

1           **\*b0936/1.1\* 678.** Page 533, line 23: after that line insert:

2           **\*b0936/1.1\*** “SECTION 936t. 40.03 (2) (g) of the statutes is amended to read:  
3           40.03 (2) (g) Shall submit once each year to each participant currently making  
4           contributions, and to any other participant upon request or as in the secretary’s  
5           judgment is desirable, a statement of the participant’s account together with  
6           appropriate explanatory material. The secretary shall ensure that the participant’s  
7           social security number does not appear on the statement.”

8           **\*b0726/1.1\* 679.** Page 533, line 24: delete the material beginning with that  
9           line and ending with page 534, line 25.

10           **\*b0939/1.3\* 680.** Page 535, line 6: after that line insert:

11           **\*b0939/1.3\*** “SECTION 940c. 40.05 (4) (a) 2. of the statutes is amended to read:  
12           40.05 (4) (a) 2. For an insured employe who is an eligible employe under s. 40.02  
13           (25) (a) 2. or (b) 1m. or 2m., the employer shall pay required employer contributions  
14           toward the health insurance premium of the insured employe beginning on the date  
15           on which the employe becomes insured. For an insured employe who is currently  
16           employed but who is not an eligible employe under s. 40.02 (25) (a) 2. or (b) 1m. or  
17           2m., the employer shall pay required employer contributions toward the health  
18           insurance premium of the insured employe beginning on the first day of the 7th  
19           month beginning after the date on which the employe begins employment with the  
20           state, not including any leave of absence.”

21           **\*b1869/2.1\* 681.** Page 535, line 6: after that line insert:

22           **\*b1869/2.1\*** “SECTION 940d. 40.05 (4) (ag) 2. of the statutes is amended to read:  
23           40.05 (4) (ag) 2. For eligible employes not specified in subd. 1., 90% of the gross  
24           premium for the standard health insurance plan offered to state employes by the

1 group insurance board or 105% of the gross premium, excluding any premium cost  
2 related to the point-of-service option plan required to be offered under s. 609.10, of  
3 the alternative qualifying plan offered under s. 40.03 (6) that is the least costly  
4 qualifying plan within the county in which the alternate plan is located, whichever  
5 is lower, but not more than the total amount of the premium. Employer contributions  
6 for employees who select the standard plan shall be based on their county of residence.  
7 Qualifying health insurance plans shall be determined in accordance with standards  
8 established by the group insurance board.”.

9 \*b0726/1.2\* **682.** Page 535, line 7: delete the material beginning with that  
10 line and ending with page 536, line 3.

11 \*b0918/1.1\* **683.** Page 535, line 20: after that line insert:

12 \*b0918/1.1\* **SECTION 939tc.** 40.41 (6) (b) of the statutes is amended to read:  
13 40.41 (6) (b) Services performed by a ~~student or~~ a member of a board or  
14 commission, except members of governing bodies, in a position or office which does  
15 not normally require actual performance of duty for at least 600 hours in each  
16 calendar year. For purposes of this paragraph, a “board” or “commission” is a body  
17 referred to in the statutes as a board or commission.

18 \*b0918/1.1\* **SECTION 939tr.** 40.41 (6) (c) of the statutes is created to read:

19 40.41 (6) (c) Service performed in the employ of a school, college or university,  
20 if the service is performed by a student who is enrolled and regularly attending  
21 classes at the school, college or university.”.

22 \*b0936/1.2\* **684.** Page 536, line 12: after that line insert:

23 \*b0936/1.2\* **SECTION 944w.** 40.82 (3) of the statutes is created to read:



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

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

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

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

12           (c) “Employe” means any person who receives earnings as payment for personal  
13 services rendered for the benefit of any employer including officers of the employer.  
14 An employe is considered to have separated from the service of an employer at the  
15 end of the day on which the employe last performed services for the employer, or, if  
16 later, the day on which the employe–employer relationship is terminated because of  
17 the expiration or termination of leave without pay, sick leave, vacation or other leave  
18 of absence. A person shall not be considered an employe if any of the following  
19 applies:

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

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

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

3           (d) “Employer” means any person doing business or operating an organization  
4           in this state and employing at least 2 employes, except that for a person operating  
5           a farm business the person must employ at least one employe. “Employer” does not  
6           include an employer as defined in s. 40.02 (28).

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

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

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

12          (2) (a) 1. The department shall design an actuarially sound health care  
13          coverage program for employers that includes more than one group health care  
14          coverage plan and that provides coverage beginning not later than January 1, 2001.  
15          The health care coverage program shall be known as the “Private Employer Health  
16          Care Purchasing Alliance”. In designing the health care coverage program, the  
17          department shall consult with the office of the commissioner of insurance and may  
18          consult with the departments of commerce and health and family services. The  
19          health care coverage program may not be implemented until it is approved by the  
20          board.

21          2. The department shall solicit and accept bids and make every reasonable  
22          effort to enter into a contract for the administration of the health care coverage plans  
23          under the program, based on criteria established by the board. If the department has  
24          not entered into a contract for the administration of the health care coverage plans  
25          under the program for coverage to begin before January 1, 2001, the department

1 shall submit a report to the cochairpersons of the joint committee on finance  
2 specifying the department's reasons for not entering into a contract. After  
3 submitting the report to the cochairpersons of the joint committee on finance, the  
4 department shall provide all administrative services necessary for the provision of  
5 the health care coverage plans under the program. During the period that the  
6 department is providing the administrative services, the department shall continue  
7 to make every reasonable effort to contract for the administration of the health care  
8 coverage plans under the program.

9 3. The administrator selected under subd. 2., or the department if no  
10 administrator has been selected under subd. 2., shall enter into contracts with  
11 insurers who are to provide health care coverage under the health care coverage  
12 program.

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

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

17 (b) Every health care coverage plan under the health care coverage program  
18 is subject to the provisions of chs. 600 to 646 that apply to group health benefit plans,  
19 as defined in s. 632.745 (9), to the same extent as any other group health benefit plan,  
20 as defined in s. 632.745 (9).

21 (bm) No health care coverage plan under the health care coverage program may  
22 provide coverage of a nontherapeutic abortion except by an optional rider or  
23 supplemental coverage provision that is offered and provided on an individual basis  
24 and for which an additional, separate premium or charge is paid by the individual  
25 to be covered under the rider or supplemental coverage provision. Only funds

1 attributable to premiums or charges paid for coverage under the rider or  
2 supplemental coverage provision may be used for the payment of any claim, and  
3 related administrative expenses, that relates to a nontherapeutic abortion. Such  
4 funds may not be used for the payment of any claim or administrative expenses that  
5 relate to any other type of coverage provided by the insurer under the health care  
6 coverage plan. Nothing in this paragraph requires an insurer or an employer to offer  
7 or provide coverage of an abortion under a health care coverage plan under the health  
8 care coverage program.

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

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

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

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

25 (2) (g). 25 (2) (g).

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

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

11           (3) Any employer who participates in the health care coverage program shall  
12 do all of the following:

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

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

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

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

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

5           (5) Any insurer that offers a health care coverage plan under the health care  
6 coverage program shall provide coverage under the plan to any employer that applies  
7 for coverage, and to all of the employer's employes who elect coverage under the  
8 health care coverage plan, without regard to the health condition or claims  
9 experience of any individual who would be covered under the health care coverage  
10 plan if all of the following apply:

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

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

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

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

22           (c) The board shall set, and may adjust as often as semiannually, the  
23 commission rate for the sale of a policy under the health care coverage program. The  
24 rate shall be based on the average commission rate that insurance agents are paid

1 in the state for the sale of comparable health insurance policies at the time that the  
2 rate is set or adjusted.

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

5 (7) (a) Annually, on or before December 31, the board shall submit a report to  
6 the appropriate standing committees under s. 13.172 (3) and to the governor on the  
7 operation of the health care coverage program. The report shall specify the number  
8 of employers and employes participating in the health care coverage program,  
9 calculate the costs of the health care coverage program to employers and their  
10 employes and include recommendations for improving the health care coverage  
11 program.

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

21 **\*b1792/1.8\* SECTION 944yr.** Subchapter X of chapter 40 [precedes 40.98] of the  
22 statutes, as created by 1999 Wisconsin Act .... (this act), section 944ym, is repealed.”.

23 **\*b0778/1.2\* 687.** Page 537, line 19: after that line insert:

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

1           **42.035 Treatment of certain state fair park board employees.**

2           Notwithstanding s. 230.08 (2) (pm), those employes holding positions in the  
3           classified service at the state fair park board on the effective date of this section ....  
4           [revisor inserts date], who have achieved permanent status in class before that date,  
5           shall retain, while serving in the unclassified service at the state fair park board,  
6           those protections afforded employes in the classified service under ss. 230.34 (1) (a)  
7           and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff or reduction in  
8           base pay. Those employes of the state fair park board on the effective date of this  
9           section .... [revisor inserts date], who have not achieved permanent status in class  
10          in any position at the state fair park board on that date are eligible to receive the  
11          protections, privileges and rights preserved under this section if they successfully  
12          complete service equivalent to the probationary period required in the classified  
13          service for the position that they hold on that date.”.

14          **\*b1043/1.1\* 688.** Page 537, line 19: after that line insert:

15          **\*b1043/1.1\* “SECTION 945de.** 43.24 (1) (intro.) of the statutes is amended to  
16          read:

17          43.24 (1) (intro.) Each public library system shall be paid state aid for the  
18          operation and maintenance of the system. The Except as provided in pars. (b) and  
19          (c), the amount paid to each system shall be determined as follows:

20          **\*b1043/1.1\* SECTION 945dh.** 43.24 (1) (a) of the statutes is repealed and  
21          recreated to read:

22          43.24 (1) (a) 1. Determine the percentage change in the total amount  
23          appropriated under s. 20.255 (3) (e) between the previous fiscal year and the current  
24          fiscal year.

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

3           **\*b1043/1.1\* SECTION 945dp.** 43.24 (1) (b) of the statutes is repealed and  
4 recreated to read:

5           43.24 (1) (b) If the territory of a public library system is altered, the department  
6 shall adjust the aid paid to that system under par. (a). The department shall  
7 promulgate rules establishing the method the department will use to make the  
8 adjustment.

9           **\*b1043/1.1\* SECTION 945dt.** 43.24 (1) (c) of the statutes is repealed and  
10 recreated to read:

11           43.24 (1) (c) Beginning in the fiscal year in which the total amount of state aid  
12 appropriated for public library systems under s. 20.255 (3) (e), as determined by the  
13 department, equals at least 11.25% of the total operating expenditures for public  
14 library services from local and county sources in the calendar year ending in that  
15 fiscal year, the amount paid to each system shall be determined by adding the result  
16 of each of the following calculations:

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

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

21           3. Divide the sum of the payments to the municipalities and counties in the  
22 system under subch. I of ch. 79 for the current fiscal year, as reflected in the  
23 statement of estimated payments under s. 79.015, by the total of all payments under  
24 subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated

1 payments under s. 79.015, and multiply the result by the product of the amount  
2 appropriated under s. 20.255 (3) (e) and 0.075.”.

3 **\*b1838/3.2\* 689.** Page 537, line 19: after that line insert:

4 **\*b1838/3.2\* “SECTION 945ds.** 43.17 (9) (a) of the statutes is amended to read:

5 43.17 (9) (a) All contracts for public construction, ~~the estimated cost of which~~  
6 exceeds \$5,000, made by a federated public library system whose territory lies within  
7 2 or more counties or by a federated public library system whose territory lies within  
8 a single county with a population of at least 500,000 shall be let by the public library  
9 system board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11)  
10 and (14). For purposes of this section, the system board possesses the powers  
11 conferred by s. 62.15 on the board of public works and the common council. All  
12 contracts made under this section shall be made in the name of the federated public  
13 library system and shall be executed by the system board president and such other  
14 board officer as the system board designates.”.

15 **\*b1923/2.3\* 690.** Page 538, line 21: after that line insert:

16 **\*b1923/2.3\* “SECTION 946g.** 44.34 (13) of the statutes is created to read:

17 44.34 (13) Produce a CD-ROM about the restoration of the state capitol.”.

18 **\*b1806/1.21\* 691.** Page 541, line 19: delete “School for the Visually” and  
19 substitute “Center for the Blind and Visually Impaired”.

20 **\*b1806/1.22\* 692.** Page 541, line 20: delete “Handicapped”.

21 **\*b0746/1.1\* 693.** Page 543, line 6: after that line insert:

22 **\*b0746/1.1\* “SECTION 955p.** 44.72 (1) (e) of the statutes is created to read:

23 44.72 (1) (e) Consult with the department of public instruction before awarding  
24 grants under this subsection.”.

1           **\*b0747/4.5\* 694.** Page 545, line 16: delete the material beginning with that  
2 line and ending with page 546, line 4.

3           **\*b0753/2.5\* 695.** Page 552, line 2: before “to” insert “including a  
4 community-based residential facility.”.

5           **\*b1654/3.3\* 696.** Page 555, line 10: after that line insert:

6           **\*b1654/3.3\* “SECTION 999d.** 46.036 (4) (a) of the statutes is amended to read:  
7           46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double  
8 entry accounting system and a management information system which are  
9 compatible with cost accounting and control systems prescribed by the department.  
10 The department shall establish a simplified double entry bookkeeping system for use  
11 by family-operated group homes. Each purchaser shall determine whether a  
12 family-operated group home from which it purchases services shall use the double  
13 entry accounting system or the simplified system and shall include this  
14 determination in the purchase of service contract. In this paragraph,  
15 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for  
16 which the licensee is one or more individuals who operate not more than one group  
17 home.”.

18           **\*b1823/1.5\* 697.** Page 555, line 10: after that line insert:

19           **\*b1823/1.5\* “SECTION 997m.** 46.03 (44) of the statutes is created to read:  
20           46.03 (44) STRAY VOLTAGE RESEARCH. Conduct research and investigate  
21 allegations that the 3rd harmonic of 60-hertz current harms people and dairy  
22 animals. The department shall allocate moneys transferred to the appropriation  
23 account under s. 20.435 (1) (kx) from the appropriation under s. 20.155 (1) (jm) for  
24 this purpose.”.

1           **\*b1806/1.23\* 698.** Page 555, line 25: after that line insert:

2           **\*b1806/1.23\*** “SECTION 999p. 46.041 (1) (a) of the statutes is amended to read:

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

11           **\*b0828/2.2\* 699.** Page 559, line 21: after that line insert:

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

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

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

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

1 3-year terms ending the first Monday in January. Any vacancy shall be filled for the  
2 unexpired term by the county board; but the chairperson of the county board may  
3 appoint a trustee to fill the vacancy until the county board acts.

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

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

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

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

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

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

1           **\*b1794/2.1\* 700.** Page 569, line 25: delete “whether or not the person is a  
2 private pay admittee at the time of admission.” and substitute “~~whether or not the~~  
3 ~~person is a private pay admittee at the time of admission.~~ except that a person  
4 seeking admission or about to be admitted on a private pay basis may waive the  
5 assessment, unless the person is expected to become eligible for medical assistance  
6 within 6 months of assessment.”.

7           **\*b1794/2.2\* 701.** Page 570, line 4: after that line insert:

8           **\*b1794/2.2\* “SECTION 1045g.** 46.27 (7) (cL) of the statutes is created to read:  
9           46.27 (7) (cL) No county department or aging unit may deny services to a  
10 person under par. (cj) who refused to have an assessment completed as required  
11 under par. (cj) 3. a. before the effective date of this paragraph .... [revisor inserts  
12 date].”.

13           **\*b1847/2.1\* 702.** Page 570, line 4: after that line insert:

14           **\*b1847/2.1\* “SECTION 1045d.** 46.27 (7) (ck) 1. of the statutes is amended to  
15 read:

16           46.27 (7) (ck) 1. Subject to the approval of the department, and except as  
17 provided in sub. (7b) (a), a county may establish and implement more restrictive  
18 conditions than those imposed under par. (cj) on the use of funds received under par.  
19 (b) for the provision of services to a person in a community-based residential facility.  
20 A county that establishes more restrictive conditions under this subdivision shall  
21 include the conditions in its community options plan under sub. (3) (cm).

22           **\*b1847/2.1\* SECTION 1045e.** 46.27 (7) (cm) 1. (intro.) of the statutes is amended  
23 to read:

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

5           **\*b1847/2.2\* 703.** Page 572, line 6: after that line insert:

6           **\*b1847/2.2\* “SECTION 1048m.** 46.27 (7b) of the statutes is created to read:

7           **46.27 (7b) PILOT PROGRAM IN CHIPPEWA COUNTY.** The department shall establish  
8           a pilot project in Chippewa County to effect all of the following:

9           (a) Notwithstanding the maximum total amount established by Chippewa  
10          County under sub. (3) (f), Chippewa County may not deny services under this section  
11          to an eligible individual who resides in a community-based residential facility when  
12          the individual becomes eligible, solely because the maximum total amount has been  
13          reached.

14          (b) In making a determination under sub. (7) (c) 3. e. regarding the  
15          cost-effectiveness of a placement in a community-based residential facility,  
16          Chippewa County shall consider all state and federal funds needed for all options  
17          considered.

18          (c) Chippewa County, or a private nonprofit agency or aging unit in Chippewa  
19          County, may use funds received under sub. (7) (b) to provide services in any  
20          community-based residential facility that has 20 or fewer beds notwithstanding sub.  
21          (7) (cm) 1. Subsection (7) (cm) 1. applies in Chippewa County, however, with respect  
22          to the use of funds received under sub. (7) (b) to provide services in any  
23          community-based residential facility that has more than 20 beds.”.

24          **\*b1794/2.3\* 704.** Page ~~574~~<sup>575</sup>, line ~~8~~<sup>2</sup>: after that line insert:

MOVE TO after line 11, p. 203

1059

1

**\*b1794/2.3\*** ~~SECTION 1056r.~~ 46.27 (11) (c) 5q. of the statutes is created to read:

2

46.27 (11) (c) 5q. No county department or aging unit may deny services to a

3

person under subd. 5n. who refused to have an assessment completed as required

4

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

5

date].”.

6

**\*b1794/2.4\* 705.** Page 574, line 23: delete “whether or not the person is a

7

private pay admittee at the time of admission.” and substitute “~~whether or not the~~

8

~~person is a private pay admittee at the time of admission.~~ except that a person

9

seeking admission or about to be admitted on a private pay basis may waive the

10

assessment, unless the person is expected to become eligible for medical assistance

11

within 6 months of assessment.”.

12

**\*b1794/2.5\* 706.** Page 576, line 3: delete “whether or not the person is a

13

private pay admittee at the time of admission.” and substitute “~~whether or not the~~

14

~~person is a private pay admittee at the time of admission.~~ except that a person

15

seeking admission or about to be admitted on a private pay basis may waive the

16

assessment, unless the person is expected to become eligible for medical assistance

17

within 6 months of assessment.”.

18

**\*b1794/2.6\* 707.** Page 594, line 9: after “supervision.” insert “A resource

19

center may not require a financial screen for a person seeking admission or about to

20

be admitted on a private pay basis who waives the requirement for a financial screen

21

under this paragraph, unless the person is expected to become eligible for medical

22

assistance within 6 months. A resource center need not provide a functional screen

23

for a person seeking admission or about to be admitted who has received a screen for

24

functional eligibility under s. 46.286 (1) (a) within the previous 6 months.”.

from  
p. 207

1       **\*b1666/13.8\* 708.** Page 597, line 23: delete “nonprofit”.

      \*\*\*\*NOTE: Corrects restrictive requirement for contracts to operate care management organizations to conform to JCF intent.

2       **\*b1666/13.9\* 709.** Page 622, line 7: delete lines 7 to 14.

      \*\*\*\*NOTE: Conforms to JCF intent.

3       **\*b1919/1.3\* 710.** Page 622, line 18: delete “\$283,778,800” and substitute  
4       “\$284,978,800”.

5       **\*b1919/1.4\* 711.** Page 622, line 19: delete “\$279,886,800” and substitute  
6       “\$285,511,800”.

7       **\*b1214/1.2\* 712.** Page 623, line 3: delete “\$1,877,000 for each” and substitute  
8       “\$1,877,000 for each”.

9       **\*b1214/1.3\* 713.** Page 623, line 4: delete “fiscal year” and substitute “fiscal  
10       year \$1,993,400 for fiscal year 1999–2000 and \$2,226,300 for fiscal year 2000–01”.

11       **\*b1197/1.2\* 714.** Page 624, line 14: after that line insert:

12       **\*b1197/1.2\* “SECTION 1091k.** 46.46 (1) of the statutes is amended to read:

13       46.46 (1) The department shall perform activities to augment the amount of  
14       moneys received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd and 42 USC  
15       1396 to 1396v. The department shall perform those income augmentation activities  
16       itself and may not contract with any person to perform those income augmentation  
17       activities. From the appropriation account under s. 20.435 (8) (mb), the department  
18       shall support costs that are exclusively related to the operational costs of  
19       augmenting the amount of moneys received under ~~42 USC 670 to 679a, 42 USC 1395~~  
20       ~~to 1395ddd and 42 USC 1396 to 1396v~~ performing those income augmentation  
21       activities. In addition, the department may expend moneys from the appropriation  
22       account under s. 20.435 (8) (mb) as provided in sub. (2).”.

1           **\*b1890/2.5\* 715.** Page 625, line 25: after that line insert:

2           **\*b1890/2.5\*** "SECTION 1098m. 46.48 (30) of the statutes is created to read:

3           46.48 (30) SUBSTANCE ABUSE TREATMENT GRANTS. (a) From the appropriation  
4           under s. 20.435 (7) (bc), the department shall distribute grants on a competitive basis  
5           to county departments of social services and to private nonprofit organizations, as  
6           defined in s. 103.21 (2), for the provision of alcohol and other drug abuse treatment  
7           services in counties with a population of 500,000 or more. Grants distributed under  
8           this subsection may be used only to provide treatment for alcohol and other drug  
9           abuse to individuals who are eligible for federal temporary assistance for needy  
10          families under 42 USC 601 et. seq. and who have a family income of not more than  
11          200% of the poverty line, as defined in s. 49.001 (5).

12          (b) Notwithstanding par. (a), the department may distribute grants under par.

13          (a) only to the extent that the distribution meets the maintenance-of-effort  
14          requirement under the federal temporary assistance for needy families program  
15          under 42 USC 601 et. seq."

16          **\*b1024/1.2\* 716.** Page 626, line 4: after that line insert:

17          **\*b1024/1.2\*** "SECTION 1099g. 46.481 (5) of the statutes is created to read:

18          46.481 (5) HEALTHY FAMILIES PROGRAM. The department shall distribute  
19          \$100,000 in each fiscal year to Kenosha Area Family and Aging Services, Inc., for the  
20          provision of home visiting services for mothers who are under 18 years of age under  
21          that organization's healthy families program."

22          **\*b1025/1.2\* 717.** Page 626, line 4: after that line insert:

23          **\*b1025/1.2\*** "SECTION 1099m. 46.481 (6) of the statutes is created to read:

1           46.481 (6) CHILDREN'S SAFE HOUSE CHILD CARE PROGRAM. The department shall  
2 distribute \$50,000 in each fiscal year to the children's safe house child care program  
3 in Kenosha County for the operation of that program.”.

4           **\*b1225/2.1\* 718.** Page 645, line 22: after that line insert:

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

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

1 the child expectant mother, her parent, guardian or legal custodian and the unborn  
2 child, by the unborn child's guardian ad litem.

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

4 48.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian  
5 or legal custodian shall be informed by the court of the allegations that have been  
6 made or may be made, the nature and possible consequences of this hearing as  
7 compared to possible future hearings, the right to counsel under s. 48.23 regardless  
8 of ability to pay, the right to confront and cross-examine witnesses and the right to  
9 present witnesses.

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

11 (a) and amended to read:

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

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

23 48.23 (2) (b) If a petition under s. 48.13 is contested, no child may be placed  
24 outside his or her home unless the nonpetitioning parent is represented by counsel  
25 at the fact-finding hearing and subsequent proceedings. If the petition is not

1 contested, the child may not be placed outside his or her home unless the  
2 nonpetitioning parent is represented by counsel at the hearing at which the  
3 placement is made. A parent who is required under this paragraph to be represented  
4 by counsel may, however, waive counsel if the court is satisfied that such waiver is  
5 knowingly and voluntarily made, and the court may place the child outside the home  
6 even though the parent was not represented by counsel.

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

8 48.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings under~~  
9 ~~s. 48.13, at~~ At any time, upon request or on its own motion, the court may appoint  
10 counsel for the child or any party, unless the child or the party has or wishes to retain  
11 counsel of his or her own choosing. ~~The court may not appoint counsel for any party~~  
12 ~~other than the child in a proceeding under s. 48.13.~~

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

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

1 representation by counsel; counsel is not knowingly and voluntarily waived; and it  
2 appears that the parent or adult expectant mother is unable to afford counsel in full,  
3 or the parent or adult expectant mother so indicates; the court shall refer the parent  
4 or adult expectant mother to the authority for indigency determinations specified  
5 under s. 977.07 (1). In any other situation under this section in which a person has  
6 a right to be represented by counsel or is provided counsel at the discretion of the  
7 court, competent and independent counsel shall be provided and reimbursed in any  
8 manner suitable to the court regardless of the person's ability to pay, except that the  
9 court may not order a person who files a petition under s. 813.122 or 813.125 to  
10 reimburse counsel for the child who is named as the respondent in that petition.”.

11 \*b1237/1.1\* **719.** Page 645, line 22: after that line insert:

12 \*b1237/1.1\* **SECTION 1131c.** 48.207 (1) (a) of the statutes is amended to read:

13 48.207 (1) (a) The home of a parent or guardian, except that a child may not  
14 be held in the home of a parent or guardian if the parent or guardian has been  
15 convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05  
16 of the 2nd-degree intentional homicide, of a parent of the child, and the conviction  
17 has not been reversed, set aside or vacated, unless the person making the custody  
18 decision determines by clear and convincing evidence that the placement would be  
19 in the best interests of the child. The person making the custody decision shall  
20 consider the wishes of the child in making that determination.

21 \*b1237/1.1\* **SECTION 1131cf.** 48.207 (1) (b) of the statutes is amended to read:

22 48.207 (1) (b) The home of a relative, except that a child may not be held in the  
23 home of a relative if the relative has been convicted under s. 940.01 of the  
24 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional

1 homicide, of a parent of the child, and the conviction has not been reversed, set aside  
2 or vacated, unless the person making the custody decision determines by clear and  
3 convincing evidence that the placement would be in the best interests of the child.  
4 The person making the custody decision shall consider the wishes of the child in  
5 making that determination.”.

6 \*b1654/3.4\* **720.** Page 645, line 22: after that line insert:

7 \*b1654/3.4\* “SECTION 1131d. 48.02 (17) of the statutes is amended to read:  
8 48.02 (17) “Shelter care facility” means a nonsecure place of temporary care  
9 and physical custody for children, including a holdover room, licensed by the  
10 department under s. 48.66 (1) (a).”.

11 \*b1023/1.1\* **721.** Page 646, line 3: after that line insert:

12 \*b1023/1.1\* “SECTION 1131h. 48.32 (2) (a) of the statutes is amended to read:  
13 48.32 (2) (a) A consent decree shall remain in effect up to ~~6 months~~ one year  
14 unless the child, parent, guardian, legal custodian or expectant mother is discharged  
15 sooner by the judge or juvenile court commissioner.”.

16 \*b1225/2.2\* **722.** Page 646, line 3: after that line insert:

17 \*b1225/2.2\* “SECTION 1131m. 48.27 (4) (a) 2. of the statutes is amended to  
18 read:  
19 48.27 (4) (a) 2. Advise the child and any other party, if applicable, of his or her  
20 right to legal counsel regardless of ability to pay.”.

21 \*b1237/1.2\* **723.** Page 646, line 3: after that line insert:

22 \*b1237/1.2\* “SECTION 1131h. 48.345 (3) (a) of the statutes is amended to read:  
23 48.345 (3) (a) The home of a parent or other relative of the child, except that  
24 the judge may not designate the home of a parent or other relative of the child as the

1 child's placement if the parent or other relative has been convicted under s. 940.01  
2 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree  
3 intentional homicide, of a parent of the child, and the conviction has not been  
4 reversed, set aside or vacated, unless the judge determines by clear and convincing  
5 evidence that the placement would be in the best interests of the child. The judge  
6 shall consider the wishes of the child in making that determination.

7 \*b1237/1.2\* SECTION 1131hd. 48.345 (3) (b) of the statutes is amended to read:

8 48.345 (3) (b) ~~A home which need not be~~ The home of a person who is not  
9 required to be licensed if placement is for less than 30 days, except that the judge may  
10 not designate the home of a person who is not required to be licensed as the child's  
11 placement if the person has been convicted under s. 940.01 of the first-degree  
12 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
13 a parent of the child, and the conviction has not been reversed, set aside or vacated,  
14 unless the judge determines by clear and convincing evidence that the placement  
15 would be in the best interests of the child. The judge shall consider the wishes of the  
16 child in making that determination.

17 \*b1237/1.2\* SECTION 1131i. 48.355 (3) of the statutes is renumbered 48.355

18 (3) (a) and amended to read:

19 48.355 (3) (a) If Except as provided in par. (b), if, after a hearing on the issue  
20 with due notice to the parent or guardian, the judge court finds that it would be in  
21 the best interest of the child, the judge court may set reasonable rules of parental  
22 visitation.

23 \*b1237/1.2\* SECTION 1131id. 48.355 (3) (b) of the statutes is created to read:

24 48.355 (3) (b) 1. Except as provided in subd. 2., the court may not grant  
25 visitation under par. (a) to a parent of a child if the parent has been convicted under

1 s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the  
2 2nd-degree intentional homicide, of the child's other parent, and the conviction has  
3 not been reversed, set aside or vacated.

4 1m. Except as provided in subd. 2., if a parent who is granted visitation rights  
5 with a child under par. (a) is convicted under s. 940.01 of the first-degree intentional  
6 homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of the child's  
7 other parent, and the conviction has not been reversed, set aside or vacated, the court  
8 shall issue an order prohibiting the parent from having visitation with the child on  
9 petition of the child, the guardian or legal custodian of the child, a person or agency  
10 bound by the dispositional order or the district attorney or corporation counsel of the  
11 county in which the dispositional order was entered, or on the court's own motion,  
12 and on notice to the parent.

13 2. Subdivisions 1. and 1m. do not apply if the court determines by clear and  
14 convincing evidence that the visitation would be in the best interests of the child.  
15 The court shall consider the wishes of the child in making that determination.

16 \*b1237/1.2\* SECTION 1131ir. 48.357 (4d) of the statutes is created to read:

17 48.357 (4d) (a) Except as provided in par. (b), the court may not change a child's  
18 placement to a placement in the home of a person who has been convicted under s.  
19 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree  
20 intentional homicide, of a parent of the child, if the conviction has not been reversed,  
21 set aside or vacated.

22 (am) Except as provided in par (b), if a parent in whose home a child is placed  
23 is convicted under s. 940.01 of the first-degree intentional homicide, or under s.  
24 940.05 of the 2nd-degree intentional homicide, of the child's other parent, and the  
25 conviction has not been reversed, set aside or vacated, the court shall change the

1 child's placement to a placement out of the home of the parent on petition of the child,  
2 the guardian or legal custodian of the child, a person or agency bound by the  
3 dispositional order or the district attorney or corporation counsel of the county in  
4 which the dispositional order was entered, or on the court's own motion, and on notice  
5 to the parent.

6 (b) Paragraphs (a) and (am) do not apply if the court determines by clear and  
7 convincing evidence that the placement would be in the best interests of the child.  
8 The court shall consider the wishes of the child in making that determination.”.

9 \*b1018/1.1\* **724.** Page 647, line 9: after that line insert:

10 \*b1018/1.1\* “SECTION 1131p. 48.415 (8) of the statutes is amended to read:

11 48.415 (8) ~~INTENTIONAL OR RECKLESS HOMICIDE~~ HOMICIDE OR SOLICITATION TO  
12 COMMIT HOMICIDE OF PARENT. ~~Intentional or reckless~~ Homicide or solicitation to  
13 commit homicide of a parent, which shall be established by proving that a parent of  
14 the child has been a victim of first-degree intentional homicide in violation of s.  
15 940.01, first-degree reckless homicide in violation of s. 940.02 or 2nd-degree  
16 intentional homicide in violation of s. 940.05 or a crime under federal law or the law  
17 of any other state that is comparable to ~~a crime specified in this subsection~~ any of  
18 those crimes, or has been the intended victim of a solicitation to commit first-degree  
19 intentional homicide in violation of s. 939.30 or a crime under federal law or the law  
20 of any other state that is comparable to that crime, and that the person whose  
21 parental rights are sought to be terminated has been convicted of that intentional  
22 or reckless homicide, solicitation or crime under federal law or the law of any other  
23 state as evidenced by a final judgment of conviction.”.

24 \*b1237/1.3\* **725.** Page 647, line 9: after that line insert:

1           **\*b1237/1.3\* SECTION 1131p.** 48.42 (1m) (b) of the statutes is amended to read:  
2           48.42 (1m) (b) The Subject to par. (e), the court may issue the temporary order  
3           ex parte or may refuse to issue the temporary order and hold a hearing on whether  
4           to issue an injunction. The temporary order is in effect until a hearing is held on the  
5           issuance of an injunction. The court shall hold a hearing on the issuance of an  
6           injunction on or before the date of the hearing on the petition to terminate parental  
7           rights under s. 48.422 (1).

8           **\*b1237/1.3\* SECTION 1131pd.** 48.42 (1m) (c) of the statutes is amended to read:  
9           48.42 (1m) (c) Notwithstanding any other order under s. 48.355 (3), the court,  
10          subject to par. (e), may grant an injunction prohibiting the respondent from visiting  
11          or contacting the child if the court determines that the prohibition would be in the  
12          best interests of the child. An injunction under this subsection is effective according  
13          to its terms but may not remain in effect beyond the date the court dismisses the  
14          petition for termination of parental rights under s. 48.427 (2) or issues an order  
15          terminating parental rights under s. 48.427 (3).

16          **\*b1237/1.3\* SECTION 1131pg.** 48.42 (1m) (e) of the statutes is created to read:  
17          48.42 (1m) (e) 1. Except as provided in subd. 2., the court shall issue a  
18          temporary order and injunction prohibiting a parent of a child from visitation or  
19          contact with the child if the parent has been convicted under s. 940.01 of the  
20          first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
21          homicide, of the child's other parent, and the conviction has not been reversed, set  
22          aside or vacated.

23          2. Subdivision 1. does not apply if the court determines by clear and convincing  
24          evidence that the visitation or contact would be in the best interests of the child. The  
25          court shall consider the wishes of the child in making that determination.

1           **\*b1237/1.3\* SECTION 1131pm.** 48.428 (6) of the statutes is renumbered 48.428  
2 (6) (a) and amended to read:

3           48.428 (6) (a) The Except as provided in par. (b), the court may order or prohibit  
4 visitation by a birth parent of a child placed in sustaining care.

5           **\*b1237/1.3\* SECTION 1131pp.** 48.428 (6) (b) of the statutes is created to read:

6           48.428 (6) (b) 1. Except as provided in subd. 2., the court may not grant  
7 visitation under par. (a) to a birth parent of a child who has been placed in sustaining  
8 care if the birth parent has been convicted under s. 940.01 of the first-degree  
9 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
10 the child's other birth parent, and the conviction has not been reversed, set aside or  
11 vacated.

12           1m. Except as provided in subd. 2., if a birth parent who is granted visitation  
13 rights with a child under par. (a) is convicted under s. 940.01 of the first-degree  
14 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
15 the child's other birth parent, and the conviction has not been reversed, set aside or  
16 vacated, the court shall issue an order prohibiting the birth parent from having  
17 visitation with the child on petition of the child, the guardian or legal custodian of  
18 the child, or the district attorney or corporation counsel of the county in which the  
19 dispositional order was entered, or on the court's own motion, and on notice to the  
20 birth parent.

21           2. Subdivisions 1. and 1m. do not apply if the court determines by clear and  
22 convincing evidence that the visitation would be in the best interests of the child.  
23 The court shall consider the wishes of the child in making that determination.”.

24           **\*b1218/1.2\* 726.** Page 647, line 21: after that line insert:

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

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

5           **\*b1654/3.5\* 727.** Page 647, line 21: after that line insert:

6           **\*b1654/3.5\*** “SECTION 1132d. 48.48 (9) of the statutes is amended to read:  
7           48.48 (9) To license foster homes or treatment foster homes as provided in s.  
8 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if  
9 requested to do so, for the use of county departments.

10          **\*b1654/3.5\*** SECTION 1133d. 48.48 (9m) of the statutes is amended to read:

11          48.48 (9m) To license shelter care facilities as provided in s. 48.66 (1) (a).

12          **\*b1654/3.5\*** SECTION 1134d. 48.48 (10) of the statutes is amended to read:

13          48.48 (10) To license child welfare agencies and day care centers as provided  
14 in s. 48.66 (1) (a).”.

15          **\*b1031/1.1\* 728.** Page 649, line 21: after that line insert:

16          **\*b1031/1.1\*** “SECTION 1142g. 48.57 (3m) (f) of the statutes is amended to read:

17          48.57 (3m) (f) Any person whose application for payments under par. (am) is  
18 not acted on promptly or is denied on the grounds that ~~a condition~~ any of the  
19 conditions specified in par. (am) 1, ~~2, 5, or~~ to 6. has not been met and any person  
20 whose payments under par. (am) are discontinued under par. (d) may petition the  
21 department under par. (g) for a review of that action or failure to act. Review is  
22 unavailable if the action or failure to act arose more than 45 days before submission  
23 of the petition for review.”.

24          **\*b0828/2.3\* 729.** Page 650, line 5: after that line insert:

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

4           **\*b1031/1.2\* 730.** Page 650, line 5: after that line insert:

5           **\*b1031/1.2\*** **SECTION 1145g.** 48.57 (3n) (f) of the statutes is amended to read:  
6           48.57 (3n) (f) Any person whose application for payments under par. (am) is not  
7 acted on promptly or is denied on the grounds that ~~a condition~~ any of the conditions  
8 specified in par. (am) 1., ~~2., 5., 5m.~~ or to 5r. has not been met and any person whose  
9 payments under par. (am) are discontinued under par. (d) may petition the  
10 department under par. (g) for a review of that action or failure to act. Review is  
11 unavailable if the action or failure to act arose more than 45 days before submission  
12 of the petition for review.

13           **\*b1031/1.2\* SECTION 1145h.** 48.57 (3p) (fm) 1. of the statutes is amended to  
14 read:

15           48.57 (3p) (fm) 1. The county department or, in a county having a population  
16 of 500,000 or more, the department of health and family services may provisionally  
17 approve the making of payments under sub. (3m) based on the applicant's statement  
18 under sub. (3m) (am) 4m. The county department or department of health and family  
19 services may not finally approve the making of payments under sub. (3m) unless the  
20 county department or department of health and family services receives information  
21 from the department of justice indicating that the conviction record of the applicant  
22 under the law of this state is satisfactory according to the criteria specified in par.  
23 (g) 1. to 3. ~~or payment is approved under par. (h) 4.~~ The county department or  
24 department of health and family services may make payments under sub. (3m)

1 conditioned on the receipt of information from the federal bureau of investigation  
2 indicating that the person's conviction record under the law of any other state or  
3 under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

4 **\*b1031/1.2\* SECTION 1145j.** 48.57 (3p) (g) (intro.) of the statutes is amended  
5 to read:

6 48.57 (3p) (g) (intro.) ~~Except as provided in par. (h), the A~~ county department  
7 or, in a county having a population of 500,000 or more, the department of health and  
8 family services may not make payments to a person applying for payments under  
9 sub. (3m) and a person receiving payments under sub. (3m) may not employ a person  
10 in a position in which that person would have regular contact with the child for whom  
11 those payments are being made or permit a person to be an adult resident if any of  
12 the following applies:

13 **\*b1031/1.2\* SECTION 1145m.** 48.57 (3p) (h) of the statutes is repealed.

14 **\*b1031/1.2\* SECTION 1145p.** 48.57 (3t) of the statutes is amended to read:

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

1           **\*b1218/1.3\* 731.** Page 650, line 5: after that line insert:

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

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

4           1. "Kinship care relative" has the meaning given in sub. (3m) (a).

5           2. "Long-term kinship care relative" has the meaning given in sub. (3n) (a).

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

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

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

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

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

23           (c) The county department or department making payments under par. (b)  
24 shall monitor the classroom attendance of the person receiving care and

1 maintenance under par. (b) and may require consent to the release of school  
2 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for payments  
3 under par. (b).

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

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

10 48.57 (3t) Notwithstanding subs. (3m), (3n), (3o) and (3p), the department may  
11 enter into an agreement with the governing body of a federally recognized American  
12 Indian tribe or band to allow that governing body to administer the program under  
13 subs. (3m), (3n), (3o) and (3p) within the boundaries of that reservation. Any  
14 agreement under this subsection relating to the administration of the program under  
15 sub. (3m) shall specify the person with whom a request for review under sub. (3p) (h)  
16 2. may be filed and the person who has been designated by the governing body to  
17 conduct the review under sub. (3p) (h) 3. and make the determination under sub. (3p)  
18 (h) 4. Any agreement under this subsection relating to the administration of the  
19 program under sub. (3n) shall specify who is to make any determination as to  
20 whether a conviction record is satisfactory.”.

21 **\*b1654/3.6\* 732.** Page 651, line 25: after that line insert:

22 **\*b1654/3.6\* “SECTION 1153d.** 48.66 (1) of the statutes is renumbered 48.66 (1)  
23 (a) and amended to read:

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

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

21           (c) A license issued under ~~this subsection~~ par. (a) or (b), other than a license to  
22 operate a foster home, treatment foster home ~~or~~, secured child caring institution or  
23 secured group home, is valid until revoked or suspended. A license issued under this  
24 subsection to operate a foster home, treatment foster home ~~or~~, secured child caring  
25 institution or secured group home may be for any term not to exceed 2 years from the

as affected by 1999 Wisconsin Act ... (this act)

1 date of issuance. No license issued under ~~this subsection~~ par. (a) or (b) is  
2 transferable. 1. Except as provided in subd. 2., the

3 **\*b1654/3.6\* SECTION 1154d.** 48.66 (2m) (a) <sup>(1)</sup> of the statutes is amended to read:

4 48.66 (2m) (a) ~~The~~ department of health and family services shall require each  
5 applicant for a license under sub. (1) (a) to operate a child welfare agency, group  
6 home, shelter care facility or day care center who is an individual to provide that  
7 department with the applicant's social security number, and shall require each  
8 applicant for a license under sub. (1) (a) to operate a child welfare agency, group  
9 home, shelter care facility or day care center who is not an individual to provide that  
10 department with the applicant's federal employer identification number, when  
11 initially applying for or applying to continue the license. <sup>1.</sup>

12 **\*b1654/3.6\* SECTION 1155d.** 48.66 (2m) (am) of the statutes is amended to  
13 read: 1. Except as provided in subd. 2., the

14 48.66 (2m) (am) ~~The~~ department of corrections shall require each applicant for  
15 a license under sub. (1) (b) to operate a secured child caring institution who is an  
16 individual to provide that department with the applicant's social security number  
17 when initially applying for or applying to renew the license.

18 **\*b1654/3.6\* SECTION 1156d.** 48.66 (2m) (b) of the statutes is amended to read:

19 48.66 (2m) (b) ~~The~~ department of health and family services may not issue or  
20 continue a license under sub. (1) (a) to operate a child welfare agency, group home,  
21 shelter care facility or day care center to or for <sup>the</sup> an applicant who is an individual  
22 unless the applicant is an individual who does not have a ~~has provided the applicant's~~ social security number to that  
23 department and may not issue or continue a license under sub. (1) (a) to operate a  
24 child welfare agency, group home, shelter care facility or day care center to or for an

If an applicant who is an individual fails to provide the applicant's social security number to the department of health and family services, or if an applicant who is not an individual fails to provide the applicant's federal employer identification number to that department, that

and the applicant submits a statement made or subscribed under oath or affirmation as required under par. (a) 2

applicant who is not an individual unless the applicant has provided the applicant's federal employer identification number to that department.

as affected by 1999 Wisconsin Act 111 (this act),

**\*b1654/3.6\* SECTION 1157d.** 48.66 (2m) (bm) of the statutes is amended to

read: *If an applicant who is an individual fails to provide the applicant's social security number to the department of corrections, that*

48.66 (2m) (bm) The department of corrections may not issue or renew a license

under sub. (1) (b) to operate a secured child caring institution to or for ~~an~~ applicant who is an individual unless the applicant ~~has provided the applicant's~~ *does not have a* social security

number to that department. *and the applicant submits a statement made or subscribed under oath or affirmation as required under*

**\*b1654/3.6\* SECTION 1158d.** 48.68 (1) of the statutes is amended to read: *par. (4m) 2*

48.68 (1) After receipt of an application for a license, the department shall

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

1           **\*b1839/3.6\* 733.** Page 651, line 25: after that line insert:

2           **\*b1839/3.6\*** **SECTION 1153m.** 48.66 (2) of the statutes is amended to read:

3           48.66 (2) The department shall prescribe application forms to be used by all  
4 applicants for licenses from it. The application forms prescribed by the department  
5 shall require that the social security numbers of all applicants for a license to operate  
6 a child welfare agency, group home, shelter care facility or day care center who are  
7 individuals, other than an individual who does not have a social security number and  
8 who submits a statement made or subscribed under oath or affirmation as required  
9 under sub. (2m) (a) 2., be provided and that the federal employer identification  
10 numbers of all applicants for a license to operate a child welfare agency, group home,  
11 shelter care facility or day care center who are not individuals be provided.

12           **\*b1839/3.6\* SECTION 1154c.** 48.66 (2m) (a) of the statutes is renumbered 48.66  
13 (2m) (a) 1. and amended to read:

14           48.66 (2m) (a) 1. The Except as provided in subd. 2., the department of health  
15 and family services shall require each applicant for a license under sub. (1) to operate  
16 a child welfare agency, group home, shelter care facility or day care center who is an  
17 individual to provide that department with the applicant's social security number,  
18 and shall require each applicant for a license under sub. (1) to operate a child welfare  
19 agency, group home, shelter care facility or day care center who is not an individual  
20 to provide that department with the applicant's federal employer identification  
21 number, when initially applying for or applying to continue the license.

22           **\*b1839/3.6\* SECTION 1154g.** 48.66 (2m) (a) 2. of the statutes is created to read:

23           48.66 (2m) (a) 2. If an applicant who is an individual does not have a social  
24 security number, the applicant shall submit a statement made or subscribed under

1 oath or affirmation to the department of health and family services that the  
2 applicant does not have a social security number. The form of the statement shall  
3 be prescribed by the department of workforce development. A license issued in  
4 reliance upon a false statement submitted under this subdivision is invalid.

5 **\*b1839/3.6\* SECTION 1155c.** 48.66 (2m) (am) of the statutes is renumbered  
6 48.66 (2m) (am) 1. and amended to read:

7 48.66 (2m) (am) 1. The Except as provided in subd. 2., the department of  
8 corrections shall require each applicant for a license under sub. (1) to operate a  
9 secured child caring institution who is an individual to provide that department with  
10 the applicant's social security number when initially applying for or applying to  
11 renew the license.

12 **\*b1839/3.6\* SECTION 1155g.** 48.66 (2m) (am) 2. of the statutes is created to  
13 read:

14 48.66 (2m) (am) 2. If an applicant who is an individual does not have a social  
15 security number, the applicant shall submit a statement made or subscribed under  
16 oath or affirmation to the department of corrections that the applicant does not have  
17 a social security number. The form of the statement shall be prescribed by the  
18 department of workforce development. A license issued in reliance upon a false  
19 statement submitted under this subdivision is invalid.

20 **\*b1839/3.6\* SECTION 1156c.** 48.66 (2m) (b) of the statutes is amended to read:

21 48.66 (2m) (b) The If an applicant who is an individual fails to provide the  
22 applicant's social security number to the department of health and family services  
23 or if an applicant who is not an individual fails to provide the applicant's federal  
24 employer identification number to that department, that department of health and  
25 ~~family services~~ may not issue or continue a license under sub. (1) to operate a child

1 welfare agency, group home, shelter care facility or day care center to or for ~~an~~ the  
2 applicant ~~who is an individual~~ unless the applicant has provided the applicant's is  
3 an individual who does not have a social security number to that department and  
4 may not issue or continue a license under sub. (1) to operate a child welfare agency,  
5 group home, shelter care facility or day care center to or for an applicant who is not  
6 an individual unless the applicant has provided the applicant's federal employer  
7 identification number to that department and the applicant submits a statement  
8 made or subscribed under oath or affirmation as required under par. (a) 2.

9 \*b1839/3.6\* SECTION 1157c. 48.66 (2m) (bm) of the statutes is amended to  
10 read:

11 48.66 (2m) (bm) ~~The~~ If an applicant who is an individual fails to provide the  
12 applicant's social security number to the department of corrections, that department  
13 of corrections may not issue or renew a license under sub. (1) to operate a secured  
14 child caring institution to or for ~~an~~ the applicant ~~who is an individual~~ unless the  
15 applicant ~~has provided the applicant's~~ does not have a social security number to that  
16 department and the applicant submits a statement made or subscribed under oath  
17 or affirmation as required under par. (am) 2.

18 \*b1839/3.6\* SECTION 1157m. 48.66 (2m) (c) of the statutes is amended to read:

19 48.66 (2m) (c) The department of health and family services may not disclose  
20 any information obtained under par. (a) 1. to any person except to the department  
21 of revenue for the sole purpose of requesting certifications under s. 73.0301 or on the  
22 request of the department of workforce development under s. 49.22 (2m).

23 \*b1839/3.6\* SECTION 1157p. 48.66 (2m) (cm) of the statutes is amended to  
24 read:

1           48.66 (2m) (cm) The department of corrections may not disclose any  
2 information obtained under par. (am) 1. to any person except on the request of the  
3 department of workforce development under s. 49.22 (2m).”.

4           **\*b1852/3.1\* 734.** Page 651, line 25: after that line insert:

5           **\*b1852/3.1\* SECTION 1151d.** 48.651 (2m) of the statutes is amended to read:

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

9           **\*b1852/3.1\* SECTION 1159d.** 48.685 (1) (a) of the statutes is renumbered  
10 48.685 (1) (am).

11           **\*b1852/3.1\* SECTION 1159g.** 48.685 (1) (ag) of the statutes is created to read:

12           48.685 (1) (ag) 1. “Caregiver” means any of the following:

13           a. A person who is, or is expected to be, an employe or contractor of an entity,  
14 who is or is expected to be under the control of the entity, as defined by the  
15 department by rule, and who has, or is expected to have, regular, direct contact with  
16 clients of the entity.

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

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

22           **\*b1852/3.1\* SECTION 1159m.** 48.685 (1) (ar) of the statutes is created to read:

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

4           **\*b1852/3.1\* SECTION 1159p.** 48.685 (1) (av) of the statutes is created to read:

5           48.685 (1) (av) “Direct contact” means face-to-face physical proximity to a  
6 client that affords the opportunity to commit abuse or neglect of a client or to  
7 misappropriate the property of a client.

8           **\*b1852/3.1\* SECTION 1159r.** 48.685 (1) (b) of the statutes is amended to read:

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

17           **\*b1852/3.2\* 735.** Page 652, line 4: after that line insert:

18           **\*b1852/3.2\* SECTION 1160e.** 48.685 (1) (bm) of the statutes is created to read:

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

22           **\*b1852/3.2\* SECTION 1160em.** 48.685 (1) (br) of the statutes is created to read:

1           48.685 (1) (br) “Reservation” means land in this state within the boundaries  
2 of a reservation of a tribe or within the bureau of Indian affairs service area for the  
3 Ho–Chunk Nation.

4           **\*b1852/3.2\* SECTION 1160f.** 48.685 (1) (c) of the statutes is repealed and  
5 recreated to read:

6           48.685 (1) (c) “Serious crime” means a violation of s. 940.01, 940.02, 940.03,  
7 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),  
8 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055,  
9 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or  
10 a violation of the law of any other state or United States jurisdiction that would be  
11 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),  
12 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),  
13 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),  
14 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.”.

15           **\*b1852/3.3\* 736.** Page 652, line 8: after that line insert:

16           **\*b1852/3.3\* “SECTION 1160gm.** 48.685 (1) (e) of the statutes is created to read:  
17 48.685 (1) (e) “Tribe” means a federally recognized American Indian tribe or  
18 band in this state.”.

19           **\*b1852/3.4\* 737.** Page 652, line 9: delete lines 9 to 16 and substitute:

20           **\*b1852/3.4\* “SECTION 1161d.** 48.685 (2) (a) (intro.) of the statutes is  
21 renumbered 48.685 (4m) (a) (intro.).

22           **\*b1852/3.4\* SECTION 1161g.** 48.685 (2) (a) 1. of the statutes is renumbered  
23 48.685 (4m) (a) 1.

24           **\*b1852/3.4\* SECTION 1161h.** 48.685 (2) (a) 2. of the statutes is repealed.

1           **\*b1852/3.4\* SECTION 1161i.** 48.685 (2) (a) 3. of the statutes is renumbered  
2 48.685 (4m) (a) 3.

3           **\*b1852/3.4\* SECTION 1161j.** 48.685 (2) (a) 4. of the statutes is renumbered  
4 48.685 (4m) (a) 4.

5           **\*b1852/3.4\* SECTION 1161k.** 48.685 (2) (a) 5. of the statutes is renumbered  
6 48.685 (4m) (a) 5.

7           **\*b1852/3.4\* SECTION 1161m.** 48.685 (2) (ad) of the statutes is renumbered  
8 48.685 (4m) (ad) and amended to read:

9           48.685 (4m) (ad) The department, a county department or a child welfare  
10 agency may license a foster home or treatment foster home under s. 48.62, a county  
11 department may certify a day care provider under s. 48.651 and a school board may  
12 contract with a person under s. 120.13 (14), conditioned on the receipt of the  
13 information specified in ~~par. sub. (2)~~ (am) indicating that the person is not ineligible  
14 to be licensed, certified or contracted with for a reason specified in par. (a) 1. to 5.

15           **\*b1852/3.4\* SECTION 1163d.** 48.685 (2) (ag) (intro.) of the statutes is  
16 renumbered 48.685 (4m) (b) (intro.) and amended to read:

17           48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in  
18 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~  
19 ~~entity's control, as defined by the department by rule, and who is expected to have~~  
20 ~~access to its clients, caregiver or permit a nonclient resident to reside at the entity~~  
21 ~~a person who is not a client and who is expected to have access to a client, if the entity~~  
22 knows or should have known any of the following:

23           **\*b1852/3.4\* SECTION 1163g.** 48.685 (2) (ag) 1. of the statutes is renumbered  
24 48.685 (4m) (b) 1. and amended to read:

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

8           **\*b1852/3.4\* SECTION 1163h.** 48.685 (2) (ag) 2. of the statutes is repealed.

9           **\*b1852/3.4\* SECTION 1163i.** 48.685 (2) (ag) 3. of the statutes is renumbered  
10 48.685 (4m) (b) 3.

11           **\*b1852/3.4\* SECTION 1163j.** 48.685 (2) (ag) 4. of the statutes is renumbered  
12 48.685 (4m) (b) 4.

13           **\*b1852/3.4\* SECTION 1163k.** 48.685 (2) (ag) 5. of the statutes is renumbered  
14 48.685 (4m) (b) 5.

15           **\*b1852/3.4\* SECTION 1165d.** 48.685 (2) (am) (intro.) of the statutes is amended  
16 to read:

17           48.685 (2) (am) (intro.) ~~Subject to subd. 5. and par. (bd), the~~ The department,  
18 a county department, a child welfare agency or a school board shall obtain all of the  
19 following with respect to a person ~~specified under par. (a) (intro.) and a person~~  
20 ~~specified under par. (ag) (intro.) who is a nonclient resident or prospective~~ caregiver  
21 specified in sub. (1) (ag) 1. b., a nonclient resident of an entity and shall obtain the  
22 information specified in subds. 1. to 5. with respect to a person specified in par. (ag)  
23 (intro.) who is under 18 years of age, but not under 12 years of age, and who is an  
24 employe, prospective employe, contractor, prospective contractor, nonclient resident  
25 or prospective nonclient resident a caregiver of a day care center that is licensed

1 under s. 48.65 or established or contracted for under s. 120.13 (14) or of a day care  
2 provider that is certified under s. 48.651:

3 **\*b1852/3.4\* SECTION 1165g.** 48.685 (2) (am) 5. of the statutes is amended to  
4 read:

5 48.685 (2) (am) 5. 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 subdivision indicates that the person has been  
12 denied a license, continuation or renewal of a license, certification, a contract,  
13 employment or permission to reside as described in this subdivision, the department,  
14 a county department, a child welfare agency or a school board need not obtain the  
15 information specified in subs. 1. to 4.

16 **\*b1852/3.4\* SECTION 1167d.** 48.685 (2) (b) 1. (intro.) of the statutes is amended  
17 to read:

18 48.685 (2) (b) 1. (intro.) ~~Subject to subs. 1. e. and 2., and 4. par. (bd), every~~  
19 Every entity shall obtain all of the following with respect to a person specified under  
20 ~~par. (ag) (intro.) who is an employe, prospective employe, contractor or prospective~~  
21 ~~contractor~~ caregiver of the entity:

22 **\*b1852/3.4\* SECTION 1167g.** 48.685 (2) (b) 1. e. of the statutes is amended to  
23 read:

24 48.685 (2) (b) 1. e. Information maintained by the department under this  
25 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial

1 to the person of a license, continuation or renewal of a license, certification or a  
2 contract to operate an entity for a reason specified in ~~par.~~ sub. (4m) (a) 1. to 5. and  
3 regarding any denial to the person of employment at, a contract with or permission  
4 to reside at an entity for a reason specified in ~~par. (ag)~~ sub. (4m) (b) 1. to 5. If the  
5 information obtained under this subd. 1. e. indicates that the person has been denied  
6 a license, continuation or renewal of a license, certification, a contract, employment  
7 or permission to reside as described in this subd. 1. e., the entity need not obtain the  
8 information specified in subd. 1. a. to d.

9 **\*b1852/3.4\* SECTION 1168d.** 48.685 (2) (b) 2. of the statutes is repealed.

10 **\*b1852/3.4\* SECTION 1168g.** 48.685 (2) (b) 4. of the statutes is amended to read:

11 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under  
12 18 years of age, but not under 12 years of age, who is ~~an employe, prospective~~  
13 ~~employe, contractor, prospective contractor, nonclient resident or prospective a~~  
14 caregiver or nonclient resident of a day care center that is licensed under s. 48.65 or  
15 established or contracted for under s. 120.13 (14) or of a day care provider that is  
16 certified under s. 48.651 and with respect to whom the department, a county  
17 department or a school board is required under par. (am) (intro.) to obtain the  
18 information specified in par. (am) 1. to 5.

19 **\*b1852/3.4\* SECTION 1169p.** 48.685 (2) (bb) of the statutes is created to read:

20 48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a  
21 charge of a serious crime, but does not completely and clearly indicate the final  
22 disposition of the charge, the department, county department, child welfare agency,  
23 school board or entity shall make every reasonable effort to contact the clerk of courts  
24 to determine the final disposition of the charge. If a background information form  
25 under sub. (6) (a) or (am) indicates a charge or a conviction of a serious crime, but

1 information obtained under par. (am) or (b) 1. does not indicate such a charge or  
2 conviction, the department, county department, child welfare agency, school board  
3 or entity shall make every reasonable effort to contact the clerk of courts to obtain  
4 a copy of the criminal complaint and the final disposition of the complaint. If  
5 information obtained under par. (am) or (b) 1., a background information form under  
6 sub. (6) (a) or (am) or any other information indicates a conviction of a violation of  
7 s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 or 947.013 obtained not more  
8 than 5 years before the date on which that information was obtained, the  
9 department, county department, child welfare agency, school board or entity shall  
10 make every reasonable effort to contact the clerk of courts to obtain a copy of the  
11 criminal complaint and judgment of conviction relating to that violation.

12 **\*b1852/3.4\* SECTION 1170d.** 48.685 (2) (bd) of the statutes is amended to read:

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

1 in par. (am) 1. to 5. with respect to a person described in this paragraph who is a  
2 nonclient resident or a prospective nonclient resident of an entity.

3 **\*b1852/3.4\* SECTION 1170m.** 48.685 (2) (bg) of the statutes is amended to read:

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

17 **\*b1852/3.4\* SECTION 1170n.** 48.685 (2) (bg) of the statutes, as affected by 1999  
18 Wisconsin Act .... (this act), is amended to read:

19 48.685 (2) (bg) If an entity ~~hires~~ employs or contracts with a caregiver for  
20 whom, within the last 4 years, the information required under par. (b) 1. a. to c. and  
21 e. has already been obtained by another entity, the entity may obtain that  
22 information from that other entity, which shall provide the information, if possible,  
23 to the requesting entity. If an entity cannot obtain the information required under  
24 par. (b) 1. a. to c. and e. from another entity or if an entity has reasonable grounds  
25 to believe that any information obtained from another entity is no longer accurate,

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

3 \*b1852/3.4\* SECTION 1171d. 48.685 (2) (bm) of the statutes is amended to read:

4 48.685 (2) (bm) If the person who is the subject of the search under par. (am)  
5 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding  
6 the date of the search that person has not been a resident of this state, or if the  
7 department, county department, child welfare agency, school board or entity  
8 determines that the person's employment, licensing or state court records provide a  
9 reasonable basis for further investigation, the department, county department, child  
10 welfare agency, school board or entity shall make a good faith effort to obtain from  
11 any state or other United States jurisdiction in which the person is a resident or was  
12 a resident within the 3 years preceding the date of the search information that is  
13 equivalent to the information specified in par. (am) 1. or (b) 1. a. The department,  
14 county department, child welfare agency, school board or entity may require the  
15 person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the  
16 person's fingerprints. The department of justice may provide for the submission of  
17 the fingerprint cards to the federal bureau of investigation for the purposes of  
18 verifying the identity of the person fingerprinted and obtaining records of his or her  
19 criminal arrests and convictions.

20 \*b1852/3.4\* SECTION 1171g. 48.685 (2) (c) of the statutes is renumbered 48.685

21 (4m) (c) and amended to read:

22 48.685 (4m) (c) If the background information form completed by a person  
23 under sub. (6) (am) indicates that the person is not ineligible to be employed or  
24 contracted with for a reason specified in par. (ag) (b) 1. to 5., an entity may employ  
25 or contract with the person for not more than 60 days pending the receipt of the

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

10 **\*b1852/3.4\* SECTION 1171j.** 48.685 (2) (d) of the statutes is created to read:

11 48.685 (2) (d) Every entity shall maintain, or shall contract with another  
12 person to maintain, the most recent background information obtained on a caregiver  
13 under par. (b). The information shall be made available for inspection by authorized  
14 persons, as defined by the department by rule.

15 **\*b1852/3.4\* SECTION 1172d.** 48.685 (3) (a) of the statutes is amended to read:

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

1 established or contracted for under s. 120.13 (4) or of a day care provider that is  
2 certified under s. 48.651.

3 **\*b1852/3.4\* SECTION 1172g.** 48.685 (3) (b) of the statutes is amended to read:

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

12 **\*b1852/3.4\* SECTION 1173d.** 48.685 (3m) of the statutes is amended to read:

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

20 **\*b1852/3.4\* SECTION 1173g.** 48.685 (4) of the statutes is amended to read:

21 48.685 (4) An entity that violates sub. (2) ~~or~~ or (4m) (b) may be required to  
22 forfeit not more than \$1,000 and may be subject to other sanctions specified by the  
23 department by rule.

24 **\*b1852/3.4\* SECTION 1173j.** 48.685 (4m) (b) (intro.) of the statutes, as affected  
25 by 1999 Wisconsin Act .... (this act), is amended to read:

1           48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in  
2 sub. (5), an entity may not ~~hire~~ employ or contract with a caregiver or permit a  
3 nonclient resident to reside at the entity, if the entity knows or should have known  
4 any of the following:

5           **\*b1852/3.4\* SECTION 1174d.** 48.685 (5) (a) of the statutes is amended to read:

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

19           **\*b1852/3.4\* SECTION 1174g.** 48.685 (5) (b) of the statutes is repealed.

20           **\*b1852/3.4\* SECTION 1175m.** 48.685 (5d) of the statutes is created to read:

21           48.685 (5d) (a) Any tribe that chooses to conduct rehabilitation reviews under  
22 sub. (5) shall submit to the department a rehabilitation review plan that includes all  
23 of the following:

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

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

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

5           3m. The title of the person or body, designated by the tribe, to whom a person  
6 may appeal an adverse decision made by the person specified under subd. 3. and  
7 whether the tribe provides any further rights to appeal.

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

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

14          (b) If, within 90 days after receiving the plan, the department does not  
15 disapprove the plan, the plan shall be considered approved. If, within 90 days after  
16 receiving the plan, the department disapproves the plan, the department shall  
17 provide notice of that disapproval to the tribe in writing, together with the reasons  
18 for the disapproval. The department may not disapprove a plan unless the  
19 department finds that the plan is not rationally related to the protection of clients.  
20 If the department disapproves the plan, the tribe may, within 30 days after receiving  
21 notice of the disapproval, request that the secretary review the department's  
22 decision. A final decision under this paragraph is not subject to further review under  
23 ch. 227.

24          **\*b1852/3.4\* SECTION 1176d.** 48.685 (5m) of the statutes is amended to read:

1           48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
2 a person to operate an entity, a county department or a child welfare agency may  
3 refuse to license a foster home or treatment foster home under s. 48.62, and an entity  
4 may refuse to employ, hire or contract with a caregiver or permit a nonclient resident  
5 to reside at the entity a person specified in sub. (2) (ag) (intro.) if the person has been  
6 convicted of an offense that the department has not defined as a “serious crime” by  
7 rule promulgated under sub. (7) (a), or specified in the list established by rule under  
8 sub. (7) (b) is not a serious crime, but that is, in the estimation of the department,  
9 county department, child welfare agency, or entity, substantially related to the care  
10 of a client. Notwithstanding s. 111.335, the department may refuse to license a  
11 person to operate a day care center, a county department may refuse to certify a day  
12 care provider under s. 48.651, a school board may refuse to contract with a person  
13 under s. 120.13 (14), a day care center that is licensed under s. 48.65 or established  
14 or contracted for under s. 120.13 (14) and a day care provider that is certified under  
15 s. 48.651 may refuse to employ, hire or contract with a caregiver or permit a nonclient  
16 resident to reside at the day care center or day care provider a person specified in sub.  
17 (2) (ag) (intro.) if the person has been convicted of or adjudicated delinquent on or  
18 after his or her 12th birthday for an offense that the department has not defined as  
19 a “serious crime” by rule promulgated under sub. (7) (a), or specified in the list  
20 established by rule under sub. (7) (b) is not a serious crime, but that is, in the  
21 estimation of the department, county department, school board, day care center or  
22 day care provider, substantially related to the care of a client.

23           **\*b1852/3.4\* SECTION 1176g.** 48.685 (5m) of the statutes, as affected by 1999  
24 Wisconsin Act ... (this act), is amended to read:

1           48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
2 a person to operate an entity, a county department or a child welfare agency may  
3 refuse to license a foster home or treatment foster home under s. 48.62, and an entity  
4 may refuse to hire employ or contract with a caregiver or permit a nonclient resident  
5 to reside at the entity if the person has been convicted of an offense that is not a  
6 serious crime, but that is, in the estimation of the department, county department,  
7 child welfare agency or entity, substantially related to the care of a client.  
8 Notwithstanding s. 111.335, the department may refuse to license a person to  
9 operate a day care center, a county department may refuse to certify a day care  
10 provider under s. 48.651, a school board may refuse to contract with a person under  
11 s. 120.13 (14), a day care center that is licensed under s. 48.65 or established or  
12 contracted for under s. 120.13 (14) and a day care provider that is certified under s.  
13 48.651 may refuse to hire employ or contract with a caregiver or permit a nonclient  
14 resident to reside at the day care center or day care provider if the person has been  
15 convicted of or adjudicated delinquent on or after his or her 12th birthday for an  
16 offense that is not a serious crime, but that is, in the estimation of the department,  
17 county department, school board, day care center or day care provider, substantially  
18 related to the care of a client.

19           **\*b1852/3.4\* SECTION 1177r.** 48.685 (6) (am) (intro.) of the statutes is  
20 renumbered 48.685 (6) (am) and amended to read:

21           48.685 (6) (am) Every 4 years an entity shall require all of ~~the following persons~~  
22 its caregivers and nonclient residents to complete a background information form  
23 that is provided to the entity by the department.

24           **\*b1852/3.4\* SECTION 1178d.** 48.685 (6) (am) 1. of the statutes is repealed.

25           **\*b1852/3.4\* SECTION 1178g.** 48.685 (6) (am) 2. of the statutes is repealed.

1           **\*b1852/3.4\* SECTION 1179d.** 48.685 (6) (b) of the statutes is renumbered  
2 48.685 (6) (b) 1. and amended to read:

3           48.685 (6) (b) 1. For ~~persons specified under par. (a)~~ caregivers who are licensed  
4 by the department, for persons ~~specified in par. (am) 1.~~ who are under 18 years of age,  
5 but not under 12 years of age, and who are ~~employees, prospective employees,~~  
6 ~~contractors or prospective contractors~~ caregivers of a day care center that is licensed  
7 under s. 48.65 or established or contracted for under s. 120.13 (4) or of a day care  
8 provider that is certified under s. 48.651, for persons ~~specified in par. (am) 2.~~ who are  
9 ~~nonclient residents or prospective nonclient residents~~ of an entity that is licensed by  
10 the department, and for other persons specified by the department by rule, the entity  
11 shall send the background information form to the department.

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

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

22           4. For ~~persons specified under par. (a)~~ caregivers who are contracted with by  
23 a school board, for persons ~~specified in par. (am) 2.~~ who are ~~nonclient residents or~~  
24 ~~prospective nonclient residents~~ of an entity that is contracted with by a school board  
25 and for other persons specified by the department by rule, the entity shall send the

1 background information form to the school board. ~~For all other persons specified~~  
2 ~~under par. (am) 1., the entity shall maintain the background information form on file~~  
3 ~~for inspection by the department, county department, child welfare agency or school~~  
4 ~~board, whichever is applicable.~~

5 \*b1852/3.4\* SECTION 1180g. 48.685 (7) (a) of the statutes is repealed.

6 \*b1852/3.4\* SECTION 1180h. 48.685 (7) (b) of the statutes is repealed.”.

7 \*b1654/3.7\* **738.** Page 652, line 24: after that line insert:

8 \*b1654/3.7\* “SECTION 1182d. 48.69 of the statutes is amended to read:

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

24 \*b1654/3.7\* SECTION 1183d. 48.715 (1) of the statutes is amended to read:

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

4           **\*b1654/3.7\* SECTION 1184d.** 48.715 (2) (a) of the statutes is amended to read:

5           48.715 (2) (a) That a person stop operating a child welfare agency, shelter care  
6           facility, group home or day care center if the child welfare agency, shelter care facility,  
7           group home or day care center is without a license in violation of s. 48.66 (1) (a) or  
8           a probationary license in violation of s. 48.69.

9           **\*b1654/3.7\* SECTION 1185d.** 48.715 (2) (b) of the statutes is amended to read:

10          48.715 (2) (b) That a person who employs a person who has had a license under  
11          s. 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous  
12          5 years terminate the employment of that person within 30 days after the date of the  
13          order. This paragraph includes employment of a person in any capacity, whether as  
14          an officer, director, agent or employe.

15          **\*b1654/3.7\* SECTION 1186d.** 48.715 (4) (intro.) of the statutes is amended to  
16          read:

17          48.715 (4) (intro.) If the department provides written notice of revocation and  
18          the grounds for revocation as provided in sub. (4m) and an explanation of the process  
19          for appealing a revocation under this subsection, the department may revoke a  
20          license issued under s. 48.66 (1) (a) or a probationary license issued under s. 48.69  
21          for any of the following reasons:

22          **\*b1654/3.7\* SECTION 1187d.** 48.715 (5) of the statutes is amended to read:

23          48.715 (5) The department may deny a license under s. 48.66 (1) (a) or a  
24          probationary license under s. 48.69 to any person who has had a license under s.

1 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous 5  
2 years.

3 **\*b1654/3.7\* SECTION 1188d.** 48.715 (6) of the statutes is amended to read:

4 48.715 (6) The department of health and family services shall deny, suspend,  
5 restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) (a) or a  
6 probationary license under s. 48.69 to operate a child welfare agency, group home,  
7 shelter care facility or day care center, and the department of corrections shall deny,  
8 suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1)  
9 (b) to operate a secured child caring institution, for failure of the applicant or licensee  
10 to pay court-ordered payments of child or family support, maintenance, birth  
11 expenses, medical expenses or other expenses related to the support of a child or  
12 former spouse or for failure of the applicant or licensee to comply, after appropriate  
13 notice, with a subpoena or warrant issued by the department of workforce  
14 development or a county child support agency under s. 59.53 (5) and related to  
15 paternity or child support proceedings, as provided in a memorandum of  
16 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action  
17 taken under this subsection is subject to review only as provided in the memorandum  
18 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

19 **\*b1654/3.7\* SECTION 1189d.** 48.715 (7) of the statutes is amended to read:

20 48.715 (7) The department shall deny an application for the issuance or  
21 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69  
22 to operate a child welfare agency, group home, shelter care facility or day care center,  
23 or revoke such a license already issued, if the department of revenue certifies under  
24 s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An action

1 taken under this subsection is subject to review only as provided under s. 73.0301 (5)  
2 and not as provided in s. 48.72.”.

3 **\*b1852/3.5\* 739.** Page 653, line 3: after that line insert:

4 **\*b1852/3.5\*** “SECTION 1189r. 48.75 (1m) of the statutes is amended to read:  
5 48.75 (1m) Each child welfare agency and public licensing agency shall provide  
6 the subunit of the department that administers s. 48.685 with information about  
7 each person who is denied a license for a reason specified in s. 48.685 (2) (4m) (a) 1.  
8 to 5.”.

9 **\*b1023/1.2\* 740.** Page 654, line 25: after that line insert:

10 **\*b1023/1.2\*** “SECTION 1195m. 48.981 (7) (b) of the statutes is amended to read:  
11 48.981 (7) (b) Notwithstanding par. (a), either parent of a child may authorize  
12 the disclosure of a record for use in a child custody proceeding under s. 767.24 or  
13 767.325 or in an adoption proceeding under s. 48.833 (1), 48.835, 48.837 or 48.839  
14 when the child has been the subject of a report. Any information that would identify  
15 a reporter shall be deleted before disclosure of a record under this paragraph.”.

16 **\*b1237/1.4\* 741.** Page 654, line 25: after that line insert:

17 **\*b1237/1.4\*** “SECTION 1192p. 48.925 (1) (intro.) of the statutes is amended to  
18 read:

19 48.925 (1) (intro.) Upon petition by a relative who has maintained a  
20 relationship similar to a parent–child relationship with a child who has been adopted  
21 by a stepparent or relative, the court, subject to subs. (1m) and (2), may grant  
22 reasonable visitation rights to that person if the petitioner has maintained such a  
23 relationship within 2 years prior to the filing of the petition, if the adoptive parent  
24 or parents, or, if a birth parent is the spouse of an adoptive parent, the adoptive

1 parent and birth parent, have notice of the hearing and if the court determines all  
2 of the following:

3 **\*b1237/1.4\* SECTION 1192r.** 48.925 (1m) of the statutes is created to read:

4 48.925 (1m) (a) Except as provided in par. (b), the court may not grant  
5 visitation rights under sub. (1) to a relative who has maintained a relationship  
6 similar to a parent–child relationship with a child if the relative has been convicted  
7 under s. 940.01 of the first–degree intentional homicide, or under s. 940.05 of the  
8 2nd–degree intentional homicide, of a parent of the child, and the conviction has not  
9 been reversed, set aside or vacated.

10 (am) Except as provided in par. (b), if a relative who is granted visitation rights  
11 with a child under sub. (1) is convicted under s. 940.01 of the first–degree intentional  
12 homicide, or under s. 940.05 of the 2nd–degree intentional homicide, of a parent of  
13 the child, and the conviction has not been reversed, set aside or vacated, the court  
14 shall issue an order prohibiting the relative from having visitation with the child on  
15 petition of the child or the parent, guardian or legal custodian of the child, or on the  
16 court’s own motion, and on notice to the relative.

17 (b) Paragraphs (a) and (am) do not apply if the court determines by clear and  
18 convincing evidence that the visitation would be in the best interests of the child.  
19 The court shall consider the wishes of the child in making that determination.”.

20 **\*b0828/2.4\* 742.** Page 655, line 23: after that line insert:

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

23 49.015 (1m) (b) 5. The individual has infectious tuberculosis, as defined in s.  
24 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).”.

1           **\*b0828/2.5\* 743.** Page 657, line 5: after that line insert:

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

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

24           **\*b0997/2.2\* 744.** Page 661, line 5: delete “budgeting”.

1           **\*b0997/2.3\* 745.** Page 661, line 6: delete that line and substitute “credit  
2 establishment and credit repair”.

3           **\*b0997/2.4\* 746.** Page 661, line 7: delete “assistanee training” and substitute  
4 “assistance”.

5           **\*b0999/1.1\* 747.** Page 662, line 7: after that line insert:

6           **\*b0999/1.1\* “SECTION 1222g.** 49.143 (2) (es) of the statutes is created to read:

7           49.143 (2) (es) Provide to every individual who requests assistance from the

8 Wisconsin works agency a single–page description of all of the benefits and services

9 that may be provided to any individual by the Wisconsin works agency. The

10 department shall develop the description and distribute it to all Wisconsin works

11 agencies. The department shall update the description as frequently as necessary

12 to reflect all benefits and services that may be offered by Wisconsin works agencies.”.

13           **\*b0715/1.2\* 748.** Page 663, line 25: delete that line.

14           **\*b0715/1.3\* 749.** Page 664, line 1: delete lines 1 to 6.

15           **\*b1652/1.2\* 750.** Page 664, line 6: after that line insert:

16           **\*b1652/1.2\* “SECTION 1226v.** 49.145 (3) (b) 1. of the statutes is amended to  
17 read:

18           49.145 (3) (b) 1. All earned and unearned income of the individual, except any

19 amount received under section 32 of the internal revenue code, as defined in s. 71.01

20 (6), any amount received under s. 71.07 (9e), any payment made by an employer

21 under section 3507 of the internal revenue code, as defined in s. 71.01 (6), and any

22 assistance received under s. 49.148. In determining the earned and unearned

23 income of the individual, the Wisconsin works agency may not include income earned

24 by a dependent child of the individual.”.

1           **\*b1664/1.1\* 751.** Page 666, line 15: after “(av)” insert “and sub. (5m)”.

2           **\*b0991/1.1\* 752.** Page 668, line 4: after that line insert:

3           **\*b0991/1.1\* “SECTION 1229qc.** 49.147 (6) (a) 2. of the statutes is amended to  
4 read:

5           49.147 (6) (a) 2. The individual needs the loan to obtain or continue  
6 employment. Fulfillment of this requirement includes a loan that is needed to repair  
7 or purchase a vehicle that is needed to obtain or continue employment.”.

8           **\*b1664/1.2\* 753.** Page 668, line 4: after that line insert:

9           **\*b1664/1.2\* “SECTION 1233g.** 49.147 (5) (bs) of the statutes is amended to read:  
10           49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),  
11 a Wisconsin works agency may require a participant placed in a transitional  
12 placement to engage in activities under par. (b) 1. for up to 28 hours per week. ~~A~~  
13 Except as provided in sub. (5m), a Wisconsin works agency may require a participant  
14 placed in a transitional placement to participate in education or training activities  
15 under par. (bm) for not more than 12 hours per week.

16           **\*b1664/1.2\* SECTION 1233m.** 49.147 (5m) of the statutes is created to read:

17           49.147 (5m) POSTSECONDARY EDUCATION. (a) To the extent permitted under 42  
18 USC 607, and except as provided in par. (bL), a participant under sub. (4) (b) or (5)  
19 may elect to participate in a self-initiated technical college education program as  
20 part of a community service job placement or transitional placement if all of the  
21 following requirements are met:

22           1. The Wisconsin works agency, in consultation with the community steering  
23 committee established under s. 49.143 (2) (a) and the technical college district board,

1 determines that the technical college education program is likely to lead to  
2 employment.

3 2. The participant maintains full-time status in the technical college education  
4 program, as determined by the technical college that the participant attends, and  
5 regularly attends all classes.

6 3. The participant maintains a grade point average of at least 2.0, or the  
7 equivalent as determined by the technical college.

8 4. The participant is employed or engages in work under a community service  
9 job or transitional placement.

10 (b) No Wisconsin works agency may require a participant under this subsection  
11 to be employed or to engage in work or other activities under sub. (4) or (5) for more  
12 than 25 hours per week in addition to participation under this subsection.

13 (bL) A participant may participate under this subsection for the duration of the  
14 technical college education program, except that the participant may not participate  
15 under this subsection for more than 2 years.

16 (c) The Wisconsin works agency shall work with the community steering  
17 committee established under s. 49.143 (2) (a) and the technical college district board  
18 to monitor the participant's progress in the technical college education program and  
19 the effectiveness of the program in leading to employment.”.

20 **\*b0998/1.1\* 754.** Page 668, line 21: delete “or by the department under sub  
21 (2)”.

22 **\*b1664/1.3\* 755.** Page 669, line 21: after that line insert:

23 **\*b1664/1.3\* SECTION 1237f.** 49.148 (1) (b) 3. of the statutes is created to read:

1           49.148 (1) (b) 3. For a participant in a community service job who participates  
2 in self-initiated technical college education under s. 49.147 (5m), a monthly grant  
3 of \$673, paid by the Wisconsin works agency. For every hour that the participant  
4 misses work or other required activities without good cause, the grant amount shall  
5 be reduced by \$5.15. Good cause shall be determined by the financial and  
6 employment planner in accordance with rules promulgated by the department. Good  
7 cause shall include required court appearances for a victim of domestic abuse.

8           **\*b1664/1.3\* SECTION 1237h.** 49.148 (1) (c) of the statutes is amended to read:

9           49.148 (1) (c) *Transitional placements.* For a participant in a transitional  
10 placement under s. 49.147 (5) or in a transitional placement and in self-initiated  
11 technical college education under s. 49.147 (5m), a grant of \$628, paid monthly by  
12 the Wisconsin works agency ~~or by the department under sub. (2)~~. For every hour that  
13 the participant fails to participate in any required activity without good cause,  
14 including any activity under s. 49.147 (5) (b) 1. a. to c., the grant amount shall be  
15 reduced by \$5.15. Good cause shall be determined by the financial and employment  
16 planner in accordance with rules promulgated by the department. Good cause shall  
17 include required court appearances for a victim of domestic abuse.”.

18           **\*b0998/1.2\* 756.** Page 670, line 23: delete the material beginning with that  
19 line and ending with page 671, line 5 and substitute:

20           **\*b0998/1.2\* “SECTION 1237t.** 49.148 (2m) of the statutes is created to read:

21           49.148 (2m) PAY PERIOD. (a) Except as provided in par. (b), benefits under this  
22 section shall be paid on the first day of each month. A payment made under this  
23 paragraph shall be for any participation from the 26th day of the month immediately  
24 preceding the month that immediately precedes the month in which the payment is

1 made through the 25th day of the month that immediately precedes the month in  
2 which the payment is made.

3 (b) The Wisconsin works agency shall make the first grant payment under this  
4 section 14 days after the participant begins participating under s. 49.147 (4).  
5 Payments made under this paragraph shall include payment for all participation  
6 through the date of the payment.”.

7 \*b0949/2.2\* **757.** Page 673, line 7: delete that line and substitute:

8 \*b0949/2.2\* “SECTION 1250b. 49.155 (1m) (a) 4. (intro.) of the statutes is  
9 renumbered 49.155 (1m) (a) 4. and amended to read:”.

10 \*b0949/2.3\* **758.** Page 673, line 8: delete “(intro.)”.

11 \*b0949/2.4\* **759.** Page 673, line 20: delete lines 20 to 24 and substitute “for  
12 up to ~~two~~ 2 years. ~~An individual may not receive aid under this subdivision unless~~  
13 ~~the individual meets at least one of the following conditions:~~

14 \*b0949/2.4\* SECTION 1251b. 49.155 (1m) (a) 4. a. of the statutes is repealed.

15 \*b0949/2.4\* SECTION 1251c. 49.155 (1m) (a) 4. b. of the statutes is repealed.”.

16 \*b0949/2.5\* **760.** Page 674, line 5: delete “years. An individual” and  
17 substitute “years.”.

18 \*b0949/2.6\* **761.** Page 674, line 6: delete lines 6 to 10.

19 \*b0992/2.3\* **762.** Page 677, line 1: delete “or 49.19”.

20 \*b0992/2.4\* **763.** Page 677, line 11: delete “or 49.19”.

21 \*b1388/1.1\* **764.** Page 680, line 12: after “following” insert “to any person  
22 who is eligible ~~for~~ for the federal temporary assistance to needy families program  
23 under 42 USC 601 et. seq.”.