



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 279

Assembly Amendments 1 and 2

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Assembly Bill 279 is a bill which reconciles conflicts between 2005 Wisconsin Acts 264, 387, and 388. These three Acts did the following:

- Act 264 recodified and revised ch. 55, Stats., relating to protective placements and services for adults with disabilities.
- Act 357 revised ch. 880, Stats., relating to guardianship, and moved many of its provisions to newly created ch. 54, Stats.
- Act 388 revised the elder abuse reporting and investigation system in ch. 46, Stats., and created parallel provisions in ch. 55, Stats., to provide protections from abuse for non-elderly adults who have disabilities.

Assembly Amendment 1

Assembly Amendment 1 changes a provision in the bill which could arguably give a guardian the power to petition for a commitment of a ward under ch. 51, Stats. Under the amendment, the guardian is given the power to “apply” for a commitment of a ward under ch. 51. The amendment, therefore, retains current law. This change is necessary because the corporation counsel represents the interest of the public in commitment proceedings under ch. 51, including the drafting of the petition.

Assembly Amendment 2

Assembly Amendment 2 changes a cross-reference in the bill that incorporates the same hearing procedures for annual reviews of protective placements that are in place for initial hearings on protective placements. Under the amendment, the cross-reference to those procedures is made more specific, to incorporate only the relevant due process requirements for hearings on annual reviews of protective placements.

Legislative History

The Assembly Committee on Aging and Long-Term Care held a public hearing on Assembly Bill 279 on May 1, 2007 and took executive action on the bill on May 15, 2007. The committee recommended adoption of Assembly Amendments 1 and 2 by a vote of Ayes, 10; Noes, 0; and recommended passage of the bill, as amended, by a vote of Ayes, 10; Noes, 0.

LR:jal:ty