

\$4,440,500 in fiscal year 2004–05 2006–07 to the appropriation account under s. 20.435 (3) (kx).

***b0173/1.22* SECTION 1077d.** 49.155 (1g) (d) of the statutes is created to read:

49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), distribute \$3,378,500 in fiscal year 2005–06 and \$3,378,500 in fiscal year 2006–07 for grants under s. 49.134 (2) for child day care resource and referral services, for contracts under s. 49.137 (4) for training and technical assistance, for grants under s. 49.137 (4m), and for a child care scholarship and bonus program.

***b0169/2.1* SECTION 1077r.** 49.155 (1m) (a) (intro.) of the statutes is amended to read:

49.155 (1m) (a) (intro.) The individual is a parent of a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the age of 19; or is a person who, under s. 48.57 (3m) or (3n), is providing care and maintenance for a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the age of 19; and child care services for that child are needed in order for the individual to do any of the following:

***-0084/3.56* SECTION 1078.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years and the individual resides with his or her custodial parent or with a kinship care relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57 (3n) or is in a foster home or treatment foster home licensed under s. 48.62, a subsidized guardianship home under s. 48.62 (5), a group home, or an independent living arrangement supervised by an adult.

***b0169/2.2* SECTION 1079s.** 49.155 (1m) (b) 1. of the statutes is amended to read:

49.155 (1m) (b) 1. Section 49.145 (2) (e), (f) and (g).

***-0084/3.57* SECTION 1080.** 49.155 (1m) (bm) of the statutes is amended to read:

49.155 (1m) (bm) If the individual is providing care for a child under a court order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child care is needed for that child, the individual child meets the requirement under s. 49.145 (2) (c).

***-0084/3.58* SECTION 1081.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or adoptive family has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

***b0172/3.8* SECTION 1083m.** 49.155 (6) (cm) of the statutes is created to read:

49.155 (6) (cm) The department shall modify child care provider reimbursement rates established under pars. (a) to (c) so that reimbursement rates are lower for providers of after-school day care.

***b0171/2.3* SECTION 1085f.** 49.161 (4) of the statutes is created to read:

49.161 (4) UNRECOVERABLE OVERPAYMENTS CAUSED BY WISCONSIN WORKS AGENCY ERROR. If an overpayment under sub. (1), (2), or (3) resulted from an error or omission by a Wisconsin Works agency or a staff person of a Wisconsin Works agency and the

department is unable to recover some or all of the overpayment from the individual who received it, the Wisconsin Works agency is liable to the department for the amount of the overpayment that the department is unable to recover.

***-1662/4.13* SECTION 1086.** 49.175 (1) (intro.) of the statutes is amended to read:

49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within the limits of the appropriations under s. 20.445 (3) (a), (cm), (dz), ~~(jL)~~, (jm), (k), (kx), (L), (mc), (md), ~~(nL)~~, and (me), and (s) the department shall allocate the following amounts for the following purposes:

****NOTE: This is reconciled s. 49.175 (1) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0604, -1526, and -1662.

***-1662/4.15* SECTION 1087.** 49.175 (1) (a) of the statutes is amended to read:

49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits provided ~~under contracts having a term that begins on January 1, 2002, and ends on December 31, 2003, \$33,219,700 in fiscal year 2003-04; and for Wisconsin Works benefits provided under contracts having a term that begins on January 1, 2004, and ends on December 31, 2005, \$33,219,700, \$59,184,700 in fiscal year 2003-04 2005-06 and \$66,439,400 \$51,930,000 in fiscal year 2004-05 2006-07.~~

***-1662/4.16* SECTION 1088.** 49.175 (1) (b) of the statutes is amended to read:

49.175 (1) (b) *Wisconsin Works administration.* For administration of Wisconsin Works performed under contracts under s. 49.143 ~~having a term that begins on January 1, 2002, and ends on December 31, 2003, \$10,582,800 in fiscal year 2003-04; and for administration of Wisconsin Works performed under contracts under s. 49.143 having a term that begins on January 1, 2004, and ends on~~

December 31, 2005, ~~\$10,582,900, \$18,999,900~~ in fiscal year ~~2003-04~~ 2005-06 and ~~\$21,165,700~~ \$16,834,100 in fiscal year ~~2004-05~~ 2006-07.

***-1662/4.17* SECTION 1089.** 49.175 (1) (c) of the statutes is amended to read:

49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses to Wisconsin Works agencies that have entered into contracts under s. 49.143 having a term that begins on January 1, ~~2002~~ 2004, and that ends on December 31, ~~2003~~ 2005, \$0 in fiscal year ~~2003-04~~ 2005-06.

***-1662/4.18* SECTION 1090.** 49.175 (1) (f) of the statutes is amended to read:

49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under Wisconsin Works, ~~including transportation assistance for individuals who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq., provided under contracts under s. 49.143 having a term that begins on January 1, 2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003-04; and for program services under Wisconsin Works, including transportation assistance for individuals who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq., education and training, mentoring, and other services provided under contracts under s. 49.143 having a term that begins on January 1, 2004, and ends on December 31, 2005, \$27,803,300, \$49,534,800 in fiscal year 2003-04~~ 2005-06 and \$55,606,600 \$43,463,000 in fiscal year 2004-05 2006-07.

***-1662/4.19* SECTION 1091.** 49.175 (1) (g) of the statutes is amended to read:

49.175 (1) (g) *State administration of public assistance programs.* For state administration of public assistance programs, ~~\$18,484,600~~ \$16,060,000 in each fiscal year.

***-1662/4.20* SECTION 1092.** 49.175 (1) (m) of the statutes is amended to read:

49.175 (1) (m) *Children first*. For services under the work experience program for noncustodial parents under s. 49.36, ~~\$1,140,000~~ \$834,400 in each fiscal year.

***-1526/3.3* SECTION 1093.** 49.175 (1) (n) of the statutes is repealed.

***b0173/1.25* SECTION 1094d.** 49.175 (1) (p) of the statutes is amended to read:

49.175 (1) (p) *Direct child care services*. For direct child care services under s. 49.155, ~~\$298,640,600~~ \$310,332,100 in fiscal year ~~2003–04~~ 2005–06 and ~~\$308,040,600~~ \$313,432,100 in fiscal year ~~2004–05~~ 2006–07.

***b0172/3.18* SECTION 1095c.** 49.175 (1) (q) of the statutes is amended to read:

49.175 (1) (q) *Indirect child Child care services state administration*. For indirect child care services state administration costs under s. 49.155 (1g), ~~\$9,559,400~~ (b) and (c), \$5,926,700 in fiscal year ~~2003–04~~ 2005–06 and ~~\$9,626,700~~ \$5,929,000 in fiscal year ~~2004–05~~ 2006–07.

***b0172/3.18* SECTION 1096c.** 49.175 (1) (qm) of the statutes is amended to read:

49.175 (1) (qm) *Local pass-through grant program Quality care for quality kids*. For the local pass-through grant program under s. 49.137 (4m), ~~\$2,475,100~~ in fiscal year ~~2003–04~~ and ~~\$2,478,500~~ in child care quality improvement activities specified in s. 49.155 (1g) (d), \$3,378,500 in each fiscal year ~~2004–05~~.

***b0172/3.20* SECTION 1098m.** 49.175 (1) (r) of the statutes is repealed.

***b0172/3.20* SECTION 1100m.** 49.175 (1) (ze) 1. of the statutes is amended to read:

49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and (3p), ~~\$24,122,200~~ \$23,034,200 in each fiscal year ~~2005–06~~ and ~~\$22,686,300~~ in fiscal year ~~2006–07~~.

****NOTE: This is reconciled s. 49.175 (1) (ze) 1. This SECTION has been affected by drafts with the following LRB numbers: LRB-0277 and -1662.

-1662/4.28 SECTION 1101. 49.175 (1) (ze) 2. of the statutes is amended to read:

49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For payments made under s. 49.775 for the support of the dependent children of recipients of supplemental security income, ~~\$26,397,200~~ \$30,444,000 in fiscal year ~~2003-04~~ 2005-06 and ~~\$29,175,100~~ \$30,394,000 in fiscal year ~~2004-05~~ 2006-07.

****NOTE: This is reconciled s. 49.175 (1) (ze) 2. This SECTION has been affected by drafts with the following LRB numbers: LRB-0277 and -1662.

-1635/3.11 SECTION 1102. 49.175 (1) (ze) 7. of the statutes is repealed.

-1635/3.12 SECTION 1103. 49.175 (1) (ze) 8. of the statutes is repealed.

-1662/4.29 SECTION 1104. 49.175 (1) (ze) 10m. of the statutes is amended to read:

49.175 (1) (ze) 10m. 'Safety services.' For services provided in counties having a population of 500,000 or more to ensure the safety of children who the department of health and family services determines may remain at home if appropriate services are provided, ~~\$7,045,500~~ \$5,707,200 in each fiscal year.

****NOTE: This is reconciled s. 49.175 (1) (ze) 10m. This SECTION has been affected by drafts with the following LRB numbers: LRB-0277 and -1662.

-1662/4.30 SECTION 1105. 49.175 (1) (ze) 12. of the statutes is amended to read:

49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For the costs associated with the Milwaukee child welfare information system and the Wisconsin statewide automated child welfare information system, ~~\$1,695,700~~ \$1,310,800 in fiscal year ~~2003-04~~ 2005-06 and ~~\$1,741,300~~ \$1,317,700 in fiscal year ~~2004-05~~ 2006-07.

***NOTE: This is reconciled s. 49.175 (1) (ze) 12. This SECTION has been affected by drafts with the following LRB numbers: LRB-0277 and -1662.

***-1662/4.31* SECTION 1106.** 49.175 (1) (zh) of the statutes is amended to read:

49.175 (1) (zh) ~~*Taxable years 1999 and thereafter*~~ *Earned income tax credit supplement.* For the transfer of moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$57,892,000 in fiscal year 2003-04 and \$59,532,000~~ \$59,532,000 in each fiscal year 2004-05.

***-1534/3.3* SECTION 1107.** 49.175 (1) (zj) of the statutes is repealed.

***-1534/3.4* SECTION 1108.** 49.175 (1) (zL) of the statutes is renumbered 115.28 (35) and amended to read:

115.28 (35) *English for Southeast Asian children.* ~~To~~ Annually pay to the school board of the Wausau school district for English training instruction for 3-year-old, 4-year-old and 5-year-old Southeast Asian children, \$100,000 in each fiscal year the amount appropriated under s. 20.255 (2) (ce).

***-1625/3.5* SECTION 1109.** 49.175 (1) (zn) of the statutes is repealed.

***-0490/P2.1* SECTION 1110.** 49.195 (3m) (b) of the statutes is amended to read:

49.195 (3m) (b) The clerk of circuit court shall accept, file, and enter ~~the~~ each warrant under par. (a) and each satisfaction, release, or withdrawal under par. (d), (e), (g), or (h) in the judgment and lien docket without prepayment of any fee, but the clerk of circuit court shall submit a statement of the proper fee semiannually to the department covering the periods from January 1 to June 30 and July 1 to December 31 unless a different billing period is agreed to between the clerk of circuit court and the department. The department shall pay the fees, but shall add the fees provided by s. 814.61 (5) for entering the warrants to the amount of the warrant and shall

collect the fees from the person named in the warrant when satisfaction or release is presented for entry.

***-0490/P2.2* SECTION 1111.** 49.195 (3m) (h) of the statutes is amended to read:

49.195 (3m) (h) If the department arranges a payment schedule with the debtor and the debtor complies with the payment schedule, the department shall may issue a notice of withdrawal of the warrant to the clerk of circuit court for the county in which the warrant is filed. ~~The~~ If the department issues a notice of withdrawal of the warrant, the clerk shall void the warrant and the resulting liens.

***-0490/P2.3* SECTION 1112.** 49.195 (3n) (p) of the statutes is amended to read:

49.195 (3n) (p) A levy is effective from the date on which the levy is first served on the 3rd party until the liability out of which the levy arose is satisfied, or until the levy is released ~~or until one year from the date of service~~, whichever occurs first.

***-0490/P2.4* SECTION 1113.** 49.195 (3n) (t) of the statutes is amended to read:

49.195 (3n) (t) Any 3rd party is entitled to a levy fee of \$5 for each levy in any case where in which property is secured through the levy. ~~The~~ If the 3rd party retains the fee, the 3rd party shall increase the levy amount by the amount of the fee and deduct the fee from the proceeds of the levy.

***-0265/3.8* SECTION 1114.** 49.197 (1m) of the statutes is amended to read:

49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3) (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of aid to families with dependent children under s. 49.19, on the part of participants in the Wisconsin ~~works~~ Works program under ss. 49.141 to 49.161, and, if the department of health and family services contracts with the department under sub. (5), on the part of recipients of medical assistance under subch. IV and, food stamp benefits under the

food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, and health care benefits under the Badger Care health care program under s. 49.665. The department's activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin works Works agencies to encourage activities to detect fraud. The department shall cooperate with district attorneys regarding fraud prosecutions.

***-0265/3.9* SECTION 1115.** 49.197 (3) of the statutes is amended to read:

49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct activities to reduce payment errors in Wisconsin works Works under ss. 49.141 to 49.161 and, if the department of health and family services contracts with the department under sub. (5), the ~~medical assistance~~ Medical Assistance program under subch. IV and, the food stamp program under 7 USC 2011 to 2036, the supplemental security income payments program under s. 49.77, the program providing payments for the support of children of supplemental security income recipients under s. 49.775, and the Badger Care health care program under s. 49.665.

***-0265/3.10* SECTION 1116.** 49.197 (4) of the statutes is amended to read:

49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and family services contracts with the department under sub. (5), the department shall provide funds from the appropriation under s. 20.445 (3) (kx) to counties and governing bodies of federally recognized American Indian tribes administering

~~medical assistance~~ Medical Assistance under subch. IV ~~or~~, the food stamp program under 7 USC 2011 to 2036, the supplemental security income payments program under s. 49.77, the program providing payments for the support of children of supplemental security income recipients under s. 49.775, and the Badger Care health care program under s. 49.665 to offset administrative costs of reducing payment errors in those programs.

-0265/3.11 SECTION 1117. 49.197 (5) of the statutes is amended to read:

49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE AND, FOOD STAMPS, SUPPLEMENTAL SECURITY INCOME, AND CARETAKER SUPPLEMENT. ~~The~~ Notwithstanding s. 49.845 (1) and (2), the department of health and family services may contract with the department to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV or recipients of, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, and health care benefits under the Badger Care health care program under s. 49.665 and to conduct activities to reduce payment errors in the Medical Assistance program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the supplemental security income payments program under s. 49.77, the program providing payments for the support of children of supplemental security income recipients under s. 49.775, and the Badger Care health care program under s. 49.665, as provided in this section.

-1525/3.1 SECTION 1118. 49.22 (1) of the statutes is amended to read:

49.22 (1) There is created a child and spousal support and establishment of paternity and medical ~~liability~~ support liability program in the department. The purpose of this program is to establish paternity when possible, to establish or modify

support obligations, to enforce support obligations owed by parents to their children and maintenance obligations owed to spouses or former spouses with whom the children reside in this state or owed in other states if the support order was issued in this state or owed in other states if the parent, spouse, or former spouse resides in this state, to locate persons who are alleged to have taken their child in violation of s. 948.31 or of similar laws in other states, and to locate and value property of any person having a support duty. To accomplish the objectives of this program and of other assistance programs under this chapter, county and state agencies will cooperate with one another to implement a child and spousal support and paternity establishment and medical support liability program in accordance with state and federal laws, regulations, and rules and to assure proper distribution of benefits of all assistance programs authorized under this chapter.

***-0474/3.1* SECTION 1119.** 49.36 (2) of the statutes is amended to read:

49.36 (2) The department may contract with any county, tribal governing body, or Wisconsin works Works agency to administer a work experience and job training program for parents who are not custodial parents and who fail to pay child support or to meet their children's needs for support as a result of unemployment or underemployment. The program may provide the kinds of work experience and job training services available from the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The program may also include job search and job orientation activities. The department shall fund the program from the ~~appropriation~~ appropriations under s. 20.445 (3) (dz) and (k).

***-0265/3.12* SECTION 1120.** 49.45 (2) (a) 3m. of the statutes is repealed.

***-0124/1.1* SECTION 1124.** 49.45 (3) (i) of the statutes is repealed.

***b0323/1.3* SECTION 1124g.** 49.45 (3) (m) of the statutes is created to read:

49.45 (3) (m) Reimbursement for services provided by a health maintenance organization, as defined in s. 609.01 (2), with a contract under sub. (2) (b) 2. to provide health care to recipients of Medical Assistance or Badger Care, shall be made under capitation rates that are actuarially sound.

***b0222/1.1* SECTION 1125s.** 49.45 (6m) (a) 6. of the statutes is created to read:

49.45 (6m) (a) 6. “Resource Utilization Groupings III” means a comparative resource utilization grouping that classifies each facility resident based on information obtained from performing, for the resident, a minimum data set assessment developed by the federal Centers for Medicare and Medicaid Services.

***b0222/1.2* SECTION 1128m.** 49.45 (6m) (ag) 3p. of the statutes is created to read:

49.45 (6m) (ag) 3p. For all costs specified under par. (am) 1. bm., an acuity-based payment rate system to which all of the following applies:

a. The system shall incorporate acuity measurements under the most recent Resource Utilization Groupings III methodology to determine factors for case-mix adjustment.

b. Four times annually, for each facility resident who is a Medical Assistance recipient on March 31, June 30, September 30, or December 31, as applicable, the system shall determine the average case-mix index by use of the factors specified under subd. 3p. a.

c. The system shall incorporate payment adjustments for dementia, behavioral needs, or other complex medical conditions.

d. The system may include incentives for providing high quality of care.

e. The system shall identify the extent to which payment is made to facilities, under the system, for facilities' direct care nursing costs allowable under Medical Assistance.

***b0221/1.1* SECTION 1132f.** 49.45 (6m) (m) of the statutes is created to read:

49.45 (6m) (m) The department may not use the criteria for functional eligibility specified in s. 46.286 (1) (a) to determine rates of payment to facilities under this subsection.

***-0746/4.1* SECTION 1133.** 49.45 (6t) of the statutes, as affected by 2003 Wisconsin Act 318, is repealed.

***b0324/2.1* SECTION 1135c.** 49.45 (6x) (title) of the statutes is amended to read:

49.45 (6x) (title) FUNDING FOR ESSENTIAL ACCESS CITY HOSPITAL HOSPITALS.

***b0324/2.2* SECTION 1135d.** 49.45 (6x) (a) of the statutes is amended to read:

49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (w), the department shall distribute not more than \$4,748,000 in each fiscal year, to provide funds to an essential access city hospital hospitals, except that the department may not allocate funds to an essential access city hospital to the extent that the allocation would exceed any limitation under 42 USC 1396b (i) (3).

***b0324/2.2* SECTION 1135e.** 49.45 (6x) (b) of the statutes is amended to read:

49.45 (6x) (b) The department shall develop procedures for solicitation and review of requests for funds and a method to distribute the funds under par. (a) to an individual hospital hospitals that shall include establishment of criteria for the designation as an essential access city hospital. Beginning on July 1, 2007, the criteria established by the department may not include reference to criteria that

were required to have been met during July 1, 1995, to June 30, 1996, but shall include the requirement that more than 30 percent of a hospital's total inpatient days are reimbursable under Medical Assistance. No hospital that qualifies for a Medical Assistance pediatric inpatient supplement is eligible for funds under this subsection.

***b0319/1.1* SECTION 1144p.** 49.45 (18) (ag) 1. of the statutes is amended to read:

49.45 (18) (ag) 1. A copayment of \$1 \$3 for each prescription of a drug that bears only a generic name, as defined in s. 450.12 (1) (b).

***b0320/2.1* SECTION 1146j.** 49.45 (27) of the statutes is amended to read:

49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law may not receive medical assistance benefits except as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), subject to s. 49.46 (2) (f).

***-0747/1.2* SECTION 1147.** 49.45 (39) (b) 1. of the statutes is amended to read:

49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a cooperative educational service agency elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the school district or the cooperative educational service agency for 60% of the federal share of allowable charges for the school medical services that it provides and, as specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the department of public instruction for 60% of the federal share of allowable charges for the school medical services that the Wisconsin Center for the Blind and Visually Impaired or

the Wisconsin Educational Services Program for the Deaf and Hard of Hearing provides and, as specified in subd. 2., for allowable administrative costs. A school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, claims for common carrier transportation costs as a school medical service unless the department receives notice from the federal health care financing administration that, under a change in federal policy, the claims are not allowed. If the department receives the notice, a school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, unreimbursed claims for common carrier transportation costs incurred before the date of the change in federal policy. The department shall promulgate rules establishing a methodology for making reimbursements under this paragraph. ~~Except as provided in subd. 1m., all~~ All other expenses for the school medical services provided by a school district or a cooperative educational service agency shall be paid for by the school district or the cooperative educational service agency with funds received from state or local taxes. The school district, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the cooperative educational service agency shall comply with all requirements of the federal department of health and human services for receiving federal financial participation.

***-0747/1.3* SECTION 1148.** 49.45 (39) (b) 1m. of the statutes is repealed.

***-0747/1.4* SECTION 1149.** 49.45 (39) (b) 2. of the statutes is amended to read:

49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The department shall reimburse a school district or a cooperative educational service agency specified under ~~subs.~~ subd. 1. and 1m. and shall reimburse the department of public instruction on behalf of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing for 90% of the federal share of allowable administrative costs, using time studies, beginning in fiscal year 1999–2000. A school district or a cooperative educational service agency may submit, and the department of health and family services shall allow, claims for administrative costs incurred during the period that is up to 24 months before the date of the claim, if allowable under federal law.

***b0321/2.1* SECTION 1149f.** 49.45 (42m) of the statutes is created to read:

49.45 (42m) PHYSICAL AND OCCUPATIONAL THERAPY. (a) If, in authorizing the provision of physical or occupational therapy services under s. 49.46 (2) (b) 6. b., the department authorizes a reduced duration of services from the duration that the provider specifies in the authorization request, the department shall substantiate the reduction that the department made in the duration of the services if the provider of the services requests any additional authorizations for the provision of physical or occupational therapy services to the same individual.

(b) The division of the department that is responsible for health care financing shall monitor compliance with the requirement under par. (a) in concert with representatives of the Wisconsin Physical Therapy Association and the Wisconsin Occupational Therapy Association.

***-0084/3.59* SECTION 1150.** 49.46 (1) (a) 5. of the statutes is amended to read:

49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care, long-term kinship care ~~or~~, treatment foster care, or subsidized guardianship placement under ch. 48 or 938, as determined by the department.

***-0311/3.8* SECTION 1153.** 49.46 (1) (a) 14. of the statutes is amended to read:

49.46 (1) (a) 14. Any person who would meet the financial and other eligibility requirements for home or community-based services under s. 46.27 (11) ~~or~~, 46.277, or 46.2785 but for the fact that the person engages in substantial gainful activity under 42 USC 1382c (a) (3), if a waiver under s. 49.45 (38) is in effect or federal law permits federal financial participation for medical assistance coverage of the person and if funding is available for the person under s. 46.27 (11) ~~or~~, 46.277, or 46.2785.

***-0270/1.1* SECTION 1154.** 49.46 (1) (a) 15. of the statutes is amended to read:

49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the income and resource eligibility requirements for the federal supplemental security Supplemental Security Income program under 42 USC 1381 to 1383d.

***-0311/3.9* SECTION 1157.** 49.46 (2) (b) 8. of the statutes is amended to read:

49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27 (11), 46.275, 46.277 ~~or~~, 46.278, or 46.2785, under the family care benefit if a waiver is in effect under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).

***b0320/2.2* SECTION 1157j.** 49.46 (2) (f) of the statutes is amended to read:

49.46 (2) (f) Benefits under this subsection or s. 49.45 (27) may not include payment for gastric bypass surgery or gastric stapling surgery unless it is performed because of a medical emergency the procedure is required to be covered under federal medicaid law, as interpreted by the federal centers for medicare and medicaid services.

***-0311/3.10* SECTION 1158.** 49.47 (4) (as) 1. of the statutes is amended to read:

49.47 (4) (as) 1. The person would meet the financial and other eligibility requirements for home or community-based services under s. 46.27 (11) ~~or~~, 46.277, ~~or~~ 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c) but for the fact that the person engages in substantial gainful activity under 42 USC 1382c (a) (3).

***-0311/3.11* SECTION 1159.** 49.47 (4) (as) 3. of the statutes is amended to read:

49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11) ~~or~~, 46.277, ~~or~~ 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c).

***-0879/4.1* SECTION 1167.** 49.497 (title) of the statutes is amended to read:

49.497 (title) Recovery of incorrect ~~medical assistance~~ Medical Assistance or Badger Care payments.

***-0879/4.2* SECTION 1168.** 49.497 (1) of the statutes is renumbered 49.497 (1) (a) (intro.) and amended to read:

49.497 (1) (a) (intro.) The department may recover any payment made incorrectly for benefits ~~specified under s. 49.46, 49.468 or 49.47~~ provided under this subchapter or s. 49.665 if the incorrect payment results from any of the following:

1. A misstatement or omission of fact by a person supplying information in an application for benefits under s. 49.46, 49.468 or 49.47 this subchapter or s. 49.665.

2. The department may also recover if a medical assistance failure of a Medical Assistance or Badger Care recipient or any other person responsible for giving information on the recipient's behalf fails to report the receipt of income or assets in an amount that would have affected the recipient's eligibility for benefits.

(b) The department's right of recovery is against any ~~medical-assistance~~ Medical Assistance or Badger Care recipient to whom or on whose behalf the incorrect payment was made. The extent of recovery is limited to the amount of the benefits incorrectly granted. The county department under s. 46.215 or 46.22 or the governing body of a federally recognized American Indian tribe administering ~~medical-assistance~~ Medical Assistance or Badger Care shall begin recovery actions on behalf of the department according to rules promulgated by the department.

***-0879/4.3* SECTION 1169.** 49.497 (1) (a) 3. of the statutes is created to read:

49.497 (1) (a) 3. The failure of a Medical Assistance or Badger Care recipient or any other person responsible for giving information on the recipient's behalf to report any change in the recipient's financial or nonfinancial situation or eligibility characteristics that would have affected the recipient's eligibility for benefits or the recipient's cost-sharing requirements.

***-0879/4.4* SECTION 1170.** 49.497 (1m) of the statutes is created to read:

49.497 (1m) (a) If, after notice that an incorrect payment was made, a recipient, or parent of a minor recipient, who is liable for repayment of an incorrect payment fails to repay the incorrect payment or enter into, or comply with, an agreement for repayment, the department may bring an action to enforce the liability or may issue an order to compel payment of the liability. Any person aggrieved by an order issued by the department under this paragraph may appeal the order as a contested case under ch. 227 by filing with the department a request for a hearing within 30 days after the date of the order. The only issue at hearing shall be the determination by the department that the person has not repaid the incorrect payment or entered into, or complied with, an agreement for repayment.

(b) If any recipient, or parent of a minor recipient, named in an order to compel payment issued under par. (a) fails to pay the department any amount due under the terms of the order and no contested case to review the order is pending and the time for filing for a contested case review has expired, the department may present a certified copy of the order to the circuit court for any county. The sworn statement of the secretary shall be evidence of the incorrect payment. The circuit court shall, without notice, render judgment in accordance with the order. A judgment rendered under this paragraph shall have the same effect and shall be entered in the judgment and lien docket and may be enforced in the same manner as if the judgment had been rendered in an action tried and determined by the circuit court.

(c) The recovery procedure under this subsection is in addition to any other recovery procedure authorized by law.

***-0879/4.5* SECTION 1171.** 49.497 (2) of the statutes is amended to read:

49.497 (2) A county or governing body of a federally recognized American Indian tribe may retain 15% of benefits distributed under s. 49.46, 49.468 or 49.47 provided under this subchapter or s. 49.665 that are recovered under sub. (1) this section due to the efforts of an employee or officer of the county or tribe.

***-0879/4.6* SECTION 1172.** 49.497 (4) of the statutes is created to read:

49.497 (4) The department may appear for the state in any and all collection matters under this section, and may commence suit in the name of the department to recover an incorrect payment from the recipient to whom or on whose behalf it was made.

***-0879/4.7* SECTION 1173.** 49.497 (5) of the statutes is created to read:

49.497 (5) The department may make an agreement with a recipient, or parent of a minor recipient, who is liable under sub. (1), providing for repayment of an incorrect payment at a specified rate or amount.

***-0261/1.4* SECTION 1174.** 49.665 (1) (b) of the statutes is amended to read:

49.665 (1) (b) “Child” means a person who is born and who is under the age of 19.

***-0261/1.5* SECTION 1175.** 49.665 (1) (g) of the statutes is created to read:

49.665 (1) (g) “Unborn child” means a person from the time of conception until it is born alive.

***-0261/1.6* SECTION 1176.** 49.665 (2) (a) of the statutes is renumbered 49.665 (2) (a) 1. and amended to read:

49.665 (2) (a) 1. The department of health and family services shall request a waiver from the secretary of the federal department of health and human services to permit the department of health and family services to implement, beginning not later than July 1, 1998, or the effective date of the waiver, whichever is later, a health care program under this section. If a waiver that is consistent with all of the provisions of this section, excluding sub. (4) (a) 3m. and (ap) and provisions related to sub. (4) (ap), is granted and in effect, the department of health and family services shall implement the program under this section, subject to subd. 2. The department of health and family services may not implement the program under this section unless a waiver that is consistent with all of the provisions of this section, excluding sub. (4) (a) 3m. and (ap) and provisions related to sub. (4) (ap), is granted and in effect.

***-0261/1.7* SECTION 1177.** 49.665 (2) (a) 2. of the statutes is created to read:

49.665 (2) (a) 2. The department may not implement sub. (4) (ap) or provisions related to the coverage under sub. (4) (ap) unless a state plan amendment

authorizing the coverage under sub. (4) (ap) is approved by the federal department of health and human services.

***-0261/1.8* SECTION 1178.** 49.665 (3) of the statutes is amended to read:

49.665 (3) ADMINISTRATION. The Subject to sub. (2) (a) 2., the department shall administer a program to provide the health services and benefits described in s. 49.46 (2) to persons that meet the eligibility requirements specified in sub. (4). The department shall promulgate rules setting forth the application procedures and appeal and grievance procedures. The department may promulgate rules limiting access to the program under this section to defined enrollment periods. The department may also promulgate rules establishing a method by which the department may purchase family coverage offered by the employer of a member of an eligible family or by of a member of -a- an eligible child's household, or family or individual coverage offered by the employer of an eligible unborn child's mother or her spouse, under circumstances in which the department determines that purchasing that coverage would not be more costly than providing the coverage under this section.

***-0261/1.9* SECTION 1179.** 49.665 (4) (ap) of the statutes is created to read:

49.665 (4) (ap) An unborn child whose mother is not eligible for health care coverage under par. (a) or (am) or for medical assistance under s. 49.46 or 49.47, except that she may be eligible for benefits under s. 49.45 (27), is eligible for health care coverage under this section, which shall be limited to coverage for prenatal care, if all of the following requirements are met:

1. The income of the unborn child's mother, mother and her spouse, or mother and her family, whichever is applicable, does not exceed 185 percent of the poverty line, except as provided in par. (at) and except that, if an unborn child is already

receiving health care coverage under this section, the applicable specified person or persons may have an income that does not exceed 200 percent of the poverty line. The department shall establish by rule the criteria to be used to determine income.

2. Each of the following applicable persons who is employed provides verification from his or her employer, in the manner specified by the department, of his or her earnings:

- a. The unborn child's mother.
- b. The spouse of the unborn child's mother.
- c. Members of the unborn child's mother's family.

3. The unborn child's mother provides medical verification of her pregnancy, in the manner specified by the department.

4. The unborn child and the mother of the unborn child meet all other requirements established by the department by rule except for any of the following:

- a. The mother is not a U.S. citizen or an alien qualifying for medicaid under 8 USC 1612.
- b. The mother is an inmate of a public institution.
- c. The mother does not provide a social security number, but only if subd. 4. a. applies.

-0261/1.10 **SECTION 1180.** 49.665 (4) (at) 3. of the statutes is amended to read:

49.665 (4) (at) 3. The department may not adjust the maximum income level of 200% of the poverty line for persons already receiving health care coverage under this section or for applicable persons specified in par. (ap) 1. with respect to an unborn child already receiving health care coverage under this section.

-0261/1.11 **SECTION 1181.** 49.665 (4) (c) of the statutes is amended to read:

49.665 (4) (c) No person may be denied health care coverage under this section solely because of a health condition of that person ~~or~~, of any family member of that person, or of the mother of an unborn child.

***-0261/1.12* SECTION 1182.** 49.665 (4) (d) of the statutes is created to read:

49.665 (4) (d) An unborn child's eligibility for coverage under par. (ap) shall not begin before the first day of the month in which the unborn child's mother provides the medical verification required under par. (ap) 3.

***-0261/1.13* SECTION 1183.** 49.665 (5) (ag) of the statutes is amended to read:

49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, ~~or a~~ child who does not reside with his or her parent, or the mother of an unborn child, who receives health care coverage under this section shall pay a percentage of the cost of that coverage in accordance with a schedule established by the department by rule. The department may not establish or implement a schedule that requires ~~a family or child to contribute~~ contribution, including the amounts required under par. (am), ~~of more than 5% of the family's or child's income~~ of the family, child, or applicable persons specified in sub. (4) (ap) 1. towards the cost of the health care coverage provided under this section.

***-0261/1.14* SECTION 1184.** 49.665 (5) (am) (intro.) of the statutes is amended to read:

49.665 (5) (am) (intro.) Except as provided in pars. (b) and (bm), a child ~~or a~~ family member, or the mother of an unborn child, who receives health care coverage under this section shall pay the following cost-sharing amounts:

***b0319/1.2* SECTION 1184c.** 49.665 (5) (am) 1. of the statutes is amended to read:

49.665 (5) (am) 1. A copayment of \$1 ~~\$3~~ for each prescription of a drug that bears only a generic name, as defined in s. 450.12 (1) (b).

***-0261/1.15* SECTION 1185.** 49.665 (5) (b) of the statutes is amended to read:

49.665 (5) (b) The department may not require a family, ~~or~~ child who does not reside with his or her parent, or applicable persons specified in sub. (4) (ap) 1., with an income below 150% of the poverty line, to contribute to the cost of health care coverage provided under this section.

***-0261/1.16* SECTION 1186.** 49.665 (5) (c) of the statutes is amended to read:

49.665 (5) (c) The department may establish by rule requirements for wage withholding as a means of collecting the a family's or an unborn child's mother's share of the cost of the health care coverage under this section.

***b0161/4.2* SECTION 1186bc.** 49.665 (7) of the statutes is created to read:

49.665 (7) EMPLOYER VERIFICATION FORMS; FORFEITURE AND PENALTY ASSESSMENT.

(a) 1. Notwithstanding sub. (4) (a) 3m., the department shall mail information verification forms to the employers of the individuals required to provide the verifications under sub. (4) (a) 3m. to obtain the information specified.

2. An employer that receives a verification form shall complete the form and return it to the department, by mail, with a postmark that is not more than 30 working days after the date on which the department mailed the form to the employer.

3. As an alternative to the method under subd. 2., an employer may, within 30 working days after the date on which the department mailed the form to the employer, return the completed form to the department by any electronic means approved by the department. The department must be able to determine, or the

employer must be able to verify, the date on which the form was sent to the department electronically.

(b) 1. Subject to subd. 3., an employer that does not comply with the requirements under par. (a) 2. or 3. shall be required to pay a forfeiture of \$50 for each verification form not returned in compliance with par. (a) 2. or 3.

2. Subject to subd. 3., whenever the department imposes a forfeiture under subd. 1., the department shall also levy a penalty assessment of \$50.

3. An employer with fewer than 250 employees may not be required to pay more than \$1,000 in forfeitures and penalty assessments under this paragraph in any 6-month period. An employer with 250 or more employees may not be required to pay more than \$15,000 in forfeitures and penalty assessments under this paragraph in any 6-month period.

4. All penalty assessments collected under subd. 2. shall be credited to the appropriation account under s. 20.435 (4) (jz) and all forfeitures collected under subd. 1. shall be credited to the common school fund.

(c) An employer may contest an assessment of forfeiture or penalty assessment under par. (b) by sending a written request for hearing to the division of hearings and appeals in the department of administration. Proceedings before the division are governed by ch. 227.

***b0161/4.2* SECTION 1186c.** 49.665 (7) (a) 1. of the statutes, as created by 2005 Wisconsin Act (this act), is amended to read:

49.665 (7) (a) 1. Notwithstanding sub. (4) (a) 3m. and (ap) 2., the department shall mail information verification forms to the employers of the individuals required to provide the verifications under sub. (4) (a) 3m. and (ap) 2. to obtain the information specified.

***-0265/3.13* SECTION 1188.** 49.77 (6) of the statutes is created to read:

49.77 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer this section and s. 49.775, and may promulgate rules to guide the administration of eligibility determinations and benefits payments.

***b0154/2.2* SECTION 1188d.** 49.77 (7) of the statutes is created to read:

49.77 (7) JOINT FINANCE SUPPLEMENTAL FUNDING. The department may request the joint committee on finance to provide supplemental funding under s. 13.101 (3) for the appropriation under s. 20.435 (7) (ed) if the department determines that the amounts appropriated under s. 20.435 (7) (ed) are insufficient to fully support benefit costs under this section. Notwithstanding s. 13.101 (3) (a) 1., the committee may provide supplemental funding under this subsection without finding that an emergency exists.

***b0172/3.24* SECTION 1188p.** 49.775 (2) (bm) of the statutes is amended to read:

49.775 (2) (bm) The custodial parent assigns to the state any right of the custodial parent or of the dependent child to support from any other person. No amount of support that begins to accrue after the individual ceases to receive payments under this section may be considered assigned to the state. Any money that is received by the department of workforce development under an assignment to the state under this paragraph and that is not the federal share of support shall be paid to the custodial parent. The department of workforce development shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

***-0265/3.14* SECTION 1189.** 49.78 (8) (a) of the statutes is amended to read:

49.78 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) ~~and~~, (nn), and (y) and subject to par. (b), the department shall reimburse each county and tribal governing body that contracts with the department under sub. (2) for reasonable costs of administering the income maintenance programs. The amount of each reimbursement paid under this paragraph shall be calculated using a formula based on workload within the limits of available state and federal funds under s. 20.435 (4) (bn) ~~and~~, (nn), and (y) by contract under sub. (2). The amount of reimbursement calculated under this paragraph and par. (b) is in addition to any reimbursement provided to a county or tribal governing body for fraud and error reduction under s. 49.197 (1m) ~~and~~ (4) or 49.845.

***b0245/1.4* SECTION 1189m.** 49.78 (8) (a) of the statutes, as affected by 2005 Wisconsin Act (this act), is amended to read:

49.78 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn), and (nn), ~~and~~ (y) and subject to par. (b), the department shall reimburse each county and tribal governing body that contracts with the department under sub. (2) for reasonable costs of administering the income maintenance programs. The amount of each reimbursement paid under this paragraph shall be calculated using a formula based on workload within the limits of available state and federal funds under s. 20.435 (4) (bn), and (nn), ~~and~~ (y) by contract under sub. (2). The amount of reimbursement calculated under this paragraph and par. (b) is in addition to any reimbursement provided to a county or tribal governing body for fraud and error reduction under s. 49.197 or 49.845.

***-0878/1.1* SECTION 1190.** 49.78 (11) of the statutes is created to read:

49.78 (11) REQUIREMENT TO PROVIDE INFORMATION. (a) 1. The department, a county department under s. 46.215, 46.22, or 46.23, or a tribal governing body may

request from any person in this state information it determines appropriate and necessary for determining or verifying eligibility or benefits for a recipient under any income maintenance program. Unless access to the information is prohibited or restricted by law, or unless the person has good cause, as determined by the department in accordance with federal law and regulations, for refusing to cooperate, the person shall make a good faith effort to provide the information within 7 days after receiving a request under this paragraph. The department, county department, or tribal governing body, or employees of any of them, may not disclose information obtained under this subdivision for any purpose not connected with the administration of the income maintenance program for which the information was requested.

2. In conjunction with any request for information under subd. 1., including a request made by subpoena under par. (b), the department, county department, or tribal governing body shall advise the person of the time by which the information must be provided.

(b) The department, a county department, or a tribal governing body may issue a subpoena, in substantially the form authorized under s. 885.02, to compel the production of financial information or other documentary evidence for determining or verifying eligibility or benefits for a recipient under any income maintenance program.

(c) A person is not liable to any person for any of the following:

1. Allowing access to financial or other records by the department, a county department, or a tribal governing body in response to a request under par. (a) or a subpoena described in par. (b).

2. Disclosing information from financial or other records to the department, a county department, or a tribal governing body in response to a request under par. (a) or a subpoena described in par. (b).

3. Any other action taken in good faith to comply with this subsection or a subpoena described in par. (b) or to comply with a request for information or access to records from the department, a county department, or a tribal governing body for determining or verifying eligibility or benefits for a recipient under any income maintenance program.

***-1597/1.1* SECTION 1191.** 49.785 (2) of the statutes is amended to read:

49.785 (2) From the appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or applicable tribal governing body or organization for any amount that the county or applicable tribal governing body or organization is required to pay under sub. (1) if the county or applicable tribal governing body or organization complies with sub. (3). From the appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or applicable tribal governing body or organization for cemetery expenses or for funeral and burial expenses for persons a person described under sub. (1) that the county or applicable tribal governing body or organization is not required to pay under subs. (1) and (1m) only if the department approves the reimbursement due to unusual circumstances and if the county or applicable tribal governing body or organization complies with sub. (3).

***b0155/2.1* SECTION 1191c.** 49.785 (3) of the statutes is created to read:

49.785 (3) As a condition for reimbursement under sub. (2) for amounts paid on behalf of a deceased recipient, a county or applicable tribal governing body or organization shall provide to the department all of the following information with respect to the deceased recipient:

- (a) The total cemetery expenses.
- (b) The total funeral and burial expenses.
- (c) The total amount of each of the expenses under pars. (a) and (b) that the county or tribal governing body or organization paid on behalf of the deceased recipient.

***-0265/3.15* SECTION 1192.** 49.79 (9) of the statutes is repealed.

***-0261/1.17* SECTION 1193.** 49.82 (2) of the statutes is amended to read:

49.82 (2) **ELIGIBILITY VERIFICATION.** Proof shall be provided for each person included in an application for public assistance under this chapter, except for a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42 USC 1396a (e) (4) or an unborn child who is eligible for coverage under the Badger Care health care program under s. 49.665 (4) (ap), of his or her social security number or that an application for a social security number has been made.

***-0299/2.1* SECTION 1194.** 49.83 of the statutes is amended to read:

49.83 Limitation on giving information. Except as provided under s. 49.32 (9), (10), and (10m), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin works Works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity and medical support liability services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not connected with the administration of the programs, except that the department of workforce development may disclose such information to the department of revenue for the sole purpose of administering state taxes. Any person violating this section may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

***NOTE: This is reconciled s. 49.83. This SECTION has been affected by drafts with the following LRB numbers: 0299/1 and 1525/2.

***-0265/3.16* SECTION 1195.** 49.845 of the statutes is created to read:

49.845 Fraud investigation and error reduction. (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4) (bn), (kz), (L), and (nn), the department of health and family services shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, and health care benefits under the Badger Care health care program under s. 49.665 and, if the department of workforce development contracts with the department of health and family services under sub. (4), on the part of recipients of aid to families with dependent children under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The activities of the department of health and family services under this subsection may include comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The department of health and family services shall cooperate with district attorneys regarding fraud prosecutions.

(2) STATE ERROR REDUCTION ACTIVITIES. The department of health and family services shall conduct activities to reduce payment errors in the Medical Assistance program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the

supplemental security income payments program under s. 49.77, the program providing payments for the support of children of supplemental security income recipients under s. 49.775, and the Badger Care health care program under s. 49.665 and, if the department of workforce development contracts with the department of health and family services under sub. (4), in Wisconsin Works under ss. 49.141 to 49.161.

(3) **WISCONSIN WORKS AGENCY ERROR REDUCTION.** If the department of workforce development contracts with the department of health and family services under sub. (4), the department of health and family services shall provide funds from the appropriation under s. 20.435 (4) (kz) to Wisconsin Works agencies to offset the administrative costs of reducing payment errors in Wisconsin Works under ss. 49.141 to 49.161.

(4) **CONTRACT FOR WISCONSIN WORKS.** Notwithstanding s. 49.197 (1m) and (3), the department of workforce development may contract with the department of health and family services to investigate suspected fraudulent activity on the part of recipients of aid to families with dependent children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161, as provided in this section.

-0265/3.17 **SECTION 1196.** 49.847 of the statutes is created to read:

49.847 Recovery of incorrect payments under certain public assistance programs. (1) Subject to ss. 49.497 (1) and 49.793 (1), the department of health and family services, or a county or elected governing body of a federally recognized American Indian tribe or band acting on behalf of the department, may

recover benefits incorrectly paid under any of the programs administered by the department under this chapter.

(2) The department, county, or elected governing body may recover an overpayment from a family or individual who continues to receive benefits under any program administered by the department under this chapter by reducing the family's or individual's benefit amount. Subject to s. 49.793 (1), the department may by rule specify other methods for recovering incorrectly paid benefits.

(3) Subject to ss. 49.497 (2) and 49.793 (2), a county or elected governing body may retain a portion of an amount recovered under this section due to the efforts of an employee or officer of the county, tribe, or band, as provided by the department by rule.

***-0265/3.18* SECTION 1197.** 49.85 (1) of the statutes is amended to read:

49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American Indian tribe or band determines that the department of health and family services may recover an amount under s. 49.497, 49.793, or 49.847, or that the department of workforce development may recover an amount under s. 49.161, or 49.195 (3), or 49.793, or collect an amount under s. 49.147 (6) (cm), the county department or governing body shall notify the affected department of the determination. If a Wisconsin works Works agency determines that the department of workforce development may recover an amount under s. 49.161 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin works Works agency shall notify the department of workforce development of the determination.

***-0879/4.8* SECTION 1198.** 49.85 (2) (a) of the statutes is renumbered 49.85 (2) (a) (intro.) and amended to read:

49.85 (2) (a) (intro.) At least annually, the department of health and family services shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of health and family services, the department of health and family services has determined that it may recover under s. 49.45 (2) (a) 10. ~~or, 49.497, 49.793, or 49.847,~~ except that the department of health and family services may not certify an amount under this subsection unless it all of the following apply:

1. The department has met the notice requirements under sub. (3) ~~and unless its,~~

2. The department's determination has either not been appealed or is no longer under appeal.

***-0879/4.9* SECTION 1199.** 49.85 (2) (a) 3. of the statutes is created to read:

49.85 (2) (a) 3. If the determination relates to recovery of an amount under s. 49.497, the determination was rendered to a judgment under s. 49.497 (1m) (b).

****NOTE: This is reconciled s. 49.85 (2). This SECTION has been affected by drafts with the following LRB numbers: LRB-0265 and LRB-0879.

***-0265/3.19* SECTION 1200.** 49.85 (2) (b) of the statutes is amended to read:

49.85 (2) (b) At least annually, the department of workforce development shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of workforce development, the department of workforce development has determined that it may recover under ss. 49.161, and 49.195 (3), ~~and 49.793,~~ and collect under s. 49.147 (6) (cm), except that the department of workforce development may not certify an amount under this subsection unless it has met the notice requirements

under sub. (3) and unless its determination has either not been appealed or is no longer under appeal.

***-0265/3.20* SECTION 1201.** 49.85 (3) (a) 1. of the statutes is amended to read:

49.85 (3) (a) 1. Inform the person that the department of health and family services intends to certify to the department of revenue an amount that the department of health and family services has determined to be due under s. 49.45 (2) (a) 10. ~~or~~, 49.497, 49.793, or 49.847, for setoff from any state tax refund that may be due the person.

***-0265/3.21* SECTION 1202.** 49.85 (3) (b) 1. of the statutes is amended to read:

49.85 (3) (b) 1. Inform the person that the department of workforce development intends to certify to the department of revenue an amount that the department of workforce development has determined to be due under s. 49.161, or 49.195 (3), ~~or 49.793~~, or to be delinquent under a repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

***-1525/3.3* SECTION 1203.** 49.855 (6) of the statutes is amended to read:

49.855 (6) If the state implements the child and spousal support and establishment of paternity and medical support liability program under ss. 49.22 and 59.53 (5), the state may act under this section in place of the county child support agency under s. 59.53 (5).

***-0347/2.2* SECTION 1205.** 49.857 (1) (d) 4. of the statutes is amended to read:

49.857 (1) (d) 4. A certification, license, training permit, registration, approval or certificate issued under s. 49.45 (2) (a) 11., 146.50 (5) (a) or (b), (6g) (a) or (8) (a), 250.05 (5), 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3) or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).

***b0221/1.2* SECTION 1217r.** 50.04 (2d) of the statutes is created to read:

50.04 (2d) RESIDENT LEVELS OF CARE. The department may not require a nursing home to use the criteria for functional eligibility specified in s. 46.286 (1) (a) to determine resident levels of care under sub. (2) (d).

***-1744/2.1* SECTION 1218.** 50.065 (2) (bg) of the statutes is amended to read:

50.065 (2) (bg) If an entity hires or contracts with a caregiver for whom, within the last 4 years, the information required under par. (b) 1. to 3. and 5. has already been obtained by another entity, the entity may obtain that information from that other entity, which, notwithstanding par. (br), shall provide the information, if possible, to the requesting entity. If an entity cannot obtain the information required under par. (b) 1. to 3. and 5. from another entity or if an entity has reasonable grounds to believe that any information obtained from another entity is no longer accurate, the entity shall obtain that information from the sources specified in par. (b) 1. to 3. and 5.

***-1744/2.2* SECTION 1219.** 50.065 (2) (br) of the statutes is created to read:

50.065 (2) (br) 1. Except as provided in subd. 2, an entity that receives information regarding the arrest or conviction of a caregiver from the federal bureau of investigation in connection with a criminal history search under this section may use the information only to determine whether the caregiver's arrest or conviction record disqualifies him or her from serving as a caregiver. An entity is immune from civil liability to a caregiver for using arrest or conviction information provided by the federal bureau of investigation to make an employment determination regarding the caregiver.

2. Subdivision 1. does not apply to use by an entity of arrest or conviction information that the entity requests from the federal bureau of investigation after September 30, 2007.

***-0309/4.2* SECTION 1220.** 50.065 (8) of the statutes is amended to read:

50.065 (8) The department may charge a fee for obtaining the information required under sub. (2) (am) or (3) (a) or for providing information to an entity to enable the entity to comply with sub. (2) (b) or (3) (b). ~~The fee may not exceed the reasonable cost of obtaining the information.~~ No fee may be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or maintaining the information if to do so would be inconsistent with federal law.

***-0316/3.4* SECTION 1221.** 50.135 (2) (c) of the statutes is amended to read:

50.135 (2) (c) The fees collected under par. (a) shall be credited to the appropriations appropriation account under s. 20.435 (4) ~~(gm)~~ and (6) (jm) as ~~specified in those appropriations~~ for licensing, review and certifying activities.

***b0322/2.2* SECTION 1222m.** 50.14 (2) (intro.) of the statutes is amended to read:

50.14 (2) (intro.) For the privilege of doing business in this state, there is imposed on all licensed beds of a facility an assessment that may not exceed \$445 per calendar month per licensed bed of an intermediate care facility for the mentally retarded ~~may not exceed \$435 in fiscal year 2003-04 and may not exceed \$445 in fiscal year 2004-05~~ and an assessment that may not exceed \$75 per calendar month per licensed bed of a nursing home. The assessment moneys collected shall be deposited in the ~~general fund, except that in fiscal year 2003-04, amounts in excess of \$14,300,000, in fiscal year 2004-05, amounts in excess of \$13,800,000, and, beginning July 1, 2005, in each fiscal year, amounts in excess of 45% of the money received from the assessment shall be deposited in the Medical Assistance trust fund.~~ In determining the number of licensed beds, all of the following apply:

****NOTE: This is reconciled s. 50.14 (2) (intro.). This SECTION has been affected by drafts with the following LRB numbers: 0560/1 and 0750/1.

***-0560/2.3* SECTION 1223.** 50.14 (4) of the statutes is amended to read:

50.14 (4) Sections 77.59 (1) to (5), (6) (intro.), (a) and (c) and (7) to (10), 77.60 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the assessment under this section, except that the amount of any assessment collected under s. 77.59 (7) ~~in excess of \$14,300,000 in fiscal year 2003-04, in excess of \$13,800,000 in fiscal year 2004-05, and, beginning July 1, 2005, in excess of 45% in each fiscal year in a fiscal year~~ shall be deposited in the Medical Assistance trust fund.

***-0042/1.1* SECTION 1224.** 51.05 (3g) of the statutes is repealed.

***-0042/1.2* SECTION 1225.** 51.05 (3m) of the statutes is repealed.

***b0139/1.1* SECTION 1225m.** 51.06 (7) of the statutes is created to read:

51.06 (7) JOINT SERVICES PROGRAMS. The department of health and family services, the department of veterans affairs, and the department of corrections shall, if the report specified under 2005 Wisconsin Act (this act), section 9121 (12q), is approved by the joint committee on finance, jointly fund and implement the programs proposed in the report at the Northern Center for the Developmentally Disabled and the Southern Center for the Developmentally Disabled for the joint provision, for all programs that each agency conducts at these places, of personnel, payroll, purchasing, custodianship, grounds and maintenance, distribution, warehouse, and security services.

***-0296/2.2* SECTION 1226.** 51.30 (4) (b) 27. of the statutes is created to read:

51.30 (4) (b) 27. For the purpose of entering information concerning the subject individual into the statewide automated child welfare information system

established under s. 46.03 (7) (g). A county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services, the department of corrections, or any other organization that has entered into an information sharing and access agreement with one of those county departments or departments and that has been approved for access to the statewide automated child welfare information system by the department of health and family services may have access to information concerning a client of that county department, department, or organization under this chapter or ch. 48 or 938 that is maintained in the statewide automated child welfare information system, if necessary to enable the county department, department, or organization to perform its duties under this chapter or ch. 48 or 938 or to coordinate the delivery of services under this chapter or ch. 48 or 938 to the client. Before entering any information about an individual into the statewide automated child welfare information system, the person entering the information shall notify the individual that the information entered may be disclosed as provided in this subdivision.

***-0295/2.7* SECTION 1227.** 51.423 (1) of the statutes is amended to read:

51.423 (1) The department shall fund, within the limits of the department's allocation for mental health services under s. 20.435 ~~(3) (e)~~ and (7) (b) and (o) and subject to this section, services for mental illness, developmental disability, alcoholism, and drug abuse to meet standards of service quality and accessibility. The department's primary responsibility is to guarantee that county departments established under either s. 51.42 or 51.437 receive a reasonably uniform minimum level of funding and its secondary responsibility is to fund programs which meet exceptional community needs or provide specialized or innovative services. Moneys appropriated under s. 20.435 (7) (b) and earmarked by the department for mental

health services under s. 20.435 (7) (o) shall be allocated by the department to county departments under s. 51.42 or 51.437 in the manner set forth in this section.

***-0295/2.8* SECTION 1228.** 51.423 (2) of the statutes is amended to read:

51.423 (2) From the appropriations under s. 20.435 ~~(3) (e)~~ and (7) (b) and (o), the department shall distribute the funding for services provided or purchased by county departments under s. 46.23, 51.42, or 51.437 to such county departments as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2) and (9) (b). Each county's required match for the distributions under s. 46.40 (2) for a year equals 9.89% of the total of the county's distributions under s. 46.40 (2) for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its distribution for 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching funds may be from county tax levies, federal and state revenue sharing funds, or private donations to the counties that meet the requirements specified in sub. (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

***-0345/1.1* SECTION 1229.** 51.437 (4rm) (c) 2. b. of the statutes is amended to read:

51.437 (4rm) (c) 2. b. Bill the county department of developmental disabilities services for services provided on or after December 31, 1997, at \$48 per day, if an

independent professional review established under 42 USC 1396a (a) (31) designates the person served as appropriate for community care, including persons who have been admitted for more than 180 consecutive days and for whom the cost of care in the community would be equal to or less than \$184 per day the daily rate for services under s. 46.275. The department of health and family services shall use money it receives from the county department of developmental disabilities services to offset the state's share of medical assistance. Payment is due from the county department of developmental disabilities services within 60 days of the billing date, subject to provisions of the contract. If the department of health and family services does not receive any payment within 60 days, it shall deduct all or part of the amount due from any payment the department of health and family services is required to make to the county department of developmental disabilities services. The department of health and family services shall first use collections received under s. 46.10 as a result of care at a center for the developmentally disabled to reduce the costs paid by medical assistance, and shall remit the remainder to the county department of developmental disabilities services up to the portion billed. The department of health and family services shall use the appropriation under s. 20.435 (2) (gk) to remit collection credits and other appropriate refunds to county departments of developmental disabilities services.

***-1525/3.4* SECTION 1230.** 59.40 (2) (p) of the statutes is amended to read:

59.40 (2) (p) Cooperate with the department of workforce development with respect to the child and spousal support and establishment of paternity and medical liability support liability program under ss. 49.22 and 59.53 (5), and provide that department with any information from court records which it requires to administer that program.

***-0984/4.12* SECTION 1231.** 59.43 (1) (u) of the statutes is repealed and recreated to read:

59.43 (1) (u) Submit that portion of recording fees collected under sub. (2) (ag) 1. and (e) and not retained by the county to the department of administration under s. 59.72 (5).

***-0984/4.13* SECTION 1232.** 59.43 (1) (um) of the statutes is repealed.

***-0984/4.14* SECTION 1233.** 59.43 (2) (ag) 1. of the statutes is repealed and recreated to read:

59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled to be recorded in the office of the register of deeds, \$11 for the first page and \$2 for each additional page, except that no fee may be collected for recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b).

***-0984/4.15* SECTION 1234.** 59.43 (2) (e) of the statutes is repealed and recreated to read:

59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled to be filed in the office of register of deeds and for which no other specific fee is specified, \$11 for the first page and \$2 for each additional page.

***b0378/5.3* SECTION 1235b.** 59.58 (6) (title) of the statutes is amended to read:

59.58 (6) (title) REGIONAL ~~TRANSPORTATION~~ TRANSIT AUTHORITY.

***b0378/5.3* SECTION 1235c.** 59.58 (6) (a) 1. of the statutes is amended to read:

59.58 (6) (a) 1. “Authority” means the regional transportation transit authority.

***b0378/5.3* SECTION 1235d.** 59.58 (6) (a) 2. of the statutes is amended to read:

59.58 (6) (a) 2. “Region” means the geographic area composed of the counties of Kenosha, Milwaukee, Ozaukee, and Racine, ~~Walworth, Washington and Waukesha.~~

***b0378/5.3* SECTION 1235e.** 59.58 (6) (b) of the statutes is repealed and recreated to read:

59.58 (6) (b) The counties of Kenosha, Milwaukee, and Racine shall create a regional transit authority. The governing body of the authority shall consist of the following members:

1. Three members, one from each county in the region, appointed by the county executive of each county and approved by the county board.
2. Three members, one from the most populous city in each county in the region, appointed by the mayor of each such city and approved by the common council.
3. One member from the most populous city in the region, nominated by the governor, and with the advice and consent of the senate appointed.

***b0378/5.3* SECTION 1235i.** 59.58 (6) (bm) of the statutes is created to read:

59.58 (6) (bm) No action may be taken by the authority unless at least 6 members of the authority’s governing body vote to approve the action.

***b0378/5.3* SECTION 1235k.** 59.58 (6) (c) of the statutes is amended to read:

59.58 (6) (c) The Notwithstanding s. 59.84 (2), the authority shall be responsible for the coordination of highway and transit and commuter rail programs in the region ~~and for other responsibilities as specified for the authority by the legislature.~~

***b0378/5.3* SECTION 1235L.** 59.58 (6) (cg) of the statutes is created to read:

59.58 (6) (cg) 1. The authority may impose the fees under subch. XIII of ch. 77.

2. The authority shall retain all revenues received under subd. 1., except those expended as authorized under par. (cr), until the authority has submitted the report specified in par. (e) and action on the report is taken by the legislature.

***b0378/5.3* SECTION 1235m.** 59.58 (6) (cr) of the statutes is created to read:

59.58 (6) (cr) The authority may hire staff, conduct studies, and expend funds essential to the preparation of the report specified in par. (e).

***b0378/5.3* SECTION 1235n.** 59.58 (6) (d) of the statutes is amended to read:

59.58 (6) (d) The department of transportation or its designee, the southeastern Wisconsin Regional Planning Commission, or any designee of the governing body of the authority may provide administrative support services to assist the authority in fulfilling its duties.

***b0378/5.3* SECTION 1235o.** 59.58 (6) (dm) of the statutes is created to read:

59.58 (6) (dm) Any recipient of state funding for the planning or engineering of a commuter rail project in the region shall periodically report to the authority's governing body or staff.

***b0378/5.3* SECTION 1235p.** 59.58 (6) (e) (intro.) of the statutes is amended to read:

59.58 (6) (e) (intro.) By November 15, ~~1992~~ 2008, the authority shall submit to the governor and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the activities of the authority. The report shall include all of the following:

***b0378/5.3* SECTION 1235q.** 59.58 (6) (e) 1. and 2. of the statutes are repealed.

***b0378/5.3* SECTION 1235r.** 59.58 (6) (e) 3. of the statutes is amended to read:

59.58 (6) (e) 3. A plan to improve the ~~coordinating and funding~~ coordination of expanded public mass transit, commuter rail, and passenger rail in the region.

***b0378/5.3* SECTION 1235s.** 59.58 (6) (e) 3m. of the statutes is repealed.

***b0378/5.3* SECTION 1235t.** 59.58 (6) (e) 3r. of the statutes is amended to read:

59.58 (6) (e) 3r. A recommendation on the use of bonding for commuter rail and public transit in the region, and the role of the authority in such bonding.

***b0378/5.3* SECTION 1235u.** 59.58 (6) (e) 4. of the statutes is repealed.

***b0378/5.3* SECTION 1235v.** 59.58 (6) (e) 4g. and 4r. of the statutes are created to read:

59.58 (6) (e) 4g. A plan for the distribution among the mass transit operators in the region of any permanent regional funding specified in subd. 5.

4r. A recommendation as to whether the responsibilities of the authority should be limited to collection and distribution of regional transit funding or should also include operation of transit service.

***b0378/5.3* SECTION 1235w.** 59.58 (6) (e) 5. (intro.) of the statutes is renumbered 59.58 (6) (e) 5. and amended to read:

59.58 (6) (e) 5. A proposal that specifically identifies a permanent regional funding source to provide local funds for ~~highway improvements in the region that have a demonstrably regional impact, and for the local portion of operating and capital costs of~~ commuter rail and public transit that are not covered by passenger fares. ~~In making its proposal, the authority shall consider at least the following and that considers all potential~~ that considers all potential funding sources.

***b0378/5.3* SECTION 1235x.** 59.58 (6) (e) 5. a. to d. of the statutes are repealed.

***b0378/5.3* SECTION 1235y.** 59.58 (6) (e) 6. of the statutes is amended to read:

59.58 (6) (e) 6. A recommendation on whether the authority should continue in existence after September 30, ~~1993~~ 2009.

***b0147/2.14* SECTION 1235z.** 59.69 (3) (a) of the statutes is amended to read:

59.69 (3) (a) The county zoning agency may direct the preparation of a county development plan or parts of the plan for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. The plan may be adopted in whole or in part and may be amended by the board and endorsed by the governing bodies of incorporated jurisdictions included in the plan. The county development plan, in whole or in part, in its original form or as amended, is hereafter referred to as the development plan. ~~Beginning on January 1, 2010, if the county engages in any program or action described in s. 66.1001 (3), the development plan shall contain at least all of the elements specified in s. 66.1001 (2).~~

~~*-0984/4.16*~~ **SECTION 1236.** 59.72 (3) of the statutes is repealed and recreated to read:

59.72 (3) **LAND INFORMATION OFFICE.** The board may establish a county land information office or may direct that the functions and duties of the office be performed by an existing department, board, commission, agency, institution, authority, or office. If the board establishes a county land information office, the office shall:

(a) Coordinate land information projects within the county, between the county and local governmental units, between the state and local governmental units and among local governmental units, the federal government and the private sector.

(b) Within 2 years after the land information office is established, develop and receive approval for a countywide plan for land records modernization. The plan shall be submitted for approval to the department of administration under s. 16.967

(3) (e).

(c) Review and recommend projects from local governmental units for grants from the department of administration under s. 16.967 (7).

***-0984/4.17* SECTION 1237.** 59.72 (4) of the statutes is repealed and recreated to read:

59.72 (4) AID TO COUNTIES. A board that has established a land information office under sub. (3) may apply to the department of administration for a grant for a land information project under s. 16.967 (7).

***-0984/4.18* SECTION 1238.** 59.72 (5) of the statutes is repealed and recreated to read:

59.72 (5) LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each month a register of deeds shall submit to the department of administration \$7 from the fee for recording or filing the first page of each instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par. (b).

(b) A county may retain \$5 of the \$7 submitted under par. (a) from the fee for recording or filing the first page of each instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

1. The county has established a land information office under sub. (3).
2. A land information office has been established for less than 2 years or has received approval for a countywide plan for land records modernization under sub. (3) (b).
3. The county uses \$4 of each \$5 fee retained under this paragraph to develop, implement, and maintain the countywide plan for land records modernization and \$1 of each \$5 fee retained under this paragraph for the provision of land information on the Internet, including the county's land information records relating to housing.

***b0147/2.15* SECTION 1238m.** 62.23 (2) of the statutes is amended to read:

62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries that in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, ~~and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2).~~ The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

***b0147/2.15* SECTION 1238n.** 62.23 (3) (b) of the statutes is amended to read:

62.23 (3) (b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. ~~Beginning on January 1, 2010, if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2).~~ The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the ~~elements under s. 66.1001 and other~~ matters intended by the commission to form the

whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

***b0339/1.1* SECTION 1242p.** 66.0216 of the statutes is created to read:

66.0216 Incorporation of certain towns contiguous to 2nd class cities.

(1) CONDITIONS. (a) A town board may initiate the procedure for incorporating its town as a city or village under this section by adopting a resolution providing for a referendum by the electors of the town on the question of whether the town should become a city or village if on the date of the adoption of the resolution all of the following conditions are satisfied:

(b) The most recent federal decennial census shows that the resident population of the town exceeds 23,000.

(c) The town is contiguous to a 2nd class city with a resident population exceeding 75,000.

(d) The most recent per capita equalized valuation figures available from the department of revenue show that the per capita equalized valuation for the town is equal to or greater than the average per capita equalized valuation for all cities and villages in the state.

(e) The town board of the town is authorized to exercise village powers.

(f) The town contains at least 2,500 acres of land that has been zoned for industrial, commercial, communication, or public utility use.