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1 ***b1104/3.2*** “SECTION 896m. 38.04 (27) of the statutes is created to read:

2 38.04 (27) SCHOOL SAFETY. The board shall work with schools of education and
3 other departments of the University of Wisconsin System under s. 36.11 (36m),
4 school districts, private schools and the department of public instruction to present
5 to school districts and private schools the results of research on models for and
6 approaches to improving school safety and reducing discipline problems in schools
7 and at school activities.”.

8 ***b1169/1.19* 403.** Page 509, line 7: delete “(3)” and substitute “(4)”.

9 ***b1169/1.20* 404.** Page 509, line 9: delete “(3)” and substitute “(4)”.

10 ***b1169/1.21* 405.** Page 509, line 23: after that line insert:

11 “(d) “Friends group” has the meaning given in s. 39.81 (5).”.

12 ***b1169/1.22* 406.** Page 510, line 1: delete the material beginning with that
13 line and ending with page 511, line 6, and substitute:

14 “38.125 (2) (a) The district board shall enter into an agreement with the
15 broadcasting corporation that requires the district board to do each of the following:

16 1. Allow the broadcasting corporation to operate each broadcasting station.
17 2. Grant the broadcasting corporation operational control over any facility or
18 asset of the district board that is necessary for the operation of each broadcasting
19 station.

20 3. Maintain the facilities and assets that are necessary for the operation of each
21 broadcasting station.

22 4. Retain the license for each broadcasting station.

1 5. Provide assistance to the broadcasting corporation in developing and
2 delivering elementary and secondary school educational programming at no cost to
3 the broadcasting corporation.

4 (b) An agreement under par. (a) shall satisfy each of the following:

5 1. The agreement shall remain in effect until the maturity date of any public
6 debt issued under s. 13.48 (31) (d).

7 2. The agreement shall ensure that the district board has access to
8 broadcasting facilities and air time that is equal to or greater than the access of the
9 district board prior to the effective date of this subdivision [revisor inserts date].

10 3. The agreement shall provide for transferring to the broadcasting corporation
11 any funds raised by each friends group that is organized to raise funds for a
12 broadcasting station for which the district board holds a license.

13 (d) An agreement under par. (a) may not take effect without the approval of the
14 secretary of administration.

15 (e) This subsection does not apply unless the secretary of administration
16 determines under s. 39.88 (1) that the federal communications commission has
17 approved the transfer of all broadcasting licenses held by the educational
18 communications board to the broadcasting corporation.”.

19 ***b1169/1.23* 407.** Page 511, line 6: after that line insert:

20 ***b1169/1.23* “SECTION 897dm.** 38.125 (3) of the statutes is created to read:

21 38.125 (3) At the request of the transitional board and at no charge to the
22 transitional board, the district board shall direct Milwaukee Public Television to
23 provide staff and legal, administrative and technical assistance for the transitional
24 board to carry out the duties under s. 39.82.”.

1 ***b0892/4.10* 408.** Page 518, line 12: after that line insert:

2 ***b0892/4.10*** “SECTION 912h. 39.41 (1) (bm) of the statutes is amended to read:

3 39.41 (1) (bm) “Senior” means a pupil enrolled in the 12th grade in a public or
4 private high school, the Wisconsin ~~school~~ School for the deaf and Deaf or the
5 Wisconsin school for the visually handicapped school operated by the Wisconsin
6 Center for the Blind and Visually Impaired.

7 ***b0892/4.10*** SECTION 912g. 39.41 (1m) (c) 1. of the statutes is amended to
8 read:

9 39.41 (1m) (c) 1. For the ~~Wisconsin school for the visually handicapped school~~
10 operated by the Wisconsin Center for the Blind and Visually Impaired, designate the
11 senior with the highest grade point average in all subjects as a scholar.”.

12 ***b0892/4.11* 409.** Page 520, line 9: after that line insert:

13 ***b0892/4.11*** “SECTION 913mv. 39.41 (1m) (f) of the statutes is amended to
14 read:

15 39.41 (1m) (f) If 2 or more seniors from the ~~Wisconsin school for the visually~~
16 handicapped school operated by the Wisconsin Center for the Blind and Visually
17 Impaired have the same grade point average and, except for the limitation of one
18 designated senior, are otherwise eligible for designation under par. (c) 1., the
19 executive secretary shall make the designation under par. (c) 1. of the senior who may
20 be eligible for a higher education scholarship as a scholar and, if that senior does not
21 qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate
22 one or more of the remaining seniors with the same grade point average as eligible
23 for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the
24 scholarship may be awarded by the board.”.

1 ***b0976/5.6* 410.** Page 521, line 7: after that line insert:

2 ***b0976/5.6*** “SECTION 918m. 39.435 (7) of the statutes is created to read:

3 39.435 (7) (a) By February 1, 2000, and annually thereafter, the board shall
4 determine all of the following:

5 1. The percentage by which the undergraduate academic fees charged for the
6 current academic year at each institution within the University of Wisconsin System
7 has increased or decreased from the undergraduate academic fees charged for the
8 previous academic year.

9 2. The highest percentage increase determined under subd. 1., except that if
10 the undergraduate academic fees for the current academic year decreased or did not
11 change from the undergraduate academic fees charged for the previous academic
12 year at each institution specified in subd. 1., the highest percentage increase under
13 this subdivision is zero.

14 3. The product of multiplying the sum of 1.0 and the percentage increase under
15 subd. 2., expressed as a decimal, by the sum of the amounts appropriated in the
16 current fiscal year under s. 20.235 (1) (fe) and (ks).

17 (b) On October 1, 2000, and annually thereafter, there is transferred from the
18 appropriation account under s. 20.285 (1) (im) to the appropriation account under s.
19 20.235 (1) (ks) a sum, rounded to the nearest 100 dollars, that is equal to the product
20 determined under par. (a) 3. less the amount appropriated in the current fiscal year
21 under s. 20.234 (1) (fe).”.

22 ***b1169/1.24* 411.** Page 523, line 6: delete the material beginning with that
23 line and ending with page 532, line 2, and substitute:

24 **“39.81 Definitions.** In this subchapter:

1 (1) “Association” means the Wisconsin Public Radio Association.

2 (2) “Broadcasting corporation” means the corporation specified in s. 39.82 (1).

3 (3) “Corporate board” means the board of directors of the broadcasting
4 corporation.

5 (4) “Foundation” means the Wisconsin Public Broadcasting Foundation.

6 (5) “Friends group” means a nonstock, nonprofit corporation described under
7 section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation
8 under section 501 (a) of the Internal Revenue Code that is organized to raise funds
9 for a public broadcasting television or radio station in this state. “Friends group”
10 includes the association.

11 (7) “Transitional board” means the public broadcasting transitional board.

12 **39.82 Transitional board duties.** The transitional board shall do each of the
13 following:

14 (1) Draft and file articles of incorporation for a nonstock corporation under ch.
15 181, including a provision that the corporation will not have members, and take all
16 actions necessary to exempt the corporation from federal taxation under section 501
17 (c) (3) of the Internal Revenue Code.

18 (2) Draft bylaws for adoption by the corporate board under s. 181.0206 (2). The
19 bylaws shall specify each of the following:

20 (a) That the members of the transitional board shall serve as the directors of
21 the corporate board.

22 (b) That directors specified in s. 15.98 (2) (i), (j) or (k) shall serve staggered
23 3-year terms and that, upon expiration of the term or occurrence of a vacancy in the
24 office of director, the remaining directors of the corporate board shall elect a
25 successor who is a member of the same friends group.

1 (c) That a director specified in s. 15.98 (2) (L) shall serve a 3–year term and that,
2 upon expiration of the term or occurrence of a vacancy in the office of director, the
3 remaining directors of the corporate board shall elect a successor who is a
4 representative of public elementary and secondary schools.

5 (d) That a director specified in s. 15.98 (2) (a), (b), (c), (e) or (f) shall vacate the
6 office of director if he or she ceases to hold the office specified in s. 15.98 (2) (a), (b),
7 (c), (e) or (f) and that the remaining directors of the corporate board shall appoint as
8 a successor the individual who is the successor to the office.

9 (e) That the term of a director specified in s. 15.98 (2) (g) or (h) shall expire on
10 the date specified in s. 13.02 (1) and that the remaining directors of the corporate
11 board shall appoint a successor who is an individual appointed as is a member of a
12 standing committee.

13 (f) That a director specified in s. 15.98 (2) (i), (j) or (k) shall vacate the office of
14 director if he or she ceases to be a member of the friends group specified in s. 15.98
15 (2) (i), (j) or (k) and that the remaining directors of the corporate board shall elect as
16 a successor an individual who is a member of the same friends group.

17 **(2m)** No later than March 15, 2000, the transitional board shall submit a report
18 to the governor and to the chief clerk of each house of the legislature for distribution
19 to the legislature under s. 13.172 (2) that includes and describes the bylaws drafted
20 under sub. (2).

21 **(3)** Prepare an application for submission by the corporate board to the federal
22 communications commission to transfer all broadcasting licenses held by the
23 educational communications board to the broadcasting corporation.

24 **39.83 Transitional plan.** (1) The corporate board shall prepare a plan for
25 submission to the secretary of administration that specifies each of the following:

1 (a) The transfer of the unencumbered balances of the appropriations to the
2 educational communications board to the broadcasting corporation.

3 (b) The transfer of positions and related funding from the educational
4 communications board to the University of Wisconsin System.

5 (c) The transfer of assets under s. 39.87 (2) to the broadcasting corporation.

6 (2) If the secretary of administration does not notify the corporate board within
7 14 working days after the date of submittal of the plan under sub. (1) that the
8 secretary intends to modify the plan, the plan may be implemented as proposed. If,
9 within 14 working days after the date of submittal of the plan under sub. (1), the
10 secretary of administration notifies the corporate board that the secretary intends
11 to modify the proposed plan, the plan may be implemented only upon approval of the
12 secretary.

13 (3) If the secretary of administration approves a transfer of unencumbered
14 balances specified in sub. (1) (a) and (b), the unencumbered balances shall be
15 transferred to the appropriation accounts under ss. 20.218 (1) (a), 20.285 (1) (cc) and
16 20.505 (1) (kv).

17 **39.84 Duties of broadcasting corporation.** The broadcasting corporation
18 shall do each of the following as a condition for receiving state aid under s. 20.218
19 (1) (a):

20 (1) Commit to provide editorial integrity in all aspects of public broadcasting
21 that is free from the influence of politics or special interest groups.

22 (2) Provide educational broadcasting that enriches the cultural, civic and
23 educational well-being of the people of this state.

24 (3) Provide access to public broadcasting to all populations and geographic
25 areas of this state.

1 (4) Maintain a state system of radio broadcasting for the presentation of
2 educational, informational and public service programs.

3 (5) Maintain educational television channels reserved for this state and take
4 such action as is necessary to preserve such channels in this state for educational
5 use.

6 (6) Furnish leadership in securing adequate funding for a statewide system of
7 public broadcasting.

8 (7) Lease, purchase or construct radio and television facilities for joint use with
9 state and local agencies.

10 (8) Maintain radio and television transmission equipment in order to provide
11 broadcast service to all areas of this state.

12 (9) Establish and maintain a continuing evaluation of the effectiveness of
13 public broadcasting in this state.

14 (10) Act as a central clearinghouse and source of information concerning
15 educational radio and television activities in this state, including the furnishing of
16 such information to legislators, offices of government, educational institutions and
17 the general public.

18 (11) Provide educational programming for elementary and secondary schools
19 in this state and transmit public radio and television to remote and underserved
20 areas of the state.

21 (12) Hire an executive director in charge of the daily operations of the
22 broadcasting corporation.

23 (13) Enter into the agreements specified in ss. 36.25 (5) (c) 2. and 38.125 (2) (a).

24 **39.85 State aid.** (1) The broadcasting corporation may receive state aid under
25 s. 20.218 (1) (a) if each of the following is satisfied:

1 (a) The articles of incorporation state that the purpose of the broadcasting
2 corporation is to provide public broadcasting to this state and that, if the
3 broadcasting corporation dissolves or discontinues public broadcasting in this state,
4 the broadcasting corporation shall in good faith take all reasonable measures to
5 transfer or assign the broadcasting corporation's assets, licenses and rights to an
6 entity whose purpose is to advance public broadcasting in this state.

7 (b) The broadcasting corporation initially adopts the bylaws drafted by the
8 transitional board under s. 39.82 (2) and does not amend the bylaws regarding
9 election, appointment and terms of the members of the corporate board.

10 (c) The broadcasting corporation permits public inspection and copying of any
11 record of the corporation, as defined in s. 19.32 (1), to the same extent as required
12 of, and subject to the same terms and enforcement provisions that apply to, an
13 authority under subch. II of ch. 19.

14 (d) The broadcasting corporation provides public access to its meetings to the
15 same extent as is required of, and subject to the same terms and enforcement
16 provisions that apply to, a governmental body under subch. V of ch. 19.

17 (e) The broadcasting corporation provides the secretary of administration or
18 his or her designee and the employes of the legislative audit bureau and the
19 legislative fiscal bureau with access to all of the broadcasting corporation's records,
20 as defined in s. 19.32 (2), except records identifying the names of private donors.

21 (f) The broadcasting corporation carries out any obligation of the educational
22 communications board under any contract entered into by the educational
23 communications board that relates to the provision of public broadcasting in this
24 state until the contract is modified or rescinded by the broadcasting corporation to
25 the extent allowed under the contract.

1 (g) The broadcasting corporation maintains public television, public radio and
2 distance education as separate operating divisions within the broadcasting
3 corporation.

4 (2) The secretary of administration shall pay aid under s. 20.218 (1) (a) to the
5 broadcasting corporation in instalments, as determined by the secretary.

6 **39.86 Broadcasting corporation reports.** (1) No later than September 15
7 of each even-numbered year, in the form and content prescribed by the department
8 of administration, the broadcasting corporation shall, as a condition of receiving
9 state aid under s. 20.218 (1) (a), prepare and forward to the department of
10 administration and to the legislative fiscal bureau all of the following information
11 regarding each program administered by the broadcasting corporation for which the
12 broadcasting corporation is requesting state aid:

13 (a) A clear statement of the purpose or goal for each program.

14 (b) Clear statements of specific objectives to be accomplished and, as
15 appropriate, the performance measures used by the broadcasting corporation to
16 assess progress toward achievement of these objectives.

17 (c) Proposed plans to implement the objectives specified in par. (a) and the
18 estimated resources needed to carry out the proposed plans.

19 (d) A statement of legislation required to implement proposed programmatic
20 and financial plans.

21 (e) Any other fiscal or other information that the secretary of administration
22 or the governor requires on forms prescribed by the secretary of administration.

23 (2) No later than December 1 of each year, the broadcasting corporation shall,
24 as a condition of receiving state aid under s. 20.218 (1) (a), submit a report to the

1 governor and to the chief clerk of each house of the legislature for distribution to the
2 legislature under s. 13.172 (2) that describes each of the following:

3 (a) Any use of state aid received by the broadcasting corporation for serving
4 educational communities, diverse populations and rural and remote areas of the
5 state, including a detailed itemization of the use of state aid.

6 (b) Any progress in advancing the transition to digital television and radio,
7 distance education and other technological innovations.

8 (c) The status of federal funding, private donations, other private fund raising
9 and any financially beneficial partnerships.

10 (d) The status of the broadcasting corporation's efforts to satisfy the duties
11 specified in this subchapter.

12 (3) This section does not apply unless the secretary of administration
13 determines that the federal communications commission has approved the transfer
14 of all broadcasting licenses held by the educational communications board to the
15 broadcasting corporation.

16 **39.87 Transfer provisions. (1) DEFINITION.** In this section, "state office
17 building" means the state office building located at 3319 West Beltline Highway in
18 Dane County.

19 (2) ASSETS. (a) If the secretary of administration determines that the federal
20 communications commission has approved the transfer of all broadcasting licenses
21 held by the educational communications board to the broadcasting corporation, each
22 of the following applies:

23 1. Any asset of the state, other than the state office building and the assets
24 specified in subd. 3., that is used by the educational communications board and that,
25 as determined by the secretary of administration, is not a shared asset, as defined

1 in s. 16.26 (1) (b), is transferred, subject to the approval of the secretary of
2 administration under s. 39.83 (2), to the broadcasting corporation. A transfer under
3 this subdivision shall take effect on on the effective date of the last license
4 transferred as determined by the secretary of administration under s. 39.88 (2).

5 2. Subject to the approval of the secretary of administration under s. 39.83 (2),
6 the secretary of administration shall transfer title to the state office building from
7 the state to the broadcasting corporation if the broadcasting corporation pays
8 \$476,228 to the foundation or the foundation waives such payment.

9 3. The assets of the state that, as determined by the secretary of
10 administration, are used by educational communications board for the operation of
11 an emergency weather warning system are transferred to the department of
12 administration.

13 (b) Any asset transferred under par. (a) 1. or 2. shall revert to the state if the
14 asset is not used for the purpose of providing public broadcasting.

15 (3) EDUCATIONAL COMMUNICATIONS BOARD FUNDS. Subject to the approval of the
16 secretary of administration under s. 39.83, if the secretary of administration
17 determines that the federal communications commission has approved the transfer
18 of all broadcasting licenses held by the educational communications board to the
19 broadcasting corporation, each of the following applies on the effective date of the
20 last license transferred as determined by the secretary of administration under s.
21 39.88 (2):

22 (a) To the appropriation account under s. 20.218 (1) (a), there is transferred the
23 unencumbered balance of the appropriation accounts under s. 20.225 (1) (a), (b), (d),
24 (eg), (er) and (f), except for the unencumbered balance of the appropriation accounts
25 that are otherwise transferred under sub. (4).

1 (b) To the appropriation account under s. 20.505 (5) (i), there is transferred the
2 unencumbered balance of the appropriation account under s. 20.225 (1) (kb) and the
3 amounts in the schedule for the appropriation account under s. 20.505 (5) (i) are
4 increased by the amount transferred from the appropriation account under s. 20.225
5 (1) (kb).

6 (c) To the appropriation account under s. 20.505 (1) (kv), there is transferred
7 the unencumbered balance of the appropriation accounts under s. 20.225 (1) (g), (h),
8 (k), (ka) and (m), and, to the extent allowed under federal law, the secretary of
9 administration shall pay the broadcasting corporation a grant equal to the amount
10 of the unencumbered balance of the appropriation account under s. 20.505 (1) (kv).

11 (4) POSITIONS. If the secretary of administration determines that the federal
12 communications commission has approved the transfer of all broadcasting licenses
13 held by the educational communications board to the broadcasting corporation, all
14 positions authorized for the educational communications board and the incumbent
15 employes holding the positions are transferred to the University of Wisconsin
16 System. Employes transferred under this subsection have all rights and the same
17 status under subchapter V of chapter 111 and chapter 230 of the statutes that they
18 enjoyed in the educational communications board. Notwithstanding s. 230.28 (4), no
19 employe so transferred who has attained permanent status in class may be required
20 to serve a probationary period.

21 (5) DUTIES OF FORMER EDUCATIONAL COMMUNICATIONS BOARD EMPLOYES. All
22 employes transferred to the University of Wisconsin System under sub. (4) shall
23 provide broadcasting services to the broadcasting corporation under a contract
24 between the University of Wisconsin System and the broadcasting corporation for

1 such services. The contract shall provide that the services are to be provided to the
2 broadcasting corporation at no charge to the broadcasting corporation.

3 **39.88 Determinations by secretary of administration.** The secretary of
4 administration shall determine each of the following:

5 (1) Whether the federal communications commission has approved the
6 transfer of all broadcasting licenses held by the educational communications board
7 to the broadcasting corporation.

8 (2) If the secretary of administration determines that the federal
9 communications commission has approved the transfer of all the broadcasting
10 licences specified in sub. (1), the effective date of the transfer of the last license
11 transferred to the broadcasting corporation.

12 (3) Determine the date on which the articles of incorporation of the
13 broadcasting corporation become effective under s. 180.0123.”.

14 *b0723/3.6* **412.** Page 532, line 11: after that line insert:

15 *b0723/3.6* **SECTION 930wb.** 40.02 (26) (intro.) of the statutes is amended to
16 read:

17 40.02 (26) (intro.) “Employe” means any person who receives earnings as
18 payment for personal services rendered for the benefit of any employer including
19 officers of the employer, except as provided in subch. X. An employe is deemed to
20 have separated from the service of an employer at the end of the day on which the
21 employe last performed services for the employer, or, if later, the day on which the
22 employe–employer relationship is terminated because of the expiration or
23 termination of leave without pay, sick leave, vacation or other leave of absence. A
24 person shall not be considered an employe if a person:

1 ***b0723/3.6* SECTION 930wm.** 40.02 (26) (intro.) of the statutes, as affected by
2 1999 Wisconsin Act (this act), section 930wb, is amended to read:

3 40.02 (26) (intro.) “Employe” means any person who receives earnings as
4 payment for personal services rendered for the benefit of any employer including
5 officers of the employer, ~~except as provided in subch. X.~~ An employe is deemed to
6 have separated from the service of an employer at the end of the day on which the
7 employe last performed services for the employer, or, if later, the day on which the
8 employe–employer relationship is terminated because of the expiration or
9 termination of leave without pay, sick leave, vacation or other leave of absence. A
10 person shall not be considered an employe if a person.”.

11 ***b0779/1.1* 413.** Page 532, line 11: after that line insert:

12 ***b0779/1.1* “SECTION 930x.** 40.02 (17) (n) of the statutes is created to read:
13 40.02 (17) (n) Notwithstanding par. (d), each participant who is a sex offender
14 registration specialist on or after the effective date of this paragraph [revisor
15 inserts date], shall be granted creditable service as a protective occupation
16 participant for all covered service as a sex offender registration specialist that was
17 earned on or after the effective date of this paragraph [revisor inserts date], but
18 may not be granted creditable service as a protective occupation participant for any
19 covered service as a sex offender registration specialist that was earned before the
20 effective date of this paragraph [revisor inserts date], unless that service was
21 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
22 a protective occupation participant.”.

23 ***b0725/1.1* 414.** Page 532, line 12: before that line insert:

24 ***b0725/1.1* “SECTION 930y.** 40.02 (20) of the statutes is amended to read:

1 40.02 (20) “Dependent” means the spouse, minor child, including stepchildren
2 of the current marriage dependent on the employe for support and maintenance, or
3 child of any age, including stepchildren of the current marriage, if handicapped to
4 an extent requiring continued dependence. For group insurance purposes only, the
5 department may promulgate rules with a different definition of “dependent” than the
6 one otherwise provided in this subsection for each group insurance plan, except that
7 the department may not promulgate a rule that includes within the definition of
8 “dependent” any adult who resides with an employe and who is not related to the
9 employe or the employe’s spouse by blood, marriage or adoption.”.

10 ***b0723/3.7* 415.** Page 532, line 12: delete lines 12 to 20 and substitute:

11 ***b0723/3.7* SECTION 931b.** 40.02 (28) of the statutes is amended to read:

12 40.02 (28) “Employer” means the state, including each state agency, any
13 county, city, village, town, school district, other governmental unit or
14 instrumentality of 2 or more units of government now existing or hereafter created
15 within the state and any federated public library system established under s. 43.19
16 whose territory lies within a single county with a population of 500,000 or more, a
17 local exposition district created under subch. II of ch. 229 and a family care district
18 created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3), or a
19 local exposition district created under subch. II of ch. 229 and subch. X. Each
20 employer shall be a separate legal jurisdiction for OASDHI purposes.

21 ***b0723/3.7* SECTION 931c.** 40.02 (28) of the statutes, as affected by 1999
22 Wisconsin Act (this act), section 931b, is amended to read:

23 40.02 (28) “Employer” means the state, including each state agency, any
24 county, city, village, town, school district, other governmental unit or

1 instrumentality of 2 or more units of government now existing or hereafter created
2 within the state and any federated public library system established under s. 43.19
3 whose territory lies within a single county with a population of 500,000 or more, a
4 local exposition district created under subch. II of ch. 229 and a family care district
5 created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3) ~~and~~
6 ~~subch. X~~. Each employer shall be a separate legal jurisdiction for OASDHI
7 purposes.”.

8 *b0779/1.2* **416.** Page 533, line 16: delete “or person” and substitute “~~or~~
9 person”.

10 *b0779/1.3* **417.** Page 533, line 17: after “(1)” insert “or sex offender
11 registration specialist”.

12 *b0779/1.4* **418.** Page 533, line 23: after that line insert:

13 *b0779/1.4* **SECTION 936c.** 40.02 (48) (c) of the statutes is amended to read:
14 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a
15 participating employe who is a police officer, fire fighter, an individual determined
16 by a participating employer under par. (a) or (bm) to be a protective occupation
17 participant, county undersheriff, deputy sheriff, state probation and parole officer,
18 county traffic police officer, conservation warden, state forest ranger, field
19 conservation employe of the department of natural resources who is subject to call
20 for forest fire control or warden duty, member of the state traffic patrol, state motor
21 vehicle inspector, university of Wisconsin system full-time police officer, guard or
22 any other employe whose principal duties are supervision and discipline of inmates
23 at a state penal institution, excise tax investigator employed by the department of

1 revenue, person employed under s. 61.66 (1), ~~or~~ special criminal investigation agent
2 employed by the department of justice or sex offender registration specialist.

3 ***b0779/1.4* SECTION 936r.** 40.02 (53m) of the statutes is created to read:

4 40.02 (53m) “Sex offender registration specialist” means an employe of the
5 department of corrections whose primary duties require direct and ongoing contact
6 with persons registered under s. 301.45 and with the public under s. 301.46.”

7 ***b1184/1.5* 419.** Page 533, line 23: after that line insert:

8 ***b1184/1.5* “SECTION 936s.** 40.02 (54) (a) of the statutes is repealed.”

9 ***b0726/1.1* 420.** Page 533, line 24: delete the material beginning with that
10 line and ending with page 534, line 25.

11 ***b0726/1.2* 421.** Page 535, line 7: delete the material beginning with that
12 line and ending with page 536, line 3.

13 ***b1184/1.6* 422.** Page 535, line 6: after that line insert:

14 ***b1184/1.6* “SECTION 941m.** 40.22 (2) (c) of the statutes is amended to read:
15 40.22 (2) (c) The employe is excluded from participation by s. ~~40.02 (54) (a) or~~
16 40.21 (3) or (4).”

17 ***b1203/1.1* 423.** Page 535, line 6: after that line insert:

18 ***b1203/1.1* “SECTION 941d.** 40.51 (8) of the statutes is amended to read:
19 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
20 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10),
21 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.872, 632.895 (5m)
22 and (8) to (13) and 632.896.

23 ***b1203/1.1* SECTION 941g.** 40.51 (8m) of the statutes is amended to read:

1 40.51 (8m) Every health care coverage plan offered by the group insurance
2 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747,
3 632.748, 632.85, 632.853, 632.855, 632.872 and 632.895 (11) to (13).”.

4 ***b0783/2.1* 424.** Page 535, line 20: after that line insert:

5 ***b0783/2.1* SECTION 939tc.** 40.41 (6) (b) of the statutes is amended to read:

6 40.41 (6) (b) Services performed by ~~a student or~~ a member of a board or
7 commission, except members of governing bodies, in a position or office which does
8 not normally require actual performance of duty for at least 600 hours in each
9 calendar year. For purposes of this paragraph, a “board” or “commission” is a body
10 referred to in the statutes as a board or commission.

11 ***b0783/2.1* SECTION 939tr.** 40.41 (6) (c) of the statutes is created to read:

12 40.41 (6) (c) Service performed in the employ of a school, college or university,
13 if the service is performed by a student who is enrolled and regularly attending
14 classes at the school, college or university.”.

15 ***b0725/1.2* 425.** Page 536, line 3: after that line insert:

16 ***b0725/1.2* SECTION 944j.** 40.56 of the statutes is created to read:

17 **40.56 Prohibited insurance coverage.** The state may not provide any
18 insurance coverage under this subchapter to an adult who resides with an employe
19 and who is not related to the employe or the employe’s spouse by blood, marriage or
20 adoption.”.

21 ***b0779/1.5* 426.** Page 536, line 12: after that line insert:

22 ***b0779/1.5* SECTION 944r.** 40.65 (4w) of the statutes is created to read:

23 40.65 (4w) A sex offender registration specialist who becomes a protective
24 occupation participant on or after the effective date of this subsection [revisor

1 inserts date], is not entitled to a duty disability benefit under this section for an
2 injury or disease occurring before the effective date of this subsection [revisor
3 inserts date].”.

4 *b0723/3.8* **427.** Page 536, line 13: before that line insert:

5 *b0723/3.8* **SECTION 944ym.** Subchapter X of chapter 40 [precedes 40.98] of
6 the statutes is created to read:

7 **CHAPTER 40**

8 **SUBCHAPTER X**

9 **PRIVATE EMPLOYER HEALTH**

10 **CARE COVERAGE**

11 **40.98 Health care coverage. (1)** In this subchapter:

12 (ag) “Abortion” means the use of an instrument, medicine, drug or other
13 substance or device with intent to terminate the pregnancy of a woman known to be
14 pregnant or for whom there is reason to believe that she may be pregnant and with
15 intent other than to increase the probability of a live birth, to preserve the life or
16 health of the infant after live birth or to remove a dead fetus.

17 (ar) “Board” means the private employer health care coverage board.

18 (b) “Dependent” means a spouse, an unmarried child under the age of 19 years,
19 an unmarried child who is a full-time student under the age of 21 years and who is
20 financially dependent upon the parent, or an unmarried child of any age who is
21 medically certified as disabled and who is dependent upon the parent.

22 (c) “Employee” means any person who receives earnings as payment for personal
23 services rendered for the benefit of any employer including officers of the employer.
24 An employe is considered to have separated from the service of an employer at the

1 end of the day on which the employe last performed services for the employer, or, if
2 later, the day on which the employe–employer relationship is terminated because of
3 the expiration or termination of leave without pay, sick leave, vacation or other leave
4 of absence. A person shall not be considered an employe if any of the following
5 applies:

6 1. The person is employed under a contract involving the furnishing of more
7 than personal services.

8 2. The person is customarily engaged in an independently established trade,
9 business or profession providing the same type of services to more than one employer
10 and the person’s services to an employer are not compensated for on a payroll of that
11 employer.

12 3. The person is a patient or inmate of a hospital, home or institution and
13 performs services in the hospital, home or institution.

14 (d) “Employer” means any person doing business or operating an organization
15 in this state and employing at least 2 employes. “Employer” does not include an
16 employer as defined in s. 40.02 (28).

17 (e) “Health care coverage program” means the health care coverage program
18 established under sub. (2) (a).

19 (f) “Insurer” has the meaning given in s. 600.03 (27).

20 (g) “Nontherapeutic abortion” means an abortion that is not directly and
21 medically necessary to prevent the death of the woman.

22 (2) (a) 1. The department shall design an actuarially sound health care
23 coverage program for employers that includes more than one group health care
24 coverage plan and that provides coverage beginning not later than June 30, 2002.
25 The health care coverage program shall be known as the “Private Employer Health

1 Care Purchasing Alliance”. In designing the health care coverage program, the
2 department shall consult with the office of the commissioner of insurance. The
3 health care coverage program may not be implemented until it is approved by the
4 board.

5 2. The department shall solicit and accept bids and make every reasonable
6 effort to enter into a contract for the administration of the health care coverage plans
7 under the program, based on criteria established by the board. If the department has
8 not entered into a contract for the administration of the health care coverage plans
9 under the program for coverage to begin before June 30, 2002, the department shall
10 submit a report to the cochairpersons of the joint committee on finance specifying the
11 department’s reasons for not entering into a contract. After submitting the report
12 to the cochairpersons of the joint committee on finance and after receiving the
13 approval of the board, the department shall provide all administrative services
14 necessary for the provision of the health care coverage plans under the program.
15 During the period that the department is providing the administrative services, the
16 department shall continue to make every reasonable effort to contract for the
17 administration of the health care coverage plans under the program.

18 3. The administrator selected under subd. 2., or the department if no
19 administrator has been selected under subd. 2., shall enter into contracts with
20 insurers who are to provide health care coverage under the health care coverage
21 program.

22 4. The department shall solicit and accept bids and shall enter into a contract
23 for marketing the health care coverage program.

24 5. The department shall maintain a toll-free telephone number to provide
25 information on the health care coverage program.

1 (b) 1. Except as provided in subd. 2., every health care coverage plan under the
2 health care coverage program is subject to the provisions of chs. 600 to 646 that apply
3 to group health benefit plans, as defined in s. 632.745 (9), to the same extent as any
4 other group health benefit plan, as defined in s. 632.745 (9).

5 2. Notwithstanding ss. 632.85, 632.87 (2), (3), (4) and (5), 632.89 and 632.895
6 (2), (3), (4), (5), (5m), (6), (7), (8), (9), (10), (11), (12) and (13), and subject to subd. 3.,
7 the department may include in the health care coverage program one or more health
8 care coverage plans that do not include one or more of the following coverages:

9 a. Coverage related to treatment of an emergency medical condition, as
10 required under s. 632.85.

11 b. Coverage of vision care provided by an optometrist, as required under s.
12 632.87 (2).

13 c. Coverage of chiropractic services, as required under s. 632.87 (3).

14 d. Coverage of the diagnosis and treatment of a condition by a dentist, as
15 required under s. 632.87 (4).

16 e. Coverage of Papanicolaou tests performed by a nurse practitioner, as
17 required under s. 632.87 (5).

18 f. Coverage of the treatment of alcoholism and nervous and mental disorders,
19 as required under s. 632.89.

20 g. Coverage of home care, as required under s. 632.895 (2).

21 h. Coverage of skilled nursing care, as required under s. 632.895 (3).

22 i. Coverage of kidney disease treatment, as required under s. 632.895 (4).

23 j. Coverage for a newly born child, as required under s. 632.895 (5).

24 k. Coverage for a child of a covered child, as required under s. 632.895 (5m).

25 L. Coverage of diabetes treatment, as required under s. 632.895 (6).

- 1 m. Maternity coverage, as required under s. 632.895 (7).
- 2 n. Coverage of mammograms, as required under s. 632.895 (8).
- 3 o. Coverage of prescription medication for the treatment of human
4 immunodeficiency virus infection, as required under s. 632.895 (9).
- 5 p. Coverage of blood lead tests for children, as required under s. 632.895 (10).
- 6 q. Coverage of treatment for the correction of temporomandibular disorders,
7 as required under s. 632.895 (11).
- 8 r. Coverage related to hospital or ambulatory surgery center charges and
9 anesthetics associated with dental care, as required under s. 632.895 (12).
- 10 s. Coverage of breast reconstruction incident to a mastectomy, as required
11 under s. 632.895 (13).
- 12 3. The department shall ensure that at least one health care coverage plan
13 includes all of the coverages specified in subd. 2.
- 14 (bm) No health care coverage plan under the health care coverage program may
15 provide coverage of a nontherapeutic abortion except by an optional rider or
16 supplemental coverage provision that is offered and provided on an individual basis
17 and for which an additional, separate premium or charge is paid by the individual
18 to be covered under the rider or supplemental coverage provision. Only funds
19 attributable to premiums or charges paid for coverage under the rider or
20 supplemental coverage provision may be used for the payment of any claim, and
21 related administrative expenses, that relates to a nontherapeutic abortion. Such
22 funds may not be used for the payment of any claim or administrative expenses that
23 relate to any other type of coverage provided by the insurer under the health care
24 coverage plan. Nothing in this paragraph requires an insurer or an employer to offer

1 or provide coverage of an abortion under a health care coverage plan under the health
2 care coverage program.

3 (c) The health care coverage program established under par. (a), or any health
4 care coverage plan included in the program, may not be combined with any health
5 care coverage plan under subch. IV.

6 (d) All insurance rates for health care coverage under the program shall be
7 published annually in a single publication that is made available to employers and
8 employes. The rates may be listed by county or by any other regional factor that the
9 board considers appropriate.

10 (e) All plans under the health care coverage program shall have an enrollment
11 period that is established by the board.

12 (f) 1. If the department has selected an administrator under par. (a) 2., the
13 administrator shall charge employers who participate in the health care coverage
14 program a fee to cover the cost of administrative services for the health care coverage
15 program. The administrator shall reimburse the department for the expenses
16 incurred by the department in designing, marketing and contracting for
17 administrative services for the program. All moneys received by the department
18 under this subdivision shall be credited to the appropriation account under s. 20.515
19 (2) (g).

20 2. If the department has not selected an administrator under par. (a) 2., the
21 department shall charge employers who participate in the health care coverage
22 program a fee to cover the costs incurred by the department in designing, marketing
23 and providing administrative services for the health care coverage program. All
24 moneys received by the department under this subdivision shall be credited to the
25 appropriation account under s. 20.515 (2) (g).

1 (g) The department may not sell any health care coverage under the health care
2 coverage program to an employer or enroll any employe in the health care coverage
3 program, but the department shall make information about the program available
4 to employers on a statewide basis.

5 **(3)** Any employer who participates in the health care coverage program shall
6 do all of the following:

7 (a) Offer health care coverage under one or more plans to all of its permanent
8 employes who have a normal work week of 30 or more hours and may offer health
9 care coverage under one or more plans to any of its other employes.

10 (b) Provide health care coverage under one or more plans to at least 50% of its
11 permanent employes who have a normal work week of 30 or more hours and who do
12 not otherwise receive health care coverage as a dependent under any other plan that
13 is not offered by the employer or a percentage of such employes specified by the board,
14 whichever percentage is greater.

15 (c) Pay for each employe at least 50% but not more than 100% of the lowest
16 premium rate that would be available to the employer for that employe's coverage
17 under the health care coverage program.

18 (d) Make premium payments for the health care coverage of its employes in the
19 manner specified by the board.

20 **(4)** Any employer that provides health care coverage for its employes under the
21 program and that voluntarily terminates coverage under the program is not eligible
22 to participate in the program for at least 3 years from the date that coverage is
23 terminated.

24 **(5)** Any insurer that offers a health care coverage plan under the health care
25 coverage program shall provide coverage under the plan to any employer that applies

1 for coverage, and to all of the employer's employees who elect coverage under the
2 health care coverage plan, without regard to the health condition or claims
3 experience of any individual who would be covered under the health care coverage
4 plan if all of the following apply:

5 (a) The employer agrees to pay the premium required for coverage under the
6 health care coverage plan.

7 (b) The employer agrees to comply with all provisions of the health care
8 coverage plan that apply generally to a policyholder or an insured without regard to
9 health condition or claims experience.

10 (6) (a) Health care coverage under the health care coverage program may only
11 be sold by insurance agents licensed under ch. 628.

12 (b) An insurance agent may not sell any health care coverage under the health
13 care coverage program on behalf of an insurer unless he or she is employed by the
14 insurer or has a contract with the insurer to sell the health care coverage on behalf
15 of the insurer.

16 (c) The board shall set, and may adjust as often as semiannually, the
17 commission rate for the sale of a policy under the health care coverage program. The
18 rate shall be based on the average commission rate that insurance agents are paid
19 in the state for the sale of comparable health insurance policies at the time that the
20 rate is set or adjusted.

21 (d) An insurer shall specify on the first page of any policy sold under the health
22 care coverage program the amount of the commission paid to the insurance agent.

23 (7) (a) Annually, on or before December 31, the board shall submit a report to
24 the appropriate standing committees under s. 13.172 (3) and to the governor on the
25 operation of the health care coverage program. The report shall specify the number

1 of employers and employes participating in the health care coverage program,
2 calculate the costs of the health care coverage program to employers and their
3 employes and include recommendations for improving the health care coverage
4 program.

5 (b) No later than January 1, 2008, the board shall submit a report to the
6 appropriate standing committees under s. 13.172 (3) and to the governor that offers
7 recommendations as to whether the department should continue to be involved in
8 the design, marketing and contracting for administrative services for the health care
9 coverage program. If the board recommends that the department not be involved in
10 the performance of these functions, the board shall submit proposed legislation
11 eliminating the department's involvement in the performance of these functions to
12 the appropriate standing committees under s. 13.172 (3) at the time that the board
13 submits its report.

14 *b0723/3.8* SECTION 944yr. Subchapter X of chapter 40 [precedes 40.98] of the
15 statutes, as created by 1999 Wisconsin Act ... (this act), section 944ym, is repealed.”.

16 *b0778/1.2* 428. Page 537, line 19: after that line insert:

17 *b0778/1.2* “SECTION 945dm. 42.035 of the statutes is created to read:

18 **42.035 Treatment of certain state fair park board employes.**
19 Notwithstanding s. 230.08 (2) (pm), those employes holding positions in the
20 classified service at the state fair park board on the effective date of this section ...
21 [revisor inserts date], who have achieved permanent status in class before that date,
22 shall retain, while serving in the unclassified service at the state fair park board,
23 those protections afforded employes in the classified service under ss. 230.34 (1) (a)
24 and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff or reduction in

1 base pay. Those employes of the state fair park board on the effective date of this
2 section [revisor inserts date], who have not achieved permanent status in class
3 in any position at the state fair park board on that date are eligible to receive the
4 protections, privileges and rights preserved under this section if they successfully
5 complete service equivalent to the probationary period required in the classified
6 service for the position that they hold on that date.”.

7 *b0890/1.2* **429.** Page 537, line 19: after that line insert:

8 *b0890/1.2* “**SECTION 945de.** 43.24 (1) (intro.) of the statutes is amended to
9 read:

10 43.24 (1) (intro.) Each public library system shall be paid state aid for the
11 operation and maintenance of the system. The Except as provided in pars. (b) and
12 (c), the amount paid to each system shall be determined as follows:

13 *b0890/1.2* **SECTION 945dh.** 43.24 (1) (a) of the statutes is repealed and
14 recreated to read:

15 43.24 (1) (a) 1. Determine the percentage change in the total amount
16 appropriated under s. 20.255 (3) (e) between the previous fiscal year and the current
17 fiscal year.

18 2. Multiply the amount of state aid received by the system in the previous fiscal
19 year by the sum of 1.0 and the result under subd. 1. expressed as a decimal.

20 *b0890/1.2* **SECTION 945dp.** 43.24 (1) (b) of the statutes is repealed and
21 recreated to read:

22 43.24 (1) (b) If the territory of a public library system is altered, the department
23 shall adjust the aid paid to that system under par. (a). The department shall

1 promulgate rules establishing the method the department will use to make the
2 adjustment.

3 ***b0890/1.2* SECTION 945dt.** 43.24 (1) (c) of the statutes is repealed and
4 recreated to read:

5 43.24 (1) (c) Beginning in the fiscal year in which the total amount of state aid
6 appropriated for public library systems under s. 20.255 (3) (e), as determined by the
7 department, equals at least 11.25% of the total operating expenditures for public
8 library services from local and county sources in the calendar year ending in that
9 fiscal year, the amount paid to each system shall be determined by adding the result
10 of each of the following calculations:

11 1. Multiply the system's percentage of the state's population by the product of
12 the amount appropriated under s. 20.255 (3) (e) and 0.85.

13 2. Multiply the system's percentage of the state's geographical area by the
14 product of the amount appropriated under s. 20.255 (3) (e) and 0.075.

15 3. Divide the sum of the payments to the municipalities and counties in the
16 system under subch. I of ch. 79 for the current fiscal year, as reflected in the
17 statement of estimated payments under s. 79.015, by the total of all payments under
18 subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated
19 payments under s. 79.015, and multiply the result by the product of the amount
20 appropriated under s. 20.255 (3) (e) and 0.075.”.

21 ***b0739/1.4* 430.** Page 541, line 4: after that line insert:

22 ***b0739/1.4* “SECTION 946p.** 44.51 (2) of the statutes is repealed.

23 ***b0739/1.4* SECTION 946r.** 44.51 (3) of the statutes is repealed.”.

24 ***b0740/2.5* 431.** Page 541, line 5: delete lines 5 to 8.

1 ***b0741/1.3* 432.** Page 541, line 9: delete lines 9 to 11.

2 ***b0740/2.6* 433.** Page 541, line 12: delete lines 12 to 15.

3 ***b0739/1.5* 434.** Page 541, line 15: after that line insert:

4 ***b0739/1.5*** “SECTION 948m. 44.57 of the statutes is repealed.”.

5 ***b0892/4.12* 435.** Page 541, line 19: delete “School for the Visually” and
6 substitute “Center for the Blind and Visually Impaired”.

7 ***b0892/4.13* 436.** Page 541, line 20: delete “Handicapped”.

8 ***b0753/2.5* 437.** Page 552, line 2: before “to” insert “including a
9 community-based residential facility”.

10 ***b0803/3.3* 438.** Page 555, line 10: after that line insert:

11 ***b0803/3.3*** “SECTION 999d. 46.036 (4) (a) of the statutes is amended to read:

12 46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double
13 entry accounting system and a management information system which are
14 compatible with cost accounting and control systems prescribed by the department.
15 The department shall establish a simplified double entry bookkeeping system for use
16 by family-operated group homes. Each purchaser shall determine whether a
17 family-operated group home from which it purchases services shall use the double
18 entry accounting system or the simplified system and shall include this
19 determination in the purchase of service contract. In this paragraph,
20 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for
21 which the licensee is one or more individuals who operate not more than one group
22 home.”.

23 ***b0892/4.14* 439.** Page 555, line 25: after that line insert:

1 ***b0892/4.14*** “**SECTION 999p.** 46.041 (1) (a) of the statutes is amended to read:
2 46.041 (1) (a) Provide for the temporary residence and evaluation of children
3 referred from courts assigned to exercise jurisdiction under chs. 48 and 938, the
4 institutions and services under the jurisdiction of the department, University of
5 Wisconsin Hospitals and Clinics Authority, county departments under s. 46.215,
6 46.22 or 46.23, private child welfare agencies, ~~schools~~ the Wisconsin School for the
7 ~~deaf and visually handicapped,~~ Deaf, the Wisconsin Center for the Blind and
8 Visually Impaired and mental health facilities within the state at the discretion of
9 the superintendent director of the institution providing services under this section.”.

10 ***b0828/2.2* 440.** Page 559, line 21: after that line insert:

11 ***b0828/2.2*** “**SECTION 1003c.** 46.10 (2m) of the statutes is amended to read:
12 46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis
13 patients receiving care, maintenance, services and supplies under ss. ~~58.06 and~~
14 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and
15 supplies provided by prisons named in s. 302.01 or to parents of a minor who receives
16 care for alcohol or drug abuse under s. 51.47 (1) without consent of the minor’s parent
17 or guardian.

18 ***b0828/2.2* SECTION 1003t.** 46.18 (1) of the statutes is amended to read:

19 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, tuberculosis
20 ~~hospital or sanatorium,~~ or similar institution, shall, subject to regulations approved
21 by the county board, be managed by a board of trustees, electors of the county, chosen
22 by ballot by the county board. At its annual meeting, the county board shall appoint
23 an uneven number of trustees, from 3 to 9 at the option of the board, for staggered
24 3-year terms ending the first Monday in January. Any vacancy shall be filled for the

1 unexpired term by the county board; but the chairperson of the county board may
2 appoint a trustee to fill the vacancy until the county board acts.

3 ***b0828/2.2* SECTION 1003u.** 46.20 (1) of the statutes is amended to read:

4 46.20 (1) Any 2 or more counties may jointly, by majority vote of all the
5 members of each county board, provide for a county home, infirmary, hospital,
6 ~~tuberculosis hospital or sanatorium~~, or similar institution, or juvenile detention
7 home, which shall be established, maintained and operated pursuant to all the
8 statutes relating to the establishment, maintenance and operation of similar
9 institutions, respectively, by any single county whose population is less than
10 250,000, except as otherwise provided in this section; and in all respects, except as
11 herein specified, each such institution shall be the county institution of each of the
12 counties so joining.

13 ***b0828/2.2* SECTION 1003v.** 46.20 (3) of the statutes is amended to read:

14 46.20 (3) Upon approval of the site, plans and specifications, as provided in ~~s.~~
15 ~~252.073 as to tuberculosis sanatoriums and~~ ss. 46.17 and 301.37, as to other
16 institutions, the joint committee shall report to the several county boards the
17 estimated cost of the site and buildings, and the amount thereof chargeable to each
18 county on the basis set forth in sub. (6) (a), appending to each report a copy of the
19 plans and specifications and all matter relating to the site and buildings. If the
20 report is approved by each county board, the joint committee shall purchase the site
21 and cause the buildings to be erected in accordance with the plans and specifications.

22 ***b0828/2.2* SECTION 1003w.** 46.20 (8) of the statutes is repealed.

23 ***b0828/2.2* SECTION 1003x.** 46.20 (10) of the statutes is repealed.”.

1 ***b0773/2.6* 441.** Page 559, line 24: delete the material beginning with “,
2 252.11 (7)” and ending with “(c)” on line 25 and substitute “, and 252.11 (7) and 253.07
3 (3) (e)”.

4 ***b0773/2.7* 442.** Page 561, line 8: delete the material beginning with “,
5 253.07” and ending with “(c)” on line 9 and substitute “, 253.07 (3) (e)”.

6 ***b0773/2.8* 443.** Page 563, line 18: delete the material beginning with “,
7 253.07” and ending with “(c)” on line 19 and substitute “, 253.07 (3) (e)”.

8 ***b0773/2.9* 444.** Page 564, line 25: delete the material beginning with “,
9 253.07” and ending with “(c)” on page 565, line 1, and substitute “, 253.07 (3) (e)”.

10 ***b1280/1.1* 445.** Page 566, line 6: after that line insert:

11 ***b1280/1.1* “SECTION 1032m.** 46.27 (3) (f) of the statutes is amended to read:

12 46.27 (3) (f) Beginning on January 1, 1996, from the annual allocation to the
13 county for the provision of long-term community support services under subs. (7) (b)
14 and (11), annually establish a maximum total amount that may be encumbered in
15 a calendar year for services for eligible individuals in community-based residential
16 facilities. Notwithstanding the maximum, however, a county may not deny services
17 under this section to an eligible individual who resides in a community-based
18 residential facility when the individual becomes eligible, solely because the
19 maximum total amount has been reached.”.

20 ***b0875/2.1* 446.** Page 569, line 25: delete “whether or not the person is a
21 private pay admittee at the time of admission.” and substitute “~~whether or not the~~
22 ~~person is a private pay admittee at the time of admission.~~ except that a person
23 seeking admission or about to be admitted on a private pay basis may waive the

1 assessment, unless the person will be eligible for medical assistance within 6 months
2 of assessment.”.

3 *b0875/2.2* **447.** Page 570, line 4: after that line insert:

4 *b0875/2.2* “SECTION 1045g. 46.27 (7) (cL) of the statutes is created to read:

5 46.27 (7) (cL) No county department or aging unit may deny services to a
6 person under par. (cj) who refused to have an assessment completed as required
7 under par. (cj) 3. a. before the effective date of this paragraph [revisor inserts
8 date].”.

9 *b1280/1.2* **448.** Page 570, line 4: after that line insert:

10 *b1280/1.2* “SECTION 1045c. 46.27 (7) (cj) 3. e. of the statutes is amended to
11 read:

12 46.27 (7) (cj) 3. e. The county department or aging unit determines that
13 placement in the community–based residential facility is cost–effective compared to
14 other options, including home care and nursing home care. In making that
15 determination, the county shall consider all state and federal funds needed for all
16 options considered.

17 *b1280/1.2* SECTION 1045d. 46.27 (7) (ck) 1. of the statutes is amended to read:

18 46.27 (7) (ck) 1. Subject to the approval of the department, and except as
19 provided in sub. (3) (f). a county may establish and implement more restrictive
20 conditions than those imposed under par. (cj) on the use of funds received under par.
21 (b) for the provision of services to a person in a community–based residential facility.
22 A county that establishes more restrictive conditions under this subdivision shall
23 include the conditions in its community options plan under sub. (3) (cm).

1 ***b1280/1.2* SECTION 1045e.** 46.27 (7) (cm) 1. (intro.) of the statutes is amended
2 to read:

3 46.27 (7) (cm) 1. (intro.) Beginning on January 1, 1996, no county, private
4 nonprofit agency or aging unit may use funds received under par. (b) to provide
5 services in any community-based residential facility that has more than 8 20 beds,
6 unless one of the following applies:

7 ***b1280/1.2* SECTION 1045f.** 46.27 (7) (cm) 1. c. of the statutes is repealed.”.

8 ***b0875/2.3* 449.** Page 574, line 8: after that line insert:

9 ***b0875/2.3* “SECTION 1056r.** 46.27 (11) (c) 5q. of the statutes is created to read:

10 46.27 (11) (c) 5q. No county department or aging unit may deny services to a
11 person under subd. 5n. who refused to have an assessment completed as required
12 under subd. 5n. a. before the effective date of this subdivision [revisor inserts
13 date].”.

14 ***b0875/2.4* 450.** Page 574, line 23: delete “whether or not the person is a
15 private pay admittee at the time of admission.” and substitute “~~whether or not the~~
16 ~~person is a private pay admittee at the time of admission.~~ except that a person
17 seeking admission or about to be admitted on a private pay basis may waive the
18 assessment, unless the person will be eligible for medical assistance within 6 months
19 of assessment.”.

20 ***b0875/2.5* 451.** Page 576, line 3: delete “whether or not the person is a
21 private pay admittee at the time of admission.” and substitute “~~whether or not the~~
22 ~~person is a private pay admittee at the time of admission.~~ except that a person
23 seeking admission or about to be admitted on a private pay basis may waive the

1 assessment, unless the person will be eligible for medical assistance within 6 months
2 of assessment.”.

3 *b0875/2.6* **452.** Page 594, line 9: after “supervision.” insert “A resource
4 center need not provide a financial screen for a person seeking admission or about
5 to be admitted on a private pay basis who waives the requirement for a financial
6 screen under this paragraph, unless the person will be eligible for medical assistance
7 within 6 months after performance of the financial screen.”.

8 *b0773/2.10* **453.** Page 595, line 8: delete “, 253.07 (3) (c)”.

9 *b0773/2.11* **454.** Page 603, line 18: delete “, 253.07 (3) (c)”.

10 *b0773/2.12* **455.** Page 620, line 16: delete “, 253.07 (3) (c)”.

11 *b1263/1.3* **456.** Page 622, line 7: delete lines 7 to 14.

***NOTE: Conforms to JCF intent.

12 *b1214/1.2* **457.** Page 623, line 3: delete “\$1,877,000 for each” and substitute
13 “\$1,877,000 for each”.

14 *b1214/1.3* **458.** Page 623, line 4: delete “fiscal year” and substitute “fiscal
15 year \$1,993,400 for fiscal year 1999–2000 and \$2,226,300 for fiscal year 2000–01”.

16 *b0803/3.4* **459.** Page 645, line 22: after that line insert:

17 *b0803/3.4* **SECTION 1131d.** 48.02 (17) of the statutes is amended to read:

18 48.02 (17) “Shelter care facility” means a nonsecure place of temporary care
19 and physical custody for children, including a holdover room, licensed by the
20 department under s. 48.66 (1) (a).”.

21 *b1225/2.1* **460.** Page 645, line 22: after that line insert:

22 *b1225/2.1* **SECTION 1130m.** 48.20 (8) of the statutes is amended to read:

1 48.20 (8) If a child is held in custody, the intake worker shall notify the child's
2 parent, guardian and legal custodian of the reasons for holding the child in custody
3 and of the child's whereabouts unless there is reason to believe that notice would
4 present imminent danger to the child. The parent, guardian and legal custodian
5 shall also be notified of the time and place of the detention hearing required under
6 s. 48.21, the nature and possible consequences of that hearing, the right to counsel
7 under s. 48.23 regardless of ability to pay and the right to present and cross-examine
8 witnesses at the hearing. If the parent, guardian or legal custodian is not
9 immediately available, the intake worker or another person designated by the court
10 shall provide notice as soon as possible. When the child is 12 years of age or older,
11 the child shall receive the same notice about the detention hearing as the parent,
12 guardian or legal custodian. The intake worker shall notify both the child and the
13 child's parent, guardian or legal custodian. When the child is an expectant mother
14 who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., the unborn child,
15 through the unborn child's guardian ad litem, shall receive the same notice about the
16 whereabouts of the child expectant mother, about the reasons for holding the child
17 expectant mother in custody and about the detention hearing as the child expectant
18 mother and her parent, guardian or legal custodian. The intake worker shall notify
19 the child expectant mother, her parent, guardian or legal custodian and the unborn
20 child, by the unborn child's guardian ad litem.

21 ***b1225/2.1* SECTION 1130p.** 48.21 (3) (d) of the statutes is amended to read:

22 48.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian
23 or legal custodian shall be informed by the court of the allegations that have been
24 made or may be made, the nature and possible consequences of this hearing as
25 compared to possible future hearings, the right to counsel under s. 48.23 regardless

1 of ability to pay, the right to confront and cross-examine witnesses and the right to
2 present witnesses.

3 *b1225/2.1* SECTION 1130r. 48.23 (2) of the statutes is renumbered 48.23 (2)
4 (a) and amended to read:

5 48.23 (2) (a) Whenever a child is alleged to be in need of protection or services
6 under s. 48.13 or is the subject of a proceeding involving a contested adoption or the
7 involuntary termination of parental rights, any parent under 18 years of age who
8 appears before the court shall be represented by counsel; but no such parent may
9 waive counsel. A minor parent petitioning for the voluntary termination of parental
10 rights shall be represented by a guardian ad litem. If a proceeding involves a
11 contested adoption or the involuntary termination of parental rights, any parent 18
12 years old or older who appears before the court shall be represented by counsel; but
13 the parent may waive counsel provided the court is satisfied such waiver is
14 knowingly and voluntarily made.

15 *b1225/2.1* SECTION 1130t. 48.23 (2) (b) of the statutes is created to read:

16 48.23 (2) (b) If a petition under s. 48.13 is contested, no child may be placed
17 outside his or her home unless the nonpetitioning parent is represented by counsel
18 at the fact-finding hearing and subsequent proceedings. If the petition is not
19 contested, the child may not be placed outside his or her home unless the
20 nonpetitioning parent is represented by counsel at the hearing at which the
21 placement is made. A parent who is required under this paragraph to be represented
22 by counsel may, however, waive counsel if the court is satisfied that such waiver is
23 knowingly and voluntarily made, and the court may place the child outside the home
24 even though the parent was not represented by counsel.

25 *b1225/2.1* SECTION 1130v. 48.23 (3) of the statutes is amended to read:

1 48.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings under~~
2 s. 48.13, at At any time, upon request or on its own motion, the court may appoint
3 counsel for the child or any party, unless the child or the party has or wishes to retain
4 counsel of his or her own choosing. ~~The court may not appoint counsel for any party~~
5 ~~other than the child in a proceeding under s. 48.13.~~

6 ***b1225/2.1* SECTION 1130x.** 48.23 (4) of the statutes is amended to read:

7 48.23 (4) PROVIDING COUNSEL. In any situation under this section in which a
8 ~~person~~ child has a right to be represented by counsel or is provided counsel at the
9 discretion of the court and counsel is not knowingly and voluntarily waived, the court
10 shall refer the ~~person~~ child to the state public defender and counsel shall be
11 appointed by the state public defender under s. 977.08 without a determination of
12 indigency. If the referral is of a ~~person~~ child who has filed a petition under s. 48.375
13 (7), the state public defender shall appoint counsel within 24 hours after that
14 referral. Any counsel appointed in a petition filed under s. 48.375 (7) shall continue
15 to represent the child in any appeal brought under s. 809.105 unless the child
16 requests substitution of counsel or extenuating circumstances make it impossible for
17 counsel to continue to represent the child. In any situation under sub. (2) or (2m) in
18 which a parent 18 years of age or over or an adult expectant mother is entitled to
19 representation by counsel; counsel is not knowingly and voluntarily waived; and it
20 appears that the parent or adult expectant mother is unable to afford counsel in full,
21 or the parent or adult expectant mother so indicates; the court shall refer the parent
22 or adult expectant mother to the authority for indigency determinations specified
23 under s. 977.07 (1). In any other situation under this section in which a person has
24 a right to be represented by counsel or is provided counsel at the discretion of the
25 court, competent and independent counsel shall be provided and reimbursed in any

1 manner suitable to the court regardless of the person's ability to pay, except that the
2 court may not order a person who files a petition under s. 813.122 or 813.125 to
3 reimburse counsel for the child who is named as the respondent in that petition.”.

4 *b1225/2.2* **461.** Page 646, line 3: after that line insert:

5 *b1225/2.2* “SECTION 1131m. 48.27 (4) (a) 2. of the statutes is amended to
6 read:

7 48.27 (4) (a) 2. Advise the child and any other party, if applicable, of his or her
8 right to legal counsel regardless of ability to pay.”.

9 *b0803/3.5* **462.** Page 647, line 21: after that line insert:

10 *b0803/3.5* “SECTION 1132d. 48.48 (9) of the statutes is amended to read:

11 48.48 (9) To license foster homes or treatment foster homes as provided in s.
12 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
13 requested to do so, for the use of county departments.

14 *b0803/3.5* SECTION 1133d. 48.48 (9m) of the statutes is amended to read:

15 48.48 (9m) To license shelter care facilities as provided in s. 48.66 (1) (a).

16 *b0803/3.5* SECTION 1134d. 48.48 (10) of the statutes is amended to read:

17 48.48 (10) To license child welfare agencies and day care centers as provided
18 in s. 48.66 (1) (a).”.

19 *b1218/1.2* **463.** Page 647, line 21: after that line insert:

20 *b1218/1.2* “SECTION 1134h. 48.48 (17) (a) 10. of the statutes is amended to
21 read:

22 48.48 (17) (a) 10. Administer kinship care and long-term kinship care as
23 provided in s. 48.57 (3m), (3n), (3o) and (3p).”.

24 *b0773/2.13* **464.** Page 648, line 18: after that line insert:

1 ***b0773/2.13*** **SECTION 1138r.** 48.551 (2) (a) of the statutes is renumbered
2 48.55 (2) (a) and amended to read:

3 48.55 (2) (a) Training persons who provide counseling to adolescents including
4 school counselors, county or department employes providing child welfare services
5 under s. 48.56 or 48.561 and employes of a clinic providing ~~family planning services,~~
6 as defined in s. 253.07 (1) (b) prenatal care and delivery services or infant care, foster
7 care or adoption services.”.

8 ***b0773/2.14* 465.** Page 648, line 19: on lines 19 and 20, delete “(a).”

9 ***b0828/2.3* 466.** Page 650, line 5: after that line insert:

10 ***b0828/2.3*** **SECTION 1143dm.** 48.60 (2) (d) of the statutes is amended to read:
11 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home
12 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department.”.

13 ***b1218/1.3* 467.** Page 650, line 5: after that line insert:

14 ***b1218/1.3*** **SECTION 1145p.** 48.57 (3o) of the statutes is created to read:

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

- 16 1. “Kinship care relative” has the meaning given in sub. (3m) (a).
17 2. “Long-term kinship care relative” has the meaning given in sub. (3n) (a).

18 (b) From the appropriation under s. 20.435 (3) (kc), the department shall
19 reimburse counties having populations of less than 500,000 for payments made
20 under this subsection and shall make payments under this subsection in a county
21 having a population of 500,000 or more. A county department and, in a county
22 having a population of 500,000 or more, the department shall make payments in the
23 amount of \$215 per month to a kinship care relative or a long-term kinship care

1 relative who is providing care and maintenance for a person if the person meets all
2 of the following conditions:

3 1. The person is 18 years of age or over.

4 2. The person is enrolled in and regularly attending a secondary education
5 classroom program leading to a high school diploma.

6 3. The person has not been absent from that program without an acceptable
7 excuse under ss. 118.15 and 118.16 (4) for part or all of any day on which that program
8 is held during the month preceding the month in which a payment under this
9 paragraph is payable.

10 4. The person received funding under sub. (3m) (am) or (3n) (am) immediately
11 prior to the person's 18th birthday.

12 (c) The county department or department making payments under par. (b)
13 shall monitor the classroom attendance of the person receiving care and
14 maintenance under par. (b) and may require consent to the release of school
15 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for payments
16 under par. (b).

17 (d) Subsection (3m) or (3n), whichever is applicable, and subs. (3p) and (3t)
18 shall continue to apply to a kinship care relative, long-term kinship care relative and
19 person receiving care and maintenance under par. (b) in the same manner as those
20 subsections applied to those persons immediately prior to the 18th birthday of the
21 person receiving that care and maintenance.

22 *b1218/1.3* SECTION 1145t. 48.57 (3t) of the statutes is amended to read:

23 48.57 (3t) Notwithstanding subs. (3m), (3n), ~~(3o)~~ and (3p), the department may
24 enter into an agreement with the governing body of a federally recognized American
25 Indian tribe or band to allow that governing body to administer the program under

1 subs. (3m), (3n), (3o) and (3p) within the boundaries of that reservation. Any
2 agreement under this subsection relating to the administration of the program under
3 sub. (3m) shall specify the person with whom a request for review under sub. (3p) (h)
4 2. may be filed and the person who has been designated by the governing body to
5 conduct the review under sub. (3p) (h) 3. and make the determination under sub. (3p)
6 (h) 4. Any agreement under this subsection relating to the administration of the
7 program under sub. (3n) shall specify who is to make any determination as to
8 whether a conviction record is satisfactory.”.

9 *b0803/3.6* **468.** Page 651, line 25: after that line insert:

10 *b0803/3.6* “**SECTION 1153d.** 48.66 (1) of the statutes is renumbered 48.66 (1)
11 (a) and amended to read:

12 48.66 (1) (a) Except as provided ~~under~~ in s. 48.715 (6) and (7), the department
13 shall license and supervise child welfare agencies, as required by s. 48.60, group
14 homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and
15 day care centers, as required by s. 48.65. The department may license foster homes
16 or treatment foster homes, as provided by s. 48.62, and may license and supervise
17 county departments in accordance with the procedures specified in this section and
18 in ss. 48.67 to 48.74.

19 (b) Except as provided ~~under~~ in s. 48.715 (6), the department of corrections may
20 license a child welfare agency to operate a secured child caring institution, as defined
21 in s. 938.02 (15g), for holding in secure custody juveniles who have been convicted
22 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h) or
23 (4m) and referred to the child welfare agency by the court or the department of
24 corrections and to provide supervision, care and maintenance for those juveniles.

1 The department of corrections may also license not more than 5 county departments,
2 as defined in s. 938.02 (2g), or not more than 5 consortia of not more than 5 county
3 departments to operate not more than 5 group homes that have been licensed under
4 par. (a) as secured group homes, as defined in s. 938.02 (15p), for holding in secure
5 custody juveniles who have been convicted under s. 938.183 or adjudicated
6 delinquent under s. 938.183 or 938.34 (4m) and referred to the county department
7 by the court and to provide supervision, care and maintenance for those juveniles.

8 (c) A license issued under ~~this subsection~~ par. (a) or (b), other than a license to
9 operate a foster home, treatment foster home ~~or~~, secured child caring institution or
10 secured group home, is valid until revoked or suspended. A license issued under this
11 subsection to operate a foster home, treatment foster home ~~or~~, secured child caring
12 institution or secured group home may be for any term not to exceed 2 years from the
13 date of issuance. No license issued under ~~this subsection~~ par. (a) or (b) is
14 transferable.

15 *b0803/3.6* SECTION 1154d. 48.66 (2m) (a) of the statutes is amended to read:

16 48.66 (2m) (a) The department of health and family services shall require each
17 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
18 home, shelter care facility or day care center who is an individual to provide that
19 department with the applicant's social security number, and shall require each
20 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
21 home, shelter care facility or day care center who is not an individual to provide that
22 department with the applicant's federal employer identification number, when
23 initially applying for or applying to continue the license.

24 *b0803/3.6* SECTION 1155d. 48.66 (2m) (am) of the statutes is amended to
25 read:

1 48.66 (2m) (am) The department of corrections shall require each applicant for
2 a license under sub. (1) (b) to operate a secured child caring institution who is an
3 individual to provide that department with the applicant's social security number
4 when initially applying for or applying to renew the license.

5 ***b0803/3.6* SECTION 1156d.** 48.66 (2m) (b) of the statutes is amended to read:

6 48.66 (2m) (b) The department of health and family services may not issue or
7 continue a license under sub. (1) (a) to operate a child welfare agency, group home,
8 shelter care facility or day care center to or for an applicant who is an individual
9 unless the applicant has provided the applicant's social security number to that
10 department and may not issue or continue a license under sub. (1) (a) to operate a
11 child welfare agency, group home, shelter care facility or day care center to or for an
12 applicant who is not an individual unless the applicant has provided the applicant's
13 federal employer identification number to that department.

14 ***b0803/3.6* SECTION 1157d.** 48.66 (2m) (bm) of the statutes is amended to
15 read:

16 48.66 (2m) (bm) The department of corrections may not issue or renew a license
17 under sub. (1) (b) to operate a secured child caring institution to or for an applicant
18 who is an individual unless the applicant has provided the applicant's social security
19 number to that department.

20 ***b0803/3.6* SECTION 1158d.** 48.68 (1) of the statutes is amended to read:

21 48.68 (1) After receipt of an application for a license, the department shall
22 investigate to determine if the applicant meets the minimum requirements for a
23 license adopted by the department under s. 48.67 and meets the requirements
24 specified in s. 48.685, if applicable. In determining whether to issue or continue a
25 license, the department may consider any action by the applicant, or by an employe

1 of the applicant, that constitutes a substantial failure by the applicant or employe
2 to protect and promote the health, safety and welfare of a child. Upon satisfactory
3 completion of this investigation and payment of the fee required under s. 48.615 (1)
4 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a
5 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
6 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial
7 licensure and license renewal, the department shall provide a foster home licensee
8 with written information relating to the age-related monthly foster care rates and
9 supplemental payments specified in s. 48.62 (4), including payment amounts,
10 eligibility requirements for supplemental payments and the procedures for applying
11 for supplemental payments.”.

12 *b1144/1.1* **469.** Page 651, line 25: after that line insert:

13 *b1144/1.1* **SECTION 1151d.** 48.651 (2m) of the statutes is amended to read:
14 48.651 (2m) Each county department shall provide the department with
15 information about each person who is denied certification for a reason specified in
16 s. 48.685 (2) (4m) (a) 1. to 5.

17 *b1144/1.1* **SECTION 1159d.** 48.685 (1) (a) of the statutes is renumbered
18 48.685 (1) (am).

19 *b1144/1.1* **SECTION 1159g.** 48.685 (1) (ag) of the statutes is created to read:
20 48.685 (1) (ag) 1. “Caregiver” means any of the following:

21 a. A person who is, or is expected to be, an employe or contractor of an entity
22 and who has, or is expected to have, direct, regular contact with clients of the entity.

23 b. A person who has, or is seeking, a license, certification or contract to operate
24 an entity.

1 2. “Caregiver” does not include a person who is certified as an emergency
2 medical technician under s. 146.50 if the person is employed, or seeking employment,
3 at an entity as an emergency medical technician.

4 ***b1144/1.1* SECTION 1159m.** 48.685 (1) (ar) of the statutes is created to read:

5 48.685 (1) (ar) “Contractor” means, with respect to an entity, a person, or that
6 person’s agent, who provides services to the entity under an express or implied
7 contract or subcontract, including a person who has staff privileges at the entity.

8 ***b1144/1.1* SECTION 1159r.** 48.685 (1) (b) of the statutes is amended to read:

9 48.685 (1) (b) “Entity” means a child welfare agency that is licensed under s.
10 48.60 to provide care and maintenance for children, to place children for adoption or
11 to license foster homes or treatment foster homes; a foster home or treatment foster
12 home that is licensed under s. 48.62; a group home that is licensed under s. 48.625;
13 a shelter care facility that is licensed under s. 938.22; a day care center that is
14 licensed under s. 48.65 or established or contracted for under s. 120.13 (14); ~~or~~ a day
15 care provider that is certified under s. 48.651; or a temporary employment agency
16 that provides caregivers to another entity.”

17 ***b1144/1.2* 470.** Page 652, line 4: after that line insert:

18 ***b1144/1.2* SECTION 1160e.** 48.685 (1) (bm) of the statutes is created to read:

19 48.685 (1) (bm) “Nonclient resident” means a person who resides, or is expected
20 to reside, at an entity, who is not a client of the entity and who has, or is expected to
21 have, direct, regular contact with clients of the entity.

22 ***b1144/1.2* SECTION 1160f.** 48.685 (1) (c) of the statutes is repealed and
23 recreated to read:

1 48.685 (1) (c) "Serious crime" means a violation of s. 940.01, 940.02, 940.03,
2 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
3 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055,
4 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or
5 a violation of the law of any other state or United States jurisdiction that would be
6 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
7 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
8 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
9 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state."

10 ***b1144/1.3* 471.** Page 652, line 9: delete lines 9 to 16 and substitute:

11 ***b1144/1.3* SECTION 1161d.** 48.685 (2) (a) (intro.) of the statutes is
12 renumbered 48.685 (4m) (a) (intro.).

13 ***b1144/1.3* SECTION 1161g.** 48.685 (2) (a) 1. of the statutes is renumbered
14 48.685 (4m) (a) 1.

15 ***b1144/1.3* SECTION 1161h.** 48.685 (2) (a) 2. of the statutes is repealed.

16 ***b1144/1.3* SECTION 1161i.** 48.685 (2) (a) 3. of the statutes is renumbered
17 48.685 (4m) (a) 3.

18 ***b1144/1.3* SECTION 1161j.** 48.685 (2) (a) 4. of the statutes is renumbered
19 48.685 (4m) (a) 4.

20 ***b1144/1.3* SECTION 1161k.** 48.685 (2) (a) 5. of the statutes is renumbered
21 48.685 (4m) (a) 5.

22 ***b1144/1.3* SECTION 1161m.** 48.685 (2) (ad) of the statutes is renumbered
23 48.685 (4m) (ad) and amended to read:

1 48.685 (4m) (ad) The department, a county department or a child welfare
2 agency may license a foster home or treatment foster home under s. 48.62, a county
3 department may certify a day care provider under s. 48.651 and a school board may
4 contract with a person under s. 120.13 (14), conditioned on the receipt of the
5 information specified in ~~par. sub. (2)~~ (am) indicating that the person is not ineligible
6 to be licensed, certified or contracted with for a reason specified in par. (a) 1. to 5.

7 ***b1144/1.3* SECTION 1163d.** 48.685 (2) (ag) (intro.) of the statutes is
8 renumbered 48.685 (4m) (b) (intro.) and amended to read:

9 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
10 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~
11 ~~entity's control, as defined by the department by rule, and who is expected to have~~
12 ~~access to its clients, caregiver or permit a nonclient resident~~ to reside at the entity
13 ~~a person who is not a client and who is expected to have access to a client~~, if the entity
14 knows or should have known any of the following:

15 ***b1144/1.3* SECTION 1163g.** 48.685 (2) (ag) 1. of the statutes is renumbered
16 48.685 (4m) (b) 1. and amended to read:

17 48.685 (4m) (b) 1. That the person has been convicted of a serious crime or, if
18 the person is an ~~employee, prospective employee, contractor, prospective contractor,~~
19 ~~nonclient resident or prospective~~ a caregiver or nonclient resident of a day care
20 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
21 (14) or of a day care provider that is certified under s. 48.651, that the person has been
22 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
23 birthday for committing a serious crime.

24 ***b1144/1.3* SECTION 1163h.** 48.685 (2) (ag) 2. of the statutes is repealed.

1 ***b1144/1.3* SECTION 1163i.** 48.685 (2) (ag) 3. of the statutes is renumbered
2 48.685 (4m) (b) 3.

3 ***b1144/1.3* SECTION 1163j.** 48.685 (2) (ag) 4. of the statutes is renumbered
4 48.685 (4m) (b) 4.

5 ***b1144/1.3* SECTION 1163k.** 48.685 (2) (ag) 5. of the statutes is renumbered
6 48.685 (4m) (b) 5.

7 ***b1144/1.3* SECTION 1165d.** 48.685 (2) (am) (intro.) of the statutes is amended
8 to read:

9 48.685 (2) (am) (intro.) ~~Subject to subd. 5. and par. (bd), the~~ The department,
10 a county department, a child welfare agency or a school board shall obtain all of the
11 following with respect to a ~~person specified under par. (a) (intro.) and a person~~
12 ~~specified under par. (ag) (intro.) who is a nonclient resident or prospective caregiver~~
13 specified in sub. (1) (ag) 1. b., a nonclient resident of an entity and shall obtain the
14 information specified in subs. 1. to 5. with respect to a person specified in par. (ag)
15 (intro.) who is under 18 years of age, but not under 12 years of age, and who is an
16 employee, prospective employee, contractor, prospective contractor, nonclient resident
17 or prospective nonclient resident a caregiver of a day care center that is licensed
18 under s. 48.65 or established or contracted for under s. 120.13 (14) or of a day care
19 provider that is certified under s. 48.651:

20 ***b1144/1.3* SECTION 1165g.** 48.685 (2) (am) 5. of the statutes is amended to
21 read:

22 48.685 (2) (am) 5. Information maintained by the department under this
23 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
24 to the person of a license, continuation or renewal of a license, certification or a
25 contract to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and

1 regarding any denial to the person of employment at, a contract with or permission
2 to reside at an entity for a reason specified in ~~par. (ag)~~ sub. (4m) (b) 1. to 5. If the
3 information obtained under this subdivision indicates that the person has been
4 denied a license, continuation or renewal of a license, certification, a contract,
5 employment or permission to reside as described in this subdivision, the department,
6 a county department, a child welfare agency or a school board need not obtain the
7 information specified in subds. 1. to 4.

8 ***b1144/1.3* SECTION 1167d.** 48.685 (2) (b) 1. (intro.) of the statutes is amended
9 to read:

10 48.685 (2) (b) 1. (intro.) ~~Subject to subds. 1. e. and 2., and 4. par. (bd), every~~
11 Every entity shall obtain all of the following with respect to a ~~person specified under~~
12 ~~par. (ag) (intro.) who is an employe, prospective employe, contractor or prospective~~
13 ~~contractor~~ caregiver of the entity:

14 ***b1144/1.3* SECTION 1167g.** 48.685 (2) (b) 1. e. of the statutes is amended to
15 read:

16 48.685 (2) (b) 1. e. Information maintained by the department under this
17 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
18 to the person of a license, continuation or renewal of a license, certification or a
19 contract to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and
20 regarding any denial to the person of employment at, a contract with or permission
21 to reside at an entity for a reason specified in ~~par. (ag)~~ sub. (4m) (b) 1. to 5. If the
22 information obtained under this subd. 1. e. indicates that the person has been denied
23 a license, continuation or renewal of a license, certification, a contract, employment
24 or permission to reside as described in this subd. 1. e., the entity need not obtain the
25 information specified in subd. 1. a. to d.

1 ***b1144/1.3* SECTION 1168d.** 48.685 (2) (b) 2. of the statutes is repealed.

2 ***b1144/1.3* SECTION 1168g.** 48.685 (2) (b) 4. of the statutes is amended to read:

3 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under
4 18 years of age, but not under 12 years of age, who is ~~an employe, prospective~~
5 ~~employe, contractor, prospective contractor, nonclient resident or prospective a~~
6 caregiver or nonclient resident of a day care center that is licensed under s. 48.65 or
7 established or contracted for under s. 120.13 (14) or of a day care provider that is
8 certified under s. 48.651 and with respect to whom the department, a county
9 department or a school board is required under par. (am) (intro.) to obtain the
10 information specified in par. (am) 1. to 5.

11 ***b1144/1.3* SECTION 1169m.** 48.685 (2) (bb) of the statutes is created to read:

12 48.685 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
13 of a serious crime or of a violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08,
14 947.01 or 947.013 without a recorded disposition, the department or entity shall
15 make every reasonable effort to determine the disposition of the charge.

16 ***b1144/1.3* SECTION 1170d.** 48.685 (2) (bd) of the statutes is amended to read:

17 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county
18 department, a child welfare agency or a school board is not required to obtain the
19 information specified in par. (am) 1. to 5., and an entity is not required to obtain the
20 information specified in par. (b) 1. a. to e., with respect to a person under 18 years
21 of age whose background information form under sub. (6) (am) indicates that the
22 person is not ineligible to be employed, contracted with or permitted to reside at an
23 entity for a reason specified in ~~par. (ag) sub. (4m) (b)~~ 1. to 5. and with respect to whom
24 the department, county department, child welfare agency, school board or entity
25 otherwise has no reason to believe that the person is ineligible to be employed,

1 contracted with or permitted to reside at an entity for any of those reasons. This
2 paragraph does not preclude the department, a county department, a child welfare
3 agency or a school board from obtaining, at its discretion, the information specified
4 in par. (am) 1. to 5. with respect to a person described in this paragraph who is a
5 nonclient resident or a prospective nonclient resident of an entity.

6 ***b1144/1.3* SECTION 1170m.** 48.685 (2) (bg) of the statutes is amended to read:

7 48.685 (2) (bg) If an entity ~~takes an action specified in par. (ag) (intro.) with~~
8 ~~respect to an employe, prospective employe, contractor or prospective contractor~~
9 hires or contracts with a caregiver for whom, within the last 4 years, the information
10 required under par. (b) 1. a. to c. and e. has already been obtained, ~~either~~ by another
11 entity ~~or by a temporary employment agency~~, the entity may obtain the that
12 information ~~required under par. (b) 1. a. to c. and e.~~ from that other entity ~~or~~
13 ~~temporary employment agency~~, which shall provide the information, if possible, to
14 the requesting entity. If an entity cannot obtain the information required under par.
15 (b) 1. a. to c. and e. from another entity ~~or from a temporary employment agency~~ or
16 if an entity has reasonable grounds to believe that any information obtained from
17 another entity ~~or from a temporary employment agency~~ is no longer accurate, the
18 entity shall obtain that information from the sources specified in par. (b) 1. a. to c.
19 and e.

20 ***b1144/1.3* SECTION 1170n.** 48.685 (2) (bg) of the statutes, as affected by 1999
21 Wisconsin Act (this act), is amended to read:

22 48.685 (2) (bg) If an entity ~~hires~~ employs or contracts with a caregiver for
23 whom, within the last 4 years, the information required under par. (b) 1. a. to c. and
24 e. has already been obtained by another entity, the entity may obtain that
25 information from that other entity, which shall provide the information, if possible,

1 to the requesting entity. If an entity cannot obtain the information required under
2 par. (b) 1. a. to c. and e. from another entity or if an entity has reasonable grounds
3 to believe that any information obtained from another entity is no longer accurate,
4 the entity shall obtain that information from the sources specified in par. (b) 1. a. to
5 c. and e.

6 ***b1144/1.3* SECTION 1171d.** 48.685 (2) (bm) of the statutes is amended to read:

7 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
8 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding
9 the date of the search that person has not been a resident of this state, the
10 department, county department, child welfare agency, school board or entity shall
11 make a good faith effort to obtain from any state or other United States jurisdiction
12 in which the person is a resident or was a resident within the 3 years preceding the
13 date of the search information that is equivalent to the information specified in par.
14 (am) 1. or (b) 1. a.

15 ***b1144/1.3* SECTION 1171g.** 48.685 (2) (c) of the statutes is renumbered 48.685

16 (4m) (c) and amended to read:

17 48.685 (4m) (c) If the background information form completed by a person
18 under sub. (6) (am) indicates that the person is not ineligible to be employed or
19 contracted with for a reason specified in par. ~~(ag)~~ (b) 1. to 5., an entity may employ
20 or contract with the person for not more than 60 days pending the receipt of the
21 information sought under ~~par. sub. (2)~~ (am) 1. to 5. or (b) 1. If the background
22 information form completed by a person under sub. (6) (am) indicates that the person
23 is not ineligible to be permitted to reside at an entity for a reason specified in par. ~~(ag)~~
24 (b) 1. to 5. and if an entity otherwise has no reason to believe that the person is
25 ineligible to be permitted to reside at an entity for any of those reasons, the entity

1 may permit the person to reside at the entity for not more than 60 days pending
2 receipt of the information sought under ~~par. sub. (2)~~ (am). An entity shall provide
3 supervision for a person who is employed, contracted with or permitted to reside as
4 permitted under this paragraph.

5 ***b1144/1.3* SECTION 1171j.** 48.685 (2) (d) of the statutes is created to read:

6 48.685 (2) (d) Every entity shall maintain, or shall contract with another
7 person to maintain, the most recent background information obtained on a caregiver
8 under par. (b). The information shall be made available for inspection by authorized
9 persons, as defined by the department by rule.

10 ***b1144/1.3* SECTION 1172d.** 48.685 (3) (a) of the statutes is amended to read:

11 48.685 (3) (a) Every 4 years or at any time within that period that the
12 department, a county department, a child welfare agency or a school board considers
13 appropriate, the department, county department, child welfare agency or school
14 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
15 who are licensed, certified or contracted to operate an entity ~~and~~, for all persons
16 ~~specified in par. (ag) (intro.)~~ who are nonclient residents of an entity and ~~shall~~
17 ~~request the information specified in sub. (2) (am) 1. to 5.~~ for all persons under 18
18 years of age, but not under 12 years of age, who are ~~employees, contractors or~~
19 ~~nonclient residents~~ caregivers of a day care center that is licensed under s. 48.65 or
20 established or contracted for under s. 120.13 (4) or of a day care provider that is
21 certified under s. 48.651.

22 ***b1144/1.3* SECTION 1172g.** 48.685 (3) (b) of the statutes is amended to read:

23 48.685 (3) (b) Every 4 years or at any time within that period that an entity
24 considers appropriate, the entity shall request the information specified in sub. (2)
25 (b) 1. a. to e. for all persons ~~specified in sub. (2) (ag) (intro.)~~ ~~employees or contractors~~

1 who are caregivers of the entity other than persons ~~who are~~ under 18 years of age,
2 but not under 12 years of age and, who are ~~employees, contractors or nonclient~~
3 ~~residents~~ caregivers of a day care center that is licensed under s. 48.65 or established
4 or contracted for under s. 120.13 (14) or of a day care provider that is certified under
5 s. 48.651.

6 *b1144/1.3* SECTION 1173d. 48.685 (3m) of the statutes is amended to read:

7 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a
8 county department, a child welfare agency or a school board has obtained the
9 information required under sub. (2) (am) or (3) (a) with respect to a person specified
10 in sub. (2) (a) (intro.) who is a caregiver specified in sub. (1) (ag) 1. b. and that person
11 is also an employe, contractor or nonclient resident of an entity, the entity is not
12 required to obtain the information specified in sub. (2) (b) 1. or (3) (b) with respect
13 to that person.

14 *b1144/1.3* SECTION 1173g. 48.685 (4) of the statutes is amended to read:

15 48.685 (4) An entity that violates sub. (2) ~~or~~, (3) or (4m) (b) may be required to
16 forfeit not more than \$1,000 and may be subject to other sanctions specified by the
17 department by rule.

18 *b1144/1.3* SECTION 1173j. 48.685 (4m) (b) (intro.) of the statutes, as affected
19 by 1999 Wisconsin Act (this act), is amended to read:

20 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
21 sub. (5), an entity may not ~~hire~~ employ or contract with a caregiver or permit a
22 nonclient resident to reside at the entity, if the entity knows or should have known
23 any of the following:

24 *b1144/1.3* SECTION 1174d. 48.685 (5) (a) of the statutes is amended to read:

1 48.685 (5) (a) The department may license to operate an entity, a county
2 department may certify under s. 48.651, a county department or a child welfare
3 agency may license under s. 48.62 and a school board may contract with under s.
4 120.13 (14) a person who otherwise may not be licensed, certified or contracted with
5 for a reason specified in sub. ~~(2)~~ (4m) (a) 1. to 5., and an entity may employ, contract
6 with or permit to reside at the entity a person who otherwise may not be employed,
7 contracted with or permitted to reside at the entity for a reason specified in sub. ~~(2)~~
8 ~~(ag)~~ (4m) (b) 1. to 5., if the person demonstrates to the department, the county
9 department, the child welfare agency or the school board or, in the case of an entity
10 that is located within the boundaries of a federally recognized American Indian
11 reservation, to the tribal governing body of that reservation by clear and convincing
12 evidence and in accordance with procedures established by the department by rule
13 or by the tribal governing body that he or she has been rehabilitated.

14 ***b1144/1.3* SECTION 1174g.** 48.685 (5) (b) (intro.) of the statutes is amended
15 to read:

16 48.685 (5) (b) (intro.) For purposes other than licensing a foster home or
17 treatment foster home, no person who has been convicted of any of the following
18 offenses, and no person who is an applicant for issuance or continuation of a license
19 to operate a day care center or for initial certification as a day care provider under
20 s. 48.651 or for renewal of that certification, who is proposing to contract with a school
21 board under s. 120.13 (14) or to renew a contract under that subsection or who is ~~an~~
22 ~~employee, prospective employee, contractor, prospective contractor, nonclient resident~~
23 ~~or prospective~~ a caregiver or nonclient resident of a day care center that is licensed
24 under s. 48.65 or established or contracted for under s. 120.13 (14) or of a day care
25 provider that is certified under s. 48.651, and who has been convicted of any of the

1 following offenses or adjudicated delinquent on or after his or her 12th birthday for
2 committing any of the following offenses, may be permitted to demonstrate that he
3 or she has been rehabilitated until the later of at least 5 years after the date of that
4 conviction or adjudication or at least 5 years after the date of the person's release
5 from imprisonment, a secured juvenile facility or a commitment order:

6 *b1144/1.3* SECTION 1174j. 48.685 (5) (b) 1. of the statutes is repealed.

7 *b1144/1.3* SECTION 1174k. 48.685 (5) (b) 4. of the statutes is repealed.

8 *b1144/1.3* SECTION 1174L. 48.685 (5) (b) 5. of the statutes is repealed.

9 *b1144/1.3* SECTION 1175m. 48.685 (5d) of the statutes is created to read:

10 48.685 (5d) (a) Any tribal governing body that chooses to conduct
11 rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation
12 review plan that includes all of the following:

13 1. The criteria to be used to determine if a person has been rehabilitated.

14 2. The title of the person or body designated by the tribe to whom a request for
15 review must be made.

16 3. The title of the person or body designated by the tribe to determine whether
17 a person has been rehabilitated.

18 4. The manner in which the tribe will submit information relating to a
19 rehabilitation review to the department so that the department may include that
20 information in its report to the legislature required under sub. (5g).

21 5. A copy of the form to be used to request a review and a copy of the form on
22 which a written decision is to be made regarding whether a person has demonstrated
23 rehabilitation.

24 (b) The department shall approve or disapprove the plan under par. (a) within
25 90 days after receiving the plan. If the department disapproves the plan, the tribe

1 may, within 30 days after receiving notice of the disapproval, request that the
2 secretary review the department's decision.

3 ***b1144/1.3* SECTION 1176d.** 48.685 (5m) of the statutes is amended to read:
4 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
5 a person to operate an entity, a county department or a child welfare agency may
6 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
7 may refuse to employ, hire or contract with a caregiver or permit a nonclient resident
8 to reside at the entity ~~a person specified in sub. (2) (ag) (intro.)~~ if the person has been
9 convicted of an offense that ~~the department has not defined as a "serious crime" by~~
10 ~~rule promulgated under sub. (7) (a), or specified in the list established by rule under~~
11 ~~sub. (7) (b) is not a serious crime~~, but that is, in the estimation of the department,
12 county department, child welfare agency, or entity, substantially related to the care
13 of a client. Notwithstanding s. 111.335, the department may refuse to license a
14 person to operate a day care center, a county department may refuse to certify a day
15 care provider under s. 48.651, a school board may refuse to contract with a person
16 under s. 120.13 (14), a day care center that is licensed under s. 48.65 or established
17 or contracted for under s. 120.13 (14) and a day care provider that is certified under
18 s. 48.651 may refuse to employ, hire or contract with a caregiver or permit a nonclient
19 resident to reside at the day care center or day care provider ~~a person specified in sub.~~
20 ~~(2) (ag) (intro.)~~ if the person has been convicted of or adjudicated delinquent on or
21 after his or her 12th birthday for an offense that ~~the department has not defined as~~
22 ~~a "serious crime" by rule promulgated under sub. (7) (a), or specified in the list~~
23 ~~established by rule under sub. (7) (b) is not a serious crime~~, but that is, in the
24 estimation of the department, county department, school board, day care center or
25 day care provider, substantially related to the care of a client.

1 ***b1144/1.3* SECTION 1176g.** 48.685 (5m) of the statutes, as affected by 1999
2 Wisconsin Act (this act), is amended to read:

3 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
4 a person to operate an entity, a county department or a child welfare agency may
5 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
6 may refuse to hire employ or contract with a caregiver or permit a nonclient resident
7 to reside at the entity if the person has been convicted of an offense that is not a
8 serious crime, but that is, in the estimation of the department, county department,
9 child welfare agency or entity, substantially related to the care of a client.
10 Notwithstanding s. 111.335, the department may refuse to license a person to
11 operate a day care center, a county department may refuse to certify a day care
12 provider under s. 48.651, a school board may refuse to contract with a person under
13 s. 120.13 (14), a day care center that is licensed under s. 48.65 or established or
14 contracted for under s. 120.13 (14) and a day care provider that is certified under s.
15 48.651 may refuse to hire employ or contract with a caregiver or permit a nonclient
16 resident to reside at the day care center or day care provider if the person has been
17 convicted of or adjudicated delinquent on or after his or her 12th birthday for an
18 offense that is not a serious crime, but that is, in the estimation of the department,
19 county department, school board, day care center or day care provider, substantially
20 related to the care of a client.

21 ***b1144/1.3* SECTION 1177r.** 48.685 (6) (am) (intro.) of the statutes is
22 renumbered 48.685 (6) (am) and amended to read:

23 48.685 (6) (am) Every 4 years an entity shall require all of ~~the following persons~~
24 its caregivers and nonclient residents to complete a background information form
25 that is provided to the entity by the department.

1 ***b1144/1.3* SECTION 1178d.** 48.685 (6) (am) 1. of the statutes is repealed.

2 ***b1144/1.3* SECTION 1178g.** 48.685 (6) (am) 2. of the statutes is repealed.

3 ***b1144/1.3* SECTION 1179d.** 48.685 (6) (b) of the statutes is renumbered
4 48.685 (6) (b) 1. and amended to read:

5 48.685 (6) (b) 1. For ~~persons specified under par. (a)~~ caregivers who are licensed
6 by the department, for persons ~~specified in par. (am) 1.~~ who are under 18 years of age,
7 but not under 12 years of age, and who are ~~employees, prospective employees,~~
8 ~~contractors or prospective contractors~~ caregivers of a day care center that is licensed
9 under s. 48.65 or established or contracted for under s. 120.13 (4) or of a day care
10 provider that is certified under s. 48.651, for persons ~~specified in par. (am) 2.~~ who are
11 ~~nonclient residents or prospective nonclient residents~~ of an entity that is licensed by
12 the department, and for other persons specified by the department by rule, the entity
13 shall send the background information form to the department.

14 2. For ~~persons specified under par. (a)~~ caregivers who are licensed or certified
15 by a county department, for persons ~~specified in par. (am) 2.~~ who are ~~nonclient~~
16 ~~residents or prospective nonclient residents~~ of an entity that is licensed or certified
17 by a county department and for other persons specified by the department by rule,
18 the entity shall send the background information form to the county department.

19 3. For ~~persons specified under par. (a)~~ caregivers who are licensed by a child
20 welfare agency, for persons ~~specified in par. (am) 2.~~ who are ~~nonclient residents or~~
21 ~~prospective nonclient residents~~ of an entity that is licensed by a child welfare agency
22 and for other persons specified by the department by rule, the entity shall send the
23 background information form to the child welfare agency

24 4. For ~~persons specified under par. (a)~~ caregivers who are contracted with by
25 a school board, for persons ~~specified in par. (am) 2.~~ who are ~~nonclient residents or~~

1 prospective nonclient residents of an entity that is contracted with by a school board
2 and for other persons specified by the department by rule, the entity shall send the
3 background information form to the school board. ~~For all other persons specified~~
4 ~~under par. (am) 1., the entity shall maintain the background information form on file~~
5 ~~for inspection by the department, county department, child welfare agency or school~~
6 ~~board, whichever is applicable.~~

7 *b1144/1.3* SECTION 1180g. 48.685 (7) (a) of the statutes is repealed.

8 *b1144/1.3* SECTION 1180h. 48.685 (7) (b) of the statutes is repealed.”.

9 *b0803/3.7* **472.** Page 652, line 24: after that line insert:

10 *b0803/3.7* “SECTION 1182d. 48.69 of the statutes is amended to read:

11 **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),
12 if any child welfare agency, shelter care facility, group home or day care center that
13 has not been previously issued a license under s. 48.66 (1) (a) applies for a license,
14 meets the minimum requirements for a license established under s. 48.67 and pays
15 the applicable fee referred to in s. 48.68 (1), the department shall issue a
16 probationary license to that child welfare agency, shelter care facility, group home
17 or day care center. A probationary license is valid for up to 6 months after the date
18 of issuance unless renewed under this section or suspended or revoked under s.
19 48.715. Before a probationary license expires, the department shall inspect the child
20 welfare agency, shelter care facility, group home or day care center holding the
21 probationary license and, except as provided under s. 48.715 (6) and (7), if the child
22 welfare agency, shelter care facility, group home or day care center meets the
23 minimum requirements for a license established under s. 48.67, the department

1 shall issue a license under s. 48.66 (1) (a). A probationary license issued under this
2 section may be renewed for one 6-month period.

3 ***b0803/3.7* SECTION 1183d.** 48.715 (1) of the statutes is amended to read:

4 48.715 (1) In this section, “licensee” means a person who holds a license under
5 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare
6 agency, shelter care facility, group home or day care center.

7 ***b0803/3.7* SECTION 1184d.** 48.715 (2) (a) of the statutes is amended to read:

8 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
9 facility, group home or day care center if the child welfare agency, shelter care facility,
10 group home or day care center is without a license in violation of s. 48.66 (1) (a) or
11 a probationary license in violation of s. 48.69.

12 ***b0803/3.7* SECTION 1185d.** 48.715 (2) (b) of the statutes is amended to read:

13 48.715 (2) (b) That a person who employs a person who has had a license under
14 s. 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous
15 5 years terminate the employment of that person within 30 days after the date of the
16 order. This paragraph includes employment of a person in any capacity, whether as
17 an officer, director, agent or employe.

18 ***b0803/3.7* SECTION 1186d.** 48.715 (4) (intro.) of the statutes is amended to
19 read:

20 48.715 (4) (intro.) If the department provides written notice of revocation and
21 the grounds for revocation as provided in sub. (4m) and an explanation of the process
22 for appealing a revocation under this subsection, the department may revoke a
23 license issued under s. 48.66 (1) (a) or a probationary license issued under s. 48.69
24 for any of the following reasons:

25 ***b0803/3.7* SECTION 1187d.** 48.715 (5) of the statutes is amended to read:

1 48.715 (5) The department may deny a license under s. 48.66 (1) (a) or a
2 probationary license under s. 48.69 to any person who has had a license under s.
3 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous 5
4 years.

5 ***b0803/3.7* SECTION 1188d.** 48.715 (6) of the statutes is amended to read:

6 48.715 (6) The department of health and family services shall deny, suspend,
7 restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) (a) or a
8 probationary license under s. 48.69 to operate a child welfare agency, group home,
9 shelter care facility or day care center, and the department of corrections shall deny,
10 suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1)
11 (b) to operate a secured child caring institution, for failure of the applicant or licensee
12 to pay court-ordered payments of child or family support, maintenance, birth
13 expenses, medical expenses or other expenses related to the support of a child or
14 former spouse or for failure of the applicant or licensee to comply, after appropriate
15 notice, with a subpoena or warrant issued by the department of workforce
16 development or a county child support agency under s. 59.53 (5) and related to
17 paternity or child support proceedings, as provided in a memorandum of
18 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action
19 taken under this subsection is subject to review only as provided in the memorandum
20 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

21 ***b0803/3.7* SECTION 1189d.** 48.715 (7) of the statutes is amended to read:

22 48.715 (7) The department shall deny an application for the issuance or
23 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
24 to operate a child welfare agency, group home, shelter care facility or day care center,
25 or revoke such a license already issued, if the department of revenue certifies under

1 s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An action
2 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
3 and not as provided in s. 48.72.”.

4 *b1144/1.4* **473.** Page 653, line 3: after that line insert:

5 *b1144/1.4* “**SECTION 1189r.** 48.75 (1m) of the statutes is amended to read:
6 48.75 (1m) Each child welfare agency and public licensing agency shall provide
7 the subunit of the department that administers s. 48.685 with information about
8 each person who is denied a license for a reason specified in s. 48.685 (~~2~~) (4m) (a) 1.
9 to 5.”.

10 *b0773/2.15* **474.** Page 655, line 23: after that line insert:

11 *b0773/2.15* “**SECTION 1201p.** 49.001 (1r) of the statutes is created to read:
12 49.001 (1r) “Family planning” means voluntary action by individuals to
13 prevent or aid conception. “Family planning” does not include the performance,
14 promotion, encouragement or counseling in favor of, or referral either directly or
15 through an intermediary for, voluntary termination of pregnancy, but may include
16 the promotion, encouragement or counseling in favor of, or referral directly or
17 through an intermediary for any of the following:

18 (a) Prenatal care and delivery.

19 (b) Infant care, foster care or adoption.

20 *b0773/2.15* **SECTION 1201q.** 49.001 (1s) of the statutes is created to read:

21 49.001 (1s) “Family planning services” mean counseling by trained personnel
22 regarding family planning; distribution of information relating to family planning;
23 and referral to licensed nurse practitioners within the scope of their practice,

1 licensed physicians or local health departments for consultation, examination,
2 medical treatment and prescriptions for the purpose of family planning.”

3 *b0828/2.4* **475.** Page 655, line 23: after that line insert:

4 *b0828/2.4* “**SECTION 1201t.** 49.015 (1m) (b) 5. of the statutes is created to
5 read:

6 49.015 (1m) (b) 5. The individual has infectious tuberculosis, as defined in s.
7 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).”.

8 *b0828/2.5* **476.** Page 657, line 5: after that line insert:

9 *b0828/2.5* “**SECTION 1207m.** 49.08 of the statutes is amended to read:

10 **49.08 Recovery of relief and other assistance.** If any person is the owner
11 of property at the time of receiving general relief under ch. 49, 1993 stats., relief
12 funded by a relief block grant or other assistance as an inmate of any county or
13 municipal institution in which the state is not chargeable with all or a part of the
14 inmate’s maintenance or as a tuberculosis patient provided for in ss. ~~58.06~~ and
15 252.07 to 252.10, or at any time thereafter, or if the person becomes self-supporting,
16 the authorities charged with the care of the dependent, or the board in charge of the
17 institution, may sue for the value of the relief or other assistance from the person or
18 the person’s estate. Except as otherwise provided in this section, the 10-year statute
19 of limitations may be pleaded in defense in an action to recover relief or other
20 assistance. Where the recipient of relief or other assistance is deceased, a claim may
21 be filed against the decedent’s estate and the statute of limitations specified in s.
22 859.02 shall be exclusively applicable. The court may refuse to render judgment or
23 allow the claim in any case where a parent, spouse, surviving spouse or child is
24 dependent on the property for support. The court in rendering judgment shall take

1 into account the current family budget requirement as fixed by the U.S. department
2 of labor for the community or as fixed by the authorities of the community in charge
3 of public assistance. The records kept by the municipality, county or institution are
4 prima facie evidence of the value of the relief or other assistance furnished. This
5 section shall not apply to any person who receives care for pulmonary tuberculosis
6 as provided in s. 252.08 (4).”.

7 *b0715/1.2* 477. Page 663, line 25: delete that line.

8 *b0715/1.3* 478. Page 664, line 1: delete lines 1 to 6.

9 *b0773/2.16* 479. Page 676, line 21: after that line insert:

10 *b0773/2.16* “SECTION 1274m. 49.159 (2) of the statutes is amended to read:

11 49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.

12 A custodial parent who is under the age of 18 is eligible, regardless of that
13 individual’s or that individual’s parent’s income or assets, to meet with a financial
14 and employment planner. The financial and employment planner may provide the
15 individual with information regarding Wisconsin works eligibility, available child
16 care services, employment and financial planning, ~~family planning services, as~~
17 ~~defined in s. 253.07(1)(b)~~, community resources, eligibility for food stamps and other
18 food and nutrition programs.”.

19 *b1263/1.4* 480. Page 682, line 16: delete “49.143 (3p)” and substitute
20 “49.179”.

****NOTE: Corrects cross-reference.

21 *b1282/2.4* 481. Page 683, line 8: delete lines 8 and 9 and substitute:

22 “(j) *Funeral expenses.* For funeral expenses under s. 49.30, \$3,300,000 in fiscal
23 year 1999–2000 and \$3,925,100 in fiscal year 2000–01.”.

1 ***b0715/1.4* 482.** Page 683, line 10: delete lines 10 and 11.

2 ***b1148/1.2* 483.** Page 684, line 8: delete "\$9,700,000" and substitute
3 "10,000,000".

4 ***b1218/1.4* 484.** Page 685, line 12: after "(3n)" insert ", (3o)".

5 ***b1263/1.5* 485.** Page 686, line 6: after "46.93" insert ", 46.99".

****NOTE: Inserts cite that was inadvertently omitted.

6 ***b1148/1.3* 486.** Page 687, line 1: delete lines 1 and 2.

7 ***b1155/1.2* 487.** Page 687, line 10: delete lines 10 and 11.

8 ***b0715/1.5* 488.** Page 689, line 19: delete the material beginning with that
9 line and ending with page 690, line 22.

10 ***b0773/2.17* 489.** Page 691, line 4: delete "to (d)" and substitute "~~to (d)~~ and
11 (c)".

12 ***b0773/2.18* 490.** Page 691, line 6: after that line insert:

13 ***b0773/2.18*** "SECTION 1335g. 49.19 (1)s (d) of the statutes is repealed."

14 ***b1201/1.3* 491.** Page 703, line 18: delete the material beginning with that
15 line and ending with page 704, line 5.

16 ***b1282/2.5* 492.** Page 703, line 12: after that line insert:

17 ***b1282/2.5*** "SECTION 1355w. 49.30 (1) (b) of the statutes is amended to read:
18 49.30 (1) (b) The lesser of \$1,000 \$1,500 or the funeral and burial expenses not
19 paid by the estate of the deceased and other persons."

20 ***b1282/2.5*** SECTION 1355wb. 49.30 (1) (b) of the statutes, as affected by 1999
21 Wisconsin Act (this act), is amended to read:

1 49.30 (1) (b) The lesser of ~~\$1,500~~ \$2,500 or the funeral and burial expenses not
2 paid by the estate of the deceased and other persons.”.

3 ***b1201/1.4* 493.** Page 706, line 3: delete lines 3 to 9.

4 ***b0773/2.19* 494.** Page 717, line 2: after that line insert:

5 ***b0773/2.19* “SECTION 1419r.** 49.45 (18) (b) 5. of the statutes is amended to
6 read:

7 49.45 (18) (b) 5. Family planning services, ~~as defined in s. 253.07 (1) (b).~~”.

8 ***b1153/1.1* 495.** Page 717, line 3: delete lines 3 to 15.

9 ***b0773/2.20* 496.** Page 717, line 21: after that line insert:

10 ***b0773/2.20* “SECTION 1426d.** 49.45 (24r) of the statutes is amended to read:

11 49.45 (24r) FAMILY PLANNING DEMONSTRATION PROJECT. The department shall
12 request a waiver from the secretary of the federal department of health and human
13 services to permit the department to conduct a demonstration project to provide
14 family planning services, ~~as defined in s. 253.07 (1) (b),~~ under medical assistance to
15 any woman between the ages of 15 and 44 whose family income does not exceed 185%
16 of the poverty line for a family the size of the woman’s family. If the waiver is granted
17 and in effect, the department shall implement the waiver no later than July 1, 1998,
18 or on the effective date of the waiver, whichever is later.”.

19 ***b0892/4.15* 497.** Page 717, line 24: delete the material beginning with
20 “School for” and ending with “Handicapped” on line 25 and substitute “Center for the
21 Blind and Visually Impaired”.

22 ***b0892/4.16* 498.** Page 718, line 9: delete that line and substitute “behalf of
23 the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin”.

1 ***b0892/4.17* 499.** Page 718, line 14: delete that line and substitute “pars. (b)
2 and (c) to the Wisconsin Center for the Blind and Visually Impaired and the”.

3 ***b0863/1.1* 500.** Page 718, line 16: after “is” insert “renumbered 49.45 (39)
4 (b) 1. and”.

5 ***b0863/1.2* 501.** Page 718, line 17: delete “*Payment for school medical*
6 *services*” and substitute “1. ‘Payment for school medical services.’”.

7 ***b0863/1.3* 502.** Page 718, line 21: after “and” insert “, as specified in subd.
8 2.”.

9 ***b0892/4.18* 503.** Page 718, line 22: delete that line and substitute
10 “administrative costs. If the Wisconsin Center for the Blind and Visually Impaired
11 or the”.

12 ***b0892/4.19* 504.** Page 719, line 1: delete that line and substitute “medical
13 services that the Wisconsin Center for the Blind and Visually Impaired or the”.

14 ***b0863/1.4* 505.** Page 719, line 2: delete “for allowable administrative
15 costs.” and substitute “, as specified in subd. 2., for allowable administrative costs.
16 A school district, cooperative educational service agency, the Wisconsin School for the
17 Visually Handicapped or the Wisconsin School for the Deaf may submit, and the
18 department shall allow, claims for common carrier transportation costs as a school
19 medical service unless the department receives notice from the federal health care
20 financing administration that, under a change in federal policy, the claims are not
21 allowed. If the department receives the notice, a school district, cooperative
22 educational service agency, the Wisconsin School for the Visually Handicapped or the
23 Wisconsin School for the Deaf may submit, and the department shall allow,

1 unreimbursed claims for common carrier transportation costs incurred before the
2 date of the change in federal policy.

3 *b0892/4.20* **506.** Page 719, line 8: delete "School for the Visually
4 Handicapped" and substitute "Center for the Blind and Visually Impaired".

5 *b0863/1.5* **507.** Page 719, line 11: after that line insert:

6 *b0863/1.5* "SECTION 1427j. 49.45 (39) (b) 2. of the statutes is created to read:
7 49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The
8 department shall reimburse a school district or a cooperative educational service
9 agency specified under subd. 1., the Wisconsin School for the Visually Handicapped
10 or the Wisconsin School for the Deaf for 90% of the federal share of allowable
11 administrative costs, on a quarterly basis, using time studies, beginning in the first
12 quarter of fiscal year 1999–2000. A school district or a cooperative education service
13 agency may submit, and the department shall allow, claims for administrative costs
14 incurred during the period that is up to 24 months before the date of the claim, if
15 allowable under federal law."

16 *b1218/1.5* **508.** Page 722, line 20: after that line insert:

17 *b1218/1.5* "SECTION 1433x. 49.46 (1) (a) 16. of the statutes is amended to
18 read:

19 49.46 (1) (a) 16. Any ~~child~~ person who is living with a relative who is eligible
20 to receive payments under s. 48.57 (3m) ~~or~~, (3n) or (3o) with respect to that ~~child~~
21 person, if the department determines that no other insurance is available to the ~~child~~
22 person."

23 *b1151/1.1* **509.** Page 722, line 25: delete "17."

1 ***b1151/1.2* 510.** Page 723, line 1: after “department” insert “may provide
2 coverage for the services specified under sub. (2) (b) 1. to 16., and”.

3 ***b1151/1.3* 511.** Page 723, line 2: delete “17.” and substitute “17.,”.

4 ***b0773/2.21* 512.** Page 723, line 3: after that line insert:

5 ***b0773/2.21* “SECTION 1434p.** 49.46 (2) (a) 4. f. of the statutes is amended to
6 read:

7 49.46 (2) (a) 4. f. Services and supplies for family planning, ~~as defined in s.~~
8 ~~253.07 (1) (a).~~”.

9 ***b0716/2.2* 513.** Page 723, line 4: delete lines 4 to 8.

10 ***b0773/2.22* 514.** Page 723, line 20: after that line insert:

11 ***b0773/2.22* “SECTION 1437g.** 49.46 (2) (be) of the statutes is amended to read:
12 49.46 (2) (be) Benefits for an individual eligible under sub. (1) (a) 9. are limited
13 to those services under par. (a) or (b) that are related to pregnancy, including
14 postpartum services and family planning services, ~~as defined in s. 253.07 (1) (b),~~ or
15 related to other conditions which may complicate pregnancy.”.

16 ***b0773/2.23* 515.** Page 724, line 5: after that line insert:

17 ***b0773/2.23* “SECTION 1439g.** 49.47 (6) (a) 7. of the statutes is amended to
18 read:

19 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) (a) 2. or (am) 1., for services
20 under s. 49.46 (2) (a) and (b) that are related to pregnancy, including postpartum
21 services and family planning services, ~~as defined in s. 253.07 (1) (b),~~ or related to
22 other conditions which may complicate pregnancy.”.

23 ***b1282/2.6* 516.** Page 724, line 5: after that line insert:

1 ***b1282/2.6*** “SECTION 1439m. 49.47 (4) (cm) 3. of the statutes is created to
2 read:

3 49.47 (4) (cm) 3. An individual who is otherwise eligible under this subsection
4 and who has set aside funds in an irrevocable burial trust under s. 445.125 (1) (a) 2.
5 shall, as a condition of eligibility for medical assistance, specify the state as a
6 secondary beneficiary of the trust with respect to all funds in the trust that exceed
7 the burial costs but do not exceed the amount of medical assistance paid on behalf
8 of the individual.”.

9 ***b1201/1.5* 517.** Page 731, line 14: delete the material beginning with that
10 line and ending with page 732, line 3.

11 ***b1152/1.1* 518.** Page 734, line 6: delete lines 6 to 9 and substitute “time
12 period restriction by rule”.

13 ***b0803/3.8* 519.** Page 739, line 23: after that line insert:

14 ***b0803/3.8*** “SECTION 1488d. 49.857 (1) (d) 3. of the statutes is amended to
15 read:

16 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).”.

17 ***b1218/1.6* 520.** Page 741, line 4: after that line insert:

18 ***b1218/1.6*** “SECTION 1491m. 49.96 of the statutes, as affected by 1997
19 Wisconsin Act 105, section 27g, is amended to read:

20 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
21 dependent children, payments made under ss. 48.57 (3m) ~~or~~ (3n) or (3o), 49.148 (1)
22 (b) 1. or (c) or (1m) or 49.149 to 49.159, payments made for social services, cash
23 benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77 or federal

1 Title XVI, are exempt from every tax, and from execution, garnishment, attachment
2 and every other process and shall be inalicnable.”.

3 *b0875/2.7* **521.** Page 745, line 25: after that line insert:

4 “(d) For performance of a financial screen, the person, if seeking admission or
5 about to be admitted on a private pay basis, waives the requirement under s. 46.283
6 (4) (g), unless the person will be eligible for medical assistance within 6 months after
7 performance of the financial screen.”.

8 *b1144/1.5* **522.** Page 749, line 17: after that line insert:

9 *b1144/1.5* “SECTION 1521b. 50.065 (1) (ag) of the statutes is created to read:
10 50.065 (1) (ag) 1. “Caregiver” means any of the following:

11 a. A person who is, or is expected to be, an employe or contractor of an entity
12 and who has, or is expected to have, direct, regular contact with clients of the entity.

13 b. A person who has, or is seeking, a license, certification, registration, or
14 certificate of approval issued or granted by the department to operate an entity.

15 c. A person who is, or is expected to be, an employe of the board on aging and
16 long-term care and who has, or is expected to have, regular, direct contact with
17 clients.

18 2. “Caregiver” does not include a person who is certified as an emergency
19 medical technician under s. 146.50 if the person is employed, or seeking employment,
20 at the entity as an emergency medical technician.

21 *b1144/1.5* SECTION 1521c. 50.065 (1) (bm) of the statutes is created to read:

22 50.065 (1) (bm) “Contractor” means, with respect to an entity, a person, or that
23 person’s agent, who provides services to the entity under an express or implied
24 contract or subcontract, including a person who has staff privileges at the entity.

1 ***b1144/1.5* SECTION 1521d.** 50.065 (1) (c) (intro.) of the statutes is amended
2 to read:

3 50.065 (1) (c) (intro.) “Entity” means a facility, organization or service that is
4 licensed or certified by or registered with the department to provide direct care or
5 treatment services to clients. “Entity” includes a hospital, a personal care worker
6 agency ~~and~~, a supportive home care service agency, a temporary employment agency
7 that provides caregivers to another entity and the board on aging and long-term
8 care. “Entity” does not include any of the following:

9 ***b1144/1.5* SECTION 1521e.** 50.065 (1) (cn) of the statutes is created to read:
10 50.065 (1) (cn) “Nonclient resident” means a person who resides, or is expected
11 to reside, at an entity, who is not a client of the entity and who has, or is expected to
12 have, direct, regular contact with clients of the entity.

13 ***b1144/1.5* SECTION 1521f.** 50.065 (1) (e) of the statutes is repealed and
14 recreated to read:

15 50.065 (1) (e) 1. “Serious crime” means a violation of s. 940.01, 940.02, 940.03,
16 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
17 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 and 948.03 (2) (a), or a violation of
18 the law of any other state or United States jurisdiction that would be a violation of
19 s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or
20 (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 and 948.03
21 (2) (a) if committed in this state.

22 2. For the purposes of an entity that serves persons under the age of 18, “serious
23 crime” includes a violation of s. 948.02 (2), 948.03 (2) (b) and (c), 948.05, 948.055,
24 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or
25 a violation of the law of any other state or United States jurisdiction that would be

1 a violation of s. 948.02 (2), 948.03 (2) (b) and (c), 948.05, 948.055, 948.06, 948.07,
2 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if committed in this
3 state.

4 ***b1144/1.5* SECTION 1521g.** 50.065 (2) (a) (intro.) of the statutes is
5 renumbered 50.065 (4m) (a) (intro.).

6 ***b1144/1.5* SECTION 1521h.** 50.065 (2) (a) 1. of the statutes is renumbered
7 50.065 (4m) (a) 1.

8 ***b1144/1.5* SECTION 1521i.** 50.065 (2) (a) 2. of the statutes is repealed.

9 ***b1144/1.5* SECTION 1521j.** 50.065 (2) (a) 3. of the statutes is renumbered
10 50.065 (4m) (a) 3.

11 ***b1144/1.5* SECTION 1521k.** 50.065 (2) (a) 4. of the statutes is renumbered
12 50.065 (4m) (a) 4.

13 ***b1144/1.5* SECTION 1521L.** 50.065 (2) (a) 5. of the statutes is renumbered
14 50.065 (4m) (a) 5.

15 ***b1144/1.5* SECTION 1521m.** 50.065 (2) (ag) (intro.) of the statutes is
16 renumbered 50.065 (4m) (b) (intro.) and amended to read:

17 50.065 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
18 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~
19 ~~entity's control, as defined by the department by rule, and who is expected to have~~
20 ~~access to its clients,~~ caregiver or permit to reside at the entity a ~~person who is not a~~
21 ~~client and who is expected to have access to a client~~ nonclient resident, if the entity
22 knows or should have known any of the following:

23 ***b1144/1.5* SECTION 1521n.** 50.065 (2) (ag) 1. of the statutes is renumbered
24 50.065 (4m) (b) 1.

25 ***b1144/1.5* SECTION 1521p.** 50.065 (2) (ag) 2. of the statutes is repealed.

1 ***b1144/1.5* SECTION 1521q.** 50.065 (2) (ag) 3. of the statutes is renumbered
2 50.065 (4m) (b) 3.

3 ***b1144/1.5* SECTION 1521r.** 50.065 (2) (ag) 4. of the statutes is renumbered
4 50.065 (4m) (b) 4.

5 ***b1144/1.5* SECTION 1521s.** 50.065 (2) (ag) 5. of the statutes is renumbered
6 50.065 (4m) (b) 5.

7 ***b1144/1.5* SECTION 1521t.** 50.065 (2) (am) (intro.) of the statutes is amended
8 to read:

9 50.065 (2) (am) (intro.) ~~Subject to subd. 5. and par. (bd), the~~ The department
10 shall obtain all of the following with respect to a person specified under ~~par. (a)~~
11 ~~(intro.) sub. (1) (ag) 1. b.~~ and a person specified under ~~par. (ag) (intro.)~~ who is a
12 nonclient resident or prospective nonclient resident of an entity:

13 ***b1144/1.5* SECTION 1521u.** 50.065 (2) (am) 5. of the statutes is amended to
14 read:

15 50.065 (2) (am) 5. Information maintained by the department under this
16 section regarding any denial to the person of a license, certification, certificate of
17 approval or registration or of a continuation of a license, certification, certificate of
18 approval or registration to operate an entity for a reason specified in ~~par. sub. (4m)~~
19 (a) 1. to 5. and regarding any denial to the person of employment at, a contract with
20 or permission to reside at an entity for a reason specified in ~~par. (ag) sub. (4m) (b) 1.~~
21 to 5. If the information obtained under this subdivision indicates that the person has
22 been denied a license, certification, certificate of approval or registration,
23 continuation of a license, certification, certificate of approval or registration, a
24 contract, employment or permission to reside as described in this subdivision, the
25 department need not obtain the information specified in subds. 1. to 4.

1 ***b1144/1.5* SECTION 1521v.** 50.065 (2) (b) 1. of the statutes is renumbered
2 50.065 (2) (b), and 50.065 (2) (b) (intro.) and 5., as renumbered, are amended to read:
3 50.065 (2) (b) (intro.) ~~Subject to subds. 1. e. and 2. and par. (bd), every~~ Every
4 entity shall obtain all of the following with respect to a ~~person specified under par.~~
5 ~~(ag) (intro.) who is an employe or contractor or a prospective employe or contractor~~
6 caregiver of the entity:

7 5. Information maintained by the department under this section regarding any
8 denial to the person of a license, certification, certificate of approval or registration
9 or of a continuation of a license, certification, certificate of approval or registration
10 to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and regarding
11 any denial to the person of employment at, a contract with or permission to reside
12 at an entity for a reason specified in ~~par. (ag) sub. (4m)~~ (b) 1. to 5. If the information
13 obtained under this ~~subd. 1. e. subdivision~~ indicates that the person has been denied
14 a license, certification, certificate of approval or registration, continuation of a
15 license, certification, certificate of approval or registration, a contract, employment
16 or permission to reside as described in this ~~subd. 1. e. subdivision~~, the entity need
17 not obtain the information specified in ~~subd. subds. 1. a. to d. to 4.~~

18 ***b1144/1.5* SECTION 1521w.** 50.065 (2) (b) 2. of the statutes is repealed.

19 ***b1144/1.5* SECTION 1521x.** 50.065 (2) (bb) of the statutes is created to read:
20 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
21 of a crime or violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 or
22 947.013 without a recorded disposition, the department or entity shall make every
23 reasonable effort to determine the disposition of the charge.

24 ***b1144/1.5* SECTION 1521y.** 50.065 (2) (bd) of the statutes is amended to read:

1 50.065 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department is not
2 required to obtain the information specified in par. (am) 1. to 5., and an entity is not
3 required to obtain the information specified in par. (b) 1. ~~a. to e. to 5.~~, with respect
4 to a person under 18 years of age whose background information form under sub. (6)
5 (am) indicates that the person is not ineligible to be employed, contracted with or
6 permitted to reside at an entity for a reason specified in ~~par. (ag) sub. (4m) (b) 1.~~ to
7 5. and with respect to whom the department or entity otherwise has no reason to
8 believe that the person is ineligible to be employed, contracted with or permitted to
9 reside at an entity for any of those reasons. This paragraph does not preclude the
10 department from obtaining, at its discretion, the information specified in par. (am)
11 1. to 5. with respect to a person described in this paragraph who is a nonclient
12 resident or a prospective nonclient resident of an entity.

13 ***b1144/1.5* SECTION 1521z.** 50.065 (2) (bg) of the statutes is amended to read:

14 50.065 (2) (bg) If an entity ~~takes an action specified in par. (ag) (intro.) with~~
15 ~~respect to an employe, prospective employe, contractor or prospective contractor~~
16 hires or contracts with a caregiver for whom, within the last 4 years, the information
17 required under par. (b) 1. ~~a. to e. 3. and e. 5.~~ has already been obtained, ~~either by~~
18 ~~another entity or by a temporary employment agency,~~ the entity may obtain ~~the that~~
19 that information ~~required under par. (b) 1. a. to e. and e. from that other entity or~~
20 ~~temporary employment agency,~~ which shall provide the information, if possible, to
21 the requesting entity. If an entity cannot obtain the information required under par.
22 (b) 1. ~~a. to e. 3. and e. 5. from another entity or from a temporary employment agency~~
23 or if an entity has reasonable grounds to believe that any information obtained from
24 another entity ~~or from a temporary employment agency~~ is no longer accurate, the

1 entity shall obtain that information from the sources specified in par. (b) 1. ~~a.~~ to 3.
2 and ~~e.~~ 5.

3 ***b1144/1.5* SECTION 1521zb.** 50.065 (2) (bm) of the statutes is amended to
4 read:

5 50.065 (2) (bm) If the person who is the subject of the search under par. (am)
6 or (b) ~~1.~~ is not a resident of this state, or if at any time within the 3 years preceding
7 the date of the search that person has not been a resident of this state, the
8 department or entity shall make a good faith effort to obtain from any state or other
9 United States jurisdiction in which the person is a resident or was a resident within
10 the 3 years preceding the date of the search information that is equivalent to the
11 information specified in par. (am) 1. or (b) 1. ~~a.~~

12 ***b1144/1.5* SECTION 1521zc.** 50.065 (2) (c) of the statutes is renumbered
13 50.065 (4m) (c) and amended to read:

14 50.065 (4m) (c) If the background information form completed by a person
15 under sub. (6) (am) indicates that the person is not ineligible to be employed or
16 contracted with for a reason specified in par. ~~(ag)~~ (b) 1. to 5., an entity may employ
17 or contract with the person for not more than 60 days pending the receipt of the
18 information sought under ~~par. sub. (2)~~ (b) 1. If the background information form
19 completed by a person under sub. (6) (am) indicates that the person is not ineligible
20 to be permitted to reside at an entity for a reason specified in par. ~~(ag)~~ (b) 1. to 5. and
21 if an entity otherwise has no reason to believe that the person is ineligible to be
22 permitted to reside at an entity for any of those reasons, the entity may permit the
23 person to reside at the entity for not more than 60 days pending receipt of the
24 information sought under ~~par. sub. (2)~~ (am). An entity shall provide supervision for

1 a person who is employed or contracted with or permitted to reside as permitted
2 under this paragraph.

3 ***b1144/1.5* SECTION 1521zd.** 50.065 (2) (d) of the statutes is created to read:

4 50.065 (2) (d) Every entity shall maintain, or shall contract with another
5 person to maintain, the most recent background information obtained on a caregiver
6 under par. (b). The information shall be made available for inspection by authorized
7 persons, as defined by the department by rule.

8 ***b1144/1.5* SECTION 1521ze.** 50.065 (3) (a) of the statutes is amended to read:

9 50.065 (3) (a) Every 4 years or at any time within that period that the
10 department considers appropriate, the department shall request the information
11 specified in sub. (2) (am) 1. to ~~4.~~ 5. for all persons who are licensed to operate an entity
12 and for all persons ~~specified in par. (ag) (intro.)~~ who are nonclient residents of an
13 entity.

14 ***b1144/1.5* SECTION 1521zf.** 50.065 (3) (b) of the statutes is amended to read:

15 50.065 (3) (b) Every 4 years or at any other time within that period that an
16 entity considers appropriate, the entity shall request the information specified in
17 sub. (2) (b) 1. ~~a. to d.~~ 5. for all persons ~~specified in sub. (2) (ag) (intro.) who are~~
18 ~~employees or contractors~~ caregivers of the entity.

19 ***b1144/1.5* SECTION 1521zg.** 50.065 (3m) of the statutes is amended to read:

20 50.065 (3m) Notwithstanding subs. (2) (b) ~~1.~~ and (3) (b), if the department
21 obtains the information required under sub. (2) (am) or (3) (a) with respect to a person
22 ~~specified in sub. (2) (a) (intro.)~~ who is a caregiver specified under sub. (1) (ag) 1. b.
23 and that person is also an employe, contractor or nonclient resident of the entity, the
24 entity is not required to obtain the information specified in sub. (2) (b) ~~1.~~ or (3) (b)
25 with respect to that person.

1 ***b1144/1.5* SECTION 1521zh.** 50.065 (4) of the statutes is amended to read:

2 50.065 (4) An entity that violates sub. (2) ~~or~~, (3) or (4m)(b) may be required to
3 forfeit not more than \$1,000 and may be subject to other sanctions specified by the
4 department by rule.

5 ***b1144/1.5* SECTION 1521zi.** 50.065 (4m)(b) (intro.) of the statutes, as affected
6 by 1999 Wisconsin Act (this act), is amended to read:

7 50.065 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
8 sub. (5), an entity may not ~~hire~~ employ or contract with a caregiver or permit to reside
9 at the entity a nonclient resident, if the entity knows or should have known any of
10 the following:

11 ***b1144/1.5* SECTION 1521zj.** 50.065 (5) (intro.) of the statutes is amended to
12 read:

13 50.065 (5) (intro.) The department may license, certify, issue a certificate of
14 approval to or register to operate an entity a person who otherwise may not be
15 licensed, certified, issued a certificate of approval or registered for a reason specified
16 in sub. (2) ~~(4m)~~ (a) 1. to 5., and an entity may employ, contract with or permit to reside
17 at the entity a person who otherwise may not be employed, contracted with or
18 permitted to reside at the entity for a reason specified in sub. (2) ~~(ag)~~ (4m) (b) 1. to
19 5., if the person demonstrates to the department, or, in the case of an entity that is
20 located within the boundaries of a federally recognized American Indian reservation,
21 to the tribal governing body of that reservation, by clear and convincing evidence and
22 in accordance with procedures established by the department by rule, or by the tribal
23 governing body, that he or she has been rehabilitated. No person who has been
24 convicted of any of the following offenses may be permitted to demonstrate that he
25 or she has been rehabilitated until the later of at least 5 years after the date of the

1 conviction or adjudication for that offense or at least 5 years after the date of the
2 person's release from imprisonment, a secured juvenile facility or a commitment
3 order for that offense:

4 *b1144/1.5* SECTION 1521zk. 50.065 (5) (a), (d) and (e) of the statutes are
5 repealed.

6 *b1144/1.5* SECTION 1521zL. 50.065 (5d) of the statutes is created to read:
7 50.065 (5d) (a) Any tribal governing body that chooses to conduct
8 rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation
9 review plan that includes all of the following:

- 10 1. The criteria to be used to determine if a person has been rehabilitated.
- 11 2. The title of the person or body designated by the tribe to whom a request for
12 review must be made.
- 13 3. The title of the person or body designated by the tribe to determine whether
14 a person has been rehabilitated.
- 15 4. The manner in which the tribe will submit information relating to a
16 rehabilitation review to the department so that the department may include that
17 information in its report to the legislature required under sub. (5g).
- 18 5. A copy of the form to be used to request a review and a copy of the form on
19 which a written decision is to be made regarding whether a person has demonstrated
20 rehabilitation.

21 (b) The department shall approve or disapprove the plan under par. (a) within
22 90 days after receiving the plan. If the department disapproves the plan, the tribe
23 may, within 30 days after receiving notice of the disapproval, request that the
24 secretary review the department's decision.

25 *b1144/1.5* SECTION 1521zm. 50.065 (5m) of the statutes is amended to read:

1 50.065 (5m) Notwithstanding s. 111.335, the department may refuse to license,
2 certify or register, or issue a certificate of approval to, a ~~person to operate an entity,~~
3 caregiver and an entity may refuse to employ, or contract with a caregiver or to
4 permit a nonclient resident to reside at the entity ~~a person specified in sub. (2) (ag)~~
5 ~~(intro.)~~, if the ~~person caregiver or nonclient resident~~ has been convicted of an offense
6 that ~~the department has not defined as a “serious crime” by rule promulgated under~~
7 ~~sub. (7) (a), or specified in the list established by rule under sub. (7) (b) is not a serious~~
8 crime, but that is, in the estimation of the department or entity, substantially related
9 to the care of a client.

10 ***b1144/1.5* SECTION 1521zn.** 50.065 (6) (am) (intro.) of the statutes is
11 renumbered 50.065 (6) (am) and amended to read:

12 50.065 (6) (am) Every 4 years an entity shall require ~~all of the following persons~~
13 its caregivers and nonclient residents to complete a background information form
14 that is provided to the entity by the department.

15 ***b1144/1.5* SECTION 1521zp.** 50.065 (6) (am) 1. and 2. of the statutes are
16 repealed.

17 ***b1144/1.5* SECTION 1521zq.** 50.065 (6) (b) of the statutes is amended to read:

18 50.065 (6) (b) For ~~persons specified under par. (a)~~ caregivers who are licensed,
19 issued a certificate of approval or certified by, or registered with, the department, for
20 ~~person specified in par. (am) 2.~~ nonclient residents, and for other persons specified
21 by the department by rule, the entity shall send the background information form
22 to the department. ~~For persons specified under par. (am) 1., the entity shall maintain~~
23 ~~the background information form on file for inspection by the department.~~

24 ***b1144/1.5* SECTION 1521zr.** 50.065 (7) (a) and (b) of the statutes are
25 repealed.”.

1 ***b1218/1.7* 523.** Page 749, line 17: after that line insert:

2 ***b1218/1.7* “SECTION 1515m.** 50.065 (1) (c) 2. of the statutes is amended to
3 read:

4 50.065 (1) (c) 2. Kinship care ~~under s. 48.57 (3m)~~ or long-term kinship care
5 under s. 48.57 (3m), (3n) or (3o).”.

6 ***b1144/1.6* 524.** Page 749, line 21: delete “1”.

7 ***b0828/2.6* 525.** Page 749, line 24: after that line insert:

8 ***b0828/2.6* “SECTION 1522w.** 50.135 (1) of the statutes is amended to read:
9 50.135 (1) DEFINITION. In this section, “inpatient health care facility” means
10 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~
11 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,
12 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but
13 does not include community-based residential facilities.”.

14 ***b0828/2.7* 526.** Page 751, line 16: after that line insert:

15 ***b0828/2.7* “SECTION 1526g.** 50.39 (2) of the statutes is amended to read:
16 50.39 (2) The use of the title “hospital” to represent or identify any facility
17 which does not meet the definition of a “hospital” as provided herein or is not subject
18 to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed
19 by ss. s. 51.09 ~~and 252.073~~ are exempt.

20 ***b0828/2.7* SECTION 1526h.** 50.39 (3) of the statutes is amended to read:

21 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
22 ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.

23 938.02 (15m), correctional institutions governed by the department of corrections
24 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
1 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
2 not abridge the rights of the medical examining board, physical therapists affiliated
3 credentialing board, podiatrists affiliated credentialing board, dentistry examining
4 board, pharmacy examining board, chiropractic examining board and board of
5 nursing in carrying out their statutory duties and responsibilities.”.

6 *b0803/3.9* **527.** Page 752, line 10: after that line insert:

7 *b0803/3.9* “SECTION 1532d. 51.01 (14k) of the statutes is created to read:
8 51.01 (14k) “Secured child caring institution” has the meaning given in s.
9 938.02 (15g).

10 *b0803/3.9* SECTION 1533d. 51.01 (14m) of the statutes is created to read:
11 51.01 (14m) “Secured correctional facility” has the meaning given in s. 938.02
12 (15m).

13 *b0803/3.9* SECTION 1534d. 51.01 (14p) of the statutes is created to read:
14 51.01 (14p) “Secured group home” has the meaning given in s. 938.02 (15p).”.

15 *b0803/3.10* **528.** Page 755, line 8: after that line insert:

16 *b0803/3.10* “SECTION 1539d. 51.05 (2) of the statutes is amended to read:
17 51.05 (2) The department may not accept for admission to a mental health
18 institute any resident person, except in an emergency, unless the county department
19 under s. 51.42 in the county where the person has legal residency authorizes the care,
20 as provided in s. 51.42 (3) (as). Patients who are committed to the department under
21 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,
22 admitted by the department under s. 975.17, 1977 stats., or are transferred from a

23 juvenile secured correctional facility or, a secured child caring institution, as defined
24 in s. 938.02 (15g), or a secured group home to a state treatment facility under s. 51.35
1 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not
2 subject to this section.”.

3 *b0803/3.11* **529.** Page 756, line 1: after that line insert:

4 *b0803/3.11* “SECTION 1555d. 51.35 (3) (title) of the statutes is amended to
5 read:

6 51.35 (3) (title) TRANSFER OF CERTAIN JUVENILES FROM ~~JUVENILE CORRECTIONAL~~
7 ~~SECURED JUVENILE FACILITIES AND SECURED CHILD CARING INSTITUTIONS.~~

8 *b0803/3.11* SECTION 1556d. 51.35 (3) (a) of the statutes is amended to read:

9 51.35 (3) (a) A licensed psychologist of a juvenile secured correctional facility
10 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
11 physician of the department of corrections, who has reason to believe that any
12 individual confined in the ~~facility or institution~~ secured correctional facility, secured
13 child caring institution or secured group home is, in his or her opinion, in need of
14 services for developmental disability, alcoholism or drug dependency or in need of
15 psychiatric services, and who has obtained voluntary consent to make a transfer for
16 treatment, shall make a report, in writing, to the superintendent of the ~~facility or~~
17 ~~institution~~ secured correctional facility, secured child caring institution or secured
18 group home, stating the nature and basis of the belief and verifying the consent. In
19 the case of a minor age 14 and over, the minor and the minor’s parent or guardian
20 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of
21 a minor under the age of 14, only the minor’s parent or guardian need consent. The
22 superintendent shall inform, orally and in writing, the minor and the minor’s parent

23 or guardian, that transfer is being considered and shall inform them of the basis for
24 the request and their rights as provided in s. 51.13 (3). If the department of
1 corrections, upon review of a request for transfer, determines that transfer is
2 appropriate, that department shall immediately notify the department of health and
3 family services and, if the department of health and family services consents, the
4 department of corrections may immediately transfer the individual. The
5 department of ~~corrections~~ health and family services shall file a petition under s.
6 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the
7 county where the treatment facility is located.

8 *b0803/3.11* SECTION 1557d. 51.35 (3) (c) of the statutes is amended to read:
9 51.35 (3) (c) A licensed psychologist of a ~~juvenile~~ secured correctional facility
10 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
11 physician of the department of corrections, who has reason to believe that any
12 individual confined in the ~~facility or institution~~ secured correctional facility, secured
13 child caring institution or secured group home, in his or her opinion, is mentally ill,
14 drug dependent or developmentally disabled and is dangerous as described in s.
15 51.20 (1) (a) 2. a., b., c. or d., is mentally ill, is dangerous and satisfies the standard
16 under s. 51.20 (1) (a) 2. e. or is an alcoholic and is dangerous as described in s. 51.45
17 (13) (a) 1. and 2., shall file a written report with the superintendent of the ~~facility or~~
18 ~~institution~~ secured correctional facility, secured child caring institution or secured
19 group home, stating the nature and basis of the belief. If the superintendent, upon
20 review of the allegations in the report, determines that transfer is appropriate, he
21 or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to
22 exercise jurisdiction under chs. 48 and 938 of the county where the secured
23 correctional facility or, secured child caring institution or secured group home is

24 located. The court shall hold a hearing according to procedures provided in s. 51.20
25 or 51.45 (13).

1 ***b0803/3.11* SECTION 1558d.** 51.35 (3) (c) of the statutes, as affected by 1995
2 Wisconsin Act 292, section 28, and 1999 Wisconsin Act (this act), is repealed and
3 recreated to read:

4 51.35 (3) (c) A licensed psychologist of a secured correctional facility or a
5 secured child caring institution or a licensed physician of the department of
6 corrections, who has reason to believe that any individual confined in the secured
7 correctional facility, secured child caring institution or secured group home, in his
8 or her opinion, is mentally ill, drug dependent or developmentally disabled and is
9 dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is dangerous as
10 described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the
11 superintendent of the secured correctional facility, secured child caring institution
12 or secured group home, stating the nature and basis of the belief. If the
13 superintendent, upon review of the allegations in the report, determines that
14 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45
15 in the court assigned to exercise jurisdiction under ch. 48 of the county where the
16 secured correctional facility, secured child caring institution or secured group home
17 is located. The court shall hold a hearing according to procedures provided in s. 51.20
18 or 51.45 (13).

19 ***b0803/3.11* SECTION 1559d.** 51.35 (3) (e) of the statutes is amended to read:

20 51.35 (3) (e) The department of corrections may authorize emergency transfer
21 of an individual from a juvenile secured correctional facility ~~or~~, a secured child caring
22 institution, ~~as defined in s. 938.02 (15g), or a secured group home~~ to a state treatment
23 facility if there is cause to believe that the individual is mentally ill, drug dependent

24 or developmentally disabled and exhibits conduct which constitutes a danger as
25 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is
1 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is
2 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian
3 of the sending ~~facility or institution~~ secured correctional facility, secured child caring
4 institution or secured group home shall execute a statement of emergency detention
5 or petition for emergency commitment for the individual and deliver it to the
6 receiving state treatment facility. The department of health and family services
7 shall file the statement or petition with the court within 24 hours after the subject
8 individual is received for detention or commitment. The statement or petition shall
9 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,
10 the director of the receiving facility may file a petition for continued commitment
11 under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~facility or~~
12 ~~institution~~ secured correctional facility, secured child caring institution or secured
13 group home from which the transfer was made. As an alternative to this procedure,
14 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no ~~prisoner~~
15 individual may be released without the approval of the court which directed
16 confinement in the secured correctional facility ~~or~~, secured child caring institution
17 or secured group home.

18 ***b0803/3.11* SECTION 1560d.** 51.35 (3) (e) of the statutes, as affected by 1995
19 Wisconsin Act 292, section 28, and 1999 Wisconsin Act (this act), is repealed and
20 recreated to read:

21 51.35 (3) (e) The department of corrections may authorize emergency transfer
22 of an individual from a secured correctional facility, a secured child caring institution
23 or a secured group home to a state treatment facility if there is cause to believe that

24 the individual is mentally ill, drug dependent or developmentally disabled and
25 exhibits conduct which constitutes a danger as described under s. 51.20 (1) (a) 2. to
1 the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45
2 (13) (a) 1. and 2. The custodian of the sending secured correctional facility, secured
3 child caring institution or secured group home shall execute a statement of
4 emergency detention or petition for emergency commitment for the individual and
5 deliver it to the receiving state treatment facility. The department of health and
6 family services shall file the statement or petition with the court within 24 hours
7 after the subject individual is received for detention or commitment. The statement
8 or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency
9 transfer is made, the director of the receiving facility may file a petition for continued
10 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the
11 secured correctional facility, secured child caring institution or secured group home
12 from which the transfer was made. As an alternative to this procedure, the
13 procedure provided in s. 51.15 or 51.45 (12) may be used, except that no individual
14 may be released without the approval of the court which directed confinement in the
15 secured correctional facility, secured child caring institution or secured group home.

16 ***b0803/3.11* SECTION 1561d.** 51.35 (3) (g) of the statutes is amended to read:

17 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
18 facility under par. (a) may request in writing a return to the juvenile secured
19 correctional facility or, secured child caring institution, as defined in s. 938.02 (15g)
20 or secured group home. In the case of a minor under 14 years of age, the parent or
21 guardian may make the request. Upon receipt of a request for return from a minor
22 14 years of age or over, the director shall immediately notify the minor's parent or
23 guardian. The minor shall be returned to the juvenile secured correctional facility

24 or, secured child caring institution or secured group home within 48 hours after
25 submission of the request unless a petition or statement is filed for emergency
1 detention, emergency commitment, involuntary commitment or protective
2 placement.”.

3 ***b0773/2.24* 530.** Page 757, line 11: delete the material beginning with “,
4 253.07” and ending with “(c)” on line 12 and substitute “, 253.07 (3) (e)”.

5 ***b0773/2.25* 531.** Page 759, line 3: delete “, 253.07 (3) (c)” and substitute “,
6 253.07 (3) (e)”.

7 ***b0793/2.5* 532.** Page 759, line 14: after that line insert:

8 ***b0793/2.5* SECTION 1575m.** 59.08 (7) (b) of the statutes is amended to read:
9 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
10 to the voters at the next election authorized under s. 8.065 (2) or an election
11 authorized under 8.065 (3) to be held on the first Tuesday in April, or the next regular
12 election, or at a special election to be held on a date specified in the order which shall
13 be no sooner than 45 days after the day fixed in date of the order issued under par.
14 (a), which day date shall be the same in each of the counties proposing to consolidate.
15 A copy of the order shall be filed with the county clerk of each of the counties. ~~If the~~
16 ~~question of consolidation is submitted at a special election, it shall be held not less~~
17 ~~than 30 days nor more than 60 days from the completion of the consolidation~~
18 ~~agreement, but not within 60 days of any spring or general election.”.~~

19 ***b0802/3.1* 533.** Page 759, line 14: after that line insert:

20 ***b0802/3.1* SECTION 1573g.** 51.48 of the statutes is created to read:

21 **51.48 Alcohol and other drug testing of minors.** A minor's parent or
22 guardian may consent to have the minor tested for the presence of alcohol or other
23 drugs in the minor's body. Consent of the minor is not required under this section."

24 ***b0828/2.8* 534.** Page 759, line 14: after that line insert:

1 ***b0828/2.8*** "SECTION 1572m. 58.06 of the statutes is repealed."

2 ***b0699/2.1* 535.** Page 761, line 21: after that line insert:

3 ***b0699/2.1*** "SECTION 1577p. 59.52 (29) (a) of the statutes is amended to read:

4 59.52 (29) (a) ^{am} All Except as provided in par. (c) 2., all public work, including any
5 contract for the construction, repair, remodeling or improvement of any public work,
6 building, or furnishing of supplies or material of any kind where the estimated cost
7 of such work will exceed ~~\$20,000~~ \$30,000 shall be let by contract to the lowest
8 responsible bidder. Any public work, the estimated cost of which does not exceed
9 ~~\$20,000~~ \$30,000, shall be let as the board may direct. If the estimated cost of any
10 public work is between \$5,000 and ~~\$20,000~~ \$30,000, the board shall give a class 1
11 notice under ch. 985 before it contracts for the work or shall contract with a person
12 qualified as a bidder under s. 66.29 (2). A contract, the estimated cost of which
13 exceeds ~~\$20,000~~ \$30,000, shall be let and entered into under s. 66.29, except that the
14 board may by a three-fourths vote of all the members entitled to a seat provide that
15 any class of public work or any part thereof may be done directly by the county
16 without submitting the same for bids. This subsection does not apply to highway
17 contracts which the county highway committee or the county highway commissioner
18 is authorized by law to let or make.

19 ***b0699/2.1* SECTION 1577q.** 59.52 (29) (c) to (e) of the statutes are created to
20 read:

*renumbered 59.52
(29) (am) and*

21 59.52 (29) (c) 1. In this paragraph, “design–build construction process” means
22 a procurement process under which the engineering, design and construction
23 services are provided by a single entity.

1 2. Any public works contract described in par. (a), the estimated cost of which
2 exceeds \$500,000, may be let using the design–build construction process.

3 (d) If a county wishes to construct a public work using the design–build
4 construction process, the county shall use a selection process that contains the
5 following procedures:

6 1. The county shall issue a request for proposals from design–build teams by
7 publishing a class 1 notice under ch. 985. The notice shall include a project statement
8 that describes the space needs and design goals for the project, detailed submission
9 requirements, selection procedures, site information, an outline of specifications for
10 the project, a budget for the project, a project schedule, the composition of the
11 selection panel and the approximate amount of the bond that the county will require
12 under par. (e).

13 2. Following receipt of the proposals, the county shall select 5 or less
14 design–build teams to participate in the final stage of the selection process. The
15 selection of teams under this subdivision shall be based on factors that include the
16 background, experience and qualifications of the members of the teams; the financial
17 strength and surety capacity of the teams; the quality of the initial proposal; and the
18 past performance and current workload of the teams. The county selection panel
19 that selects the teams under this subdivision for the final selection process under
20 subd. 3. may include design and construction professionals who work for the county
21 or are hired by the county to assist in the selection, members of the county board and

22 representatives from the county entity that will use the facility that is to be
23 constructed under the selection process described in this paragraph.

24 3. The county shall make a final selection from among the teams selected under
25 subd. 2. if the county determines that at least one of the teams selected as a finalist
1 under subd. 2. will be able to construct the public work in a way that is satisfactory
2 to the county. The final selection shall be made following interviews and
3 presentations from the finalists, based on criteria that are published as a class 1
4 notice under ch. 985. The notice shall state the weight that is given to each criterion.
5 The criteria to be used in making a final selection under this subdivision may include
6 the quality of the proposed design, the construction approach to be used to complete
7 the project, the extent to which a proposal demonstrates compliance with the project
8 statement described under subd. 1., the proposed management plan for the project,
9 the estimated cost of the project and a guaranteed maximum price for the project.

10 (e) If the county selects a design–build team under par. (d) 3. and enters into
11 a contract for the construction of the project, the design–build team shall obtain
12 bonding, in an amount specified by the county, to guarantee completion of the project
13 according to the terms of the contract.”

14 ***b0796/1.3* 536.** Page 761, line 21: after that line insert:

15 ~~***b0796/1.3* “SECTION 1577m. 59.52 (29) (a) of the statutes is renumbered**~~
16 ~~59.52 (29) (am).”~~

17 ***b0796/1.3* SECTION 1577n.** 59.52 (29) (ae) of the statutes is created to read:
18 59.52 (29) (ae) In this subsection, “labor organization” has the meaning given
19 in s. 5.02 (8m).

20 ***b0796/1.3* SECTION 1577o.** 59.52 (29) (b) of the statutes is amended to read:

21 59.52 (29) (b) The provisions of par. (a) (~~am~~) are not mandatory for the repair
22 or reconstruction of public facilities when damage or threatened damage thereto
23 creates an emergency, as determined by resolution of the board, in which the public
24 health or welfare of the county is endangered. Whenever the board by majority vote
1 at a regular or special meeting determines that an emergency no longer exists, this
2 paragraph no longer applies.

3 ***b0796/1.3*** SECTION 1577p. 59.52 (29) (~~c~~)^f and (~~d~~)^g of the statutes are created
4 to read:

5 59.52 (29) (~~c~~)^f The board shall ensure that the specifications for bids and
6 contracts for construction projects entered into under this subsection do not do any
7 of the following:

8 1. Require any bidder, contractor or subcontractor to enter into or to adhere to
9 an agreement with any labor organization concerning services to be performed in
10 relation to the project or a related project.

11 2. Discriminate against any bidder, contractor or subcontractor for refusing to
12 enter into or continue to adhere to an agreement with any labor organization
13 concerning services to be performed in relation to the project or a related project.

14 3. Require any bidder, contractor or subcontractor to enter into, continue to
15 adhere to or enforce any agreement that requires its employees, as a condition of
16 employment, to do any of the following:

17 a. Become members of or become affiliated with a labor organization.

18 b. Make payments to a labor organization, without the authorization of the
19 employees, exceeding the employees' proportionate share of the cost of collective
20 bargaining, contract administration and grievance adjustment.

21 (d) Any taxpayer of this state or any other person who enters into contracts or
22 subcontracts for building construction services may bring an action to require
23 compliance with par. (c). If that person prevails in his or her action, the court shall
24 award to that person reasonable actual attorney fees in addition to other costs
25 allowed to prevailing parties under ch. 814.”

1 *b0980/1.15* **537**. Page 761, line 22: delete lines 22 to 25.

2 *b0980/1.16* **538**. Page 762, line 1: delete lines 1 to 12.

3 *b0759/1.1* **539**. Page 763, line 10: after that line insert:

4 *b0759/1.1* “SECTION 1579u. 59.692 (6m) of the statutes is created to read:

5 59.692 (6m) For an amendment to an ordinance enacted under this section that
6 affects an activity that meets all of the requirements under s. 281.165 (1) to (5), the
7 department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the
8 amendment, to determine whether the ordinance, as amended, fails to meet the
9 shoreland zoning standards.”

10 *b0980/1.17* **540**. Page 763, line 24: delete the material beginning with that
11 line and ending with page 767, line 17.

12 *b0699/2.2* **541**. Page 763, line 23: after that line insert:

13 *b0699/2.2* “SECTION 1580n. 60.47 (2) (a) of the statutes is amended to read:

14 60.47 (2) (a) No town may enter into a public contract with an estimated cost
15 of more than \$5,000 but not more than ~~\$10,000~~ \$30,000 unless the town board, or a
16 town official or employe designated by the town board, gives a class 1 notice under
17 ch. 985 before execution of that public contract.

18 *b0699/2.2* SECTION 1580nc. 60.47 (2) (b) of the statutes is amended to read:

19 60.47 (2) (b) No town may enter into a public contract with a value of more than
20 \$10,000 ~~\$30,000~~ unless the town board, or a town official or employe designated by
21 the town board, advertises for proposals to perform the terms of the public contract
22 by publishing a class 2 notice under ch. 985. The town board may provide for
23 additional means of advertising for bids.

24 ***b0699/2.2* SECTION 1580nf.** 60.47 (2m) of the statutes is created to read:

1 60.47 (2m) DESIGN-BUILD CONTRACTS. Any public contract under sub. (2), the
2 estimated cost of which exceeds \$500,000, may be let using the design-build
3 construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e),
4 as it applies to counties, applies to towns.

5 ***b0699/2.2* SECTION 1580ng.** 60.47 (3) of the statutes is amended to read:

6 60.47 (3) CONTRACTS TO LOWEST RESPONSIBLE BIDDER. The Except as provided in
7 sub. (2m), the town board shall let a public contract for which advertising for
8 proposals is required under sub. (2) (b) to the lowest responsible bidder. Section
9 66.29 applies to public contracts let under sub. (2) (b).

10 ***b0699/2.2* SECTION 1580ni.** 60.47 (5) of the statutes is amended to read:

11 60.47 (5) EXCEPTION FOR EMERGENCIES AND DONATED MATERIALS AND LABOR. This
12 section is optional with respect to public contracts for the repair and construction of
13 public facilities when damage or threatened damage to the facility creates an
14 emergency, as declared by resolution of the town board, that endangers the public
15 health or welfare of the town. This subsection no longer applies when the town board
16 declares that the emergency no longer exists. This section is optional with respect
17 to a public contract if the materials related to the contract are donated or if the labor
18 that is necessary to execute the public contract is provided by volunteers.”