

1 ***-0358/3.6* SECTION 1785.** 50.09 (1g) of the statutes is created to read:

2 50.09 (1g) In this section, "complex" means a residential care apartment
3 complex.

4 ***-0358/3.7* SECTION 1786.** 50.09 (2), (4) and (5) of the statutes are amended
5 to read:

6 50.09 (2) The department, in establishing standards for nursing homes and
7 community-based residential facilities and complexes may establish, by rule, rights
8 in addition to those specified in sub. (1) (1m) for residents in such the facilities or
9 complexes.

10 (4) Each facility or complex shall make available a copy of the rights and
11 responsibilities established under this section and the facility's rules of the facility
12 or complex to each resident and each resident's legal representative, if any, at or prior
13 to the time of admission to the facility or complex, to each person who is a resident
14 of the facility or complex, and to each member of the facility's staff of the facility or
15 complex. The rights, responsibilities, and rules shall be posted in a prominent place
16 in each facility or complex. Each facility or complex shall prepare a written plan and
17 provide appropriate staff training to implement each resident's rights established
18 under this section.

19 (5) Rights established under this section shall not, except as determined by the
20 department of corrections, be applicable to residents in such facilities or complexes,
21 if the resident is in the legal custody of the department of corrections and is a
22 correctional client in such a facility or complex.

23 ***-0358/3.8* SECTION 1787.** 50.09 (6) (a), (b) and (d) of the statutes are amended
24 to read:

1 50.09 (6) (a) Each facility or complex shall establish a system of reviewing
2 complaints and allegations of violations of residents' rights established under this
3 section. The facility or complex shall designate a specific individual who, for the
4 purposes of effectuating this section, shall report to the administrator.

5 (b) Allegations of violations of such rights by persons licensed, certified, or
6 registered under chs. 441, 446 to 450, 455, and 456 shall be promptly reported by the
7 facility or complex to the appropriate licensing, examining, or affiliated
8 credentialing board and to the person against whom the allegation has been made.
9 Any employee of the facility or complex and any person licensed, certified, or
10 registered under chs. 441, 446 to 450, 455, and 456 may also report such allegations
11 to the board. ~~Such~~ The board may make further investigation and take such
12 disciplinary action, within the board's statutory authority, as the case requires.

13 (d) The facility or complex shall attach a statement, which summarizes
14 complaints or allegations of violations of rights established under this section, to the
15 report required under s. 50.03 (4) (c) 1. or 2. The statement shall contain the date
16 of the complaint or allegation, the name of the persons involved, the disposition of
17 the matter, and the date of disposition. The department shall consider the statement
18 in reviewing the report.

19 *~~0332/4.1~~* SECTION 1788. 50.14 (2) (intro.) of the statutes is amended to read:
20 50.14 (2) (intro.) For the privilege of doing business in this state, there is
21 imposed on all licensed beds of a facility an assessment that may not exceed \$445 per
22 calendar month per licensed bed of an intermediate care facility for the mentally
23 retarded and an assessment that may not exceed \$75 in the following amount per
24 calendar month per licensed bed of ~~a nursing home.~~ the facility.

1 **(2g)** The assessment moneys collected under this section shall be deposited in
2 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
3 Medical Assistance trust fund. In determining the number of licensed beds, all of the
4 following apply:

5 ***-0332/4.2* SECTION 1789.** 50.14 (2) (a) of the statutes is renumbered 50.14
6 (2r) and amended to read:

7 **50.14 (2r)** ~~If the amount~~ For the purpose of determining the number of beds
8 subject to assessment under sub. (2), if a facility's number of the beds is other than
9 a whole number, the fractional part of ~~the amount~~ that number shall be disregarded
10 unless it equals 50% or more of a whole number, in which case the ~~amount~~ number
11 of beds shall be increased to the next whole number.

12 ***-0332/4.3* SECTION 1790.** 50.14 (2) (am) of the statutes is created to read:

13 **50.14 (2) (am)** For nursing homes, an amount not to exceed \$75.

14 ***-0332/4.4* SECTION 1791.** 50.14 (2) (b) of the statutes is repealed.

15 ***-0332/4.5* SECTION 1792.** 50.14 (2) (bm) of the statutes is created to read:

16 **50.14 (2) (bm)** For intermediate care facilities for the mentally retarded, an
17 amount calculated by multiplying the projected annual gross revenues of all
18 intermediate care facilities for the mentally retarded in this state by 0.055, dividing
19 the product by the number of licensed beds of intermediate care facilities in this state
20 and dividing the quotient by 12.

21 ***-0332/4.6* SECTION 1793.** 50.14 (2m) of the statutes is created to read:

22 **50.14 (2m)** Prior to each state fiscal year, the department shall calculate the
23 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.
24 The department may reduce the assessment amount during a state fiscal year to
25 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.

1 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate
2 care facilities for the mentally retarded for the fiscal year.

3 *-1198/P4.19* SECTION 1794. 50.36 (2) (c) of the statutes is repealed.

4 *-0892/11.40* SECTION 1795. 50.375 of the statutes is created to read:

5 **50.375 Assessment.** (1) Beginning in 2007, for the privilege of doing business
6 in this state, there is imposed on each hospital an annual assessment, based on the
7 hospital's gross revenue that each hospital shall pay before December 1. The
8 assessments shall be deposited into the health care quality fund.

9 (2) The department shall verify the amount of each hospital's gross revenue
10 and determine the amount of each hospital's assessment, based on claims
11 information that shall be provided to the department under s. 153.46 (5).

12 (3) Although the department may consider the revenue received by a hospital
13 for services or items provided as benefits under subch. IV of chapter 49, the
14 department's determination under sub. (2) shall be based on a rate not to exceed 1
15 percent of the hospital's gross revenue, as adjusted by the department.

16 (4) Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
17 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under
18 subch. III of ch. 77, apply to the assessment under this section, except that the
19 amount of any assessment collected under sub. (1) shall be deposited in the health
20 care quality fund.

21 (5) The department shall levy, enforce, and collect the assessment under this
22 section and shall develop and distribute forms necessary for levying and collection.

23 (6) An affected hospital may contest an action by the department of health and
24 family services under this section by submitting a written request for a hearing to

1 the division of hearings and appeals in the department of administration within 30
2 days after the date of the department's action.

3 (7) Any order or determination made by the division of hearings and appeals
4 in the department of administration under a hearing as specified in sub. (6) is subject
5 to judicial review as prescribed under ch. 227.

6 *-1198/P4.20* SECTION 1796. 50.38 of the statutes is repealed.

7 *-0330/P6.52* SECTION 1797. 50.49 (6m) (am) of the statutes is created to read:

8 50.49 (6m) (am) An entity with which a care management organization, as
9 defined in s. 46.2805 (1), contracts for care management services under s. 46.284 (4)
10 (d), for purposes of providing the contracted services.

11 *-1261/5.665* *-1267/P1.205* SECTION 1798. 50.498 (1m) of the statutes is
12 amended to read:

13 50.498 (1m) If an individual who applies for a certificate of approval, license
14 or provisional license under sub. (1) does not have a social security number, the
15 individual, as a condition of obtaining the certificate of approval, license or
16 provisional license, shall submit a statement made or subscribed under oath or
17 affirmation to the department that the applicant does not have a social security
18 number. The form of the statement shall be prescribed by the department of
19 ~~workforce development~~ children and families. A certificate of approval, license or
20 provisional license issued in reliance upon a false statement submitted under this
21 subsection is invalid.

22 *-1261/5.666* *-1267/P1.206* SECTION 1799. 51.032 (1m) of the statutes is
23 amended to read:

24 51.032 (1m) If an individual who applies for a certification or approval under
25 sub. (1) does not have a social security number, the individual, as a condition of

1 obtaining the certification or approval, shall submit a statement made or subscribed
2 under oath or affirmation to the department that the applicant does not have a social
3 security number. The form of the statement shall be prescribed by the department
4 of workforce development children and families. A certification or approval issued
5 in reliance upon a false statement submitted under this subsection is invalid.

6 ***-0905/3.76* SECTION 1800.** 51.038 of the statutes is amended to read:

7 **51.038 Outpatient mental health clinic certification.** Except as provided
8 in s. 51.032, if a facility that provides mental health services on an outpatient basis
9 holds current accreditation from the council on accreditation of services for families
10 and children, the department may accept evidence of this accreditation as equivalent
11 to the standards established by the department, for the purpose of certifying the
12 facility for the receipt of funds for services provided as a benefit to a medical
13 assistance recipient under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k), a community aids
14 funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

15 ***-0905/3.77* SECTION 1801.** 51.04 of the statutes is amended to read:

16 **51.04 Treatment facility certification.** Except as provided in s. 51.032, any
17 treatment facility may apply to the department for certification of the facility for the
18 receipt of funds for services provided as a benefit to a medical assistance recipient
19 under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k) or to a community aids funding recipient
20 under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The
21 department shall annually charge a fee for each certification.

22 ***-0459/2.3* SECTION 1802.** 51.15 (9) of the statutes is amended to read:

23 **51.15 (9) NOTICE OF RIGHTS.** At the time of detention the individual shall be
24 informed by the director of the facility or such person's designee, both orally and in
25 writing, of his or her right to contact an attorney and a member of his or her

1 immediate family, the right to have an attorney provided at public expense, as
2 provided under s. 967.06 and ch. 977, if the individual is a child or is indigent, 51.60,
3 and the right to remain silent and that the individual's statements may be used as
4 a basis for commitment. The individual shall also be provided with a copy of the
5 statement of emergency detention.

6 ***-0459/2.4* SECTION 1803.** 51.20 (3) of the statutes is amended to read:

7 51.20 (3) LEGAL COUNSEL. At the time of the filing of the petition the court shall
8 assure that the subject individual is represented by adversary counsel. ~~If the~~
9 ~~individual claims or appears to be indigent, the court shall refer the person to the~~
10 ~~authority for indigency determinations specified under s. 977.07 (1). If the~~
11 ~~individual is a child, the court shall refer that child by referring the individual to the~~
12 state public defender, who shall appoint counsel for the ~~child~~ individual without a
13 determination of indigency, as provided in s. 48.23 (4) 51.60.

14 ***-0459/2.5* SECTION 1804.** 51.20 (18) (c) of the statutes is amended to read:

15 51.20 (18) (c) Expenses of the proceedings from the presentation of the
16 statement of emergency detention or petition for commitment to the conclusion of the
17 proceeding shall be allowed by the court and paid by the county from which the
18 subject individual is detained, committed, or released, in the manner that the
19 expenses of a criminal prosecution are paid, as provided in s. 59.64 (1). ~~Payment of~~
20 ~~attorney fees for appointed attorneys in the case of children and indigents shall be~~
21 ~~in accordance with ch. 977.~~

22 ***-1261/5.667* *-1261/P3.499* SECTION 1805.** 51.30 (4) (b) 27. of the statutes
23 is amended to read:

1 51.30 (4) (b) 27. For the purpose of entering information concerning the subject
2 individual into the statewide automated child welfare information system
3 established under s. ~~46.03~~ 48.47 (7g).

4 ***-0459/2.6*** SECTION 1806. 51.35 (1) (e) 1. of the statutes is amended to read:

5 51.35 (1) (e) 1. Whenever any transfer between different treatment facilities
6 results in a greater restriction of personal freedom for the patient and whenever the
7 patient is transferred from outpatient to inpatient status, the department or the
8 county department specified under par. (a) shall inform the patient both orally and
9 in writing of his or her right to contact an attorney and a member of his or her
10 immediate family, the right to have counsel provided at public expense, as provided
11 under s. ~~967.06~~ and ch. ~~977~~, if the patient is a child or is indigent 51.60, and the right
12 to petition a court in the county in which the patient is located or the committing
13 court for a review of the transfer.

14 ***-0459/2.7*** SECTION 1807. 51.35 (1) (e) 2. c. of the statutes is amended to read:

15 51.35 (1) (e) 2. c. The patient's right to have counsel provided at public expense,
16 as provided under s. ~~967.06~~ and ch. ~~977~~, if the patient is a child or is indigent 51.60.

17 ***-1261/5.668*** ***-1261/P3.500*** SECTION 1808. 51.42 (3) (as) 1. of the statutes
18 is amended to read:

19 51.42 (3) (as) 1. A county department of community programs shall authorize
20 all care of any patient in a state, local, or private facility under a contractual
21 agreement between the county department of community programs and the facility,
22 unless the county department of community programs governs the facility. The need
23 for inpatient care shall be determined by the program director or designee in
24 consultation with and upon the recommendation of a licensed physician trained in
25 psychiatry and employed by the county department of community programs or its

1 contract agency. In cases of emergency, a facility under contract with any county
2 department of community programs shall charge the county department of
3 community programs having jurisdiction in the county where the patient is found.
4 The county department of community programs shall reimburse the facility for the
5 actual cost of all authorized care and services less applicable collections under s.
6 46.036, unless the department of health and family services determines that a
7 charge is administratively infeasible, or unless the department of health and family
8 services, after individual review, determines that the charge is not attributable to the
9 cost of basic care and services. Except as provided in subd. 1m., a county department
10 of community programs may not reimburse any state institution or receive credit for
11 collections for care received therein in a state institution by nonresidents of this
12 state, interstate compact clients, transfers under s. 51.35 (3), and transfers from
13 Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977
14 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s.
15 975.17, 1977 stats., or children placed in the guardianship of the department of
16 ~~health and family services~~ children and families under s. 48.427 or 48.43 or under
17 the supervision of the department of corrections under s. 938.183 or 938.355. The
18 exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs ~~which~~
19 that are attributable to care and treatment of the client.

20 ***-1524/P3.80* SECTION 1809.** 51.42 (3) (e) of the statutes is amended to read:
21 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
22 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)
23 (c) and 938.78 (2) (a), any subunit of a county department of community programs
24 or tribal agency acting under this section may exchange confidential information
25 about a client, without the informed consent of the client, with any other subunit of

1 the same county department of community programs or tribal agency, with a
2 resource center, a care management organization, or a family long-term care
3 district, or with any person providing services to the client under a purchase of
4 services contract with the county department of community programs or tribal
5 agency or with a resource center, care management organization, or family
6 long-term care district, if necessary to enable an employee or service provider to
7 perform his or her duties, or to enable the county department of community
8 programs or tribal agency to coordinate the delivery of services to the client. Any
9 agency releasing information under this paragraph shall document that a request
10 was received and what information was provided.

11 ***-1524/P3.81* SECTION 1810.** 51.437 (4r) (b) of the statutes is amended to
12 read:

13 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
14 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), any
15 subunit of a county department of developmental disabilities services or tribal
16 agency acting under this section may exchange confidential information about a
17 client, without the informed consent of the client, with any other subunit of the same
18 county department of developmental disabilities services or tribal agency, with a
19 resource center, a care management organization, or a family long-term care
20 district, or with any person providing services to the client under a purchase of
21 services contract with the county department of developmental disabilities services
22 or tribal agency or with a resource center, a care management organization, or a
23 family long-term care district, if necessary to enable an employee or service provider
24 to perform his or her duties, or to enable the county department of developmental
25 disabilities services or tribal agency to coordinate the delivery of services to the

1 client. Any agency releasing information under this paragraph shall document that
2 a request was received and what information was provided.

3 ~~*-1261/5.669*~~ ~~*-1261/P3.501*~~ SECTION 1811. 51.437 (4rm) (a) of the statutes
4 is amended to read:

5 51.437 (4rm) (a) A county department of developmental disabilities services
6 shall authorize all care of any patient in a state, local, or private facility under a
7 contractual agreement between the county department of developmental disabilities
8 services and the facility, unless the county department of developmental disabilities
9 services governs the facility. The need for inpatient care shall be determined by the
10 program director or designee in consultation with and upon the recommendation of
11 a licensed physician trained in psychiatry and employed by the county department
12 of developmental disabilities services or its contract agency prior to the admission
13 of a patient to the facility except in the case of emergency services. In cases of
14 emergency, a facility under contract with any county department of developmental
15 disabilities services shall charge the county department of developmental
16 disabilities services having jurisdiction in the county where the individual receiving
17 care is found. The county department of developmental disabilities services shall
18 reimburse the facility, except as provided under par. (c), for the actual cost of all
19 authorized care and services less applicable collections under s. 46.036, unless the
20 department of health and family services determines that a charge is
21 administratively infeasible, or unless the department of health and family services,
22 after individual review, determines that the charge is not attributable to the cost of
23 basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to
24 direct and indirect costs which are attributable to care and treatment of the client.
25 County departments of developmental disabilities services may not reimburse any

SECTION 1811

1 state institution or receive credit for collections for care received therein in a state
2 institution by nonresidents of this state, interstate compact clients, transfers under
3 s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,
4 or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., children
5 placed in the guardianship of the department of health and family services children
6 and families under s. 48.427 or 48.43 or juveniles under the supervision of the
7 department of corrections under s. 938.183 or 938.355.

8 ***-0878/5.3* SECTION 1812.** 51.437 (14) (i) of the statutes is created to read:

9 51.437 (14) (i) Ensure that the matching funds requirement for the state
10 developmental disabilities councils grant, as received from the federal department
11 of health and human services, is met by reporting to the federal department of health
12 and human services expenditures made for the provision of developmental
13 disabilities services under the basic county allocation distributed under s. 46.40 (2).

14 ***-0242/1.13* SECTION 1813.** 51.44 (5) (c) of the statutes is repealed.

15 ***-0242/1.14* SECTION 1814.** 51.45 (4) (p) of the statutes is repealed.

16 ***-0459/2.8* SECTION 1815.** 51.45 (12) (b) (intro.), 1. and 3. of the statutes are
17 consolidated, renumbered 51.45 (12) (b) and amended to read:

18 51.45 (12) (b) The physician, spouse, guardian, or a relative of the person
19 sought to be committed, or any other responsible person, may petition a circuit court
20 commissioner or the circuit court of the county in which the person sought to be
21 committed resides or is present for commitment under this subsection. The petition
22 shall: ~~1. State state facts to support the need for emergency treatment;~~ ~~3. Be and~~
23 ~~be supported by one or more affidavits which that aver with particularity the factual~~
24 basis for the allegations contained in the petition.

25 ***-0459/2.9* SECTION 1816.** 51.45 (12) (b) 2. of the statutes is repealed.

1 *~~0459/2.10~~* SECTION 1817. 51.45 (12) (c) 2. of the statutes is amended to read:

2 51.45 (12) (c) 2. Assure that the person sought to be committed is represented
3 by counsel and, if the person claims or appears to be indigent, refer the person to the
4 authority for indigency determinations specified under s. 977.07 (1) or, if the person
5 is a child, refer that child by referring the person to the state public defender, who
6 shall appoint counsel for the ~~child~~ person without a determination of indigency, as
7 provided in s. ~~48.23 (4)~~ 51.60.

8 *~~0459/2.11~~* SECTION 1818. 51.45 (13) (b) 2. of the statutes is amended to read:

9 51.45 (13) (b) 2. Assure that the person is represented by counsel and, if the
10 ~~person claims or appears to be indigent, refer the person to the authority for~~
11 ~~indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer~~
12 ~~that child~~ by referring the person to the state public defender, who shall appoint
13 counsel for the ~~child~~ person without a determination of indigency, as provided in s.
14 ~~48.23 (4)~~ 51.60. The person shall be represented by counsel at the preliminary
15 hearing under par. (d). The person may, with the approval of the court, waive his or
16 her right to representation by counsel at the full hearing under par. (f).

17 *~~0459/2.12~~* SECTION 1819. 51.45 (13) (d) of the statutes is amended to read:

18 51.45 (13) (d) Whenever it is desired to involuntarily commit a person, a
19 preliminary hearing shall be held under this paragraph. The purpose of the
20 preliminary hearing shall be to determine if there is probable cause for believing that
21 the allegations of the petition under par. (a) are true. The court shall assure that the
22 ~~person shall be~~ is represented by counsel at the preliminary hearing and, ~~if the~~
23 ~~person is a child or is indigent, by referring the person to the state public defender,~~
24 who shall appoint counsel shall ~~timely be appointed at public expense, as provided~~
25 in s. 967.06 and ch. 977 for the person without a determination of indigency, as

1 provided in s. 51.60. Counsel shall have access to all reports and records, psychiatric
2 and otherwise, which have been made prior to the preliminary hearing. The person
3 shall be present at the preliminary hearing and shall be afforded a meaningful
4 opportunity to be heard. Upon failure to make a finding of probable cause under this
5 paragraph, the court shall dismiss the petition and discharge the person from the
6 custody of the county department.

7 ***-0459/2.13* SECTION 1820.** 51.45 (13) (j) of the statutes is amended to read:

8 51.45 (13) (j) Upon the filing of a petition for recommitment under par. (h), the
9 court shall fix a date for a recommitment hearing within 10 days, and assure that the
10 person sought to be recommitted is represented by counsel and, if the person is
11 indigent, appoint by referring the person to the state public defender, who shall
12 appoint counsel for him or her, unless waived for the person without a determination
13 of indigency, as provided in s. 51.60. The provisions of par. (e) relating to notice and
14 to access to records, names of witnesses, and summaries of their testimony shall
15 apply to recommitment hearings under this paragraph. At the recommitment
16 hearing, the court shall proceed as provided under pars. (f) and (g).

17 ***-0459/2.14* SECTION 1821.** 51.45 (16) (c) of the statutes is repealed.

18 ***-0459/2.15* SECTION 1822.** 51.60 of the statutes is created to read:

19 **51.60 Appointment of counsel. (1) ADULTS.** (a) In any situation under this
20 chapter in which an adult individual has a right to be represented by counsel, the
21 individual shall be referred as soon as practicable to the state public defender, who
22 shall appoint counsel for the individual under s. 977.08 without a determination of
23 indigency.

24 (b) Except as provided in s. 51.45 (13) (b) 2., par. (a) does not apply if the
25 individual knowingly and voluntarily waives counsel.

1 (2) MINORS. In any situation under this chapter in which a minor has a right
2 to be represented by counsel, counsel for the minor shall be appointed as provided
3 in s. 48.23 (4).

4 (3) RETAINED COUNSEL. Notwithstanding subs. (1) and (2), an individual subject
5 to proceedings under this chapter is entitled to retain counsel of his or her own
6 choosing at his or her own expense.

7 *-0459/2.16* SECTION 1823. 51.605 of the statutes is created to read:

8 **51.605 Reimbursement for counsel provided by the state. (1) INQUIRY.**

9 At or after the conclusion of a proceeding under this chapter in which the state public
10 defender has provided counsel for an adult individual, the court may inquire as to
11 the individual's ability to reimburse the state for all or part of the cost of
12 representation. If the court determines that the individual is able to make
13 reimbursement for all or part of the cost of representation, the court may order the
14 individual to reimburse the state an amount not to exceed the maximum amount
15 established by the public defender board under s. 977.075 (4). Upon the court's
16 request, the state public defender shall conduct a determination of indigency under
17 s. 977.07 and report the results of the determination to the court.

18 (2) PAYMENT. Reimbursement ordered under this section shall be made to the
19 clerk of courts of the county where the proceedings took place. The clerk of courts
20 shall transmit payments under this section to the county treasurer, who shall deposit
21 25 percent of the payment amount in the county treasury and transmit the
22 remainder to the secretary of administration. Payments transmitted to the
23 secretary of administration shall be deposited in the general fund and credited to the
24 appropriation account under s. 20.550 (1) (L).

1 (3) REPORT. By January 31st of each year, the clerk of courts for each county
2 shall report to the state public defender the total amount of reimbursements ordered
3 under sub. (1) in the previous calendar year and the total amount of reimbursements
4 paid to the clerk under sub. (2) in the previous year.

5 *-0459/2.17* SECTION 1824. 55.10 (4) (a) of the statutes is amended to read:

6 55.10 (4) (a) *Counsel; costs.* The individual sought to be protected has the right
7 to counsel whether or not the individual is present at the hearing on the petition.
8 The court shall require representation by full legal counsel whenever the petition
9 alleges that the individual is not competent to refuse psychotropic medication under
10 s. 55.14, the individual sought to be protected requested such representation at least
11 72 hours before the hearing, the guardian ad litem or any other person states that
12 the individual sought to be protected is opposed to the petition, or the court
13 determines that the interests of justice require it. If the individual sought to be
14 protected or any other person on his or her behalf requests but is unable to obtain
15 legal counsel, the court shall appoint refer the individual to the state public defender
16 as provided under s. 55.105 for appointment of legal counsel. Counsel shall be
17 provided at public expense, as provided under s. 967.06 and ch. 977, if the individual
18 is indigent. ~~If the individual sought to be protected is an adult who is indigent, and~~
19 ~~if counsel was not appointed under s. 977.08, the county in which the hearing is held~~
20 ~~is liable for any fees due the individual's legal counsel.~~ If the individual sought to
21 be protected is represented by counsel appointed under s. 977.08 in a proceeding for
22 the appointment of a guardian under s. 880.33 ch. 54, the court shall order the
23 counsel appointed under s. 977.08 to represent under this section the individual
24 sought to be protected.

25 *-0459/2.18* SECTION 1825. 55.105 of the statutes is created to read:

1 **55.105 Appointment of counsel.** (1) In any situation under this chapter in
2 which an adult individual has a right to be represented by legal counsel, the
3 individual shall be referred as soon as practicable to the state public defender, who
4 shall appoint counsel for the individual under s. 977.08 without a determination of
5 indigency.

6 (2) In any situation under this chapter in which a minor has a right to be
7 represented by legal counsel, legal counsel for the minor shall be appointed as
8 provided in s. 48.23 (4).

9 (3) Notwithstanding subs. (1) and (2), an individual subject to proceedings
10 under this chapter is entitled to retain counsel of his or her own choosing at his or
11 her own expense.

12 ***-0459/2.19*** SECTION 1826. 55.107 of the statutes is created to read:

13 **55.107 Reimbursement of counsel provided by the state.** (1) At or after
14 the conclusion of a proceeding under this chapter in which the state public defender
15 has provided legal counsel for an adult individual, the court may inquire as to the
16 individual's ability to reimburse the state for all or part of the cost of representation.
17 If the court determines that the individual is able to make reimbursement for all or
18 part of the cost of representation, the court may order the individual to reimburse
19 the state an amount not to exceed the maximum amount established by the public
20 defender board under s. 977.075 (4). Upon the court's request, the state public
21 defender shall conduct a determination of indigency under s. 977.07 and report the
22 results of the determination to the court.

23 (2) Reimbursement ordered under this section shall be made to the clerk of
24 courts of the county where the proceedings took place. The clerk of courts shall
25 transmit payments under this section to the county treasurer, who shall deposit 25

1 percent of the payment amount in the county treasury and transmit the remainder
2 to the secretary of administration. Payments transmitted to the secretary of
3 administration shall be deposited in the general fund and credited to the
4 appropriation account under s. 20.550 (1) (L).

5 (3) By January 31st of each year, the clerk of courts for each county shall report
6 to the state public defender the total amount of reimbursements ordered under sub.
7 (1) in the previous calendar year and the total amount of reimbursements paid to the
8 clerk under sub. (2) in the previous year.

9 *-0459/2.20* SECTION 1827. 55.135 (1) of the statutes is amended to read:

10 55.135 (1) If, upon a credible report to or, from personal observation of, or a
11 reliable report made by a person who identifies himself or herself to, a sheriff, police
12 officer, fire fighter, guardian, if any, or authorized representative of a county
13 department or an agency with which it contracts under s. 55.02 (2), it appears
14 probable that an individual is so totally incapable of providing for his or her own care
15 or custody as to create a substantial risk of serious physical harm to himself or herself
16 or others as a result of developmental disabilities, degenerative brain disorder,
17 serious and persistent mental illness, or other like incapacities if not immediately
18 placed, the individual under this paragraph who received the credible report or who
19 personally made the observation or to whom the report is made may take into custody
20 and transport the individual to an appropriate medical or protective placement
21 facility. The person making emergency protective placement shall prepare a
22 statement at the time of detention providing specific factual information concerning
23 the person's observations or reports made to the person and the basis for emergency
24 placement. The statement shall be filed with the director of the facility and with any
25 petition under s. 55.075. At the time of emergency protective placement the

1 individual shall be informed by the director of the facility or the director's designee,
2 orally and in writing, of his or her right to contact an attorney and a member of his
3 or her immediate family and the right to have an attorney provided at public
4 expense, as provided under ~~s. 967.06 and ch. 977~~, if the individual is a minor or is
5 indigent s. 55.105. The director or designee shall also provide the individual with
6 a copy of the statement by the person making emergency protective placement.

7 ***-0459/2.21* SECTION 1828.** 55.14 (7) of the statutes is amended to read:

8 55.14 (7) Upon the filing of a petition under this section, the court shall ~~appoint~~
9 make a referral for appointment of legal counsel as provided under s. 55.105. A
10 petition under this section shall be heard under ~~s. 55.10 (4) (a) s. 55.06~~ within 30 days
11 after it is filed.

12 ***-0459/2.22* SECTION 1829.** 55.15 (7) (cm) of the statutes is amended to read:

13 55.15 (7) (cm) The court shall ~~appoint counsel for~~ refer the individual under
14 protective placement for appointment of legal counsel as provided under s. 55.105 if
15 the individual, the individual's guardian ad litem, or anyone on the individual's
16 behalf requests that counsel be appointed for the individual.

17 ***-0459/2.23* SECTION 1830.** 55.18 (3) (c) (intro.) of the statutes is amended to
18 read:

19 55.18 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
20 and, if the individual appears to be indigent, ~~refer him or her to the authority for~~
21 indigency determinations under s. 977.07 (1) for appointment of legal counsel under
22 s. 55.105 if any of the following apply:

23 ***-0459/2.24* SECTION 1831.** 55.19 (3) (c) (intro.) of the statutes is amended to
24 read:

1 55.19 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
2 and, if the individual appears to be indigent, refer him or her to the authority for
3 indigency determinations under s. 977.07 (1) for appointment of legal counsel under
4 s. 55.105 if any of the following apply:

5 ***-1261/5.670*** ***-1267/P1.207*** SECTION 1832. 59.22 (2) (c) 2. of the statutes
6 is amended to read:

7 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
8 rules of the department of ~~workforce development~~ children and families under s.
9 49.78 (4) to (7) relating to employees administering old-age assistance, aid to
10 families with dependent children, aid to the blind, or aid to totally and permanently
11 disabled persons or ss. 63.01 to 63.17.

12 ***-1261/5.671*** ***-1267/P1.208*** SECTION 1833. 59.40 (2) (p) of the statutes is
13 amended to read:

14 59.40 (2) (p) Cooperate with the department of ~~workforce development~~ children
15 and families with respect to the child and spousal support and establishment of
16 paternity and medical support liability program under ss. 49.22 and 59.53 (5), and
17 provide that department with any information from court records which it requires
18 to administer that program.

19 ***-1261/5.672*** ***-1267/P1.209*** SECTION 1834. 59.52 (4) (a) 18. of the statutes
20 is amended to read:

21 59.52 (4) (a) 18. Case records and other record material of all public assistance
22 that are kept as required under ch. 49, if no payments have been made for at least
23 3 years and if a face sheet or similar record of each case and a financial record of all
24 payments for each aid account are preserved in accordance with rules adopted by the
25 department of health and family services or by the department of ~~workforce~~

1 development children and families. If the department of health and family services
2 or the department of ~~workforce development~~ children and families has preserved
3 such case records and other record material on computer disc or tape or similar
4 device, a county may destroy the original records and record material under rules
5 adopted by the department that has preserved those case records or other record
6 material.

7 *~~-1261/5.673~~* *~~-1261/P3.503~~* SECTION 1835. 59.53 (3) of the statutes is
8 amended to read:

9 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for
10 promoting and assisting any community action agency under s. 46.30 ~~49.265~~.

11 *~~-1261/5.674~~* *~~-1261/P3.504~~* SECTION 1836. 59.53 (5) (a) of the statutes is
12 amended to read:

13 59.53 (5) (a) The board shall contract with the department of ~~workforce~~
14 development children and families to implement and administer the child and
15 spousal support and establishment of paternity and the medical support liability
16 programs provided for by Title IV of the federal social security act. The board may
17 designate by board resolution any office, officer, board, department, or agency, except
18 the clerk of circuit court, as the county child support agency. The board or county
19 child support agency shall implement and administer the programs in accordance
20 with the contract with the department of ~~workforce development~~ children and
21 families. The attorneys responsible for support enforcement under sub. (6) (a),
22 circuit court commissioners, and all other county officials shall cooperate with the
23 county and the department of ~~workforce development~~ children and families as
24 necessary to provide the services required under the programs. The county shall
25 charge the fee established by the department of ~~workforce development~~ children and

1 families under s. 49.22 for services provided under this paragraph to persons not
2 receiving benefits under s. 49.148 or 49.155 or assistance under s. ~~46.261~~ 48.645,
3 49.19, or 49.47.

4 ***-0905/3.78* SECTION 1837.** 59.53 (5) (a) of the statutes, as affected by 2007
5 Wisconsin Act ... (this act), is amended to read:

6 59.53 (5) (a) The board shall contract with the department of children and
7 families to implement and administer the child and spousal support and
8 establishment of paternity and the medical support liability programs provided for
9 by Title IV of the federal social security act. The board may designate by board
10 resolution any office, officer, board, department or agency, except the clerk of circuit
11 court, as the county child support agency. The board or county child support agency
12 shall implement and administer the programs in accordance with the contract with
13 the department of children and families. The attorneys responsible for support
14 enforcement under sub. (6) (a), circuit court commissioners and all other county
15 officials shall cooperate with the county and the department of children and families
16 as necessary to provide the services required under the programs. The county shall
17 charge the fee established by the department of children and families under s. 49.22
18 for services provided under this paragraph to persons not receiving benefits under
19 s. 49.148 or 49.155 or assistance under s. ~~48.645~~, 49.19, or 49.46, 49.465, 49.47,
20 49.471, or 49.472.

****NOTE: This is reconciled s. 59.53 (5) (a). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0905 and LRB-1261.

21 ***-1261/5.675* *-1267/P1.211* SECTION 1838.** 59.53 (5) (b) of the statutes is
22 amended to read:

1 59.53 (5) (b) The county child support agency under par. (a) shall electronically
2 enter into the statewide data system related to child and spousal support payments
3 that is operated by the department of ~~workforce development~~ children and families
4 the terms of any order made or judgment granted in the circuit court of the county
5 requiring payments under s. 948.22 (7) or ch. 767 or 769 that are directed under s.
6 767.57 (1) to be paid to the department of ~~workforce development~~ children and
7 families or its designee. The county child support agency shall enter the terms of any
8 such order or judgment within the time required by federal law and shall enter
9 revisions ordered by the court to any order or judgment the terms of which are
10 maintained on the data system.

11 ***-1169/P2.1*** SECTION 1839. 59.605 (1) (a) of the statutes is amended to read:

12 59.605 (1) (a) "Debt levy" means the county purpose levy for debt service on
13 loans under subch. II of ch. 24, bonds issued under s. 67.05 and, promissory notes
14 issued under s. 67.12 (12), and appropriation bonds issued under s. 59.85, less any
15 revenues that abate the levy.

16 ***-1261/5.676*** ***-1261/P3.505*** SECTION 1840. 59.69 (15) (intro.) of the
17 statutes is amended to read:

18 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
19 of this section, the location of a community living arrangement for adults, as defined
20 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
21 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
22 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any municipality,
23 shall be subject to the following criteria:

24 ***-1261/5.677*** ***-1261/P3.506*** SECTION 1841. 59.69 (15) (c) of the statutes is
25 amended to read:

1 59.69 (15) (c) ~~Where~~ If the community living arrangement has capacity for 8
2 or fewer persons being served by the program, meets the criteria listed in pars. (a)
3 and (b), and is licensed, operated, or permitted under the authority of the department
4 of health and family services or the department of children and families, that facility
5 is entitled to locate in any residential zone, without being required to obtain special
6 zoning permission except as provided in par. (i).

7 *~~-1261/5.678~~* *~~-1261/P3.507~~* SECTION 1842. 59.69 (15) (d) of the statutes is
8 amended to read:

9 59.69 (15) (d) ~~Where~~ If the community living arrangement has capacity for 9
10 to 15 persons being served by the program, meets the criteria listed in pars. (a) and
11 (b), and is licensed, or operated, or permitted under the authority of the department
12 of health and family services or the department of children and families, the facility
13 is entitled to locate in any residential area except areas zoned exclusively for
14 single-family or 2-family residences, except as provided in par. (i), but is entitled to
15 apply for special zoning permission to locate in those areas. The municipality may
16 grant special zoning permission at its discretion and shall make a procedure
17 available to enable such facilities to request such permission.

18 *~~-1261/5.679~~* *~~-1261/P3.508~~* SECTION 1843. 59.69 (15) (e) of the statutes is
19 amended to read:

20 59.69 (15) (e) ~~Where~~ If the community living arrangement has capacity for
21 serving 16 or more persons, meets the criteria listed in pars. (a) and (b), and is
22 licensed, operated, or permitted under the authority of the department of health and
23 family services or the department of children and families, that facility is entitled to
24 apply for special zoning permission to locate in areas zoned for residential use. The

1 municipality may grant special zoning permission at its discretion and shall make
2 a procedure available to enable such facilities to request such permission.

3 *-1261/5.680* *-1261/P3.509* SECTION 1844. 59.69 (15) (f) of the statutes is
4 amended to read:

5 59.69 (15) (f) The department of health and family services shall designate a
6 single subunit within the that department to maintain appropriate records
7 indicating the location and the capacity of each community living arrangement for
8 adults, and the information shall be available to the public. The department of
9 children and families shall designate a single subunit within that department to
10 maintain appropriate records indicating the location and the capacity of each
11 community living arrangement for children, and the information shall be available
12 to the public.

13 *-1261/5.681* *-1261/P3.510* SECTION 1845. 59.69 (15) (h) of the statutes is
14 amended to read:

15 59.69 (15) (h) The attorney general shall take action, upon the request of the
16 department of health and family services or the department of children and families,
17 to enforce compliance with this subsection.

18 *-1169/P2.2* SECTION 1846. 59.85 of the statutes is created to read:

19 **59.85 Appropriation bonds for payment of employee retirement**
20 **system liability in populous counties. (1) DEFINITIONS. In this section:**

21 (a) "Appropriation bond" means a bond issued by a county to evidence its
22 obligation to repay a certain amount of borrowed money that is payable from all of
23 the following:

24 1. Moneys annually appropriated by law for debt service due with respect to
25 such appropriation bond in that year.

1 2. Proceeds of the sale of such appropriation bonds.

2 3. Payments received for that purpose under agreements and ancillary
3 arrangements described in s. 59.86.

4 4. Investment earnings on amounts in subds. 1. to 3.

5 (b) "Board" means the county board of supervisors in any county.

6 (c) "Bond" means any bond, note, or other obligation of a county issued under
7 this section.

8 (d) "County" means any county having a population of 500,000 or more.

9 (e) "Refunding bond" means an appropriation bond issued to fund or refund all
10 or any part of one or more outstanding appropriation bonds.

11 **(1m) LEGISLATIVE FINDING AND DETERMINATION.** Recognizing that a county, by
12 prepaying part or all of the county's unfunded prior service liability with respect to
13 an employee retirement system of the county, may reduce its costs and better ensure
14 the timely and full payment of retirement benefits to participants and their
15 beneficiaries under the employee retirement system, the legislature finds and
16 determines that it is in the public interest for the county to issue appropriation bonds
17 to obtain proceeds to pay its unfunded prior service liability.

18 **(2) AUTHORIZATION OF APPROPRIATION BONDS.** (a) A board shall have all powers
19 necessary and convenient to carry out its duties, and to exercise its authority, under
20 this section.

21 (b) Subject to pars. (c) and (d), a county may issue appropriation bonds under
22 this section to pay all or any part of the county's unfunded prior service liability with
23 respect to an employee retirement system of the county, or to fund or refund
24 outstanding appropriation bonds issued under this section. A county may use
25 proceeds of appropriation bonds to pay issuance or administrative expenses, to make

1 deposits to reserve funds, to pay accrued or funded interest, to pay the costs of credit
2 enhancement, to make payments under other agreements entered into under s.
3 59.86, or to make deposits to stabilization funds established under s. 59.87.

4 (c) Other than refunding bonds issued under sub. (6), all bonds must be issued
5 simultaneously.

6 (d) 1. Before a county may issue appropriation bonds under par. (b), its board
7 shall enact an ordinance that establishes a 5-year strategic and financial plan
8 related to the payment of all or any part of the county's unfunded prior service
9 liability with respect to an employee retirement system of the county. The strategic
10 and financial plan shall provide that future annual pension liabilities are funded on
11 a current basis. The strategic and financial plan shall contain quantifiable
12 benchmarks to measure compliance with the plan. The board shall make a
13 determination that the ordinance meets the requirements of this subdivision and,
14 absent manifest error, the board's determination shall be conclusive. The board shall
15 submit to the governor and to the chief clerk of each house of the legislature, for
16 distribution to the legislature under s. 13.172 (2), a copy of the strategic and financial
17 plan.

18 2. Annually, the county shall submit to the governor and to the chief clerk of
19 each house of the legislature, for distribution to the legislature under s. 13.172 (2),
20 a report that includes all of the following:

21 a. The county's progress in meeting the benchmarks in the strategic and
22 financial plan.

23 b. Any proposed modifications to the plan.

24 c. The status of any stabilization fund that is established under s. 59.87 (3).

1 d. The most current actuarial report related to the county's employee
2 retirement system.

3 (3) TERMS. (a) A county may borrow moneys and issue appropriation bonds in
4 evidence of the borrowing pursuant to one or more written authorizing resolutions
5 under sub. (4). Unless otherwise provided in an authorizing resolution, the county
6 may issue appropriation bonds at any time, in any specific amounts, at any rates of
7 interest, for any term, payable at any intervals, at any place, in any manner, and
8 having any other terms or conditions that the board considers necessary or desirable.
9 Appropriation bonds may bear interest at variable or fixed rates, bear no interest,
10 or bear interest payable only at maturity or upon redemption prior to maturity.

11 (b) The board may authorize appropriation bonds having any provisions for
12 prepayment the board considers necessary or desirable, including the payment of
13 any premium.

14 (c) Interest shall cease to accrue on an appropriation bond on the date that the
15 appropriation bond becomes due for payment if payment is made or duly provided
16 for.

17 (d) All moneys borrowed by a county that is evidenced by appropriation bonds
18 issued under this section shall be lawful money of the United States, and all
19 appropriation bonds shall be payable in such money.

20 (e) All appropriation bonds owned or held by a fund of the county are
21 outstanding in all respects and the board or other governing body controlling the
22 fund shall have the same rights with respect to an appropriation bond as a private
23 party, but if any sinking fund acquires appropriation bonds that gave rise to such
24 fund, the appropriation bonds are considered paid for all purposes and no longer
25 outstanding and shall be canceled as provided in sub. (7) (d).

1 (f) A county shall not be generally liable on appropriation bonds, and
2 appropriation bonds shall not be a debt of the county for any purpose whatsoever.
3 Appropriation bonds, including the principal thereof and interest thereon, shall be
4 payable only from amounts that the board may, from year to year, appropriate for the
5 payment thereof.

6 (4) PROCEDURES. (a) No appropriation bonds may be issued by a county unless
7 the issuance is pursuant to a written authorizing resolution adopted by a majority
8 of a quorum of the board. The resolution may be in the form of a resolution or trust
9 indenture, and shall set forth the aggregate principal amount of appropriation bonds
10 authorized thereby, the manner of their sale, and the form and terms thereof. The
11 resolution or trust indenture may establish such funds and accounts, including a
12 reserve fund, as the board determines.

13 (b) Appropriation bonds may be sold at either public or private sale and may
14 be sold at any price or percentage of par value. All appropriation bonds sold at public
15 sale shall be noticed as provided in the authorizing resolution. Any bid received at
16 public sale may be rejected.

17 (5) FORM. (a) As determined by the board, appropriation bonds may be issued
18 in book-entry form or in certificated form. Notwithstanding s. 403.104 (1), every
19 evidence of appropriation bond is a negotiable instrument.

20 (b) Every appropriation bond shall be executed in the name of and for the
21 county by the chairperson of the board and county clerk, and shall be sealed with the
22 seal of the county, if any. Facsimile signatures of either officer may be imprinted in
23 lieu of manual signatures, but the signature of at least one such officer shall be
24 manual. An appropriation bond bearing the manual or facsimile signature of a
25 person in office at the same time the signature was signed or imprinted shall be fully

1 valid notwithstanding that before or after the delivery of such appropriation bond
2 the person ceased to hold such office.

3 (c) Every appropriation bond shall be dated not later than the date it is issued,
4 shall contain a reference by date to the appropriate authorizing resolution, shall
5 state the limitation established in sub. (3) (f), and shall be in accordance with the
6 appropriate authorizing resolution in all respects.

7 (d) An appropriation bond shall be substantially in such form and contain such
8 statements or terms as determined by the board, and may not conflict with law or
9 with the appropriate authorizing resolution.

10 (6) REFUNDING BONDS. (a) 1. A board may authorize the issuance of refunding
11 appropriation bonds. Refunding appropriation bonds may be issued, subject to any
12 contract rights vested in owners of the appropriation bonds being refunded, to refund
13 all or any part of one or more issues of appropriation bonds notwithstanding that the
14 appropriation bonds may have been issued at different times or issues of general
15 obligation promissory notes under s. 67.12 (12) were issued to pay unfunded prior
16 service liability with respect to an employee retirement system. The principal
17 amount of the refunding appropriation bonds may not exceed the sum of: the
18 principal amount of the appropriation bonds or general obligation promissory notes
19 being refunded; applicable redemption premiums; unpaid interest on the refunded
20 appropriation bonds or general obligation promissory notes to the date of delivery or
21 exchange of the refunding appropriation bonds; in the event the proceeds are to be
22 deposited in trust as provided in par. (c), interest to accrue on the appropriation
23 bonds or general obligation promissory notes to be refunded from the date of delivery
24 to the date of maturity or to the redemption date selected by the board, whichever
25 is earlier; and the expenses incurred in the issuance of the refunding appropriation

1 bonds and the payment of the refunded appropriation bonds or general obligation
2 promissory notes.

3 2. A board may authorize the issuance of general obligation promissory notes
4 under s. 67.12 (12) (a) to refund appropriation bonds, notwithstanding s. 67.01 (9)
5 (intro.).

6 (b) If a board determines to exchange refunding appropriation bonds, they may
7 be exchanged privately for, and in payment and discharge of, any of the outstanding
8 appropriation bonds being refunded. Refunding appropriation bonds may be
9 exchanged for such principal amount of the appropriation bonds being exchanged
10 therefor as may be determined by the board to be necessary or desirable. The owners
11 of the appropriation bonds being refunded who elect to exchange need not pay
12 accrued interest on the refunding appropriation bonds if and to the extent that
13 interest is accrued and unpaid on the appropriation bonds being refunded and to be
14 surrendered. If any of the appropriation bonds to be refunded are to be called for
15 redemption, the board shall determine which redemption dates are to be used, if
16 more than one date is applicable and shall, prior to the issuance of the refunding
17 appropriation bonds, provide for notice of redemption to be given in the manner and
18 at the times required by the resolution authorizing the appropriation bonds to be
19 refunded.

20 (c) 1. The principal proceeds from the sale of any refunding appropriation bonds
21 shall be applied either to the immediate payment and retirement of the
22 appropriation bonds or general obligation promissory notes being refunded or, if the
23 bonds or general obligation promissory notes have not matured and are not presently
24 redeemable, to the creation of a trust for, and shall be pledged to the payment of, the
25 appropriation bonds or general obligation promissory notes being refunded.

1 2. If a trust is created, a separate deposit shall be made for each issue of
2 appropriation bonds or general obligation promissory notes being refunded. Each
3 deposit shall be with a bank or trust company authorized by the laws of the United
4 States or of a state in which it is located to conduct banking or trust company
5 business. If the total amount of any deposit, including moneys other than sale
6 proceeds but legally available for such purpose, is less than the principal amount of
7 the appropriation bonds or general obligation promissory notes being refunded and
8 for the payment of which the deposit has been created and pledged, together with
9 applicable redemption premiums and interest accrued and to accrue to maturity or
10 to the date of redemption, then the application of the sale proceeds shall be legally
11 sufficient only if the moneys deposited are invested in securities issued by the United
12 States or one of its agencies, or securities fully guaranteed by the United States, and
13 only if the principal amount of the securities at maturity and the income therefrom
14 to maturity will be sufficient and available, without the need for any further
15 investment or reinvestment, to pay at maturity or upon redemption the principal
16 amount of the appropriation bonds or general obligation promissory notes being
17 refunded together with applicable redemption premiums and interest accrued and
18 to accrue to maturity or to the date of redemption. The income from the principal
19 proceeds of the securities shall be applied solely to the payment of the principal of
20 and interest and redemption premiums on the appropriation bonds or general
21 obligation promissory notes being refunded, but provision may be made for the
22 pledging and disposition of any surplus.

23 3. Nothing in this paragraph may be construed as a limitation on the duration
24 of any deposit in trust for the retirement of appropriation bonds or general obligation
25 promissory notes being refunded that have not matured and that are not presently

1 redeemable. Nothing in this paragraph may be constructed to prohibit reinvestment
2 of the income of a trust if the reinvestments will mature at such times that sufficient
3 moneys will be available to pay interest, applicable premiums, and principal on the
4 appropriation bonds or general obligation promissory notes being refunded.

5 (7) FISCAL REGULATIONS. (a) All appropriation bonds shall be registered by the
6 county clerk or county treasurer of the county issuing the appropriation bonds, or
7 such other officers or agents, including fiscal agents, as the board may determine.
8 After registration, no transfer of an appropriation bond is valid unless made by the
9 registered owner's duly authorized attorney, on the records of the county and
10 similarly noted on the appropriation bond. The county may treat the registered
11 owner as the owner of the appropriation bond for all purposes. Payments of principal
12 and interest shall be by electronic funds transfer, check, share draft, or other draft
13 to the registered owner at the owner's address as it appears on the register, unless
14 the board has otherwise provided. Information in the register is not available for
15 inspection and copying under s. 19.35 (1). The board may make any other provision
16 respecting registration as it considers necessary or desirable.

17 (b) The board may appoint one or more trustees or fiscal agents for each issue
18 of appropriation bonds. The county treasurer may be designated as the trustee and
19 the sole fiscal agent or as cofiscal agent for any issue of appropriation bonds. Every
20 other fiscal agent shall be an incorporated bank or trust company authorized by the
21 laws of the United States or of the state in which it is located to conduct banking or
22 trust company business. There may be deposited with a trustee, in a special account,
23 moneys to be used only for the purposes expressly provided in the resolution
24 authorizing the issuance of appropriation bonds or an agreement between the county
25 and the trustee. The board may make other provisions respecting trustees and fiscal

1 agents as the board considers necessary or desirable and may enter into contracts
2 with any trustee or fiscal agent containing such terms, including compensation, and
3 conditions in regard to the trustee or fiscal agent as the board considers necessary
4 or desirable.

5 (c) If any appropriation bond is destroyed, lost, or stolen, the county shall
6 execute and deliver a new appropriation bond, upon filing with the board evidence
7 satisfactory to the board that the appropriation bond has been destroyed, lost, or
8 stolen, upon providing proof of ownership thereof, and upon furnishing the board
9 with indemnity satisfactory to it and complying with such other rules of the county
10 and paying any expenses that the county may incur. The board shall cancel the
11 appropriation bond surrendered to the county.

12 (d) Unless otherwise directed by the board, every appropriation bond paid or
13 otherwise retired shall be marked "canceled" and delivered to the county treasurer,
14 or to such other fiscal agent as applicable with respect to the appropriation bond, who
15 shall destroy them and deliver a certificate to that effect to the county clerk.

16 (8) APPROPRIATION BONDS AS LEGAL INVESTMENTS. Any of the following may
17 legally invest any sinking funds, moneys, or other funds belonging to them or under
18 their control in any appropriation bonds issued under this section:

19 (a) The state, the investment board, public officers, municipal corporations,
20 political subdivisions, and public bodies.

21 (b) Banks and bankers, savings and loan associations, credit unions, trust
22 companies, savings banks and institutions, investment companies, insurance
23 companies, insurance associations, and other persons carrying on a banking or
24 insurance business.

25 (c) Personal representatives, guardians, trustees, and other fiduciaries.

1 (9) MORAL OBLIGATION PLEDGE. If the board considers it necessary or desirable
2 to do so, it may express in a resolution authorizing appropriation bonds its
3 expectation and aspiration to make timely appropriations sufficient to pay the
4 principal and interest due with respect to such appropriation bonds, to make
5 deposits into a reserve fund created under sub. (4) (a) with respect to such
6 appropriation bonds, to make payments under any agreement or ancillary
7 arrangement entered into under s. 59.86 with respect to such appropriation bonds,
8 to make deposits into any stabilization fund established or continued under s. 59.87
9 with respect to such appropriation bonds, or to pay related issuance or
10 administrative expenses.

11 (10) PENSION STUDY COMMITTEE. The 2 public members of the pension study
12 committee, created by chapter 405, laws of 1965, shall have at least 10 years of
13 financial experience.

14 *-1169/P2.3* SECTION 1847. 59.86 of the statutes is created to read:

15 **59.86 Agreements and ancillary arrangements for certain notes and**
16 **appropriation bonds.** At the time of issuance or in anticipation of the issuance of
17 appropriation bonds under s. 59.85, or general obligation promissory notes under s.
18 67.12 (12), to pay unfunded prior service liability with respect to an employee
19 retirement system, or at any time thereafter so long as the appropriation bonds or
20 general obligation promissory notes are outstanding, a county having a population
21 of 500,000 or more may enter into agreements or ancillary arrangements relating to
22 the appropriation bonds or general obligation promissory notes, including trust
23 indentures, liquidity facilities, remarketing or dealer agreements, letters of credit,
24 insurance policies, guaranty agreements, reimbursement agreements, indexing
25 agreements, and interest exchange agreements. Any payments made or amounts

1 received with respect to any such agreement or ancillary arrangement shall be made
2 from or deposited as provided in the agreement or ancillary arrangement.

3 ***-1169/P2.4* SECTION 1848.** 59.87 of the statutes is created to read:

4 **59.87 Employee retirement system liability financing in populous**
5 **counties; additional powers. (1) DEFINITIONS.** In this section:

6 (a) "Board" means the county board of supervisors in any county.

7 (b) "County" means any county having a population of 500,000 or more.

8 (c) "Pension funding plan" means a strategic and financial plan related to the
9 payment of all or part of a county's unfunded prior service liability with respect to
10 an employee retirement system.

11 (d) "Trust" means a common law trust organized under the laws of this state,
12 by the county, as settlor, pursuant to a formal, written, declaration of trust.

13 **(2) SPECIAL FINANCING ENTITIES, FUNDS, AND ACCOUNTS.** (a) To facilitate a pension
14 funding plan and in furtherance thereof, a board may create one or more of the
15 following:

16 1. A trust.

17 2. A nonstock corporation under ch. 181.

18 3. A limited liability company under ch. 183.

19 4. A special fund or account of the county.

20 (b) An entity described under par. (a) has all of the powers provided to it under
21 applicable law and the documents pursuant to which it is created and established.

22 The powers shall be construed broadly in favor of effectuating the purposes for which
23 the entity is created. A county may appropriate funds to such entities and to such
24 funds and accounts, under terms and conditions established by the board, consistent
25 with the purposes for which they are created and established.

1 **(3) STABILIZATION FUNDS.** (a) To facilitate a pension funding plan a board may
2 establish a stabilization fund. Any such fund may be created as a trust, a special fund
3 or account of the county established by a separate resolution or ordinance, or a fund
4 or account created under an authorizing resolution or trust indenture in connection
5 with the authorization and issuance of appropriation bonds under s. 59.85 or general
6 obligation promissory notes under s. 67.12 (12). A county may appropriate funds for
7 deposit to a stabilization fund established under this subsection.

8 (b) Moneys in a stabilization fund established under this subsection may be
9 used, subject to annual appropriation by the board, solely to pay principal or interest
10 on appropriation bonds issued under s. 59.85 and general obligation promissory
11 notes under s. 67.12 (12) issued in connection with a pension funding plan, for the
12 redemption or repurchase of such appropriation bonds or general obligation
13 promissory notes, or to make payments under any agreement or ancillary
14 arrangement entered into under s. 59.86 with respect to such appropriation bonds
15 or general obligation promissory notes. Moneys on deposit in a stabilization fund
16 may not be subject to any claims, demands, or actions by, or transfers or assignments
17 to, any creditor of the county, any beneficiary of the county's employee retirement
18 system, or any other person, on terms other than as may be established in the
19 resolution or ordinance creating the stabilization fund. Moneys on deposit in a
20 stabilization fund established under this subsection may be invested and reinvested
21 in the manner directed by the board or pursuant to delegation by the board as
22 provided under s. 66.0603 (5).

23 ***-1261/5.682*** ***-1261/P3.511*** **SECTION 1849.** 60.63 (intro.) of the statutes is
24 amended to read:

1 **60.63 Community and other living arrangements.** (intro.) For purposes
2 of s. 60.61, the location of a community living arrangement for adults, as defined in
3 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
4 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
5 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any town shall
6 be subject to the following criteria:

7 *-1261/5.683* *-1261/P3.512* SECTION 1850. 60.63 (4) of the statutes is
8 amended to read:

9 60.63 (4) If the community living arrangement has capacity for 8 or fewer
10 persons being served by the program, meets the criteria listed in subs. (1) and (2),
11 and is licensed, operated, or permitted under the authority of the department of
12 health and family services or the department of children and families, the
13 community living arrangement is entitled to locate in any residential zone, without
14 being required to obtain special zoning permission except as provided under sub.
15 (10).

16 *-1261/5.684* *-1261/P3.513* SECTION 1851. 60.63 (5) of the statutes is
17 amended to read:

18 60.63 (5) In all cases where the community living arrangement has capacity
19 for 9 to 15 persons being served by the program, meets the criteria listed in subs. (1)
20 and (2), and is licensed, operated, or permitted under the authority of the department
21 of health and family services or the department of children and families, that facility
22 is entitled to locate in any residential area except areas zoned exclusively for
23 single-family or 2-family residences except as provided in sub. (10), but is entitled
24 to apply for special zoning permission to locate in those areas. The town may grant

1 such special zoning permission at its discretion and shall make a procedure available
2 to enable such facilities to request such permission.

3 ~~*-1261/5.685*~~ ~~*-1261/P3.514*~~ SECTION 1852. 60.63 (6) of the statutes is
4 amended to read:

5 60.63 (6) In all cases where the community living arrangement has capacity
6 for serving 16 or more persons, meets the criteria listed in subs. (1) and (2), and is
7 licensed, operated, or permitted under the authority of the department of health and
8 family services or the department of children and families, that facility is entitled to
9 apply for special zoning permission to locate in areas zoned for residential use. The
10 town may grant such special zoning permission at its discretion and shall make a
11 procedure available to enable such facilities to request such permission.

12 ~~*-1261/5.686*~~ ~~*-1261/P3.515*~~ SECTION 1853. 60.63 (7) of the statutes is
13 amended to read:

14 60.63 (7) The department of health and family services shall designate a single
15 subunit within the that department to maintain appropriate records indicating the
16 location and the capacity of each community living arrangement for adults, and such
17 information shall be available to the public. The department of children and families
18 shall designate a single subunit within that department to maintain appropriate
19 records indicating the location and the capacity of each community living
20 arrangement for children, and such information shall be available to the public.

21 ~~*-1261/5.687*~~ ~~*-1261/P3.516*~~ SECTION 1854. 60.63 (9) of the statutes is
22 amended to read:

23 60.63 (9) The attorney general shall take all necessary action, upon the request
24 of the department of health and family services or the department of children and
25 families, to enforce compliance with this section.

1 *-1669/2.1* SECTION 1855. 62.13 (5) (i) of the statutes is amended to read:

2 62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or
3 removed by the board may appeal from the order of the board to the circuit court by
4 serving written notice of the appeal on the secretary of the board within 10 days after
5 the order is filed. Within 5 days after receiving written notice of the appeal, the board
6 shall certify to the clerk of the circuit court the record of the proceedings, including
7 all documents, testimony and minutes. The action shall then be at issue and shall
8 have precedence over any other cause of a different nature pending in the court,
9 which shall always be open to the trial thereof. The court shall upon application of
10 the accused or of the board fix a date of trial, which shall not be later than 15 days
11 after such application except by agreement. The trial shall be by the court and upon
12 the return of the board, except that the court may require further return or the taking
13 and return of further evidence by the board. The question to be determined by the
14 court shall be: Upon the evidence is there just cause, as described under par. (em),
15 to sustain the charges against the accused? No costs shall be allowed either party
16 and the clerk's fees shall be paid by the city. If the order of the board is reversed, the
17 accused shall be forthwith reinstated and entitled to pay as though in continuous
18 service. If the order of the board is sustained it shall be final and conclusive. This
19 paragraph does not apply to any person who is suspended, reduced, suspended and
20 reduced, or removed by the board or by a committee or person acting under this
21 subsection in place of a board, and who is subject to the terms of a collective
22 bargaining agreement entered into under subch. IV of ch. 111 that provides an
23 alternative to the appeals procedure specified in this paragraph, unless the person
24 chooses to appeal the order to circuit court. If the alternative to the appeals
25 procedure includes a hearing, the hearing shall be open to the public with reasonable

1 advance notice given by the employer. An accused person who chooses to appeal the
2 decision of the board through a collectively bargained alternative to the appeals
3 procedure specified in this paragraph is considered to have waived his or her right
4 to circuit court review of the board decision.

5 ***-1261/5.688*** ***-1261/P3.517*** SECTION 1856. 62.23 (7) (i) (intro.) of the
6 statutes is amended to read:

7 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
8 of this section, the location of a community living arrangement for adults, as defined
9 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
10 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
11 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any city shall be
12 subject to the following criteria:

13 ***-1261/5.689*** ***-1261/P3.518*** SECTION 1857. 62.23 (7) (i) 3. of the statutes is
14 amended to read:

15 62.23 (7) (i) 3. In all cases where the community living arrangement has
16 capacity for 8 or fewer persons being served by the program, meets the criteria listed
17 in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the
18 department of health and family services or the department of children and families,
19 that facility is entitled to locate in any residential zone, without being required to
20 obtain special zoning permission except as provided in subd. 9.

21 ***-1261/5.690*** ***-1261/P3.519*** SECTION 1858. 62.23 (7) (i) 4. of the statutes is
22 amended to read:

23 62.23 (7) (i) 4. In all cases where the community living arrangement has
24 capacity for 9 to 15 persons being served by the program, meets the criteria listed in
25 subds. 1. and 2., and is licensed, operated, or permitted under the authority of the

SECTION 1858

1 department of health and family services or the department of children and families,
2 that facility is entitled to locate in any residential area except areas zoned exclusively
3 for single-family or 2-family residences except as provided in subd. 9., but is entitled
4 to apply for special zoning permission to locate in those areas. The city may grant
5 such special zoning permission at its discretion and shall make a procedure available
6 to enable such facilities to request such permission.

7 ***-1261/5.691* *-1261/P3.520* SECTION 1859.** 62.23 (7) (i) 5. of the statutes is
8 amended to read:

9 62.23 (7) (i) 5. In all cases where the community living arrangement has
10 capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2.,
11 and is licensed, operated, or permitted under the authority of the department of
12 health and family services or the department of children and families, that facility
13 is entitled to apply for special zoning permission to locate in areas zoned for
14 residential use. The city may grant such special zoning permission at its discretion
15 and shall make a procedure available to enable such facilities to request such
16 permission.

17 ***-1261/5.692* *-1261/P3.521* SECTION 1860.** 62.23 (7) (i) 6. of the statutes is
18 amended to read:

19 62.23 (7) (i) 6. The department of health and family services shall designate
20 a single subunit within the that department to maintain appropriate records
21 indicating the location and number of persons served by each community living
22 arrangement for adults, and such information shall be available to the public. The
23 department of children and families shall designate a single subunit within that
24 department to maintain appropriate records indicating the location and number of

1 persons served by each community living arrangement for children, and such
2 information shall be available to the public.

3 *-1261/5.693* *-1261/P3.522* SECTION 1861. 62.23 (7) (i) 8. of the statutes is
4 amended to read:

5 62.23 (7) (i) 8. The attorney general shall take all necessary action, upon the
6 request of the department of health and family services or the department of children
7 and families, to enforce compliance with this paragraph.

8 *-0905/3.79* SECTION 1862. 66.0137 (3) of the statutes is amended to read:

9 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any city, village,
10 town, or county may purchase health or dental insurance for unemployed persons
11 residing in the city, village, town, or county who are not eligible for medical
12 assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471 (4) (a) or (b).

13 *-1553/P2.3* SECTION 1863. 66.0137 (4) of the statutes is amended to read:

14 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
15 a village provides health care benefits under its home rule power, or if a town
16 provides health care benefits, to its officers and employees on a self-insured basis,
17 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
18 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5),
19 and (6), 632.895 (9) to (14) (15), 632.896, and 767.513 (4).

20 *-1524/P3.82* SECTION 1864. 66.0301 (1) (a) of the statutes is amended to
21 read:

22 66.0301 (1) (a) In this section "municipality" means the state or any
23 department or agency thereof, or any city, village, town, county, school district, public
24 library system, public inland lake protection and rehabilitation district, sanitary
25 district, farm drainage district, metropolitan sewerage district, sewer utility district,

SECTION 1864

1 solid waste management system created under s. 59.70 (2), local exposition district
2 created under subch. II of ch. 229, local professional baseball park district created
3 under subch. III of ch. 229, local professional football stadium district created under
4 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
5 family long-term care district under s. 46.2895, water utility district, mosquito
6 control district, municipal electric company, county or city transit commission,
7 commission created by contract under this section, taxation district, regional
8 planning commission, or city-county health department.

9 ***-1524/P3.83* SECTION 1865.** 66.0601 (1) (b) of the statutes is amended to
10 read:

11 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family
12 long-term care district under s. 46.2895 or agency or subdivision of a city, village or
13 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic
14 or other medical facility for the performance of an abortion except those permitted
15 under and which are performed in accordance with s. 20.927.

16 ***-1524/P3.84* SECTION 1866.** 66.0601 (1) (c) of the statutes is amended to
17 read:

18 66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,
19 village, town, family long-term care district under s. 46.2895 or agency or
20 subdivision of a city, village or town may authorize payment of funds for a grant,
21 subsidy or other funding involving a pregnancy program, project or service if s.
22 20.9275 (2) applies to the pregnancy program, project or service.

23 ***-1170/5.1* SECTION 1867.** 66.0602 (1) (am) of the statutes is created to read:

1 66.0602 (1) (am) "Joint fire department" means a joint fire department
2 organized under s. 61.65 (2) (a) 3. or 62.13 (2m), or a joint fire department organized
3 by any combination of 2 or more cities, villages, or towns under s. 66.0301 (2).

4 ***-1170/5.2* SECTION 1868.** 66.0602 (1) (b) of the statutes is amended to read:

5 66.0602 (1) (b) "Penalized excess" means the levy, in an amount that is at least
6 \$500 over the limit under sub. (2) for the political subdivision, not including any
7 amount that is excepted from the limit under subs. (3), (4), and (5).

8 ***-1170/5.3* SECTION 1869.** 66.0602 (1) (d) of the statutes is amended to read:

9 66.0602 (1) (d) "Valuation factor" means a percentage equal to the greater of
10 either 4 percent or the percentage change in the political subdivision's January 1
11 equalized value due to new construction less improvements removed between the
12 previous year and the current year, but not less than 2. ~~Except as provided in subs.~~
13 ~~(3), (4), and (5), no political subdivision may increase its levy in any year by a~~
14 ~~percentage that exceeds the political subdivision's valuation factor. In determining~~
15 ~~its levy in any year, a city, village, or town shall subtract any tax increment that is~~
16 ~~calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

17 ***-1170/5.4* SECTION 1870.** 66.0602 (2) of the statutes is created to read:

18 66.0602 (2) LEVY LIMIT. Except as provided in subs. (3), (4), and (5), no political
19 subdivision may increase its levy in 2007 or 2008 by a percentage that exceeds the
20 political subdivision's valuation factor. The base amount in any year, to which the
21 limit under this section applies, shall be the maximum allowable levy for the
22 immediately preceding year. In determining its levy in any year, a city, village, or
23 town shall subtract any tax increment that is calculated under s. 60.85 (1) (L) or
24 66.1105 (2) (i).

25 ***-1169/P2.5* SECTION 1871.** 66.0602 (3) (d) 3. of the statutes is created to read:

1 66.0602 (3) (d) 3. The limit otherwise applicable under this section does not
2 apply to amounts levied by a county having a population of 500,000 or more for the
3 payment of debt service on appropriation bonds issued under s. 59.85, including debt
4 service on appropriation bonds issued to fund or refund outstanding appropriation
5 bonds of the county, to pay related issuance costs or redemption premiums, or to
6 make payments with respect to agreements or ancillary arrangements authorized
7 under s. 59.86.

8 ***-1170/5.5* SECTION 1872.** 66.0602 (3) (e) of the statutes is renumbered
9 66.0602 (3) (e) (intro.) and amended to read:

10 66.0602 (3) (e) (intro.) The limit otherwise applicable under this section does
11 not apply to the amount that a county levies in that year for a county children with
12 disabilities education board. any of the following:

13 ***-1170/5.6* SECTION 1873.** 66.0602 (3) (e) 1. of the statutes is created to read:

14 66.0602 (3) (e) 1. The amount that a county levies in that year for a county
15 children with disabilities education board.

16 ***-1170/5.7* SECTION 1874.** 66.0602 (3) (e) 2. of the statutes is created to read:

17 66.0602 (3) (e) 2. The amount that a 1st class city levies in that year for school
18 purposes.

19 ***-1170/5.8* SECTION 1875.** 66.0602 (3) (e) 3. of the statutes is created to read:

20 66.0602 (3) (e) 3. The amount that a county levies in that year under s. 82.08
21 (2) for bridge and culvert construction and repair.

22 ***-1170/5.9* SECTION 1876.** 66.0602 (3) (e) 4. of the statutes is created to read:

23 66.0602 (3) (e) 4. The amount that a county levies in that year to make
24 payments to an adjacent county, under s. 43.12 (1), for library services.

25 ***-1170/5.10* SECTION 1877.** 66.0602 (3) (e) 5. of the statutes is created to read:

1 66.0602 (3) (e) 5. The amount that a political subdivision levies in that year to
2 make up any revenue shortfall for the debt service on a revenue bond issued under
3 s. 66.0621.

4 ***-1170/5.11*** SECTION 1878. 66.0602 (3) (f) of the statutes is repealed.

5 ***-1170/5.12*** SECTION 1879. 66.0602 (3) (h) 1. of the statutes is amended to
6 read:

7 66.0602 (3) (h) 1. Subject to subd. 2., the limit otherwise applicable under this
8 section does not apply to the amount that a city, village, or town levies in that year
9 to pay for charges assessed by a joint fire department ~~organized under s. 61.65 (2)~~
10 ~~(a) 3. or 62.13 (2m)~~, but only to the extent that the amount levied to pay for such
11 charges would cause the city, village, or town to exceed the limit that is otherwise
12 applicable under this section.

13 ***-1170/5.13*** SECTION 1880. 66.0602 (4) (a) of the statutes is amended to read:

14 66.0602 (4) (a) A political subdivision may exceed the levy increase limit under
15 sub. (2) if its governing body adopts a resolution to that effect and if the resolution
16 is approved in a referendum. The resolution shall specify the proposed amount of
17 increase in the levy beyond the amount that is allowed under sub. (2), and shall
18 specify whether the proposed amount of increase is for the next fiscal year only or if
19 it will apply on an ongoing basis. With regard to a referendum relating to the 2005
20 levy, or any levy in an odd-numbered year thereafter, the political subdivision may
21 call a special referendum for the purpose of submitting the resolution to the electors
22 of the political subdivision for approval or rejection. With regard to a referendum
23 relating to the 2006 levy, or any levy in an even-numbered year thereafter, the
24 referendum shall be held at the next succeeding spring primary or election or
25 September primary or general election.

1 ***-1170/5.14* SECTION 1881.** 66.0602 (4) (d) of the statutes is amended to read:

2 66.0602 (4) (d) Within 14 days after the referendum, the clerk of the political
3 subdivision shall certify the results of the referendum to the department of revenue.
4 The levy increase limit otherwise applicable to the political subdivision under this
5 section is increased in the next fiscal year by the percentage approved by a majority
6 of those voting on the question. If the resolution specifies that the increase is for one
7 year only, the amount of the increase shall be subtracted from the base used to
8 calculate the limit for the 2nd succeeding fiscal year.

9 ***-1170/5.15* SECTION 1882.** 66.0602 (5) of the statutes is amended to read:

10 66.0602 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than
11 2,000 may exceed the levy increase limit otherwise applicable under this section to
12 the town if the town board adopts a resolution supporting an increase and places the
13 question on the agenda of an annual town meeting or a special town meeting and if
14 the annual or special town meeting adopts a resolution endorsing the town board's
15 resolution. The limit otherwise applicable to the town under this section is increased
16 in the next fiscal year by the percentage approved by a majority of those voting on
17 the question. Within 14 days after the adoption of the resolution, the town clerk shall
18 certify the results of the vote to the department of revenue.

19 ***-1170/5.16* SECTION 1883.** 66.0602 (6) (intro.) of the statutes is amended to
20 read:

21 66.0602 (6) PENALTIES. (intro.) If Except as provided in sub. (6m), if the
22 department of revenue determines that a political subdivision has a penalized excess
23 in any year, the department of revenue shall do all of the following:

24 ***-1170/5.17* SECTION 1884.** 66.0602 (6) (c) of the statutes is amended to read:

1 66.0602 (6) (c) Ensure that the amount of the penalized excess is not included
2 in determining the limit described under sub. (2) for the political subdivision for the
3 following year.

4 *-1170/5.18* SECTION 1885. 66.0602 (6) (d) of the statutes is created to read:

5 66.0602 (6) (d) Ensure that, if a political subdivision's penalized excess exceeds
6 the amount of aid payment that may be reduced under par. (a), the excess amount
7 is subtracted from the aid payments under par. (a) in the following years until the
8 total amount of penalized excess is subtracted from the aid payments.

9 *-1170/5.19* SECTION 1886. 66.0602 (6m) of the statutes is created to read:

10 66.0602 (6m) MISTAKES IN LEVIES. The department of revenue may issue a
11 finding that a political subdivision is not liable for a penalty that would otherwise
12 be imposed under sub. (6) if the department determines that the political
13 subdivision's penalized excess is caused by one of the following clerical errors:

14 (a) The department, through mistake or inadvertence, has assessed to any
15 county or taxation district, in the current year or in the previous year, a greater or
16 less valuation for any year than should have been assessed, causing the political
17 subdivision's levy to be erroneous in a way that directly causes a penalized excess.

18 (b) A taxation district clerk or a county clerk, through mistake or inadvertence
19 in preparing or delivering the tax roll, causes a political subdivision's levy to be
20 erroneous in a way that directly causes a penalized excess.

21 *-1170/5.20* SECTION 1887. 66.0602 (7) of the statutes is repealed.

22 *-1169/P2.6* SECTION 1888. 66.0603 (1m) (e) of the statutes is created to read:

23 66.0603 (1m) (e) Subject to s. 67.11 (2) with respect to funds on deposit in a debt
24 service fund for general obligation promissory notes issued under s. 67.12 (12), a
25 county having a population of 500,000 or more, or a person to whom the county has

1 delegated investment authority under sub. (5), may invest and reinvest in the same
2 manner as is authorized for investments and reinvestments under s. 881.01, any of
3 the following:

4 1. Moneys held in any stabilization fund established under s. 59.87 (3).

5 2. Moneys held in a fund or account, including any reserve fund, created in
6 connection with the issuance of appropriation bonds under s. 59.85 or general
7 obligation promissory notes under s. 67.12 (12) issued to provide funds for the
8 payment of all or a part of the county's unfunded prior service liability.

9 3. Moneys appropriated or held by the county to pay debt service on
10 appropriation bonds or general obligation promissory notes under s. 67.12 (12).

11 4. Moneys constituting proceeds of appropriation bonds or general obligation
12 promissory notes described in subd. 2. that are available for investment until they
13 are spent.

14 5. Moneys held in an employee retirement system of the county.

15 *-1169/P2.7* SECTION 1889. 66.0603 (5) of the statutes is created to read:

16 66.0603 (5) DELEGATION OF INVESTMENT AUTHORITY IN CONNECTION WITH PENSION
17 FINANCING IN POPULOUS COUNTIES. The governing board of a county having a
18 population of 500,000 or more may delegate investment authority over any of the
19 moneys described in sub. (1m) (e) to any of the following persons, which shall be
20 responsible for the general administration and proper operation of the county's
21 employee retirement system, subject to the board's finding that such person has
22 expertise in the field of investments:

23 (a) A public board that is organized for such purpose under county ordinances.

24 (b) A trustee, investment advisor, or investment banking or consulting firm.