



**ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 780**

March 11, 2010 - Offered by COMMITTEE ON CHILDREN AND FAMILIES.

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

2 **1.** Page 1, line 10: after “providers;” insert “requiring the Department of
Children and Families to certify the need for a new group home or for an increase in
the capacity of an existing group home; extending the time limit for emergency rule
procedures; providing an exemption from emergency rule procedures;”.

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

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

5 48.625 (1) Any person who receives, with or without transfer of legal custody,
6 5 to 8 children, not including children who under sub. (1m) are not counted toward
7 that number, to provide care and maintenance for those children shall obtain a
8 license to operate a group home from the department. To obtain a license under this
9 subsection to operate a group home, a person must meet the determination of need
10 requirement under sub. (1g), meet the minimum requirements for a license

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

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

6 48.625 (1g) No person may apply for a license under sub. (1) to operate a new
7 group home or for an amendment to a license under sub. (1) that would increase the
8 bed capacity of an existing group home until the department has reviewed the need
9 for the additional placement resources that would be made available by the issuance
10 or amendment of the license and has certified in writing that a need exists for the
11 proposed additional placement resources. The department shall promulgate rules
12 to implement this subsection.

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

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

15 “**SECTION 14m. Nonstatutory provisions.**

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

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

23 (b) *Emergency rules.* The department of children and families may promulgate
24 the rules required under section 48.625 (1g) of the statutes, as created by this act,

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

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(END)