

2005 Assembly Bill 262

Date of enactment: April 10, 2006
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2005 WISCONSIN ACT 319

AN ACT *to repeal* 25.67 (2) (a) 2., 48.982 (6) (f), 48.982 (7) (a), 48.982 (7) (b), 48.982 (7) (c), 48.982 (7) (e), 48.982 (7) (f), 48.982 (7) (fg) and 48.982 (7) (g); *to renumber and amend* 48.982 (2e) (a) and 48.982 (2e) (b); *to consolidate, renumber and amend* 25.67 (2) (a) (intro.) and 1.; *to amend* 15.195 (4) (intro.), 15.195 (4) (g), 20.433 (1) (g), 20.433 (1) (h), 20.433 (1) (m), 20.433 (1) (ma), 20.433 (1) (q), 25.40 (1) (a) 16., 48.982 (1) (b), 48.982 (2) (a), 48.982 (2) (c), 48.982 (2) (d), 48.982 (2) (g) 1., 48.982 (2) (g) 2., 48.982 (2) (g) 4., 48.982 (2) (gm), 48.982 (2e) (c), 48.982 (2e) (e), 48.982 (2m) (intro.), 48.982 (2m) (a), 48.982 (4) (title), 48.982 (4) (a), 48.982 (4) (b) 1., 48.982 (4) (b) 2., 48.982 (4) (c), 48.982 (4) (d) (intro.), 48.982 (4) (d) 2., 48.982 (4) (e), 48.982 (5), 48.982 (6) (title), 48.982 (6) (a), 48.982 (6) (am), 48.982 (6) (b), 48.982 (6) (c), 48.982 (6) (d), 48.982 (7) (d) (intro.), 48.982 (7) (d) 1., 48.982 (7) (d) 2., 48.982 (7) (d) 3., 48.982 (7) (d) 4., 48.982 (7) (h) and 341.14 (6r) (b) 6.; *to repeal and recreate* 48.982 (7) (title); and *to create* 15.195 (4) (dg), 15.195 (4) (dr), 20.395 (1) (ih), 48.982 (2e) (a) 2., 48.982 (2e) (a) 4. and 48.982 (2e) (a) 5. of the statutes; **relating to:** a nonstock, nonprofit corporation organized by the Child Abuse and Neglect Prevention Board, the membership of that board, the grant programs administered by that board, and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.195 (4) (intro.) of the statutes is amended to read:

15.195 (4) CHILD ABUSE AND NEGLECT PREVENTION BOARD. (intro.) There is created a child abuse and neglect prevention board which is attached to the department of health and family services under s. 15.03. The board shall consist of ~~16~~ 20 members as follows:

SECTION 2. 15.195 (4) (dg) of the statutes is created to read:

15.195 (4) (dg) The secretary of corrections or his or her designee.

SECTION 3. 15.195 (4) (dr) of the statutes is created to read:

15.195 (4) (dr) The secretary of workforce development or his or her designee.

SECTION 4. 15.195 (4) (g) of the statutes is amended to read:

15.195 (4) (g) ~~Eight Ten~~ public members appointed by the governor for staggered 3-year terms. ~~Six of the~~ The public members shall be appointed on the basis of expertise, experience and interest, leadership, or advocacy in the prevention of child abuse and neglect ~~of expertise and experience in intervention in cases of child abuse and neglect.~~ ~~One public member shall be an adult who was a victim of abuse or neglect as a child. One public member shall be a parent who formerly abused or neglected one or more of his or her children and who has received treatment or advice from an organization that provides child abuse and neglect prevention and intervention services.~~

SECTION 5. 20.395 (1) (ih) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

20.395 (1) (ih) *Child abuse and neglect prevention, state funds.* From the general fund, all moneys received under s. 341.14 (6r) (b) 6., for the purpose of making deposits to the fund established under s. 48.982 (2e) (a) 2.

SECTION 6. 20.433 (1) (g) of the statutes is amended to read:

20.433 (1) (g) *General program operations.* From all moneys received under s. 69.22 (1m), the amounts in the schedule to be used for the expenses of the child abuse and neglect prevention board under s. 48.982 (2) and (3), for statewide projects under s. 48.982 (5), for the general program operations of the early childhood family education family resource center grant program under s. 48.982 (6) and the right from the start program under s. 48.982 (7) and for technical assistance to right from the start grant recipients under s. 48.982 (7) (a), and for technical assistance to organizations under s. 48.982 (4) and (6).

SECTION 7. 20.433 (1) (h) of the statutes is amended to read:

20.433 (1) (h) *Grants to organizations.* All moneys received under s. 69.22 (1m), less the amounts appropriated under par. (g), to be used for grants to organizations under s. 48.982 (4), and (6) and (7).

SECTION 8. 20.433 (1) (m) of the statutes is amended to read:

20.433 (1) (m) *Federal project operations.* All moneys received from the federal government for technical assistance to organizations under s. 48.982 (4) and (6) and for the state administration of specific limited term projects, to be expended for the purposes specified.

SECTION 9. 20.433 (1) (ma) of the statutes is amended to read:

20.433 (1) (ma) *Federal project aids.* All moneys received from the federal government for ~~early childhood family education~~ family resource center grants under s. 48.982 (6) (a), and for specific limited term projects, to be expended as aids to individuals or organizations for the purposes specified.

SECTION 10. 20.433 (1) (q) of the statutes is amended to read:

20.433 (1) (q) *Children's trust fund; gifts and grants.* From the children's trust fund, all moneys received as contributions, grants, gifts, and bequests for that trust fund under s. 48.982 (2) (d) or (2e) (a), ~~other than moneys received under s. 341.14 (6r) (b) 6., and all interest earned on moneys received under s. 341.14 (6r) (b) 6.,~~ 3., to carry out the purposes for which made and received under s. 48.982 (2m).

SECTION 11. 25.40 (1) (a) 16. of the statutes is amended to read:

25.40 (1) (a) 16. Moneys received under s. 341.14 (6r) (b) 6. that are deposited in the ~~children's trust fund established under s. 48.982 (2e) (a) 2.~~

SECTION 12. 25.67 (2) (a) (intro.) and 1. of the statutes are consolidated, renumbered 25.67 (2) (a) and amended to read:

25.67 (2) (a) The fund shall consist of ~~the following:~~
1. ~~Moneys~~ all moneys received for the fund under s. 48.982 (2) (d) or (2e) (a) 3.

SECTION 13. 25.67 (2) (a) 2. of the statutes is repealed.

SECTION 14. 48.982 (1) (b) of the statutes is amended to read:

48.982 (1) (b) "Board" means the child abuse and neglect prevention board ~~created under s. 15.195 (4).~~

SECTION 15. 48.982 (2) (a) of the statutes is amended to read:

48.982 (2) (a) Biennially, develop and transmit to the governor and the presiding officer of each house of the legislature a plan for awarding grants and providing technical assistance to organizations and for providing child abuse and neglect prevention information and services on a statewide basis. The plan shall assure that there is an equal opportunity for the establishment of child abuse and neglect prevention programs, ~~early childhood family education centers and right from the start projects~~ and family resource centers. The plan shall also ensure that the grants will be distributed throughout all geographic areas of the state and in both urban and rural communities. For grants provided under sub. (6), the plan shall also ensure that the grants are distributed based on population.

SECTION 16. 48.982 (2) (c) of the statutes is amended to read:

48.982 (2) (c) Review and approve or disapprove grant applications and monitor the services provided under each grant awarded under subs. (4), and (6) and (7).

SECTION 17. 48.982 (2) (d) of the statutes is amended to read:

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

SECTION 18. 48.982 (2) (g) 1. of the statutes is amended to read:

48.982 (2) (g) 1. Recommend to the governor, the legislature, and state agencies changes needed in state programs, statutes, policies, budgets, and rules to reduce the problems of child abuse and neglect, improve coordination among state agencies that provide prevention services ~~and improve the condition of children and persons responsible for children who are in need of preven-~~

tion program services, promote individual, family, and community strengths, build parenting skills, and provide community support for children and families.

SECTION 19. 48.982 (2) (g) 2. of the statutes is amended to read:

48.982 (2) (g) 2. Promote statewide educational and public ~~informational seminars~~ awareness campaigns and materials for the purpose of developing public awareness of the problems of child abuse and neglect.

SECTION 20. 48.982 (2) (g) 4. of the statutes is amended to read:

48.982 (2) (g) 4. Disseminate information about the problems of and methods of preventing child abuse and neglect to the public and to organizations concerned with those problems.

SECTION 21. 48.982 (2) (gm) of the statutes is amended to read:

48.982 (2) (gm) Provide, for use by the board in its statewide projects under sub. (5) and for use by organizations that receive grants under subs. (4), and (6) and (7), educational and public ~~informational~~ awareness materials and programming that emphasize the role of fathers in the primary prevention of child abuse and neglect.

SECTION 22. 48.982 (2e) (a) of the statutes is renumbered 48.982 (2e) (a) 1. and amended to read:

48.982 (2e) (a) 1. The board may organize and maintain a nonstock, nonprofit corporation under ch. 181 for the exclusive ~~purpose~~ purposes, subject to the approval of the board under par. (b) 1., of soliciting and accepting contributions, grants, gifts, and bequests for deposit into the children's trust fund. Any or into the fund maintained by the corporation under subd. 2. and of administering any statewide project under sub. (5) or any other program, including the grant programs under subs. (4) and (6), that the board contracts with the corporation to administer.

3. In accordance with the wishes of the donor, any contributions, grants, gifts, or bequests accepted by the corporation shall be that are deposited in the children's trust fund and, in accordance with the wishes of the donor, shall be used for any of the purposes specified in sub. (2m) or shall continue to accumulate in the children's trust fund pursuant to s. 25.67 (2).

SECTION 23. 48.982 (2e) (a) 2. of the statutes is created to read:

48.982 (2e) (a) 2. The corporation shall establish and maintain a fund into which the corporation shall deposit all contributions, grants, gifts, and bequests accepted by the corporation under subd. 1. that are not deposited into the children's trust fund, all moneys received under s. 341.14 (6r) (b) 6., and all moneys transferred from the children's trust fund under 2005 Wisconsin Act (this act), section 64 (1). The corporation shall also credit to the fund all interest earned on the moneys deposited into the fund and may use that interest for the purposes specified in subd. 4.

SECTION 24. 48.982 (2e) (a) 4. of the statutes is created to read:

48.982 (2e) (a) 4. In accordance with the wishes of the donor and subject to the approval of the board under par. (b) 1., any contributions, grants, gifts, or bequests accepted by the corporation that are deposited into the fund under subd. 2. shall be used to encourage donors to make contributions, grants, gifts, and bequests to the corporation for deposit into the children's trust fund or into the fund under subd. 2., to fund statewide projects under sub. (5) or any other program, including any of the grant programs under subs. (4) and (6), that the board contracts with the corporation to administer, or to pay for the actual and necessary operating costs of the corporation or shall continue to accumulate indefinitely.

SECTION 25. 48.982 (2e) (a) 5. of the statutes is created to read:

48.982 (2e) (a) 5. All moneys received under s. 341.14 (6r) (b) 6. and all moneys transferred from the children's trust fund under 2005 Wisconsin Act (this act), section 64 (1), that are deposited into the fund under subd. 2. shall continue to accumulate indefinitely in the fund.

SECTION 27. 48.982 (2e) (b) of the statutes is renumbered 48.982 (2e) (b) 1. and amended to read:

48.982 (2e) (b) 1. The Annually, the corporation organized and maintained under par. (a) 1. shall submit to the board for the approval of the board a budget specifying how the corporation intends to allocate the contributions, grants, gifts, and bequests accepted by the corporation and all other moneys of the corporation. The budget shall specify the amount of contributions, grants, gifts, and bequests that will be deposited into the children's trust fund and the amount of contributions, grants, gifts, and bequests that will be deposited into the fund maintained by the corporation under par. (a) 2. Of the amounts deposited into the fund under par. (a) 2., the budget shall specify the amounts that will be allocated for each of the purposes specified in par. (a) 4. or that will be permitted to accumulate indefinitely. On approval of the board, the board shall enter into a contract with any the corporation organized and maintained under par. (a) specifying the allocations approved by the board.

2. The contract shall provide that the board may make use may also provide for the use by the board of the services of the corporation and that the board may provide for the provision by the board of administrative services to the corporation. The type and scope of any administrative services provided by the board to the corporation and the board employees assigned to perform the services shall be determined by the board. The corporation may neither also employ staff nor to perform administrative services for the corporation. The corporation may not engage in political activities.

SECTION 28. 48.982 (2e) (c) of the statutes is amended to read:

48.982 (2e) (c) The corporation under par. (a) 1, shall donate any real property to the state within 5 years after acquiring the property unless holding the property for more than 5 years is consistent with sound business and financial practices and is approved by the joint committee on finance.

SECTION 29. 48.982 (2e) (e) of the statutes is amended to read:

48.982 (2e) (e) The board of directors of any corporation established under this subsection shall consist of 5 9 members, including the chairperson of the board and 4 members of the board, elected by the board, ~~of which one shall be a legislator. No 2 members of the board of directors may be from the same category of board members under s. 15.195 (4) (a) to (g).~~

SECTION 30. 48.982 (2m) (intro.) of the statutes is amended to read:

48.982 (2m) DONATION USES. (intro.) If money is accepted by the board for the children's trust fund or for any other purpose under sub. (2) (d) or (2e) (a) 3, and appropriated under s. 20.433 (1) (q), the board shall use the money in accordance with the wishes of the donor to do any of the following:

SECTION 31. 48.982 (2m) (a) of the statutes is amended to read:

48.982 (2m) (a) Award grants and provide technical assistance to organizations under subs. (4), and (6) and (7) and provide child abuse and neglect prevention information and services on a statewide basis.

SECTION 33. 48.982 (4) (title) of the statutes is amended to read:

48.982 (4) (title) AWARD OF GRANTS; PROVISION OF STATEWIDE INFORMATION AND SERVICES.

SECTION 34d. 48.982 (4) (a) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

48.982 (4) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (m), and (q), the board shall award grants to organizations in accordance with the plan developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are awarded, no organization may receive a grant or grants totaling more than \$30,000. From the appropriations under s. 20.433 (1) (b), (g), (h), (i), (k), (m), and (q), the board, in accordance with that plan, shall provide technical assistance to organizations and shall provide child abuse and neglect prevention information and services on a statewide basis.

SECTION 35. 48.982 (4) (b) 1. of the statutes is amended to read:

48.982 (4) (b) 1. During the first year of the for which an organization receives a grant, at least 25% of the amount received for that year.

SECTION 36. 48.982 (4) (b) 2. of the statutes is amended to read:

48.982 (4) (b) 2. During the 2nd and subsequent years of for which an organization receives a grant, at least 50% of the amount received for each year.

SECTION 37. 48.982 (4) (c) of the statutes is amended to read:

48.982 (4) (c) Each grant application shall comply with sub. (7) (d) and shall include proof of the organization's ability to comply with par. (b). Any in-kind services proposed under par. (b) are subject to the approval of the board.

SECTION 38. 48.982 (4) (d) (intro.) of the statutes is amended to read:

48.982 (4) (d) (intro.) The board shall award grants to organizations for programs for the primary prevention of child abuse and neglect, including, ~~but not limited to~~ all of the following:

SECTION 39. 48.982 (4) (d) 2. of the statutes is amended to read:

48.982 (4) (d) 2. Community-based ~~programs on education for parenting, prenatal care, family resource and support programs that provide services or education to families, including services or education relating to support of parents,~~ perinatal bonding, child development, care of children with special needs ~~and coping with family stress, respite care, and prevention of sexual abuse.~~

SECTION 40. 48.982 (4) (e) of the statutes is amended to read:

48.982 (4) (e) In determining which organizations shall receive grants, the board shall consider whether the applicant's proposal will further the coordination of comprehensive child abuse and neglect prevention services between the organization and other resources, public and private, in the community and the state.

SECTION 41. 48.982 (5) of the statutes is amended to read:

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

SECTION 42. 48.982 (6) (title) of the statutes is amended to read:

48.982 (6) (title) AWARD OF EARLY CHILDHOOD FAMILY EDUCATION FAMILY RESOURCE CENTER GRANTS.

SECTION 43d. 48.982 (6) (a) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

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

SECTION 44. 48.982 (6) (am) of the statutes is amended to read:

48.982 (6) (am) Notwithstanding the geographical and urban and rural distribution requirements under sub. (2) (a), the board shall allocate \$75,000 not more than \$150,000 from the appropriation under s. 20.433 (1) (h) in each fiscal year for the awarding of grants, in accordance with the request-for-proposal procedures developed under sub. (2) (a), to organizations located in counties with a population of 500,000 or more.

SECTION 45. 48.982 (6) (b) of the statutes is amended to read:

48.982 (6) (b) A grant may be awarded only to an organization that agrees to make at least a 20% match to the grant, through either money or in-kind services.

SECTION 46. 48.982 (6) (c) of the statutes is amended to read:

48.982 (6) (c) Each grant application shall comply with sub. (7) (d) and shall include proof of the organization's ability to comply with par. (b). Any in-kind services proposed under par. (b) are subject to the approval of the board.

SECTION 47. 48.982 (6) (d) of the statutes is amended to read:

48.982 (6) (d) The board shall award grants to organizations ~~for programs that provide parenting education services but not crisis intervention. Grants shall be used for direct parent education, family support, and referrals to other social services programs and outreach programs, including programs that provide education to parents in their homes. For organizations applying for grants for the first time on or after July 1, 1998, the board shall give favorable consideration in awarding grants to organizations for programs in communities where home visitation programs that provide in-home visitation services to parents with newborn infants are in existence or are in development and, if grants are awarded, shall require programs supported by grants to maximize coordination with these home visitation programs. Programs supported by the grants shall track individual clients participants to ensure that they receive necessary services and shall emphasize direct services to families with children who are 3 years of age or less.~~

SECTION 48. 48.982 (6) (f) of the statutes is repealed.

SECTION 49. 48.982 (7) (title) of the statutes is repealed and recreated to read:

48.982 (7) (title) GRANT APPLICATIONS; ADDITIONAL REQUIREMENTS; EVALUATION.

SECTION 50. 48.982 (7) (a) of the statutes is repealed.

SECTION 51. 48.982 (7) (b) of the statutes is repealed.

SECTION 52. 48.982 (7) (c) of the statutes is repealed.

SECTION 53. 48.982 (7) (d) (intro.) of the statutes is amended to read:

48.982 (7) (d) (intro.) Each grant application for a grant under sub. (4) or (6) shall include proof that the organization has the cultural competency to provide services under the grant to persons and families in the various cultures in the organization's target population and

that cultural competency is incorporated in the organization's policies, administration, and practices. Each grant application shall also include proof of the organization's ability to do all of the following:

SECTION 54. 48.982 (7) (d) 1. of the statutes is amended to read:

48.982 (7) (d) 1. Maximize the coordination of new and existing family support, educational, and health services and minimize the duplication of those services by coordinating and collaborating with other organizations in the planning and provision establishment and operation of the organization's right from the start project child abuse and neglect prevention program or family resource center.

SECTION 55. 48.982 (7) (d) 2. of the statutes is amended to read:

48.982 (7) (d) 2. Provide programs that identify and build on a family's strengths ~~and that encourage a family to become independent from the organization's right from the start project and other human services programs to encourage the development of a healthy family.~~

SECTION 56. 48.982 (7) (d) 3. of the statutes is amended to read:

48.982 (7) (d) 3. Provide culturally competent ~~out-reach~~ services.

SECTION 57. 48.982 (7) (d) 4. of the statutes is amended to read:

48.982 (7) (d) 4. Provide or coordinate the provision of the community-based outreach, educational, and family support services ~~of an early childhood family education center through the organization's child abuse and neglect prevention program or family resource center.~~

SECTION 58. 48.982 (7) (e) of the statutes is repealed.

SECTION 59. 48.982 (7) (f) of the statutes is repealed.

SECTION 60. 48.982 (7) (fg) of the statutes is repealed.

SECTION 61. 48.982 (7) (g) of the statutes is repealed.

SECTION 62. 48.982 (7) (h) of the statutes is amended to read:

48.982 (7) (h) The board shall conduct an evaluation of the effectiveness of the right from the start grant program under this subsection programs under subs. (4) and (6) in achieving its their stated goals and, by ~~January 2, 1997, June 30 of each odd-numbered year, shall~~ submit a report on that evaluation to the appropriate standing committees under s. 13.172 (3).

SECTION 63. 341.14 (6r) (b) 6. of the statutes is amended to read:

341.14 (6r) (b) 6. An additional fee of \$20 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 53. An additional fee of \$40 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on a biennial basis for the special group specified under par. (f) 53. if the plate is issued or renewed during

the first year of the biennial registration period or \$20 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision in excess of the initial costs of data processing for the special group plate under par. (f) 53. or \$35,000, whichever is less, shall be credited to the appropriation account under s. 20.395 (1) (ih) and deposited in the children's trust fund maintained under s. 48.982 (2e) (a) 2. To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 64. Nonstatutory provisions.

(1) LICENSE PLATE REVENUES. On the effective date of this subsection, the secretary of administration shall transfer, from the children's trust fund to the corporation

organized and maintained under section 48.982 (2e) (a) 1. of the statutes, all moneys received under section 341.14 (6r) (b) 6., 2003 stats.

(2) CHILD ABUSE AND NEGLECT PREVENTION BOARD: INITIAL TERM. Notwithstanding the length of terms specified for members of the child abuse and neglect prevention board appointed under section 15.195 (4) (g) of the statutes, as affected by this act, one of the additional members appointed to that board shall be initially appointed for a term expiring on May 1, 2007.

SECTION 66. Initial applicability.

(1) CHILD ABUSE AND NEGLECT PREVENTION BOARD MEMBERSHIP. The treatment of section 15.195 (4) (g) of the statutes first applies to a person appointed to the child abuse and neglect prevention board on the effective date of this subsection.