

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB780)**

Received: **03/01/2010**

Received By: **gmalaise**

Wanted: **Today**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Cindy McGinnis**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - out-of-home placement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Grigsby@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Group homes; certificate of need

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**Instructions:**

See attached--draft up -4085/2 is an amendment to AB 780

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 03/01/2010	jdye 03/02/2010		_____			
/1			phenry 03/02/2010	_____	sbasford 03/02/2010	sbasford 03/02/2010	

FE Sent For:

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/?	gmalaise	1/3 2/2 Jkd	3/2 Dh	3/2 PK			

<END>

**Malaise, Gordon**

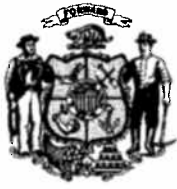
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**From:** Mcginnis, Cindy  
**Sent:** Monday, March 01, 2010 4:39 PM  
**To:** Malaise, Gordon  
**Subject:** amendment  
**Attachments:** group home needs assessment 09-40852.pdf

Gordon-

Would you please draft the attached as an amendment to AB 780? Thank you.

Cindy McGinnis  
Office of State Representative Tamara Grigsby  
324 East State Capitol  
PO Box 8952  
Madison, WI 53708  
1-888-534-0018 - toll free  
(608) 266-0645  
(608) 282-3618 - fax



**2009 BILL**

ASSEMBLY AMENDMENT,

to 2009 ASSEMBLY BILL 780

At the locations indicated, amend the bill as follows:  
1. Page 1, line 10: delete that line and substitute: "providers;

- 1 AN ACT ~~to amend~~ 48.625 (1); and ~~to create~~ 48.625 (1g) of the statutes; relating
- 2 ~~to~~ requiring the Department of Children and Families to certify the need for
- 3 a new group home or for an increase in the capacity of an existing group home;
- 4 extending the time limit for emergency rule procedures; providing an
- 5 exemption from emergency rule procedures; and requiring the exercise of
- 6 rule-making authority. "

**Analysis by the Legislative Reference Bureau**

Under current law, any person who receives, with or without transfer of legal custody, five to eight children to provide care and maintenance for those children must obtain a license to operate a group home from the Department of Children and Families (DCF). To obtain a license to operate a group home, a person must meet the minimum requirements for a license established by DCF and undergo a background investigation. A group home license is valid until revoked or suspended, but must be reviewed by DCF every two years. If on review DCF determines that the licensee continues to meet the minimum requirements for a group home license, DCF must continue the license for an additional two years.

This bill prohibits a person from applying for a license to operate a new group home or for an amendment to a group home license that would increase the bed capacity of an existing group home until DCF has reviewed the need for the additional placement resources that would be made available by the issuance or

**BILL**

# Page 3, line 1: delete that line and substitute:

amendment of the license and has certified in writing that a need exists for the proposed additional placement resources.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

① SECTION 1. 48.625 (1) of the statutes is amended to read:

2 48.625 (1) Any person who receives, with or without transfer of legal custody,  
3 5 to 8 children, not including children who under sub. (1m) are not counted toward  
4 that number, to provide care and maintenance for those children shall obtain a  
5 license to operate a group home from the department. To obtain a license under this  
6 subsection to operate a group home, a person must meet the determination of need  
7 requirement under sub. (1g), meet the minimum requirements for a license  
8 established by the department under s. 48.67, meet the requirements specified in s.  
9 48.685, and pay the license fee under sub. (2). A license issued under this subsection  
10 is valid until revoked or suspended, but shall be reviewed every 2 years as provided  
11 in s. 48.66 (5).

⑫ SECTION 2. 48.625 (1g) of the statutes is created to read:

13 48.625 (1g) No person may apply for a license under sub. (1) to operate a new  
14 group home or for an amendment to a license under sub. (1) that would increase the  
15 bed capacity of an existing group home until the department has reviewed the need  
16 for the additional placement resources that would be made available by the issuance  
17 or amendment of the license and has certified in writing that a need exists for the  
18 proposed additional placement resources. The department shall promulgate rules  
19 to implement this subsection.

20 SECTION 3. Nonstatutory provisions.

SECTION 1m. AM; 49.34 (5m) (b)1. and 2. "

# Page 11, line 1: before that line insert:

**BILL**

1           (1) DETERMINATION OF NEED FOR ADDITIONAL GROUP HOME PLACEMENT RESOURCES;  
2 RULES.

3           (a) *Permanent rules.* The department of children and families shall submit in  
4 proposed form the rules required under section 48.625 (1g) of the statutes, as created  
5 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
6 later than the first day of the 3rd month beginning after the effective date of this  
7 paragraph.

8           (b) *Emergency rules.* The department of children and families may promulgate  
9 the rules required under section 48.625 (1g) of the statutes, as created by this act,  
10 as emergency rules under section 227.24 of the statutes. Notwithstanding section  
11 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
12 paragraph remain in effect until the date on which the rules submitted under  
13 paragraph (a) take effect. Notwithstanding SECTION 227.24 (1) (a), (2) (b), and (3) of  
14 the statutes, the department is not required to provide evidence that promulgating  
15 a rule under this paragraph as an emergency rule is necessary for the preservation  
16 of the public peace, health, safety, or welfare and is not required to provide a finding  
17 of emergency for a rule promulgated under this paragraph.

18

(END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1719/1  
GMM: ...  
JLD

Ln 311  
Wanted 312

ASSEMBLY AMENDMENT,  
TO 2009 ASSEMBLY BILL 780

after "providers;" insert

1 At the locations indicated, amend the bill as follows:

Fix component

2 1. Page 1, line 10: delete that line and substitute "providers" requiring the  
3 Department of Children and Families to certify the need for a new group home or for  
4 an increase in the capacity of an existing group home; extending the time limit for  
5 emergency rule procedures; providing an exemption from emergency rule  
6 procedures; and requiring the exercise of rule-making authority".

7 2. Page 3, line 1: delete that line and substitute:

8 "SECTION 1d. 48.625 (1) of the statutes is amended to read:

9 48.625 (1) Any person who receives, with or without transfer of legal custody,  
10 5 to 8 children, not including children who under sub. (1m) are not counted toward  
11 that number, to provide care and maintenance for those children shall obtain a  
12 license to operate a group home from the department. To obtain a license under this  
13 subsection to operate a group home, a person must meet the determination of need

1 requirement under sub. (1g), meet the minimum requirements for a license  
 2 established by the department under s. 48.67, meet the requirements specified in s.  
 3 48.685, and pay the license fee under sub. (2). A license issued under this subsection  
 4 is valid until revoked or suspended, but shall be reviewed every 2 years as provided  
 5 in s. 48.66 (5).

6 **SECTION 1g.** 48.625 (1g) of the statutes is created to read:

7 48.625 (1g) No person may apply for a license under sub. (1) to operate a new  
 8 group home or for an amendment to a license under sub. (1) that would increase the  
 9 bed capacity of an existing group home until the department has reviewed the need  
 10 for the additional placement resources that would be made available by the issuance  
 11 or amendment of the license and has certified in writing that a need exists for the  
 12 proposed additional placement resources. The department shall promulgate rules  
 13 to implement this subsection.

14 **SECTION 1m.** 49.34 (5m) (b) 1. and 2. of the statutes are amended to read:".

15 **3.** Page 11, line 1: before that line insert:

16 **"SECTION 14m. Nonstatutory provisions.**

17 (1) DETERMINATION OF NEED FOR ADDITIONAL GROUP HOME PLACEMENT RESOURCES;  
 18 RULES.

19 (a) *Permanent rules.* The department of children and families shall submit in  
 20 proposed form the rules required under section 48.625 (1g) 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 3rd month beginning after the effective date of this  
 23 paragraph.



1 (b) *Emergency rules*. The department of children and families may promulgate  
2 the rules required under section 48.625 (1g) of the statutes, as created by this act,  
3 as emergency rules under section 227.24 of the statutes. Notwithstanding section  
4 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
5 paragraph remain in effect until the date on which the rules submitted under  
6 paragraph (a) take effect. Notwithstanding SECTION 227.24 (1) (a), (2) (b), and (3) of  
7 the statutes, the department is not required to provide evidence that promulgating  
8 a rule under this paragraph as an emergency rule is necessary for the preservation  
9 of the public peace, health, safety, or welfare and is not required to provide a finding  
10 of emergency for a rule promulgated under this paragraph.”

NO (S)  
PLAIN

11

(END)