds and of county funds appropriate to match state funds, establish a county developmental disabilities services program. Such services shall be provided either directly or by contract.

(j) By September 30, submit for inclusion as part of the proposed county budget to the county executive or county administrator or, in those counties without a county executive or county administrator, directly to the county board of supervisors in a county with a single-county department of developmental disabilities services or the county boards of supervisors in counties with a multicounty department of developmental disabilities services a proposed budget for the succeeding calendar year covering services, including active treatment community mental health center services, based on the plan required under s. 51.42 (3) (ar) 5. The proposed budget shall also be submitted to the department of health and social services.

(k) Develop the cost of all services which it purchases based on the standards and requirements of s. 46.036.

SECTION 488. 51.437 (4r) (intro.) of the statutes is created to read:

51.437 (4r) POWERS OF COUNTY DEPARTMENT OF DEVELOPMENTAL DISABILITIES SERVICES. A county department of developmental disabilities services:

SECTION 489. 51.437 (5) (title) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.437 (4g) (title) and amended to read:

51.437 (4g) (title) COUNTY DEPARTMENT OF DEVELOPMENTAL DISABILITIES SERVICES ESTABLISHED; INTEGRATION OF SERVICES.

SECTION 490. 51.437 (5) (a) and (b) of the statutes, as affected by 1985 Wisconsin Act 29, are renumbered 51.437 (4g) (a) and (b) and amended to read:

51.437 (4g) (a) ~~The~~ Except as provided under par. (b) and s. 46.23 (3) (b), every county board of supervisors shall establish community a county department of developmental disabilities services departments on a county single-county or multicounty basis to furnish services within the counties. Within the limits of available state and federal funds and of county funds appropriate to match state funds, the community developmental disabilities services department shall establish a community development disabilities services program. Such services shall be provided either directly or by contract its county. Adjacent counties, lacking the financial resources and professional personnel needed to provide or secure such services on a single-county basis, may and shall be encouraged to combine their energies and financial resources to provide these joint services and facilities with the approval of the department of health and social services. The county department of developmental disabilities services shall consist of a county developmental disabilities services board, a county developmental disabilities services director and necessary personnel.

(b) A county board of supervisors may ~~designate the community department established under s. 51.42 as the community~~ transfer the powers and duties of a county department of developmental disabilities services department. ~~The combined department shall plan for and establish a community developmental disabilities program to deliver the services required under this section. The county board of supervisors may designate the combined department as the administrative agency of the long-term support community options program under s. 46.27 and the community integration programs under ss. 46.275 and 46.277 under this section to a county department under s. 51.42, which shall act under s. 51.42 (3) (ar) 3.~~

SECTION 491. 51.437 (5) (c) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.437 (4m) (f) and amended to read:

51.437 (4m) (f) ~~A department established under par. (a) or a combined department under par. (b) shall enter~~ Enter into contracts to provide or secure services from other agencies or resources including out-of-state agencies or resources. Notwithstanding ss. 59.07 (44), 59.456 and 59.47, any multicounty department under this subsection of developmental disabilities services may contract for professional legal services that are necessary to carry out the duties of the multicounty department of developmental disabilities services if the corporation counsel of each county of the multicounty department of developmental disabilities services has notified the multicounty department of developmental disabilities services that he or she is unable to provide such services in a timely manner.

SECTION 492. 51.437 (6) (title) of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 493. 51.437 (6) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.437 (4r) (a) and amended to read:

51.437 (4r) (a) ~~The community developmental disabilities services department may~~ May not furnish services and programs provided by the department of public instruction and local educational agencies.

SECTION 494. 51.437 (7) (title) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.437 (7) (title) COUNTY DEVELOPMENTAL DISABILITIES SERVICES BOARD.

SECTION 495. 51.437 (7) (a) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

51.437 (7) (a) (title) *Appointments*. 1. Except as provided under subd. 2, the county board ~~or boards of supervisors of every county or combination of counties establishing a community developmental disabilities services department under sub. (5) in a county with a single-county department of developmental disabilities services or the county boards of supervisors in counties with a multicounty department of developmental disabilities services~~ shall, before qualification under this section, appoint a ~~community~~

county developmental disabilities services board. A county developmental disabilities services board appointed under this subdivision shall govern the single-county or multicounty department of developmental disabilities services. A member of a county developmental disabilities services board appointed under this subdivision may be removed from office for cause by a two-thirds vote of the appointing authority, on due notice in writing and hearing of the charges against the member.

2. In any county ~~which has with~~ a county executive or county administrator and which has established a ~~community single-county department of developmental disabilities services department under sub. (5), but not in combination with another county,~~ the county executive or county administrator shall appoint, subject to confirmation by the county board of supervisors, the ~~community county~~ county developmental disabilities services board, which shall be only a policy-making body determining the broad outlines and principles governing the administration of programs under this section. A member of the ~~community county~~ county developmental disabilities services board appointed under this subdivision may be removed by the county executive or county administrator for cause.

SECTION 496. 51.437 (7) (am) (title) of the statutes is created to read:

51.437 (7) (am) (title) *Composition*.

SECTION 497. 51.437 (7) (am) 1 to 3 of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

51.437 (7) (am) 1. ~~The community In a single-county department of developmental disabilities services, the county developmental disabilities services board shall be composed of not less than 9 nor more than 15 persons of recognized ability and demonstrated interest in the problems of the developmentally disabled but not more than 3 members shall be appointed from the county board of supervisors.~~

2. ~~If counties combine to furnish In a multicounty department of developmental disabilities services, the community county developmental disabilities services board shall be composed of 11 members and with 2 additional members for each combining county in a multicounty department of developmental disabilities services in excess of 2. Appointments shall be made by the county boards of supervisors of the combining counties in a multicounty department of developmental disabilities services in a manner acceptable to the combining counties in the multicounty department of developmental disabilities services, but each of the combining counties in the multicounty department of developmental disabilities services may appoint only 2 members from its county board of supervisors.~~

3. At least one-third of the members of the ~~community every county~~ county developmental disabilities services board serving at any one time shall be appointed from the developmentally disabled citizens or their parents

residing in ~~the a county or combining with a single-~~
county department of developmental disabilities ser-
vices or in any of the counties with a multicounty
department of developmental disabilities services.

SECTION 498. 51.437 (7) (am) 4 of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.437 (7) (b) and amended to read:

51.437 (7) (b) (title) *Terms.* Appointments to the ~~community county~~ developmental disabilities services board shall be for staggered 3-year terms. Vacancies shall be filled for the residue of the unexpired term in the manner that original appointments are made. ~~Except as provided under par. (a) 2, any member may be removed from office for cause by a two-thirds vote of the appointing authority, on due notice in writing and hearing of the charges against him or her.~~

SECTION 499. 51.437 (9) (intro.) and (a) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

51.437 (9) (title) POWERS AND DUTIES OF COUNTY DEVELOPMENTAL DISABILITIES SERVICES BOARD IN CERTAIN COUNTIES. (intro.) ~~In this subsection, "board" means a community~~ A county developmental disabilities services board appointed under sub. (7) (a) 1. ~~The board shall do all of the following:~~

(a) Appoint ~~the a county developmental disabilities services director of the program,~~ subject to the approval of ~~the each county board or boards of supervisors which participated in the appointment of the county developmental disabilities services board,~~ establish salaries and personnel policies for the ~~pro-~~
gram county department of developmental disabilities services subject to the approval of ~~the each such county board or boards of supervisors and arrange and promote local financial support for the program. The~~ Each county board or boards of supervisors in a county with a single-county department of developmental disabilities services or the county boards of supervisors in counties with a multicounty department of developmental disabilities services may delegate such appointing authority to the county developmen-
tal disabilities services board. The first step in the establishment of a program shall be the preparation of

(am) Prepare a local plan which includes an inventory of all existing resources, identifies needed new resources and services and contains a plan for meeting the needs of developmentally disabled individuals based upon the services designated under sub. (1) (e). The plan shall also include the establishment of long-range goals and intermediate-range plans, detailing priorities and estimated costs and providing for coordination of local services and continuity of care.

SECTION 500. 51.437 (9) (e) to (h) of the statutes are created to read:

51.437 (9) (e) Appoint committees consisting of residents of the county to advise the county developmental disabilities services board as it deems necessary.

(f) Develop county developmental disabilities services board operating procedures.

(g) Determine, subject to the approval of the county board of supervisors in a county with a single-county department of developmental disabilities services or the county boards of supervisors in counties with a multicounty department of developmental disabilities services and with the advice of the county developmental disabilities services director appointed under par. (a), whether services are to be provided directly by the county department of developmental disabilities services or contracted for with other providers and make such contracts. The county board of supervisors in a county with a single-county department of developmental disabilities services or the county boards of supervisors in counties with a multicounty department of developmental disabilities services may elect to require the approval of any such contract by the county board of supervisors in a county with a single-county department of developmental disabilities services or the county boards of supervisors in counties with a multicounty department of developmental disabilities services.

(h) Assume the powers and duties of the county department of developmental disabilities services under subs. (4m) and (4r).

SECTION 501. 51.437 (9b) (a) of the statutes, as created by 1985 Wisconsin Act 29, is repealed.

SECTION 502. 51.437 (9b) (am) of the statutes is created to read:

51.437 (9b) (am) Prepare a local plan which includes an inventory of all existing resources and services and contains a plan for meeting the needs of developmentally disabled individuals based upon the services designated under sub. (1).

SECTION 503. 51.437 (9b) (b) (intro.), 1 and 2 of the statutes, as created by 1985 Wisconsin Act 29, are renumbered 51.437 (9b) (intro.), (a) and (b), and 51.437 (9b) (intro.), as renumbered, is amended to read:

51.437 (9b) (title) POWERS AND DUTIES OF COUNTY DEVELOPMENTAL DISABILITIES SERVICES BOARD IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR A COUNTY ADMINISTRATOR. (intro.) The county developmental disabilities services board appointed under sub. (7) (a) 2 shall:

SECTION 504. 51.437 (9b) (b) 3 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is renumbered 51.437 (9b) (c) and amended to read:

51.437 (9b) (c) Prepare, with the assistance of the county developmental disabilities director appointed under sub. (10m), a proposed budget for submission to the county executive or county administrator and the department in accordance with of health and social services under s. 46.031 (1) for authorized services. The first step in the establishment of a program shall be the preparation of a local plan which includes an inventory of all existing resources and services and contains a plan for meeting the needs of developmen-

~~tally disabled individuals based upon the services designated under sub. (1) (e).~~

SECTION 505. 51.437 (9b) (b) 4 of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, is repealed.

SECTION 506. 51.437 (9b) (b) 5 to 8 of the statutes, as created by 1985 Wisconsin Act 29, are renumbered 51.437 (9b) (d) to (g), and 51.437 (9b) (d) and (e), as renumbered, are amended to read:

51.437 (9b) (d) Advise the county developmental disabilities services director appointed under sub. (10m) regarding purchasing and providing services and the selection of purchase of service vendors, and make recommendations to the county executive or county administrator regarding modifications in such purchasing, providing and selection.

(e) Develop county developmental disabilities services board operating procedures.

SECTION 507. 51.437 (9b) (h) of the statutes is created to read:

51.437 (9b) (h) Advise the county developmental disabilities services director regarding coordination of local services and continuity of care.

SECTION 508. 51.437 (9e) (title) of the statutes is repealed.

SECTION 509. 51.437 (9e) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.437 (4m) (g) and amended to read:

51.437 (4m) (g) ~~The board shall acknowledge~~ Acknowledge receipt of the notification received under s. 115.85 (4).

SECTION 510. 51.437 (9m) (title) of the statutes is repealed.

SECTION 511. 51.437 (9m) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 51.437 (4r) (b) and amended to read:

51.437 (4r) (b) ~~The board may~~ May allocate services among service recipients to reflect the availability of limited resources.

SECTION 512. 51.437 (10) (a) of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 51.437 (10) (intro.) and amended to read:

51.437 (10) (title) COUNTY DEVELOPMENTAL DISABILITIES SERVICES DIRECTOR IN CERTAIN COUNTIES. (intro.) ~~In this subsection, "director" means the director of a community~~ The county developmental disabilities services program director appointed under sub. (9) (a) shall:

SECTION 513. 51.437 (10) (am) and (ar) (intro.) and 3 of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

51.437 (10) (am) ~~The director shall operate~~ Operate, maintain and improve the community county department of developmental disabilities services program.

(ar) (intro.) ~~The director and~~ With the community county developmental disabilities services board shall under sub. (9), prepare:

3. Such other reports as are required by the department of health and social services and the county board of supervisors in a county with a single-county department of developmental disabilities services or the county boards of supervisors in counties with a multicounty department of developmental disabilities services.

SECTION 514. 51.437 (10) (b) (intro.) of the statutes is amended to read:

51.437 (10) (b) (intro.) ~~The director shall make~~ Make recommendations to the community county developmental disabilities services board under sub. (9) for:

SECTION 515. 51.437 (10) (c) to (e) of the statutes are created to read:

51.437 (10) (c) Evaluate service delivery.

(d) After consultation with the county developmental disabilities services board administer the duties of the county department of disabilities services under sub. (4r) (b).

(e) Comply with state requirements.

SECTION 516. 51.437 (10m) (intro.) and (c) of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

51.437 (10m) (title) COUNTY DEVELOPMENTAL DISABILITIES SERVICES DIRECTOR IN CERTAIN COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county executive or a county administrator in which the county board of supervisors has ~~not~~ established a community single-county department of developmental disabilities services department in combination with another county, the county executive or county administrator shall appoint and supervise the county developmental disabilities services director. The appointment is subject to confirmation by the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.07 (20) or ch. 63. The county developmental disabilities services director, subject only to the supervision of the county executive or county administrator, shall:

(c) Determine, subject to ~~county board~~ the approval of the county board of supervisors and with the advice of the community county developmental disabilities services board under sub. (9b) (e), whether services are to be provided directly by the county agency department of developmental disabilities services or contracted for with other providers and make such contracts. The county board of supervisors may elect to require the approval of any such contract by the county board of supervisors.

SECTION 517. 51.437 (10m) (e) and (f) of the statutes, as affected by 1985 Wisconsin Acts 29 and 120, are amended to read:

51.437 (10m) (e) Assist the community county developmental disabilities services board under sub.

(9b) in the preparation of the proposed budget required under sub. (9b) ~~(b)-3~~ (c).

(f) Make recommendations to the county executive or county administrator regarding modifications to the proposed budget prepared by the ~~community~~ county developmental disabilities services board under sub. (9b) ~~(b)-3~~ (c).

SECTION 518. 51.437 (10m) (h) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

51.437 (10m) (h) After consultation with the ~~community~~ county developmental disabilities services board ~~allocate services among service recipients to reflect the availability of limited resources~~ administer the duties of the county department of disabilities services under sub. (4r) (b).

SECTION 519. 51.437 (10m) (i) and (n) (intro.) and 3 of the statutes, as created by 1985 Wisconsin Act 29, are amended to read:

51.437 (10m) (i) Establish salaries and personnel policies of the program subject to approval of the county executive or county administrator and county board of supervisors.

(n) (intro.) In consultation with the county developmental disabilities services board, prepare:

3. Such other reports as are required by the department of health and social services and the county board of supervisors.

SECTION 520. 51.437 (11) (title) of the statutes is repealed.

SECTION 521. 51.437 (11) of the statutes, as affected by 1985 Wisconsin Act 120, is renumbered 51.437 (4m) (h) and amended to read:

51.437 (4m) (h) ~~Boards established under this section shall be funded pursuant to s. 51.42 (8). Proposed budgets shall be submitted and approved~~ Submit proposed budgets under s. 46.031 (1) for funding under s. 51.423.

SECTION 522. 51.437 (12) of the statutes is renumbered 51.437 (4rm), and 51.437 (4rm) (a), (b) and (c) (intro.), 1 and 2, as renumbered, are amended to read:

51.437 (4rm) (a) ~~Authorization for~~ A county department of developmental disabilities services shall authorize all care of any patient in a state, local or private facility shall be provided under a contractual agreement between the board county department of developmental disabilities services and the facility, unless the board county department of developmental disabilities services governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the board county department of developmental disabilities services or its contract agency prior to the admission of a patient to the facility except in the case of emergency services. In cases of emergency, a facility under contract with any

~~board county department of developmental disabilities services shall charge the board county department of developmental disabilities services having jurisdiction in the county where the individual receiving care is found. The board county department of developmental disabilities services shall reimburse the facility for the actual cost of all authorized care and services less applicable collections according to under s. 46.036, unless the department of health and social services determines that a charge is administratively infeasible, or unless the department of health and social services, after individual review, determines that the charge is not attributable to the cost of basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which are attributable to care and treatment of the client. Boards shall~~ County departments of developmental disabilities services may not reimburse any state institution nor or receive credit for collections for care received therein by nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3) (a), commitments under s. 971.14, 971.17, 975.01, 1977 stats., 975.02, 1977 stats., 975.06, admissions under s. 975.17, 1977 stats., or children placed in the guardianship or legal custody of the department of health and social services under s. 48.355, 48.427 or 48.43.

(b) ~~Where~~ If any of the community county developmental disabilities services authorized under par. (a) are provided by any of the institutions specified in s. 46.10, the costs of such services shall be segregated from the costs of residential care provided at such institutions. The uniform cost record-keeping system established under s. 46.18 (8), ~~(9)~~ and to (10) shall provide for such segregation of costs.

(c) (intro.) If a center for the developmentally disabled has provided a ~~board established~~ county department of developmental disabilities services under this section with service, the department of health and social services shall:

1. Regularly bill the ~~board county department of developmental disabilities services~~ for services provided prior to January 1, 1982. If collections for care received by the department of health and social services prior to January 1, 1982, exceed current billings, the difference shall be remitted to the board county department of developmental disabilities services through the appropriation under s. 20.435 (2) (gk). If billings for the quarter ending December 31, 1981, exceed collections for care received by the department of health and social services during the quarter ending December 31, 1981, collections for care provided prior to January 1, 1982, shall be remitted to the board county department of developmental disabilities services through the appropriation under s. 20.435 (2) (gk), up to the level of the net amount billed the board county department of developmental disabilities services for the quarter ending December 31, 1981. Under this section, collections on or after January 1, 1976, from medical assistance shall be the approved

amounts listed by the patient on remittance advices from the medical assistance carrier, not including adjustments due to retroactive rate approval and less any refunds to the medical assistance program. For care provided on and after January 1, 1978, the department of health and social services shall adjust collections from medical assistance to compensate for differences between specific rate scales for care charged to the ~~board county department of developmental disabilities services~~ and the average daily medical assistance reimbursement rate. Payment shall be due from the ~~board county department of developmental disabilities services~~ within 60 days of the billing date subject to provisions of the contract. If any payment has not been received within 60 days, the department of health and social services shall deduct all or part of the amount due from any payment due from the department of health and social services to the ~~board county department of developmental disabilities services~~.

2. a. Bill the ~~board county department of developmental disabilities services~~ for services provided on or after January 1, 1982, to persons ineligible for medical assistance benefits and who lack other means of full payment, using the procedure established under subd. 1.

b. Bill the ~~board county department of developmental disabilities services~~ for services provided on or after January 1, 1982, at 10% of the rate paid by medical assistance, excluding any retroactive rate adjustment, if an independent professional review established under 42 USC 1396a (a) (31) designates the person appropriate for community care. The department of health and social services shall use money it receives from the ~~board county department of developmental disabilities services~~ to offset the state's share of medical assistance. Payment is due from the ~~board county department of developmental disabilities services~~ within 60 days of the billing date, subject to provisions of the contract. If the department of health and social services does not receive any payment within 60 days, it shall deduct all or part of the amount due from any payment the department of health and social services is required to make to the ~~board county department of developmental disabilities services~~. The department of health and social services shall first use collections received under s. 46.10 as a result of care at a center for the developmentally disabled to reduce the costs paid by medical assistance, and shall remit the remainder to the ~~board county department of developmental disabilities services~~ up to the portion billed. The department of health and social services shall use the appropriation under s. 20.435 (2) (gk) to remit collection credits and other appropriate refunds to ~~boards county departments of developmental disabilities services~~.

c. Regularly provide the ~~board county department of developmental disabilities services~~ with a list of persons who are eligible for medical assistance benefits

and who are receiving care in a center for the developmentally disabled.

SECTION 523. 51.437 (13) (title) of the statutes is repealed.

SECTION 524. 51.437 (13) of the statutes is renumbered 51.437 (4g) (c) and amended to read:

51.437 (4g) (c) In counties having a population of 500,000 or more, the county board of supervisors shall integrate day care programs for mentally retarded persons and those programs for persons with other developmental disabilities into the ~~community county~~ developmental disabilities program and shall appoint a director to administer the overall services program.

SECTION 525. 51.437 (13m) (title) of the statutes is repealed.

SECTION 526. 51.437 (13m) of the statutes is renumbered 51.437 (4m) (i) and amended to read:

51.437 (4m) (i) ~~Each board that enters into a contract under s. 51.87 for the purchase or provision of services shall annually~~ Annually report to the department of health and social services regarding the use of the any contract entered into under s. 51.87.

SECTION 527. 51.437 (14) (intro.) of the statutes is amended to read:

51.437 (14) (title) DUTIES OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. (intro.) The department of health and social services shall:

SECTION 528. 51.437 (14) (a), (c) and (g) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

51.437 (14) (a) Review requests and certify ~~community county departments of developmental disabilities services departments created under sub. (5)~~ community county departments of developmental disabilities services to assure that the county departments of developmental disabilities services are in compliance with the ~~respective subsections~~ this section.

(c) Periodically review and evaluate the program of each community county department of developmental disabilities services ~~department's program~~.

(g) Ensure that ~~community~~ any county department of developmental disabilities services ~~departments that elect which elects~~ to provide special educational programs to children aged 3 years and under ~~comply~~ complies with requirements established by the department of public instruction.

SECTION 529. 51.437 (15) (title) of the statutes is amended to read:

51.437 (15) (title) CONSTRUCTION.

SECTION 530. 51.437 (15) of the statutes is renumbered 51.437 (15) (a).

SECTION 531. 51.437 (15) (c) of the statutes is created to read:

51.437 (15) (c) 1. Any reference in any law to a county department of developmental disabilities services applies to the county department under s. 46.23 in its administration of the powers and duties of the county department of developmental disabilities services under s. 46.23 (3) (b).

2. a. Any reference in any law to a county developmental disabilities services director appointed under sub. (9) (a) applies to the director of a county department appointed under s. 46.23 (5) (f) in his or her administration of the powers and duties of that county developmental disabilities services director.

b. Any reference in any law to a county developmental disabilities services director appointed under sub. (10m) (intro.) applies to the director of a county department appointed under s. 46.23 (6m) (intro.) in his or her administration of the powers and duties of that county developmental disabilities services director.

3. a. Any reference in any law to a county developmental disabilities services board appointed under sub. (7) (a) 1 applies to the board of a county department appointed under s. 46.23 (4) (b) 1 in its administration of the powers and duties of that county developmental disabilities services board.

b. Any reference in any law to a county developmental disabilities services board appointed under sub. (7) (a) 2 applies to the board of a county department appointed under s. 46.23 (4) (b) 2 in its administration of the powers and duties of that county developmental disabilities services board.

SECTION 532. 51.437 (16) of the statutes is amended to read:

51.437 (16) ADMINISTRATIVE STRUCTURE. Rules ~~adopted promulgated~~ by the secretary under s. 51.42 ~~(12) (7) (b)~~ shall apply to services provided through ~~boards which are created~~ county departments of developmental disabilities services under this section.

SECTION 533. 51.45 (2) (c) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

51.45 (2) (c) "Approved public treatment facility" means a treatment agency operating under the direction and control of the department or providing treatment under this section through a contract with the department under sub. (7) (g) or with the county ~~mental health, mental retardation, alcoholism and drug abuse board~~ department under s. 51.42 (3) ~~(am) 7 (ar) 2~~, and meeting the standards prescribed in sub. (8) (a) and approved under sub. (8) (c).

SECTION 534. 51.45 (2) (cm) and (cr) of the statutes are amended to read:

51.45 (2) (cm) "~~Community board~~" "County department" means ~~any community mental health, alcoholism and drug abuse policy making board a county department~~ under s. 51.42.

(cr) "Designated person" means a person who performs, in part, the protective custody functions of a law enforcement officer under sub. (11), operates under an agreement between a ~~community board~~ county department and an appropriate law enforcement agency under sub. (11), and whose qualifications are established by ~~such board~~ the county department.

SECTION 535. 51.45 (4) (c) of the statutes is amended to read:

51.45 (4) (c) Provide treatment for alcoholics and intoxicated persons in or on parole from state correctional institutions and assure that the ~~community board~~ county department provides treatment for such persons in county, town and municipal institutions for the detention and incarceration of persons charged with or convicted of a violation of a state law or a county, town or municipal ordinance.

SECTION 536. 51.45 (8) (a) and (c) of the statutes are amended to read:

51.45 (8) (a) The department shall establish minimum standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility, and fix the fees to be charged by the department for the required inspections. The standards may concern only the health standards to be met and standards of treatment to be afforded patients and shall distinguish between facilities rendering different modes of treatment. In setting standards, the department shall consider the residents' needs and abilities, the services to be provided by the facility, and the relationship between the physical structure and the objectives of the program. Nothing in this subsection shall prevent ~~community boards~~ county departments from establishing reasonable higher standards.

(c) Approval of a facility must be secured under this section before application for a grant-in-aid for such facility under s. ~~51.42~~ 51.423 or before treatment in any facility is rendered to patients.

SECTION 537. 51.45 (10) (c) of the statutes is amended to read:

51.45 (10) (c) If a patient receiving inpatient care leaves an approved public treatment facility, the patient shall be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the superintendent in charge of the treatment facility that the patient is an alcoholic or intoxicated person who requires help, the ~~community board~~ county department shall arrange for assistance in obtaining supportive services and residential facilities. If the patient is an incompetent person the request for discharge from an inpatient facility shall be made by a legal guardian or other legal representative or by the incompetent if he or she was the original applicant.

SECTION 538. 51.45 (10) (d) of the statutes is amended to read:

51.45 (10) (d) If a patient leaves an approved public treatment facility, with or against the advice of the superintendent in charge of the facility, the ~~community board~~ county department may make reasonable provisions for the patient's transportation to another facility or to his or her home or may assist the patient in obtaining temporary shelter.

SECTION 539. 51.45 (10) (e) of the statutes is amended to read:

51.45 (10) (e) This subsection applies only to admissions of alcoholics whose care and treatment is to be paid for by the department or a ~~community board~~ county department.

SECTION 540. 51.45 (11) (c) of the statutes is amended to read:

51.45 (11) (c) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by trained staff as soon as practicable in accordance with a procedure developed by the facility in consultation with a licensed physician. The person may then be admitted as a patient or referred to another treatment facility or to an emergency medical facility, in which case the ~~community board~~ county department shall make provision for transportation. Upon arrival, the person shall be deemed to be under the protective custody of the facility to which he or she has been referred.

SECTION 541. 51.45 (11) (e) of the statutes is amended to read:

51.45 (11) (e) The ~~community board~~ county department shall arrange transportation home for a person who was brought under protective custody to an approved public treatment facility or emergency medical facility and who is not admitted, if the home is within 50 miles of the facility. If the person has no home within 50 miles of the facility, the ~~community board~~ county department shall assist him or her in obtaining shelter.

SECTION 542. 51.45 (12) (a) of the statutes is amended to read:

51.45 (12) (a) An intoxicated person who has threatened, attempted or inflicted physical harm on himself or herself or on another and is likely to inflict such physical harm unless committed, or a person who is incapacitated by alcohol, may be committed to the ~~community board~~ county department and brought to an approved public treatment facility for emergency treatment. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment.

SECTION 543. 51.45 (12) (c) 1 of the statutes is amended to read:

51.45 (12) (c) 1. Determine whether the petition and supporting affidavits sustain the grounds for commitment and dismiss the petition if the grounds for commitment are not sustained thereby. If the grounds for commitment are sustained by the petition and supporting affidavits, the court or court commissioner shall issue an order temporarily committing the person to the custody of the ~~community board~~ county department pending the outcome of the preliminary hearing under sub. (13) (d).

SECTION 544. 51.45 (12) (c) 3 of the statutes is amended to read:

51.45 (12) (c) 3. Issue an order directing the sheriff or other law enforcement agency to take the person into protective custody and bring him or her to an approved public treatment facility designated by the

~~community board~~ county department, if the person is not detained under sub. (11).

SECTION 545. 51.45 (12) (d) of the statutes is amended to read:

51.45 (12) (d) Upon arrival at the approved public treatment facility, the person shall be advised both orally and in writing of the right to counsel, the right to consult with counsel before a request is made to undergo voluntary treatment under sub. (10), the right not to converse with examining physicians, psychologists or other personnel, the fact that anything said to examining physicians, psychologists or other personnel may be used as evidence against him or her at subsequent hearings under this section, the right to refuse medication which would render him or her unable adequately to prepare a defense, the exact time and place of the preliminary hearing under sub. (13) (d), and of the reasons for detention and the standards under which he or she may be committed prior to all interviews with physicians, psychologists or other personnel. Such notice of rights shall be provided to the patient's immediate family if they can be located and may be deferred until the patient's incapacitated condition, if any, has subsided to the point where the patient is capable of understanding the notice. Under no circumstances may interviews with physicians, psychologists or other personnel be conducted until such notice is given, except that the patient may be questioned to determine immediate medical needs. The patient may be detained at the facility to which he or she was admitted or, upon notice to the attorney and the court, transferred by the ~~community board~~ county department to another appropriate public or private treatment facility, until discharged under par. (e).

SECTION 546. 51.45 (13) (a) (intro.) of the statutes is amended to read:

51.45 (13) (a) (intro.) A person may be committed to the custody of the ~~community board~~ county department by the circuit court upon the petition of 3 adults, at least one of whom has personal knowledge of the conduct and condition of the person sought to be committed. A refusal to undergo treatment shall not constitute evidence of lack of judgment as to the need for treatment. The petition for commitment shall:

SECTION 547. 51.45 (13) (b) 1 of the statutes is amended to read:

51.45 (13) (b) 1. Determine whether the petition and supporting affidavits meet the requirements of par. (a) and dismiss the petition if the requirements of par. (a) are not met thereby. If the person has not been temporarily committed under sub. (12) (c) and the petition and supporting affidavits meet the requirements of par. (a), the court may issue an order temporarily committing the person to the custody of the ~~community board~~ county department pending the outcome of the preliminary hearing under par. (d).

SECTION 548. 51.45 (13) (b) 3 of the statutes is amended to read:

51.45 (13) (b) 3. If the court orders temporary commitment, issue an order directing the sheriff or other law enforcement agency to take the person into protective custody and to bring the person to an approved public treatment facility designated by the ~~community board~~ county department, if the person is not detained under sub. (11) or (12).

SECTION 549. 51.45 (13) (c) of the statutes is amended to read:

51.45 (13) (c) Effective and timely notice of the preliminary hearing, together with a copy of the petition and supporting affidavits under par. (a), shall be given to the person unless he or she has been taken into custody under par. (b), the spouse or legal guardian if the person is incompetent, the person's counsel and the petitioner. The notice shall include a written statement of the person's right to an attorney, the right to trial by jury, the right to be examined by a physician, and the standard under which he or she may be committed under this section. If the person is taken into custody under par. (b), upon arrival at the approved public treatment facility, the person shall be advised both orally and in writing of the right to counsel, the right to consult with counsel before a request is made to undergo voluntary treatment under sub. (10), the right not to converse with examining physicians, psychologists or other personnel, the fact that anything said to examining physicians, psychologists or other personnel may be used as evidence against him or her at subsequent hearings under this section, the right to refuse medication which would render him or her unable adequately to prepare a defense, the exact time and place of the preliminary hearing under par. (d), the right to trial by jury, the right to be examined by a physician and of the reasons for detention and the standards under which he or she may be committed prior to all interviews with physicians, psychologists or other personnel. Such notice of rights shall be provided to the person's immediate family if they can be located and may be deferred until the person's incapacitated condition, if any, has subsided to the point where the person is capable of understanding the notice. Under no circumstances may interviews with physicians, psychologists or other personnel be conducted until such notice is given, except that the person may be questioned to determine immediate medical needs. The person may be detained at the facility to which he or she was admitted or, upon notice to the attorney and the court, transferred by the ~~community board~~ county department to another appropriate public or private treatment facility, until discharged under this subsection. A copy of the petition and all supporting affidavits shall be given to the person at the time notice of rights is given under this paragraph by the superintendent, who shall provide a reasonable opportunity for the patient to consult counsel.

SECTION 550. 51.45 (13) (d) of the statutes is amended to read:

51.45 (13) (d) Whenever it is desired to involuntarily commit a person, a preliminary hearing shall be held under this paragraph. The purpose of the preliminary hearing shall be to determine if there is probable cause for believing that the allegations of the petition under par. (a) are true. The person shall be represented by counsel at the preliminary hearing and, if the person is indigent, counsel shall timely be appointed at public expense, as provided in s. 967.06 and ch. 977. Counsel shall have access to all reports and records, psychiatric and otherwise, which have been made prior to the preliminary hearing. The person shall be present at the preliminary hearing and shall be afforded a meaningful opportunity to be heard. Upon failure to make a finding of probable cause under this paragraph, the court shall dismiss the petition and discharge the person from the custody of the ~~community board~~ county department.

SECTION 551. 51.45 (13) (f) of the statutes is amended to read:

51.45 (13) (f) The hearing shall be open, unless the person sought to be committed or the person's attorney moves that it be closed, in which case only persons in interest (including representatives of the ~~community board~~ county department in all cases) and their attorneys and witnesses may be present. At the hearing the jury, or, if trial by jury is waived, the court, shall consider all relevant evidence, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. Ordinary rules of evidence shall apply to any such proceeding. The person whose commitment is sought shall be present and shall be given an opportunity to be examined by a court-appointed licensed physician. If the person refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing the person to the ~~community board~~ county department for a period of not more than 5 days for purposes of diagnostic examination.

SECTION 552. 51.45 (13) (g) of the statutes is amended to read:

51.45 (13) (g) The court shall make an order of commitment to the ~~community board~~ county department if, after hearing all relevant evidence, including the results of any diagnostic examination, the trier of fact finds: 1) that the allegations of the petition under par. (a) have been established by clear and convincing evidence; and 2) that there is a relationship between the alcoholic condition and the pattern of conduct during the 12-month period immediately preceding the time of petition which is dangerous to the person or others and that such relationship has been established to a reasonable medical certainty; and 3) that there is an extreme likelihood that the pattern of conduct will continue or repeat itself without the intervention of involuntary treatment or institutionalization. The court may not order commitment of a person

unless it is shown by clear and convincing evidence that there is no suitable alternative available for the person and that the ~~community board~~ county department is able to provide appropriate and effective treatment for the individual.

SECTION 553. 51.45 (13) (h) of the statutes is amended to read:

51.45 (13) (h) A person committed under this subsection shall remain in the custody of the ~~community board~~ county department for treatment for a period set by the court, but not to exceed 90 days. During this period of commitment the ~~community board~~ county department may transfer the person from one approved public treatment facility or program to another as provided in par. (k). At the end of the period set by the court, the person shall be discharged automatically unless the ~~community board~~ county department before expiration of the period obtains a court order for recommitment upon the grounds set forth in par. (a) for a further period not to exceed 6 months. If after examination it is determined that the person is likely to inflict physical harm on himself or herself or on another, the ~~community board~~ county department shall apply for recommitment. Only one recommitment order under this paragraph is permitted.

SECTION 554. 51.45 (13) (k) of the statutes is amended to read:

51.45 (13) (k) The ~~community board~~ county department shall provide for adequate and appropriate treatment of a person committed to its custody. Any person committed or recommitted to custody may be transferred by the ~~community board~~ county department from one approved public treatment facility or program to another upon the written application to the ~~community board~~ county department from the facility or program treating the person. Such application shall state the reasons why transfer to another facility or program is necessary to meet the treatment needs of the person. Notice of such transfer and the reasons therefor shall be given to the court, the person's attorney and the person's immediate family, if they can be located.

SECTION 555. 51.45 (13) (L) of the statutes is amended to read:

51.45 (13) (L) If an approved private treatment facility agrees with the request of a competent patient or a parent, sibling, adult child, or guardian to accept the patient for treatment, the ~~community board~~ county department may transfer the person to the private treatment facility.

SECTION 556. 51.45 (13) (p) of the statutes is amended to read:

51.45 (13) (p) A record shall be made of all proceedings held under this subsection. Transcripts shall be made available under SCR 71.03. The ~~community board~~ county department may in any case request a transcript.

SECTION 557. 51.61 (1) (intro.) of the statutes is amended to read:

51.61 (1) (intro.) In this section, "patient" means any individual who is receiving services for mental illness, developmental disabilities, alcoholism or drug dependency, including any individual who is admitted to a treatment facility in accordance with this chapter or ch. 55 or who is detained, committed or placed under this chapter or ch. 55, 971 or 975, or who is transferred to a treatment facility under s. 51.35 (3) or 51.37 or who is receiving care or treatment for such conditions through the department or a ~~board established~~ county department under s. 51.42 or 51.437 or in a private treatment facility. "Patient" does not include persons committed under ch. 975 who are transferred to or residing in any state prison listed under s. 53.01. In private hospitals and in public general hospitals, "patient" includes any individual who is admitted for the primary purpose of treatment of mental illness, developmental disability, alcoholism or drug abuse but does not include an individual who receives treatment in a hospital emergency room nor an individual who receives treatment on an outpatient basis at such hospitals, unless the individual is otherwise covered under this subsection. Except as provided in sub. (2), each patient shall:

SECTION 558. 51.61 (5) (a) of the statutes is amended to read:

51.61 (5) (a) The department shall establish procedures to assure protection of patients' rights guaranteed under this chapter, and shall implement a grievance procedure to assure that rights of patients under this chapter are protected and enforced by the department, by service providers and by ~~boards established~~ county departments under ss. 51.42 and 51.437. The procedures established by the department under this subsection do not apply to patients in private hospitals or public general hospitals except for patients who are admitted through the department or a ~~board established~~ county department under s. 51.42 or 51.437, or who are admitted in accordance with a written agreement between the hospital and the department or ~~such a board~~ county department under s. 51.42 or 51.437.

SECTION 559. 51.61 (6) of the statutes is amended to read:

51.61 (6) Subject to the rights of patients provided under this chapter, the department ~~or boards established~~ county departments under s. 51.42 or 51.437, ~~or~~ and any agency providing services under an agreement with the department or such ~~boards has~~ county departments have the right to use customary and usual treatment techniques and procedures in a reasonable and appropriate manner in the treatment of patients who are receiving services under the mental health system, for the purpose of ameliorating the conditions for which the patients were admitted to the system. The written, informed consent of any patient who was voluntarily admitted shall first be obtained.

In the case of a minor, the written, informed consent of the parent or guardian is required, and if the minor is aged 14 or over, the written, informed consent of the minor and the minor's parent or guardian is required.

SECTION 560. 51.87 (2) (a) and (c) of the statutes are amended to read:

51.87 (2) (a) "Receiving agency" means a public or private agency or ~~board~~ county department which, ~~pursuant to under~~ under this section, provides treatment to individuals from a state other than the state in which the agency or ~~board~~ county department is located.

(c) "Sending agency" means a public or private agency ~~or board~~ located in a state which sends an individual to another state for treatment ~~pursuant to under~~ under this section.

SECTION 561. 51.87 (3) of the statutes is amended to read:

51.87 (3) PURCHASE OF SERVICES. A ~~board created~~ county department under s. 46.23, 51.42 or 51.437 may contract as provided under this section with public or private agencies in states bordering on Wisconsin to secure services under this chapter for persons who receive services through the ~~board~~ county department, except that services may not be secured for persons committed ~~pursuant to under~~ under s. 971.14 or 971.17. Section 46.036 (1) to (6) applies to contracts entered into under this section by ~~boards established~~ county departments under s. 46.23, 51.42 or 51.437.

SECTION 562. 51.87 (4) of the statutes is amended to read:

51.87 (4) PROVISION OF SERVICES. A ~~board created~~ county department under s. 46.23, 51.42 or 51.437 may contract as provided under this section with public or private agencies in a state bordering on Wisconsin to provide services under this chapter for residents of the bordering state in approved treatment facilities in this state, except that services may not be provided for residents of the bordering state who are involved in criminal proceedings.

SECTION 563. 51.87 (7) of the statutes is amended to read:

51.87 (7) TREATMENT RECORDS. Section 51.30 applies to treatment records of an individual receiving services pursuant to a contract under this section through a receiving agency in this state, except that the sending agency has the same right of access to the treatment records of the individual as provided under s. 51.30 for ~~boards established~~ a county department under s. 51.42 or 51.437.

SECTION 564. 55.01 (1) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

55.01 (1) "Agency" means a county department or any public or private board, corporation or association which is concerned with the specific needs and problems of ~~mentally retarded~~, developmentally disabled, mentally ill, alcoholic, drug dependent ~~and or~~ aging persons, ~~including a board under s. 51.437, a~~

~~board established pursuant to s. 51.42 or a county board of public welfare.~~

SECTION 565. 55.01 (1r) of the statutes is created to read:

55.01 (1r) "County department", except as otherwise provided, means a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 designated under s. 55.02.

SECTION 566. 55.02 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

55.02 Protective service system; establishment. The department shall develop a statewide system of protective service for mentally retarded and other developmentally disabled persons, for aged infirm persons, for chronically mentally ill persons and for persons with other like incapacities incurred at any age in accordance with rules established by the department. The protective service system shall be designed to encourage independent living and to avoid protective placement whenever possible. The system shall use the planning and advice of agencies ~~as defined in s. 55.01 (1)~~, including the ~~boards~~ county department under s. ~~46.215, 46.22, 46.23,~~ 51.42 or 51.437 ~~or county boards of public welfare.~~ The chairperson of each county board of supervisors shall designate ~~the board~~ a county department under s. ~~46.215, 46.22,~~ 51.42 or 51.437, ~~the county board of public welfare~~ which is providing services in his or her county or a joint mechanism of these ~~boards~~ county departments to have the responsibility for local planning for the protective service system. The department and these ~~boards~~ county departments shall cooperate in developing a coordinated system of services. The department shall provide direct services and enter into contracts with any responsible public or private agency for provision of protective services. ~~The agency~~ In each county, the county department designated under this section in each county shall determine the reporting requirements applicable to the county under s. 880.38 (3).

SECTION 567. 55.05 (1) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

55.05 (1) PREFERENCE. The department in administering the protective services program shall contract with ~~boards under s. 51.42 or 51.437 or county boards of public welfare~~ county departments and other agencies ~~as defined in s. 55.01 (1).~~ In contracting. If the county department contracts for protective services, the department and the ~~boards under s. 51.42 or 51.437 or county boards of public welfare~~ county departments shall give preference to ~~agencies an~~ agency with consumer and other citizen representation. The department shall provide services only if no other suitable agency is available. Courts shall adhere to the same preferences in ordering protective services.

SECTION 568. 56.08 (8) of the statutes is amended to read:

56.08 (8) The county board of supervisors in a county with a single-county department or the county

boards of supervisors in counties with a multicounty department may by resolution direct that functions of the sheriff under sub. (3) or (5), or both, be performed by the county department of ~~social services or public welfare~~ under s. 46.215 or 46.22; or, if the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department has not so directed, a court of record may order that the prisoner's earnings be collected and disbursed by the clerk of court. The order shall remain in force until rescinded by the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department or the court, whichever made it.

SECTION 569. 56.08 (9) of the statutes is amended to read:

56.08 (9) The county department of ~~social services or public welfare~~ under s. 46.215 or 46.22 shall at the request of the court investigate and report to the court the amount necessary for the support of the prisoner's dependents.

SECTION 570. 56.17 of the statutes is amended to read:

56.17 Administration and management. (1) The county board of supervisors shall control the management of every such a house of correction shall be controlled by the county board under s. 56.16, pursuant to such regulations and under the direct supervision and control of such officers as the county board of supervisors prescribes. No such regulation shall be finally adopted on the day on which it is first presented to the county board of supervisors for consideration, nor until it has been considered and reported upon by the proper committee of the county board of supervisors. The county board of supervisors may by ordinance place the management of said the house of correction under the control of the county board of public welfare provided for by department under s. 46.21, and in such event said s. 46.21, so far as applicable, shall control. The county board of supervisors may by ordinance resume control of the management of said the house of correction. The county board of supervisors shall, in accordance with the civil service law, prescribe the number and compensation of all personnel needed for the administration of said the house of correction, and fix their duties.

(2) The chief judge of the judicial administrative district and his or her designees, district attorney and sheriff for the county and the mayor and city attorney of its most populous city, shall constitute a board of visitors, who shall investigate the affairs of the house of correction on the first Monday of August in each year, and thereupon report in writing to the county board of supervisors at its annual meeting, or to the county board of public welfare department under s. 46.21 if the board county department is in charge of the institution, setting forth its condition, and suggesting such alterations, improvements or other mat-

ters respecting the management, discipline and government of the institution as may promote the purposes thereof and the interests of the county.

SECTION 571. 59.031 (2) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

59.031 (2) (b) In any county with a population of 500,000 or more, appoint and supervise the heads of all departments except where the statutes provide that the appointment shall be made by a board or commission or by other elected officers. Notwithstanding any statutory provision that a board or commission or the county board or county board chairperson appoint a department head, except ss. 17.21 and 59.72 (3) ~~(b)-2~~, the county executive shall appoint and supervise the department head. Notwithstanding any statutory provision that a board or commission supervise the administration of a department, the department head shall supervise the administration of the department and the board or commission shall perform any advisory or policy-making function authorized by statute. ~~An appointment by the county executive under this paragraph does not require the confirmation of the board~~ Any appointment by the county executive under this paragraph requires the confirmation of the county board unless the county board, by ordinance, elects to waive confirmation. Any department head appointed by a county executive under this subsection may be removed at the pleasure of the county executive.

SECTION 572. 59.031 (2) (bm) 1. b of the statutes is amended to read:

59.031 (2) (bm) 1. b. The director of the department that administers the health and human services programs under s. 46.21 ~~(4)~~ (1m) (a).

SECTION 573. 59.031 (2) (d) of the statutes is repealed.

SECTION 574. 59.031 (2r) of the statutes, as created by 1985 Wisconsin Act 29, is renumbered 59.031 (2) (br).

SECTION 575. 59.033 (2) (b) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

59.033 (2) (b) Appoint and supervise the heads of all departments of the county except those elected by the people and except where the statutes provide that the appointment shall be made by elected officers; but the county administrator shall also appoint and supervise all department heads where the law provides that the appointment shall be made by a board or commission, by the chairperson of the county board or by the county board. Notwithstanding any statutory provision that a board or commission supervise the administration of a department, the department head shall supervise the administration of the department and the board or commission shall perform any advisory or policy-making function authorized by statute. ~~Such appointments shall require the confirmation of the county board~~ Any appointment by the county

administrator under this paragraph requires the confirmation of the county board unless the county board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.07 (20) or ch. 63. Any department head appointed by a county administrator under this paragraph may be removed at the pleasure of the county administrator unless the department head is appointed under a civil service system competitive examination procedure established under s. 59.07 (20) or ch. 63.

SECTION 576. 59.456 (2) of the statutes is amended to read:

59.456 (2) Give advice to the county board of supervisors, county park commission, county board of public welfare department under s. 46.215 or 46.22 and other departments, boards, commissions, committees, agencies or officers of the county, when requested, in all civil matters in which the county or state is interested or relating to the discharge of the official duties of such ~~board~~ departments, boards, commissions, committees, agencies or officers; examine all claims against the county for officers', interpreters', witnesses' and jurors' fees in civil actions and examinations, when presented to the county board of supervisors, and report in writing thereto as to the liability of the county for any and all claims of whatever nature filed against it; and act as legislative counsel for the county board of supervisors when so authorized by it.

SECTION 577. 63.03 (2) (y) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

63.03 (2) (y) Any position of department head under s. 27.03 (2), 46.21 (4) (1m) (a), 59.035, 63.02 (2) or 83.01 (1).

SECTION 578. 63.065 of the statutes is amended to read:

63.065 Elected county or state officers. A permanent employe in the classified service of any county having a population of 500,000 or more, who is elected to a county or state office shall be granted a leave of absence without pay from a position for the period of his or her entire service as an elected county or state officer and thereafter shall be entitled to return to the former position or to one with equivalent responsibility and pay in the classified service without loss of seniority or civil service status. At the discretion of the civil service commission, any elected state officer, while on leave of absence, may also be permitted to return to a former position or to one with equivalent responsibility and pay in the classified service for such periods of time as may be set by the commission. This section shall not apply to any department head in the classified service whenever the commission has established a list of department heads or employes of any county department of social services or public

welfare which functions under the authority of s. 49.51 (2) 46.215.

SECTION 579. 102.07 (1m) of the statutes is amended to read:

102.07 (1m) Any person participating in a community work experience program under s. 46.215 (1) (o) or 46.22 (4) (n) or 49.51 (2) (a) 15 (1) (b) 11.

SECTION 580. 115.36 (3) (d) of the statutes is amended to read:

115.36 (3) (d) A school district applying for aid under this subsection shall submit a copy of the application to the ~~board established county department~~ under s. 51.42 for its advisory review. The ~~board established county department~~ under s. 51.42 may, and the council established under sub. (2) (e) shall, submit an advisory recommendation with respect to the application to the department prior to the approval or denial of the application.

SECTION 581. 115.365 (2) (a) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

115.365 (2) (a) Develop and conduct training programs in suicide prevention for the professional staff of public and private schools, county departments of public welfare or social services and boards established under s. ss. 46.215, 46.22 and 51.42. The programs shall include information on how to assist minors in the positive emotional development which will help prevent suicidal tendencies; the detection, by minors, school staff and parents, of conditions which indicate suicidal tendencies; the proper action to take when there is reason to believe that a minor has suicidal tendencies or is contemplating suicide; and the coordination of school suicide prevention programs and activities with the suicide prevention and intervention programs and activities of other state and local agencies. Persons other than the professional staff of public and private schools, county departments of public welfare or social services and boards established under s. ss. 46.215, 46.22 and 51.42 may attend the training programs. The department may charge such persons a fee sufficient to cover the increased costs to the department of their participation in the programs.

SECTION 582. 115.77 (3) (d) (intro.) of the statutes is amended to read:

115.77 (3) (d) (intro.) Supervision of the education of all children who have exceptional educational needs and who reside in any facility operated by the state or a county or who attend county residential facilities or ~~community board~~ day care centers of a county department under s. 51.42. Such supervision shall include:

SECTION 583. 115.77 (4) (a) to (c) of the statutes are amended to read:

115.77 (4) (a) Coordinate the development of all special education programs operated by a school district, county handicapped children's education board, board of control of a cooperative educational service agency, state or county residential facility or commu-

~~nity board~~ day care center of a county department under s. 51.42 for children who have exceptional educational needs.

(b) Before the program receives any state funds, approve all new or expanded special education programs operated by a school district, county handicapped children's education board, board of control of a cooperative educational service agency, state or county residential facility or ~~community board~~ day care center of a county department under s. 51.42 for children who have exceptional educational needs.

(c) Before a discontinuance or reduction of program becomes effective, approve all plans to discontinue or reduce programs operated by a school district, county handicapped children's education board, board of control of a cooperative educational service agency, state or county residential facility or ~~community board~~ day care center of a county department under s. 51.42 for children who have exceptional educational needs.

SECTION 584. 115.85 (2m) of the statutes is amended to read:

115.85 (2m) PLACEMENT DISPUTES. If a dispute arises between the school board and the department of health and social services or a county ~~agency department~~ under s. 46.215, 46.22 or 46.23 over the placement of a child in an appropriate program under sub. (2), the state superintendent shall resolve the dispute. This subsection applies only to placements in nonresidential educational programs made under ss. 48.48 (4) and 48.57 (1) (c).

SECTION 585. 115.85 (4) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

115.85 (4) SCHOOL BOARD REFERRALS. Annually, on or before August 15, each school board shall report to the appropriate ~~boards established~~ county departments under ss. 51.42 and 51.437 the names of children who reside in the school district, are at least 16 years of age, are not expected to be enrolled in an educational program 2 years from the date of the report and may require services described under s. 51.42 or 51.437 (1) (e). This subsection does not affect a school district's responsibility under sub. (1) to make programs available to children with exceptional educational needs who are under the age of 21.

SECTION 586. 118.24 (2) (f) of the statutes is amended to read:

118.24 (2) (f) The school district administrator shall ensure that the administrative and pupil service staff in the district cooperate with the ~~board established~~ county department under s. 51.42 in the dissemination of information regarding the availability of alcohol and drug abuse services and to jointly establish procedures for the referral to appropriate agencies of students experiencing problems resulting from the use of alcohol or other drugs.

SECTION 587. 125.07 (4) (cg) 1 of the statutes is amended to read:

125.07 (4) (cg) 1. If the court orders a person to participate in a supervised work program under par. (c), the court shall set standards for the program within the budgetary limits established by the county board of supervisors. The program may provide the person with reasonable compensation reflecting the market value of the work performed, or it may consist of uncompensated community service work, and shall be administered by the county department of ~~public welfare~~ under s. 46.215 or 46.22 or a community agency approved by the court.

SECTION 588. 142.07 (4) (a) of the statutes is amended to read:

142.07 (4) (a) Any general relief recipient referred to the hospital or its clinics by the county director of ~~public welfare or social services~~ a county department under s. 46.215 or 46.22.

SECTION 589. 146.78 (2) (intro.) of the statutes, as created by 1985 Wisconsin Act 56, is amended to read:

146.78 (2) WRITTEN INFORMATION UPON REQUEST. (intro.) The attending physician or a person who is assisting the attending physician under sub. (1) shall, upon request of the woman receiving information under that subsection provide her with the following written information provided by the county ~~agency~~ department under s. 46.245:

SECTION 590. 343.30 (1q) (c) of the statutes is amended to read:

343.30 (1q) (c) The court shall order the person to submit to and comply with an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol or controlled substances and development of a driver safety plan for the person. The court shall notify the department of transportation of the assessment order. The court shall notify the person that noncompliance with assessment or the driver safety plan will result in license suspension until the person is in compliance. The department of health and social services shall establish standards for assessment procedures and the driver safety plan programs by rule. The department of health and social services shall establish by rule conflict of interest guidelines for providers. Prior to developing a plan which specifies treatment, the facility shall make a finding that treatment is necessary and appropriate services are available. The facility shall submit a report of the assessment and the driver safety plan within 14 days to the ~~board established~~ county department under s. 51.42 or its approved agency, the department of transportation and the person, except that upon request by the facility and the person, the ~~board~~ county department may extend the period for assessment for not more than 20 additional workdays. The ~~board~~ county department shall notify the department of transportation regarding any such extension.

SECTION 591. 343.30 (1q) (d) of the statutes is amended to read:

343.30 (1q) (d) The assessment report shall order compliance with a driver safety plan. The report shall inform the person of the fee provisions under s. 46.03 (18) (f). The driver safety plan may include treatment for the person's misuse, abuse or dependence on alcohol or controlled substances, or attendance at a school under s. 345.60, or both. If the plan requires inpatient treatment, the treatment shall not exceed 30 days. A driver safety plan under this paragraph shall include a termination date consistent with the plan which shall not extend beyond one year. The ~~board or its approved agency~~ county department under s. 51.42 shall assure notification of the department of transportation and the person of the person's compliance or noncompliance with assessment and with treatment. The school under s. 345.60 shall notify the department, the ~~board or its approved agency~~ county department under s. 51.42 and the person of the person's compliance or noncompliance with the requirements of the school. Nonpayment of the assessment fee is noncompliance with the court order. If the department is notified of any noncompliance, it shall suspend the person's operating privilege until the ~~board or its approved agency~~ county department under s. 51.42 or the school under s. 345.60 notifies the department that the person is in compliance with assessment or the driver safety plan. The department shall notify the person of the suspension, the reason for the suspension and the person's right to a review. A person may request a review of a suspension based upon failure to comply with a driver safety plan within 10 days of notification. The review shall be handled by the subunit of the department of transportation designated by the secretary. The issues at the review are limited to whether the driver safety plan, if challenged, is appropriate and whether the person is in compliance with the assessment order or the driver safety plan. The review shall be conducted within 10 days after a request is received. If the driver safety plan is determined to be inappropriate, the department shall order a reassessment and if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If the person is determined to be in compliance with the assessment or driver safety plan, and if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If there is no decision within the 10-day period, the department shall issue an order reinstating the person's operating privilege until the review is completed, unless the delay is at the request of the person seeking the review.

SECTION 592. 343.30 (1q) (e) of the statutes is amended to read:

343.30 (1q) (e) Notwithstanding par. (c), if the court finds that the person is already covered by an assessment or is participating in a driver safety plan or has had evidence presented to it by a ~~board established~~ county department under s. 51.42 or its approved agency that the person has recently com-

pleted assessment, a driver safety plan or both, the court is not required to make an order under par. (c). This paragraph does not prohibit the court from making an order under par. (c), if it deems such an order advisable.

SECTION 593. 343.305 (9) (c) of the statutes is amended to read:

343.305 (9) (c) The court shall order the person to submit to and comply with an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol or controlled substances and development of a driver safety plan for the person. The court shall notify the person and the department of transportation of the assessment order. The court shall also notify the person that noncompliance with assessment or the driver safety plan will result in license suspension until the person is in compliance. The department of health and social services shall establish standards for assessment procedures and the driver safety plan programs by rule. The department of health and social services shall establish by rule conflict of interest guidelines for providers. Prior to developing a plan which specifies treatment, the facility shall make a finding that treatment is necessary and appropriate services are available. The facility shall submit a report of the assessment and the driver safety plan within 14 days to the ~~board established~~ county department under s. 51.42 or its approved agency, the department of transportation and the person, except that upon request by the facility and the person, the ~~board~~ county department may extend the period for assessment for not more than 20 additional workdays. The ~~board~~ county department shall notify the department of transportation regarding any such extension.

SECTION 594. 343.305 (9) (e) of the statutes is amended to read:

343.305 (9) (e) Notwithstanding par. (c), if the court finds that the person is already covered by an assessment or is participating in a driver safety plan or has had evidence presented to it by a ~~board established~~ county department under s. 51.42 or its approved agency that the person has recently completed assessment, a driver safety plan or both, the court is not required to make an order under par. (c). This paragraph does not prohibit the court from making an order under par. (c), if it deems such an order advisable.

SECTION 595. 619.01 (9) of the statutes is amended to read:

619.01 (9) FOSTER HOME PROTECTION INSURANCE. In this section "foster home protection insurance" means insurance coverage to protect persons who receive a license to operate a foster home ~~as provided in~~ under s. 48.62 ~~(1)~~ against the unique risks, determined by the commissioner, to which such persons are exposed. If the persons have insurance which covers any of these risks, the foster home protection insurance may insure

against any or all of the other risks, and may provide additional or excess limits coverage for any or all of these risks.

SECTION 596. 632.89 (1) (e) 1 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

632.89 (1) (e) 1. A program in an outpatient treatment facility, if both are approved by the department of health and social services and established and maintained according to rules promulgated under s. 51.42 (4) (7) (b).

SECTION 597. 701.06 (5m) of the statutes is amended to read:

701.06 (5m) TRUST FOR DISABLED INDIVIDUAL. Subsection (5) does not apply to any trust that is established for the benefit of an individual who has a disability which has continued or can be expected to continue indefinitely, substantially impairs the individual from adequately providing for his or her own care or custody, and constitutes a substantial handicap to the afflicted individual if the trust does not result in ineligibility for public assistance under ch. 49. A trustee of a trust which is exempt from claims for public support under this subsection shall notify the county department of ~~social services or public welfare~~ under s. 46.215 or 46.22 in the county where the disabled beneficiary resides of the existence of the trust.

SECTION 598. 753.016 (3) (c) and (e) of the statutes are amended to read:

753.016 (3) (c) The department shall have such investigators as are authorized by the county board of supervisors of the county. The investigators shall be appointed by the county department of public welfare of that county under s. 46.215.

(e) The county board of supervisors of the county shall provide for such assistants, stenographic and otherwise, as needed to assist the director of family conciliation in carrying out the purpose of subs. (3) to (5) particularly in regard to the proper disposal of marital complaints. The director and all other persons in the department shall be appointed by the county department of public welfare of that county under s. 46.215, except in cases otherwise expressly provided for.

SECTION 599. 767.08 (3) of the statutes is amended to read:

767.08 (3) If the state or any subdivision thereof furnishes public aid to a spouse or dependent child for support and maintenance and the spouse, person with legal custody or nonlegally responsible relative fails or refuses to institute an appropriate court action under this chapter to provide for the same, the person in charge of county welfare activities, the county child support agency or the state department of health and social services shall have the same right as the spouse, person with legal custody or nonlegally responsible relative to initiate an action under this section, for the purpose of obtaining support and maintenance. In

counties having a population of 500,000 or more, counsel employed by the county department of social services under s. 46.215, the county child support agency or the department of health and social services shall represent the director or department thereof in any such action and may petition the court to be appointed as guardian ad litem for any minor or incompetent children. The title of the action shall be "In re the support or maintenance of A.B. (Child)".

SECTION 600. 767.24 (1) (c) 1 of the statutes, as affected by 1985 Wisconsin Act 70, is amended to read:

767.24 (1) (c) 1. If the interest of any child demands it, and if the court finds that neither party is able to care for the child adequately or that neither party is fit and proper to have the care and custody of the child, the court may declare the child to be in need of protection or services and transfer legal custody of the child to a relative of the child, as defined in s. 48.02 (15), to a county agency specified in s. 48.56 (1) department, as defined under s. 48.02 (2g), or to a licensed child welfare agency.

SECTION 601. 767.29 (2) of the statutes is amended to read:

767.29 (2) If any party entitled to maintenance payments or support money, or both, is receiving public assistance under ch. 49, the party may assign the party's right thereto to the county department of ~~social services or public welfare~~ under s. 46.215 or 46.22 or municipal relief agency granting such assistance. Such assignment shall be approved by order of the court granting the maintenance payments or support money, and may be terminated in like manner; except that it shall not be terminated in cases where there is any delinquency in the amount of maintenance payments and support money previously ordered or adjudged to be paid to the assignee without the written consent of the assignee or upon notice to the assignee and hearing. When an assignment of maintenance payments or support money, or both, has been approved by the order, the assignee shall be deemed a real party in interest within s. 803.01 but solely for the purpose of securing payment of unpaid maintenance payments or support money adjudged or ordered to be paid, by participating in proceedings to secure the payment thereof. Notwithstanding assignment under this subsection, and without further order of the court, the clerk of court, upon receiving notice that a party or a minor child of the parties is receiving aid under s. 49.19, shall forward all support assigned under s. 49.19 (4) (h) 1 or 49.45 (19) to the department.

SECTION 602. 767.29 (2) of the statutes, as affected by 1985 Wisconsin Acts 29 and (this act), is amended to read:

767.29 (2) If any party entitled to maintenance payments or support money, or both, is receiving public assistance under ch. 49, the party may assign the party's right thereto to the county department under s. 46.215 or, 46.22 or a ~~department created under s.~~

46.23 granting such assistance. Such assignment shall be approved by order of the court granting the maintenance payments or support money, and may be terminated in like manner; except that it shall not be terminated in cases where there is any delinquency in the amount of maintenance payments and support money previously ordered or adjudged to be paid to the assignee without the written consent of the assignee or upon notice to the assignee and hearing. When an assignment of maintenance payments or support money, or both, has been approved by the order, the assignee shall be deemed a real party in interest within s. 803.01 but solely for the purpose of securing payment of unpaid maintenance payments or support money adjudged or ordered to be paid, by participating in proceedings to secure the payment thereof. Notwithstanding assignment under this subsection, and without further order of the court, the clerk of court, upon receiving notice that a party or a minor child of the parties is receiving aid under s. 49.19, shall forward all support assigned under s. 49.19 (4) (h) 1 or 49.45 (19) to the department.

SECTION 603. 767.32 (1) of the statutes is amended to read:

767.32 Revision of judgment. (1) After a judgment providing for child support under s. 767.25, maintenance payments under s. 767.26 or family support payments under s. 767.261, or for the appointment of trustees under s. 767.31 the court may, from time to time, on the petition of either of the parties, or upon the petition of the department of health and social services, a county ~~welfare agency~~ department under s. 46.215, 46.22 or 46.23 or a child support agency if an assignment has been made under s. 49.19 (4) (h) or 49.45 (19) or if either party or their minor children receives aid under ch. 49, and upon notice to the family court commissioner, revise and alter such judgment respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment respecting any of the matters which such court might have made in the original action, except that a judgment which waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment with respect to final division of property be subject to revision or modification. Any change in child support because of alleged change in circumstances shall take into consideration each parent's earning capacity and total economic circumstances. In any action under this section, receipt of aid to families with dependent children under s. 49.19 or a substantial change in the cost of living by either party or as measured by the federal bureau of labor statistics may be sufficient to justify a revision of judgment, except that a change in an obligor's cost of living is not in itself sufficient if payments are expressed as a percentage of income.

SECTION 604. 880.01 (1) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

880.01 (1) "Agency" means any public or private board, corporation or association which is concerned with the specific needs and problems of mentally retarded, developmentally disabled, mentally ill, alcoholic, drug dependent and aging persons, including a ~~board~~ county department under s. 51.42 or 51.437 or ~~board established pursuant to s. 51.42.~~

SECTION 605. 880.38 (3) of the statutes is amended to read:

880.38 (3) A guardian of the person of an incompetent appointed under s. 880.33 shall make an annual report on the condition of the ward to the court that ordered the guardianship and to the county ~~agency~~ department designated under s. 55.02. That county ~~agency~~ department shall develop reporting requirements for the guardian of the person. The report shall include, but not be limited to, the location of the ward, the health condition of the ward, any recommendations regarding the ward and a statement of whether or not the ward is living in the least restrictive environment consistent with the needs of the ward. The guardian may fulfill the requirement under this subsection by submitting the report required under s. 55.06 (10).

SECTION 606. 946.71 (1) of the statutes is amended to read:

946.71 (1) Interferes with the custody of any child under the age of 18 who has been committed or whose legal custody or guardianship has been transferred under ch. 48 to the department of health and social services or to any person, county ~~agency~~ department under s. 46.215, 46.22 or 46.23 or licensed child welfare agency.

SECTION 607. 971.14 (6) (c) of the statutes is amended to read:

971.14 (6) (c) If a person is committed under s. 51.20 pursuant to a petition under par. (b), the ~~board~~ established county department under s. 51.42 or 51.437 to whose care and custody the person is committed shall notify the court which discharged the person under par. (a), the district attorney for the county in which that court is located and the person's attorney of record in the prior criminal proceeding at least 14 days prior to transferring or discharging the defendant from an inpatient treatment facility and at least 14 days prior to the expiration of the order of commitment or any subsequent consecutive order, unless the ~~board~~ county department or the department has applied for an extension.

SECTION 608. 1985 Wisconsin Act 29, section 3023 (1) (intro.) and (3) (intro.) are amended to read:

(1985 Wisconsin Act 29) Section 3023 (1) COMMUNITY YOUTH AND FAMILY AIDS FUNDING. (intro.) Within the limits of the availability of federal funds and of the appropriations under section 20.435 (4) (cd) and (oo) of the statutes, as affected by this act, the

department of health and social services shall allocate funds for community youth and family aids for the period beginning July 1, 1985, and ending June 30, 1987, as provided in this subsection to county departments ~~of public welfare and social services or to community human services boards~~ under s. 46.215, 46.22 or 46.23 as follows:

(3) COMMUNITY AIDS FUNDING. (intro.) Within the limits of available federal funds and of the appropriations under section 20.435 (4) (b) and (o) of the statutes, the department of health and social services shall allocate to county departments ~~of public welfare and social services, to boards established~~ under sections 46.215, 46.22, 46.23, 51.42 and 51.437 of the statutes, to a private, nonprofit organization that provides training for minority alcohol and drug abuse counselors and to private nonprofit child care providers as authorized under section 46.98 (2) (a) 2 of the statutes funds for community social, mental health, mental retardation, alcohol and other drug abuse and developmental disabilities services for the period beginning July 1, 1985, and ending June 30, 1987, as follows:

SECTION 609. 1985 Wisconsin Act 29, section 3023 (3) (a) 1, as affected by 1985 Wisconsin Act 120, is amended to read:

(1985 Wisconsin Act 29) Section 3023 (3) (a) 1. For social services under section 49.52 (1) (d) of the statutes and services under section ~~51.42 (8) (b)~~ 51.423 (2) of the statutes, the department of health and social services shall allocate not more than \$113,376,500 for the last 6 months of 1985, not more than \$217,975,600 for 1986 and not more than \$108,987,800 for the first 6 months of 1987, plus any amounts transferred to this paragraph from paragraphs (g) and (km).

SECTION 610. 1985 Wisconsin Act 29, section 3023 (3) (a) 2 is amended to read:

(1985 Wisconsin Act 29) Section 3023 (3) (a) 2. From the amounts specified under subdivision 1 for 1985, the department of health and social services shall allocate to each county for the last 6 months of 1985 an amount equal to its basic county allocation for the first 6 months of 1985 under sections 49.52 (1) (d) and ~~51.42 (8) (b)~~ 51.423 (2) of the statutes.

SECTION 611. 1985 Wisconsin Act 29, section 3023 (3) (g) 1, as affected by 1985 Wisconsin Act 120, is amended to read:

(1985 Wisconsin Act 29) Section 3023 (3) (g) 1. For community support programs for the chronically mentally ill and developmentally disabled, including programs associated with federal housing and urban development projects, the department of health and social services shall allocate not more than \$1,430,800 for the last 6 months of 1985, not more than \$2,947,400 for 1986 and not more than \$1,473,700 for the first 6 months of 1987. The department may transfer funds allocated under this subdivision to paragraph (a), subject to section ~~51.42 (8) (ba)~~ 51.423 (3) of the statutes.

SECTION 612. 1985 Wisconsin Act 29, section 3023 (3) (p) and (qr) 3 are amended to read:

(1985 Wisconsin Act 29) Section 3023 (3) (p) *Unanticipated federal funds*. Notwithstanding paragraphs (a) to (o), if unanticipated federal funds for community social, mental health, mental retardation, alcohol and other drug abuse and developmental disabilities services are accepted by the governor under section 16.54 of the statutes, the department of health and social services may, with the approval of the joint committee on finance, allocate those funds to county departments ~~of public welfare or social services and to boards established~~ under sections 46.215, 46.22, 46.23, 51.42 and 51.437 of the statutes.

(qr) 3. One-third of the total amount allocated to each county for 1986 or for the first 6 months of 1987 shall be based on the ratio that the excess of expenditures, if any, in that county has to the total required of the county under sections 49.52 (1) (d) and ~~51.42 (8) (b)~~ 51.423 (2) of the statutes.

SECTION 613. 1985 Wisconsin Act 29, section 3023 (10) (b) 2, as affected by 1985 Wisconsin Act 120, is amended to read:

(1985 Wisconsin Act 29) Section 3023 (10) (b) 2. To county departments under ~~section~~ sections 46.215, 46.22, and 46.23 and 49.51 of the statutes, for the provision or purchase of child welfare projects and services in accordance with plans submitted to the department of health and social services, subject only to local, state and federal requirements specific to the types of projects or services, at least \$1,820,500 in federal fiscal year 1986 and at least \$1,858,000 in federal fiscal year 1987.

SECTION 614. 1985 Wisconsin Act 120, section 3023 (3) is amended to read:

(1985 Wisconsin Act 120) Section 3023 (3) COMMUNITY AIDS CARRY-FORWARD. Notwithstanding the provision in section 20.435 (4) (b) of the statutes that, with certain exceptions, funds allocated under sections 49.52 (1) (d) and ~~51.42 (8) (b)~~ 51.423 (2) of the statutes and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance, a county may carry forward from 1986 for use in 1987 funds allocated for 1986 under 1985 Wisconsin Act 29, section 3023 (3) and not spent or encumbered by December 31, 1986, which are not transferred by the department of health and social services under the department's authority under section 20.435 (4) (b) of the statutes to transfer up to \$500,000 for the purpose of paying counties funds owed due to prior year audit adjustments. However, the amount that a county may carry forward may not exceed 3% of the amount allocated to the county for 1986 under 1985 Wisconsin Act 29, section 3023 (3). The amounts that may be carried forward under this subsection are in addition to the amounts that may be retained under section 49.45 (2) (a) 19 and (6) (b) of the statutes.

SECTION 615. Terminology changes. Wherever the term "community board" or "community boards" appears in the following section of the statutes, the term "county department" or "county departments", respectively, is substituted: 51.45 (4) (c) and (f), (8) (a), (10) (c), (d) and (e), (11) (c) and (e), (12) (a), (c) 1 and 3 and (d) and (13) (a) (intro.), (b) 1 and 3, (c), (d), (f) to (h), (k), (L) and (p).

SECTION 616. Effective dates. (1) Except as provided in subsection (2), this act takes effect on the day after publication.

(2) The treatment of sections 46.22 (4) (p) and (q), 49.01 (5r) and 767.29 (2) (by SECTION 602) of the statutes takes effect on January 1, 1987.
