

1 ***b1218/1.3* 707.** 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* 708.** 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

1 date of issuance. No license issued under ~~this subsection~~ par. (a) or (b) is
2 transferable.

3 ***b1654/3.6* SECTION 1154d.** 48.66 (2m) (a) 1. of the statutes, as affected by
4 1999 Wisconsin Act (this act), is amended to read:

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

13 ***b1654/3.6* SECTION 1155d.** 48.66 (2m) (am) 1. of the statutes, as affected by
14 1999 Wisconsin Act (this act), is amended to read:

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

20 ***b1654/3.6* SECTION 1156d.** 48.66 (2m) (b) of the statutes, as affected by 1999
21 Wisconsin Act (this act), is amended to read:

22 48.66 (2m) (b) If an applicant who is an individual fails to provide the
23 applicant's social security number to the department of health and family services
24 or if an applicant who is not an individual fails to provide the applicant's federal
25 employer identification number to that department, that department may not issue

1 or continue a license under sub. (1) (a) to operate a child welfare agency, group home,
2 shelter care facility or day care center to or for the applicant unless the applicant is
3 an individual who does not have a social security number and the applicant submits
4 a statement made or subscribed under oath or affirmation as required under par. (a)
5 2.

6 ***b1654/3.6* SECTION 1157d.** 48.66 (2m) (bm) of the statutes, as affected by
7 1999 Wisconsin Act (this act), is amended to read:

8 48.66 (2m) (bm) If an applicant who is an individual fails to provide the
9 applicant's social security number to the department of corrections, that department
10 may not issue or renew a license under sub. (1) (b) to operate a secured child caring
11 institution to or for the applicant unless the applicant does not have a social security
12 number and the applicant submits a statement made or subscribed under oath or
13 affirmation as required under par. (am) 2.

14 ***b1654/3.6* SECTION 1158d.** 48.68 (1) of the statutes is amended to read:

15 48.68 (1) After receipt of an application for a license, the department shall
16 investigate to determine if the applicant meets the minimum requirements for a
17 license adopted by the department under s. 48.67 and meets the requirements
18 specified in s. 48.685, if applicable. In determining whether to issue or continue a
19 license, the department may consider any action by the applicant, or by an employe
20 of the applicant, that constitutes a substantial failure by the applicant or employe
21 to protect and promote the health, safety and welfare of a child. Upon satisfactory
22 completion of this investigation and payment of the fee required under s. 48.615 (1)
23 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a
24 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
25 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial

1 licensure and license renewal, the department shall provide a foster home licensee
2 with written information relating to the age-related monthly foster care rates and
3 supplemental payments specified in s. 48.62 (4), including payment amounts,
4 eligibility requirements for supplemental payments and the procedures for applying
5 for supplemental payments.”.

6 ***b1839/3.6* 709.** Page 651, line 25: after that line insert:

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

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

17 ***b1839/3.6* SECTION 1154c.** 48.66 (2m) (a) of the statutes is renumbered 48.66
18 (2m) (a) 1. and amended to read:

19 48.66 (2m) (a) 1. The Except as provided in subd. 2., the department of health
20 and family services shall require each applicant for a license under sub. (1) to operate
21 a child welfare agency, group home, shelter care facility or day care center who is an
22 individual to provide that department with the applicant’s social security number,
23 and shall require each applicant for a license under sub. (1) to operate a child welfare
24 agency, group home, shelter care facility or day care center who is not an individual

1 to provide that department with the applicant's federal employer identification
2 number, when initially applying for or applying to continue the license.

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

4 48.66 (2m) (a) 2. If an applicant who is an individual does not have a social
5 security number, the applicant shall submit a statement made or subscribed under
6 oath or affirmation to the department of health and family services that the
7 applicant does not have a social security number. The form of the statement shall
8 be prescribed by the department of workforce development. A license issued in
9 reliance upon a false statement submitted under this subdivision is invalid.

10 *b1839/3.6* SECTION 1155c. 48.66 (2m) (am) of the statutes is renumbered
11 48.66 (2m) (am) 1. and amended to read:

12 48.66 (2m) (am) 1. The Except as provided in subd. 2., the department of
13 corrections shall require each applicant for a license under sub. (1) to operate a
14 secured child caring institution who is an individual to provide that department with
15 the applicant's social security number when initially applying for or applying to
16 renew the license.

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

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

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

1 48.66 (2m) (b) The If an applicant who is an individual fails to provide the
2 applicant's social security number to the department of health and family services
3 or if an applicant who is not an individual fails to provide the applicant's federal
4 employer identification number to that department, that department of health and
5 family services may not issue or continue a license under sub. (1) to operate a child
6 welfare agency, group home, shelter care facility or day care center to or for an the
7 applicant who is an individual unless the applicant has provided the applicant's is
8 an individual who does not have a social security number to that department and
9 may not issue or continue a license under sub. (1) to operate a child welfare agency,
10 group home, shelter care facility or day care center to or for an applicant who is not
11 an individual unless the applicant has provided the applicant's federal employer
12 identification number to that department and the applicant submits a statement
13 made or subscribed under oath or affirmation as required under par. (a) 2.

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

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

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

24 48.66 (2m) (c) The department of health and family services may not disclose
25 any information obtained under par. (a) 1, to any person except to the department

1 of revenue for the sole purpose of requesting certifications under s. 73.0301 or on the
2 request of the department of workforce development under s. 49.22 (2m).

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

5 48.66 (2m) (cm) The department of corrections may not disclose any
6 information obtained under par. (am) 1, to any person except on the request of the
7 department of workforce development under s. 49.22 (2m).”.

8 ***b1852/3.1* 710.** Page 651, line 25: after that line insert:

9 ***b1852/3.1* “SECTION 1151d.** 48.651 (2m) of the statutes is amended to read:
10 48.651 (2m) Each county department shall provide the department with
11 information about each person who is denied certification for a reason specified in
12 s. 48.685 (~~2~~) (4m) (a) 1. to 5.

13 ***b1852/3.1* SECTION 1159d.** 48.685 (1) (a) of the statutes is renumbered
14 48.685 (1) (am).

15 ***b1852/3.1* SECTION 1159g.** 48.685 (1) (ag) of the statutes is created to read:
16 48.685 (1) (ag) 1. “Caregiver” means any of the following:

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

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

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

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

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

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

9 48.685 (1) (av) “Direct contact” means face-to-face physical proximity to a
10 client that affords the opportunity to commit abuse or neglect of a client or to
11 misappropriate the property of a client.

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

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

21 ***b1852/3.2* 711.** Page 652, line 4: after that line insert:

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

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

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

5 48.685 (1) (br) “Reservation” means land in this state within the boundaries
6 of a reservation of a tribe or within the bureau of Indian affairs service area for the
7 Ho–Chunk Nation.

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

10 48.685 (1) (c) “Serious crime” means a violation of s. 940.01, 940.02, 940.03,
11 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
12 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055,
13 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or
14 a violation of the law of any other state or United States jurisdiction that would be
15 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
16 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
17 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
18 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.”.

19 ***b1852/3.3* 712.** Page 652, line 8: after that line insert:

20 ***b1852/3.3* “SECTION 1160gm.** 48.685 (1) (e) of the statutes is created to read:

21 48.685 (1) (e) “Tribe” means a federally recognized American Indian tribe or
22 band in this state.”.

23 ***b1852/3.4* 713.** Page 652, line 9: delete lines 9 to 16 and substitute:

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

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

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

6 ***b1852/3.4*** **SECTION 1161i.** 48.685 (2) (a) 3. of the statutes is renumbered
7 48.685 (4m) (a) 3.

8 ***b1852/3.4*** **SECTION 1161j.** 48.685 (2) (a) 4. of the statutes is renumbered
9 48.685 (4m) (a) 4.

10 ***b1852/3.4*** **SECTION 1161k.** 48.685 (2) (a) 5. of the statutes is renumbered
11 48.685 (4m) (a) 5.

12 ***b1852/3.4*** **SECTION 1161m.** 48.685 (2) (ad) of the statutes is renumbered
13 48.685 (4m) (ad) and amended to read:

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

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

22 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
23 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~
24 ~~entity's control, as defined by the department by rule, and who is expected to have~~
25 ~~access to its clients,~~ caregiver or permit a nonclient resident to reside at the entity

1 a person who is not a client and who is expected to have access to a client, if the entity
2 knows or should have known any of the following:

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

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

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

13 *b1852/3.4* SECTION 1163i. 48.685 (2) (ag) 3. of the statutes is renumbered
14 48.685 (4m) (b) 3.

15 *b1852/3.4* SECTION 1163j. 48.685 (2) (ag) 4. of the statutes is renumbered
16 48.685 (4m) (b) 4.

17 *b1852/3.4* SECTION 1163k. 48.685 (2) (ag) 5. of the statutes is renumbered
18 48.685 (4m) (b) 5.

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

21 48.685 (2) (am) (intro.) ~~Subject to subd. 5. and par. (bd), the~~ The department,
22 a county department, a child welfare agency or a school board shall obtain all of the
23 following with respect to a ~~person specified under par. (a) (intro.) and a person~~
24 ~~specified under par. (ag) (intro.) who is a nonclient resident or prospective~~ caregiver
25 specified in sub. (1) (ag) 1. b., a nonclient resident of an entity and shall obtain the

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

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

9 48.685 (2) (am) 5. Information maintained by the department under this
10 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
11 to the person of a license, continuation or renewal of a license, certification or a
12 contract to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and
13 regarding any denial to the person of employment at, a contract with or permission
14 to reside at an entity for a reason specified in ~~par. (ag) sub. (4m)~~ (b) 1. to 5. If the
15 information obtained under this subdivision indicates that the person has been
16 denied a license, continuation or renewal of a license, certification, a contract,
17 employment or permission to reside as described in this subdivision, the department,
18 a county department, a child welfare agency or a school board need not obtain the
19 information specified in subds. 1. to 4.

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

22 48.685 (2) (b) 1. (intro.) ~~Subject to subds. 1. e. and 2., and 4. par. (bd), every~~
23 Every entity shall obtain all of the following with respect to a person specified under
24 ~~par. (ag) (intro.) who is an employe, prospective employe, contractor or prospective~~
25 ~~contractor~~ caregiver of the entity:

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

3 48.685 (2) (b) 1. e. Information maintained by the department under this
4 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
5 to the person of a license, continuation or renewal of a license, certification or a
6 contract to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and
7 regarding any denial to the person of employment at, a contract with or permission
8 to reside at an entity for a reason specified in ~~par. (ag) sub. (4m)~~ (b) 1. to 5. If the
9 information obtained under this subd. 1. e. indicates that the person has been denied
10 a license, continuation or renewal of a license, certification, a contract, employment
11 or permission to reside as described in this subd. 1. e., the entity need not obtain the
12 information specified in subd. 1. a. to d.

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

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

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

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

24 48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a
25 charge of a serious crime, but does not completely and clearly indicate the final

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

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

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

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

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

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

20 ***b1852/3.4* SECTION 1170n.** 48.685 (2) (bg) of the statutes, as affected by 1999

21 Wisconsin Act (this act), is amended to read:

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

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

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

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

23 *b1852/3.4* SECTION 1171g. 48.685 (2) (c) of the statutes is renumbered 48.685
24 (4m) (c) and amended to read:

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

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

15 48.685 (2) (d) Every entity shall maintain, or shall contract with another
16 person to maintain, the most recent background information obtained on a caregiver
17 under par. (b). The information shall be made available for inspection by authorized
18 persons, as defined by the department by rule.

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

20 48.685 (3) (a) Every 4 years or at any time within that period that the
21 department, a county department, a child welfare agency or a school board considers
22 appropriate, the department, county department, child welfare agency or school
23 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
24 who are licensed, certified or contracted to operate an entity and, for all persons
25 ~~specified in par. (ag) (intro.)~~ who are nonclient residents of an entity and shall

1 request the information specified in sub. (2) (am) 1. to 5. for all persons under 18
2 years of age, but not under 12 years of age, who are employes, ~~contractors or~~
3 ~~nonclient residents~~ caregivers of a day care center that is licensed under s. 48.65 or
4 established or contracted for under s. 120.13 (4) or of a day care provider that is
5 certified under s. 48.651.

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

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

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

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

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

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

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

6 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
7 sub. (5), an entity may not ~~hire~~ employ or contract with a caregiver or permit a
8 nonclient resident to reside at the entity, if the entity knows or should have known
9 any of the following:

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

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

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

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

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

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

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

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

9 3m. The title of the person or body, designated by the tribe, to whom a person
10 may appeal an adverse decision made by the person specified under subd. 3. and
11 whether the tribe provides any further rights to appeal.

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

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

18 (b) If, within 90 days after receiving the plan, the department does not
19 disapprove the plan, the plan shall be considered approved. If, within 90 days after
20 receiving the plan, the department disapproves the plan, the department shall
21 provide notice of that disapproval to the tribe in writing, together with the reasons
22 for the disapproval. The department may not disapprove a plan unless the
23 department finds that the plan is not rationally related to the protection of clients.
24 If the department disapproves the plan, the tribe may, within 30 days after receiving
25 notice of the disapproval, request that the secretary review the department's

1 decision. A final decision under this paragraph is not subject to further review under
2 ch. 227.

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

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

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

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

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

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

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

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

3 ***b1852/3.4* SECTION 1179d.** 48.685 (6) (b) of the statutes is renumbered
4 48.685 (6) (b) 1. and amended to read:

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

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

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

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

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

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

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

9 ***b1654/3.7* 714.** Page 652, line 24: after that line insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ***b1852/3.5* 715.** Page 653, line 3: after that line insert:

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

10 ***b1023/1.2* 716.** Page 654, line 25: after that line insert:

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

17 ***b1237/1.4* 717.** Page 654, line 25: after that line insert:

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

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

1 or parents, or, if a birth parent is the spouse of an adoptive parent, the adoptive
2 parent and birth parent, have notice of the hearing and if the court determines all
3 of the following:

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

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

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

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

21 ***b0828/2.4* 718.** Page 655, line 23: after that line insert:

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

1 49.015 (1m) (b) 5. The individual has infectious tuberculosis, as defined in s.
2 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).”

3 ***b0828/2.5* 719.** Page 657, line 5: after that line insert:

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

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

1 ~~section shall not apply to any person who receives care for pulmonary tuberculosis~~
2 ~~as provided in s. 252.08 (4)."~~

3 ***b0997/2.2* 720.** Page 661, line 5: delete "budgeting".

4 ***b0997/2.3* 721.** Page 661, line 6: delete that line and substitute "credit
5 establishment and credit repair".

6 ***b0997/2.4* 722.** Page 661, line 7: delete "assistance training" and substitute
7 "assistance".

8 ***b0999/1.1* 723.** Page 662, line 7: after that line insert:

9 ***b0999/1.1* "SECTION 1222g.** 49.143 (2) (es) of the statutes is created to read:
10 49.143 (2) (es) Provide to every individual who requests assistance from the
11 Wisconsin works agency a single-page description of all of the benefits and services
12 that may be provided to any individual by the Wisconsin works agency. The
13 department shall develop the description and distribute it to all Wisconsin works
14 agencies. The department shall update the description as frequently as necessary
15 to reflect all benefits and services that may be offered by Wisconsin works agencies."

16 ***b0715/1.2* 724.** Page 663, line 25: delete that line.

17 ***b0715/1.3* 725.** Page 664, line 1: delete lines 1 to 6.

18 ***b1652/1.2* 726.** Page 664, line 6: after that line insert:

19 ***b1652/1.2* "SECTION 1226v.** 49.145 (3) (b) 1. of the statutes is amended to
20 read:

21 49.145 (3) (b) 1. All earned and unearned income of the individual, except any
22 amount received under section 32 of the internal revenue code, as defined in s. 71.01
23 (6), any amount received under s. 71.07 (9e), any payment made by an employer
24 under section 3507 of the internal revenue code, as defined in s. 71.01 (6), and any

1 assistance received under s. 49.148. In determining the earned and unearned
2 income of the individual, the Wisconsin works agency may not include income earned
3 by a dependent child of the individual.”.

4 *b1664/1.1* **727.** Page 666, line 15: after “(av)” insert “and sub. (5m)”.

5 *b0991/1.1* **728.** Page 668, line 4: after that line insert:

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

8 49.147 (6) (a) 2. The individual needs the loan to obtain or continue
9 employment. Fulfillment of this requirement includes a loan that is needed to repair
10 or purchase a vehicle that is needed to obtain or continue employment.”.

11 *b1664/1.2* **729.** Page 668, line 4: after that line insert:

12 *b1664/1.2* “SECTION 1233g. 49.147 (5) (bs) of the statutes is amended to read:

13 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),
14 a Wisconsin works agency may require a participant placed in a transitional
15 placement to engage in activities under par. (b) 1. for up to 28 hours per week. ~~A~~
16 Except as provided in sub. (5m), a Wisconsin works agency may require a participant
17 placed in a transitional placement to participate in education or training activities
18 under par. (bm) for not more than 12 hours per week.

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

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

1 1. The Wisconsin works agency, in consultation with the community steering
2 committee established under s. 49.143 (2) (a) and the technical college district board,
3 determines that the technical college education program is likely to lead to
4 employment.

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

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

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

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

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

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

22 ***b0998/1.1* 730.** Page 668, line 21: delete “or by the department under sub
23 (2)”.

24 ***b1664/1.3* 731.** Page 669, line 21: after that line insert:

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

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

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

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

19 ***b0998/1.2* 732.** Page 670, line 23: delete the material beginning with that

20 line and ending with page 671, line 5 and substitute:

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

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

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

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

8 *b0949/2.2* **733.** Page 673, line 7: delete that line and substitute:

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

11 *b0949/2.3* **734.** Page 673, line 8: delete “(intro.)”.

12 *b0949/2.4* **735.** Page 673, line 20: delete lines 20 to 24 and substitute “for
13 up to two 2 years. ~~An individual may not receive aid under this subdivision unless~~
14 ~~the individual meets at least one of the following conditions:~~

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

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

17 *b0949/2.5* **736.** Page 674, line 5: delete “years. An individual” and
18 substitute “years.”.

19 *b0949/2.6* **737.** Page 674, line 6: delete lines 6 to 10.

20 *b0992/2.3* **738.** Page 677, line 1: delete “or 49.19”.

21 *b0992/2.4* **739.** Page 677, line 11: delete “or 49.19”.

1 ***b1388/1.1* 740.** Page 680, line 12: after “following” insert “to any person
2 who is eligible for the federal temporary assistance to needy families program under
3 42 USC 601 et. seq.”.

4 ***b1663/1.1* 741.** Page 682, line 13: delete “\$2,779,800” and substitute
5 “\$3,706,300”.

6 ***b1663/1.2* 742.** Page 682, line 14: delete “\$5,559,800” and substitute
7 “\$7,413,100”.

8 ***b0997/2.5* 743.** Page 682, line 14: after that line insert:

9 “(cr) *Credit assistance.* For payments to Wisconsin works agencies in 1st class
10 cities for the provision of credit establishment and credit repair assistance to
11 Wisconsin works participants, not more than \$3,000,000 in each fiscal year.
12 Notwithstanding sub. (2), the department may not use any funds allocated under
13 this paragraph for any other purpose under this subsection.”.

14 ***b1663/1.3* 744.** Page 682, line 16: delete “\$3,706,300” and substitute
15 “\$2,779,800”.

16 ***b1666/13.10* 745.** Page 682, line 16: delete “49.143 (3p)” and substitute
17 “49.179”.

****NOTE: Corrects cross-reference.

18 ***b1663/1.4* 746.** Page 682, line 17: delete “\$7,413,100” and substitute
19 “\$5,559,800”.

20 ***b1858/1.2* 747.** Page 682, line 19: delete “\$27,844,700” and substitute
21 “\$245,171,800”.

1 ***b1860/1.1* 748.** Page 682, line 21: delete “\$95,000,000” and substitute
2 “\$102,000,000”.

3 ***b1282/2.4* 749.** Page 683, line 8: delete lines 8 and 9 and substitute:
4 “(j) *Funeral expenses.* For funeral expenses under s. 49.30, \$3,300,000 in fiscal
5 year 1999–2000 and \$3,925,100 in fiscal year 2000–01.”.

6 ***b0715/1.4* 750.** Page 683, line 10: delete lines 10 and 11.

7 ***b1652/1.3* 751.** Page 683, line 19: delete “\$159,330,000” and substitute
8 “\$159,560,000”.

9 ***b1652/1.4* 752.** Page 683, line 19: delete “\$180,700,000” and substitute
10 “\$181,050,000”.

11 ***b1218/1.4* 753.** Page 685, line 12: after “(3n)” insert “, (3o)”.

12 ***b1833/2.2* 754.** Page 685, line 12: delete “\$24,489,400” and substitute
13 “\$24,530,100”.

14 ***b1833/2.3* 755.** Page 685, line 13: delete “\$26,109,800” and substitute
15 “\$26,164,100”.

16 ***b1666/13.11* 756.** Page 686, line 6: after “46.93” insert “, 46.99”.

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

17 ***b1753/2.2* 757.** Page 686, line 12: after that line insert:

18 “10. ‘Community marriage policy project.’ For the community marriage policy
19 project under 1999 Wisconsin Act (this act), section 9123 (14g), \$45,000 in fiscal
20 year 1999–2000 and \$60,000 in each fiscal year thereafter.”.

21 ***b1859/1.3* 758.** Page 686, line 18: delete that line and substitute “moneys
22 from the”.

1 ***b1859/1.4* 759.** Page 686, line 21: delete “\$58,000,000” and substitute
2 “\$48,000,000”.

3 ***b1859/1.5* 760.** Page 686, line 24: delete “\$58,000,000” and substitute
4 “\$51,000,000”.

5 ***b1859/1.6* 761.** Page 686, line 25: delete “\$61,000,000” and substitute
6 “\$54,000,000”.

7 ***b1753/2.3* 762.** Page 688, line 2: after that line insert:

8 ***b1753/2.3*** “SECTION 1278t. 49.175 (1) (ze) 10. of the statutes, as affected by
9 1999 Wisconsin Act (this act), is repealed.”

10 ***b0715/1.5* 763.** Page 689, line 19: delete the material beginning with that
11 line and ending with page 690, line 22.

12 ***b0992/2.5* 764.** Page 693, line 2: delete “and” and substitute “. The
13 department”.

14 ***b0992/2.6* 765.** Page 693, line 3: delete “or for” and substitute “if the person
15 received the overpayment under s. 49.141 to 49.161, and for”.

16 ***b0992/2.7* 766.** Page 693, line 7: after “subsection.” insert “The rules shall
17 include notification procedures similar to those established for child support
18 collections. The department may not recover overpayments made as a result of
19 department error.”.

20 ***b0992/2.8* 767.** Page 693, line 24: delete “60” and substitute “90”.

21 ***b0992/2.9* 768.** Page 695, line 9: after that line insert:

22 “(h) If the department arranges a payment schedule with the debtor and the
23 debtor complies with the payment schedule, the department shall issue a notice of

1 withdrawal of the warrant to the clerk of circuit court for the county in which the
2 warrant is filed. The clerk shall void the warrant and the resulting liens.”.

3 ***b0992/2.10* 769.** Page 697, line 11: delete “No other action to”.

4 ***b0992/2.11* 770.** Page 697, line 12: delete lines 12 and 13.

5 ***b0992/2.12* 771.** Page 702, line 2: after that line insert:

6 ***b0992/2.12* “SECTION 1346c.** 49.195 (3s) of the statutes is created to read:

7 49.195 (3s) The department shall specify by rule when requests for reviews,
8 hearings and appeals under this section may be made and the process to be used for
9 the reviews, hearings and appeals. In promulgating the rules, the department shall
10 provide for a hearing or review after a warrant under sub. (3m) has been issued and
11 before the warrant has been executed, before property is levied under sub. (3m) or
12 (3n) and after levied property is seized and before it is sold. The department shall
13 specify by rule the time limit for a request for review or hearing. The department
14 shall also specify by rule a minimum amount that must be due before collection
15 proceedings under this section may be commenced.”.

16 ***b1282/2.5* 772.** Page 703, line 12: after that line insert:

17 ***b1282/2.5* “SECTION 1355w.** 49.30 (1) (b) of the statutes is amended to read:

18 49.30 (1) (b) The lesser of ~~\$1,000~~ \$1,500 or the funeral and burial expenses not
19 paid by the estate of the deceased and other persons.”.

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

22 49.30 (1) (b) The lesser of ~~\$1,500~~ \$2,500 or the funeral and burial expenses not
23 paid by the estate of the deceased and other persons.”.

24 ***b1808/1.2* 773.** Page 707, line 23: after that line insert:

1 ***b1808/1.2*** “SECTION 1384g. 49.45 (5r) of the statutes is created to read:

2 49.45 (5r) SUPPLEMENTAL PAYMENTS FOR HOSPITALS. From the appropriations
3 under s. 20.435 (4) (b) and (o), the department shall distribute not more than
4 \$2,451,000 in each fiscal year, beginning on July 1, 2000, as a supplemental payment
5 to a hospital for which medical assistance revenues were at least 8% of the hospital’s
6 total revenues in the hospital’s most recent fiscal year prior to the year of payment.
7 The department shall calculate a qualifying hospital’s supplemental payment
8 amount by multiplying the total amount of medical assistance revenues of all
9 qualifying hospitals in their most recent prior fiscal years by the percentage obtained
10 by dividing the hospital’s total medical assistance revenues in the hospital’s most
11 recent prior fiscal year by the total amount of medical assistance revenues for all
12 qualifying hospitals for that period.”.

13 ***b1819/1.1* 774.** Page 716, line 21: after that line insert:

14 ***b1819/1.1*** “SECTION 1418m. 49.45 (7) (a) of the statutes is amended to read:

15 49.45 (7) (a) A recipient who is a patient in a public medical institution or an
16 accommodated person and has a monthly income exceeding the payment rates
17 established under 42 USC 1382 (e) may retain \$40 ~~\$45~~ unearned income or the
18 amount of any pension paid under 38 USC 3203 (f), whichever is greater, per month
19 for personal needs. Except as provided in s. 49.455 (4) (a), the recipient shall apply
20 income in excess of \$40 ~~\$45~~ or the amount of any pension paid under 38 USC 3203
21 (f), whichever is greater, less any amount deducted under rules promulgated by the
22 department, toward the cost of care in the facility.”.

23 ***b1820/1.1* 775.** Page 717, line 10: delete lines 10 to 15 and substitute

24 “department shall determine which medical assistance recipients who have attained

1 the age of 2 but have not attained the age of 6 and who are at risk for lead poisoning
2 have not received lead screening from those health maintenance organizations. The
3 department shall report annually to the appropriate standing committees of the
4 legislature under s. 13.172 (3) on the percentage of medical assistance recipients
5 under the age of 2 who received a lead screening test in that year provided by a health
6 maintenance organization compared with the percentage that the department set as
7 a goal for that year.”.

8 ***b1806/1.24* 776.** Page 717, line 24: delete the material beginning with
9 “School for” and ending with “Handicapped” on line 25 and substitute “Center for the
10 Blind and Visually Impaired”.

11 ***b1806/1.25* 777.** Page 718, line 9: delete that line and substitute “behalf of
12 the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin”.

13 ***b1806/1.26* 778.** Page 718, line 14: delete that line and substitute “pars. (b)
14 and (c) to the Wisconsin Center for the Blind and Visually Impaired and the”.

15 ***b1763/1.1* 779.** Page 718, line 16: after “is” insert “renumbered 49.45 (39)
16 (b) 1. and”.

17 ***b1763/1.2* 780.** Page 718, line 17: delete “*Payment for school medical*
18 *services*” and substitute “1. *Payment for school medical services.*”.

19 ***b1763/1.3* 781.** Page 718, line 21: after “and” insert “, as specified in subd.
20 2.”.

21 ***b1806/1.27* 782.** Page 718, line 22: delete that line and substitute
22 “administrative costs. If the Wisconsin Center for the Blind and Visually Impaired
23 or the”.

1 ***b1806/1.28* 783.** Page 719, line 1: delete that line and substitute “medical
2 services that the Wisconsin Center for the Blind and Visually Impaired or the”.

3 ***b1763/1.4* 784.** Page 719, line 2: delete “for allowable administrative
4 costs.” and substitute “, as specified in subd. 2., for allowable administrative costs.
5 A school district, cooperative educational service agency, the Wisconsin Center for
6 the Blind and Visually Impaired or the Wisconsin School for the Deaf may submit,
7 and the department shall allow, claims for common carrier transportation costs as
8 a school medical service unless the department receives notice from the federal
9 health care financing administration that, under a change in federal policy, the
10 claims are not allowed. If the department receives the notice, a school district,
11 cooperative educational service agency, the Wisconsin Center for the Blind and
12 Visually Impaired or the Wisconsin School for the Deaf may submit, and the
13 department shall allow, unreimbursed claims for common carrier transportation
14 costs incurred before the date of the change in federal policy.”.

15 ***b1806/1.29* 785.** Page 719, line 8: delete “School for the Visually
16 Handicapped” and substitute “Center for the Blind and Visually Impaired”.

17 ***b1763/1.5* 786.** Page 719, line 11: after that line insert:

18 ***b1763/1.5*** “SECTION 1427j. 49.45 (39) (b) 2. of the statutes is created to read:
19 49.45 (39) (b) 2. ‘Payment for school medical services administrative costs.’ The
20 department shall reimburse a school district or a cooperative educational service
21 agency specified under subd. 1. and shall reimburse the department of public
22 instruction on behalf of the Wisconsin Center for the Blind and Visually Impaired or
23 the Wisconsin School for the Deaf for 90% of the federal share of allowable
24 administrative costs, on a quarterly basis, using time studies, beginning in the first

1 quarter of fiscal year 1999–2000. A school district or a cooperative education service
2 agency may submit, and the department of health and family services shall allow,
3 claims for administrative costs incurred during the period that is up to 24 months
4 before the date of the claim, if allowable under federal law.”.

5 ***b1710/P1.1* 787.** Page 722, line 10: after that line insert:

6 ***b1710/P1.1* “SECTION 1433tm.** 49.46 (1) (a) 6. of the statutes is amended to
7 read:

8 49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard
9 to the individual’s resources, would be considered, under federal law, to be receiving
10 aid to families with dependent children for the purpose of determining eligibility for
11 medical assistance.”.

12 ***b1218/1.5* 788.** Page 722, line 20: after that line insert:

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

15 49.46 (1) (a) 16. Any ~~child~~ person who is living with a relative who is eligible
16 to receive payments under s. 48.57 (3m) ~~or~~, (3n) or (3o) with respect to that ~~child~~
17 person, if the department determines that no other insurance is available to the ~~child~~
18 person.”.

19 ***b1044/1.1* 789.** Page 722, line 25: delete “(b) 17.”.

20 ***b1044/1.2* 790.** Page 723, line 2: delete “(b) 17.”.

21 ***b0716/2.2* 791.** Page 723, line 4: delete lines 4 to 8.

22 ***b1044/1.3* 792.** Page 723, line 13: delete lines 13 to 16.

23 ***b1710/P1.2* 793.** Page 723, line 20: after that line insert:

1 ***b1710/P1.2*** “SECTION 1437m. 49.47 (4) (a) 1. of the statutes is amended to
2 read:

3 49.47 (4) (a) 1. ~~Under 18~~ At least 19 years of age but under 21 years of age or,
4 if and the person resides in an intermediate care facility, skilled nursing facility or
5 inpatient psychiatric hospital, ~~under 21 years of age.~~

6 ***b1710/P1.2*** SECTION 1437n. 49.47 (4) (a) 2. of the statutes is renumbered
7 49.47 (4) (ag) 2.

8 ***b1710/P1.2*** SECTION 1437p. 49.47 (4) (ag) (intro.) of the statutes is created
9 to read:

10 49.47 (4) (ag) (intro.) Any individual who meets the limitations on income
11 under par. (c) and who complies with par. (cm) shall be eligible for medical assistance
12 under this section if such individual is:

13 ***b1710/P1.2*** SECTION 1437q. 49.47 (4) (ag) 1. of the statutes is created to read:
14 49.47 (4) (ag) 1. Under the age of 19.”.

15 ***b1282/2.6*** **794.** Page 724, line 5: after that line insert:

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

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

24 ***b1710/P1.3*** **795.** Page 724, line 5: after that line insert:

1 ***b1710/P1.3* SECTION 1439m.** 49.47 (4) (b) 2m. a. of the statutes is amended
2 to read:

3 49.47 (4) (b) 2m. a. For persons who are eligible under par. (a) 1. ~~or 2.~~, one
4 vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from
5 consideration as an asset only if the department determines that it is necessary for
6 the purpose of employment or to obtain medical care. The equity value of any
7 nonexempt vehicles owned by the applicant is an asset for the purposes of
8 determining eligibility for medical assistance under this section.

9 ***b1710/P1.3* SECTION 1439q.** 49.47 (6) (a) 7. of the statutes is amended to
10 read:

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

15 ***b1839/3.7* 796.** Page 728, line 9: after that line insert:

16 ***b1839/3.7* SECTION 1441g.** 49.48 (1) of the statutes is amended to read:

17 49.48 (1) The Except as provided in sub. (1m), the department shall require
18 each applicant to provide the department with the applicant’s social security
19 number, if the applicant is an individual, as a condition of issuing or renewing a
20 certification under s. 49.45 (2) (a) 11. as an eligible provider of services.

21 ***b1839/3.7* SECTION 1441h.** 49.48 (1m) of the statutes is created to read:

22 49.48 (1m) If an individual who applies for or to renew a certification under
23 sub. (1) does not have a social security number, the individual, as a condition of
24 obtaining the certification, shall submit a statement made or subscribed under oath

1 or affirmation to the department that the applicant does not have a social security
2 number. The form of the statement shall be prescribed by the department of
3 workforce development. A certification issued or renewed in reliance upon a false
4 statement submitted under this subsection is invalid.”.

5 *b1152/1.1* **797.** Page 734, line 6: delete lines 6 to 9 and substitute “time
6 period restriction by rule”.

7 *b1706/8.1* **798.** Page 737, line 12: after “1999,” insert “or on the effective
8 date of this subsection [revisor inserts date], whichever is later,”.

9 *b1767/5.1* **799.** Page 739, line 9: delete lines 9 to 12 and substitute:

10 *b1767/5.1* **SECTION 1483t.** 49.775 (1) (a) of the statutes is amended to read:
11 49.775 (1) (a) “Custodial parent” ~~has the meaning given in s. 49.141 (1) (b)~~
12 means, with respect to a dependent child, a parent who is eligible for supplemental
13 security income under 42 USC 1381 to 1383d or for state supplemental payments
14 under s. 49.77, or both, and who resides with a dependent child and, if there has been
15 a determination of legal custody with respect to the dependent child, has legal
16 custody of that child. For the purposes of this paragraph, “legal custody” has the
17 meaning given in s. 767.001 (2) (a).

18 *b1767/5.1* **SECTION 1483u.** 49.775 (1) (b) of the statutes is amended to read:
19 49.775 (1) (b) “Dependent child” ~~has the meaning given in s. 49.141 (1) (e)~~
20 means a person who is the son or daughter of a custodial parent, who resides with
21 that parent and who is under the age of 18 or, if the person is a full-time student at
22 a secondary school or a vocational or technical equivalent and is reasonably expected
23 to complete the program before attaining the age of 19, is under the age of 19.

24 *b1767/5.1* **SECTION 1483v.** 49.775 (1) (c) of the statutes is created to read:

1 49.775 (1) (c) "Grandchild" means a person who is the son or daughter of a
2 custodial parent's dependent child who resides with the dependent child and, if there
3 has been a determination of legal custody with respect to that person, of whom the
4 dependent child has legal custody. For the purposes of this paragraph, "legal
5 custody" has the meaning given in s. 767.001 (2) (a).

6 ***b1767/5.1* SECTION 1483w.** 49.775 (1) (d) of the statutes is created to read:

7 49.775 (1) (d) "Parent" has the meaning given in s. 49.141 (1) (j).

8 ***b1767/5.1* SECTION 1483x.** 49.775 (2) (intro.) of the statutes is amended to
9 read:

10 49.775 (2) SUPPLEMENTAL PAYMENTS. (intro.) Subject to sub. (3), the department
11 shall make a monthly payment in the amount specified in sub. (4) to a custodial
12 parent for the support of each dependent child of the custodial parent, and for the
13 support of each grandchild, if all of the following conditions are met:

14 ***b1767/5.1* SECTION 1483y.** 49.775 (2) (a) of the statutes is repealed.

15 ***b1767/5.1* SECTION 1483ym.** 49.775 (2) (b) of the statutes is amended to read:

16 49.775 (2) (b) If the dependent child has 2 custodial parents, each custodial
17 parent receives is eligible for supplemental security income under 42 USC 1381 to
18 1383c or for state supplemental payments under s. 49.77, or both.

19 ***b1767/5.1* SECTION 1483z.** 49.775 (2) (c) of the statutes is amended to read:

20 49.775 (2) (c) The dependent child and grandchild, if any, of the ~~eustodian~~
21 custodial parent ~~meets~~ meet the eligibility criteria under the aid to families with
22 dependent children program under s. 49.19 (1) to (19) or would meet the eligibility
23 criteria under s. 49.19 but for the application of s. 49.19 (20).

24 ***b1767/5.1* SECTION 1483zb.** 49.775 (2) (d) of the statutes is amended to read:

1 49.775 (2) (d) The dependent child or the grandchild does not receive
2 supplemental security income under 42 USC 1381 to 1383d.

3 ***b1767/5.1* SECTION 1484b.** 49.775 (4) of the statutes is renumbered 49.775
4 (4) (a) and amended to read:

5 49.775 (4) PAYMENT AMOUNT. (a) The payment under sub. (2) is ~~\$100~~ \$250 per
6 month ~~per~~ for one dependent child and \$150 per month for each additional dependent
7 child and, except as provided in par. (b), \$150 per month for each grandchild.

8 ***b1767/5.1* SECTION 1484c.** 49.775 (4) (b) of the statutes is created to read:
9 49.775 (4) (b) If the custodial parent receives a payment under s. 48.57 (3m)
10 for the care and maintenance of a child, no payment may be made under this section
11 with respect to that child.”.

12 ***b1654/3.8* 800.** Page 739, line 23: after that line insert:

13 ***b1654/3.8* “SECTION 1488d.** 49.857 (1) (d) 3. of the statutes is amended to
14 read:

15 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).”.

16 ***b1893/1.1* 801.** Page 739, line 23: after that line insert:

17 ***b1893/1.1* “SECTION 1488m.** 49.857 (1) (d) 12. of the statutes is amended to
18 read:

19 49.857 (1) (d) 12. A license or certificate of registration issued under s. 138.09,
20 138.12, 217.06, 218.01, 218.02, 218.04, 218.05 ~~or~~, 224.72, 224.93 or subch. III of ch.
21 551.”.

22 ***b1218/1.6* 802.** Page 741, line 4: after that line insert:

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

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

7 ***b1794/2.7* 803.** Page 742, line 9: delete lines 9 and 10 and substitute:

8 “(a) For a person who has received a screen for functional eligibility under s.
9 46.286 (1) (a) within the previous 6 months, the referral under this subsection need
10 not include performance of an additional functional screen under s. 46.283 (4) (g).”.

11 ***b1794/2.8* 804.** Page 742, line 12: after that line insert:

12 “(d) For a person who seeks admission or is about to be admitted on a private
13 pay basis and who waives the requirement for a financial screen under s. 46.283 (4)
14 (g), the referral under this subsection may not include performance of a financial
15 screen under s. 46.283 (4) (g), unless the person is expected to become eligible for
16 medical assistance within 6 months.”.

17 ***b1794/2.9* 805.** Page 743, line 7: delete lines 7 and 8 and substitute:

18 “(a) For a person who has received a screen for functional eligibility under s.
19 46.286 (1) (a) within the previous 6 months, the referral under this subsection need
20 not include performance of an additional functional screen under s. 46.283 (4) (g).”.

21 ***b1794/2.10* 806.** Page 743, line 11: after that line insert:

22 “(d) For a person who seeks admission or is about to be admitted on a private
23 pay basis and who waives the requirement for a financial screen under s. 46.283 (4)
24 (g), the referral under this subsection may not include performance of a financial

1 screen under s. 46.283 (4) (g), unless the person is expected to become eligible for
2 medical assistance within 6 months.”.

3 ***b1794/2.11* 807.** Page 745, line 21: delete lines 21 and 22 and substitute:

4 “(a) For a person who has received a screen for functional eligibility under s.
5 46.286 (1) (a) within the previous 6 months, the referral under this subsection need
6 not include performance of an additional functional screen under s. 46.283 (4) (g).”.

7 ***b1794/2.12* 808.** Page 745, line 25: after that line insert:

8 “(d) For a person who seeks admission or is about to be admitted on a private
9 pay basis and who waives the requirement for a financial screen under s. 46.283 (4)
10 (g), the referral under this subsection may not include performance of a financial
11 screen under s. 46.283 (4) (g), unless the person is expected to become eligible for
12 medical assistance within 6 months.”.

13 ***b1794/2.13* 809.** Page 748, line 15: delete lines 15 and 16 and substitute:

14 “1. For a person who has received a screen for functional eligibility under s.
15 46.286 (1) (a) within the previous 6 months, the referral under this paragraph need
16 not include performance of an additional functional screen under s. 46.283 (4) (g).”.

17 ***b1794/2.14* 810.** Page 748, line 18: after that line insert:

18 “4. For a person who seeks admission or is about to be admitted on a private
19 pay basis and who waives the requirement for a financial screen under s. 46.283 (4)
20 (g), the referral under this subsection may not include performance of a financial
21 screen under s. 46.283 (4) (g), unless the person expected to become eligible for
22 medical assistance within 6 months.”.

23 ***b1794/2.15* 811.** Page 749, line 17: after “(1)” insert “. If admission is
24 sought on behalf of the incapacitated individual or if the incapacitated individual is

1 about to be admitted on a private pay basis, the individual who consents to the
2 admission may waive the requirement for a financial screen under s. 46.283 (4) (g),
3 unless the incapacitated individual is expected to become eligible for medical
4 assistance within 6 months”.

5 *b1218/1.7* **812.** Page 749, line 17: after that line insert:

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

8 50.065 (1) (c) 2. Kinship care ~~under s. 48.57 (3m)~~ or long-term kinship care
9 under s. 48.57 (3m), (3n) or (3o).”.

10 *b1852/3.6* **813.** Page 749, line 17: after that line insert:

11 *b1852/3.6* “SECTION 1521b. 50.065 (1) (ag) of the statutes is created to read:
12 50.065 (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 an entity, as defined by the department
15 by rule, and who has, or is expected to have, regular, direct contact with clients of the
16 entity.

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

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

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

1 ***b1852/3.6* SECTION 1521c.** 50.065 (1) (bm) of the statutes is created to read:
2 50.065 (1) (bm) “Contractor” means, with respect to an entity, a person, or that
3 person’s agent, who provides services to the entity under an express or implied
4 contract or subcontract, including a person who has staff privileges at the entity.

5 ***b1852/3.6* SECTION 1521cm.** 50.065 (1) (br) of the statutes is created to read:
6 50.065 (1) (br) “Direct contact” means face-to-face physical proximity to a
7 client that affords the opportunity to commit abuse or neglect of a client or to
8 misappropriate the property of a client.

9 ***b1852/3.6* SECTION 1521d.** 50.065 (1) (c) (intro.) of the statutes is amended
10 to read:

11 50.065 (1) (c) (intro.) “Entity” means a facility, organization or service that is
12 licensed or certified by or registered with the department to provide direct care or
13 treatment services to clients. “Entity” includes a hospital, a personal care worker
14 agency and, a supportive home care service agency, a temporary employment agency
15 that provides caregivers to another entity and the board on aging and long-term
16 care. “Entity” does not include any of the following:

17 ***b1852/3.6* SECTION 1521e.** 50.065 (1) (cn) of the statutes is created to read:
18 50.065 (1) (cn) “Nonclient resident” means a person who resides, or is expected
19 to reside, at an entity, who is not a client of the entity and who has, or is expected to
20 have, regular, direct contact with clients of the entity.

21 ***b1852/3.6* SECTION 1521em.** 50.065 (1) (dm) of the statutes is created to
22 read:

23 50.065 (1) (dm) “Reservation” means land in this state within the boundaries
24 of a reservation of a tribe or within the bureau of Indian affairs service area for the
25 Ho-Chunk Nation.

1 ***b1852/3.6* SECTION 1521f.** 50.065 (1) (e) of the statutes is repealed and
2 recreated to read:

3 50.065 (1) (e) 1. “Serious crime” means a violation of s. 940.01, 940.02, 940.03,
4 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
5 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2) (a), or a violation of the
6 law of any other state or United States jurisdiction that would be a violation of s.
7 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3),
8 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2)
9 (a) if committed in this state.

10 2. For the purposes of an entity that serves persons under the age of 18, “serious
11 crime” includes a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05, 948.055,
12 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or
13 a violation of the law of any other state or United States jurisdiction that would be
14 a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05, 948.055, 948.06, 948.07,
15 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if committed in this
16 state.

17 ***b1852/3.6* SECTION 1521fm.** 50.065 (1) (g) of the statutes is created to read:

18 50.065 (1) (g) “Tribe” means a federally recognized American Indian tribe or
19 band in this state.

20 ***b1852/3.6* SECTION 1521g.** 50.065 (2) (a) (intro.) of the statutes is
21 renumbered 50.065 (4m) (a) (intro.).

22 ***b1852/3.6* SECTION 1521h.** 50.065 (2) (a) 1. of the statutes is renumbered
23 50.065 (4m) (a) 1.

24 ***b1852/3.6* SECTION 1521i.** 50.065 (2) (a) 2. of the statutes is repealed.

1 ***b1852/3.6* SECTION 1521j.** 50.065 (2) (a) 3. of the statutes is renumbered
2 50.065 (4m) (a) 3.

3 ***b1852/3.6* SECTION 1521k.** 50.065 (2) (a) 4. of the statutes is renumbered
4 50.065 (4m) (a) 4.

5 ***b1852/3.6* SECTION 1521L.** 50.065 (2) (a) 5. of the statutes is renumbered
6 50.065 (4m) (a) 5.

7 ***b1852/3.6* SECTION 1521m.** 50.065 (2) (ag) (intro.) of the statutes is
8 renumbered 50.065 (4m) (b) (intro.) and amended to read:

9 50.065 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
10 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~
11 ~~entity's control, as defined by the department by rule, and who is expected to have~~
12 ~~access to its clients, caregiver or permit to reside at the entity a person who is not a~~
13 ~~client and who is expected to have access to a client~~ nonclient resident, if the entity
14 knows or should have known any of the following:

15 ***b1852/3.6* SECTION 1521n.** 50.065 (2) (ag) 1. of the statutes is renumbered
16 50.065 (4m) (b) 1.

17 ***b1852/3.6* SECTION 1521p.** 50.065 (2) (ag) 2. of the statutes is repealed.

18 ***b1852/3.6* SECTION 1521q.** 50.065 (2) (ag) 3. of the statutes is renumbered
19 50.065 (4m) (b) 3.

20 ***b1852/3.6* SECTION 1521r.** 50.065 (2) (ag) 4. of the statutes is renumbered
21 50.065 (4m) (b) 4.

22 ***b1852/3.6* SECTION 1521s.** 50.065 (2) (ag) 5. of the statutes is renumbered
23 50.065 (4m) (b) 5.

24 ***b1852/3.6* SECTION 1521t.** 50.065 (2) (am) (intro.) of the statutes is amended
25 to read:

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

5 ***b1852/3.6* SECTION 1521u.** 50.065 (2) (am) 5. of the statutes is amended to
6 read:

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

18 ***b1852/3.6* SECTION 1521v.** 50.065 (2) (b) 1. of the statutes is renumbered
19 50.065 (2) (b), and 50.065 (2) (b) (intro.) and 5., as renumbered, are amended to read:

20 50.065 (2) (b) (intro.) ~~Subject to subds. 1. e. and 2. and par. (bd), every~~ Every
21 entity shall obtain all of the following with respect to a person specified under ~~par.~~
22 ~~(ag) (intro.) who is an employe or contractor or a prospective employe or contractor~~
23 caregiver of the entity:

24 5. Information maintained by the department under this section regarding any
25 denial to the person of a license, certification, certificate of approval or registration

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

10 ***b1852/3.6* SECTION 1521w.** 50.065 (2) (b) 2. of the statutes is repealed.

11 ***b1852/3.6* SECTION 1521xd.** 50.065 (2) (bb) of the statutes is created to read:

12 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
13 of a serious crime, but does not completely and clearly indicate the final disposition
14 of the charge, the department or entity shall make every reasonable effort to contact
15 the clerk of courts to determine the final disposition of the charge. If a background
16 information form under sub. (6) (a) or (am) indicates a charge or a conviction of a
17 serious crime, but information obtained under par. (am) or (b) does not indicate such
18 a charge or conviction, the department or entity shall make every reasonable effort
19 to contact the clerk of courts to obtain a copy of the criminal complaint and the final
20 disposition of the complaint. If information obtained under par. (am) or (b), a
21 background information form under sub. (6) (a) or (am) or any other information
22 indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08,
23 947.01 or 947.013 obtained not more than 5 years before the date on which that
24 information was obtained, the department or entity shall make every reasonable

1 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
2 judgment of conviction relating to that violation.

3 ***b1852/3.6* SECTION 1521y.** 50.065 (2) (bd) of the statutes is amended to read:

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

16 ***b1852/3.6* SECTION 1521z.** 50.065 (2) (bg) of the statutes is amended to read:

17 50.065 (2) (bg) If an entity ~~takes an action specified in par. (ag) (intro.) with~~
18 ~~respect to an employe, prospective employe, contractor or prospective contractor~~
19 hires or contracts with a caregiver for whom, within the last 4 years, the information
20 required under par. (b) 1. ~~a. to e.~~ 3. and ~~e.~~ 5. has already been obtained, ~~either by~~
21 ~~another entity or by a temporary employment agency,~~ the entity may obtain ~~the that~~
22 ~~information required under par. (b) 1. a. to e. and e.~~ from that other entity ~~or~~
23 ~~temporary employment agency,~~ which shall provide the information, if possible, to
24 the requesting entity. If an entity cannot obtain the information required under par.
25 (b) 1. ~~a. to e.~~ 3. and ~~e.~~ 5. from another entity ~~or from a temporary employment agency~~

1 or if an entity has reasonable grounds to believe that any information obtained from
2 another entity ~~or from a temporary employment agency~~ is no longer accurate, the
3 entity shall obtain that information from the sources specified in par. (b) 1. ~~a.~~ to 3.
4 and ~~e.~~ 5.

5 ***b1852/3.6* SECTION 1521zb.** 50.065 (2) (bm) of the statutes is amended to
6 read:

7 50.065 (2) (bm) If the person who is the subject of the search under par. (am)
8 or (b) ~~1.~~ is not a resident of this state, or if at any time within the 3 years preceding
9 the date of the search that person has not been a resident of this state, or if the
10 department or entity determines that the person's employment, licensing or state
11 court records provide a reasonable basis for further investigation, the department or
12 entity shall make a good faith effort to obtain from any state or other United States
13 jurisdiction in which the person is a resident or was a resident within the 3 years
14 preceding the date of the search information that is equivalent to the information
15 specified in par. (am) 1. or (b) 1. ~~a.~~ The department or entity may require the person
16 to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
17 fingerprints. The department of justice may provide for the submission of the
18 fingerprint cards to the federal bureau of investigation for the purposes of verifying
19 the identity of the person fingerprinted and obtaining records of his or her criminal
20 arrests and convictions.

21 ***b1852/3.6* SECTION 1521zc.** 50.065 (2) (c) of the statutes is renumbered
22 50.065 (4m) (c) and amended to read:

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

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

11 ***b1852/3.6* SECTION 1521zd.** 50.065 (2) (d) of the statutes is created to read:

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

16 ***b1852/3.6* SECTION 1521ze.** 50.065 (3) (a) of the statutes is amended to read:

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

22 ***b1852/3.6* SECTION 1521zf.** 50.065 (3) (b) of the statutes is amended to read:

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

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

3 ***b1852/3.6* SECTION 1521zg.** 50.065 (3m) of the statutes is amended to read:

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

10 ***b1852/3.6* SECTION 1521zh.** 50.065 (4) of the statutes is amended to read:

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

14 ***b1852/3.6* SECTION 1521zi.** 50.065 (4m) (b) (intro.) of the statutes, as affected
15 by 1999 Wisconsin Act (this act), is amended to read:

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

20 ***b1852/3.6* SECTION 1521zj.** 50.065 (5) (intro.) of the statutes is renumbered

21 50.065 (5) and amended to read:

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

1 the entity a person who otherwise may not be employed, contracted with or permitted
2 to reside at the entity for a reason specified in sub. ~~(2) (ag)~~ (4m) (b) 1. to 5., if the
3 person demonstrates to the department, or, in the case of an entity that is located
4 within the boundaries of a reservation, to the person or body designated by the tribe
5 under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with
6 procedures established by the department by rule, or by the tribe, that he or she has
7 been rehabilitated. ~~No person who has been convicted of any of the following offenses~~
8 ~~may be permitted to demonstrate that he or she has been rehabilitated:~~

9 ***b1852/3.6* SECTION 1521zk.** 50.065 (5) (a) to (e) of the statutes are repealed.

10 ***b1852/3.6* SECTION 1521zL.** 50.065 (5d) of the statutes is created to read:

11 50.065 (5d) (a) Any tribe that chooses to conduct rehabilitation reviews under
12 sub. (5) shall submit to the department a rehabilitation review plan that includes all
13 of the following:

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

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

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

19 3m. The title of the person or body designated by the tribe to whom a person
20 may appeal an adverse decision made by the person specified under subd. 3. and
21 whether the tribe provides any further rights of appeal.

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

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

4 (b) If, within 90 days after receiving the plan, the department does not
5 disapprove the plan, the plan shall be considered approved. If, within 90 days after
6 receiving the plan, the department disapproves the plan, the department shall
7 provide notice of that disapproval to the tribe in writing, together with the reasons
8 for the disapproval. The department may not disapprove a plan unless the
9 department finds that the plan is not rationally related to the protection of clients.
10 If the department disapproves the plan, the tribe may, within 30 days after receiving
11 notice of the disapproval, request that the secretary review the department's
12 decision. A final decision under this paragraph is not subject to further review under
13 ch. 227.

14 ***b1852/3.6* SECTION 1521zm.** 50.065 (5m) of the statutes is amended to read:

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

24 ***b1852/3.6* SECTION 1521zn.** 50.065 (6) (am) (intro.) of the statutes is
25 renumbered 50.065 (6) (am) and amended to read:

1 50.065 (6) (am) Every 4 years an entity shall require ~~all of the following persons~~
2 its caregivers and nonclient residents to complete a background information form
3 that is provided to the entity by the department.

4 ***b1852/3.6* SECTION 1521zp.** 50.065 (6) (am) 1. and 2. of the statutes are
5 repealed.

6 ***b1852/3.6* SECTION 1521zq.** 50.065 (6) (b) of the statutes is amended to read:

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

13 ***b1852/3.6* SECTION 1521zr.** 50.065 (7) (a) and (b) of the statutes are
14 repealed.”.

15 ***b1852/3.7* 814.** Page 749, line 21: delete “1.”.

16 ***b0828/2.6* 815.** Page 749, line 24: after that line insert:

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

18 50.135 (1) DEFINITION. In this section, “inpatient health care facility” means
19 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~
20 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,
21 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but
22 does not include community-based residential facilities.”.

23 ***b0828/2.7* 816.** Page 751, line 16: after that line insert:

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

1 50.39 (2) The use of the title “hospital” to represent or identify any facility
2 which does not meet the definition of a “hospital” as provided herein or is not subject
3 to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed
4 by ss. ~~s. 51.09 and 252.073~~ are exempt.

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

6 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
7 ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.
8 938.02 (15m), correctional institutions governed by the department of corrections
9 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
10 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
11 not abridge the rights of the medical examining board, physical therapists affiliated
12 credentialing board, podiatrists affiliated credentialing board, dentistry examining
13 board, pharmacy examining board, chiropractic examining board and board of
14 nursing in carrying out their statutory duties and responsibilities.”.

15 ***b1654/3.9* 817.** Page 752, line 10: after that line insert:

16 ***b1654/3.9* SECTION 1532d.** 51.01 (14k) of the statutes is created to read:

17 51.01 (14k) “Secured child caring institution” has the meaning given in s.
18 938.02 (15g).

19 ***b1654/3.9* SECTION 1533d.** 51.01 (14m) of the statutes is created to read:

20 51.01 (14m) “Secured correctional facility” has the meaning given in s. 938.02
21 (15m).

22 ***b1654/3.9* SECTION 1534d.** 51.01 (14p) of the statutes is created to read:

23 51.01 (14p) “Secured group home” has the meaning given in s. 938.02 (15p).”.

24 ***b1791/1.1* 818.** Page 752, line 10: after that line insert:

1 ***b1791/1.1*** **SECTION 1531r.** 50.94 of the statutes is created to read:

2 **50.94 Admission to and care in a hospice for certain incapacitated**
3 **persons.** (1) In this section:

4 (a) “Hospice care” means palliative care, respite care, short-term care or
5 supportive care.

6 (b) “Incapacitated” means unable to receive and evaluate information
7 effectively or to communicate decisions to such an extent that a person lacks the
8 capacity to manage his or her health care decisions.

9 (c) “Physician” means a person licensed to practice medicine and surgery under
10 ch. 448.

11 (d) “Terminal condition” means an incurable condition caused by injury, disease
12 or illness that according to reasonable medical judgment will produce death within
13 6 months, even with available life-sustaining treatment provided in accordance with
14 the prevailing standard of medical care.

15 (2) A person who is determined to be incapacitated under the requirements of
16 sub. (8), does not have a valid living will or valid power of attorney for health care
17 and has not been adjudicated incompetent under ch. 880 may be admitted to a
18 hospice under this section only if all of the following requirements are met:

19 (a) An individual who is specified in sub. (3) signs all of the following:

20 1. On behalf of the person who is incapacitated, an informed consent for the
21 receipt of hospice care by the person who is incapacitated.

22 2. A statement certifying that it is his or her belief, to the best of his or her
23 knowledge, that, if able to do so, the person who is incapacitated would have selected
24 hospice care.

1 (b) A physician certifies that the person who is incapacitated has a terminal
2 condition and that the physician believes that the individual under par. (a) is acting
3 in accordance with the views or beliefs of the person who is incapacitated.

4 **(3)** The following individuals, in the following order of priority, may act under
5 sub. (2) (a):

6 (a) The spouse of the person who is incapacitated.

7 (b) An adult child of the person who is incapacitated.

8 (c) A parent of the person who is incapacitated.

9 (d) An adult sibling of the person who is incapacitated.

10 (e) A close friend or a relative of the person who is incapacitated, other than as
11 specified in pars. (a) to (d), to whom all of the following apply:

12 1. The close friend or other relative is aged at least 18 and has maintained
13 sufficient regular contact with the person who is incapacitated to be familiar with the
14 person's activities, health and beliefs.

15 2. The close friend or other relative has exhibited special care and concern for
16 the incapacitated person.

17 **(4)** The individual who acts under sub. (2) (a) may make all health care
18 decisions related to receipt of hospice care by the person who is incapacitated.

19 **(5)** The person who is incapacitated or the individual under sub. (4) may object
20 to or revoke the election of hospice care at any time.

21 **(6)** A person who disagrees with a hospice decision made under this section may
22 apply under ch. 880 for temporary guardianship of the person who is incapacitated.
23 In applying for the temporary guardianship, such a person has the burden of proving
24 that the person who is incapacitated would not have consented to admission to a
25 hospice or hospice care.

1 (7) The individual who acts under sub. (2) (a) shall, if feasible, provide to all
2 other individuals listed under sub. (3) notice of the proposed admission of the person
3 who is incapacitated to a hospice and of the right to apply for temporary
4 guardianship under sub. (6). If it is not feasible for the individual to provide this
5 notice before admission of the person who is incapacitated to a hospice, the individual
6 who acts under sub. (2) (a) shall exercise reasonable diligence in providing the notice
7 within 48 hours after the admission.

8 (8) A determination that a person is incapacitated may be made only by 2
9 physicians or by one physician and one licensed psychologist, as defined in s. 455.01
10 (4), who personally examine the person and sign a statement specifying that the
11 person is incapacitated. Mere old age, eccentricity or physical disabilities, singly or
12 together, are insufficient to determine that a person is incapacitated. Whoever
13 determines that the person is incapacitated may not be a relative, as defined in s.
14 242.01 (11), of the person or have knowledge that he or she is entitled to or has claim
15 on any portion of the person's estate. A copy of the statement shall be included in the
16 records of the incapacitated person in the hospice to which he or she is admitted.”.

17 ***b1839/3.8* 819.** Page 752, line 10: after that line insert:

18 ***b1839/3.8* “SECTION 1531g.** 50.498 (1) (intro.) of the statutes is amended to
19 read:

20 50.498 (1) (intro.) The Except as provided in sub. (1m), the department shall
21 require each applicant to provide the department with his or her social security
22 number, if the applicant is an individual, or the applicant's federal employer
23 identification number, if the applicant is not an individual, as a condition of issuing
24 any of the following:

1 ***b1839/3.8* SECTION 1531h.** 50.498 (1m) of the statutes is created to read:

2 50.498 (1m) If an individual who applies for a certificate of approval, license
3 or provisional license under sub. (1) does not have a social security number, the
4 individual, as a condition of obtaining the certificate of approval, license or
5 provisional license, shall submit a statement made or subscribed under oath or
6 affirmation to the department that the applicant does not have a social security
7 number. The form of the statement shall be prescribed by the department of
8 workforce development. A certificate of approval, license or provisional license
9 issued in reliance upon a false statement submitted under this subsection is invalid.

10 ***b1839/3.8* SECTION 1531i.** 50.498 (3) of the statutes is amended to read:

11 50.498 (3) The Except as provided in sub. (1m), the department shall deny an
12 application for the issuance of a certificate of approval, license or provisional license
13 specified in sub. (1) if the applicant does not provide the information specified in sub.
14 (1).”.

15 ***b1654/3.10* 820.** Page 755, line 8: after that line insert:

16 ***b1654/3.10* “SECTION 1539d.** 51.05 (2) of the statutes is amended to read:

17 51.05 (2) The department may not accept for admission to a mental health
18 institute any resident person, except in an emergency, unless the county department
19 under s. 51.42 in the county where the person has legal residency authorizes the care,
20 as provided in s. 51.42 (3) (as). Patients who are committed to the department under
21 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,
22 admitted by the department under s. 975.17, 1977 stats., or are transferred from a
23 juvenile secured correctional facility ~~or~~, a secured child caring institution, ~~as defined~~
24 ~~in s. 938.02 (15g), or a secured group home~~ to a state treatment facility under s. 51.35

1 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not
2 subject to this section.”.

3 *b1839/3.9* **821.** Page 755, line 8: after that line insert:

4 *b1839/3.9* “**SECTION 1538p.** 51.032 (1) (intro.) of the statutes is amended to
5 read:

6 51.032 (1) (intro.) The Except as provided in sub. (1m), the department shall
7 require each applicant to provide the department with his or her social security
8 number, if the applicant is an individual, or the applicant’s federal employer
9 identification number, if the applicant is not an individual, as a condition of issuing
10 any of the following:

11 *b1839/3.9* **SECTION 1538q.** 51.032 (1m) of the statutes is created to read:

12 51.032 (1m) If an individual who applies for a certification or approval under
13 sub. (1) does not have a social security number, the individual, as a condition of
14 obtaining the certification or approval, shall submit a statement made or subscribed
15 under oath or affirmation to the department that the applicant does not have a social
16 security number. The form of the statement shall be prescribed by the department
17 of workforce development. A certification or approval issued in reliance upon a false
18 statement submitted under this subsection is invalid.

19 *b1839/3.9* **SECTION 1538r.** 51.032 (3) of the statutes is amended to read:

20 51.032 (3) The Except as provided in sub. (1m), the department shall deny an
21 application for the issuance of a certification or approval specified in sub. (1) if the
22 applicant does not provide the information specified in sub. (1).”.

23 *b1654/3.11* **822.** Page 756, line 1: after that line insert:

1 ***b1654/3.11*** **SECTION 1555d.** 51.35 (3) (title) of the statutes is amended to
2 read:

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

5 ***b1654/3.11*** **SECTION 1556d.** 51.35 (3) (a) of the statutes is amended to read:

6 51.35 (3) (a) A licensed psychologist of a juvenile secured correctional facility
7 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
8 physician of the department of corrections, who has reason to believe that any
9 individual confined in the ~~facility or institution~~ secured correctional facility, secured
10 child caring institution or secured group home is, in his or her opinion, in need of
11 services for developmental disability, alcoholism or drug dependency or in need of
12 psychiatric services, and who has obtained voluntary consent to make a transfer for
13 treatment, shall make a report, in writing, to the superintendent of the ~~facility or~~
14 ~~institution~~ secured correctional facility, secured child caring institution or secured
15 group home, stating the nature and basis of the belief and verifying the consent. In
16 the case of a minor age 14 and over, the minor and the minor's parent or guardian
17 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of
18 a minor under the age of 14, only the minor's parent or guardian need consent. The
19 superintendent shall inform, orally and in writing, the minor and the minor's parent
20 or guardian, that transfer is being considered and shall inform them of the basis for
21 the request and their rights as provided in s. 51.13 (3). If the department of
22 corrections, upon review of a request for transfer, determines that transfer is
23 appropriate, that department shall immediately notify the department of health and
24 family services and, if the department of health and family services consents, the
25 department of corrections may immediately transfer the individual. The

1 department of ~~corrections~~ health and family services shall file a petition under s.
2 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the
3 county where the treatment facility is located.

4 ***b1654/3.11* SECTION 1557d.** 51.35 (3) (c) of the statutes is amended to read:

5 51.35 (3) (c) A licensed psychologist of a ~~juvenile~~ secured correctional facility
6 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
7 physician of the department of corrections, who has reason to believe that any
8 individual confined in the ~~facility or institution~~ secured correctional facility, secured
9 child caring institution or secured group home, in his or her opinion, is mentally ill,
10 drug dependent or developmentally disabled and is dangerous as described in s.
11 51.20 (1) (a) 2. a., b., c. or d., is mentally ill, is dangerous and satisfies the standard
12 under s. 51.20 (1) (a) 2. e. or is an alcoholic and is dangerous as described in s. 51.45
13 (13) (a) 1. and 2., shall file a written report with the superintendent of the ~~facility or~~
14 ~~institution~~ secured correctional facility, secured child caring institution or secured
15 group home, stating the nature and basis of the belief. If the superintendent, upon
16 review of the allegations in the report, determines that transfer is appropriate, he
17 or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to
18 exercise jurisdiction under chs. 48 and 938 of the county where the secured
19 correctional facility or, secured child caring institution or secured group home is
20 located. The court shall hold a hearing according to procedures provided in s. 51.20
21 or 51.45 (13).

22 ***b1654/3.11* SECTION 1558d.** 51.35 (3) (c) of the statutes, as affected by 1995
23 Wisconsin Act 292, section 28, and 1999 Wisconsin Act (this act), is repealed and
24 recreated to read:

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

16 ***b1654/3.11* SECTION 1559d.** 51.35 (3) (e) of the statutes is amended to read:

17 51.35 (3) (e) The department of corrections may authorize emergency transfer
18 of an individual from a juvenile secured correctional facility or, a secured child caring
19 institution, ~~as defined in s. 938.02 (15g),~~ or a secured group home to a state treatment
20 facility if there is cause to believe that the individual is mentally ill, drug dependent
21 or developmentally disabled and exhibits conduct which constitutes a danger as
22 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is
23 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is
24 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian
25 of the sending ~~facility or institution~~ secured correctional facility, secured child caring

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

15 *b1654/3.11* SECTION 1560d. 51.35 (3) (e) of the statutes, as affected by 1995
16 Wisconsin Act 292, section 28, and 1999 Wisconsin Act (this act), is repealed and
17 recreated to read:

18 51.35 (3) (e) The department of corrections may authorize emergency transfer
19 of an individual from a secured correctional facility, a secured child caring institution
20 or a secured group home to a state treatment facility if there is cause to believe that
21 the individual is mentally ill, drug dependent or developmentally disabled and
22 exhibits conduct which constitutes a danger as described under s. 51.20 (1) (a) 2. to
23 the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45
24 (13) (a) 1. and 2. The custodian of the sending secured correctional facility, secured
25 child caring institution or secured group home shall execute a statement of

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

13 *b1654/3.11* SECTION 1561d. 51.35 (3) (g) of the statutes is amended to read:

14 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
15 facility under par. (a) may request in writing a return to the juvenile secured
16 correctional facility or, secured child caring institution, as defined in s. 938.02 (15g)
17 or secured group home. In the case of a minor under 14 years of age, the parent or
18 guardian may make the request. Upon receipt of a request for return from a minor
19 14 years of age or over, the director shall immediately notify the minor's parent or
20 guardian. The minor shall be returned to the juvenile secured correctional facility
21 or, secured child caring institution or secured group home within 48 hours after
22 submission of the request unless a petition or statement is filed for emergency
23 detention, emergency commitment, involuntary commitment or protective
24 placement.”.