

1 ***b0803/3.3* 433.** Page 555, line 10: after that line insert:

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

3 46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double
4 entry accounting system and a management information system which are
5 compatible with cost accounting and control systems prescribed by the department.
6 The department shall establish a simplified double entry bookkeeping system for use
7 by family-operated group homes. Each purchaser shall determine whether a
8 family-operated group home from which it purchases services shall use the double
9 entry accounting system or the simplified system and shall include this
10 determination in the purchase of service contract. In this paragraph,
11 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for
12 which the licensee is one or more individuals who operate not more than one group
13 home.”.

14 ***b0892/4.14* 434.** Page 555, line 25: after that line insert:

15 ***b0892/4.14* "SECTION 999p.** 46.041 (1) (a) of the statutes is amended to read:

16 46.041 (1) (a) Provide for the temporary residence and evaluation of children
17 referred from courts assigned to exercise jurisdiction under chs. 48 and 938, the
18 institutions and services under the jurisdiction of the department, University of
19 Wisconsin Hospitals and Clinics Authority, county departments under s. 46.215,
20 46.22 or 46.23, private child welfare agencies, schools the Wisconsin School for the
21 deaf and visually handicapped, Deaf, the Wisconsin Center for the Blind and
22 Visually Impaired and mental health facilities within the state at the discretion of
23 the superintendent director of the institution providing services under this section.”.

24 ***b0828/2.2* 435.** Page 559, line 21: after that line insert:

1 ***b0828/2.2*** **SECTION 1003c.** 46.10 (2m) of the statutes is amended to read:

2 46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis
3 patients receiving care, maintenance, services and supplies under ss. ~~58.06 and~~
4 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and
5 supplies provided by prisons named in s. 302.01 or to parents of a minor who receives
6 care for alcohol or drug abuse under s. 51.47 (1) without consent of the minor's parent
7 or guardian.

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

9 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, tuberculosis
10 ~~hospital or sanatorium~~, or similar institution, shall, subject to regulations approved
11 by the county board, be managed by a board of trustees, electors of the county, chosen
12 by ballot by the county board. At its annual meeting, the county board shall appoint
13 an uneven number of trustees, from 3 to 9 at the option of the board, for staggered
14 3-year terms ending the first Monday in January. Any vacancy shall be filled for the
15 unexpired term by the county board; but the chairperson of the county board may
16 appoint a trustee to fill the vacancy until the county board acts.

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

18 46.20 (1) Any 2 or more counties may jointly, by majority vote of all the
19 members of each county board, provide for a county home, infirmary, hospital,
20 ~~tuberculosis hospital or sanatorium~~, or similar institution, or juvenile detention
21 home, which shall be established, maintained and operated pursuant to all the
22 statutes relating to the establishment, maintenance and operation of similar
23 institutions, respectively, by any single county whose population is less than
24 250,000, except as otherwise provided in this section; and in all respects, except as

1 herein specified, each such institution shall be the county institution of each of the
2 counties so joining.

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

4 46.20 (3) Upon approval of the site, plans and specifications, as provided in s.
5 ~~252.073 as to tuberculosis sanatoriums and~~ ss. 46.17 and 301.37, as to other
6 institutions, the joint committee shall report to the several county boards the
7 estimated cost of the site and buildings, and the amount thereof chargeable to each
8 county on the basis set forth in sub. (6) (a), appending to each report a copy of the
9 plans and specifications and all matter relating to the site and buildings. If the
10 report is approved by each county board, the joint committee shall purchase the site
11 and cause the buildings to be erected in accordance with the plans and specifications.

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

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

14 ***b0773/2.6* 436.** Page 559, line 24: delete the material beginning with “,
15 252.11 (7)” and ending with “(c)” on line 25 and substitute “, and 252.11 (7) and 253.07
16 ~~(3) (e)~~”.

17 ***b0773/2.7* 437.** Page 561, line 8: delete the material beginning with “,
18 253.07” and ending with “(c)” on line 9 and substitute “, ~~253.07 (3) (e)~~”.

19 ***b0773/2.8* 438.** Page 563, line 18: delete the material beginning with “,
20 253.07” and ending with “(c)” on line 19 and substitute “, ~~253.07 (3) (e)~~”.

21 ***b0773/2.9* 439.** Page 564, line 25: delete the material beginning with “,
22 253.07” and ending with “(c)” on page 565, line 1, and substitute “, ~~253.07 (3) (e)~~”.

23 ***b1280/1.1* 440.** Page 566, line 6: after that line insert:

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

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

9 ***b0875/2.1* 441.** Page 569, line 25: delete “whether or not the person is a
10 private pay admittee at the time of admission.” and substitute “~~whether or not the~~
11 ~~person is a private pay admittee at the time of admission.~~ except that a person
12 seeking admission or about to be admitted on a private pay basis may waive the
13 assessment, unless the person will be eligible for medical assistance within 6 months
14 of assessment.”.

15 ***b0875/2.2* 442.** Page 570, line 4: after that line insert:

16 ***b0875/2.2* “SECTION 1045g.** 46.27 (7) (cL) of the statutes is created to read:
17 46.27 (7) (cL) No county department or aging unit may deny services to a
18 person under par. (cj) who refused to have an assessment completed as required
19 under par. (cj) 3. a. before the effective date of this paragraph [revisor inserts
20 date].”.

21 ***b1280/1.2* 443.** Page 570, line 4: after that line insert:

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

1 46.27 (7) (cj) 3. e. The county department or aging unit determines that
2 placement in the community-based residential facility is cost-effective compared to
3 other options, including home care and nursing home care. In making that
4 determination, the county shall consider all state and federal funds needed for all
5 options considered.

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

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

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

15 46.27 (7) (cm) 1. (intro.) Beginning on January 1, 1996, no county, private
16 nonprofit agency or aging unit may use funds received under par. (b) to provide
17 services in any community-based residential facility that has more than 8 20 beds,
18 unless one of the following applies:

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

20 ***b0875/2.3* 444.** Page 574, line 8: after that line insert:

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

22 46.27 (11) (c) 5q. No county department or aging unit may deny services to a
23 person under subd. 5n. who refused to have an assessment completed as required

1 under subd. 5n. a. before the effective date of this subdivision [revisor inserts
2 date].”.

3 ***b0875/2.4* 445.** Page 574, line 23: delete “whether or not the person is a
4 private pay admittee at the time of admission.” and substitute “~~whether or not the~~
5 ~~person is a private pay admittee at the time of admission.~~ except that a person
6 seeking admission or about to be admitted on a private pay basis may waive the
7 assessment, unless the person will be eligible for medical assistance within 6 months
8 of assessment.”.

9 ***b0875/2.5* 446.** Page 576, line 3: delete “whether or not the person is a
10 private pay admittee at the time of admission.” and substitute “~~whether or not the~~
11 ~~person is a private pay admittee at the time of admission.~~ except that a person
12 seeking admission or about to be admitted on a private pay basis may waive the
13 assessment, unless the person will be eligible for medical assistance within 6 months
14 of assessment.”.

15 ***b0875/2.6* 447.** Page 594, line 9: after “supervision.” insert “A resource
16 center need not provide a financial screen for a person seeking admission or about
17 to be admitted on a private pay basis who waives the requirement for a financial
18 screen under this paragraph, unless the person will be eligible for medical assistance
19 within 6 months after performance of the financial screen.”.

20 ***b0773/2.10* 448.** Page 595, line 8: delete “, 253.07 (3) (c)”.

21 ***b0773/2.11* 449.** Page 603, line 18: delete “, 253.07 (3) (c)”.

22 ***b0773/2.12* 450.** Page 620, line 16: delete “, 253.07 (3) (c)”.

23 ***b1263/1.3* 451.** Page 622, line 7: delete lines 7 to 14.

1 ***b1214/1.2* 452.** Page 623, line 3: delete “\$1,877,000 for each” and substitute
2 “~~\$1,877,000 for each~~”.

3 ***b1214/1.3* 453.** Page 623, line 4: delete “fiscal year” and substitute “fiscal
4 year \$1,993,400 for fiscal year 1999–2000 and \$2,226,300 for fiscal year 2000–01”.

5 ***b0803/3.4* 454.** Page 645, line 22: after that line insert:

6 ***b0803/3.4* “SECTION 1131d.** 48.02 (17) of the statutes is amended to read:
7 48.02 (17) “Shelter care facility” means a nonsecure place of temporary care
8 and physical custody for children, including a holdover room, licensed by the
9 department under s. 48.66 (1) (a).”.

10 ***b1225/2.1* 455.** Page 645, line 22: after that line insert:

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

12 48.20 (8) If a child is held in custody, the intake worker shall notify the child’s
13 parent, guardian and legal custodian of the reasons for holding the child in custody
14 and of the child’s whereabouts unless there is reason to believe that notice would
15 present imminent danger to the child. The parent, guardian and legal custodian
16 shall also be notified of the time and place of the detention hearing required under
17 s. 48.21, the nature and possible consequences of that hearing, the right to counsel
18 under s. 48.23 regardless of ability to pay and the right to present and cross-examine
19 witnesses at the hearing. If the parent, guardian or legal custodian is not
20 immediately available, the intake worker or another person designated by the court
21 shall provide notice as soon as possible. When the child is 12 years of age or older,
22 the child shall receive the same notice about the detention hearing as the parent,
23 guardian or legal custodian. The intake worker shall notify both the child and the
24 child’s parent, guardian or legal custodian. When the child is an expectant mother

1 who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., the unborn child,
2 through the unborn child's guardian ad litem, shall receive the same notice about the
3 whereabouts of the child expectant mother, about the reasons for holding the child
4 expectant mother in custody and about the detention hearing as the child expectant
5 mother and her parent, guardian or legal custodian. The intake worker shall notify
6 the child expectant mother, her parent, guardian or legal custodian and the unborn
7 child, by the unborn child's guardian ad litem.

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

9 48.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian
10 or legal custodian shall be informed by the court of the allegations that have been
11 made or may be made, the nature and possible consequences of this hearing as
12 compared to possible future hearings, the right to counsel under s. 48.23 regardless
13 of ability to pay, the right to confront and cross-examine witnesses and the right to
14 present witnesses.

15 *b1225/2.1* SECTION 1130r. 48.23 (2) of the statutes is renumbered 48.23 (2)

16 (a) and amended to read:

17 48.23 (2) (a) Whenever a child is alleged to be in need of protection or services
18 under s. 48.13 or is the subject of a proceeding involving a contested adoption or the
19 involuntary termination of parental rights, any parent under 18 years of age who
20 appears before the court shall be represented by counsel; but no such parent may
21 waive counsel. A minor parent petitioning for the voluntary termination of parental
22 rights shall be represented by a guardian ad litem. If a proceeding involves a
23 contested adoption or the involuntary termination of parental rights, any parent 18
24 years old or older who appears before the court shall be represented by counsel; but

1 the parent may waive counsel provided the court is satisfied such waiver is
2 knowingly and voluntarily made.

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

4 48.23 (2) (b) If a petition under s. 48.13 is contested, no child may be placed
5 outside his or her home unless the nonpetitioning parent is represented by counsel
6 at the fact-finding hearing and subsequent proceedings. If the petition is not
7 contested, the child may not be placed outside his or her home unless the
8 nonpetitioning parent is represented by counsel at the hearing at which the
9 placement is made. A parent who is required under this paragraph to be represented
10 by counsel may, however, waive counsel if the court is satisfied that such waiver is
11 knowingly and voluntarily made, and the court may place the child outside the home
12 even though the parent was not represented by counsel.

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

14 48.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings under~~
15 ~~s. 48.13, at~~ At any time, upon request or on its own motion, the court may appoint
16 counsel for the child or any party, unless the child or the party has or wishes to retain
17 counsel of his or her own choosing. ~~The court may not appoint counsel for any party~~
18 ~~other than the child in a proceeding under s. 48.13.~~

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

20 48.23 (4) PROVIDING COUNSEL. In any situation under this section in which a
21 ~~person~~ child has a right to be represented by counsel or is provided counsel at the
22 discretion of the court and counsel is not knowingly and voluntarily waived, the court
23 shall refer the ~~person~~ child to the state public defender and counsel shall be
24 appointed by the state public defender under s. 977.08 without a determination of
25 indigency. If the referral is of a ~~person~~ child who has filed a petition under s. 48.375

1 (7), the state public defender shall appoint counsel within 24 hours after that
2 referral. Any counsel appointed in a petition filed under s. 48.375 (7) shall continue
3 to represent the child in any appeal brought under s. 809.105 unless the child
4 requests substitution of counsel or extenuating circumstances make it impossible for
5 counsel to continue to represent the child. In any situation under sub. (2) or (2m) in
6 which a parent 18 years of age or over or an adult expectant mother is entitled to
7 representation by counsel; counsel is not knowingly and voluntarily waived; and it
8 appears that the parent or adult expectant mother is unable to afford counsel in full,
9 or the parent or adult expectant mother so indicates; the court shall refer the parent
10 or adult expectant mother to the authority for indigency determinations specified
11 under s. 977.07 (1). In any other situation under this section in which a person has
12 a right to be represented by counsel or is provided counsel at the discretion of the
13 court, competent and independent counsel shall be provided and reimbursed in any
14 manner suitable to the court regardless of the person's ability to pay, except that the
15 court may not order a person who files a petition under s. 813.122 or 813.125 to
16 reimburse counsel for the child who is named as the respondent in that petition.”.

17 *b1225/2.2* **456.** Page 646, line 3: after that line insert:

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

20 48.27 (4) (a) 2. Advise the child and any other party, if applicable, of his or her
21 right to legal counsel regardless of ability to pay.”.

22 *b0803/3.5* **457.** Page 647, line 21: after that line insert:

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

1 48.48 (9) To license foster homes or treatment foster homes as provided in s.
2 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
3 requested to do so, for the use of county departments.

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

5 48.48 (9m) To license shelter care facilities as provided in s. 48.66 (1) (a).

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

7 48.48 (10) To license child welfare agencies and day care centers as provided
8 in s. 48.66 (1) (a).”.

9 ***b1218/1.2* 458.** Page 647, line 21: after that line insert:

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

12 48.48 (17) (a) 10. Administer kinship care and long-term kinship care as
13 provided in s. 48.57 (3m), (3n), (3o) and (3p).”.

14 ***b0773/2.13* 459.** Page 648, line 18: after that line insert:

15 ***b0773/2.13* “SECTION 1138r.** 48.551 (2) (a) of the statutes is renumbered
16 48.55 (2) (a) and amended to read:

17 48.55 (2) (a) Training persons who provide counseling to adolescents including
18 school counselors, county or department employes providing child welfare services
19 under s. 48.56 or 48.561 and employes of a clinic providing family planning services,
20 as defined in s. 253.07 (1) (b) prenatal care and delivery services or infant care, foster
21 care or adoption services.”.

22 ***b0773/2.14* 460.** Page 648, line 19: on lines 19 and 20, delete “(a),”.

23 ***b0828/2.3* 461.** Page 650, line 5: after that line insert:

24 ***b0828/2.3* “SECTION 1143dm.** 48.60 (2) (d) of the statutes is amended to read:

1 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home
2 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department;”.

3 ***b1218/1.3* 462.** Page 650, line 5: after that line insert:

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

5 48.57 (3o) (a) In this subsection:

6 1. “Kinship care relative” has the meaning given in sub. (3m) (a).

7 2. “Long-term kinship care relative” has the meaning given in sub. (3n) (a).

8 (b) From the appropriation under s. 20.435 (3) (kc), the department shall
9 reimburse counties having populations of less than 500,000 for payments made
10 under this subsection and shall make payments under this subsection in a county
11 having a population of 500,000 or more. A county department and, in a county
12 having a population of 500,000 or more, the department shall make payments in the
13 amount of \$215 per month to a kinship care relative or a long-term kinship care
14 relative who is providing care and maintenance for a person if the person meets all
15 of the following conditions:

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

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

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

23 4. The person received funding under sub. (3m) (am) or (3n) (am) immediately
24 prior to the person’s 18th birthday.

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

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

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

12 48.57 (3t) Notwithstanding subs. (3m), (3n), ~~(3o)~~ and (3p), the department may
13 enter into an agreement with the governing body of a federally recognized American
14 Indian tribe or band to allow that governing body to administer the program under
15 subs. (3m), (3n), ~~(3o)~~ and (3p) within the boundaries of that reservation. Any
16 agreement under this subsection relating to the administration of the program under
17 sub. (3m) shall specify the person with whom a request for review under sub. (3p) (h)
18 2. may be filed and the person who has been designated by the governing body to
19 conduct the review under sub. (3p) (h) 3. and make the determination under sub. (3p)
20 (h) 4. Any agreement under this subsection relating to the administration of the
21 program under sub. (3n) shall specify who is to make any determination as to
22 whether a conviction record is satisfactory.”.

23 *b0803/3.6* 463. Page 651, line 25: after that line insert:

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

3 48.66 (1) (a) Except as provided ~~under~~ in s. 48.715 (6) and (7), the department
4 shall license and supervise child welfare agencies, as required by s. 48.60, group
5 homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and
6 day care centers, as required by s. 48.65. The department may license foster homes
7 or treatment foster homes, as provided by s. 48.62, and may license and supervise
8 county departments in accordance with the procedures specified in this section and
9 in ss. 48.67 to 48.74.

10 **(b)** Except as provided ~~under~~ in s. 48.715 (6), the department of corrections may
11 license a child welfare agency to operate a secured child caring institution, as defined
12 in s. 938.02 (15g), for holding in secure custody juveniles who have been convicted
13 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h) or
14 (4m) and referred to the child welfare agency by the court or the department of
15 corrections and to provide supervision, care and maintenance for those juveniles.
16 The department of corrections may also license not more than 5 county departments,
17 as defined in s. 938.02 (2g), or not more than 5 consortia of not more than 5 county
18 departments to operate not more than 5 group homes that have been licensed under
19 par. (a) as secured group homes, as defined in s. 938.02 (15p), for holding in secure
20 custody juveniles who have been convicted under s. 938.183 or adjudicated
21 delinquent under s. 938.183 or 938.34 (4m) and referred to the county department
22 by the court and to provide supervision, care and maintenance for those juveniles.

23 **(c)** A license issued under ~~this subsection~~ par. (a) or (b), other than a license to
24 operate a foster home, treatment foster home ~~or~~, secured child caring institution ~~or~~
25 secured group home, is valid until revoked or suspended. A license issued under this

1 subsection to operate a foster home, treatment foster home or, secured child caring
2 institution or secured group home may be for any term not to exceed 2 years from the
3 date of issuance. No license issued under ~~this subsection~~ par. (a) or (b) is
4 transferable.

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

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

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

16 48.66 (2m) (am) The department of corrections shall require each applicant for
17 a license under sub. (1) (b) to operate a secured child caring institution who is an
18 individual to provide that department with the applicant's social security number
19 when initially applying for or applying to renew the license.

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

21 48.66 (2m) (b) The department of health and family services may not issue or
22 continue a license under sub. (1) (a) to operate a child welfare agency, group home,
23 shelter care facility or day care center to or for an applicant who is an individual
24 unless the applicant has provided the applicant's social security number to that
25 department and may not issue or continue a license under sub. (1) (a) to operate a

1 child welfare agency, group home, shelter care facility or day care center to or for an
2 applicant who is not an individual unless the applicant has provided the applicant's
3 federal employer identification number to that department.

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

6 48.66 (2m) (bm) The department of corrections may not issue or renew a license
7 under sub. (1) (b) to operate a secured child caring institution to or for an applicant
8 who is an individual unless the applicant has provided the applicant's social security
9 number to that department.

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

11 48.68 (1) After receipt of an application for a license, the department shall
12 investigate to determine if the applicant meets the minimum requirements for a
13 license adopted by the department under s. 48.67 and meets the requirements
14 specified in s. 48.685, if applicable. In determining whether to issue or continue a
15 license, the department may consider any action by the applicant, or by an employe
16 of the applicant, that constitutes a substantial failure by the applicant or employe
17 to protect and promote the health, safety and welfare of a child. Upon satisfactory
18 completion of this investigation and payment of the fee required under s. 48.615 (1)
19 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a
20 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
21 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial
22 licensure and license renewal, the department shall provide a foster home licensee
23 with written information relating to the age-related monthly foster care rates and
24 supplemental payments specified in s. 48.62 (4), including payment amounts,

1 eligibility requirements for supplemental payments and the procedures for applying
2 for supplemental payments.”.

3 *b1144/1.1* **464.** Page 651, line 25: after that line insert:

4 *b1144/1.1* **SECTION 1151d.** 48.651 (2m) of the statutes is amended to read:

5 48.651 (2m) Each county department shall provide the department with
6 information about each person who is denied certification for a reason specified in
7 s. 48.685 (2) (4m) (a) 1. to 5.

8 *b1144/1.1* **SECTION 1159d.** 48.685 (1) (a) of the statutes is renumbered
9 48.685 (1) (am).

10 *b1144/1.1* **SECTION 1159g.** 48.685 (1) (ag) of the statutes is created to read:

11 48.685 (1) (ag) 1. “Caregiver” means any of the following:

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

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

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

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

20 48.685 (1) (ar) “Contractor” means, with respect to an entity, a person, or that
21 person’s agent, who provides services to the entity under an express or implied
22 contract or subcontract, including a person who has staff privileges at the entity.

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

1 48.685 (1) (b) “Entity” means a child welfare agency that is licensed under s.
2 48.60 to provide care and maintenance for children, to place children for adoption or
3 to license foster homes or treatment foster homes; a foster home or treatment foster
4 home that is licensed under s. 48.62; a group home that is licensed under s. 48.625;
5 a shelter care facility that is licensed under s. 938.22; a day care center that is
6 licensed under s. 48.65 or established or contracted for under s. 120.13 (14); ~~or~~ a day
7 care provider that is certified under s. 48.651; or a temporary employment agency
8 that provides caregivers to another entity”.

9 ***b1144/1.2* 465.** Page 652, line 4: after that line insert:

10 ***b1144/1.2* SECTION 1160e.** 48.685 (1) (bm) of the statutes is created to read:
11 48.685 (1) (bm) “Nonclient resident” means a person who resides, or is expected
12 to reside, at an entity, who is not a client of the entity and who has, or is expected to
13 have, direct, regular contact with clients of the entity.

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

16 48.685 (1) (c) “Serious crime” means a violation of s. 940.01, 940.02, 940.03,
17 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
18 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055,
19 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or
20 a violation of the law of any other state or United States jurisdiction that would be
21 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
22 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
23 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
24 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.”

1 ***b1144/1.3* 466.** Page 652, line 9: delete lines 9 to 16 and substitute:

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

4 ***b1144/1.3* SECTION 1161g.** 48.685 (2) (a) 1. of the statutes is renumbered
5 48.685 (4m) (a) 1.

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

7 ***b1144/1.3* SECTION 1161i.** 48.685 (2) (a) 3. of the statutes is renumbered
8 48.685 (4m) (a) 3.

9 ***b1144/1.3* SECTION 1161j.** 48.685 (2) (a) 4. of the statutes is renumbered
10 48.685 (4m) (a) 4.

11 ***b1144/1.3* SECTION 1161k.** 48.685 (2) (a) 5. of the statutes is renumbered
12 48.685 (4m) (a) 5.

13 ***b1144/1.3* SECTION 1161m.** 48.685 (2) (ad) of the statutes is renumbered
14 48.685 (4m) (ad) and amended to read:

15 48.685 (4m) (ad) The department, a county department or a child welfare
16 agency may license a foster home or treatment foster home under s. 48.62, a county
17 department may certify a day care provider under s. 48.651 and a school board may
18 contract with a person under s. 120.13 (14), conditioned on the receipt of the
19 information specified in ~~par. sub. (2)~~ (am) indicating that the person is not ineligible
20 to be licensed, certified or contracted with for a reason specified in par. (a) 1. to 5.

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

23 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
24 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~

1 ~~entity's control, as defined by the department by rule, and who is expected to have~~
2 ~~access to its clients, caregiver or permit a nonclient resident to reside at the entity~~
3 ~~a person who is not a client and who is expected to have access to a client, if the entity~~
4 knows or should have known any of the following:

5 ***b1144/1.3* SECTION 1163g.** 48.685 (2) (ag) 1. of the statutes is renumbered
6 48.685 (4m) (b) 1. and amended to read:

7 48.685 (4m) (b) 1. That the person has been convicted of a serious crime or, if
8 the person is ~~an employe, prospective employe, contractor, prospective contractor,~~
9 ~~nonclient resident or prospective~~ a caregiver or nonclient resident of a day care
10 center that is licensed under s. 48.65 or established or contracted for under s. 120.13
11 (14) or of a day care provider that is certified under s. 48.651, that the person has been
12 convicted of a serious crime or adjudicated delinquent on or after his or her 12th
13 birthday for committing a serious crime.

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

15 ***b1144/1.3* SECTION 1163i.** 48.685 (2) (ag) 3. of the statutes is renumbered
16 48.685 (4m) (b) 3.

17 ***b1144/1.3* SECTION 1163j.** 48.685 (2) (ag) 4. of the statutes is renumbered
18 48.685 (4m) (b) 4.

19 ***b1144/1.3* SECTION 1163k.** 48.685 (2) (ag) 5. of the statutes is renumbered
20 48.685 (4m) (b) 5.

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

23 48.685 (2) (am) (intro.) ~~Subject to subd. 5. and par. (bd), the~~ The department,
24 a county department, a child welfare agency or a school board shall obtain all of the
25 following with respect to a ~~person specified under par. (a) (intro.) and a person~~

1 ~~specified under par. (ag) (intro.) who is a nonclient resident or prospective caregiver~~
2 ~~specified in sub. (1) (ag) 1. b., a nonclient resident of an entity and shall obtain the~~
3 ~~information specified in subds. 1. to 5. with respect to a person specified in par. (ag)~~
4 ~~(intro.) who is under 18 years of age, but not under 12 years of age, and who is an~~
5 ~~employee, prospective employee, contractor, prospective contractor, nonclient resident~~
6 ~~or prospective nonclient resident a caregiver of a day care center that is licensed~~
7 ~~under s. 48.65 or established or contracted for under s. 120.13 (14) or of a day care~~
8 ~~provider that is certified under s. 48.651:~~

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

11 48.685 (2) (am) 5. Information maintained by the department under this
12 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
13 to the person of a license, continuation or renewal of a license, certification or a
14 contract to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and
15 regarding any denial to the person of employment at, a contract with or permission
16 to reside at an entity for a reason specified in ~~par. (ag) sub. (4m) (b)~~ 1. to 5. If the
17 information obtained under this subdivision indicates that the person has been
18 denied a license, continuation or renewal of a license, certification, a contract,
19 employment or permission to reside as described in this subdivision, the department,
20 a county department, a child welfare agency or a school board need not obtain the
21 information specified in subds. 1. to 4.

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

24 48.685 (2) (b) 1. (intro.) ~~Subject to subds. 1. e. and 2., and 4. par. (bd), every~~
25 Every entity shall obtain all of the following with respect to a ~~person specified under~~

1 ~~par. (ag) (intro.) who is an employe, prospective employe, contractor or prospective~~
2 ~~contractor~~ caregiver of the entity:

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

5 48.685 (2) (b) 1. e. Information maintained by the department under this
6 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
7 to the person of a license, continuation or renewal of a license, certification or a
8 contract to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and
9 regarding any denial to the person of employment at, a contract with or permission
10 to reside at an entity for a reason specified in ~~par. (ag) sub. (4m)~~ (b) 1. to 5. If the
11 information obtained under this subd. 1. e. indicates that the person has been denied
12 a license, continuation or renewal of a license, certification, a contract, employment
13 or permission to reside as described in this subd. 1. e., the entity need not obtain the
14 information specified in subd. 1. a. to d.

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

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

17 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under
18 18 years of age, but not under 12 years of age, who is ~~an employe, prospective~~
19 ~~employe, contractor, prospective contractor, nonclient resident or prospective a~~
20 caregiver or nonclient resident of a day care center that is licensed under s. 48.65 or
21 established or contracted for under s. 120.13 (14) or of a day care provider that is
22 certified under s. 48.651 and with respect to whom the department, a county
23 department or a school board is required under par. (am) (intro.) to obtain the
24 information specified in par. (am) 1. to 5.

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

1 48.685 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
2 of a serious crime or of a violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08,
3 947.01 or 947.013 without a recorded disposition, the department or entity shall
4 make every reasonable effort to determine the disposition of the charge.

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

6 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county
7 department, a child welfare agency or a school board is not required to obtain the
8 information specified in par. (am) 1. to 5., and an entity is not required to obtain the
9 information specified in par. (b) 1. a. to e., with respect to a person under 18 years
10 of age whose background information form under sub. (6) (am) indicates that the
11 person is not ineligible to be employed, contracted with or permitted to reside at an
12 entity for a reason specified in ~~par. (ag)~~ sub. (4m) (b) 1. to 5. and with respect to whom
13 the department, county department, child welfare agency, school board or entity
14 otherwise has no reason to believe that the person is ineligible to be employed,
15 contracted with or permitted to reside at an entity for any of those reasons. This
16 paragraph does not preclude the department, a county department, a child welfare
17 agency or a school board from obtaining, at its discretion, the information specified
18 in par. (am) 1. to 5. with respect to a person described in this paragraph who is a
19 nonclient resident or a prospective nonclient resident of an entity.

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

21 48.685 (2) (bg) If an entity ~~takes an action specified in par. (ag) (intro.) with~~
22 ~~respect to an employe, prospective employe, contractor or prospective contractor~~
23 hires or contracts with a caregiver for whom, within the last 4 years, the information
24 required under par. (b) 1. a. to c. and e. has already been obtained, ~~either~~ by another
25 entity ~~or by a temporary employment agency,~~ the entity may obtain the that

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

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

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

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

21 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
22 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding
23 the date of the search that person has not been a resident of this state, the
24 department, county department, child welfare agency, school board or entity shall
25 make a good faith effort to obtain from any state or other United States jurisdiction

1 in which the person is a resident or was a resident within the 3 years preceding the
2 date of the search information that is equivalent to the information specified in par.
3 (am) 1. or (b) 1. a.

4 ***b1144/1.3* SECTION 1171g.** 48.685 (2)(c) of the statutes is renumbered 48.685
5 (4m) (c) and amended to read:

6 48.685 (4m) (c) If the background information form completed by a person
7 under sub. (6) (am) indicates that the person is not ineligible to be employed or
8 contracted with for a reason specified in par. ~~(ag)~~ (b) 1. to 5., an entity may employ
9 or contract with the person for not more than 60 days pending the receipt of the
10 information sought under ~~par. sub. (2)~~ (am) 1. to 5. or (b) 1. If the background
11 information form completed by a person under sub. (6) (am) indicates that the person
12 is not ineligible to be permitted to reside at an entity for a reason specified in par. ~~(ag)~~
13 (b) 1. to 5. and if an entity otherwise has no reason to believe that the person is
14 ineligible to be permitted to reside at an entity for any of those reasons, the entity
15 may permit the person to reside at the entity for not more than 60 days pending
16 receipt of the information sought under ~~par. sub. (2)~~ (am). An entity shall provide
17 supervision for a person who is employed, contracted with or permitted to reside as
18 permitted under this paragraph.

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

20 48.685 (2) (d) Every entity shall maintain, or shall contract with another
21 person to maintain, the most recent background information obtained on a caregiver
22 under par. (b). The information shall be made available for inspection by authorized
23 persons, as defined by the department by rule.

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

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

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

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

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

22 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a
23 county department, a child welfare agency or a school board has obtained the
24 information required under sub. (2) (am) or (3) (a) with respect to a person ~~specified~~
25 ~~in sub. (2) (a) (intro.)~~ who is a caregiver specified in sub. (1) (ag) 1. b. and that person

1 is also an employe, contractor or nonclient resident of an entity, the entity is not
2 required to obtain the information specified in sub. (2) (b) 1. or (3) (b) with respect
3 to that person.

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

5 48.685 (4) An entity that violates sub. (2) ~~or~~, (3) or (4m) (b) may be required to
6 forfeit not more than \$1,000 and may be subject to other sanctions specified by the
7 department by rule.

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

10 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
11 sub. (5), an entity may not ~~hire~~ employ or contract with a caregiver or permit a
12 nonclient resident to reside at the entity, if the entity knows or should have known
13 any of the following:

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

15 48.685 (5) (a) The department may license to operate an entity, a county
16 department may certify under s. 48.651, a county department or a child welfare
17 agency may license under s. 48.62 and a school board may contract with under s.
18 120.13 (14) a person who otherwise may not be licensed, certified or contracted with
19 for a reason specified in sub. ~~(2)~~ (4m) (a) 1. to 5., and an entity may employ, contract
20 with or permit to reside at the entity a person who otherwise may not be employed,
21 contracted with or permitted to reside at the entity for a reason specified in sub. ~~(2)~~
22 ~~(ag)~~ (4m) (b) 1. to 5., if the person demonstrates to the department, the county
23 department, the child welfare agency or the school board or, in the case of an entity
24 that is located within the boundaries of a federally recognized American Indian
25 reservation, to the tribal governing body of that reservation by clear and convincing

1 evidence and in accordance with procedures established by the department by rule
2 or by the tribal governing body that he or she has been rehabilitated.

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

5 48.685 (5) (b) (intro.) For purposes other than licensing a foster home or
6 treatment foster home, no person who has been convicted of any of the following
7 offenses, and no person who is an applicant for issuance or continuation of a license
8 to operate a day care center or for initial certification as a day care provider under
9 s. 48.651 or for renewal of that certification, who is proposing to contract with a school
10 board under s. 120.13 (14) or to renew a contract under that subsection or who is ~~an~~
11 ~~employe, prospective employe, contractor, prospective contractor, nonclient resident~~
12 ~~or prospective a caregiver or nonclient resident~~ of a day care center that is licensed
13 under s. 48.65 or established or contracted for under s. 120.13 (14) or of a day care
14 provider that is certified under s. 48.651, and who has been convicted of any of the
15 following offenses or adjudicated delinquent on or after his or her 12th birthday for
16 committing any of the following offenses, may be permitted to demonstrate that he
17 or she has been rehabilitated until the later of at least 5 years after the date of that
18 conviction or adjudication or at least 5 years after the date of the person's release
19 from imprisonment, a secured juvenile facility or a commitment order:

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

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

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

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

1 48.685 (5d) (a) Any tribal governing body that chooses to conduct
2 rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation
3 review plan that includes all of the following:

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

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

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

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

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

15 (b) The department shall approve or disapprove the plan under par. (a) within
16 90 days after receiving the plan. If the department disapproves the plan, the tribe
17 may, within 30 days after receiving notice of the disapproval, request that the
18 secretary review the department's decision.

19 ***b1144/1.3* SECTION 1176d.** 48.685 (5m) of the statutes is amended to read:

20 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
21 a person to operate an entity, a county department or a child welfare agency may
22 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
23 may refuse to employ, hire or contract with a caregiver or permit a nonclient resident
24 to reside at the entity ~~a person specified in sub. (2)(ag)(intro.)~~ if the person has been
25 convicted of an offense that ~~the department has not defined as a "serious crime"~~ by

1 rule promulgated under sub. (7) (a), or specified in the list established by rule under
2 sub. (7) (b) is not a serious crime, but that is, in the estimation of the department,
3 county department, child welfare agency, or entity, substantially related to the care
4 of a client. Notwithstanding s. 111.335, the department may refuse to license a
5 person to operate a day care center, a county department may refuse to certify a day
6 care provider under s. 48.651, a school board may refuse to contract with a person
7 under s. 120.13 (14), a day care center that is licensed under s. 48.65 or established
8 or contracted for under s. 120.13 (14) and a day care provider that is certified under
9 s. 48.651 may refuse to ~~employ~~, hire or contract with a caregiver or permit a nonclient
10 resident to reside at the day care center or day care provider ~~a person specified in sub.~~
11 ~~(2) (ag) (intro.)~~ if the person has been convicted of or adjudicated delinquent on or
12 after his or her 12th birthday for an offense that ~~the department has not defined as~~
13 ~~a “serious crime” by rule promulgated under sub. (7) (a), or specified in the list~~
14 ~~established by rule under sub. (7) (b) is not a serious crime~~, but that is, in the
15 estimation of the department, county department, school board, day care center or
16 day care provider, substantially related to the care of a client.

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

19 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
20 a person to operate an entity, a county department or a child welfare agency may
21 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
22 may refuse to ~~hire~~ employ or contract with a caregiver or permit a nonclient resident
23 to reside at the entity if the person has been convicted of an offense that is not a
24 serious crime, but that is, in the estimation of the department, county department,
25 child welfare agency or entity, substantially related to the care of a client.

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

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

14 48.685 (6) (am) Every 4 years an entity shall require all of ~~the following persons~~
15 its caregivers and nonclient residents to complete a background information form
16 that is provided to the entity by the department.

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

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

19 *b1144/1.3* SECTION 1179d. 48.685 (6) (b) of the statutes is renumbered
20 48.685 (6) (b) 1. and amended to read:

21 48.685 (6) (b) 1. For ~~persons specified under par. (a)~~ caregivers who are licensed
22 by the department, for ~~persons specified in par. (am) 1. who are~~ under 18 years of age,
23 but not under 12 years of age, ~~and who are employes, prospective employes,~~
24 ~~contractors or prospective contractors~~ caregivers of a day care center that is licensed
25 under s. 48.65 or established or contracted for under s. 120.13 (4) or of a day care

1 provider that is certified under s. 48.651, for persons ~~specified in par. (am) 2.~~ who are
2 ~~nonclient residents or prospective~~ nonclient residents of an entity that is licensed by
3 the department, and for other persons specified by the department by rule, the entity
4 shall send the background information form to the department.

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

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

15 ~~4. For persons specified under par. (a) caregivers~~ who are contracted with by
16 a school board, for persons ~~specified in par. (am) 2.~~ who are ~~nonclient residents or~~
17 ~~prospective~~ nonclient residents of an entity that is contracted with by a school board
18 and for other persons specified by the department by rule, the entity shall send the
19 background information form to the school board. ~~For all other persons specified~~
20 ~~under par. (am) 1., the entity shall maintain the background information form on file~~
21 ~~for inspection by the department, county department, child welfare agency or school~~
22 ~~board, whichever is applicable.~~

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

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

1 ***b0803/3.7* 467.** Page 652, line 24: after that line insert:

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

3 **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),
4 if any child welfare agency, shelter care facility, group home or day care center that
5 has not been previously issued a license under s. 48.66 (1) (a) applies for a license,
6 meets the minimum requirements for a license established under s. 48.67 and pays
7 the applicable fee referred to in s. 48.68 (1), the department shall issue a
8 probationary license to that child welfare agency, shelter care facility, group home
9 or day care center. A probationary license is valid for up to 6 months after the date
10 of issuance unless renewed under this section or suspended or revoked under s.
11 48.715. Before a probationary license expires, the department shall inspect the child
12 welfare agency, shelter care facility, group home or day care center holding the
13 probationary license and, except as provided under s. 48.715 (6) and (7), if the child
14 welfare agency, shelter care facility, group home or day care center meets the
15 minimum requirements for a license established under s. 48.67, the department
16 shall issue a license under s. 48.66 (1) (a). A probationary license issued under this
17 section may be renewed for one 6-month period.

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

19 48.715 (1) In this section, "licensee" means a person who holds a license under
20 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare
21 agency, shelter care facility, group home or day care center.

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

23 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
24 facility, group home or day care center if the child welfare agency, shelter care facility,

1 group home or day care center is without a license in violation of s. 48.66 (1) (a) or
2 a probationary license in violation of s. 48.69.

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

4 48.715 (2) (b) That a person who employs a person who has had a license under
5 s. 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous
6 5 years terminate the employment of that person within 30 days after the date of the
7 order. This paragraph includes employment of a person in any capacity, whether as
8 an officer, director, agent or employe.

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

11 48.715 (4) (intro.) If the department provides written notice of revocation and
12 the grounds for revocation as provided in sub. (4m) and an explanation of the process
13 for appealing a revocation under this subsection, the department may revoke a
14 license issued under s. 48.66 (1) (a) or a probationary license issued under s. 48.69
15 for any of the following reasons:

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

17 48.715 (5) The department may deny a license under s. 48.66 (1) (a) or a
18 probationary license under s. 48.69 to any person who has had a license under s.
19 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous 5
20 years.

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

22 48.715 (6) The department of health and family services shall deny, suspend,
23 restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) (a) or a
24 probationary license under s. 48.69 to operate a child welfare agency, group home,
25 shelter care facility or day care center, and the department of corrections shall deny,

1 suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1)
2 (b) to operate a secured child caring institution, for failure of the applicant or licensee
3 to pay court-ordered payments of child or family support, maintenance, birth
4 expenses, medical expenses or other expenses related to the support of a child or
5 former spouse or for failure of the applicant or licensee to comply, after appropriate
6 notice, with a subpoena or warrant issued by the department of workforce
7 development or a county child support agency under s. 59.53 (5) and related to
8 paternity or child support proceedings, as provided in a memorandum of
9 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action
10 taken under this subsection is subject to review only as provided in the memorandum
11 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

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

13 48.715 (7) The department shall deny an application for the issuance or
14 continuation of a license under s. 48.66(1)(a) or a probationary license under s. 48.69
15 to operate a child welfare agency, group home, shelter care facility or day care center,
16 or revoke such a license already issued, if the department of revenue certifies under
17 s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An action
18 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
19 and not as provided in s. 48.72.”.

20 *b1144/1.4* **468.** Page 653, line 3: after that line insert:

21 *b1144/1.4* **SECTION 1189r.** 48.75 (1m) of the statutes is amended to read:

22 48.75 (1m) Each child welfare agency and public licensing agency shall provide
23 the subunit of the department that administers s. 48.685 with information about

1 each person who is denied a license for a reason specified in s. 48.685 ~~(2)~~ (4m) (a) 1.
2 to 5.”.

3 *b0773/2.15* **469.** Page 655, line 23: after that line insert:

4 *b0773/2.15* “SECTION 1201p. 49.001 (1r) of the statutes is created to read:

5 49.001 (1r) “Family planning” means voluntary action by individuals to
6 prevent or aid conception. “Family planning” does not include the performance,
7 promotion, encouragement or counseling in favor of, or referral either directly or
8 through an intermediary for, voluntary termination of pregnancy, but may include
9 the promotion, encouragement or counseling in favor of, or referral directly or
10 through an intermediary for any of the following:

11 (a) Prenatal care and delivery.

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

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

14 49.001 (1s) “Family planning services” mean counseling by trained personnel
15 regarding family planning; distribution of information relating to family planning;
16 and referral to licensed nurse practitioners within the scope of their practice,
17 licensed physicians or local health departments for consultation, examination,
18 medical treatment and prescriptions for the purpose of family planning.”.

19 *b0828/2.4* **470.** Page 655, line 23: after that line insert:

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

22 49.015 (1m) (b) 5. The individual has infectious tuberculosis, as defined in s.
23 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).”.

24 *b0828/2.5* **471.** Page 657, line 5: after that line insert:

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

2 **49.08 Recovery of relief and other assistance.** If any person is the owner
3 of property at the time of receiving general relief under ch. 49, 1993 stats., relief
4 funded by a relief block grant or other assistance as an inmate of any county or
5 municipal institution in which the state is not chargeable with all or a part of the
6 inmate’s maintenance or as a tuberculosis patient provided for in ss. ~~58.06 and~~
7 252.07 to 252.10, or at any time thereafter, or if the person becomes self-supporting,
8 the authorities charged with the care of the dependent, or the board in charge of the
9 institution, may sue for the value of the relief or other assistance from the person or
10 the person’s estate. Except as otherwise provided in this section, the 10-year statute
11 of limitations may be pleaded in defense in an action to recover relief or other
12 assistance. Where the recipient of relief or other assistance is deceased, a claim may
13 be filed against the decedent’s estate and the statute of limitations specified in s.
14 859.02 shall be exclusively applicable. The court may refuse to render judgment or
15 allow the claim in any case where a parent, spouse, surviving spouse or child is
16 dependent on the property for support. The court in rendering judgment shall take
17 into account the current family budget requirement as fixed by the U.S. department
18 of labor for the community or as fixed by the authorities of the community in charge
19 of public assistance. The records kept by the municipality, county or institution are
20 prima facie evidence of the value of the relief or other assistance furnished. ~~This~~
21 ~~section shall not apply to any person who receives care for pulmonary tuberculosis~~
22 ~~as provided in s. 252.08 (4).”.~~

23 ***b0715/1.2* 472.** Page 663, line 25: delete that line.

24 ***b0715/1.3* 473.** Page 664, line 1: delete lines 1 to 6.

1 ***b0773/2.16* 474.** Page 676, line 21: after that line insert:

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

3 49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.

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

11 ***b1263/1.4* 475.** Page 682, line 16: delete “49.143 (3p)” and substitute
12 “49.179”.

13 ***b1282/2.4* 476.** Page 683, line 8: delete lines 8 and 9 and substitute:

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

16 ***b0715/1.4* 477.** Page 683, line 10: delete lines 10 and 11.

17 ***b1148/1.2* 478.** Page 684, line 8: delete “\$9,700,000” and substitute
18 “10,000,000”.

19 ***b1218/1.4* 479.** Page 685, line 12: after “(3n)” insert “, (3o)”.

20 ***b1263/1.5* 480.** Page 686, line 6: after “46.93” insert “, 46.99”.

21 ***b1148/1.3* 481.** Page 687, line 1: delete lines 1 and 2.

22 ***b1155/1.2* 482.** Page 687, line 10: delete lines 10 and 11.

1 ***b0715/1.5* 483.** Page 689, line 19: delete the material beginning with that
2 line and ending with page 690, line 22.

3 ***b0773/2.17* 484.** Page 691, line 4: delete “to (d)” and substitute “~~to (d)~~ and
4 (c)”.

5 ***b0773/2.18* 485.** Page 691, line 6: after that line insert:

6 ***b0773/2.18* “SECTION 1335g.** 49.19 (1)s (d) of the statutes is repealed.”.

7 ***b1282/2.5* 486.** Page 703, line 12: after that line insert:

8 ***b1282/2.5* “SECTION 1355w.** 49.30 (1) (b) of the statutes is amended to read:
9 49.30 (1) (b) The lesser of \$1,000 \$1,500 or the funeral and burial expenses not
10 paid by the estate of the deceased and other persons.”.

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

13 49.30 (1) (b) The lesser of \$1,500 \$2,500 or the funeral and burial expenses not
14 paid by the estate of the deceased and other persons.”.

15 ***b1201/1.3* 487.** Page 703, line 18: delete the material beginning with that
16 line and ending with page 704, line 5.

17 ***b1201/1.4* 488.** Page 706, line 3: delete lines 3 to 9.

18 ***b0773/2.19* 489.** Page 717, line 2: after that line insert:

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

21 49.45 (18) (b) 5. Family planning services, ~~as defined in s. 253.07 (1) (b).~~”.

22 ***b1153/1.1* 490.** Page 717, line 3: delete lines 3 to 15.

23 ***b0773/2.20* 491.** Page 717, line 21: after that line insert:

1 ***b0773/2.20*** **SECTION 1426d.** 49.45 (24r) of the statutes is amended to read:
2 49.45 (24r) FAMILY PLANNING DEMONSTRATION PROJECT. The department shall
3 request a waiver from the secretary of the federal department of health and human
4 services to permit the department to conduct a demonstration project to provide
5 family planning services, ~~as defined in s. 253.07 (1) (b)~~, under medical assistance to
6 any woman between the ages of 15 and 44 whose family income does not exceed 185%
7 of the poverty line for a family the size of the woman's family. If the waiver is granted
8 and in effect, the department shall implement the waiver no later than July 1, 1998,
9 or on the effective date of the waiver, whichever is later.”.

10 ***b0892/4.15*** **492.** Page 717, line 24: delete the material beginning with
11 “School for” and ending with “Handicapped” on line 25 and substitute “Center for the
12 Blind and Visually Impaired”.

13 ***b0892/4.16*** **493.** Page 718, line 9: delete that line and substitute “behalf of
14 the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin”.

15 ***b0892/4.17*** **494.** Page 718, line 14: delete that line and substitute “pars. (b)
16 and (c) to the Wisconsin Center for the Blind and Visually Impaired and the”.

17 ***b0863/1.1*** **495.** Page 718, line 16: after “is” insert “renumbered 49.45 (39)
18 (b) 1. and”.

19 ***b0863/1.2*** **496.** Page 718, line 17: delete *“Payment for school medical*
20 *services.”* and substitute “1. Payment for school medical services.”.

21 ***b0863/1.3*** **497.** Page 718, line 21: after “and” insert “, as specified in subd.
22 2.”.

1 ***b0892/4.18* 498.** Page 718, line 22: delete that line and substitute
2 “administrative costs. If the Wisconsin Center for the Blind and Visually Impaired
3 or the”.

4 ***b0892/4.19* 499.** Page 719, line 1: delete that line and substitute “medical
5 services that the Wisconsin Center for the Blind and Visually Impaired or the”.

6 ***b0863/1.4* 500.** Page 719, line 2: delete “for allowable administrative
7 costs.” and substitute “, as specified in subd. 2., for allowable administrative costs.
8 A school district, cooperative educational service agency, the Wisconsin School for the
9 Visually Handicapped or the Wisconsin School for the Deaf may submit, and the
10 department shall allow, claims for common carrier transportation costs as a school
11 medical service unless the department receives notice from the federal health care
12 financing administration that, under a change in federal policy, the claims are not
13 allowed. If the department receives the notice, a school district, cooperative
14 educational service agency, the Wisconsin School for the Visually Handicapped or the
15 Wisconsin School for the Deaf may submit, and the department shall allow,
16 unreimbursed claims for common carrier transportation costs incurred before the
17 date of the change in federal policy.”.

18 ***b0892/4.20* 501.** Page 719, line 8: delete “School for the Visually
19 Handicapped” and substitute “Center for the Blind and Visually Impaired”.

20 ***b0863/1.5* 502.** Page 719, line 11: after that line insert:

21 ***b0863/1.5* SECTION 1427j.** 49.45 (39) (b) 2. of the statutes is created to read:
22 49.45 (39) (b) 2. ‘Payment for school medical services administrative costs.’ The
23 department shall reimburse a school district or a cooperative educational service
24 agency specified under subd. 1., the Wisconsin School for the Visually Handicapped

1 or the Wisconsin School for the Deaf for 90% of the federal share of allowable
2 administrative costs, on a quarterly basis, using time studies, beginning in the first
3 quarter of fiscal year 1999–2000. A school district or a cooperative education service
4 agency may submit, and the department shall allow, claims for administrative costs
5 incurred during the period that is up to 24 months before the date of the claim, if
6 allowable under federal law.”.

7 ***b1218/1.5* 503.** Page 722, line 20: after that line insert:

8 ***b1218/1.5* “SECTION 1433x.** 49.46 (1) (a) 16. of the statutes is amended to
9 read:

10 49.46 (1) (a) 16. Any ~~child~~ person who is living with a relative who is eligible
11 to receive payments under s. 48.57 (3m) ~~or~~, (3n) or (3o) with respect to that ~~child~~
12 person, if the department determines that no other insurance is available to the ~~child~~
13 person.”.

14 ***b1151/1.1* 504.** Page 722, line 25: delete “17.”.

15 ***b1151/1.2* 505.** Page 723, line 1: after “department” insert “may provide
16 coverage for the services specified under sub. (2) (a) and (b) 1. to 16., and”.

17 ***b1151/1.3* 506.** Page 723, line 2: delete “17.” and substitute “17.”.

18 ***b0773/2.21* 507.** Page 723, line 3: after that line insert:

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

21 49.46 (2) (a) 4. f. Services and supplies for family planning, ~~as defined in s.~~
22 ~~253.07 (1) (a).~~”.

23 ***b0716/2.2* 508.** Page 723, line 4: delete lines 4 to 8.

24 ***b0773/2.22* 509.** Page 723, line 20: after that line insert:

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

6 ***b0773/2.23* 510.** Page 724, line 5: after that line insert:

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

9 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) (a) 2. or (am) 1., for services
10 under s. 49.46 (2) (a) and (b) that are related to pregnancy, including postpartum
11 services and family planning services, ~~as defined in s. 253.07 (1) (b)~~, or related to
12 other conditions which may complicate pregnancy.”.

13 ***b1282/2.6* 511.** Page 724, line 5: after that line insert:

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

16 49.47 (4) (cm) 3. An individual who is otherwise eligible under this subsection
17 and who has set aside funds in an irrevocable burial trust under s. 445.125 (1) (a) 2.
18 shall, as a condition of eligibility for medical assistance, specify the state as a
19 secondary beneficiary of the trust with respect to all funds in the trust that exceed
20 the burial costs but do not exceed the amount of medical assistance paid on behalf
21 of the individual.”.

22 ***b1201/1.5* 512.** Page 731, line 14: delete the material beginning with that
23 line and ending with page 732, line 3.

1 ***b1152/1.1* 513.** Page 734, line 6: delete lines 6 to 9 and substitute “time
2 period restriction by rule.”.

3 ***b0803/3.8* 514.** Page 739, line 23: after that line insert:

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

6 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).”.

7 ***b1218/1.6* 515.** Page 741, line 4: after that line insert:

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

10 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
11 dependent children, payments made under ss. 48.57 (3m) ~~or~~, (3n) or (3o), 49.148 (1)
12 (b) 1. or (c) or (1m) or 49.149 to 49.159, payments made for social services, cash
13 benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77 or federal
14 Title XVI, are exempt from every tax, and from execution, garnishment, attachment
15 and every other process and shall be inalienable.”.

16 **516.** Page 742, line 12: after that line insert:

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

21 **517.** Page 743, line 11: after that line insert:

22 “(d) For performance of a financial screen, the person, if seeking admission or
23 about to be admitted on a private pay basis, waives the requirement under s. 46.283

1 (4) (g), unless the person will be eligible for medical assistance within 6 months after
2 performance of the financial screen.”.

3 **518.** 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 ***b0875/2.7* 519.** Page 748, line 18: after that line insert:

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

13 ***b0875/2.7* 520.** Page 749, line 17: after “(1)” insert “. For performance of
14 a financial screen, the individual who consents, if seeking admission for the
15 individual or if the individual is about to be admitted on a private pay basis, may
16 waive the requirement under s. 46.283 (4) (g), unless the person will be eligible for
17 medical assistance within 6 months after performance of the financial screen”.

18 ***b1144/1.5* 521.** Page 749, line 17: after that line insert:

19 ***b1144/1.5* SECTION 1521b.** 50.065 (1) (ag) of the statutes is created to read:
20 50.065 (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, registration, or
24 certificate of approval issued or granted by the department to operate an entity.

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

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

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

8 50.065 (1) (bm) “Contractor” means, with respect to an entity, a person, or that
9 person’s agent, who provides services to the entity under an express or implied
10 contract or subcontract, including a person who has staff privileges at the entity.

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

13 50.065 (1) (c) (intro.) “Entity” means a facility, organization or service that is
14 licensed or certified by or registered with the department to provide direct care or
15 treatment services to clients. “Entity” includes a hospital, a personal care worker
16 agency ~~and~~, a supportive home care service agency, a temporary employment agency
17 that provides caregivers to another entity and the board on aging and long-term
18 care. “Entity” does not include any of the following:

19 ***b1144/1.5* SECTION 1521e.** 50.065 (1) (cn) of the statutes is created to read:

20 50.065 (1) (cn) “Nonclient resident” means a person who resides, or is expected
21 to reside, at an entity, who is not a client of the entity and who has, or is expected to
22 have, direct, regular contact with clients of the entity.

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

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

8 2. For the purposes of an entity that serves persons under the age of 18, “serious
9 crime” includes a violation of s. 948.02 (2), 948.03 (2) (b) and (c), 948.05, 948.055,
10 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or
11 a violation of the law of any other state or United States jurisdiction that would be
12 a violation of s. 948.02 (2), 948.03 (2) (b) and (c), 948.05, 948.055, 948.06, 948.07,
13 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if committed in this
14 state.

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

17 ***b1144/1.5* SECTION 1521h.** 50.065 (2) (a) 1. of the statutes is renumbered
18 50.065 (4m) (a) 1.

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

20 ***b1144/1.5* SECTION 1521j.** 50.065 (2) (a) 3. of the statutes is renumbered
21 50.065 (4m) (a) 3.

22 ***b1144/1.5* SECTION 1521k.** 50.065 (2) (a) 4. of the statutes is renumbered
23 50.065 (4m) (a) 4.

24 ***b1144/1.5* SECTION 1521L.** 50.065 (2) (a) 5. of the statutes is renumbered
25 50.065 (4m) (a) 5.

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

3 50.065 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
4 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~
5 ~~entity's control, as defined by the department by rule, and who is expected to have~~
6 ~~access to its clients, caregiver or permit to reside at the entity a person who is not a~~
7 ~~client and who is expected to have access to a client~~ nonclient resident, if the entity
8 knows or should have known any of the following:

9 ***b1144/1.5* SECTION 1521n.** 50.065 (2) (ag) 1. of the statutes is renumbered
10 50.065 (4m) (b) 1.

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

12 ***b1144/1.5* SECTION 1521q.** 50.065 (2) (ag) 3. of the statutes is renumbered
13 50.065 (4m) (b) 3.

14 ***b1144/1.5* SECTION 1521r.** 50.065 (2) (ag) 4. of the statutes is renumbered
15 50.065 (4m) (b) 4.

16 ***b1144/1.5* SECTION 1521s.** 50.065 (2) (ag) 5. of the statutes is renumbered
17 50.065 (4m) (b) 5.

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

20 50.065 (2) (am) (intro.) ~~Subject to subd. 5. and par. (bd), the~~ The department
21 shall obtain all of the following with respect to a person specified under ~~par. (a)~~
22 ~~(intro.)~~ sub. (1) (ag) 1. b. and a person ~~specified under par. (ag) (intro.)~~ who is a
23 nonclient resident or prospective nonclient resident of an entity:

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

1 50.065 (2) (am) 5. Information maintained by the department under this
2 section regarding any denial to the person of a license, certification, certificate of
3 approval or registration or of a continuation of a license, certification, certificate of
4 approval or registration to operate an entity for a reason specified in ~~par. sub. (4m)~~
5 (a) 1. to 5. and regarding any denial to the person of employment at, a contract with
6 or permission to reside at an entity for a reason specified in ~~par. (ag) sub. (4m) (b) 1.~~
7 to 5. If the information obtained under this subdivision indicates that the person has
8 been denied a license, certification, certificate of approval or registration,
9 continuation of a license, certification, certificate of approval or registration, a
10 contract, employment or permission to reside as described in this subdivision, the
11 department need not obtain the information specified in subds. 1. to 4.

12 ***b1144/1.5* SECTION 1521v.** 50.065 (2) (b) 1. of the statutes is renumbered
13 50.065 (2) (b), and 50.065 (2) (b) (intro.) and 5., as renumbered, are amended to read:

14 50.065 (2) (b) (intro.) ~~Subject to subds. 1. e. and 2. and par. (bd), every~~ Every
15 entity shall obtain all of the following with respect to a ~~person specified under par.~~
16 ~~(ag) (intro.) who is an employe or contractor or a prospective employe or contractor~~
17 caregiver of the entity:

18 5. Information maintained by the department under this section regarding any
19 denial to the person of a license, certification, certificate of approval or registration
20 or of a continuation of a license, certification, certificate of approval or registration
21 to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and regarding
22 any denial to the person of employment at, a contract with or permission to reside
23 at an entity for a reason specified in ~~par. (ag) sub. (4m) (b) 1.~~ to 5. If the information
24 obtained under this ~~subd. 1. e. subdivision~~ indicates that the person has been denied
25 a license, certification, certificate of approval or registration, continuation of a

1 license, certification, certificate of approval or registration, a contract, employment
2 or permission to reside as described in this ~~subd. 1. e. subdivision~~, the entity need
3 not obtain the information specified in ~~subd. subds. 1. a. to d. to 4.~~

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

5 ***b1144/1.5* SECTION 1521x.** 50.065 (2) (bb) of the statutes is created to read:

6 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
7 of a crime or violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 or
8 947.013 without a recorded disposition, the department or entity shall make every
9 reasonable effort to determine the disposition of the charge.

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

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

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

24 50.065 (2) (bg) If an entity takes ~~an action specified in par. (ag) (intro.) with~~
25 ~~respect to an employe, prospective employe, contractor or prospective contractor~~

1 hires or contracts with a caregiver for whom, within the last 4 years, the information
2 required under par. (b) 1. ~~a. to e. 3. and e. 5.~~ has already been obtained, ~~either by~~
3 another entity ~~or by a temporary employment agency~~, the entity may obtain ~~the~~ that
4 information ~~required under par. (b) 1. a. to e. and e. from that other entity or~~
5 ~~temporary employment agency~~, which shall provide the information, if possible, to
6 the requesting entity. If an entity cannot obtain the information required under par.
7 (b) 1. ~~a. to e. 3. and e. 5.~~ from another entity ~~or from a temporary employment agency~~
8 or if an entity has reasonable grounds to believe that any information obtained from
9 another entity ~~or from a temporary employment agency~~ is no longer accurate, the
10 entity shall obtain that information from the sources specified in par. (b) 1. ~~a. to 3.~~
11 and e. 5.

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

14 50.065 (2) (bm) If the person who is the subject of the search under par. (am)
15 or (b) ~~1.~~ is not a resident of this state, or if at any time within the 3 years preceding
16 the date of the search that person has not been a resident of this state, the
17 department or entity shall make a good faith effort to obtain from any state or other
18 United States jurisdiction in which the person is a resident or was a resident within
19 the 3 years preceding the date of the search information that is equivalent to the
20 information specified in par. (am) 1. or (b) 1. ~~a.~~

21 ***b1144/1.5* SECTION 1521zc.** 50.065 (2) (c) of the statutes is renumbered
22 50.065 (4m) (c) and amended to read:

23 50.065 (4m) (c) If the background information form completed by a person
24 under sub. (6) (am) indicates that the person is not ineligible to be employed or
25 contracted with for a reason specified in par. ~~(ag)~~ (b) 1. to 5., an entity may employ

1 or contract with the person for not more than 60 days pending the receipt of the
2 information sought under ~~par. sub. (2)~~ (b) 1. If the background information form
3 completed by a person under sub. (6) (am) indicates that the person is not ineligible
4 to be permitted to reside at an entity for a reason specified in par. ~~(ag)~~ (b) 1. to 5. and
5 if an entity otherwise has no reason to believe that the person is ineligible to be
6 permitted to reside at an entity for any of those reasons, the entity may permit the
7 person to reside at the entity for not more than 60 days pending receipt of the
8 information sought under ~~par. sub. (2)~~ (am). An entity shall provide supervision for
9 a person who is employed or contracted with or permitted to reside as permitted
10 under this paragraph.

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

12 50.065 (2) (d) Every entity shall maintain, or shall contract with another
13 person to maintain, the most recent background information obtained on a caregiver
14 under par. (b). The information shall be made available for inspection by authorized
15 persons, as defined by the department by rule.

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

17 50.065 (3) (a) Every 4 years or at any time within that period that the
18 department considers appropriate, the department shall request the information
19 specified in sub. (2) (am) 1. to ~~4-5~~ 5. for all persons who are licensed to operate an entity
20 and for all persons ~~specified in par. (ag) (intro.)~~ who are nonclient residents of an
21 entity.

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

23 50.065 (3) (b) Every 4 years or at any other time within that period that an
24 entity considers appropriate, the entity shall request the information specified in

1 sub. (2) (b) 1. a. to d. 5. for all persons specified in sub. (2) (ag) (intro.) who are
2 employes or contractors caregivers of the entity.

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

4 50.065 (3m) Notwithstanding subs. (2) (b) ~~1.~~ and (3) (b), if the department
5 obtains the information required under sub. (2) (am) or (3) (a) with respect to a person
6 specified in sub. (2) (a) (intro.) who is a caregiver specified under sub. (1) (ag) 1. b.
7 and that person is also an employe, contractor or nonclient resident of the entity, the
8 entity is not required to obtain the information specified in sub. (2) (b) ~~1.~~ or (3) (b)
9 with respect to that person.

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

11 50.065 (4) An entity that violates sub. (2) ~~or~~, (3) or (4m) (b) may be required to
12 forfeit not more than \$1,000 and may be subject to other sanctions specified by the
13 department by rule.

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

16 50.065 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
17 sub. (5), an entity may not ~~hire~~ employ or contract with a caregiver or permit to reside
18 at the entity a nonclient resident, if the entity knows or should have known any of
19 the following:

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

22 50.065 (5) (intro.) The department may license, certify, issue a certificate of
23 approval to or register to operate an entity a person who otherwise may not be
24 licensed, certified, issued a certificate of approval or registered for a reason specified
25 in sub. (2) ~~(4m)~~ (a) 1. to 5. , and an entity may employ, contract with or permit to reside

1 at the entity a person who otherwise may not be employed, contracted with or
2 permitted to reside at the entity for a reason specified in sub. ~~(2)~~ ~~(ag)~~ (4m) ~~(b)~~ 1. to
3 5., if the person demonstrates to the department, or, in the case of an entity that is
4 located within the boundaries of a federally recognized American Indian reservation,
5 to the tribal governing body of that reservation, by clear and convincing evidence and
6 in accordance with procedures established by the department by rule, or by the tribal
7 governing body, that he or she has been rehabilitated. No person who has been
8 convicted of any of the following offenses may be permitted to demonstrate that he
9 or she has been rehabilitated until the later of at least 5 years after the date of the
10 conviction or adjudication for that offense or at least 5 years after the date of the
11 person's release from imprisonment, a secured juvenile facility or a commitment
12 order for that offense:

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

15 *b1144/1.5* SECTION 1521zL. 50.065 (5d) of the statutes is created to read:

16 50.065 (5d) (a) Any tribal governing body that chooses to conduct
17 rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation
18 review plan that includes all of the following:

- 19 1. The criteria to be used to determine if a person has been rehabilitated.
- 20 2. The title of the person or body designated by the tribe to whom a request for
21 review must be made.
- 22 3. The title of the person or body designated by the tribe to determine whether
23 a person has been rehabilitated.

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

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

7 (b) The department shall approve or disapprove the plan under par. (a) within
8 90 days after receiving the plan. If the department disapproves the plan, the tribe
9 may, within 30 days after receiving notice of the disapproval, request that the
10 secretary review the department's decision.

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

12 50.065 (5m) Notwithstanding s. 111.335, the department may refuse to license,
13 certify or register, or issue a certificate of approval to, a ~~person to operate an entity,~~
14 caregiver and an entity may refuse to employ, or contract with a caregiver or to
15 permit a nonclient resident to reside at the entity ~~a person specified in sub. (2) (ag)~~
16 ~~(intro.), if the person~~ caregiver or nonclient resident has been convicted of an offense
17 that ~~the department has not defined as a "serious crime" by rule promulgated under~~
18 ~~sub. (7) (a), or specified in the list established by rule under sub. (7) (b) is not a serious~~
19 crime, but that is, in the estimation of the department or entity, substantially related
20 to the care of a client.

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

23 50.065 (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 ***b1144/1.5* SECTION 1521zp.** 50.065 (6) (am) 1. and 2. of the statutes are
2 repealed.

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

4 50.065 (6) (b) For ~~persons specified under par. (a)~~ caregivers who are licensed,
5 issued a certificate of approval or certified by, or registered with, the department, for
6 ~~person specified in par. (am) 2.~~ nonclient residents, and for other persons specified
7 by the department by rule, the entity shall send the background information form
8 to the department. ~~For persons specified under par. (am) 1., the entity shall maintain~~
9 ~~the background information form on file for inspection by the department.~~

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

12 ***b1218/1.7* 522.** Page 749, line 17: after that line insert:

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

15 50.065 (1) (c) 2. Kinship care ~~under s. 48.57 (3m)~~ or long-term kinship care
16 under s. 48.57 (3m), (3n) or (3o).”.

17 ***b1144/1.6* 523.** Page 749, line 21: delete “1”.

18 ***b0828/2.6* 524.** Page 749, line 24: after that line insert:

19 ***b0828/2.6* “SECTION 1522w.** 50.135 (1) of the statutes is amended to read:

20 50.135 (1) DEFINITION. In this section, “inpatient health care facility” means
21 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~
22 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,
23 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but
24 does not include community-based residential facilities.”.

1 ***b0828/2.7* 525.** Page 751, line 16: after that line insert:

2 ***b0828/2.7* "SECTION 1526g.** 50.39 (2) of the statutes is amended to read:

3 50.39 (2) The use of the title "hospital" to represent or identify any facility
4 which does not meet the definition of a "hospital" as provided herein or is not subject
5 to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed
6 by ss. s. 51.09 and 252.073 are exempt.

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

8 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
9 ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.
10 938.02 (15m), correctional institutions governed by the department of corrections
11 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
12 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
13 not abridge the rights of the medical examining board, physical therapists affiliated
14 credentialing board, podiatrists affiliated credentialing board, dentistry examining
15 board, pharmacy examining board, chiropractic examining board and board of
16 nursing in carrying out their statutory duties and responsibilities.".

17 ***b0803/3.9* 526.** Page 752, line 10: after that line insert:

18 ***b0803/3.9* "SECTION 1532d.** 51.01 (14k) of the statutes is created to read:

19 51.01 (14k) "Secured child caring institution" has the meaning given in s.
20 938.02 (15g).

21 ***b0803/3.9* SECTION 1533d.** 51.01 (14m) of the statutes is created to read:

22 51.01 (14m) "Secured correctional facility" has the meaning given in s. 938.02
23 (15m).

24 ***b0803/3.9* SECTION 1534d.** 51.01 (14p) of the statutes is created to read:

1 51.01 (14p) “Secured group home” has the meaning given in s. 938.02 (15p).”.

2 *b0803/3.10* **527.** Page 755, line 8: after that line insert:

3 *b0803/3.10* **SECTION 1539d.** 51.05 (2) of the statutes is amended to read:

4 51.05 (2) The department may not accept for admission to a mental health
5 institute any resident person, except in an emergency, unless the county department
6 under s. 51.42 in the county where the person has legal residency authorizes the care,
7 as provided in s. 51.42 (3) (as). Patients who are committed to the department under
8 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,
9 admitted by the department under s. 975.17, 1977 stats., or are transferred from a
10 juvenile secured correctional facility ~~or, a secured child caring institution, as defined~~
11 ~~in s. 938.02 (15g), or a secured group home~~ to a state treatment facility under s. 51.35
12 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not
13 subject to this section.”.

14 *b0803/3.11* **528.** Page 756, line 1: after that line insert:

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

17 51.35 (3) (title) ~~TRANSFER OF CERTAIN JUVENILES FROM JUVENILE CORRECTIONAL~~
18 ~~SECURED JUVENILE FACILITIES AND SECURED CHILD CARING INSTITUTIONS.~~

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

20 51.35 (3) (a) A licensed psychologist of a juvenile secured correctional facility
21 or a secured child caring institution, ~~as defined in s. 938.02 (15g), or a licensed~~
22 physician of the department of corrections, who has reason to believe that any
23 individual confined in the ~~facility or institution~~ secured correctional facility, secured
24 child caring institution or secured group home is, in his or her opinion, in need of

1 services for developmental disability, alcoholism or drug dependency or in need of
2 psychiatric services, and who has obtained voluntary consent to make a transfer for
3 treatment, shall make a report, in writing, to the superintendent of the ~~facility or~~
4 ~~institution~~ secured correctional facility, secured child caring institution or secured
5 group home, stating the nature and basis of the belief and verifying the consent. In
6 the case of a minor age 14 and over, the minor and the minor's parent or guardian
7 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of
8 a minor under the age of 14, only the minor's parent or guardian need consent. The
9 superintendent shall inform, orally and in writing, the minor and the minor's parent
10 or guardian, that transfer is being considered and shall inform them of the basis for
11 the request and their rights as provided in s. 51.13 (3). If the department of
12 corrections, upon review of a request for transfer, determines that transfer is
13 appropriate, that department shall immediately notify the department of health and
14 family services and, if the department of health and family services consents, the
15 department of corrections may immediately transfer the individual. The
16 department of ~~corrections~~ health and family services shall file a petition under s.
17 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the
18 county where the treatment facility is located.

19 ***b0803/3.11* SECTION 1557d.** 51.35 (3) (c) of the statutes is amended to read:
20 51.35 (3) (c) A licensed psychologist of a juvenile secured correctional facility
21 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
22 physician of the department of corrections, who has reason to believe that any
23 individual confined in the ~~facility or institution~~ secured correctional facility, secured
24 child caring institution or secured group home, in his or her opinion, is mentally ill,
25 drug dependent or developmentally disabled and is dangerous as described in s.

1 51.20 (1) (a) 2. a., b., c. or d., is mentally ill, is dangerous and satisfies the standard
2 under s. 51.20 (1) (a) 2. e. or is an alcoholic and is dangerous as described in s. 51.45
3 (13) (a) 1. and 2., shall file a written report with the superintendent of the ~~facility or~~
4 institution secured correctional facility, secured child caring institution or secured
5 group home, stating the nature and basis of the belief. If the superintendent, upon
6 review of the allegations in the report, determines that transfer is appropriate, he
7 or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to
8 exercise jurisdiction under chs. 48 and 938 of the county where the secured
9 correctional facility or, secured child caring institution or secured group home is
10 located. The court shall hold a hearing according to procedures provided in s. 51.20
11 or 51.45 (13).

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

15 51.35 (3) (c) A licensed psychologist of a secured correctional facility or a
16 secured child caring institution or a licensed physician of the department of
17 corrections, who has reason to believe that any individual confined in the secured
18 correctional facility, secured child caring institution or secured group home, in his
19 or her opinion, is mentally ill, drug dependent or developmentally disabled and is
20 dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is dangerous as
21 described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the
22 superintendent of the secured correctional facility, secured child caring institution
23 or secured group home, stating the nature and basis of the belief. If the
24 superintendent, upon review of the allegations in the report, determines that
25 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45

1 in the court assigned to exercise jurisdiction under ch. 48 of the county where the
2 secured correctional facility, secured child caring institution or secured group home
3 is located. The court shall hold a hearing according to procedures provided in s. 51.20
4 or 51.45 (13).

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

6 51.35 (3) (e) The department of corrections may authorize emergency transfer
7 of an individual from a juvenile secured correctional facility ~~or, a secured child caring~~
8 ~~institution, as defined in s. 938.02 (15g), or a secured group home~~ to a state treatment
9 facility if there is cause to believe that the individual is mentally ill, drug dependent
10 or developmentally disabled and exhibits conduct which constitutes a danger as
11 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is
12 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is
13 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian
14 of the sending ~~facility or institution~~ secured correctional facility, secured child caring
15 institution or secured group home shall execute a statement of emergency detention
16 or petition for emergency commitment for the individual and deliver it to the
17 receiving state treatment facility. The department of health and family services
18 shall file the statement or petition with the court within 24 hours after the subject
19 individual is received for detention or commitment. The statement or petition shall
20 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,
21 the director of the receiving facility may file a petition for continued commitment
22 under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~facility or~~
23 ~~institution~~ secured correctional facility, secured child caring institution or secured
24 group home from which the transfer was made. As an alternative to this procedure,
25 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no ~~prisoner~~

1 individual may be released without the approval of the court which directed
2 confinement in the secured correctional facility ~~or~~, secured child caring institution
3 or secured group home.

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

7 51.35 (3) (e) The department of corrections may authorize emergency transfer
8 of an individual from a secured correctional facility, a secured child caring institution
9 or a secured group home to a state treatment facility if there is cause to believe that
10 the individual is mentally ill, drug dependent or developmentally disabled and
11 exhibits conduct which constitutes a danger as described under s. 51.20 (1) (a) 2. to
12 the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45
13 (13) (a) 1. and 2. The custodian of the sending secured correctional facility, secured
14 child caring institution or secured group home shall execute a statement of
15 emergency detention or petition for emergency commitment for the individual and
16 deliver it to the receiving state treatment facility. The department of health and
17 family services shall file the statement or petition with the court within 24 hours
18 after the subject individual is received for detention or commitment. The statement
19 or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency
20 transfer is made, the director of the receiving facility may file a petition for continued
21 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the
22 secured correctional facility, secured child caring institution or secured group home
23 from which the transfer was made. As an alternative to this procedure, the
24 procedure provided in s. 51.15 or 51.45 (12) may be used, except that no individual

1 may be released without the approval of the court which directed confinement in the
2 secured correctional facility, secured child caring institution or secured group home.

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

4 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
5 facility under par. (a) may request in writing a return to the juvenile secured
6 correctional facility or, secured child caring institution, as defined in s. 938.02 (15g)
7 or secured group home. In the case of a minor under 14 years of age, the parent or
8 guardian may make the request. Upon receipt of a request for return from a minor
9 14 years of age or over, the director shall immediately notify the minor's parent or
10 guardian. The minor shall be returned to the juvenile secured correctional facility
11 or, secured child caring institution or secured group home within 48 hours after
12 submission of the request unless a petition or statement is filed for emergency
13 detention, emergency commitment, involuntary commitment or protective
14 placement.”.

15 ***b0773/2.24* 529.** Page 757, line 11: delete the material beginning with “,
16 253.07” and ending with “(c)” on line 12 and substitute “, ~~253.07 (3) (c)~~”.

17 ***b0773/2.25* 530.** Page 759, line 3: delete “, 253.07 (3) (c)” and substitute “,
18 ~~253.07 (3) (c)~~”.

19 ***b0793/2.5* 531.** Page 759, line 14: after that line insert:

20 ***b0793/2.5* SECTION 1575m.** 59.08 (7) (b) of the statutes is amended to read:

21 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
22 to the voters at the next election authorized under s. 8.065 (2) or an election
23 authorized under 8.065 (3) to be held on the first Tuesday in April, or the next regular
24 election, or at a special election to be held on a date specified in the order which shall

1 ~~be no sooner than 45 days after the day fixed in date of the order issued under par.~~
2 ~~(a), which day date shall be the same in each of the counties proposing to consolidate.~~
3 ~~A copy of the order shall be filed with the county clerk of each of the counties. If the~~
4 ~~question of consolidation is submitted at a special election, it shall be held not less~~
5 ~~than 30 days nor more than 60 days from the completion of the consolidation~~
6 ~~agreement, but not within 60 days of any spring or general election.”.~~

7 *b0802/3.1* **532.** Page 759, line 14: after that line insert:

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

9 **51.48 Alcohol and other drug testing of minors.** A minor’s parent or
10 guardian may consent to have the minor tested for the presence of alcohol or other
11 drugs in the minor’s body. Consent of the minor is not required under this section.”.

12 *b0828/2.8* **533.** Page 759, line 14: after that line insert:

13 *b0828/2.8* “SECTION 1572m. 58.06 of the statutes is repealed.”.

14 *b0699/2.1* **534.** Page 761, line 21: after that line insert:

15 *b0699/2.1* “SECTION 1577p. 59.52 (29) (a) of the statutes is renumbered 59.52
16 (29) (am) and amended to read:

17 59.52 (29) (am) ~~All~~ Except as provided in par. (c) 2., all public work, including
18 any contract for the construction, repair, remodeling or improvement of any public
19 work, building, or furnishing of supplies or material of any kind where the estimated
20 cost of such work will exceed ~~\$20,000~~ \$30,000 shall be let by contract to the lowest
21 responsible bidder. Any public work, the estimated cost of which does not exceed
22 ~~\$20,000~~ \$30,000, shall be let as the board may direct. If the estimated cost of any
23 public work is between \$5,000 and ~~\$20,000~~ \$30,000, the board shall give a class 1
24 notice under ch. 985 before it contracts for the work or shall contract with a person

1 qualified as a bidder under s. 66.29 (2). A contract, the estimated cost of which
2 exceeds ~~\$20,000~~ \$30,000, shall be let and entered into under s. 66.29, except that the
3 board may by a three-fourths vote of all the members entitled to a seat provide that
4 any class of public work or any part thereof may be done directly by the county
5 without submitting the same for bids. This subsection does not apply to highway
6 contracts which the county highway committee or the county highway commissioner
7 is authorized by law to let or make.

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

10 59.52 (29) (c) 1. In this paragraph, “design-build construction process” means
11 a procurement process under which the engineering, design and construction
12 services are provided by a single entity.

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

15 (d) If a county wishes to construct a public work using the design-build
16 construction process, the county shall use a selection process that contains the
17 following procedures:

18 1. The county shall issue a request for proposals from design-build teams by
19 publishing a class 1 notice under ch. 985. The notice shall include a project statement
20 that describes the space needs and design goals for the project, detailed submission
21 requirements, selection procedures, site information, an outline of specifications for
22 the project, a budget for the project, a project schedule, the composition of the
23 selection panel and the approximate amount of the bond that the county will require
24 under par. (e).

1 2. Following receipt of the proposals, the county shall select 5 or less
2 design–build teams to participate in the final stage of the selection process. The
3 selection of teams under this subdivision shall be based on factors that include the
4 background, experience and qualifications of the members of the teams; the financial
5 strength and surety capacity of the teams; the quality of the initial proposal; and the
6 past performance and current workload of the teams. The county selection panel
7 that selects the teams under this subdivision for the final selection process under
8 subd. 3. may include design and construction professionals who work for the county
9 or are hired by the county to assist in the selection, members of the county board and
10 representatives from the county entity that will use the facility that is to be
11 constructed under the selection process described in this paragraph.

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

23 (e) If the county selects a design–build team under par. (d) 3. and enters into
24 a contract for the construction of the project, the design–build team shall obtain

1 bonding, in an amount specified by the county, to guarantee completion of the project
2 according to the terms of the contract.”.

3 *b0796/1.3* **535.** Page 761, line 21: after that line insert:

4 *b0796/1.3* “SECTION 1577n. 59.52 (29) (ae) of the statutes is created to read:
5 59.52 (29) (ae) In this subsection, “labor organization” has the meaning given
6 in s. 5.02 (8m).

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

8 59.52 (29) (b) The provisions of par. ~~(a)~~ (am) are not mandatory for the repair
9 or reconstruction of public facilities when damage or threatened damage thereto
10 creates an emergency, as determined by resolution of the board, in which the public
11 health or welfare of the county is endangered. Whenever the board by majority vote
12 at a regular or special meeting determines that an emergency no longer exists, this
13 paragraph no longer applies.

14 *b0796/1.3* SECTION 1577p. 59.52 (29) (f) and (g) of the statutes are created
15 to read:

16 59.52 (29) (f) The board shall ensure that the specifications for bids and
17 contracts for construction projects entered into under this subsection do not do any
18 of the following:

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

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

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

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

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

8 (g) Any taxpayer of this state or any other person who enters into contracts or
9 subcontracts for building construction services may bring an action to require
10 compliance with par. (f). If that person prevails in his or her action, the court shall
11 award to that person reasonable actual attorney fees in addition to other costs
12 allowed to prevailing parties under ch. 814.”.

13 ***b0980/1.15* 536.** Page 761, line 22: delete lines 22 to 25.

14 ***b0980/1.16* 537.** Page 762, line 1: delete lines 1 to 12.

15 ***b0759/1.1* 538.** Page 763, line 10: after that line insert:

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

17 59.692 (6m) For an amendment to an ordinance enacted under this section that
18 affects an activity that meets all of the requirements under s. 281.165 (1) to (5), the
19 department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the
20 amendment, to determine whether the ordinance, as amended, fails to meet the
21 shoreland zoning standards.”.

22 ***b0699/2.2* 539.** Page 763, line 23: after that line insert:

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

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

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

6 60.47 (2) (b) No town may enter into a public contract with a value of more than
7 ~~\$10,000~~ \$30,000 unless the town board, or a town official or employe designated by
8 the town board, advertises for proposals to perform the terms of the public contract
9 by publishing a class 2 notice under ch. 985. The town board may provide for
10 additional means of advertising for bids.

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

12 60.47 (2m) DESIGN-BUILD CONTRACTS. Any public contract under sub. (2), the
13 estimated cost of which exceeds \$500,000, may be let using the design-build
14 construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e),
15 as it applies to counties, applies to towns.

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

17 60.47 (3) CONTRACTS TO LOWEST RESPONSIBLE BIDDER. The Except as provided in
18 sub. (2m), the town board shall let a public contract for which advertising for
19 proposals is required under sub. (2) (b) to the lowest responsible bidder. Section
20 66.29 applies to public contracts let under sub. (2) (b).

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

22 60.47 (5) EXCEPTION FOR EMERGENCIES AND DONATED MATERIALS AND LABOR. This
23 section is optional with respect to public contracts for the repair and construction of
24 public facilities when damage or threatened damage to the facility creates an
25 emergency, as declared by resolution of the town board, that endangers the public

1 health or welfare of the town. This subsection no longer applies when the town board
2 declares that the emergency no longer exists. This section is optional with respect
3 to a public contract if the materials related to the contract are donated or if the labor
4 that is necessary to execute the public contract is provided by volunteers.”.

5 *b0793/2.6* **540.** Page 763, line 23: after that line insert:

6 *b0793/2.6* “SECTION 1582mp. 60.62 (2) of the statutes is amended to read:
7 60.62 (2) If the county in which the town is located has enacted a zoning
8 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
9 approval by the town meeting or by a referendum vote of the electors of the town to
10 be held at the time of any regular or special election in accordance with s. 8.065.”.

11 *b0796/1.4* **541.** Page 763, line 23: after that line insert:

12 *b0796/1.4* “SECTION 1582m. 60.47 (1)(a) of the statutes is renumbered 60.47
13 (1) (am).

14 *b0796/1.4* SECTION 1582n. 60.47 (1) (ae) of the statutes is created to read:

15 60.47 (1) (ae) “Labor organization” has the meaning given in s. 5.02 (8m).

16 *b0796/1.4* SECTION 1582o. 60.47 (5m) of the statutes is created to read:

17 60.47 (5m) CONTRACTS WITH LABOR ORGANIZATIONS. (a) The town board shall
18 ensure that the specifications for bids and contracts for construction projects entered
19 into under this section do not do any of the following:

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

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

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

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

8 b. Make payments to a labor organization, without the authorization of the
9 employes, exceeding the employes' proportionate share of the cost of collective
10 bargaining, contract administration and grievance adjustment.

11 (b) Any taxpayer of this state or any other person who enters into contracts or
12 subcontracts for building construction services may bring an action to require
13 compliance with par. (a). If that person prevails in his or her action, the court shall
14 award to that person reasonable actual attorney fees in addition to other costs
15 allowed to prevailing parties under ch. 814.”.

16 ***b0903/1.1* 542.** Page 763, line 23: after that line insert:

17 ***b0903/1.1* “SECTION 1582k.** 60.50 (2m) of the statutes is created to read:

18 60.50 (2m) SEWERAGE SYSTEM USE. Approve or disapprove any connection with
19 or use of the town sewerage system, as defined in s. 60.70 (6), by any property owner
20 whose property is connected to a working private sewage system, as defined in s.
21 145.01 (12).”.

22 ***b1141/2.9* 543.** Page 763, line 23: after that line insert:

23 ***b1141/2.9* “SECTION 1581m.** 59.70 (2) (L) of the statutes is amended to read:

1 59.70 (2) (L) Appropriate funds and levy taxes to provide funds for acquisition
2 or lease of sites, easements, necessary facilities and equipment and for all other costs
3 required for the solid waste management system except that no municipality which
4 operates its own solid waste management program ~~under s. 287.09 (2) (a)~~ or waste
5 collection and disposal facility, or property therein, shall be subject to any tax levied
6 hereunder to cover the capital and operating costs of these functions. Such
7 appropriations may be treated as a revolving capital fund to be reimbursed from
8 proceeds of the system.”.

9 ***b1246/3.1* 544.** Page 763, line 23: after that line insert:

10 ***b1246/3.1* “SECTION 1580m.** 59.84 (2) (em) of the statutes is created to read:

11 59.84 (2) (em) *Light rail transit systems; construction prohibition.* No person
12 may construct a light rail transit system in Milwaukee County unless the board first
13 authorizes the development of the applicable light rail transit system by resolution
14 and the resolution is ratified in a referendum of the electors of Milwaukee County.
15 The referendum is valid only if the vote is taken at the next general election, as
16 defined in s. 5.02 (5), after the adoption of the resolution.”.

17 ***b0980/1.17* 545.** Page 763, line 24: delete the material beginning with that
18 line and ending with page 767, line 17.

19 ***b0699/2.3* 546.** Page 767, line 17: after that line insert:

20 ***b0699/2.3* “SECTION 1585Lm.** 61.55 (title) of the statutes is amended to read:

21 **61.55 (title) ~~Contracts involving over \$10,000; how let; exception Public~~**
22 **contracts and competitive bidding.**

23 ***b0699/2.3* SECTION 1585m.** 61.55 of the statutes is renumbered 61.55 (1m)
24 and amended to read:

1 61.55 (1m) CONTRACTS INVOLVING OVER \$30,000; HOW LET; EXCEPTION. All Except
2 as provided in sub. (2), all contracts for public construction, in any such village,
3 exceeding ~~\$10,000~~ \$30,000, shall be let by the village board to the lowest responsible
4 bidder in accordance with s. 66.29 insofar as said that section may be applicable. If
5 the estimated cost of any public construction exceeds \$5,000, but is not greater than
6 ~~\$10,000~~ \$30,000, the village board shall give a class 1 notice, under ch. 985, of the
7 proposed construction before the contract for the construction is executed. This
8 provision does not apply to public construction if the materials for such a project are
9 donated or if the labor for such a project is provided by volunteers, and this provision
10 and s. 281.41 are not mandatory for the repair and reconstruction of public facilities
11 when damage or threatened damage thereto creates an emergency, as determined
12 by resolution of the village board, in which the public health or welfare of the village
13 is endangered. Whenever the village board by majority vote at a regular or special
14 meeting declares that an emergency no longer exists, this exemption no longer
15 applies.

16 ***b0699/2.3* SECTION 1585mc.** 61.55 (2) of the statutes is created to read:

17 61.55 (2) DESIGN-BUILD CONSTRUCTION. Any contract for public construction
18 under sub. (1m), the estimated cost of which exceeds \$500,000, may be let using the
19 design-build construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29)
20 (d) and (e), as it applies to counties, applies to villages.

21 ***b0699/2.3* SECTION 1587s.** 62.03 (1) of the statutes is amended to read:

22 62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j)
23 and (k), 62.15 (1m) (b), 62.175 and 62.23 (7) (em) and (he), does not apply to 1st class
24 cities under special charter.

25 ***b0699/2.3* SECTION 1588c.** 62.15 (1) of the statutes is amended to read:

1 62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. All
2 Except as provided in sub. (1m), all public construction, the estimated cost of which
3 exceeds ~~\$10,000~~ \$30,000, shall be let by contract to the lowest responsible bidder; all
4 other public construction shall be let as the council may direct. If the estimated cost
5 of any public construction exceeds \$5,000 but is not greater than ~~\$10,000~~ \$30,000,
6 the board of public works shall give a class 1 notice, under ch. 985, of the proposed
7 construction before the contract for the construction is executed. This provision does
8 not apply to public construction if the materials for such a project are donated or if
9 the labor for such a project is provided by volunteers. The council may also by a vote
10 of three-fourths of all the members-elect provide by ordinance that any class of
11 public construction or any part thereof may be done directly by the city without
12 submitting the same for bids.

13 ***b0699/2.3* SECTION 1588d.** 62.15 (1m) of the statutes is created to read:

14 62.15 (1m) DESIGN-BUILD CONTRACTS. (a) Any contract for public construction
15 under sub. (1), the estimated cost of which exceeds \$500,000, may be let using the
16 design-build construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29)
17 (d) and (e), as it applies to counties, applies to cities.

18 (b) Any contract for public construction, the estimated cost of which exceeds
19 \$500,000, let by a 1st class city may be let using the design-build construction
20 process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e), as it applies
21 to counties, applies to 1st class cities.”.

22 ***b0793/2.7* 547.** Page 767, line 17: after that line insert:

23 ***b0793/2.7* “SECTION 1585m.** 60.74 (5) (b) of the statutes is amended to read:

1 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
2 qualified electors of the district equal to at least 20% of the vote cast for governor in
3 the district at the last gubernatorial election, requesting a change to appointment
4 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). Upon
5 receipt of the petition, the town board shall submit the question to a referendum at
6 the next ~~regular spring election or general election, or shall call a special election for~~
7 ~~that purpose~~ authorized under s. 8.065 (2) or an election authorized under s. 8.065
8 (3) to be held not sooner than 45 days after receipt of the petition. The inspectors
9 shall count the votes and submit a statement of the results to the commission. The
10 commission shall canvass the results of the election and certify the results to the
11 town board which has authority to appoint commissioners.

12 ***b0793/2.7* SECTION 1587m.** 61.187 (1) of the statutes is amended to read:

13 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
14 of s. 8.40, signed by at least one-third as many electors of any village as voted for
15 village officers at the next preceding election therefor, shall be presented to the
16 village board praying for dissolution of the village corporation, such board shall
17 submit to the electors of such village, for determination by ballot in substantially the
18 manner provided by ss. 5.64 (2) and 10.02, ~~at a general election or at a special election~~
19 ~~called by them for that purpose~~ the next election authorized under s. 8.065 (2) or an
20 election authorized under s. 8.065 (3) to be held not sooner than 45 days after
21 presentation of the petition, the question whether or not such village corporation
22 shall be dissolved.

23 ***b0793/2.7* SECTION 1587o.** 61.46 (1) of the statutes is amended to read:

24 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
25 15 in each year, by resolution to be entered of record, determine the amount of

1 corporation taxes to be levied and assessed on the taxable property in such village
2 for the current year. Before levying any tax for any specified purpose, exceeding one
3 percent of the assessed valuation aforesaid, the village board shall, and in all other
4 cases may in its discretion, submit the question of levying the same to the village
5 electors at ~~any general or special~~ the next election authorized under s. 8.065 (2) or
6 an election authorized under s. 8.065 (3) to be held no sooner than 45 days after
7 submission by giving 10 days' notice thereof prior to such election by publication in
8 a newspaper published in the village, if any, and if there is none, then by posting
9 notices in 3 public places in said village, setting forth in such notices the object and
10 purposes for which such taxes are to be raised and the amount of the proposed tax.

11 *b0793/2.7* SECTION 1587q. 62.09 (1) (a) of the statutes is amended to read:

12 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
13 attorney, engineer, one or more assessors unless the city is assessed by a county
14 assessor under s. 70.99, one or more constables as determined by the common
15 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
16 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
17 except in cities where not applicable, chief of police, chief of the fire department,
18 board of public works, 2 alderpersons from each aldermanic district, and such other
19 officers or boards as are created by law or by the council. If one alderperson from each
20 aldermanic district is provided under s. 66.018 (1), the council may, by ordinance
21 adopted by a two-thirds vote of all its members and approved by the electors at a
22 ~~general or special~~ any election authorized under s. 8.065, provide that there shall be
23 2 alderpersons from each aldermanic district.”.

24 *b0796/1.5* 548. Page 767, line 17: after that line insert:

1 ***b0796/1.5* "SECTION 1589o.** 61.55 (1) of the statutes is created to read:

2 61.55 (1) DEFINITION. In this section "labor organization" has the meaning
3 given in s. 5.02 (8m).

4 ***b0796/1.5* SECTION 1589p.** 61.55 (3) of the statutes is created to read:

5 61.55 (3) CONTRACTS WITH LABOR ORGANIZATIONS. (a) The village board shall
6 ensure that the specifications for bids and contracts for construction projects entered
7 into under this section do not do any 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 (b) 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. (a). 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 ***b0796/1.5* SECTION 1589q.** 62.15 (1e) of the statutes is created to read:

2 62.15 (1e) DEFINITION. In this section “labor organization” has the meaning
3 given in s. 5.02 (8m).

4 ***b0796/1.5* SECTION 1589r.** 62.15 (15) of the statutes is created to read:

5 62.15 (15) CONTRACTS WITH LABOR ORGANIZATIONS. (a) The common council shall
6 ensure that the specifications for bids and contracts for construction projects entered
7 into under this section do not do any 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 (b) 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. (a). 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.”