

SENATE BILL 55**SECTION 1587**

1 the prior consent of the minor and the minor's counsel, if any, or the member of the
2 clergy who filed the petition on behalf of the minor, if any, the minor and the minor's
3 counsel, if any, or the member of the clergy, if any, shall select a temporary reserve
4 judge, as defined in s. 753.075 (1) (b), to make the determination under par. (c) and
5 issue an order granting or denying the petition and the chief judge of the judicial
6 administrative district in which the court is located shall assign the temporary
7 reserve judge selected by the minor and the minor's counsel, if any, or the member
8 of the clergy, if any, to make the determination and issue the order. A temporary
9 reserve judge assigned under this subdivision to make a determination under par.
10 (c) and issue an order granting or denying a petition shall make the determination
11 and issue the order within 2 calendar days after the assignment, unless the minor
12 and her counsel, if any, or the member of the clergy who filed the petition on behalf
13 of the minor, if any, consent to an extension of that time period. The order shall be
14 effective immediately. The court shall prepare and file with the clerk of court
15 findings of fact, conclusions of law and a final order granting or denying the petition,
16 and shall notify the minor of the court's order, as provided under subd. 1.

17 *~~0264/4.1~~* **SECTION 1588.** 48.38 (2) (intro.) of the statutes is amended to read:

18 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
19 for each child living in a foster home, treatment foster home, group home,
20 child-caring institution, secure detention facility, or shelter care facility or in the
21 home of a relative, the agency that placed the child or arranged the placement or the
22 agency assigned primary responsibility for providing services to the child under s.
23 48.355 shall prepare a written permanency plan, if one of the following conditions
24 exists:

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1 *~~0264/4.2~~* **SECTION 1589.** 48.38 (4) (f) (intro.) of the statutes is amended to
2 read:

3 48.38 (4) (f) (intro.) The services that will be provided to the child, the child's
4 family, and the child's foster parent, the child's treatment foster parent ~~or~~, the
5 operator of the facility where the child is living, or the relative with whom the child
6 is living to carry out the dispositional order, including services planned to accomplish
7 all of the following:

8 *~~0264/4.3~~* **SECTION 1590.** 48.38 (5) (a) of the statutes is amended to read:

9 48.38 (5) (a) The court or a panel appointed under this paragraph shall review
10 the permanency plan every 6 months from the date on which the child was first held
11 in physical custody or placed outside of his or her home under a court order. If the
12 court elects not to review the permanency plan, the court shall appoint a panel to
13 review the permanency plan. The panel shall consist of 3 persons who are either
14 designated by an independent agency that has been approved by the chief judge of
15 the judicial administrative district or designated by the agency that prepared the
16 permanency plan. A voting majority of persons on each panel shall be persons who
17 are not employed by the agency that prepared the permanency plan and who are not
18 responsible for providing services to the child or the parents of the child whose
19 permanency plan is the subject of the review.

20 *~~0264/4.4~~* **SECTION 1591.** 48.38 (5) (b) of the statutes is amended to read:

21 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
22 child if he or she is 12 years of age or older, and the child's foster parent, the child's
23 treatment foster parent ~~or~~, the operator of the facility in which the child is living, or
24 the relative with whom the child is living of the date, time, and place of the review,
25 of the issues to be determined as part of the review, and of the fact that they may have

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1 an opportunity to be heard at the review by submitting written comments not less
2 than 10 working days before the review or by participating at the review. The court
3 or agency shall notify the person representing the interests of the public, the child's
4 counsel, the child's guardian ad litem, and the child's court-appointed special
5 advocate of the date of the review, of the issues to be determined as part of the review,
6 and of the fact that they may submit written comments not less than 10 working days
7 before the review. The notices under this paragraph shall be provided in writing not
8 less than 30 days before the review and copies of the notices shall be filed in the child's
9 case record.

10 *~~0441/6.14~~* **SECTION 1592.** 48.425 (1) (g) of the statutes is amended to read:

11 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.
12 determines that it is unlikely that the child will be adopted, or if adoption would not
13 be in the best interests of the child, the report shall include a plan for placing the child
14 in a permanent family setting. The plan shall include a recommendation as to the
15 agency to be named guardian of the child or a recommendation that the person
16 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian
17 of the child or that a guardian be appointed for the child under s. 48.977 (2).

18 *~~0441/6.15~~* **SECTION 1593.** 48.427 (3m) (intro.) of the statutes is amended to
19 read:

20 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are
21 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,
22 the court shall either do one of the following:

23 *~~0441/6.16~~* **SECTION 1594.** 48.427 (3m) (c) of the statutes is created to read:

24 48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship
25 and custody of the child to the guardian.

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1 *~~0441/6.17~~* **SECTION 1595.** 48.427 (3p) of the statutes is amended to read:

2 48.427 (~~3p~~) If the rights of both parents or of the only living parent are
3 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the
4 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters
5 an order under this subsection, the court shall terminate the guardianship under s.
6 48.977.

7 *~~1826/2.1~~* **SECTION 1596.** 48.43 (7) of the statutes is amended to read:

8 48.43 (7) If the agency specified under sub. (1) (a) is the department and a
9 permanent adoptive placement is not in progress ~~2-years~~ one year after entry of the
10 order, the department may petition the court to transfer legal custody of the child to
11 a county department. ~~The legal custody of the child and, if the county department~~
12 is authorized to accept guardianship under s. 48.57 (1) (e) or (hm), guardianship of
13 the child, and the court shall transfer the child's legal custody and guardianship of
14 the child to the county department as specified in the petition. The If the county
15 department is not authorized to accept guardianship under s. 48.57 (1) (e) or (hm),
16 the department shall remain the child's guardian.

17 *~~1889/1.2~~* **SECTION 1597.** 48.432 (3) (c) of the statutes is amended to read:

18 48.432 (~~3~~) (c) The person making a request under this subsection shall pay a
19 fee for the cost of locating, verifying, purging, summarizing, copying, and mailing the
20 medical or genetic information according to a fee schedule established by the
21 department, or agency contracted with under sub. (9), based on ability to pay. The
22 fee ~~may not be more than \$150 and~~ may be waived by the department or agency.

23 *~~1889/1.3~~* **SECTION 1598.** 48.433 (1) (a) of the statutes is repealed and
24 recreated to read:

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1 48.433 (1) (a) “Agency” means a child welfare agency licensed under s. 48.61
2 (8) to conduct searches for birth parents under sub. (6).

3 *~~1889/1.4~~* **SECTION 1599.** 48.433 (2) of the statutes is amended to read:

4 48.433 (2) Any birth parent whose rights have been terminated in this state
5 at any time, or who has consented to the adoption of his or her child in this state
6 before February 1, 1982, may file with the department, ~~or agency contracted with~~
7 ~~under sub. (11)~~, an affidavit authorizing the department ~~or agency~~ to provide the
8 child with his or her original birth certificate and with any other available
9 information about the birth parent’s identity and location. An affidavit filed under
10 this subsection may be revoked at any time by notifying the department ~~or agency~~
11 in writing.

12 *~~1889/1.5~~* **SECTION 1600.** 48.433 (3) (intro.) of the statutes is amended to
13 read:

14 48.433 (3) (intro.) Any person 21 years of age or over whose birth parent’s rights
15 have been terminated in this state or who has been adopted in this state with the
16 consent of his or her birth parent or parents before February 1, 1982, may request
17 the department, ~~or agency contracted with under sub. (11)~~, to provide the person with
18 the following:

19 *~~1889/1.6~~* **SECTION 1601.** 48.433 (4) of the statutes is amended to read:

20 48.433 (4) Before acting on the request, the department, ~~or agency contracted~~
21 ~~with under sub. (11)~~, shall require the requester to provide adequate identification.

22 *~~1889/1.7~~* **SECTION 1602.** 48.433 (5) (intro.) of the statutes is amended to
23 read:

24 48.433 (5) (intro.) The department, ~~or agency contracted with under sub. (11)~~,
25 shall disclose the requested information in either of the following circumstances:

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1 *~~-1889/1.8~~* **SECTION 1603.** 48.433 (5) (a) of the statutes is amended to read:
2 48.433 (5) (a) ~~The department, or agency contracted with under sub. (11),~~ has
3 on file unrevoked affidavits filed under sub. (2) from both birth parents.

4 *~~-1889/1.9~~* **SECTION 1604.** 48.433 (6) (a) of the statutes is amended to read:
5 48.433 (6) (a) ~~If the department, or agency contracted with under sub. (11),~~ does
6 not have on file an affidavit from each known birth parent, it shall, ~~within 3 months~~
7 ~~after the date of the original request,~~ advise the requester that he or she may request
8 an agency to undertake a diligent search for each birth parent who has not filed an
9 affidavit. The search shall be commenced within 3 months after the date of the
10 request to the agency and completed within 6 months after the date of the that
11 request, unless the search falls within one of the exceptions established by the
12 department by rule. If any information has been provided under sub. (5), the
13 ~~department or agency~~ is not required to conduct a search.

14 *~~-1889/1.10~~* **SECTION 1605.** 48.433 (6) (d) of the statutes is amended to read:
15 48.433 (6) (d) ~~The department, or agency contracted with under sub. (11),~~ shall
16 charge the requester a reasonable fee for the cost of the search. ~~When the~~
17 ~~department or agency determines that the fee will exceed \$100 for either birth~~
18 ~~parent, it shall notify the requester. No fee in excess of \$100 per birth parent may~~
19 ~~be charged unless the requester, after receiving notification under this paragraph,~~
20 ~~has given consent to proceed with the search.~~

21 *~~-1889/1.11~~* **SECTION 1606.** 48.433 (7) (a) (intro.) of the statutes is amended
22 to read:

23 48.433 (7) (a) (intro.) ~~The department or agency~~ conducting the search shall,
24 upon locating a birth parent, make at least one verbal contact and notify him or her
25 of the following:

SENATE BILL 55**SECTION 1607**

1 *~~1889/1.12~~* **SECTION 1607.** 48.433 (7) (b) of the statutes is amended to read:

2 48.433 (7) (b) Within 3 working days after contacting a birth parent, the
3 ~~department, or agency contracted with under sub. (11),~~ shall send the birth parent
4 a written copy of the information specified under par. (a) and a blank copy of the
5 affidavit.

6 *~~1889/1.13~~* **SECTION 1608.** 48.433 (7) (c) of the statutes is amended to read:

7 48.433 (7) (c) If the birth parent files the affidavit, the ~~department, or agency~~
8 ~~contracted with under sub. (11),~~ shall disclose the requested information if permitted
9 under sub. (5).

10 *~~1889/1.14~~* **SECTION 1609.** 48.433 (7) (d) of the statutes is amended to read:

11 48.433 (7) (d) If ~~the department or an agency~~ has contacted a birth parent
12 under this subsection, and the birth parent does not file the affidavit, the department
13 may not disclose the requested information.

14 *~~1889/1.15~~* **SECTION 1610.** 48.433 (7) (e) of the statutes is amended to read:

15 48.433 (7) (e) If, after a search under this subsection, a known birth parent
16 cannot be located, the ~~department, or agency contracted with under sub. (11),~~ may
17 disclose the requested information if the other birth parent has filed an unrevoked
18 affidavit under sub. (2).

19 *~~1889/1.16~~* **SECTION 1611.** 48.433 (7) (f) of the statutes is amended to read:

20 48.433 (7) (f) The ~~department or agency conducting a~~ the search under this
21 ~~subsection~~ may not contact a birth parent again on behalf of the same requester until
22 at least 12 months after the date of the previous contact. Further contacts with a
23 birth parent under this subsection on behalf of the same requester may be made only
24 if 5 years have elapsed since the date of the last contact.

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1 *~~1889/1.17~~* **SECTION 1612.** 48.433 (8) (a) (intro.) of the statutes is amended
2 to read:

3 48.433 (8) (a) (intro.) If a birth parent is known to be ~~dead~~ deceased and has
4 not filed an unrevoked affidavit under sub. (2), the department, ~~or agency contracted~~
5 ~~with under sub. (11)~~, shall so inform the requester. The department ~~or agency~~ may
6 not provide the requester with his or her original birth certificate or with the identity
7 of that parent, but shall provide the requester with any available information it has
8 on file regarding the identity and location of the other birth parent if both of the
9 following conditions exist:

10 *~~1889/1.18~~* **SECTION 1613.** 48.433 (8) (b) of the statutes is amended to read:

11 48.433 (8) (b) If a birth parent is known to be ~~dead~~ deceased, the department,
12 ~~or agency contracted with under sub. (11)~~, in addition to the information provided
13 under par. (a), shall provide the requester with any nonidentifying social history
14 information about the deceased parent on file with the department ~~or agency~~.

15 *~~1889/1.19~~* **SECTION 1614.** 48.433 (8m) of the statutes is amended to read:

16 48.433 (8m) If the department, ~~or agency contracted with under sub. (11)~~, may
17 not disclose the information requested under this section, it shall provide the
18 requester with any nonidentifying social history information about either of the
19 birth parents that it has on file.

20 *~~1889/1.20~~* **SECTION 1615.** 48.433 (9) of the statutes is amended to read:

21 48.433 (9) The requester may petition the circuit court to order the department
22 ~~or agency designated by the department~~ to disclose any information that may not be
23 disclosed under this section. The court shall grant the petition for good cause shown.

24 *~~1889/1.21~~* **SECTION 1616.** 48.433 (11) of the statutes is amended to read:

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1 48.433 (11) The department shall promulgate rules to implement this section
2 ~~and may contract with an agency to administer this section.~~

3 ***-0441/6.18*** SECTION 1617. 48.48 (17) (a) 3. of the statutes is amended to read:

4 48.48 (17) (a) 3. Provide appropriate protection and services for children and
5 the expectant mothers of unborn children in its care, including providing services for
6 those children and their families and for those expectant mothers in their own
7 homes, placing the children in licensed foster homes, treatment foster homes, or
8 group homes in this state or another state within a reasonable proximity to the
9 agency with legal custody, placing the children in the homes of the children's
10 guardians under s. 48.977 (2), or contracting for services for those children by
11 licensed child welfare agencies, except that the department may not purchase the
12 educational component of private day treatment programs unless the department,
13 the school board, as defined in s. 115.001 (7), and the state superintendent of public
14 instruction all determine that an appropriate public education program is not
15 available. Disputes between the department and the school district shall be resolved
16 by the state superintendent of public instruction.

17 ***-0441/6.19*** SECTION 1618. 48.48 (17) (c) 4. of the statutes is amended to read:

18 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,
19 or child caring institution or in the home of a subsidized guardian under s. 48.62 (5).

20 ***-1826/2.2*** SECTION 1619. 48.485 of the statutes is amended to read:

21 **48.485 Transfer of tribal children to department for adoption.** If the
22 department accepts guardianship or legal custody or both from an American Indian
23 tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive
24 placement for the child. If a permanent adoptive placement is not in progress within
25 2 years one year after entry of the termination of parental rights order by the tribal

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1 court, the department may petition the tribal court to transfer legal custody or
2 guardianship of the child back to the tribe.

3 ***-0442/6.4* SECTION 1620.** 48.561 (3) (a) of the statutes is renumbered 48.561
4 (3) (a) (intro.) and amended to read:

5 48.561 (3) (a) (intro.) A county having a population of 500,000 or more shall
6 contribute \$58,893,500 in each state fiscal year for the provision of child welfare
7 services in that county by the department. That contribution shall be made as
8 follows:

9 ***-0442/6.5* SECTION 1621.** 48.561 (3) (a) 1. of the statutes is created to read:

10 48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the amount
11 distributed to that county under s. 46.40 (2) in each state fiscal year.

12 ***-0442/6.6* SECTION 1622.** 48.561 (3) (a) 2. of the statutes is created to read:

13 48.561 (3) (a) 2. Through a reduction of \$1,583,000 from the amount distributed
14 to that county under s. 46.40 (2m) (a) in each state fiscal year.

15 ***-0442/6.7* SECTION 1623.** 48.561 (3) (a) 3. of the statutes is created to read:

16 48.561 (3) (a) 3. Through a deduction of \$20,101,300 from any state payment
17 due that county under s. 79.03, 79.04, 79.058, 79.06, or 79.08 as provided in par. (b).

18 ***-0442/6.8* SECTION 1624.** 48.561 (3) (b) of the statutes is amended to read:

19 48.561 (3) (b) The department of administration shall collect the amount
20 specified in par. (a) 3., from a county having a population of 500,000 or more by
21 deducting all or part of that amount from any state payment due that county under
22 s. 46.40, 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration
23 shall notify the department of revenue, by September 15 of each year, of the amount
24 to be deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or
25 79.08. The department of administration shall credit all amounts collected under

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1 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify
2 the county from which those amounts are collected of that collection.

3 ***-0441/6.20* SECTION 1625.** 48.57 (1) (c) of the statutes is amended to read:

4 48.57 (1) (c) To provide appropriate protection and services for children and the
5 expectant mothers of unborn children in its care, including providing services for
6 those children and their families and for those expectant mothers in their own
7 homes, placing those children in licensed foster homes, treatment foster homes, or
8 group homes in this state or another state within a reasonable proximity to the
9 agency with legal custody, placing those children in the homes of the children's
10 guardians under s. 48.977 (2), or contracting for services for those children by
11 licensed child welfare agencies, except that the county department may not purchase
12 the educational component of private day treatment programs unless the county
13 department, the school board, as defined in s. 115.001 (7), and the state
14 superintendent of public instruction all determine that an appropriate public
15 education program is not available. Disputes between the county department and
16 the school district shall be resolved by the state superintendent of public instruction.

17 ***-0441/6.21* SECTION 1626.** 48.57 (3m) (cm) of the statutes is amended to read:

18 48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)
19 for providing care and maintenance for a child is not eligible to receive a payment
20 under sub. (3n) or s. 48.62 (4) or (5) for that child.

21 ***-0441/6.22* SECTION 1627.** 48.57 (3n) (am) 1. of the statutes is amended to
22 read:

23 48.57 (3n) (am) 1. The long-term kinship care relative applies to the county
24 department or department for payments under this subsection and provides proof
25 that he or she has been appointed as the guardian of the child under s. 48.977 (2) and

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1 states that he or she was not licensed as the child's foster parent or treatment foster
2 parent before the guardianship appointment.

3 ***-0441/6.23* SECTION 1628.** 48.57 (3n) (cm) of the statutes is amended to read:
4 48.57 (3n) (cm) A long-term kinship care relative who receives a payment
5 under par. (am) for providing care and maintenance for a child is not eligible to
6 receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

7 ***-1825/1.1* SECTION 1629.** 48.57 (3p) (fm) 2. of the statutes is amended to read:
8 48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may
9 provisionally employ a person in a position in which that person would have regular
10 contact with the child for whom those payments are being made or provisionally
11 permit a person to be an adult resident if the person receiving those payments states
12 to the county department or, in a county having a population of 500,000 or more, the
13 department of health and family services that the employee or adult resident does
14 not have any arrests or convictions that could adversely affect the child or the ability
15 of the person receiving payments to care for the child. A person receiving payments
16 under sub. (3m) may not finally employ a person in a position in which that person
17 would have regular contact with the child for whom those payments are being made
18 or finally permit a person to be an adult resident until the county department or, in
19 a county having a population of 500,000 or more, the department of health and family
20 services receives information from the department of justice indicating that the
21 person's conviction record under the law of this state is satisfactory according to the
22 criteria specified in par. (g) 1. to 3. and the county department ~~so advises~~ or, in a
23 county having a population of 500,000 or more, the department of health and family
24 services and so advises the person receiving payments under sub. (3m) or the
25 ~~department of health and family services so advises that person~~ until a decision is

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1 made under par. (h) 4. to permit a person who is receiving payments under sub. (3m)
2 to employ a person in a position in which that person would have regular contact with
3 the child for whom payments are being made or to permit a person to be an adult
4 resident and the county department or, in a county having a population of 500,000
5 or more, the department of health and family services so advises the person receiving
6 payments under sub. (3m). A person receiving payments under sub. (3m) may finally
7 employ a person in a position in which that person would have regular contact with
8 the child for whom those payments are being made or finally permit a person to be
9 an adult resident conditioned on the receipt of information from the county
10 department or, in a county having a population of 500,000 or more, the department
11 of health and family services that the federal bureau of investigation indicates that
12 the person's conviction record under the law of any other state or under federal law
13 is satisfactory according to the criteria specified in par. (g) 1. to 3.

14 ***-0441/6.24* SECTION 1630.** 48.61 (3) of the statutes is amended to read:

15 48.61 (3) To provide appropriate care and training for children in its legal or
16 physical custody and, if licensed to do so, to place children in licensed foster homes,
17 licensed treatment foster homes, and licensed group homes and in the homes of the
18 children's guardians under s. 48.977 (2).

19 ***-1889/1.22* SECTION 1631.** 48.61 (8) of the statutes is created to read:

20 48.61 (8) If licensed to do so, to conduct searches for birth parents under s.
21 48.433 (6).

22 ***-0441/6.25* SECTION 1632.** 48.615 (1) (b) of the statutes is amended to read:

23 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to
24 a child welfare agency that places children in licensed foster homes, licensed
25 treatment foster homes, and licensed group homes and in the homes of the children's

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1 guardians under s. 48.977 (2), the child welfare agency must pay to the department
2 a biennial fee of \$254.10. (2) who was licensed as the child's foster parent or
3 treatment foster parent before the guardianship appointment, and who is a resident
4 of a county having a population of 500,000 or more.

5 ***-0264/4.5* SECTION 1633.** 48.62 (2) of the statutes is amended to read:

6 48.62 (2) A relative, as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a),
7 or a guardian of a child, who provides care and maintenance for a child, is not
8 required to obtain the license specified in this section. The department, a county
9 department, or a licensed child welfare agency as provided in s. 48.75 ~~may~~ shall issue
10 a license to operate a foster home or a treatment foster home to a relative who has
11 no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster
12 home or treatment foster home for a specific child who is either placed by court order
13 or who is the subject of a voluntary placement agreement under s. 48.63. The
14 department, a county department, or a licensed child welfare agency ~~may~~ shall, at
15 the request of a guardian appointed under s. 48.977 or 48.978 or ch. 880, license the
16 guardian's home as a foster home or treatment foster home for the guardian's minor
17 ward who is living in the home and who is placed in the home by court order.
18 Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978
19 or ch. 880 who are licensed to operate foster homes or treatment foster homes are
20 subject to the department's licensing rules.

21 ***-0441/6.26* SECTION 1634.** 48.62 (5) of the statutes is created to read:

22 48.62 (5) (a) Subject to par. (b), monthly subsidized guardianship payments
23 shall be provided to a guardian of a child under s. 48.977 (2) who was licensed as the
24 child's foster parent or treatment foster parent before the guardianship
25 appointment, and who is a resident of a county having a population of 500,000 or

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1 more according to a rate established by the department based on the average amount
2 of general purpose revenues expended for foster care per child in foster care in a
3 county having a population of 500,000 or more in fiscal year 2000–01 if the child
4 meets any of the following conditions:

5 1. The child is 12 years of age or over and has been placed outside of his or her
6 home, as described in s. 48.365 (1), for 15 of the most recent 22 months, the parental
7 rights of both of the child's parents or of the child's only living parent have been
8 terminated, or the court has found under s. 48.977 (2) (f) that the agency primarily
9 responsible for providing services to the child under a court order has made
10 reasonable efforts to make it possible for the child to return to his or her home, while
11 assuring that the child's health and safety are the paramount concerns, but that
12 reunification of the child with the child's parent or parents is unlikely or contrary to
13 the best interests of the child and that further reunification efforts are unlikely to
14 be made or are contrary to the best interests of the child, or that any of the
15 circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., or 4. apply.

16 2. The child does not meet the conditions specified in subd. 1., but the
17 department has determined, and the court has confirmed under s. 48.977 (3r), that
18 providing monthly subsidized guardianship payments to the guardian is in the best
19 interests of the child.

20 (b) The department shall request from the secretary of the federal department
21 of health and human services a waiver of the requirements under 42 USC 670 to 679a
22 that would authorize the state to receive federal foster care and adoption assistance
23 reimbursement under 42 USC 670 to 679a for the costs of providing care for a child
24 who is in the care of a guardian who was licensed as the child's foster parent or
25 treatment foster parent before the guardianship appointment. If the waiver is

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1 approved, the rate established under par. (a) shall not apply, and monthly subsidized
2 guardianship payments under par. (a) shall be provided to the guardian according
3 to the terms of the waiver.

4 ***-0261/1.1* SECTION 1635.** 48.627 (3) (h) of the statutes is amended to read:

5 48.627 (3) (h) If a claim by a foster, treatment foster or family-operated group
6 home parent or a member of the foster, treatment foster or family-operated group
7 home parent's family is approved, the department shall deduct from the amount
8 approved ~~\$200~~ \$100 less any amount deducted by an insurance company from a
9 payment for the same claim, except that a foster, treatment foster or family-operated
10 group home parent and his or her family are subject to only one deductible for all
11 claims filed in a fiscal year.

12 ***-1843/1.1* SECTION 1636.** 48.651 (1) (intro.) of the statutes is amended to
13 read:

14 48.651 (1) (intro.) Each county department shall certify, according to the
15 standards adopted by the department of workforce development under s. 49.155 (1d),
16 each day care provider reimbursed for child care services provided to families
17 determined eligible under s. 49.155 (~~1m~~), unless the provider is a day care center
18 licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each
19 county may charge a fee to cover the costs of certification. To be certified under this
20 section, a person must meet the minimum requirements for certification established
21 by the department of workforce development under s. 49.155 (1d), meet the
22 requirements specified in s. 48.685 and pay the fee specified in this section. The
23 county shall certify the following categories of day care providers:

24 ***-0441/6.27* SECTION 1637.** 48.977 (title) of the statutes is amended to read:

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1 **48.977** (title) **Appointment of relatives as guardians for certain**
2 **children in need of protection or services.**

3 ***-0441/6.28*** SECTION 1638. 48.977 (1) of the statutes is repealed.

4 ***-0441/6.29*** SECTION 1639. 48.977 (2) (intro.) of the statutes is amended to
5 read:

6 48.977 (2) TYPE OF GUARDIANSHIP. (intro.) This section may be used for the
7 appointment of a ~~relative of a child as a~~ guardian of the person for the a child if the
8 court finds all of the following:

9 ***-0441/6.30*** SECTION 1640. 48.977 (2) (a) of the statutes is amended to read:

10 48.977 (2) (a) That the child has been adjudged to be in need of protection or
11 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or
12 938.13 (4) and been placed, or continued in a placement, outside of his or her home
13 pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,
14 938.345, 938.357, 938.363, or 938.365 ~~for a cumulative total period of one year or~~
15 longer or that the child has been so adjudged and placement of the child in the home
16 of a guardian under this section has been recommended under s. 48.33 (1) or 938.33
17 (1) or requested under s. 48.357 (1) or (2m) or 938.357 (1) or (2m).

18 ***-0441/6.31*** SECTION 1641. 48.977 (2) (b) of the statutes is amended to read:

19 48.977 (2) (b) That the person nominated as the guardian of the child is a
20 ~~relative of the child~~ person with whom the child has been placed or in whose home
21 placement of the child is recommended or requested under par. (a) and that it is likely
22 that the child will continue to be placed with that ~~relative~~ person for an extended
23 period of time or until the child attains the age of 18 years.

24 ***-0441/6.32*** SECTION 1642. 48.977 (2) (c) of the statutes is amended to read:

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1 48.977 (2) (c) That, if appointed, it is likely that the ~~relative person~~ would be
2 willing and able to serve as the child's guardian for an extended period of time or until
3 the child attains the age of 18 years.

4 *~~0441/6.33~~* **SECTION 1643.** 48.977 (2) (f) of the statutes is amended to read:

5 48.977 (2) (f) That the agency primarily responsible for providing services to
6 the child under a court order has made reasonable efforts to make it possible for the
7 child to return to his or her home, while assuring that the child's health and safety
8 are the paramount concerns, but that reunification of the child with the child's
9 parent or parents is unlikely or contrary to the best interests of the child and that
10 further reunification efforts are unlikely to be made or are contrary to the best
11 interests of the child or that the agency primarily responsible for providing services
12 to the child under a court order has made reasonable efforts to prevent the removal
13 of the child from his or her home, while assuring that the child's health and safety
14 are the paramount concerns, but that continued placement of the child in the home
15 would be contrary to the health, safety, and welfare of the child, except that the court
16 need not find that the agency has made those reasonable efforts with respect to a
17 parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3.,
18 or 4. apply to that parent.

19 *~~0441/6.34~~* **SECTION 1644.** 48.977 (3r) of the statutes is created to read:

20 48.977 (3r) **SUBSIDIZED GUARDIANSHIP.** If the department has determined that
21 providing monthly subsidized guardianship payments to the guardian of a child who
22 does not meet the conditions specified under s. 48.62 (5) (a) 1. is in the best interests
23 of the child, the petitioner under sub. (4) (a) shall include in the petition under sub.
24 (4) (b) a statement of that determination and a request for the court to include in the
25 court's findings under sub. (4) (d) a finding confirming that determination. If the

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1 court confirms that determination and appoints a guardian for the child under sub.
2 (2) and if the guardian was licensed as the child's foster parent or treatment foster
3 parent before the guardianship appointment and is a resident of a county having a
4 population of 500,000 or more, the department shall provide monthly subsidized
5 guardianship payments to the guardian under s. 48.62 (5).

6 ***-0441/6.35* SECTION 1645.** 48.977 (4) (a) 4. of the statutes is amended to read:
7 48.977 (4) (a) 4. The ~~relative~~ person with whom the child is placed or in whose
8 home placement of the child is recommended or requested as described in sub. (2) (a),
9 if the ~~relative~~ person is nominated as the guardian of the child in the petition.

10 ***-0441/6.36* SECTION 1646.** 48.977 (4) (a) 6. of the statutes is amended to read:
11 48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has
12 been placed pursuant to an order under ch. 938 or the child's placement with the
13 guardian is recommended or requested under ch. 938, a county department under
14 s. 46.215, 46.22, or 46.23.

15 ***-0441/6.37* SECTION 1647.** 48.977 (4) (b) 3. of the statutes is amended to read:
16 48.977 (4) (b) 3. The date the child was adjudged in need of protection or
17 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11) or (11m) or
18 938.13 (4) and the dates that the child has been placed, or continued in a placement,
19 outside of his or her home pursuant to one or more court orders under s. 48.345,
20 48.357, 48.363, 48.365, 938.345, 938.357, 938.363 or 938.365 or, if the child has been
21 so adjudged, but not so placed, the date of the report under s. 48.33 (1) or 938.33 (1)
22 or the request for a change in placement under s. 48.357 (1) or (2m) or 938.357 (1)
23 or (2m) in which placement of the child in the home of the person is recommended
24 or requested.

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SECTION 1648

1 ***-0441/6.38*** SECTION 1648. 48.977 (4) (c) 1. g. of the statutes is amended to
2 read:

3 48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose
4 home placement of the child is recommended or requested as described in sub. (2) (a).
5 if the relative is nominated as the guardian of the child in the petition.

6 ***-0441/6.39*** SECTION 1649. 48.977 (4) (e) of the statutes is amended to read:

7 48.977 (4) (e) *Court report.* The For a child who has been placed, or continued
8 in a placement, outside of his or her home for 6 months or longer, the court shall order
9 the person or agency primarily responsible for providing services to the child under
10 a court order to file with the court a report containing the written summary under
11 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
12 as is reasonably ascertainable. For a child who has been placed, or continued in a
13 placement, outside of his or her home for less than 6 months, the court shall order
14 the person or agency primarily responsible for providing services to the child under
15 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
16 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,
17 and as much information relating to the appointment of a guardian as is reasonably
18 ascertainable. The agency shall file the report at least 48 hours before the date of
19 the dispositional hearing under par. (fm).

20 ***-0441/6.40*** SECTION 1650. 48.977 (4) (g) 1. of the statutes is amended to read:

21 48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of
22 the child.

23 ***-0441/6.41*** SECTION 1651. 48.977 (4) (g) 2. of the statutes is amended to read:

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1 48.977 (4) (g) 2. The willingness and ability of the relative person to serve as
2 the child's guardian for an extended period of time or until the child attains the age
3 of 18 years.

4 *~~0490/2.6~~* **SECTION 1652.** 48.982 (2) (d) of the statutes is amended to read:

5 48.982 (2) (d) Solicit and accept contributions, grants, gifts, and bequests for
6 the children's trust fund or for any other purpose for which a contribution, grant, gift,
7 or bequest is made and received. ~~Moneys and receive moneys under s. 341.14 (6r)~~
8 (b) 6. Contributions, grants, gifts, and bequests received under this paragraph, ~~other~~
9 ~~than 50% of the moneys~~ received under s. 341.14 (6r) (b) 6., may be credited to the
10 ~~appropriation accounts under s. 20.433 (1) (i), (q) or (r).~~ Interest and all interest
11 earned on the moneys received under s. 341.14 (6r) (b) 6. may be credited to the
12 appropriation ~~accounts~~ account under s. 20.433 (1) (q) ~~or (r)~~.

13 *~~0490/2.7~~* **SECTION 1653.** 48.982 (2m) (intro.) of the statutes is amended to
14 read:

15 48.982 (2m) DONATION USES. (intro.) If money is accepted by the board for the
16 children's trust fund or for any other purpose under sub. (2) (d) and appropriated
17 under s. 20.433 (1) (q) ~~or (r)~~, the board shall use the money in accordance with the
18 wishes of the donor to do any of the following:

19 *~~0490/2.8~~* **SECTION 1654.** 48.982 (3) of the statutes is amended to read:

20 48.982 (3) STAFF AND SALARIES. The board shall determine the qualifications of
21 and appoint, in the classified service, an executive director and staff. The salaries
22 of the ~~exccutive~~ director and staff and all actual and necessary operating expenses
23 of the board shall be paid from the appropriations under s. 20.433 (1) (g), (i), (k), (m),
24 and ~~(r)~~ (q).

25 *~~0490/2.9~~* **SECTION 1655.** 48.982 (5) of the statutes is amended to read:

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1 48.982 (5) STATEWIDE PROJECTS. From the appropriations under s. 20.433 (1) (i)
2 and ~~(r)~~ (q), the board shall administer any statewide project for which it has accepted
3 money under sub. (2m) (c).

4 *–0490/2.10* **SECTION 1656.** 48.982 (6) (a) of the statutes is amended to read:

5 48.982 (6) (a) From the appropriations under s. 20.433 (1) ~~(b)~~, (h), (i), (k), (ma),
6 and (q), the board shall award grants to organizations in accordance with the
7 request–for–proposal procedures developed under sub. (2) (a). No organization may
8 receive a grant or grants under this subsection totaling more than \$150,000 in any
9 year.

10 *–1302/8.1* **SECTION 1657.** 49.137 (4m) of the statutes is created to read:

11 49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The department shall award
12 grants to local governments and tribal governing bodies for programs to improve the
13 quality of child care. The department shall promulgate rules to administer the grant
14 program, including rules that specify the eligibility criteria and procedures for
15 awarding the grants.

16 *–0525/2.1* **SECTION 1658.** 49.143 (2) (a) (intro.) of the statutes is amended to
17 read:

18 49.143 (2) (a) (intro.) Establish a community steering committee within 60
19 days after the date on which the contract is awarded. The Wisconsin works agency
20 shall recommend the members of the committee to the chief executive officer of each
21 county served by the Wisconsin works agency. The chief executive officer of each
22 county shall appoint the members of the committee. The number of members that
23 each chief executive officer appoints to the committee shall be in proportion to the
24 population of that officer's county relative to the population of each other county
25 served by the Wisconsin works agency, except that the chief executive officer of a

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1 county that is not a Wisconsin works agency shall appoint the director of the county
2 department under s. 46.215, 46.22, or 46.23, or his or her designee, and one other
3 representative of the county department under s. 46.215, 46.22, or 46.23. The
4 committee shall consist of at least 12 members, but not more than 15 members. The
5 members of the committee shall appoint a chairperson who shall be a person who
6 represents business interests. The committee shall do all of the following:

7 ***-0525/2.2* SECTION 1659.** 49.143 (2) (a) 7. of the statutes is amended to read:

8 49.143 (2) (a) 7. Coordinate with the council on workforce investment
9 established under 29 USC 2821 and a local workforce development board established
10 under 29 USC 2832 to ensure compatibility of purpose and no duplication of effort.

11 ***-0525/2.3* SECTION 1660.** 49.143 (2) (a) 11. of the statutes is created to read:

12 49.143 (2) (a) 11. Serve individuals who are receiving temporary assistance for
13 needy families under 42 USC 601 to 619.

14 ***-1302/8.2* SECTION 1661.** 49.155 (1g) (b) of the statutes is amended to read:

15 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
16 \$8,012,500 \$29,199,300 in fiscal year ~~1999-2000~~ 2001-02 and \$7,412,500
17 \$29,185,400 in fiscal year ~~2000-01~~ 2002-03 for the purposes of providing technical
18 assistance for child care providers and of administering the child care program under
19 this section and for grants under s. 49.136 (2) for the start-up and expansion of child
20 day care services, and for child day care start-up and expansion planning, for grants
21 under s. 49.134 (2) for child day care resource and referral services, for grants under
22 s. 49.137 (3) to assist child care providers in meeting the quality of care standards
23 established under sub. (1d), and for a system of rates or a program of grants, as
24 provided under sub. (1d), to reimburse child care providers that meet those quality

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1 of care standards and for grants under s. 49.137 (2) and (4m) and contracts under s.
2 49.137 (4) to improve the quality of child day care services in this state.

3 ***-1302/8.3* SECTION 1662.** 49.155 (1g) (c) of the statutes is amended to read:

4 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
5 ~~\$3,596,900~~ \$4,549,500 in fiscal year ~~1999–2000~~ 2001–02 and ~~\$3,745,200~~ \$4,733,700
6 in fiscal year ~~2000–01~~ 2002–03 to the appropriation under s. 20.435 (3) (kx), ~~and~~
7 ~~transfer \$20,700 in fiscal year 1999–2000 and \$27,700 in fiscal year 2000–01 to the~~
8 ~~appropriation under s. 20.435 (8) (kx), for the purpose of day care center licensing~~
9 ~~under s. 48.65.~~

10 ***-1843/1.2* SECTION 1663.** 49.155 (1m) (intro.) of the statutes is amended to
11 read:

12 49.155 (1m) ELIGIBILITY. (intro.) A Wisconsin works agency shall determine
13 eligibility for a child care subsidy under this section. ~~Under this section~~ Except as
14 provided in sub. (2m), an individual may receive a subsidy for child care for a child
15 who has not attained the age of 13 or, if the child is disabled, who has not attained
16 the age of 19, if the individual meets all of the following conditions:

17 ***-0441/6.42* SECTION 1664.** 49.155 (1m) (bm) of the statutes is amended to
18 read:

19 49.155 (1m) (bm) If the individual is providing care for a child under a court
20 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
21 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child
22 care is needed for that child, the individual meets the requirement under s. 49.145
23 (2) (c).

****NOTE: This is reconciled s. 49.155 (1m). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0441/5 and LRB-1302/7.

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1 ***-1302/8.4*** **SECTION 1665.** 49.155 (1m) (c) (intro.) of the statutes is repealed.

2 ***-1302/8.5*** **SECTION 1666.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended
3 to read:

4 49.155 (1m) (c) 1. (intro.) The Except as provided in subds. 1g., 1h., 1m., 2., and
5 3., the gross income of the individual's family is at or below 185% of the poverty line
6 for a family the size of the individual's family or, for an individual who is already
7 receiving a child care subsidy under this section, the gross income of the individual's
8 family is at or below 200% of the poverty line for a family the size of the individual's
9 family. In calculating the gross income of the family, the Wisconsin works agency
10 shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in
11 calculating farm and self-employment income, the Wisconsin works agency shall
12 include the sum of the following:

13 ***-1302/8.6*** **SECTION 1667.** 49.155 (1m) (c) 1g. of the statutes is amended to
14 read:

15 49.155 (1m) (c) 1g. The If the individual is a foster parent of the child and, the
16 child's biological or adoptive family has a gross income that is at or below 200% of the
17 poverty line. In calculating the gross income of the child's biological or adoptive
18 family, the Wisconsin works agency shall include income described under s. 49.145
19 (3) (b) 1. and 3.

20 ***-1302/8.7*** **SECTION 1668.** 49.155 (1m) (c) 1h. of the statutes is amended to
21 read:

22 49.155 (1m) (c) 1h. The If the individual is a relative of the child, is providing
23 care for the child under a court order, and is receiving payments under s. 48.57 (3m)
24 or (3n) on behalf of the child and, the child's biological or adoptive family has a gross
25 income that is at or below 200% of the poverty line. In calculating the gross income

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1 of the child's biological or adoptive family, the Wisconsin works agency shall include
2 income described under s. 49.145 (3) (b) 1. and 3.

3 ***-1302/8.8* SECTION 1669.** 49.155 (1m) (c) 1m. of the statutes is amended to
4 read:

5 49.155 (1m) (c) 1m. ~~The~~ If the individual was eligible under s. 49.132 (4) (a),
6 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
7 stats., on September 30, 1997, but lost aid solely because of the application of s.
8 49.132 (6), 1995 stats., ~~and~~ the gross income of the individual's family is at or below
9 200% of the poverty line for a family the size of the individual's family. This
10 subdivision does not apply to an individual whose family's gross income at any time
11 on or after September 30, 1997, is more than 200% of the poverty line for a family the
12 size of the individual's family.

13 ***-1302/8.9* SECTION 1670.** 49.155 (1m) (c) 2. of the statutes is amended to read:

14 49.155 (1m) (c) 2. ~~The~~ If the individual was eligible under s. 49.132 (4) (am),
15 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
16 stats., on or after May 10, 1996, but lost eligibility solely because of increased
17 income, ~~and~~ the gross income of the individual's family is at or below 200% of the
18 poverty line for a family the size of the individual's family. This subdivision does not
19 apply to an individual whose family's gross income increased to more than 200% of
20 the poverty line for a family the size of the individual's family.

21 ***-1302/8.10* SECTION 1671.** 49.155 (1m) (c) 3. of the statutes is amended to
22 read:

23 49.155 (1m) (c) 3. ~~The~~ If the individual was eligible for a child care subsidy
24 under s. 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care
25 subsidy on or after May 10, 1996, but lost the subsidy solely because of increased

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1 income, and the gross income of the individual's family is at or below 200% of the
2 poverty line for a family the size of the individual's family. This subdivision does not
3 apply to an individual whose family's gross income increased to more than 200% of
4 the poverty line for a family the size of the individual's family.

5 ***-1843/1.3* SECTION 1672.** 49.155 (2m) of the statutes is created to read:

6 49.155 (2m) PLAN TO LIMIT PARTICIPATION. If the department determines that
7 moneys allocated under s. 49.175 (1) (p) are insufficient to provide a child care
8 subsidy to individuals who meet the requirements under sub. (1m), the department
9 may develop a plan to limit participation in the child care subsidy program. The plan
10 may specify requirements that an individual must meet to be eligible for a subsidy
11 that are different from those specified under sub. (1m). The department shall submit
12 the plan to the secretary of administration for approval. If the secretary of
13 administration approves the plan, the department may limit participation as
14 specified in the plan.

15 ***-1843/1.4* SECTION 1673.** 49.155 (3) (a) of the statutes is amended to read:

16 49.155 (3) (a) A Wisconsin works agency shall refer an individual who has been
17 determined eligible under sub. (1m) or under a plan approved by the secretary of
18 administration under sub. (2m) to a county department under s. 46.215, 46.22 or
19 46.23 for child care assistance.

20 ***-1302/8.11* SECTION 1674.** 49.155 (3m) (title) of the statutes is amended to
21 read:

22 49.155 (3m) (title) DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES, WISCONSIN
23 WORKS AGENCIES, AND CERTAIN CHILD CARE PROVIDERS.

24 ***-1302/8.12* SECTION 1675.** 49.155 (3m) (a) of the statutes is amended to read:

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1 49.155 (3m) (a) The department shall reimburse child care providers or shall
2 distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care
3 services provided under this section and to private nonprofit agencies that provide
4 child care for children of migrant workers. The department may reimburse a
5 Wisconsin works agency for child care that the Wisconsin works agency provides to
6 the children of Wisconsin works participants and applicants.

7 ***-1302/8.13*** SECTION 1676. 49.155 (3m) (d) of the statutes is amended to read:

8 49.155 (3m) (d) No funds distributed under par. (a) may be used to provide for
9 child care services that are provided for a child by a ~~person~~ child care provider who
10 is the parent of the child or who resides with the child, unless the county determines
11 that the care is necessary because of a special health condition of the child.

12 ***-1303/5.4*** SECTION 1677. 49.1635 of the statutes is repealed.

13 ***-1303/5.5*** SECTION 1678. 49.175 (1) (intro.) of the statutes is amended to
14 read:

15 49.175 (1) ALLOCATION OF FUNDS. (intro.) ~~Within~~ Except as provided in sub. (2),
16 within the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e),
17 (em), (jL), (k), (L), (Lm), (mc), (md), (nL), (pm), and (ps), the department shall allocate
18 the following amounts for the following purposes:

19 ***-1303/5.6*** SECTION 1679. 49.175 (1) (a) of the statutes is amended to read:

20 49.175 (1) (a) *Wisconsin works benefits.* For Wisconsin works benefits provided
21 under contracts having a term that begins on January 1, ~~2000~~ 2002, and ends on
22 December 31, 2001, ~~\$24,649,800~~ 2003, \$26,041,300 in fiscal year ~~1999–2000~~
23 2001–02 and ~~\$49,309,600~~ \$52,082,600 in fiscal year ~~2000–01~~ 2002–03.

24 ***-1303/5.7*** SECTION 1680. 49.175 (1) (b) of the statutes is amended to read:

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1 49.175 (1) (b) *Wisconsin works administration and ancillary services.* For
2 administration of Wisconsin works and program services under Wisconsin works
3 performed under contracts under s. 49.143 having a term that begins on January 1,
4 ~~2000~~ 2002, and ends on December 31, ~~2001, \$64,216,800~~ 2003, \$62,830,400 in fiscal
5 year ~~1999–2000~~ 2001–02 and \$128,433,800 ~~\$125,660,800~~ in fiscal year ~~2000–01~~
6 2002–03.

7 *~~1303/5.8~~* **SECTION 1681.** 49.175 (1) (c) of the statutes is repealed.

8 *~~1303/5.9~~* **SECTION 1682.** 49.175 (1) (d) of the statutes is amended to read:

9 49.175 (1) (d) *Community reinvestment.* For reinvestment of funds into
10 communities under s. 49.179, ~~\$2,779,800~~ \$5,559,800 in fiscal year ~~1999–2000~~
11 2001–02 and \$5,559,800 in fiscal year ~~2000–01~~ 2002–03.

12 *~~1303/5.10~~* **SECTION 1683.** 49.175 (1) (e) of the statutes is amended to read:

13 49.175 (1) (e) *Initial contracts.* For contracts under s. 49.143 having a term that
14 ends on December 31, ~~1999, \$245,171,800~~ 2001, \$157,658,100 in fiscal year
15 ~~1999–2000~~ 2001–02.

16 *~~1303/5.11~~* **SECTION 1684.** 49.175 (1) (f) of the statutes is repealed.

17 *~~1303/5.12~~* **SECTION 1685.** 49.175 (1) (g) of the statutes is amended to read:

18 49.175 (1) (g) *State administration of public assistance programs.* For state
19 administration of public assistance programs, ~~\$31,831,000~~ \$24,736,200 in fiscal year
20 ~~1999–2000~~ 2001–02 and \$31,783,200 ~~\$24,742,500~~ in fiscal year ~~2000–01~~ 2002–03.

21 *~~1303/5.13~~* **SECTION 1686.** 49.175 (1) (h) of the statutes is amended to read:

22 49.175 (1) (h) *Food stamps for legal immigrants.* For food stamp benefits to
23 qualified aliens under s. 49.124 (8), ~~\$420,000~~ \$550,000 in each fiscal year.

24 *~~1303/5.14~~* **SECTION 1687.** 49.175 (1) (j) of the statutes is amended to read:

SENATE BILL 55**SECTION 1687**

1 49.175 (1) (j) *Funeral expenses.* For funeral expenses under s. 49.30,
2 \$~~3,300,000~~ \$4,550,200 in fiscal year ~~1999–2000~~ 2001–02 and \$~~3,925,100~~ \$4,550,200
3 in fiscal year ~~2000–01~~ 2002–03.

4 *–1303/5.15* **SECTION 1688.** 49.175 (1) (m) of the statutes is amended to read:

5 49.175 (1) (m) *Children first.* For services under the work experience program
6 for noncustodial parents under s. 49.36, \$~~1,140,000~~ \$2,800,000 in each fiscal year.

7 *–1303/5.16* **SECTION 1689.** 49.175 (1) (n) of the statutes is amended to read:

8 49.175 (1) (n) *Job access loans.* For job access loans under s. 49.147 (6),
9 \$~~600,000~~ \$1,000,000 in each fiscal year.

10 *–1303/5.17* **SECTION 1690.** 49.175 (1) (p) of the statutes is amended to read:

11 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
12 49.155, \$~~159,560,000~~ \$242,475,000 in fiscal year ~~1999–2000~~ 2001–02 and
13 \$~~181,050,000~~ \$242,475,000 in fiscal year ~~2000–01~~ 2002–03.

14 *–1303/5.18* **SECTION 1691.** 49.175 (1) (q) of the statutes is amended to read:

15 49.175 (1) (q) *Indirect child care services.* For indirect child care services under
16 s. 49.155 (1g), \$~~11,812,300~~ \$16,253,800 in fiscal year ~~1999–2000~~ 2001–02 and
17 \$~~11,367,600~~ \$16,439,000 in fiscal year ~~2000–01~~ 2002–03.

18 *–1302/8.14* **SECTION 1692.** 49.175 (1) (qm) of the statutes is created to read:

19 49.175 (1) (qm) *Local pass-through grant program.* For the local pass-through
20 grant program under s. 49.137 (4m), \$17,495,000 in fiscal year 2001–02 and
21 \$17,481,100 in fiscal year 2002–03.

22 *–1303/5.19* **SECTION 1693.** 49.175 (1) (s) of the statutes is repealed.

23 *–1303/5.20* **SECTION 1694.** 49.175 (1) (t) of the statutes is amended to read:

24 49.175 (1) (t) *Wisconsin works contracts in certain counties.* For contracts with
25 persons for oversight of the administrative structure of Wisconsin works, and of

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1 Wisconsin works agencies, in counties having a population of 500,000 or more,
2 ~~\$1,500,000 in fiscal year 1999-2000 and \$1,000,000~~ \$500,000 in each fiscal year
3 ~~2000-01.~~

4 *~~1303/5.21~~* SECTION 1695. 49.175 (1) (u) of the statutes is amended to read:
5 49.175 (1) (u) *Workforce attachment*. For services specified under s. 49.173,
6 ~~\$9,700,000 in fiscal year 1999-2000 and \$10,000,000 in~~ each fiscal year ~~2000-01.~~
7 ~~The department may not distribute moneys allocated under this paragraph unless~~
8 ~~the joint committee on finance approves the distribution.~~

9 *~~1303/5.22~~* SECTION 1696. 49.175 (1) (v) of the statutes is amended to read:
10 49.175 (1) (v) *Transportation assistance*. For transportation assistance under
11 s. 49.157, ~~\$200,000 in fiscal year 1999-2000 and \$2,000,000 in~~ each fiscal year
12 ~~2000-01.~~

13 *~~1303/5.23~~* SECTION 1697. 49.175 (1) (w) of the statutes is repealed.

14 *~~1303/5.24~~* SECTION 1698. 49.175 (1) (x) of the statutes is repealed.

15 *~~1303/5.25~~* SECTION 1699. 49.175 (1) (y) of the statutes is amended to read:
16 49.175 (1) (y) *Literacy initiative*. For literacy grants under s. 49.169 and
17 literacy services administered by the governor's office, ~~\$1,454,100 in each~~ \$1,425,800
18 in fiscal year 2001-02 and \$800,000 in fiscal year 2002-03.

19 *~~1303/5.26~~* SECTION 1700. 49.175 (1) (z) of the statutes is amended to read:
20 49.175 (1) (z) *Community youth grant*. For a competitive grant program
21 administered by the department to fund programs that improve social, academic,
22 and employment skills of youth who are eligible to receive temporary assistance for
23 needy families under 42 USC 601 et seq., ~~\$7,500,000 in each~~ \$7,079,700 in fiscal year
24 2001-02.

25 *~~1303/5.27~~* SECTION 1701. 49.175 (1) (zb) of the statutes is amended to read:

SENATE BILL 55**SECTION 1701**

1 49.175 (1) (zb) *Work-based learning programs for youth.* For work-based
2 learning programs for youth funded from the appropriation under s. 20.445 (7) (kc),
3 ~~\$2,969,700~~ \$6,399,000 in fiscal year ~~1999–2000~~ 2001–02 and ~~\$6,084,500~~ in
4 \$2,000,000 in fiscal year ~~2000–01~~ 2002–03.

5 *~~1303/5.28~~* **SECTION 1702.** 49.175 (1) (zc) of the statutes is amended to read:

6 49.175 (1) (zc) *Fatherhood initiative.* For a grant program to promote fathers'
7 involvement in their children's lives, ~~\$75,000 in fiscal year 1999–2000~~ \$200,000 in
8 each fiscal year.

9 *~~1303/5.29~~* **SECTION 1703.** 49.175 (1) (zd) of the statutes is amended to read:

10 49.175 (1) (zd) *Alcohol and other drug abuse.* For grants made under s. 49.167
11 to organizations that provide community-based alcohol and other drug abuse
12 treatment to individuals who are eligible for temporary assistance for needy families
13 under 42 USC 601 et. seq., ~~\$1,000,000 in each~~ \$500,000 in fiscal year 2001–02.

14 *~~1303/5.30~~* **SECTION 1704.** 49.175 (1) (ze) 1. of the statutes is amended to
15 read:

16 49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the
17 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
18 (3p), ~~\$24,530,100 in~~ \$24,565,300 in each fiscal year ~~1999–2000~~ and ~~\$26,164,100 in~~
19 fiscal year 2000–01.

20 *~~1303/5.31~~* **SECTION 1705.** 49.175 (1) (ze) 2. of the statutes is amended to
21 read:

22 49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For
23 payments made under s. 49.775 for the support of the dependent children of
24 recipients of supplemental security income, ~~\$13,745,200~~ \$18,288,800 in fiscal year
25 ~~1999–2000~~ 2001–02 and ~~\$17,930,000~~ \$16,771,600 in fiscal year ~~2000–01~~ 2002–03.

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1 ***-1303/5.32*** SECTION 1706. 49.175 (1) (ze) 3. of the statutes is amended to
2 read:

3 49.175 (1) (ze) 3. 'Community aids.' For community aids, \$31,800,000
4 \$18,086,200 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$18,086,200~~ \$13,494,000 in fiscal
5 year ~~2000-01~~ 2002-03.

6 ***-1303/5.33*** SECTION 1707. 49.175 (1) (ze) 7. of the statutes is amended to
7 read:

8 49.175 (1) (ze) 7. 'Adolescent services and pregnancy prevention programs.'
9 For adolescent services and pregnancy prevention programs under ss. 46.93, 46.99,
10 and 46.995, ~~\$1,808,300~~ \$1,821,300 in each fiscal year.

11 ***-1303/5.34*** SECTION 1708. 49.175 (1) (ze) 8. of the statutes is amended to
12 read:

13 49.175 (1) (ze) 8. 'Domestic abuse services grants.' For the domestic abuse
14 services grants under s. 46.95 (2), ~~\$975,000 in fiscal year 1999-2000~~ and \$1,000,000
15 in each fiscal year thereafter.

16 ***-1303/5.35*** SECTION 1709. 49.175 (1) (ze) 10. of the statutes is repealed.

17 ***-1303/5.36*** SECTION 1710. 49.175 (1) (zf) of the statutes is amended to read:

18 49.175 (1) (zf) *Badger Challenge*. For the Badger Challenge program under s.
19 21.25, ~~\$33,300 in fiscal year 1999-2000~~ and ~~\$83,200 in~~ \$83,200 in each fiscal year
20 ~~2000-01~~.

21 ***-1303/5.37*** SECTION 1711. 49.175 (1) (zh) of the statutes is amended to read:

22 49.175 (1) (zh) EARNED INCOME TAX CREDIT. For the transfer of moneys from the
23 appropriation account under s. 20.445 (3) (md) to the appropriation account under
24 s. 20.835 (2) (kf) for the earned income tax credit, ~~\$51,000,000~~ \$51,244,500 in fiscal

SENATE BILL 55**SECTION 1711**

1 year ~~1999–2000~~ 2001–02 and \$54,000,000 \$53,665,500 in fiscal year ~~2000–01~~
2 2002–03.

3 *–1303/5.38* **SECTION 1712.** 49.175 (1) (zk) of the statutes is repealed.

4 *–1303/5.39* **SECTION 1713.** 49.175 (1) (zL) of the statutes is repealed.

5 *–1303/5.40* **SECTION 1714.** 49.175 (1) (zm) of the statutes is repealed.

6 *–1303/5.41* **SECTION 1715.** 49.175 (2) (title) of the statutes is amended to
7 read:

8 49.175 (2) (title) ~~REDISTRIBUTION~~ REALLOCATION OF FUNDS.

9 *–1303/5.42* **SECTION 1716.** 49.175 (2) of the statutes is renumbered 49.175
10 (2) (a) and amended to read:

11 49.175 (2) (a) The department may ~~redistribute~~ reallocate the funds allocated
12 under sub. (1) for a purpose specified under any paragraph under sub. (1) ~~to be used~~
13 ~~for any other purpose specified in any other paragraph under sub. (1)~~ if the secretary
14 of administration approves the ~~redistribution~~ reallocation.

15 *–1303/5.43* **SECTION 1717.** 49.175 (2) (b) of the statutes is created to read:

16 49.175 (2) (b) If the amounts of federal block grant moneys that are required
17 to be credited to the appropriation accounts under s. 20.445 (3) (mc) and (md) are less
18 than the amounts appropriated under s. 20.445 (3) (mc) and (md), the department
19 shall submit a plan to the secretary of administration for reducing the amounts of
20 moneys allocated under sub. (1). If the secretary of administration approves the
21 plan, the amounts of moneys required to be allocated under sub. (1) may be reduced
22 as proposed by the department and the department shall allocate the moneys as
23 specified in the plan.

24 *–1303/5.44* **SECTION 1718.** 49.175 (3) of the statutes is created to read:

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SECTION 1718

1 49.175 (3) REPORT ON EXPENDITURES. In each fiscal year, the department shall
2 submit a report to the secretary of administration on the expenditures made from the
3 appropriation accounts under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em), (jL), (k),
4 (L), (Lm), (mc), (md), (nL), (pm), and (ps) in the previous fiscal year for the purposes
5 specified in sub. (1).

6 *~~1790/1.1~~* SECTION 1719. 49.185 (2) of the statutes is renumbered 49.185 (2)
7 (a) and amended to read:

8 49.185 (2) (a) ~~A~~ Subject to par. (b), a person contracting with the department
9 under sub. (4) may make an employment skills advancement grant of up to \$500
10 \$1,000 to an individual eligible under sub. (3) for tuition, books, transportation or
11 other direct costs of training or education in a vocational training or education
12 program.

13 *~~1790/1.2~~* SECTION 1720. 49.185 (3) (g) of the statutes is amended to read:

14 49.185 (3) (g) The income of the individual's family does not exceed ~~165%~~ 185%
15 of the poverty line.

16 *~~1790/1.3~~* SECTION 1721. 49.185 (3) (i) of the statutes is amended to read:

17 49.185 (3) (i) The individual contributes, or obtains from other sources, an
18 amount at least equal to 50% of the amount of the grant, for tuition, books,
19 transportation or other direct costs of the training or education.

20 *~~1790/1.4~~* SECTION 1722. 49.185 (3) (j) of the statutes is renumbered 49.185
21 (2) (b) and amended to read:

22 49.185 (2) (b) The total amount of ~~the grant plus the amount of any grant that~~
23 ~~that individual has previously received~~ all grants awarded to an individual under
24 this section does may not exceed \$500 \$1,000.

25 *~~1939/5.12~~* SECTION 1723. 49.197 (1m) of the statutes is amended to read:

SENATE BILL 55**SECTION 1723**

1 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)
2 (dz), (L), (md), (n), and (nL), the department shall establish a program to investigate
3 suspected fraudulent activity on the part of recipients of medical assistance under
4 ~~subch. IV~~, aid to families with dependent children under s. 49.19 and food stamp
5 benefits under the food stamp program under 7 USC 2011 to 2036 and, on the part
6 of participants in the Wisconsin works program under ss. 49.141 to 49.161, and, if
7 the department of health and family services contracts with the department under
8 s. 49.45 (2) (b) 6., on the part of recipients of medical assistance under subch. IV. The
9 department's activities under this subsection may include, but are not limited to,
10 comparisons of information provided to the department by an applicant and
11 information provided by the applicant to other federal, state, and local agencies,
12 development of an advisory welfare investigation prosecution standard, and
13 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
14 Wisconsin works agencies to encourage activities to detect fraud. The department
15 shall cooperate with district attorneys regarding fraud prosecutions.

16 *~~1939/5.13~~* SECTION 1724. 49.197 (3) of the statutes is amended to read:

17 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
18 activities to reduce payment errors in ~~medical assistance under subch. IV~~, Wisconsin
19 works under ss. 49.141 to 49.161, ~~aid to families with dependent children under s.~~
20 ~~49.19~~ and the food stamp program under 7 USC 2011 to ~~2029~~ 2036, and, if the
21 department of health and family services contracts with the department under s.
22 49.45 (2) (b) 6., the medical assistance program under subch. IV. The department
23 shall fund the activities under this section from the appropriation under s. 20.445
24 (3) (L).

25 *~~1939/5.14~~* SECTION 1725. 49.197 (4) of the statutes is amended to read:

SENATE BILL 55**SECTION 1725**

1 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide
2 funds from the appropriations under s. 20.445 (3) (dz), (L), and (Lm) and federal
3 matching funds from the appropriations under s. 20.445 (3) (md), (n), and (nL) to
4 counties and governing bodies of federally recognized American Indian tribes
5 administering ~~medical assistance under subch. IV, aid to families with dependent~~
6 ~~children under s. 49.19 or the food stamp program under 7 USC 2011 to 2029 2036~~
7 or, if the department of health and family services contracts with the department
8 under s. 49.45 (2) (b) 6., the medical assistance program under subch. IV to offset
9 administrative costs of reducing payment errors in those programs.

10 ***-1939/5.15*** SECTION 1726. 49.30 (2) of the statutes is amended to read:

11 49.30 (2) From the ~~appropriation~~ appropriations under s. 20.445 (3) (dz) and
12 (md), the department shall reimburse a county or applicable tribal governing body
13 or organization for any amount that the county or applicable tribal governing body
14 or organization is required to pay under sub. (1). From the ~~appropriation~~
15 appropriations under s. 20.445 (3) (dz) and (md), the department shall reimburse a
16 county or applicable tribal governing body or organization for cemetery expenses or
17 for funeral and burial expenses for persons described under sub. (1) that the county
18 or applicable tribal governing body or organization is not required to pay under subs.
19 (1) and (1m) only if the department approves the reimbursement due to unusual
20 circumstances.

21 ***-1939/5.16*** SECTION 1727. 49.32 (2) (d) of the statutes is amended to read:

22 49.32 (2) (d) The department shall disburse from state or federal funds or both
23 the entire amount and charge the county for its share under s. 49.33 (8) ~~and (9)~~.

24 ***-1939/5.17*** SECTION 1728. 49.32 (7) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 1728**

1 49.32 (7) (b) The department shall conduct a program to periodically match the
2 records of recipients of ~~medical assistance under s. 49.46, 49.468 or 49.47~~, aid to
3 families with dependent children under s. 49.19 and food stamp benefits under the
4 food stamp program under 7 USC 2011 to 2029 2036 and, if the department of health
5 and family services contracts with the department under s. 49.45 (2) (b) 6., recipients
6 of medical assistance under subch. IV with the records of recipients under those
7 programs in other states. If an agreement with the other states can be obtained,
8 matches with records of states contiguous to this state shall be conducted at least
9 annually.

10 *~~1939/5.18~~* **SECTION 1729.** 49.32 (7) (c) of the statutes is amended to read:

11 49.32 (7) (c) The department shall conduct a program to periodically match the
12 address records of recipients of ~~medical assistance under s. 49.46, 49.468 or 49.47~~,
13 aid to families with dependent children under s. 49.19 and food stamp benefits under
14 the food stamp program under 7 USC 2011 to 2029 2036 and, if the department of
15 health and family services contracts with the department under s. 49.45 (2) (b) 6.,
16 recipients of medical assistance under subch. IV to verify residency and to identify
17 recipients receiving duplicate or fraudulent payments.

18 *~~1939/5.19~~* **SECTION 1730.** 49.32 (7) (d) of the statutes is amended to read:

19 49.32 (7) (d) The department, with assistance from the department of
20 corrections, shall conduct a program to periodically match the records of persons
21 confined in state correctional facilities with the records of recipients of ~~medical~~
22 ~~assistance under s. 49.46, 49.468 or 49.47~~, aid to families with dependent children
23 under s. 49.19 and food stamp benefits under the food stamp program under 7 USC
24 2011 to ~~2029~~ 2036 and, if the department of health and family services contracts with

SENATE BILL 55**SECTION 1730**

1 the department under s. 49.45 (2) (b) 6., recipients of medical assistance under subch.
2 IV to identify recipients who may be ineligible for benefits.

3 ***-1939/5.20* SECTION 1731.** 49.33 (1) (b) of the statutes is amended to read:
4 49.33 (1) (b) “Income maintenance program” means ~~aid to families with~~
5 ~~dependent children under s. 49.19, the~~ Wisconsin works program under ss. 49.141
6 to 49.161, the medical assistance program under subch. IV ~~of ch. 49,~~ or the food stamp
7 program under 7 USC 2011 to ~~2029~~ 2036.

8 ***-1939/5.21* SECTION 1732.** 49.33 (2) of the statutes is repealed and recreated
9 to read:

10 49.33 (2) CONTRACTS. (a) Annually, the department and the department of
11 health and family services shall, jointly, contract with county departments under ss.
12 46.215, 46.22, and 46.23 to reimburse the county departments for the reasonable cost
13 of administering the medical assistance program under subch. IV.

14 (b) Annually, the department shall contract with county departments under ss.
15 46.215, 46.22, and 46.23 to reimburse the county departments for the reasonable cost
16 of administering income maintenance programs, other than the medical assistance
17 program under subch. IV.

18 ***-1939/5.22* SECTION 1733.** 49.33 (4) of the statutes is repealed.

19 ***-1939/5.23* SECTION 1734.** 49.33 (5) of the statutes is repealed.

20 ***-1939/5.24* SECTION 1735.** 49.33 (6) of the statutes is repealed.

21 ***-1939/5.25* SECTION 1736.** 49.33 (7) of the statutes is repealed.

22 ***-1939/5.26* SECTION 1737.** 49.33 (8) (a) of the statutes is amended to read:

23 49.33 (8) (a) ~~The~~ From the appropriation accounts under ss. 20.445 (3) (dz),
24 (kx), (md), and (nL) and subject to par. (b), the department shall reimburse each
25 county that contracts with the department and the department of health and family

SENATE BILL 55**SECTION 1737**

1 services under sub. (2) (a) for reasonable costs of income maintenance relating to the
2 administration of the programs under this subchapter and subch. IV according to
3 administering the medical assistance program under subch. IV and that contracts
4 with the department under sub. (2) (b) for the reasonable costs of administering
5 income maintenance programs other than the medical assistance program under
6 subch. IV. The amount of each reimbursement paid under this paragraph shall be
7 calculated using a formula based on workload within the limits of available state and
8 federal funds under s. 20.445 (3) (dz), (kx), (md), and (nL) by contract under s. 49.33
9 (2). The amount of reimbursement calculated under this paragraph and par. (b) is
10 in addition to any reimbursement provided to a county for fraud and error reduction
11 under s. 49.197 (1m) and (4).

12 ***-1939/5.27*** SECTION 1738. 49.33 (8) (b) of the statutes is amended to read:

13 49.33 (8) (b) The department may adjust the amounts determined under par.
14 (a) for workload changes and computer network activities performed by counties and
15 may reduce the amount of any reimbursement if federal reimbursement is withheld
16 due to audits, quality control samples, or program reviews.

17 ***-1939/5.28*** SECTION 1739. 49.33 (9) of the statutes is repealed.

18 ***-1939/5.29*** SECTION 1740. 49.33 (10) (a) of the statutes is amended to read:

19 49.33 (10) (a) The county treasurer and each director of a county department
20 under s. 46.215, 46.22, or 46.23 shall certify monthly under oath to the department
21 in such manner as the department prescribes the claim of the county for state
22 reimbursement under subs. sub. (8) and (9) and (a). The department shall review
23 each claim of reimbursement and, if the department approves such the claim it, the
24 department shall certify to the department of administration for reimbursement to
25 the county for amounts due under these subsections sub. (8) (a) and payment claimed

SENATE BILL 55**SECTION 1740**

1 to be made to the counties monthly. The department may make advance payments
2 prior to the beginning of each month equal to one-twelfth of the contracted amount.

3 ***-1300/1.1* SECTION 1741.** 49.36 (1) of the statutes is renumbered 49.36 (1)
4 (intro.) and amended to read:

5 49.36 (1) (intro.) In this section, ~~“custodial:~~

6 (a) “Custodial parent” means a parent who lives with his or her child for
7 substantial periods of time.

8 ***-1300/1.2* SECTION 1742.** 49.36 (1) (b) of the statutes is created to read:

9 49.36 (1) (b) “Tribal governing body” means an elected tribal governing body
10 of a federally recognized American Indian tribe or band.

11 ***-1300/1.3* SECTION 1743.** 49.36 (2) of the statutes is amended to read:

12 49.36 (2) The department may contract with any county, tribal governing body,
13 or Wisconsin works agency to administer a work experience and job training program
14 for parents who are not custodial parents and who fail to pay child support or to meet
15 their children’s needs for support as a result of unemployment or underemployment.
16 The program may provide the kinds of work experience and job training services
17 available from the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The
18 program may also include job search and job orientation activities. The department
19 shall fund the program from the appropriation under s. 20.445 (3) (dz).

20 ***-1300/1.4* SECTION 1744.** 49.36 (4) of the statutes is amended to read:

21 49.36 (4) When a person completes 16 weeks of participation in a program
22 under this section, the county, tribal governing body, or Wisconsin works agency
23 operating the program shall inform the clerk of courts, by affidavit, of that
24 completion.

25 ***-1300/1.5* SECTION 1745.** 49.36 (5) of the statutes is amended to read:

SENATE BILL 55**SECTION 1745**

1 49.36 (5) A person participating in work experience as part of the program
2 under this section is considered an employee of the county, tribal governing body, or
3 Wisconsin works agency administering the program under this section for purposes
4 of worker's compensation benefits only.

5 ***-1300/1.6*** SECTION 1746. 49.36 (6) of the statutes is amended to read:

6 49.36 (6) A county, tribal governing body, or Wisconsin works agency
7 administering the program under this section shall reimburse a person for
8 reasonable transportation costs incurred because of participation in a program
9 under this section up to a maximum of \$25 per month.

10 ***-1300/1.7*** SECTION 1747. 49.36 (7) of the statutes is amended to read:

11 49.36 (7) The department shall pay a county, tribal governing body, or
12 Wisconsin works agency not more than \$400 for each person who participates in the
13 program under this section in the region in which the county, tribal governing body,
14 or Wisconsin works agency administers the program under this section. The county,
15 tribal governing body, or Wisconsin works agency shall pay any additional costs of
16 the program.

17 ***-1926/3.1*** SECTION 1748. 49.43 (8) of the statutes is amended to read:

18 49.43 (8) "Medical assistance" means any services or items under ss. 49.45 to
19 ~~49.472~~ 49.473, except s. 49.472 (6), and under ss. 49.49 to 49.497, or any payment or
20 reimbursement made for such services or items.

21 ***-1939/5.30*** SECTION 1749. 49.45 (2) (a) 3. of the statutes is amended to read:

22 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
23 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
24 policies adopted by the department and ~~may~~ shall, under a contract under s. 49.33
25 (2) (a), designate this function to the county department under s. 46.215, 46.22, or

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1 46.23 or, to the extent permitted by federal law or a waiver from the federal secretary
2 of health and human services, to a Wisconsin works agency.

3 ***-1939/5.31* SECTION 1750.** 49.45 (2) (a) 3m. of the statutes is created to read:

4 49.45 (2) (a) 3m. If the department does not contract with the department of
5 workforce development under par. (b) 6., establish a program to investigate
6 suspected fraudulent activity on the part of recipients of medical assistance and
7 establish a program to reduce errors in the payments of medical assistance.

8 ***-0193/3.2* SECTION 1751.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45
9 (2) (a) 10. a. and amended to read:

10 49.45 (2) (a) 10. a. After reasonable notice and opportunity for hearing the
11 provider to present information and argument to department staff, recover money
12 improperly or erroneously paid, or overpayments to a provider either by offsetting
13 or adjusting amounts owed the provider under the program, crediting against a
14 provider's future claims for reimbursement for other services or items furnished by
15 the provider under the program, or ~~by~~ requiring the provider to make direct payment
16 to the department or its fiscal intermediary.

17 ***-0193/3.3* SECTION 1752.** 49.45 (2) (a) 10. b. of the statutes is created to read:

18 49.45 (2) (a) 10. b. Establish a deadline for payment of a recovery imposed
19 under this subdivision and, if a provider fails to pay all of the amount to be recovered
20 by the deadline, require payment, by the provider, of interest on any delinquent
21 amount at the rate of 1% per month or fraction of a month from the date of the
22 overpayment.

23 ***-0193/3.4* SECTION 1753.** 49.45 (2) (a) 11. of the statutes is amended to read:

24 49.45 (2) (a) 11. Establish criteria for ~~the~~ certification of eligible providers of
25 ~~services under Title XIX of the social security act~~ medical assistance and, except as

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1 provided in par. (b) 6m. and s. 49.48, and subject to par. (b) 7. and 8., certify such
2 eligible providers who meet the criteria.

3 ***-0193/3.5* SECTION 1754.** 49.45 (2) (a) 12. of the statutes is amended to read:

4 49.45 (2) (a) 12. Decertify ~~or suspend under this subdivision~~ a provider from
5 or restrict a provider's participation in the medical assistance program, if after
6 giving reasonable notice and opportunity for hearing, the department finds that the
7 provider has violated a federal statute or regulation or a state law statute or
8 administrative rule and ~~such violations are by law~~ the violation is by statute,
9 regulation, or rule grounds for decertification or suspension restriction. The
10 department shall suspend the provider pending the hearing under this subdivision
11 if the department includes in its decertification notice findings that the provider's
12 continued participation in the medical assistance program pending hearing is likely
13 to lead to the irretrievable loss of public funds and is unnecessary to provide
14 adequate access to services to medical assistance recipients. As soon as practicable
15 after the hearing, the department shall issue a written decision. No payment may
16 be made under the medical assistance program with respect to any service or item
17 furnished by the provider subsequent to decertification or during the period of
18 suspension.

19 ***-1939/5.32* SECTION 1755.** 49.45 (2) (b) 6. of the statutes is created to read:

20 49.45 (2) (b) 6. Contract with the department of workforce development to
21 investigate suspected fraudulent activity on the part of medical assistance recipients
22 and to reduce errors in the payments of medical assistance under s. 49.197.

23 ***-0193/3.6* SECTION 1756.** 49.45 (2) (b) 6m. of the statutes is created to read:

24 49.45 (2) (b) 6m. Limit the number of providers of particular services that may
25 be certified under par. (a) 11. or the amount of resources, including employees and

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1 equipment, that a certified provider may use to provide particular services to medical
2 assistance recipients, if the department finds all of the following:

3 a. That existing certified providers and resources provide services that are
4 adequate in quality and amount to meet the need of medical assistance recipients for
5 the particular services.

6 b. That the potential for medical assistance fraud or abuse exists if additional
7 providers are certified or additional resources are used by certified providers.

****NOTE: This is reconciled s. 49.45 (2) (b) 6m. This SECTION has been affected by
drafts with the following LRB numbers: -0193/2 and -1939/4.

8 ***-0193/3.7* SECTION 1757.** 49.45 (2) (b) 7. of the statutes is created to read:

9 49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all
10 providers of a specific service that is among those enumerated under s. 49.46 (2) or
11 49.47 (6) (a), as specified in this subdivision, to file with the department a surety bond
12 issued by a surety company licensed to do business in this state. Providers subject
13 to this subdivision provide those services specified under s. 49.46 (2) or 49.47 (6) (a)
14 for which providers have demonstrated significant potential to violate s. 49.49 (1) (a),
15 (2) (a) or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a), to require recovery under par. (a)
16 10., or to need additional sanctions under par. (a) 13. The surety bond shall be
17 payable to the department in an amount that the department determines is
18 reasonable in view of amounts of former recoveries against providers of the specific
19 service and the department's costs to pursue those recoveries. The department shall
20 promulgate rules under this subdivision that specify all of the following:

21 a. Services under medical assistance for which providers have demonstrated
22 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),

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1 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions
2 under par. (a) 13.

3 b. The amount or amounts of the surety bonds.

4 c. Terms of the surety bond, including amounts, if any, without interest to be
5 refunded to the provider upon withdrawal or decertification from the medical
6 assistance program.

7 ***-0193/3.8* SECTION 1758.** 49.45 (2) (b) 8. of the statutes is created to read:

8 49.45 (2) (b) 8. Require a person who takes over the operation, as defined in sub.
9 (21) (ag), of a provider, to first obtain certification under par. (a) 11. for the operation
10 of the provider, regardless of whether the person is currently certified. The
11 department may withhold the certification required under this subdivision until any
12 outstanding repayment under sub. (21) is made.

13 ***-0193/3.9* SECTION 1759.** 49.45 (2) (b) 9. of the statutes is created to read:

14 49.45 (2) (b) 9. After providing reasonable notice and opportunity for a hearing,
15 charge a fee to a provider that repeatedly has been subject to recoveries under par.
16 (a) 10. a. because of the provider's failure to follow identical or similar billing
17 procedures or to follow other identical or similar program requirements. The fee
18 shall be used to defray in part the costs of audits and investigations by the
19 department under sub. (3) (g) and may not exceed \$1,000 or 200% of the amount of
20 any such repeated recovery made, whichever is greater. The provider shall pay the
21 fee to the department within 10 days after receipt of notice of the fee or the final
22 decision after administrative hearing, whichever is later. The department may
23 recover any part of a fee not timely paid by offsetting the fee against any medical
24 assistance payment owed to the provider and may refer any such unpaid fees not
25 collected in this manner to the attorney general, who may proceed with collection

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1 under this subdivision. Failure to timely pay in any manner a fee charged under this
2 subdivision, other than a fee that is offset against any medical assistance payment
3 owed to the provider, is grounds for decertification under subd. 12. A provider's
4 payment of a fee does not relieve the provider of any other legal liability incurred in
5 connection with the recovery for which the fee is charged, but is not evidence of
6 violation of a statute or rule. The department shall credit all fees received under this
7 subdivision to the appropriation account under s. 20.435 (4) (iL).

8 ***-0205/3.18* SECTION 1760.** 49.45 (3) (ag) of the statutes is amended to read:

9 49.45 (3) (ag) Reimbursement shall be made to each entity contracted with
10 under s. 46.281 (1) (d) for functional ~~screens~~ screenings performed under s.46.281 (1)
11 (d).

12 ***-0193/3.10* SECTION 1761.** 49.45 (3) (g) of the statutes is amended to read:

13 49.45 (3) (g) The secretary may ~~appoint~~ authorize personnel to audit or
14 investigate and report to the department on any matter involving violations or
15 complaints alleging violations of ~~laws~~ statutes, regulations, or rules applicable to
16 ~~Title XIX of the federal social security act or the medical assistance program and to~~
17 perform such investigations or audits as are required to verify the actual provision
18 of services or items available under the medical assistance program and the
19 appropriateness and accuracy of claims for reimbursement submitted by providers
20 participating in the program. Department employees ~~appointed~~ authorized by the
21 secretary under this paragraph shall be issued, and shall possess at all times ~~during~~
22 ~~which~~ while they are performing their investigatory or audit functions under this
23 section, identification, signed by the secretary ~~which, that~~ that specifically designates the
24 bearer as possessing the authorization to conduct medical assistance investigations
25 or audits. ~~Pursuant to~~ Under the request of a designated person and upon

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1 presentation of ~~that~~ the person's authorization, providers and medical assistance
2 recipients shall accord ~~such~~ the person access to any provider personnel, records,
3 ~~books, recipient medical records, or~~ documents or other information needed. Under
4 the written request of a designated person and upon presentation of the person's
5 authorization, providers and recipients shall accord the person access to any needed
6 patient health care records of a recipient. Authorized employees ~~shall have authority~~
7 ~~to~~ may hold hearings, administer oaths, take testimony, and perform all other duties
8 necessary to bring ~~such~~ the matter before the department for final adjudication and
9 determination.

10 *~~0193/3.11~~* **SECTION 1762.** 49.45 (3) (h) 1. of the statutes is repealed.

11 *~~0193/3.12~~* **SECTION 1763.** 49.45 (3) (h) 2. of the statutes is repealed.

12 *~~0193/3.13~~* **SECTION 1764.** 49.45 (3) (h) 3. of the statutes is renumbered 49.45
13 (3) (h) and amended to read:

14 49.45 (3) (h) The failure or refusal of a ~~person to purge himself or herself of~~
15 ~~contempt found under s. 885.12 and perform the act as required by law shall~~
16 ~~constitute~~ provider to accord department auditors or investigators access as required
17 under par. (g) to any provider personnel, records, books, patient health care records
18 of medical assistance recipients, or documents or other information requested
19 constitutes grounds for decertification or suspension of ~~that person~~ the provider from
20 participation in the medical assistance program and ~~no~~. No payment may be made
21 for services rendered by ~~that person subsequent to~~ the provider following
22 decertification or, during the period of suspension, or during any period of provider
23 failure or refusal to accord access as required under par. (g).

24 *~~1627/4.11~~* **SECTION 1765.** 49.45 (5m) (am) of the statutes is amended to read:

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1 49.45 (**5m**) (am) Notwithstanding sub. (3) (e), from the appropriations under
2 s. 20.435 (4) (b) ~~and, (o), and (w)~~, the department shall distribute not more than
3 \$2,256,000 in each fiscal year, to provide supplemental funds to rural hospitals that,
4 as determined by the department, have high utilization of inpatient services by
5 patients whose care is provided from governmental sources, and to provide
6 supplemental funds to critical access hospitals, except that the department may not
7 distribute funds to a rural hospital or to a critical access hospital to the extent that
8 the distribution would exceed any limitation under 42 USC 1396b (i) (3).

9 *~~1897/1.1~~* **SECTION 1766.** 49.45 (5r) of the statutes is repealed.

10 *~~0425/2.1~~* **SECTION 1767.** 49.45 (6b) of the statutes is amended to read:

11 49.45 (**6b**) **CENTERS FOR THE DEVELOPMENTALLY DISABLED.** From the
12 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
13 services provided by the centers for the developmentally disabled. Reimbursement
14 to the centers for the developmentally disabled shall be reduced following each
15 placement made under s. 46.275 that involves a relocation from a center for the
16 developmentally disabled, by ~~\$184~~ \$200 per day, beginning in fiscal year ~~1999–2000~~
17 2001–02, and by ~~\$190~~ \$225 per day, beginning in fiscal year ~~2000–01~~ 2002–03.

18 *~~1627/4.12~~* **SECTION 1768.** 49.45 (6m) (ag) (intro.) of the statutes is amended
19 to read:

20 49.45 (**6m**) (ag) (intro.) Payment for care provided in a facility under this
21 subsection made under s. 20.435 (4) (b), (pa) ~~or, (o), or (w)~~ shall, except as provided
22 in pars. (bg), (bm), and (br), be determined according to a prospective payment
23 system updated annually by the department. The payment system shall implement
24 standards that are necessary and proper for providing patient care and that meet

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1 quality and safety standards established under subch. II of ch. 50 and ch. 150. The
2 payment system shall reflect all of the following:

3 ***-0436/1.1* SECTION 1769.** 49.45 (6m) (ar) 1. a. of the statutes is amended to
4 read:

5 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
6 allowable direct care costs, for facilities that do not primarily serve the
7 developmentally disabled, that take into account direct care costs for a sample of all
8 of those facilities in this state and separate standards for payment of allowable direct
9 care costs, for facilities that primarily serve the developmentally disabled, that take
10 into account direct care costs for a sample of all of those facilities in this state. ~~The~~
11 ~~standards shall be adjusted by the department for regional labor cost variations.~~

12 ***-1712/2.8* SECTION 1770.** 49.45 (6m) (L) of the statutes is amended to read:

13 49.45 (6m) (L) For purposes of ss. 46.27 (11) (c) 7. and 46.277 (5) (e), the
14 department ~~shall, by July 1 annually, may determine annually~~ the statewide medical
15 assistance daily cost of nursing home care and submit the determination to the
16 department of administration ~~for review. The department of administration shall~~
17 ~~approve the determination before payment may be made under s. 46.27 (11) (c) 7. or~~
18 46.277 (5) (e).

19 ***-0194/2.1* SECTION 1771.** 49.45 (6t) (intro.) of the statutes is amended to
20 read:

21 49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING
22 DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 (4) (o), for
23 reduction of operating deficits, as defined under criteria developed by the
24 department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42
25 or by a local health department, as defined in s. 250.01 (4), for services provided