

1 (23) ALDO LEOPOLD CLIMATE CHANGE CLASSROOM AND INTERACTIVE LABORATORY.

2 Notwithstanding section 13.48 (39d) (b) of the statutes, as created by this act, the  
3 building commission shall not make a grant to the Aldo Leopold Nature Center, Inc.,  
4 to aid in the construction of a climate change classroom and interactive laboratory  
5 that will border the cities of Madison and Monona, as enumerated in subsection (1)  
6 (o), under section 13.48 (39d) of the statutes, as created by this act, unless the  
7 department of administration has reviewed and approved plans for the project.  
8 Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of  
9 administration shall not supervise any services or work or let any contract for the  
10 project. Section 16.87 of the statutes does not apply to the project.

11 (24) L. E. PHILLIPS MEMORIAL PUBLIC LIBRARY. Notwithstanding section 13.48

12 (39e) (b) of the statutes, as created by this act, the building commission shall not  
13 make a grant to the city of Eau Claire to aid in the remodeling of the L. E. Phillips  
14 Memorial Public Library in the city of Eau Claire, as enumerated in subsection (1)  
15 (p), under section 13.48 (39e) of the statutes, as created by this act, unless the  
16 department of administration has reviewed and approved plans for the project.  
17 Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of  
18 administration shall not supervise any services or work or let any contract for the  
19 project. Section 16.87 of the statutes does not apply to the project.

20 (25) STONE BARN HISTORIC SITE IN THE TOWN OF CHASE.

21 (a) Notwithstanding section 13.48 (39f) (a) of the statutes, as created by this  
22 act, the building commission shall not make a grant to the town of Chase to aid in  
23 the restoration of the Stone Barn historic site in the town of Chase, as enumerated  
24 in subsection (1) (q), under section 13.48 (39f) of the statutes, as created by this act,  
25 unless the department of administration has reviewed and approved plans for the

1 project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the  
2 department of administration shall not supervise any services or work or let any  
3 contract for the project. Section 16.87 of the statutes does not apply to the project.

4 (b) From the appropriation account under section 20.867 (2) (q) of the statutes,  
5 the building commission shall allocate \$100,000 for the grant under section 13.48  
6 (39f) (a) of the statutes, as created by this act.

7 (26q) SCHOOL OF NURSING AT UNIVERSITY OF WISCONSIN-MADISON. From the  
8 appropriation under section 20.867 (2) (r) of the statutes, the building commission  
9 shall allocate \$2,004,000 to conduct planning for a School of Nursing facility to be  
10 constructed at the University of Wisconsin-Madison in preparation for possible  
11 enumeration of the facility in the 2011-13 Authorized State Building Program. If the  
12 Board of Regents of the University of Wisconsin System allocates \$1,002,000 from  
13 the appropriation under section 20.285 (1) (j) of the statutes for the same purpose,  
14 the building commission shall also use those moneys for planning of the facility.

15 (25f) STUDY OF EXPANDING ACCESS TO DENTAL EDUCATION. From the appropriation  
16 under section 20.867 (2) (q) of the statutes, the Building Commission shall allocate  
17 \$500,000 to conduct a study of the state's role in expanding access to dental education  
18 with a particular emphasis on increasing dental care in rural and underserved areas,  
19 including an examination of the possibility of construction of a new dental school in  
20 the city of Marshfield.

21 **SECTION 9107. Nonstatutory provisions; Child Abuse and Neglect**  
22 **Prevention Board.**

23 **SECTION 9108. Nonstatutory provisions; Children and Families.**

24 (1) RELEASE OF SUPPORT ASSIGNMENTS. Any right to unpaid amounts of support  
25 or maintenance accrued at the time of application for kinship care payments,

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1 long-term kinship care payments, Wisconsin Works benefits, or caretaker  
2 supplement payments that is assigned to the state under section 48.57 (3m) (b) 2.,  
3 2007 stats., or (3n) (b) 2., 2007 stats., 49.145 (2) (s), 2007 stats., or 49.775 (2) (bm),  
4 2007 stats., shall be released to the person who assigned that right to the state.

5 (2) CHILD WELFARE PROVIDER RATE REGULATION.

6 (a) *Transition.* Notwithstanding section 49.343 (1g) and (1m) of the statutes,  
7 as affected by this act, for services provided beginning on January 1, 2010, and  
8 ending on December 31, 2010, a residential care center for children and youth, as  
9 defined in section 49.343 (1d) (d) of the statutes, as created by this act, and a group  
10 home, as defined in section 49.343 (1d) (c) of the statutes, as created by this act, shall  
11 charge the same per client rate for its services as it charged for services provided on  
12 December 31, 2009, and a child welfare agency, as defined in section 49.343 (1d) (b)  
13 of the statutes, as created by this act, shall charge the same per client administrative  
14 rate, as defined in section 49.343 (1d) (a) of the statutes, as created by this act, for  
15 the administrative portion of the foster care services to which section 49.343 of the  
16 statutes, as affected by this act, applies as it charged for the administrative portion  
17 of those services on December 31, 2009.

18 (b) *Rules.*

19 1. 'Permanent rules.' The department of children and families shall submit in  
20 proposed form the rules required under section 49.343 (4) of the statutes, as created  
21 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
22 later than the first day of the 7th month beginning after the effective date of this  
23 subdivision.

1           2m. 'Emergency rules.' Notwithstanding section 227.24 of the statutes, the  
2 department of children and families may not promulgate the rules required under  
3 section 49.343 (4) of the statutes, as created by this act, as emergency rules.

4           (cm) *Joint legislative council study.* The joint legislative council shall study the  
5 implementation of the rate regulation system provided under section 49.343 of the  
6 statutes, as affected by this act. In studying the implementation of that system, the  
7 joint legislative council shall also study alternative methods of reducing the cost of  
8 out-of-home care placements for children. The joint legislative council shall report  
9 its findings, conclusions, and recommendations to the joint committee on finance by  
10 December 31, 2009.

11           (3) FOSTER CARE LEVELS OF CARE.

12           (a) *Transition.* Notwithstanding section 48.62 (1) of the statutes, as affected  
13 by this act, beginning on the date specified in the notice under section 48.62 (9) of the  
14 statutes, as created by this act, a person who on the day before that date is licensed  
15 to operate a treatment foster home under section 48.62 (1) (b), 2007 stats., is  
16 considered to be licensed to operate a foster home under section 48.62 (1) of the  
17 statutes, as affected by this act, for the remainder of the term of the treatment foster  
18 home license under section 48.66 (1) (c), 2007 stats., or 48.75 (1r), 2007 stats. Δ  
19 Beginning on the date specified in the notice under section 48.62 (9) of the statutes,  
20 as created by this act, the department of children and families, the department of  
21 corrections, or a county department of human or social services shall reimburse a  
22 person who under this paragraph is considered to be licensed to operate a foster home  
23 at the appropriate rate determined by that department or county department under  
24 the rules promulgated by the department of children and families under section  
25 48.62 (8) (c) of the statutes, as created by this act.

1 (b) *Rules.*

2 1. 'Permanent rules.' The department of children and families shall submit in  
3 proposed form the rules required under section 48.62 (8) of the statutes, as created  
4 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
5 later than the first day of the 3rd month beginning after the effective date of this  
6 subdivision.

7 2m. 'Emergency rules.' Notwithstanding section 227.24 of the statutes, the  
8 department of children and families may not promulgate the rules required under  
9 section 48.62 (8) of the statutes, as created by this act, as emergency rules.

10 (cm) *Review by joint committee on finance.* By December 1, 2009, the  
11 department of children and families shall submit to the joint committee on finance  
12 a detailed plan for the implementation of the rules promulgated under section 48.62  
13 (8) of the statutes, as created by this act. If the cochairpersons of the committee do  
14 not notify the department that the committee has scheduled a meeting for the  
15 purpose of reviewing the plan within 14 working days after the date of submittal of  
16 the plan, the department may implement those rules. If, within 14 working days  
17 after the date of submittal of the plan, the cochairpersons of the committee notify the  
18 department that the committee has scheduled a meeting for the purpose of reviewing  
19 the plan, the department may implement those rules only upon approval of the  
20 committee.

21 (dm) *Evaluation.* The department of children and families shall evaluate the  
22 foster care system implemented under the rules promulgated under section 48.62 (8)  
23 of the statutes, as created by this act. That evaluation shall include an evaluation  
24 of the cost effectiveness of that system, its consistency in placing children in foster  
25 homes that provide an appropriate level of care for those children, the outcomes for

1 children placed in foster homes under that system, and the increase or decrease in  
2 the availability of foster homes at each level of care provided under that system as  
3 a result of implementation of that system. The department shall report its findings,  
4 conclusions, and recommendations to the governor and to the joint committee on  
5 finance by February 1, 2011.

6 (5) FOSTER PARENT TRAINING.

7 (a) *Rules.*

8 1. 'Permanent rules.' The department of children and families shall submit in  
9 proposed form the rules required under section 48.67 (4) of the statutes, as created  
10 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
11 later than the first day of the 7th month beginning after the effective date of this  
12 subdivision.

13 2m. 'Emergency rules.' Notwithstanding section 227.24 of the statutes, the  
14 department of children and families may not promulgate the rules required under  
15 section 48.67 (4) of the statutes, as created by this act, as emergency rules.

16 (6) HOME VISITING SERVICES; RULES.

17 (a) *Permanent rules.* The department of children and families shall submit in  
18 proposed form the rules required under section 48.983 (2) of the statutes, as affected  
19 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
20 later than the first day of the 7th month beginning after the effective date of this  
21 paragraph.

22 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,  
23 the department of children and families may promulgate the rules required under  
24 section 48.983 (2) of the statutes, as affected by this act, for the period before the  
25 effective date of the rules submitted under paragraph (a), but not to exceed the period

1 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding  
2 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required  
3 to provide evidence that promulgating a rule under this paragraph as an emergency  
4 rule is necessary for the preservation of the public peace, health, safety, or welfare  
5 and is not required to provide a finding of emergency for a rule promulgated under  
6 this paragraph.

7 (6f) BILL OF RIGHTS FOR FOSTER CHILDREN. Notwithstanding section 48.648 (2)  
8 of the statutes, as created by this act, by no later than the first day of the 3rd month  
9 beginning after the effective date of this subsection, the department of children and  
10 families, a county department of human services or social services, or a licensed child  
11 welfare agency shall provide a written copy of the foster children's bill of rights to all  
12 children who on the day before the effective date of this subsection were in a foster  
13 home placement under the care and placement responsibility of that department,  
14 county department, or child welfare agency.

15 (7f) CHILD CARE QUALITY RATING SYSTEM.

16 (a) *Review by joint committee on finance.* By June 30, 2011, the department of  
17 children and families shall submit to the joint committee on finance a specific plan  
18 for the implementation of the child care quality rating system under section 48.659  
19 of the statutes, as created by this act. That plan shall include all of the following:

20 1. Various options for the design of the rating system. All of those options shall  
21 require the department to include in the rating system child care providers certified  
22 under section 48.651 of the statutes, as affected by this act.

23 2. Various options for quality assurance monitoring under the rating system.

24 3. Details of the estimated expenditures that will be made in providing the  
25 rating system, including the estimated expenditures that will be made for financial

1 incentives to encourage child care providers to achieve a higher rating under the  
2 rating system.

3 4. The information and training that will be provided to child care providers  
4 participating in the rating system. That information and training shall include  
5 specific steps for quality improvement, which steps may not be limited merely to new  
6 licensure or certifications requirements.

7 5. A description of how the rating system will ensure that the quality rating  
8 information provided under the rating system will be made accessible, and presented  
9 in a way that is useful, to the child care providers that are rated under the rating  
10 system and the parents, guardians, and legal custodians of children who are  
11 recipients, or prospective recipients, of care and supervision from those providers.

12 6. The process for ongoing evaluation of the rating system. That process shall  
13 require the department to consider the input of child care providers and other  
14 participants in the programming provided of child care providers.

15 7. Any other information that is relevant to the implementation and  
16 administration of the rating system.

17 (b) *Implementation of rating system.* If the cochairpersons of the joint  
18 committee on finance do not notify the department of children and families that the  
19 committee has scheduled a meeting for the purpose of reviewing the plan submitted  
20 under paragraph (a) within 14 working days after the date of submittal of the plan,  
21 the department may implement the child care quality rating system under section  
22 48.659 of the statutes, as created by this act, as provided in the plan. If, within 14  
23 working days after the date of submittal of the plan, the cochairpersons of the  
24 committee notify the department that the committee has scheduled a meeting for the



1 purpose of reviewing the plan, the department may implement that rating system  
2 only upon approval of the committee.

3 (8c) CONTRACT PROVISION REGARDING FEDERAL MATCHING FUNDS FOR CHILD SUPPORT  
4 INCENTIVE PAYMENTS. The department of children and families shall include in each  
5 contract with a county child support agency under section 59.53 (5) of the statutes  
6 that commences on January 1, 2011, a provision that specifies that, if federal  
7 legislation is enacted on or after the date on which the contract commences that  
8 provides for the matching of federal funds for federal child support incentive  
9 payments at a rate of 66 percent or more, the department will not pay any general  
10 purpose revenue from the appropriation under section 20.437 (2) (bc) of the statutes,  
11 as created by this act, for state child support incentive payments beginning on the  
12 effective date of the federal legislation.

13 (8f) TRANSFER OF CHILD CARE SUBSIDY PROGRAM ADMINISTRATIVE FUNCTIONS.

14 (a) *Definitions.* In this subsection:

15 1. "County" means a county having a population of 500,000 or more.

16 2. "County department" means the county department of social services under  
17 section 46.215 of the statutes in the county.

18 3. "Department" means the department of children and families.

19 (b) *Transition plan.* On the effective date of this paragraph, the county and the  
20 department shall begin the transition from the county to the department of  
21 administrative functions for the programs specified in section 49.826 (2) (a) of the  
22 statutes, as created by this act, and shall cooperate in the transition. The  
23 department shall develop a transition plan that includes the reporting, exchange of  
24 information, and staff deployment that the department needs and that the county  
25 department must provide for the transition. The secretary of administration shall

1 resolve any disagreement between the department and the county or county  
2 department.

3 (c) *Records.* By January 15, 2010, the county shall transfer to the department  
4 all records in the possession of the county that are related to the administrative  
5 functions specified in section 49.826 (2) (a) of the statutes, as created by this act. The  
6 county department and the department shall jointly identify those records and  
7 jointly develop and implement a plan for the orderly transfer of the records.

8 (d) *County administration.* In calendar year 2009, the county shall continue  
9 to perform the administrative functions specified in section 49.826 (2) (a) of the  
10 statutes, as created by this act, as provided under any contracts requiring those  
11 administrative functions until the department notifies the county that it is prepared  
12 to assume responsibility for the administrative functions. The county and  
13 department shall contract with respect to any functions that the department  
14 requires the county to perform to assist the department in performing the  
15 administrative functions specified in section 49.826 (2) (a) of the statutes, as created  
16 by this act, for the years after 2009.

17 (e) *Future operation.* The department and county shall identify the standards  
18 required for county operation of the child care subsidy program under section 49.155  
19 of the statutes in the county and initiate discussions regarding who shall operate the  
20 child care subsidy program in the county in the future and how the program shall be  
21 operated.

22 (f) *Position increase.* The authorized FTE positions for the department of  
23 children and families are increased by 7.0 FED positions, to be funded from the  
24 appropriation under section 20.437 (2) (mc) of the statutes, for the purpose of  
25 performing child care subsidy program functions.

1           (8q) CONTRACT PROVISION PROHIBITING CERTAIN JOB SEARCHES. The department  
2 of children and families shall include in each contract with a Wisconsin Works agency  
3 for the years 2010 and 2011 a provision that prohibits the agency from requiring a  
4 Wisconsin Works applicant or participant to conduct a job search prior to actual  
5 participation in Wisconsin Works such that the effect is to delay, during the job  
6 search, the individual's participation in and receipt of benefits under Wisconsin  
7 Works.

8           (8u) MILWAUKEE CHILD WELFARE OMBUDSMAN. By January 1, 2010, the  
9 department of children and families shall submit to the joint committee on finance  
10 a plan for improving the effectiveness of the ombudsman contracted by that  
11 department in reviewing and resolving complaints concerning the bureau of  
12 Milwaukee child welfare in that department.

13           (8v) FOSTER CARE INFORMATION FUNDING. From the appropriation account under  
14 section 20.437 (1) (kx) of the statutes, the department of children and families shall  
15 expend \$77,800 in each fiscal year of the fiscal biennium in which this subsection  
16 takes effect for the foster care public information campaign under section 48.47 (40)  
17 of the statutes, as created by this act.

18           (9k) SWIPE CARD SYSTEM. The department of children and families may request  
19 the joint committee on finance to take action under section 13.10 of the statutes to  
20 release funding from the committee's appropriation account under section 20.865 (4)  
21 (a) of the statutes for use by the department to implement a "swipe card" system to  
22 electronically record and monitor child care attendance in licensed child care  
23 facilities that receive reimbursement under the child care subsidy program under  
24 section 49.155 of the statutes, as affected by this act. Included with its request, the

1 department shall provide a detailed plan of how the swipe card system would work  
2 and how the funds, if released, would be spent.

3 **SECTION 9109. Nonstatutory provisions; Circuit Courts.**

4 (1) COURT INTERPRETER PILOT PROGRAM. Notwithstanding section 758.19 (8) (a)  
5 of the statutes, the director of state courts may create a 2-year pilot program under  
6 which the director of state courts may establish a schedule of payments and make  
7 payments to court interpreters who provide court interpretative services for the  
8 circuit courts in the 7th judicial administrative district. The director of state courts  
9 may pay for circuit court interpreter services under this subsection from the amount  
10 appropriated under section 20.625 (1) (c) of the statutes, as affected by this act, if the  
11 counties in the 7th judicial administrative district agree to forego reimbursement for  
12 court interpreter services allowed under section 758.19 (8) (a) of the statutes during  
13 the term of the pilot program.

14 **SECTION 9110. Nonstatutory provisions; Commerce.**

15 (3) RURAL HEALTH DEVELOPMENT COUNCIL TRANSFER.

16 (a) *Members.* Notwithstanding section 15.917 (1) of the statutes, as affected  
17 by this act, any member who is serving on the rural health development council on  
18 the day before the effective date of this paragraph may continue to serve as a member  
19 of the council for the term for which the member was appointed or until his or her  
20 successor is appointed and qualified, whichever occurs later.

21 (b) *Tangible personal property.* On the effective date of this paragraph, all  
22 tangible personal property, including records, of the department of commerce that  
23 is primarily related to the functions of the rural health development council, as  
24 determined by the secretary of administration, is transferred to the University of  
25 Wisconsin System.

1           (c) *Contracts*. All contracts entered into by the department of commerce in  
2 effect on the effective date of this paragraph that are primarily related to the  
3 functions of the rural health development council, as determined by the secretary of  
4 administration, remain in effect and are transferred to the University of Wisconsin  
5 System. The University of Wisconsin System shall carry out any obligations under  
6 such a contract until the contract is modified or rescinded by the University of  
7 Wisconsin System to the extent allowed under the contract.

8           (4) PHYSICIAN AND DENTIST LOAN ASSISTANCE PROGRAM TRANSFER.

9           (a) *Assets and liabilities*. On the effective date of this paragraph, the assets and  
10 liabilities of the department of commerce primarily related to the physician and  
11 dentist loan assistance program, as determined by the secretary of administration,  
12 shall become the assets and liabilities of the University of Wisconsin System.

13           (b) *Contracts*. All contracts entered into by the department of commerce in  
14 effect on the effective date of this paragraph that are primarily related to the  
15 physician and dentist loan assistance program, as determined by the secretary of  
16 administration, remain in effect and are transferred to the University of Wisconsin  
17 System. The University of Wisconsin System shall carry out any obligations under  
18 such a contract until the contract is modified or rescinded by the University of  
19 Wisconsin System to the extent allowed under the contract.

20           (c) *Pending matters*. Any matter pending with the department of commerce on  
21 the effective date of this paragraph primarily related to the physician and dentist  
22 loan assistance program, as determined by the secretary of administration, is  
23 transferred to the University of Wisconsin System and all materials submitted to or  
24 actions taken by the department of commerce with respect to the pending matter are

1 considered as having been submitted to or taken by the University of Wisconsin  
2 System.

3 (d) *Rules and orders.* All rules promulgated by the department of commerce  
4 primarily related to the physician and dentist loan assistance program, as  
5 determined by the secretary of administration, that are in effect on the effective date  
6 of this paragraph remain in effect until their specified expiration date or until  
7 amended or repealed by the University of Wisconsin System. All orders issued by the  
8 department of commerce primarily related to the physician and dentist loan  
9 assistance program, as determined by the secretary of administration, that are in  
10 effect on the effective date of this paragraph remain in effect until their specified  
11 expiration date or until modified or rescinded by the University of Wisconsin System.

12 (e) *Tangible personal property.* On the effective date of this paragraph, all  
13 tangible personal property, including records, of the department of commerce that  
14 is primarily related to the physician and dentist loan assistance program, as  
15 determined by the secretary of administration, is transferred to the University of  
16 Wisconsin System.

17 (5) HEALTH CARE PROVIDER LOAN ASSISTANCE PROGRAM TRANSFER.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
19 liabilities of the department of commerce primarily related to the health care  
20 provider loan assistance program, as determined by the secretary of administration,  
21 shall become the assets and liabilities of the University of Wisconsin System.

22 (b) *Contracts.* All contracts entered into by the department of commerce in  
23 effect on the effective date of this paragraph that are primarily related to the health  
24 care provider loan assistance program, as determined by the secretary of  
25 administration, remain in effect and are transferred to the University of Wisconsin

1 System. The University of Wisconsin System shall carry out any obligations under  
2 such a contract until the contract is modified or rescinded by the University of  
3 Wisconsin System to the extent allowed under the contract.

4 (c) *Pending matters.* Any matter pending with the department of commerce on  
5 the effective date of this paragraph primarily related to the health care provider loan  
6 assistance program, as determined by the secretary of administration, is transferred  
7 to the University of Wisconsin System and all materials submitted to or actions  
8 taken by the department of commerce with respect to the pending matter are  
9 considered as having been submitted to or taken by the University of Wisconsin  
10 System.

11 (d) *Rules and orders.* All rules promulgated by the department of commerce  
12 primarily related to the health care provider loan assistance program, as determined  
13 by the secretary of administration, that are in effect on the effective date of this  
14 paragraph remain in effect until their specified expiration date or until amended or  
15 repealed by the University of Wisconsin System. All orders issued by the department  
16 of commerce primarily related to the health care provider loan assistance program,  
17 as determined by the secretary of administration, that are in effect on the effective  
18 date of this paragraph remain in effect until their specified expiration date or until  
19 modified or rescinded by the University of Wisconsin System.

20 (e) *Tangible personal property.* On the effective date of this paragraph, all  
21 tangible personal property, including records, of the department of commerce that  
22 is primarily related to the health care provider loan assistance program, as  
23 determined by the secretary of administration, is transferred to the University of  
24 Wisconsin System.

1           (6) JOBS TAX BENEFIT; EMERGENCY RULES. The department of commerce may use  
2 the procedure under section 227.24 of the statutes to promulgate rules under section  
3 560.2055 (5) (f) of the statutes, as created by this act. Notwithstanding section  
4 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
5 subsection remain in effect until July 1, 2010, or the date on which permanent rules  
6 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the  
7 statutes, the department is not required to provide evidence that promulgating a rule  
8 under this subsection as an emergency rule is necessary for the preservation of the  
9 public peace, health, safety, or welfare and is not required to provide a finding of  
10 emergency for a rule promulgated under this subsection.

11           (7) JOBS TAX BENEFIT; ECONOMIC IMPACT REPORT. Notwithstanding sections  
12 227.137 (2) and 227.138 (2) of the statutes, if the secretary of administration requires  
13 the department of commerce to prepare an economic impact report for the rules  
14 required under section 560.2055 (5) (f) of the statutes, as created by this act, the  
15 department may submit the proposed rules to the legislature for review under  
16 section 227.19 (2) of the statutes before the department completes the economic  
17 impact report and before the department receives a copy of the report and approval  
18 under section 227.138 (2) of the statutes.

19           (8) FORWARD INNOVATION FUND; EMERGENCY RULES. The department of commerce  
20 may use the procedure under section 227.24 of the statutes to promulgate rules  
21 under section 560.301 of the statutes, as created by this act. Notwithstanding section  
22 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
23 subsection remain in effect until July 1, 2010, or the date on which permanent rules  
24 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the  
25 statutes, the department is not required to provide evidence that promulgating a rule



1 under this subsection as an emergency rule is necessary for the preservation of the  
2 public peace, health, safety, or welfare and is not required to provide a finding of  
3 emergency for a rule promulgated under this subsection.

4 (9) FORWARD INNOVATION FUND; ECONOMIC IMPACT REPORT. Notwithstanding  
5 sections 227.137 (2) and 227.138 (2) of the statutes, if the secretary of administration  
6 requires the department of commerce to prepare an economic impact report for the  
7 rules required under section 560.301 of the statutes, as created by this act, the  
8 department may submit the proposed rules to the legislature for review under  
9 section 227.19 (2) of the statutes before the department completes the economic  
10 impact report and before the department receives a copy of the report and approval  
11 under section 227.138 (2) of the statutes.

12 (10q) WISYS TECHNOLOGY FOUNDATION, INC., GRANT. In each of the fiscal years  
13 2009-10 and 2010-11, from the appropriation under section 20.143 (1) (c) of the  
14 statutes, as affected by this act, the department of commerce shall award to the  
15 WiSys Technology Foundation, Inc., a grant of not less than \$50,000, for providing  
16 intellectual property management services to the University of  
17 Wisconsin-Extension and all University of Wisconsin institutions and colleges other  
18 than the University of Wisconsin-Madison and the University of  
19 Wisconsin-Milwaukee.

20 (11f) COMMERCIAL CONSTRUCTION EROSION CONTROL FUNCTIONS.

21 (a) In this subsection, "commercial building site" means a building site for  
22 construction of public buildings and buildings that are places of employment.

23 (b) On or before the first day of the 7th month beginning after the effective date  
24 of this subsection, the department of commerce and the department of natural  
25 resources shall enter into a memorandum of understanding concerning the transfer

1 of responsibilities relating to commercial building site erosion control from the  
2 department of commerce to the department of natural resources. The memorandum  
3 of understanding shall include all of the following:

4 1. The procedure that the department of commerce and the department of  
5 natural resources will use to transfer the responsibilities and records relating to  
6 erosion control at commercial building sites from the department of commerce to the  
7 department of natural resources.

8 2. The procedure that the department of commerce and the department of  
9 natural resources will use to coordinate the responsibilities of the department of  
10 natural resources relating to commercial building site erosion control under section  
11 281.33 (3m) of the statutes, as affected by this act, with the responsibilities of the  
12 department of commerce relating to the review of essential drawings, calculations,  
13 and specifications under section 101.12 of the statutes and to construction site  
14 erosion control for one- and 2-family dwellings under section 101.653 of the statutes.

15 3. The procedure that the department of commerce will use to notify the  
16 department of natural resources when the department of commerce receives  
17 commercial building plans that may require an erosion control plan.

18 4. The procedure that the department of natural resources will use to notify the  
19 department of commerce when the department of natural resources receives an  
20 erosion control plan or a notice of such a plan for commercial building sites.

21 5. The procedure that the department of natural resources and the department  
22 of commerce will use to coordinate the training of building inspectors who are  
23 authorized to conduct soil erosion or construction inspections at commercial building  
24 sites.

1 (c) The rules promulgated, and orders issued, by the department of commerce  
2 under section 101.1205, 2007 stats., relating to erosion control, sediment control, and  
3 storm water management for commercial building sites that are in effect on the  
4 effective date of this paragraph shall be considered rules and orders of the  
5 department of natural resources on the first day of the 7th month beginning after the  
6 effective date of this paragraph and shall remain in effect until rules are  
7 promulgated by the department of natural resources under section 281.33 (3m) of the  
8 statutes, as affected by this act, relating to erosion control, sediment control, and  
9 storm water management for commercial building sites. Any fees collected by the  
10 department of natural resources as authorized under the rules promulgated under  
11 section 101.1205, 2007 stats., shall be credited to the appropriation under section  
12 20.370 (4) (bj) of the statutes, as affected by this act.

13 (d) Any matter pending with the department of commerce on the effective date  
14 of this paragraph that is primarily related to its commercial building site erosion  
15 control responsibilities under section 101.1205, 2007 stats., is transferred to the  
16 department of natural resources, and all materials submitted to or actions taken by  
17 the department of commerce with respect to the pending matter are considered as  
18 having been submitted to or taken by the department of natural resources.

19 (e) Any delegation of the authority to act under section 101.1205 (4), 2007  
20 stats., made by the department of commerce to a county, city, village, or town that is  
21 in effect on the effective date of this paragraph remains in effect until revoked by the  
22 department of natural resources.

23 (f) The department of natural resources shall submit in proposed form the rules  
24 required under section 281.33 (3m) (h) of the statutes, as affected by this act, to the

1 legislative council staff under section 227.15 (1) of the statutes no later than January  
2 1, 2011.

3 (11r) REPORT ON AT-RISK BUSINESSES AND CREATION OF EMERGENCY RESPONSE TEAM.

4 Not later than 30 days after the effective date of this subsection, the department of  
5 commerce shall submit to the cochairpersons of the joint committee on finance a  
6 report that identifies retention methods the department could use to identify  
7 companies at risk for relocation or expansion outside of this state and that includes  
8 a plan to identify businesses outside of this state that are seeking to relocate or  
9 expand, or that could be encouraged to relocate or expand through the use of  
10 incentives. The department of commerce shall also develop an emergency response  
11 team that could contact prospects for expansion or relocation within 24 hours after  
12 notification.

13 (11u) DIESEL TRUCK IDLING REDUCTION; FEDERAL MONEYS. If the department of  
14 commerce receives federal moneys under P.L. 111-5 that may be used to award  
15 grants under section 560.125 (4) of the statutes, as affected by this act, the  
16 department shall expend the federal moneys before expending moneys appropriated  
17 under section 20.143 (3) (sm) of the statutes, as affected by this act. When expending  
18 federal moneys received under P.L. 111-5 for diesel emission reduction activities, the  
19 department of commerce shall, to the extent permitted under federal law, give  
20 priority to diesel truck idling reduction activities for motor carriers eligible for grants  
21 under section 560.125 (4) of the statutes, as affected by this act. Notwithstanding  
22 section 20.143 (3) (sm) of the statutes, as affected by this act, and section 560.125 (2)  
23 and (4) (cm) of the statutes, as affected by this act, in fiscal year 2010-11, the  
24 department of commerce may not award a grant from the appropriation under  
25 section 20.143 (3) (sm) of the statutes, as affected by this act, unless the total amount

1 of federal funds awarded in the 2009-11 fiscal biennium by the department of  
2 commerce and the department of natural resources for eligible costs under section  
3 560.125 (4) (a) and (b) of the statutes is less than \$2,000,000, in which case the  
4 department of commerce may award grants the total amount of which may not  
5 exceed the difference between the total amount of federal funds awarded by the  
6 department of commerce and the department of natural resources for eligible costs  
7 under section 560.125 (4) (a) and (b) of the statutes and \$2,000,000. Notwithstanding  
8 section 16.42 (1) (e) of the statutes, in submitting information under section 16.42  
9 of the statutes for purposes of the 2011-13 biennial budget bill, the department of  
10 commerce shall submit information concerning the appropriation under section  
11 20.143 (3) (sm) of the statutes, as affected by this act, as though the amount  
12 appropriated to the department under section 20.143 (3) (sm) of the statutes, as  
13 affected by this act, in fiscal year 2010-11 were \$1,000,000.

14 (12h) **BELOIT CHILDREN'S PLAYGROUND GRANT.** From the appropriation account  
15 under section 20.143 (1) (qm) of the statutes, as affected by this act, the department  
16 of commerce shall award a grant not to exceed \$50,000 to the town of Beloit to pay  
17 for 50 percent of the costs of constructing a children's playground at Preservation  
18 Park.

19 (12u) **TRANSITIONAL HOUSING AND SHELTER GRANTS.** Notwithstanding section  
20 20.143 (2) (fm) of the statutes, as affected by this act, and sections 560.9806 (2) (a)  
21 and 560.9808 (2) (a) of the statutes, in each fiscal year of the 2009-11 fiscal biennium,  
22 the department of commerce shall award \$500,000 in grants under sections 560.9806  
23 (2) (a) and 560.9808 (2) (a) of the statutes from the appropriation account under  
24 section 20.143 (2) (b) of the statutes, as affected by this act, except to the extent that  
25 the award of the grants from the appropriation account under section 20.143 (2) (b)

1 of the statutes, as affected by this act, reduces the eligibility of the state or the  
2 department of commerce for federal funding.

3 (13u) RURAL OUTSOURCING GRANTS. From the appropriations under section  
4 20.143 (1) (ie), (ig), (im), and (ir) of the statutes, as affected by this act, the  
5 department of commerce may award grants during the 2009-11 fiscal biennium to  
6 businesses for outsourcing work to rural areas of this state. The department shall  
7 require grantees to obtain funding from sources other than the state in an amount  
8 at least equal to the amount of the grant. The total amount of grants awarded under  
9 this subsection may not exceed \$250,000. The department may promulgate rules  
10 necessary to administer this subsection.

11 (14u) VALUE SUPPLY CHAIN GRANTS. From the appropriation under section 20.143  
12 (1) (bt) of the statutes, as created by this act, the department of commerce shall  
13 award grants for the development of a value supply chain for the state based on  
14 regional economies to identify where supply chain gaps exist and how Wisconsin  
15 businesses can fill the gaps. The department may promulgate rules necessary to  
16 administer this subsection.

17 (15u) ECONOMIC COMPETITIVENESS STUDY. In fiscal year 2009-10, using funds  
18 from the appropriations under section 20.143 (1) (ie), (ig), (im), and (ir) of the  
19 statutes, as affected by this act, the department of commerce shall enter into a  
20 contract with a nationally recognized organization to conduct a national and  
21 international competitiveness study of the state's economy. The department shall  
22 allocate \$50,000 for the study under this subsection. The study shall be submitted  
23 to the governor and to the legislature under s. 13.172 (2) no later than January 1,  
24 2011. The department may promulgate rules necessary to administer this  
25 subsection.

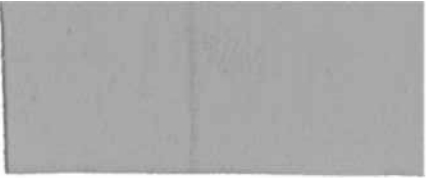
1           (16i) GRANT TO ONEIDA SEVEN GENERATIONS CORPORATION. In each fiscal year of  
2 the 2009-11 fiscal biennium, the department of commerce shall award a grant to  
3 Oneida Seven Generations Corporation from funds that were encumbered in the  
4 appropriation under section 20.143 (1) (kj) of the statutes, as affected by this act,  
5 under section 560.138 of the statutes, as affected by this act, but were not disbursed  
6 for grants to Oneida Small Business, Inc., and Project 2000. The amount of each  
7 grant shall equal \$1,000,000 or one-half of the total amount of funds that were  
8 encumbered but not disbursed, whichever is less. The department of commerce shall  
9 require Oneida Seven Generations Corporation to do all of the following:

10           (a) Submit project-specific plans to the department of commerce detailing the  
11 proposed use of the grants for approval by the secretary of commerce.

12           (b) Submit a statement to the department of commerce indicating that Oneida  
13 Seven Generations Corporation will obtain matching funds in an amount not less  
14 than 25 percent of the amount of each grant from sources other than the state for the  
15 proposed use indicated in the plans under paragraph (a).

16           (c) Enter into a written agreement with the department of commerce specifying  
17 conditions for the use of the proceeds of the grants, including reporting and auditing  
18 requirements, and requiring Oneida Seven Generations Corporation to submit to the  
19 department, within 6 months after spending the full amount of the grant, a report  
20 detailing how the proceeds of the grants were used.

21           (16u) EMERGENCY RULES. The department of commerce may promulgate rules  
22 implementing sections 560.255 and 560.45 of the statutes, as created by this act, and  
23 under SECTION 9110 (13u), (14u), and (15u) of this act, as emergency rules under  
24 section 227.24 of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the  
25 statutes, the department is not required to provide evidence that promulgating a rule



1 under this subsection as an emergency rule is necessary for the preservation of public  
2 peace, health, safety, or welfare and is not required to provide a finding of emergency  
3 for a rule promulgated under this subsection.

4 (17r) CONTRACTOR REGISTRATION RULES. Using the procedure under section  
5 227.24 of the statutes, the department of commerce may promulgate rules required  
6 under section 101.147 (2) of the statutes, as created by this act, for the period before  
7 the effective date of the permanent rules promulgated under section 101.147 (2) of  
8 the statutes, as created by this act, but not to exceed the period authorized under  
9 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
10 (2) (b), and (3) of the statutes, the department of commerce is not required to provide  
11 evidence that promulgating a rule under this subsection as an emergency rule is  
12 necessary for the preservation of public peace, health, safety, or welfare and is not  
13 required to provide a finding of emergency for a rule promulgated under this  
14 subsection.

15 (17q) GRANT TO PLEASANT PRAIRIE TECHNOLOGY INCUBATOR CENTER. In the  
16 2011-13 fiscal biennium, but not later than July 31, 2011, from the appropriation  
17 under section 20.143 (1) (c) of the statutes, as affected by this act, the department of  
18 commerce shall award to Pleasant Prairie Technology Incubator Center a grant of  
19 \$700,000, if Pleasant Prairie Technology Incubator Center obtains at least an  
20 additional \$700,000 in funding from sources other than the state and enters into a  
21 written agreement with the department of commerce that does all of the following:

22 (a) Specifies conditions for the use of the proceeds of the grant, including  
23 reporting and auditing requirements.

Move to p. 1682 after line 3



1 (b) Requires Pleasant Prairie Technology Incubator Center to submit to the  
2 department, within 6 months after spending the full amount of the grant, a report  
3 detailing how the proceeds of the grant were used.

4 (18f) REGION ONE DEVELOPMENT MANAGER. Not later than October 1, 2009, the  
5 department of commerce shall fill the position of region one development manager.

6 **SECTION 9111. Nonstatutory provisions; Corrections.**

7 (2d) REPORTS TO JOINT COMMITTEE ON FINANCE. By January 4, 2010, the  
8 department of corrections shall submit to the cochairpersons of the joint committee  
9 on finance the following reports:

10 (a) A feasibility study and cost analysis for providing all correctional officers  
11 with a minimum of 16 hours of training in managing mentally ill inmates that is  
12 based on the Crisis Intervention Team Model best practices for correctional officer  
13 intervention with persons who may have a mental illness.

14 (b) A feasibility study and cost analysis for implementing, consistent with the  
15 National Commission on Correctional Health Care standards, screening methods of  
16 identifying current inmates with developmental disabilities, as defined under  
17 section 51.01 (5) (a) of the statutes, implementing tests to further evaluate inmates  
18 who are identified as potentially developmentally disabled, and integrating  
19 appropriate screening methods for developmental disabilities into the prisoner  
20 intake and transfer process.

21 (c) A feasibility study and cost analysis for providing appropriate services,  
22 support, and rehabilitation for inmates with developmental disabilities, as defined  
23 under section 51.01 (5) (a) of the statutes, including the costs of providing those  
24 services, support, and rehabilitation in existing facilities or housing units for the  
25 inmates whose levels of functioning permits placement in facilities or housing units

1 and the costs of creating a separate special housing unit for the inmates whose needs  
2 require placement within an existing correctional facility.

3 (d) A feasibility study and cost analysis for a plan under which all controlled  
4 medications at all department of corrections facilities are distributed by trained  
5 medical personnel with credentials at least equal to credentials of licensed practical  
6 nurses under section 441.10 of the statutes.

7 (2i) JUVENILE CORRECTIONAL SERVICES DEFICIT. The department of corrections  
8 and the department of administration shall jointly devise a statutory mechanism to  
9 address future deficits in the appropriation account under section 20.410 (3) (hm) of  
10 the statutes, as affected by this act. Those departments shall submit to the joint  
11 committee on finance a report on that mechanism, which shall include any proposed  
12 legislation that is necessary to implement that mechanism, by September 30, 2009.

13 (2j) YOUTH AIDS FUNDING DECREASE. Notwithstanding section 16.42 (1) (e) of the  
14 statutes, in submitting information under section 16.42 of the statutes, as affected  
15 by this act, for purposes of the 2011-13 biennial budget bill, the department of  
16 corrections shall submit information concerning the appropriation under section  
17 20.410 (3) (cd) of the statutes as though the amount appropriated to the department  
18 under that appropriation for fiscal year 2010-11 had been the same as the amount  
19 appropriated to the department under that appropriation for fiscal year 2008-09.

20 (2k) JUVENILE CORRECTIONAL SERVICES COMPREHENSIVE REVIEW. The department  
21 of corrections and the department of administration, together with any other state  
22 agency that provides services that are relevant to the the provision of juvenile  
23 correctional services, shall jointly conduct a comprehensive review of the juvenile  
24 correctional services provided in this state and of the funding of those services. As  
25 part of that review, those departments and other state agencies shall make an

1 inventory of all of the juvenile correctional services provided by counties and  
2 nonprofit organizations in this state and shall provide a description of the mental  
3 health and alcohol and other drug abuse services that are available to juveniles who  
4 are placed in Type 1 juvenile correctional facilities, as defined in section 938.02 (19)  
5 of the statutes. In conducting the review, those departments and other state agencies  
6 shall include the participation of youth counselors who work directly with juveniles  
7 who are placed at the Ethan Allen School, the Lincoln Hills School, and the Southern  
8 Oaks Girls School.

9 (3x) BOOK DONATIONS PROHIBITION. Within 60 days after the effective date of this  
10 subsection the department of corrections shall submit to the cochairpersons of the  
11 joint committee on finance a report demonstrating that the department of  
12 corrections has eliminated all prohibitions on inmates receiving donated books.

13 (12f) COUNCIL ON OFFENDER REENTRY. Notwithstanding the length of terms  
14 specified in section 15.145 (5) of the statutes, as created by this act, the governor shall  
15 appoint the members under section 15.145 (5) (a) to (e) of the statutes, as created by  
16 this act, for terms ending on July 1, 2011, and shall appoint the members under  
17 section 15.145 (5) (f) to (j) of the statutes, as created by this act, for terms ending on  
18 July 1, 2012; the director of state courts shall appoint the member under section  
19 15.145 (5) (intro.) of the statutes, as created by this act, for a term ending on July 1,  
20 2011; and the secretary of corrections shall appoint the member under section 15.145  
21 (5) (intro.) of the statutes, as created by this act, for a term ending on July 1, 2012.  
22 The appointments shall occur by the first day of the 2nd month beginning after the  
23 effective date of this subsection.

24 (12g) EARNED RELEASE AND CHALLENGE INCARCERATION PROGRAM. The department  
25 of corrections shall, by December 31, 2009, submit a report to the joint committee on

1 finance that explains how the department has implemented the expansions of the  
2 programs under sections 302.045 and 302.05 of the statutes. The report shall specify  
3 the types of programs the department offers under those sections, the length of each  
4 program, and the number of participants in each program and shall name the facility  
5 where each program is operated.

6 **SECTION 9112. Nonstatutory provisions; Court of Appeals.**

7 **SECTION 9113. Nonstatutory provisions; District Attorneys.**

8 (1) DISTRICT ATTORNEY POSITION; ST. CROIX COUNTY. From the appropriation  
9 account under section 20.505 (6) (p) of the statutes, the office of justice assistance in  
10 the department of administration shall expend \$82,700 in fiscal year 2009-10 and  
11 \$84,400 in fiscal year 2010-11 to fund 1.0 assistant district attorney position in St.  
12 Croix County.

13 (2) DISTRICT ATTORNEY POSITION; CHIPPEWA COUNTY. From the appropriation  
14 account under section 20.505 (6) (p) of the statutes, the office of justice assistance in  
15 the department of administration shall expend \$24,750 in fiscal year 2009-10 and  
16 \$25,400 in fiscal year 2010-11 to fund 0.25 assistant district attorney position in  
17 Chippewa County.

18 (3) PROSECUTION OF DRUG CRIMES; ST. CROIX COUNTY. From the appropriation  
19 account under section 20.455 (2) (kp) of the statutes, the department of justice shall  
20 expend \$103,000 in fiscal year 2009-10 and \$106,000 in fiscal year 2010-11 to fund  
21 1.0 assistant district attorney position in St. Croix County to prosecute criminal  
22 violations of chapter 961 of the statutes.

23 (4) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From the appropriation  
24 account under section 20.455 (2) (kp) of the statutes, the department of justice, and  
25 from the appropriation account under section 20.505 (6) (p) of the statutes, the office

1 of justice assistance in the department of administration, shall expend \$153,250 in  
2 fiscal year 2009-10 and \$158,250 in fiscal year 2010-11 to fund 2.0 assistant district  
3 attorney positions in Milwaukee County to prosecute criminal violations of chapter  
4 961 of the statutes. The department of administration shall determine the amounts  
5 to be expended from each appropriation account for each fiscal year.

6 (5) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From the appropriation account  
7 under section 20.455 (2) (kp) of the statutes, the department of justice, and from the  
8 appropriation account under section 20.505 (6) (p) of the statutes, the office of justice  
9 assistance in the department of administration, shall expend \$85,000 in fiscal year  
10 2009-10 and \$87,500 in fiscal year 2010-11 to fund 0.75 assistant district attorney  
11 position in Dane County to prosecute criminal violations of chapter 961 of the  
12 statutes. The department of administration shall determine the amounts to be  
13 expended from each appropriation account for each fiscal year.

14 (6x) AGENCY REQUEST RELATING TO GENERAL PROGRAM OPERATIONS.  
15 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information  
16 under section 16.42 of the statutes for the purpose of the 2011-13 biennial budget  
17 bill, the department of administration shall submit information concerning the  
18 appropriation under section 20.475 (1) (d) of the statutes, as though the amounts  
19 appropriated to the department under that appropriation for fiscal year 2010-11  
20 were \$9,139,700 more than the amounts in the schedule.

21 **SECTION 9114. Nonstatutory provisions; Educational Communications**  
22 **Board.**

23 **SECTION 9115. Nonstatutory provisions; Employee Trust Funds.**

24 (1x) SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF EMPLOYEE TRUST FUNDS.  
25 During the 2009-11 fiscal biennium, the secretary of employee trust funds may

1 submit one or more requests to the joint committee on finance to supplement the  
2 appropriation under section 20.515 (1) (w) of the statutes from the appropriation  
3 account under section 20.865 (4) (u) of the statutes for additional agency funding and  
4 authorized positions. Before submitting a request under this subsection, the  
5 secretary shall develop a methodology for determining the number of authorized  
6 positions the department of employee trust funds requires to exercise its powers and  
7 perform its duties under chapter 40 of the statutes. If the secretary intends to  
8 request additional authorized positions beyond the number derived from the  
9 methodology, the employee trust funds board must first approve the request before  
10 the secretary submits the request to the joint committee on finance. Any request  
11 submitted under this subsection shall be submitted by the applicable due date for  
12 agency requests for any of the joint committee on finance's quarterly meetings under  
13 section 13.10 of the statutes and shall also include the methodology used by the  
14 secretary. Notwithstanding section 13.101 (3) of the statutes, the joint committee on  
15 finance is not required to find that an emergency exists prior to making the  
16 supplementation under this subsection.

17 **SECTION 9116. Nonstatutory provisions; Employment Relations**  
18 **Commission.**

19 **SECTION 9117. Nonstatutory provisions; Financial Institutions.**

20 **SECTION 9118. Nonstatutory provisions; Fox River Navigational**  
21 **System Authority.**

22 **SECTION 9119. Nonstatutory provisions; Government Accountability**  
23 **Board.**

24 **SECTION 9120. Nonstatutory provisions; Governor.**

1           **SECTION 9121. Nonstatutory provisions; Health and Educational**  
2           **Facilities Authority.**

3           **SECTION 9122. Nonstatutory provisions; Health Services.**

4           (1) TRANSFER OF FOOD AND HUNGER PREVENTION PROGRAMS.

5           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
6           liabilities of the department of children and families that are primarily related to the  
7           food distribution programs under section 49.171, 2007 stats., and section 49.1715,  
8           2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and  
9           to the state supplemental food program under section 49.17, 2007 stats., as  
10          determined by the secretary of administration, shall become the assets and liabilities  
11          of the department of health services.

12          (b) *Employee transfers.* The classified positions, and incumbent employees  
13          holding positions, in the department of children and families that are funded with  
14          general purpose revenue or program revenue and are primarily related to the food  
15          distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007  
16          stats., to the hunger prevention program under section 49.172, 2007 stats., and to  
17          the state supplemental food program under section 49.17, 2007 stats., as determined  
18          by the secretary of administration, are transferred to the department of health  
19          services.

20          (c) *Employee status.* Employees transferred under paragraph (b) shall have the  
21          same rights and status under subchapter V of chapter 111 and chapter 230 of the  
22          statutes in the department of health services that they enjoyed in the department  
23          of children and families immediately before the transfer. Notwithstanding section  
24          230.28 (4) of the statutes, no employee so transferred who has attained permanent  
25          status in class is required to serve a probationary period.

1           (d) *Tangible personal property.* On the effective date of this paragraph, all  
2 tangible personal property, including records, of the department of children and  
3 families that is primarily related to the food distribution programs under section  
4 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger prevention  
5 program under section 49.172, 2007 stats., and to the state supplemental food  
6 program under section 49.17, 2007 stats., as determined by the secretary of  
7 administration, shall be transferred to the department of health services.

8           (e) *Contracts.* All contracts entered into by the department of health and family  
9 services, before July 1, 2008, or by the department of children and families that are  
10 in effect on the effective date of this paragraph and that are primarily related to the  
11 food distribution programs under section 49.171, 2007 stats., and section 49.1715,  
12 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and  
13 to the state supplemental food program under section 49.17, 2007 stats., as  
14 determined by the secretary of administration, remain in effect and are transferred  
15 to the department of health services. The department of health services shall carry  
16 out any such contractual obligations unless modified or rescinded by the department  
17 of health services to the extent allowed under the contract.

18           (f) *Pending matters.* Any matter pending with the department of children and  
19 families on the effective date of this paragraph that is primarily related to the food  
20 distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007  
21 stats., to the hunger prevention program under section 49.172, 2007 stats., and to  
22 the state supplemental food program under section 49.17, 2007 stats., as determined  
23 by the secretary of administration, is transferred to the department of health  
24 services and all materials submitted to or actions taken by the department of



1 children and families with respect to the pending matter are considered as having  
2 been submitted to or taken by the department of health services.

3 (g) *Rules and orders.* All administrative rules that are primarily related to the  
4 food distribution programs under section 49.171, 2007 stats., and section 49.1715,  
5 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and  
6 to the state supplemental food program under section 49.17, 2007 stats., as  
7 determined by the secretary of administration, and that are in effect on the effective  
8 date of this paragraph remain in effect until their specified expiration dates or until  
9 amended or repealed by the department of health services. All orders issued by the  
10 department of health and family services, before July 1, 2008, or by the department  
11 of children and families that are primarily related to the food distribution programs  
12 under section 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger  
13 prevention program under section 49.172, 2007 stats., and to the state supplemental  
14 food program under section 49.17, 2007 stats., as determined by the secretary of  
15 administration, and that are in effect on the effective date of this paragraph remain  
16 in effect until their specified expiration dates or until modified or rescinded by the  
17 department of health services.

18 (2) PERSONAL CARE PROVIDER AGENCY; RULES. Using the procedure under section  
19 227.24 of the statutes, the department of health services may promulgate rules  
20 establishing criteria for certification of agencies that provide personal care services  
21 under the Medical Assistance Program, which shall remain in effect until the date  
22 on which permanent rules take effect, but not to exceed the period authorized under  
23 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
24 (2) (b), and (3) of the statutes, the department is not required to provide evidence that  
25 promulgating a rule under this subsection as an emergency rule is necessary for the

1 preservation of public peace, health, safety, or welfare and is not required to provide  
2 a finding of emergency for a rule promulgated under this subsection.

3 (3) QUALITY HOME CARE; RULES. Using the procedure under section 227.24 of the  
4 statutes, the department of health services may promulgate rules under section  
5 46.2898 (7) of the statutes, as created by this act, which shall remain in effect until  
6 the date on which permanent rules take effect, but not to exceed the period  
7 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding  
8 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required  
9 to provide evidence that promulgating a rule under this subsection as an emergency  
10 rule is necessary for the preservation of public peace, health, safety, or welfare and  
11 is not required to provide a finding of emergency for a rule promulgated under this  
12 subsection.

13 (3f) QUALITY HOME CARE; COUNTY PARTICIPATION. For purposes of section 46.2898  
14 (1) (cm) 1. a., (2) (b) and (c), and (4) of the statutes, as created by this act, a county  
15 in which an organization received a grant under section 46.48 (9), 2007 stats., is  
16 considered to act under section 46.2898 (2) (a) of the statutes, as created by this act,  
17 if the county department of human services notifies the Wisconsin Quality Home  
18 Care Authority of its intent to follow procedures under section 46.2898 of the  
19 statutes, as created by this act.

20 (4) FEDERAL MEDICAL ASSISTANCE PERCENTAGES.

21 (a) If permitted under federal law, and notwithstanding section 49.45 (25) and  
22 (41) of the statutes, as affected by this act, and section 49.45 (30), (30e), (39) (b), and  
23 (45) of the statutes, for Medical Assistance services under section 49.45 (25) and (41)  
24 of the statutes, as affected by this act, and section 49.45 (30), (30e), (39) (b), and (45)  
25 of the statutes, for which the department of health services disburses to the provider

1 the federal share, or a percentage of the federal share, of allowable costs for providing  
2 the service, the percentages used to determine the federal share shall be the  
3 following, regardless of whether the federal government increases the percentages:

4 1. For services provided during the period from October 1, 2008, through  
5 September 30, 2009, the federal Medical Assistance percentages for federal fiscal  
6 year 2009 that are published in the federal register on November 28, 2007, on pages  
7 67304 to 67306.

8 2. For services provided during the period from October 1, 2009, through  
9 December 31, 2010, the federal Medical Assistance percentages for federal fiscal year  
10 2010 that are published in the federal register on November 26, 2008, on pages 72051  
11 to 72053.

12 (b) For services under section 49.45 (30m) (a) 1. of the statutes, the department  
13 of health services shall calculate the portion of the payment that is not provided by  
14 the federal government, and that the county shall provide, using the applicable  
15 federal Medical Assistance percentages under paragraph (a) 1. and 2.

16 (cq) For services under section 49.45 (30r) of the statutes, as created by this act,  
17 the department of health services shall calculate the portion of the payment that is  
18 not provided by the federal government, and that the county shall provide, using the  
19 federal Medical Assistance percentage that is applicable when the service is  
20 provided.

21 (4f) MEDICAL ASSISTANCE TRANSPORTATION MANAGER REPORTS.

22 (a) Before contracting with an entity to provide management services for  
23 transportation to obtain nonemergency medical care, as specified under section  
24 49.46 (2) (b) 3. of the statutes, as affected by this act, the department of health  
25 services shall submit a report to the joint committee on finance that describes the

1 steps taken by the department of health services to guarantee that the entity with  
2 which the department of health services contracts will be required to do all of the  
3 following:

4 1. Coordinate management activities, on an ongoing basis, with existing local  
5 transit systems.

6 2. Guarantee adequate access, as defined by the department of health services,  
7 to nonemergency medical transportation services for medical assistance recipients  
8 throughout the state, including in rural counties.

9 (b) 1. In this paragraph, "transportation manager" means the entity with which  
10 the department of health services contracts to provide management for  
11 transportation services under section 49.46 (2) (b) 3. of the statutes, as affected by  
12 this act.

13 2. Before January 31, 2011, the department of health services shall prepare and  
14 submit to the joint committee on finance a report that analyzes all of the following:

15 a. Whether, through December 31, 2010, the transportation manager achieved  
16 savings or other efficiencies in the delivery of transportation services to medical  
17 assistance recipients.

18 b. Whether the transportation manager helped enable the state to claim  
19 additional federal financial participation for common carrier services.

20 c. How the transportation manager affected access to services for medical  
21 assistance recipients statewide.

22 (4q) FAMILY CARE EXPANSION TO LANGLADE COUNTY. (a) The department of health  
23 services shall contract with an entity to provide the services under section 46.283 (3)  
24 of the statutes and section 46.283 (4) of the statutes, as affected by this act, as a

1 resource center such that services of a resource center are available to residents of  
2 Langlade County on May 1, 2010.

3 (b) The department of health services shall contract with an entity as provided  
4 under section 46.284 (2) of the statutes to administer the family care benefit as a care  
5 management organization such that the family care benefit is available to residents  
6 of Langlade County on July 1, 2010.

7 (5d) VETERANS HOMES EXEMPTION FROM NURSING HOME BED ASSESSMENT.  
8 Notwithstanding section 50.14 (2) of the statutes, the Wisconsin Veterans Home at  
9 King and the Wisconsin Veterans Home at Union Grove are not required to pay the  
10 per-bed assessment on nursing homes under section 50.14 (2) (am) of the statutes  
11 during the fiscal biennium in which this subsection takes effect.

12 (5f) STUDY OF FAMILY CHILD CARE PROVIDER HEALTH INSURANCE COVERAGE. The  
13 department of health services shall conduct a study of the health insurance coverage  
14 of child care providers certified under section 48.651 of the statutes, as affected by  
15 this act, and of child care providers licensed under section 48.65 of the statutes, as  
16 affected by this act, or under section 48.69 of the statutes who provide care and  
17 supervision for not more than 8 children who are not related to those child care  
18 providers to determine the efficacy of the legislature authorizing that department to  
19 request from the secretary of the federal department of health and human services  
20 a medical assistance waiver to expand eligibility for benefits under the BadgerCare  
21 Plus Medical Assistance program under section 49.471 of the statutes, as affected by  
22 this act, to those child care providers.

23 (5i) HOSPITAL ASSESSMENT PAYMENTS. Notwithstanding 2009 Wisconsin Act 2,  
24 section 9122 (1) (a), the amounts of the 2 hospital assessment payments imposed on

1 eligible hospitals under section 50.38 (2) of the statutes for the second fiscal year of  
2 the fiscal biennium in which this subsection takes effect need not be equal.

3 (SK) (5x) DENTAL HEALTH CLINIC GRANT. From the appropriation to the department  
4 of health services under section 20.435 (1) (dj) of the statutes, as created by this act,  
5 the department of health services shall award a grant to Milwaukee Health Services  
6 Incorporated for dental services and equipment at a clinic having an address with  
7 the zip code 53218.

8 (5u) SEAL-A-SMILE DENTAL SEALANT PROGRAM. The department of health services  
9 shall determine whether any federal moneys are available in federal fiscal year  
10 2009-10 for the school-based dental sealant program under section 250.10 (1m) (b)  
11 of the statutes, as affected by this act, and, if such moneys are available, shall apply  
12 for them. If the department receives federal moneys for the school-based dental  
13 sealant program, it shall allocate to the recipient of the grant for the school-based  
14 dental sealant program under section 250.10 (1m) (b) of the statutes, as affected by  
15 this act, an amount of the federal moneys that is equal to moneys donated to the grant  
16 recipient by individuals and organizations for the school-based dental sealant  
17 program. The grant recipient shall use moneys allocated by the department of health  
18 services under this subsection to make grants for dental services, and may not use  
19 the moneys for its administrative costs. Federal moneys allocated by the department  
20 of health services under this subsection for the school-based dental sealant program  
21 shall be in addition to moneys appropriated for the program under section 20.435 (1)  
22 (de) of the statutes, as affected by this act.

23 (5v) SHORT-TERM FUNDING CHANGES; GRANTS. From the appropriation account  
24 under section 20.435 (1) (gm) of the statutes, as affected by this act, the department  
25 of health services shall allocate all of the following:

1           (a) To subsidize premium payments under sections 252.16 and 252.17 of the  
2 statutes, as affected by this act, for individuals with human immunodeficiency virus  
3 and for the reimbursement or supplement of the reimbursement of azidothymidine,  
4 pentamidine, and certain other drugs under section 49.686 of the statutes, as  
5 affected by this act, \$363,100 in the second fiscal year of the fiscal biennium in which  
6 this paragraph takes effect.

7           (b) For the poison control program under section 255.35 of the statutes, as  
8 affected by this act, \$102,200 in each fiscal year of the fiscal biennium in which this  
9 paragraph takes effect.

10          (c) For community health services grants under section 250.15 of the statutes,  
11 as affected by this act, \$255,500 in each fiscal year of the fiscal biennium in which  
12 this paragraph takes effect.

13          (d) To the AIDS Network in Madison, Wisconsin, \$25,000 in each fiscal year of  
14 the fiscal biennium in which this paragraph takes effect.

15          (e) To a health center located at Lincoln Plaza on South 108th Street in  
16 Milwaukee County that performs colposcopies for low-income women and performs  
17 loop electrosurgical excision procedures, \$16,300 in each fiscal year of the fiscal  
18 biennium in which this paragraph takes effect to provide loop electrosurgical  
19 excision procedures and provide follow-up care, including hysterectomies, for  
20 patients treated for cervical cancer.

21          (f) To the Marquette University School of Dentistry, \$8,800 in each fiscal year  
22 of the fiscal biennium in which this paragraph takes effect for clinical education  
23 under section 250.10 (1m) (a) of the statutes, as affected by this act.

1 (g) To Lakes Community Dental Center in Ashland County, \$25,000 in each  
2 fiscal year of the fiscal biennium in which this paragraph takes effect for dental  
3 services.

4 (h) To La Crosse Community Dental, \$25,000 in each fiscal year of the fiscal  
5 biennium in which this paragraph takes effect for dental services.

6 (i) To Health Care for the Homeless in Milwaukee, \$25,000 in each fiscal year  
7 of the fiscal biennium in which this paragraph takes effect for primary health care  
8 services and other services described under section 46.972 of the statutes, as affected  
9 by this act.

10 (j) Twenty-five thousand dollars in each fiscal year of the fiscal biennium in  
11 which this paragraph takes effect, for services under section 253.16 of the statutes,  
12 as affected by this act, to reduce fetal and infant mortality and morbidity.

13 (5w) INDEPENDENT LIVING CENTER APPROPRIATION BASE AMOUNT. Notwithstanding  
14 section 16.42 (1) (e) of the statutes, in submitting information under section 16.42  
15 of the statutes for purposes of the 2011-13 biennial budget bill, the department of  
16 health services shall submit information concerning the appropriation under section  
17 20.435 (7) (c) of the statutes as though the amount appropriated under that  
18 appropriation for the second fiscal year of the fiscal biennium in which this  
19 subsection takes effect had been \$983,500.

20 (5x) INCOME MAINTENANCE MANAGEMENT REPORTS. The department of health  
21 services shall provide to the joint committee on finance copies of all reports  
22 documenting its management of the Milwaukee County income maintenance  
23 programs, including all monthly Milwaukee County Enrollment Services reports,  
24 that the department is required to provide to the plaintiffs in the litigation



1 commenced against department officials and others, known as *West v. Timberlake*,  
2 under a settlement agreement entered into on April 16, 2009.

3 (6i) 2009-11 INDEPENDENT RURAL HOSPITAL SUPPLEMENTS. From the appropriation  
4 account under section 20.435 (4) (b) of the statutes and, if the federal government  
5 authorizes federal financial participation under the federal Medicaid program for  
6 payments under this subsection, from the appropriation account under section  
7 20.435 (4) (o) of the statutes, the department of health services shall pay each  
8 independent, rural, hospital that is located in a county that borders another state  
9 and that is not a critical access hospital the following amounts:

10 (a) In the first fiscal year of the fiscal biennium in which this paragraph takes  
11 effect, \$300,000.

12 (b) In the second fiscal year of the fiscal biennium in which this paragraph  
13 takes effect, \$400,000.

14 (6q) GRANT FOR HIV INFECTION SERVICES. From the appropriation account under  
15 section 20.435 (1) (ma) of the statutes, as created by this act, the department of  
16 health services shall provide to the Black Health Coalition of Wisconsin, Inc.,  
17 \$100,000 in the first fiscal year of the fiscal biennium in which this subsection takes  
18 effect as a grant to provide human immunodeficiency virus infection outreach,  
19 education, referral, and other services.

20 (6v) POISON CONTROL FUNDING. Notwithstanding section 16.42 (1) (e) of the  
21 statutes, in submitting information under section 16.42 of the statutes for the  
22 purposes of the 2011-13 biennial budget bill, the department of health services shall  
23 submit information concerning the appropriation under section 20.435 (1) (ds) of the  
24 statutes, as affected by this act, as though the amount in the schedule for fiscal year  
25 2010-11 had been \$425,000.

1           (7i) COMMITTEE ON PRESERVATION OF INTERMEDIATE CARE FACILITIES FOR THE  
2 MENTALLY RETARDED. The secretary of the department of health services shall appoint  
3 a committee to study and report on the need for existing intermediate care facilities  
4 for the mentally retarded in maintaining an effective, high-quality, planned system  
5 of services for persons with developmental disabilities. The membership of the  
6 committee shall include at least one member of the senate, at least one member of  
7 the assembly, representatives of operators and administrators of intermediate care  
8 facilities for the mentally retarded, and representatives of consumer advocates. The  
9 department of health services shall submit the committee's report, and any  
10 recommendations made by the committee, to the joint committee on finance by  
11 December 1, 2009.

12           (7v) COMMUNITY HEALTH SERVICES GRANTS FUNDING. Notwithstanding section  
13 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the  
14 statutes for the purposes of the 2011-13 biennial budget bill, the department of  
15 health services shall submit information concerning the appropriation under section  
16 20.435 (1) (fh) of the statutes, as affected by this act, as though the amount in the  
17 schedule for fiscal year 2010-11 had been \$6,100,000.

18           (8v) BIRTH DEFECT PREVENTION AND SURVEILLANCE REPORT. Before December 1,  
19 2009, the department of health services shall prepare and submit to the appropriate  
20 standing committees of the legislature under section 13.172 (3) of the statutes, a  
21 report including all of the following:

22           (a) Recommendations for improving the birth defect prevention and  
23 surveillance system under section 253.12 of the statutes.

24           (b) Standards for measuring the birth defect prevention and surveillance  
25 system performance.

1 (c) Individual privacy considerations involved in any recommendations under  
2 paragraph (a).

3 (d) A review of potential federal and private funding sources for the birth defect  
4 prevention and surveillance system.

5 (10q) MEDICAL ASSISTANCE QUALITY AND COST REDUCTION REPORT.

6 (a) Before January 1, 2010, the department of health services shall submit to  
7 the legislature in the manner provided under section 13.172 (2) of the statutes a  
8 report that discusses all of the following proposals:

9 5. Creating a surveillance system for adverse events that result in poor patient  
10 outcomes and include reporting of health care associated infections.

11 6. Requiring all medical assistance providers to participate in care  
12 coordination incentive programs.

13 7. Modifying how health maintenance organizations deliver services to medical  
14 assistance recipients, such as requiring health maintenance organizations to make  
15 available a toll-free, 24 hours per day, 7 days per week triage hotline and help desk  
16 staffed by nurses; provide prenatal case coordination; institute a chronic disease  
17 management program, including substance abuse screening and intervention and  
18 other lifestyle screening and intervention; report health care associated infections;  
19 and institute care coordination incentives.

20 8. Reducing funding to support the administrative component of the capitation  
21 payments the department of health services makes to health maintenance  
22 organizations for medical assistance recipients.

23 9. Reducing fee-for-service payments to health care providers in cases in  
24 which a patient, who receives medical assistance benefits, is readmitted to a hospital

1 within 30 days of release from a hospital following treatment for the same condition,  
2 or following a preventable, adverse event.

3 10. Prohibiting inclusion of a provision in a contract between the department  
4 of health services and a managed care organization that would allow any managed  
5 care organization, or an agency with which the managed care organization contracts,  
6 to withhold, as confidential, proprietary, or a trade secret, information on provider  
7 payment rates pertaining to medical assistance recipients and modifying section  
8 19.36 (5) of the statutes to specify that, in that subsection, information on provider  
9 payment rates is not a trade secret.

10 (b) The report under paragraph (a) shall include a discussion of all of the  
11 following for each proposal under paragraph (a) 5. to 10.:

12 1. The potential effect on improving the quality of care for medical assistance  
13 recipients.

14 2. The estimated savings that may result by implementation.

15 3. The feasibility of implementation.

16 (11q) JOINT COMMITTEE ON FINANCE REVIEW OF MEDICAL ASSISTANCE SPENDING PLAN.

17 The department of health services shall by August 1, 2009, submit a plan to the joint  
18 committee on finance for administering the Medical Assistance Program under  
19 subchapter IV of chapter 49 of the statutes and the prescription drug assistance  
20 program for the elderly under section 49.688 of the statutes in the 2009-11 fiscal  
21 biennium within the funding appropriated for these programs under this act. The  
22 plan shall include a description of the measures the department intends to  
23 implement to realize cost efficiencies and cost reductions in the Medical Assistance  
24 Program and the prescription drug assistance program for the elderly. The plan shall  
25 include an estimate of savings in state and federal expenditures, by fiscal year, for

1 each component of the plan and for the plan as a whole. The department may  
2 implement the plan unless the committee, by September 1, 2009, approves an  
3 alternative plan for administering the Medical Assistance Program and the  
4 prescription drug assistance program for the elderly within the funding  
5 appropriated for these programs under this act. If the committee meets to review the  
6 department's plan and approves an alternative plan by September 1, 2009, the  
7 department shall implement the alternative plan.

8 (12u) EMPLOYMENT AND TRAINING ACTIVITIES. The department of health services  
9 shall work with Portage, Adams, Wood, and Milwaukee counties to modify the  
10 employment and training program under section 49.79 (9) of the statutes in those  
11 counties for the purpose of increasing the amount of federal funding that the state  
12 receives under the program.

13 **SECTION 9123. Nonstatutory provisions; Higher Educational Aids**  
14 **Board.**

15 **SECTION 9124. Nonstatutory provisions; Historical Society.**

16 **SECTION 9125. Nonstatutory provisions; Housing and Economic**  
17 **Development Authority.**

18 (1f) GRANT TO HOUSEHOLD ABUSE VICTIMS EMERGENCY NETWORK OF THE CITY OF  
19 MERRILL. Notwithstanding section 234.165 (2) (c) (intro.) of the statutes, the  
20 Wisconsin Housing and Economic Development Authority shall pay, in fiscal year  
21 2009-10, a grant in the amount of \$25,000 from its actual surplus under section  
22 234.165 of the statutes and, in fiscal year 2010-11, a grant in the amount of \$25,000  
23 from its actual surplus under section 234.165 of the statutes to the Household Abuse  
24 Victims Emergency Network of the city of Merrill for the purpose of renovating a