

1 par. (a). The personal representative shall record the statement in the same manner
2 as described in s. 863.29, as if the statement were a final judgment.

3 *~~0617/2.32~~SECTION 1195. 49.496 (3) (d) (intro.) of the statutes is amended
4 to read:

5 49.496 (3) (d) (intro.) The department may not enforce ~~the~~ a lien under par. (c)
6 as long as any of the following survive the decedent:

7 *~~0617/2.33~~SECTION 1196. 49.496 (3) (dm) of the statutes is created to read:

8 49.496 (3) (dm) All of the following apply to a lien under par. (c) that the
9 department may not enforce because of par. (d):

10 1. If the decedent's surviving spouse or child who is under age 21 or disabled
11 refinances a mortgage on the real property, the lien is subordinate to the new
12 encumbrance.

13 2. The department shall release the lien in the circumstances described in s.
14 49.848 (5) (f).

15 *~~0617/2.34~~SECTION 1197. 49.496 (6m) of the statutes is amended to read:

16 49.496 (6m) WAIVER DUE TO HARDSHIP. The department shall promulgate rules
17 establishing standards for determining whether the application of this section would
18 work an undue hardship in individual cases. If the department determines that the
19 application of this section would work an undue hardship in a particular case, the
20 department shall waive application of this section in that case. This subsection does
21 not apply with respect to claims against the estates of nonrecipient surviving
22 spouses.

23 *~~0617/2.35~~SECTION 1198. 49.4962 of the statutes is created to read:

24 49.4962 Voiding certain transfers of real property. (1) DEFINITIONS. In
25 this section:

1 (a) “Conveyance” has the meaning given in s. 706.01 (4).

2 (b) “Fair market value” means the price that a willing buyer would pay a willing
3 seller for the purchase of real property.

4 (c) “Fraudulent transfer” means any of the following:

5 1. A transfer of title to real property for less than fair market value.

6 2. A transfer of title to real property by a conveyance that is not recorded during
7 the lifetime of the grantor in the office of the register of deeds of the county in which
8 the real property is located.

9 (d) “Grantee” has the meaning given in s. 706.01 (6).

10 (e) “Grantor” has the meaning given in s. 706.01 (6).

11 **(2) VOIDABLE TRANSFERS.** (a) A transfer of real property to which all of the
12 following apply is voidable by the department:

13 1. The transfer was made by a grantor who was receiving or who received
14 medical assistance, or by someone on his or her behalf, during the time that the
15 grantor was eligible for medical assistance.

16 2. The department was not notified and was unaware that the transfer was
17 made.

18 3. The transfer was made to hinder, delay, or defraud the department from
19 recovering medical assistance benefits that were paid on behalf of the grantor.

20 (b) The department may commence an action in circuit court against the
21 grantee to void the transfer. If the court voids the transfer, the title to the real
22 property reverts to the grantor or his or her estate.

23 **(3) PRESUMPTION.** There is a presumption, which may be rebutted by clear and
24 convincing evidence, that a transfer described in sub. (2) (a) 1. that is a fraudulent

1 transfer was made to hinder, delay, or defraud the department from recovering
2 medical assistance benefits that were paid on behalf of the grantor.

3 (4) BURDEN OF PROOF. With respect to a transfer under sub. (1) (c) 1., the burden
4 of proof for establishing fair market value is on the grantee. Fair market value must
5 be established through a credible methodology, which may include an appraisal
6 performed by a licensed appraiser.

7 (5) INAPPLICABLE TO PURCHASER IN GOOD FAITH. Subsection (2) does not apply if,
8 after the transfer described in sub. (2), the real property was transferred by a
9 conveyance to a purchaser in good faith and for a valuable consideration and the
10 conveyance was recorded.

11 (6) APPLICABILITY. This section applies to any of the following transfers of real
12 property:

13 (a) A transfer that is made on or after the effective date of this paragraph
14 [LRB inserts date].

15 (b) A transfer that was made before the effective date of this paragraph [LRB
16 inserts date], if the grantor is receiving medical assistance on, or receives medical
17 assistance after, the effective date of this paragraph [LRB inserts date].

18 ~~*-1485/P2.97*~~SECTION 1199. 49.67 of the statutes is repealed.

19 ~~*-0617/2.36*~~SECTION 1200. 49.682 (1) (am) of the statutes is created to read:
20 49.682 (1) (am) “Decedent” means a deceased client or a deceased nonclient
21 surviving spouse, whichever is applicable.

22 ~~*-0617/2.37*~~SECTION 1201. 49.682 (1) (d) of the statutes is created to read:
23 49.682 (1) (d) “Nonclient surviving spouse” means any person who was married
24 to a client while the client was receiving services for which the cost may be recovered
25 under sub. (2) (a) and who survived the client.

1 *~~0617/2.38~~*SECTION 1202. 49.682 (1) (e) of the statutes is created to read:

2 49.682 (1) (e) 1. “Property of a decedent” means all real and personal property
3 to which the client held any legal title or in which the client had any legal interest
4 immediately before death, to the extent of that title or interest, including assets
5 transferred to a survivor, heir, or assignee through joint tenancy, tenancy in common,
6 survivorship, life estate, living trust, or any other arrangement.

7 2. Notwithstanding subd. 1., “property of a decedent” includes all real and
8 personal property in which the nonclient surviving spouse had an ownership interest
9 at the client’s death and in which the client had a marital property interest with that
10 nonclient surviving spouse at any time within 5 years before the client applied for
11 aid under s. 49.68, 49.683, or 49.685 or during the time that the recipient was eligible
12 for aid under s. 49.68, 49.683, or 49.685.

13 *~~0617/2.39~~*SECTION 1203. 49.682 (2) (a) of the statutes is amended to read:

14 49.682 (2) (a) Except as provided in par. (d), the department shall file a claim
15 against the estate of a client ~~or, and~~ against the estate of ~~the~~ a nonclient surviving
16 spouse ~~of a client~~, for the amount of aid under s. 49.68, 49.683, or 49.685 paid to or
17 on behalf of the client.

18 *~~0617/2.40~~*SECTION 1204. 49.682 (2) (bm) of the statutes is created to read:

19 49.682 (2) (bm) 1. Property that is subject to the department’s claim under par.
20 (a) in the estate of a client or in the estate of a nonclient surviving spouse is all
21 property of a decedent that is included in the estate.

22 2. There is a presumption, which may be rebutted by clear and convincing
23 evidence, that all property in the estate of the nonclient surviving spouse was marital
24 property held with the client and that 100 percent of the property in the estate of the
25 nonclient surviving spouse is subject to the department’s claim under par. (a).

1 *~~0617/2.41~~*SECTION 1205. 49.682 (2) (c) (intro.) of the statutes is amended to
2 read:

3 49.682 (2) (c) (intro.) The court shall reduce the amount of a claim under par.
4 (a) by up to the amount specified in s. 861.33 (2) if necessary to allow the client's
5 decedent's heirs or the beneficiaries of the client's decedent's will to retain the
6 following personal property:

7 *~~0617/2.42~~*SECTION 1206. 49.682 (2) (e) 1. of the statutes is amended to read:

8 49.682 (2) (e) 1. If the department's claim is not allowable because of par. (d)
9 and the estate includes an interest in real property, including a home, the court
10 exercising probate jurisdiction shall, in the final judgment or summary findings and
11 order, assign the interest in the ~~home~~ real property subject to a lien in favor of the
12 department for the amount described in par. (a). The personal representative or
13 petitioner for summary settlement or summary assignment of the estate shall record
14 the final judgment as provided in s. 863.29, 867.01 (3) (h), or 867.02 (2) (h).

15 *~~0617/2.43~~*SECTION 1207. 49.682 (2) (e) 2. of the statutes is amended to read:

16 49.682 (2) (e) 2. If the department's claim is not allowable because of par. (d),
17 the estate includes an interest in real property, including a home, and the personal
18 representative closes the estate by sworn statement under s. 865.16, the personal
19 representative shall stipulate in the statement that the ~~home~~ real property is
20 assigned subject to a lien in favor of the department for the amount described in par.
21 (a). The personal representative shall record the statement in the same manner as
22 described in s. 863.29, as if the statement were a final judgment.

23 *~~0617/2.44~~*SECTION 1208. 49.682 (2) (f) (intro.) of the statutes is amended to

24 read:

1 49.682 (2) (f) (intro.) The department may not enforce ~~the~~ a lien under par. (e)
2 as long as any of the following survive the decedent:

3 *~~0617/2.45~~*SECTION 1209. 49.682 (2) (fm) of the statutes is created to read:

4 49.682 (2) (fm) All of the following apply to a lien under par. (e) that the
5 department may not enforce because of par. (f):

6 1. If the decedent's surviving spouse or child who is under age 21 or disabled
7 refinances a mortgage on the real property, the lien is subordinate to the new
8 encumbrance.

9 2. The department shall release the lien in the circumstances described in s.
10 49.848 (5) (f).

11 *~~0617/2.46~~*SECTION 1210. 49.682 (3) of the statutes is amended to read:

12 49.682 (3) The department shall administer the program under this section
13 and may contract with an entity to administer all or a portion of the program,
14 including gathering and providing the department with information needed to
15 recover payment of aid provided under s. 49.68, 49.683, or 49.685. All funds received
16 under this subsection, net of any amount claimed under s. ~~867.035 (3)~~ 49.849 (5),
17 shall be remitted for deposit in the general fund.

18 *~~0617/2.47~~*SECTION 1211. 49.682 (5) of the statutes is amended to read:

19 49.682 (5) The department shall promulgate rules establishing standards for
20 determining whether the application of this section would work an undue hardship
21 in individual cases. If the department determines that the application of this section
22 would work an undue hardship in a particular case, the department shall waive
23 application of this section in that case. This subsection does not apply with respect
24 to claims against the estates of nonclient surviving spouses.

25 *~~0843/1.2~~*SECTION 1212. 49.78 (1) (b) of the statutes is amended to read:

1 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
2 program under subch. IV of ch. 49, the Badger Care health care program under s.
3 49.665, the food stamp program under 7 USC 2011 to 2036 except for the employment
4 and training program described in s. 49.79 (9), or the cemetery, funeral, and burial
5 expenses program under s. 49.785.

6 *~~0843/1.3~~**SECTION 1213.** 49.79 (9) (a) 1. of the statutes is amended to read:

7 49.79 (9) (a) 1. The department shall administer an employment and training
8 program for recipients under the food stamp program and may contract with county
9 departments under ss. 46.215, 46.22, and 46.23, multicounty consortia, ~~and with~~
10 local workforce development boards established under 29 USC 2832, tribal
11 governing bodies, or other organizations to carry out the administrative functions.
12 ~~The department may contract, or a~~ A county department, multicounty consortium,
13 ~~or local workforce development board~~, tribal governing body, or other organization
14 may subcontract, with a Wisconsin Works agency or another provider to administer
15 the employment and training program under this subsection. Except as provided in
16 subs. 2. and 3., the department may require able individuals who are 18 to 60 years
17 of age who are not participants in a Wisconsin Works employment position to
18 participate in the employment and training program under this subsection.

19 *~~0843/1.4~~**SECTION 1214.** 49.79 (9) (a) 2. of the statutes is amended to read:

20 49.79 (9) (a) 2. The department may not require an individual who is a recipient
21 under the food stamp program and who is the caretaker of a child under the age of
22 ~~12 weeks~~ 6 to participate in any employment and training program under this
23 subsection.

24 *~~0843/1.5~~**SECTION 1215.** 49.79 (9) (b) (intro.) of the statutes is amended to
25 read:

1 49.79 (9) (b) (intro.) ~~An~~ Except as provided in par. (c), an individual who fails
2 to comply with the work requirements under par. (a) without good cause is ineligible
3 to participate in the food stamp program as follows:

4 *~~0843/1.6~~*SECTION 1216. 49.79 (9) (c) of the statutes is created to read:

5 49.79 (9) (c) If the department implements a policy under sub. (10), par. (b) does
6 not apply to an individual who is required to fulfill the work requirement under sub.
7 (10) (b).

8 *~~0843/1.7~~*SECTION 1217. 49.79 (10) of the statutes is created to read:

9 49.79 (10) ELIGIBILITY AND WORK REQUIREMENTS FOR ABLE-BODIED ADULTS. (a) In
10 this subsection, “able-bodied adult” means an individual who is not any of the
11 following:

- 12 1. Younger than 18 years of age.
- 13 2. Fifty years of age or older.
- 14 3. Determined by the department to be medically certified as physically or
15 mentally unfit for employment, as described in 7 CFR 273.24 (c) (2).
- 16 4. A parent of a household member who is younger than 18 years old, even if
17 the household member who is younger than 18 years old is not eligible for food
18 stamps.
- 19 5. Residing in a household that includes a household member who is younger
20 than 18 years old, even if the household member who is younger than 18 years old
21 is not eligible for food stamps.
- 22 6. Exempt from the work requirement under the food stamp program, as
23 described in 7 CFR 273.24 (c) (5).
- 24 7. Pregnant.

1 (b) The department may implement a policy that complies with 7 CFR 273.24.
2 If the department implements a policy under this paragraph, all of the following
3 apply:

4 1. The department shall require an able-bodied adult who is participating in
5 the food stamp program to fulfill the work requirement defined under 7 CFR 273.24
6 (a) (1).

7 2. If an able-bodied adult does not fulfill the work requirement, the department
8 may limit the able-bodied adult's eligibility for food stamps to no more than 3 months
9 during a 3-year period.

10 3. The department may exempt up to 15 percent of the able-bodied adults who
11 are participating in the food stamp program from the time limit under subd. 2.

12 (c) If the department determines that a waiver, or an amendment to a waiver,
13 is necessary to implement a policy that complies with 7 CFR 273.24, the department
14 shall request the waiver or the amendment to the waiver from the federal
15 department of agriculture to permit the department to implement a policy that
16 complies with 7 CFR 273.24 as provided under this subsection.

17 *-0903/4.47*SECTION 1218. 49.826 (2) (a) 3. of the statutes is repealed.

18 *-0317/1.3*SECTION 1219. 49.83 of the statutes is amended to read:

19 **49.83 Limitation on giving information.** Except as provided under ss.
20 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information
21 concerning applicants and recipients of relief funded by a relief block grant, aid to
22 families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social
23 services, child and spousal support and establishment of paternity and medical
24 support liability services under s. 49.22, or supplemental payments under s. 49.77
25 for any purpose not connected with the administration of the programs, except that

1 the ~~department~~ departments of children and families and health services may
2 disclose, including by transmitting or granting access to electronic data, such
3 information, including social security numbers, to the department of revenue for the
4 sole ~~purpose~~ purposes of administering state taxes, including verifying refundable
5 individual income tax credits, and collecting debts owed to the department of
6 revenue. Any person violating this section may be fined not less than \$25 nor more
7 than \$500 or imprisoned in the county jail not less than 10 days nor more than one
8 year or both.

9 *~~1485/P2.98~~*SECTION 1220. 49.84 (6) (c) 1. d. of the statutes is amended to
10 read:

11 49.84 (6) (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1)
12 (a) 13., 49.47 (4) (am) 3., or 49.471 (4) (a) 2. ~~or (b) 2.~~ or an unborn child receiving
13 prenatal care under s. 49.471.

14 *~~0256/1.1~~*SECTION 1221. 49.84 (7) of the statutes is created to read:

15 49.84 (7) (a) In this subsection:

16 1. "Department" means the department of health services.

17 2. "Medical Assistance" means the Medical Assistance program under subch.

18 IV.

19 (b) Except as provided in par. (c), for determining eligibility or continued
20 eligibility the department shall electronically verify the residence of an applicant for
21 or recipient of Medical Assistance. If the department is unable to verify the
22 applicant's or recipient's residence electronically, the applicant or recipient must
23 provide adequate proof of residency, in the manner determined by the department,
24 to be eligible for Medical Assistance.

1 (c) The requirements under par. (b) do not apply with respect to any of the
2 following:

3 1. An individual who is receiving benefits under the food stamp program under
4 7 USC 2011 to 2029 or under the Temporary Assistance for Needy Families block
5 grant program and who presented an acceptable form of residency verification for
6 receipt of those benefits.

7 2. An individual who resides in a nursing home, intermediate care facility,
8 inpatient psychiatric hospital, or other residential care facility and whose care in the
9 facility is paid for by Medical Assistance.

10 3. A child residing in a foster care placement under the care and placement
11 responsibility of a county department under s. 46.215, 46.22, or 46.23 or, in a county
12 with a population of 500,000 or more, under the care and placement responsibility
13 of the department of children and families.

14 ***-0617/2.48*SECTION 1222.** 49.848 of the statutes is created to read:

15 **49.848 Treatment of real property owned by certain public assistance**
16 **recipients.** (1) DEFINITIONS. In this section:

17 (a) "Department" means the department of health services.

18 (b) "Public assistance" means any services provided as a benefit under a
19 long-term care program, as defined in s. 49.496 (1) (bk), that may be recoverable
20 under s. 49.496 (3) (a); medical assistance under subch. IV that may be recoverable
21 under s. 49.496 (3) (a); long-term community support services funded under s. 46.27
22 (7) that may be recoverable under s. 46.27 (7g) (c) 1.; or aid under s. 49.68, 49.683,
23 or 49.685 that may be recoverable under s. 49.682 (2) (a).

24 (c) "Recipient" means a person who received public assistance.

1 (2) CREATION OF DOCUMENTS FOR RECORDING. The department shall create all of
2 the following for recording in the office of the register of deeds in the real estate
3 records index:

4 (a) A document entitled “REQUEST FOR NOTICE OF TRANSFER OR
5 ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM,” which shall require
6 notice to the department with respect to any transfer of title to, placement of an
7 encumbrance on, or termination of an interest in, the property to which the document
8 relates and which shall provide notice that the department may have a claim against
9 the property to which the document relates on the basis of providing public
10 assistance to an individual who has or had a legal interest in the property.

11 (b) A document entitled “TERMINATION OF REQUEST FOR NOTICE OF
12 TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM,” which
13 shall provide notice that, with respect to property against which a REQUEST FOR
14 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL
15 CLAIM has been recorded, no notice to the department is required when title to the
16 property is transferred, an encumbrance is placed on the property, or an interest in
17 the property is terminated.

18 (c) A document entitled “CERTIFICATE OF CLEARANCE,” which shall
19 provide notice that, with respect to property against which a REQUEST FOR
20 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL
21 CLAIM has been recorded, but against which a TERMINATION OF REQUEST FOR
22 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL
23 CLAIM has not been recorded, the department has no objection to the transfer of title
24 to, placement of an encumbrance on, or termination of an interest in, the property,
25 and that no notice to the department is required in the future when title to the

1 property is transferred, an encumbrance is placed on the property, or an interest in
2 the property is terminated.

3 (3) RECORDING OF REQUEST FOR NOTICE AND TERMINATION OF REQUEST FOR NOTICE.

4 (a) 1. Whenever an individual becomes eligible for public assistance, and at any time
5 during the time that an individual is eligible for public assistance, the department
6 may record a REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND
7 NOTICE OF POTENTIAL CLAIM if the individual has any of the following
8 ownership interests in real property:

9 a. A current ownership interest in real property, including a marital property
10 interest.

11 b. At any time within 5 years before the individual applied for public assistance
12 or during the time that the individual is eligible for public assistance, a marital
13 property interest in real property with his or her current spouse, if that spouse
14 currently holds title to the real property.

15 2. The department shall record the document in the office of the register of
16 deeds of the county in which the real property under subd. 1. a. or b., whichever is
17 applicable, is located.

18 3. In this paragraph, an interest in real property includes a vendee's or vendor's
19 interest in a land contract or an interest in real property held in a revocable trust.

20 (b) Whenever the department determines that, with respect to property
21 against which a REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE
22 AND NOTICE OF POTENTIAL CLAIM has been recorded, the department no
23 longer requires notice when title to the property is transferred, an encumbrance is
24 placed on the property, or an interest in the property is terminated, the department
25 shall record a TERMINATION OF REQUEST FOR NOTICE OF TRANSFER OR

1 ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM in the office of the
2 register of deeds of the county in which the REQUEST FOR NOTICE OF
3 TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM with
4 respect to the property was recorded.

5 (3m) DISCLOSURE OF REQUEST FOR NOTICE. If, in the course of a title search on
6 real property, a title insurance company or agent finds that a REQUEST FOR
7 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL
8 CLAIM has been recorded against the property but a TERMINATION OF
9 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF
10 POTENTIAL CLAIM has not been recorded against the property, the title insurance
11 company or agent shall disclose that a REQUEST FOR NOTICE OF TRANSFER OR
12 ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM has been recorded
13 against the property in any report submitted preliminary to issuing, or in any
14 commitment to offer, a certificate of title insurance for the real property.

15 (4) TRANSFERRING, ENCUMBERING, OR TERMINATING AN INTEREST IN PROPERTY;
16 CLEARANCE BY THE DEPARTMENT. (a) Any person transferring title to, encumbering, or
17 terminating an interest in, property against which a REQUEST FOR NOTICE OF
18 TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM has
19 been recorded, but against which a TERMINATION OF REQUEST FOR NOTICE
20 OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM has
21 not been recorded, shall notify the department of the proposed transfer,
22 encumbrance, or termination of interest.

23 (b) If, on the date that the person sends the notice under par. (a), the recipient
24 who had the ownership interest in the property when the department recorded the
25 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF

1 POTENTIAL CLAIM is alive, the person may transfer title to, encumber, or
2 terminate an interest in, the property with no further action by the department.

3 (c) If, on the date that the person sends the notice under par. (a), the recipient
4 who had the ownership interest in the property when the department recorded the
5 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF
6 POTENTIAL CLAIM is deceased, all of the following apply:

7 1. The department shall determine whether it has a claim against the property
8 for amounts paid on behalf of the recipient that are recoverable under s. 46.27 (7g)
9 (c) 1., 49.496 (3) (a), or 49.682 (2) (a).

10 2. If the department determines that it has no claim under subd. 1., the
11 department shall issue to the person seeking to transfer title to, encumber, or
12 terminate an interest in, the real property a CERTIFICATE OF CLEARANCE,
13 which the person shall record along with the instrument transferring title to,
14 encumbering, or terminating the interest in, the property.

15 3. If the department determines that it has a claim under subd. 1., the
16 department shall follow the procedure under sub. (5).

17 4. Transferring title to, encumbering, or terminating an interest in, the
18 property is not valid unless the department issues to the person, and the person
19 records, a CERTIFICATE OF CLEARANCE.

20 (5) PROCEDURE IF DEPARTMENT HAS A CLAIM AGAINST REAL PROPERTY. (a) This
21 subsection applies in any of the following situations:

22 1. If the department determines that it has a claim against real property under
23 sub. (4) (c) 1.

24 2. Upon the death of a recipient who, immediately before death, had an
25 ownership interest in real property, including a marital property interest, or whose

1 surviving spouse has an ownership interest in real property in which the recipient
2 had a marital property interest with that spouse at any time within 5 years before
3 the recipient applied for public assistance or during the time that the recipient was
4 eligible for public assistance, regardless of whether the department recorded a
5 **REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF**
6 **POTENTIAL CLAIM** with respect to the property.

7 (b) Unless the property is being transferred under s. 867.03 or through formal
8 or informal administration of the recipient's estate, the department shall send to the
9 person providing the notice to the department under sub. (4) (a), or to the surviving
10 owner of the property, whichever is applicable, a statement of claim that states all
11 of the following:

12 1. That the department has a claim against the property that it intends to
13 recover from the property.

14 2. The amount of and basis for the claim.

15 3. That the person has a right to an administrative hearing under par. (bm),
16 which must be requested within 45 days after the department sent the statement of
17 claim, on the extent and fair market value of the recipient's interest in the property
18 and how to request an administrative hearing.

19 4. That the transferee of the recipient's interest in the property or the surviving
20 owner of the property may request from the department a hardship waiver and how
21 to request a hardship waiver.

22 (bm) A person who receives a statement of claim from the department under
23 par. (b) is entitled to and may, within 45 days after the department sent the
24 statement of claim, request a departmental fair hearing on the value of the property

1 and the extent of the recipient's interest in the property. The value of the recipient's
2 interest in the property shall be determined in the manner provided in s. 49.849 (5c).

3 (c) The department may recover against the property in the manner
4 determined by the department to be appropriate, including by placing a lien on the
5 property. Subject to par. (d), the department may enforce a lien on the property by
6 foreclosure in the same manner as a mortgage on real property.

7 (d) The department may not enforce a lien under par. (c) as long as any of the
8 following is alive:

9 1. The recipient's spouse.

10 2. The recipient's child who is under age 21 or disabled, as defined in s. 49.468

11 (1) (a) 1.

12 (e) If the recipient's surviving spouse or child who is under age 21 or disabled
13 refinances a mortgage on the property, any lien under par. (c) is subordinate to the
14 new encumbrance.

15 (f) The department shall release a lien under par. (c) that the department could
16 not enforce because of par. (d), if any of the following applies:

17 1. The recipient's surviving spouse or child who is under age 21 or disabled sells
18 the property for fair market value, as described in s. 49.849 (5c) (d), during the
19 spouse's or child's lifetime.

20 2. The recipient's surviving spouse or child who is under age 21 or disabled
21 transfers the property for less than fair market value, as described in s. 49.849 (5c)
22 (d), during the spouse's or child's lifetime, the transferee sells the property during the
23 spouse's or child's lifetime and places proceeds equal to the lesser of the department's
24 lien or the sale proceeds due to the seller in a trust or bond, and the department is

1 paid the secured amount upon the death of the recipient's spouse or disabled child
2 or when the recipient's child who is not disabled reaches age 21.

3 3. The surviving owner or transferee of the property, who is not the recipient's
4 surviving spouse or child who is under age 21 or disabled, sells the property during
5 the lifetime of the recipient's surviving spouse or child who is under age 21 or
6 disabled and places proceeds equal to the lesser of the department's lien or the sale
7 proceeds due to the seller in a trust or bond, and the department is paid the secured
8 amount upon the death of the recipient's spouse or disabled child or when the
9 recipient's child who is not disabled reaches age 21.

10 *-0617/2.49*SECTION 1223. 49.849 of the statutes is created to read:

11 **49.849 Recovery of correct payments under certain public assistance**
12 **programs.** (1) DEFINITIONS. In this section:

13 (a) "Decedent" means a deceased recipient or a deceased nonrecipient surviving
14 spouse, whichever is applicable.

15 (b) "Department" means the department of health services.

16 (c) "Nonrecipient surviving spouse" means any person who was married to a
17 recipient while the recipient was receiving public assistance and who survived the
18 recipient.

19 (d) 1. "Property of a decedent" means all real and personal property to which
20 the recipient held any legal title or in which the recipient had any legal interest
21 immediately before death, to the extent of that title or interest, including assets
22 transferred to a survivor, heir, or assignee through joint tenancy, tenancy in common,
23 survivorship, life estate, living trust, or any other arrangement.

24 2. Notwithstanding subd. 1., "property of a decedent" includes all real and
25 personal property in which the nonrecipient surviving spouse had an ownership

1 interest at the recipient's death and in which the recipient had a marital property
2 interest with that nonrecipient surviving spouse at any time within 5 years before
3 the recipient applied for public assistance or during the time that the recipient was
4 eligible for public assistance.

5 (e) "Public assistance" means any services provided as a benefit under a
6 long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under
7 subch. IV, long-term community support services funded under s. 46.27 (7), or aid
8 under s. 49.68, 49.683, or 49.685.

9 (f) "Recipient" means a person who received public assistance.

10 (2) RECOVERABLE AMOUNTS. (c) There is a presumption, which may be rebutted
11 by clear and convincing evidence, that all property of the deceased nonrecipient
12 surviving spouse was marital property held with the recipient and that 100 percent
13 of the property of the deceased nonrecipient surviving spouse is subject to the
14 department's claim under par. (a).

15 (3) TRANSMITTAL OF PROPERTY UPON RECEIPT OF AFFIDAVIT. (a) Any property of a
16 decedent that is transferred by a person who has possession of the property at the
17 time of the decedent's death is subject to the right of the department to recover the
18 amounts specified in sub. (2) (a). Upon request, the person who transferred the
19 property shall provide to the department information about the property of the
20 decedent that the person has transferred and information about the persons to whom
21 the property was transferred.

22 (c) An affidavit under this subsection shall contain all of the following
23 information:

24 1. That the department has a claim against the property that it intends to
25 recover from the property.

1 2. The amount of and basis for the claim.

2 3. That the person may have a right to an administrative hearing under sub.
3 (5m), which must be requested within 45 days after the department sent the
4 affidavit, on the extent and fair market value of the recipient's interest in the
5 property.

6 4. How to request an administrative hearing under sub. (5m).

7 5. That the person may request from the department a hardship waiver, if the
8 person co-owned the property with the decedent or is a beneficiary of the property.

9 6. How to request a hardship waiver under subd. 5.

10 **(4) RECOVERY AGAINST REAL PROPERTY.** (c) All of the following apply to a lien
11 under par. (a) that the department may not enforce because of par. (b):

12 1. If the decedent's surviving spouse or child who is under age 21 or disabled
13 refinances a mortgage on the real property, the lien is subordinate to the new
14 encumbrance.

15 2. The department shall release the lien in the circumstances described in s.
16 49.848 (5) (f).

17 **(4m) ALLOWABLE COSTS OF SALE OF REAL PROPERTY.** (a) Subject to par. (b), if any
18 property of a decedent that is real property has been sold after the death of the
19 decedent, only the following reasonable expenses, if any, incurred in preserving or
20 disposing of the real property may be deducted from the sale proceeds that the
21 department may recover:

22 1. Closing costs of sale, including reasonable attorney fees of the seller, the cost
23 of title insurance, and recording costs.

24 2. Property insurance premiums.

25 3. Property taxes due.

1 4. Utility costs necessary to preserve the property.

2 5. Expenses incurred in providing necessary maintenance or making necessary
3 repairs, without which the salability of the property would be substantially
4 impaired.

5 (b) Any expense under par. (a) may be deducted from the sale proceeds only if
6 it is documented and approved by the department and it was not incurred while any
7 other individual was living on the property.

8 **(5c) VALUE OF RECIPIENT'S INTEREST.** For purposes of determining the value of
9 the recipient's interest in property of the decedent, all of the following apply:

10 (a) If the recipient held title to real property jointly with one or more persons
11 other than his or her spouse, the recipient's interest in the real property is equal to
12 the fractional interest that the recipient would have had in the property if the
13 property had been held with the other owner or owners as tenants in common.

14 (b) If the recipient held title to personal property jointly with one or more
15 persons other than his or her spouse, the recipient's interest in the personal property
16 is equal to either of the following:

17 1. The percentage interest that was attributed to the recipient when his or her
18 eligibility for public assistance was determined.

19 2. If the percentage interest was not determined as provided in subd. 1., the
20 fractional interest that the recipient would have had in the property if the property
21 had been held with the other co-owner or co-owners as tenants in common.

22 (c) If the recipient held a life estate in real property, the recipient's interest is
23 equal to the recipient's percentage of ownership in the property based on the
24 recipient's age on the date of death and calculated using the fair market value of the

1 property and life estate-remainderman tables used by the department to value life
2 estates for purposes of determining eligibility for Medical Assistance.

3 (d) A property's fair market value is the price that a willing buyer would pay
4 a willing seller for the purchase of the property. The burden of proof for establishing
5 a property's fair market value is on the surviving owners or beneficiaries, or their
6 representatives. Fair market value must be established through a credible
7 methodology, which may include an appraisal performed by a licensed appraiser.

8 (5m) FAIR HEARING. A person who has possession of any property of the
9 decedent, or who receives an affidavit from the department under sub. (3) (c) for
10 transmittal of any property of the decedent, is entitled to and may, within 45 days
11 after the affidavit was sent, request a departmental fair hearing on the value of the
12 property and the extent of the recipient's interest in the property, if the property is
13 not being transferred under s. 867.03 or through formal or informal administration
14 of the decedent's estate.

15 (5r) ACTION OR ORDER TO ENFORCE RECOVERY. (a) If, after receipt of an affidavit
16 under sub. (3), a person who possesses property of a decedent does not transmit the
17 property to the department or timely request a hearing, the department may bring
18 an action to enforce its right to collect amounts specified in sub. (2) (a) from the
19 property or may issue an order to compel transmittal of the property. Any person
20 aggrieved by an order issued by the department under this paragraph may appeal
21 the order as a class 3 proceeding, as defined in s. 227.01 (3) (c), under ch. 227 by filing
22 a request for appeal, within 30 days after the date of the order, with the division of
23 hearings and appeals created under s. 15.103 (1). The date on which the division of
24 hearings and appeals receives the request for appeal shall be the date of service. The
25 only issue at the hearing shall be whether the person has transmitted the property

1 to the department. The decision of the division of hearing and appeals shall be the
2 final decision of the department.

3 (b) If any person named in an order to compel transmittal of property issued
4 under par. (a) fails to transmit the property under the terms of the order and no
5 contested case to review the order is pending and the time for filing for a contested
6 case review has expired, the department may present a certified copy of the order to
7 the circuit court for any county. The sworn statement of the secretary shall be
8 evidence of the department's right to collect amounts specified in sub. (2) (a) from the
9 property and of the person's failure to transmit the property to the department. The
10 circuit court shall, without notice, render judgment in accordance with the order. A
11 judgment rendered under this paragraph shall have the same effect and shall be
12 entered in the judgment and lien docket and may be enforced in the same manner
13 as if the judgment had been rendered in an action tried and determined by the circuit
14 court.

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

17 (6) PAYMENTS FROM RECOVERED AMOUNTS.

18 *~~0617/2.50~~*SECTION 1224. 49.85 (title) of the statutes is amended to read:

19 **49.85 (title) Certification of certain public assistance overpayments,**
20 **payment recoveries, and delinquent loan repayments.**

21 *~~0617/2.51~~*SECTION 1225. 49.85 (2) (a) (intro.) of the statutes is amended to
22 read:

23 49.85 (2) (a) (intro.) At least annually, the department of health services shall
24 certify to the department of revenue the amounts that, based on the notifications
25 received under sub. (1) and on other information received by the department of

1 health services, the department of health services has determined that it may
2 recover under s. 49.45 (2) (a) 10., 49.497, 49.793, ~~or~~, 49.847, or 49.849, except that the
3 department of health services may not certify an amount under this subsection
4 unless all of the following apply:

5 ***-0617/2.52*SECTION 1226.** 49.85 (2) (a) 4. of the statutes is created to read:
6 49.85 (2) (a) 4. If the determination relates to recovery of an amount under s.
7 49.849, the determination was rendered to a judgment under s. 49.849 (5r) (b).

8 ***-0617/2.53*SECTION 1227.** 49.85 (3) (a) 1. of the statutes is amended to read:
9 49.85 (3) (a) 1. Inform the person that the department of health services
10 intends to certify to the department of revenue an amount that the department of
11 health services has determined to be due under s. 49.45 (2) (a) 10., 49.497, 49.793,
12 ~~or~~, 49.847, or 49.849, for setoff from any state tax refund that may be due the person.

13 ***-0221/P3.3*SECTION 1228.** 49.857 (1) (d) 14m. of the statutes is created to
14 read:

15 49.857 (1) (d) 14m. A registration issued under ss. 202.12 to 202.14 or 202.22.

16 ***-0321/1.1*SECTION 1229.** 50.01 (1g) (h) of the statutes is created to read:

17 50.01 (1g) (h) A private residence that is the home to adults who independently
18 arrange for and receive care, treatment, or services for themselves from a person or
19 agency that has no authority to exercise direction or control over the residence.

20 ***-0321/1.2*SECTION 1230.** 50.03 (4m) (b) of the statutes is amended to read:

21 50.03 (4m) (b) If the applicant for licensure as a community-based residential
22 facility has not been previously licensed under this subchapter or if the
23 community-based residential facility is not in operation at the time application is
24 made, the department shall issue a probationary license, except that the department
25 may deny licensure to any person who conducted, maintained, operated or permitted

1 to be maintained or operated a community-based residential facility for which
2 licensure was revoked within 5 years before application is made. A probationary
3 license shall be valid for up to 12 months from the date of issuance unless sooner
4 suspended or revoked under sub. (5g). Prior to the expiration of a probationary
5 license, the department shall ~~inspect~~ evaluate the community-based residential
6 facility ~~and, if, In evaluating the community-based residential facility, the~~
7 department may conduct an inspection of the community-based residential facility.
8 If, after the department evaluates the community-based residential facility, the
9 department finds that the community-based residential facility meets the
10 applicable requirements for licensure, the department shall issue a regular license
11 under sub. (4) (a) 1. b. If the department finds that the community-based residential
12 facility does not meet the requirements for licensure, the department may not issue
13 a regular license under sub. (4) (a) 1. b.

14 *~~0322/P1.1~~SECTION 1231. 50.14 (2) (bm) of the statutes is amended to read:

15 50.14 (2) (bm) For intermediate care facilities for persons with an intellectual
16 disability, ~~an amount calculated by multiplying the projected annual gross revenues~~
17 ~~of all intermediate care facilities for persons with an intellectual disability in this~~
18 ~~state by 0.055, dividing the product by the number of licensed beds of intermediate~~
19 ~~care facilities for persons with an intellectual disability in this state and dividing the~~
20 ~~quotient by 12~~ \$910.

21 *~~0322/P1.2~~SECTION 1232. 50.14 (2m) of the statutes is repealed.

22 *~~1235/5.2~~SECTION 1233. 51.025 of the statutes is created to read:

23 **51.025 Office of children's mental health.** The office of children's mental
24 health shall study and recommend ways, and coordinate initiatives, to improve the

1 integration across state agencies of mental health services provided to children and
2 monitor the performance of programs that provide those services.

3 ***-1130/9.54*SECTION 1234.** 51.06 (6) of the statutes is amended to read:

4 51.06 (6) SALE OF ASSETS OR REAL PROPERTY AT NORTHERN CENTER FOR THE
5 DEVELOPMENTALLY DISABLED. The department may maintain the Northern Center for
6 the Developmentally Disabled for the purpose specified in sub. (1), but may sell
7 assets or real property, of the Northern Center for the Developmentally Disabled,
8 subject to any prior action under s. 13.48 (14) (am) or 16.848 (1). If there is any
9 outstanding public debt used to finance the acquisition, construction, or
10 improvement of any property that is sold under this subsection, the department shall
11 deposit a sufficient amount of the net proceeds from the sale of the property in the
12 bond security and redemption fund under s. 18.09 to repay the principal and pay the
13 interest on the debt, and any premium due upon refunding any of the debt. If the
14 property was purchased with federal financial assistance, the department shall pay
15 to the federal government any of the net proceeds required by federal law. If there
16 is no such debt outstanding and there are no moneys payable to the federal
17 government, or if the net proceeds exceed the amount required to be deposited or paid
18 under this subsection, the department shall credit the net proceeds or remaining net
19 proceeds to the appropriation account under s. 20.435 (2) (gk).

20 ***-0422/P4.4*SECTION 1235.** 51.20 (13) (cr) of the statutes is amended to read:

21 51.20 (13) (cr) If the subject individual is before the court on a petition filed
22 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
23 violation that would be a felony if committed by an adult in this state or a violation
24 of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085 (3m), 941.20 (1), 944.20,
25 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1) (b), the court shall require the

1 individual to provide a biological specimen to the state crime laboratories for
2 deoxyribonucleic acid analysis.

3 ***-0273/P1.1*SECTION 1236.** 51.44 (1m) of the statutes is amended to read:

4 51.44 (1m) The department is the lead agency in this state for the development
5 and implementation of a statewide system of coordinated, comprehensive
6 multidisciplinary programs to provide appropriate early intervention services under
7 the requirements of 20 USC ~~1476~~ 1431 to 1444.

8 ***-0273/P1.2*SECTION 1237.** 51.44 (5) (c) of the statutes is amended to read:

9 51.44 (5) (c) Annually, submit to the chief clerk of each house of the legislature
10 for distribution to the legislature under s. 13.172 (2) a report on the department's
11 progress toward full implementation of the program under this section, including the
12 progress of counties in implementing goals for participation in 5th-year
13 requirements under 20 USC ~~1476~~ 1431 to 1444.

14 ***-0221/P3.4*SECTION 1238.** 54.15 (8) (a) 3. of the statutes is amended to read:

15 54.15 (8) (a) 3. Any license, certificate, permit, or registration of the proposed
16 guardian that is required under chs. 202 or 440 to 480 or by the laws of another state
17 for the practice of a profession or occupation has been suspended or revoked.

18 ***-0221/P3.5*SECTION 1239.** 55.043 (4) (b) 5g. of the statutes is created to read:

19 55.043 (4) (b) 5g. Refer the case to the department of financial institutions if
20 the financial exploitation, neglect, self-neglect, or abuse involves an individual who
21 is required to be registered under s. 202.13 or 202.14.

22 ***-1554/2.3*SECTION 1240.** 59.25 (3) (rm) of the statutes is repealed.

23 ***-1128/1.2*SECTION 1241.** 59.26 (1) (c) of the statutes is repealed.

24 ***-0617/2.54*SECTION 1242.** 59.43 (1) (w) of the statutes is created to read:

25 59.43 (1) (w) Record and index the documents specified in s. 49.848 (2).

1 *~~0700/P2.2~~*SECTION 1243. 59.43 (2) (ag) 1. of the statutes is amended to read:

2 59.43 (2) (ag) 1. Subject to s. 59.72 (5) ~~and except as provided in par. (L)~~, for
3 recording any instrument entitled to be recorded in the office of the register of deeds,
4 \$25 ~~\$30~~, except that no fee may be collected for recording a change of address that
5 is exempt from a filing fee under s. 185.83 (1) (b) or 193.111 (1) (b).

6 *~~0700/P2.3~~*SECTION 1244. 59.43 (2) (e) of the statutes is amended to read:

7 59.43 (2) (e) Subject to s. 59.72 (5) ~~and except as provided in par. (L)~~, for filing
8 any instrument which is entitled to be filed in the office of register of deeds and for
9 which no other specific fee is specified, \$25 ~~\$30~~.

10 *~~0700/P2.4~~*SECTION 1245. 59.43 (2) (L) (intro.) of the statutes is amended to
11 read:

12 59.43 (2) (L) (intro.) For ~~recording any instrument under par. (ag)~~, filing any
13 ~~instrument under par. (e)~~, and recording certificates and preparing and mailing
14 documents under par. (i), \$30 if the county uses \$5 of each \$30 fee received under this
15 paragraph to make social security numbers from electronic format records not
16 viewable or accessible on the Internet under sub. (4) (c) and s. 59.72 (6), until the
17 earliest of the following:

18 *~~0503/P3.3~~*SECTION 1246. 59.605 (6) of the statutes is amended to read:

19 59.605 (6) ~~TEMPORARY SUSPENSION~~ SUNSET OF THE LIMIT. This section does not
20 apply to a county's levy that is imposed in December 2011 or ~~December 2012~~ any year
21 thereafter.

22 *~~0226/1.3~~*SECTION 1247. 59.69 (4c) of the statutes is amended to read:

23 59.69 (4c) CONSTRUCTION SITE ORDINANCE LIMITS. Except as provided in s.
24 101.1206 (5m), an ordinance that is enacted under sub. (4) may only include
25 provisions that are related to construction site erosion control if those provisions are

1 limited to sites ~~where the construction activities do not include the construction of~~
2 ~~a building~~ described in s. 281.33 (3) (a) 1. a. and b.

3 ***-0226/1.4*SECTION 1248.** 59.693 (2) of the statutes is amended to read:

4 59.693 (2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 281.33
5 and to promote the public health, safety and general welfare, a county may enact a
6 zoning ordinance, that is applicable to all of its unincorporated area, except as
7 provided in s. 60.627 (2) (b), for construction site erosion control at sites ~~where the~~
8 ~~construction activities do not include the construction of a building~~ described in s.
9 281.33 (3) (a) 1. a. and b. and for storm water management. This ordinance may be
10 enacted separately from ordinances enacted under s. 59.69.

11 ***-0226/1.5*SECTION 1249.** 59.693 (7) of the statutes is amended to read:

12 59.693 (7) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted
13 to a county under s. 236.45 may be exercised by the county with respect to
14 construction site erosion control at sites ~~where the construction activities do not~~
15 ~~include the construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. or with
16 respect to storm water management regulation, if the county has or provides a
17 county planning agency as defined in s. 236.02 ~~(1)~~ (3).

18 ***-0700/P2.5*SECTION 1250.** 59.72 (5) (a) of the statutes is amended to read:

19 59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit
20 to the department of administration \$10 \$15 from the fee for recording or filing each
21 instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e), less any amount
22 retained by the county under ~~par. (b) and (c)~~.

23 ***-0700/P2.6*SECTION 1251.** 59.72 (5) (b) (intro.) of the statutes is amended to

24 read:

SECTION 1251

1 59.72 (5) (b) (intro.) Except as provided in s. 16.967 (7m), a county may retain
2 \$8 of the \$10 portion of each fee submitted to the department of administration under
3 par. (a) from the fee for recording or filing each instrument that is recorded or filed
4 under s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

5 *~~0700/P2.7~~**SECTION 1252.** 59.72 (5) (c) of the statutes is created to read:

6 59.72 (5) (c) Before January 1, 2015, a county may retain \$5 of the portion of
7 each fee submitted to the department of administration under par. (a) from the fee
8 for recording or filing each instrument that is recorded or filed under s. 59.43 (2) (ag)
9 1. or (e) if all of the following apply:

10 1. The money is used to make social security numbers from electronic format
11 records not viewable or accessible on the Internet under sub. (6) and s. 59.43 (4) (c).

12 2. The register of deeds is authorized to collect fees under s. 59.43 (2) (L) under
13 an extension granted by the department of administration under s. 59.43 (2) (L) 2.

14 *~~1128/1.3~~**SECTION 1253.** 60.37 (1) of the statutes is amended to read:

15 60.37 (1) GENERAL. The town board may employ on a temporary or permanent
16 basis persons necessary to carry out the functions of town government including,
17 subject to sub. (4), any elected officer of the town. The board may establish the
18 qualifications and terms of employment, which may not include the residency of the
19 employee. The board may delegate the authority to hire town employees to any town
20 official or employee.

21 *~~0226/1.6~~**SECTION 1254.** 60.627 (2) (a) of the statutes is amended to read:

22 60.627 (2) (a) To effect the purposes of s. 281.33 and to promote the public
23 health, safety and general welfare, if a town board may enact zoning ordinances
24 under s. 60.62, the town board may enact a zoning ordinance, that is applicable to
25 all of its area, for construction site erosion control at sites ~~where the construction~~

1 ~~activities do not include the construction of a building described in s. 281.33 (3) (a)~~
2 1. a. and b. and for storm water management. This ordinance may be enacted
3 separately from ordinances enacted under s. 60.62.

4 ~~*-0226/1.7*~~SECTION 1255. 60.627 (4) (c) of the statutes is amended to read:

5 60.627 (4) (c) An ordinance enacted under this section supersedes all provisions
6 of an ordinance enacted under s. 60.62 that relate to construction site erosion control
7 at sites ~~where the construction activities do not include the construction of a building~~
8 described in s. 281.33 (3) (a) 1. a. and b. or to storm water management regulation.

9 ~~*-0226/1.8*~~SECTION 1256. 60.627 (6) of the statutes is amended to read:

10 60.627 (6) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted
11 to a town under s. 236.45 may be exercised by it with respect to construction site
12 erosion control at sites ~~where the construction activities do not include the~~
13 ~~construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. or with respect to
14 storm water management regulation, if the town has or provides a planning
15 commission or agency.

16 ~~*-0226/1.9*~~SECTION 1257. 61.354 (2) of the statutes is amended to read:

17 61.354 (2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 281.33
18 and to promote the public health, safety and general welfare, a village may enact a
19 zoning ordinance, that is applicable to all of its incorporated area, for construction
20 site erosion control at sites ~~where the construction activities do not include the~~
21 ~~construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. and for storm water
22 management. This ordinance may be enacted separately from ordinances enacted
23 under s. 61.35.

24 ~~*-0226/1.10*~~SECTION 1258. 61.354 (4) (c) of the statutes is amended to read:

SECTION 1258

1 61.354 (4) (c) An ordinance enacted under this section supersedes all provisions
2 of an ordinance enacted under s. 61.35 that relate to construction site erosion control
3 at sites ~~where the construction activities do not include the construction of a building~~
4 described in s. 281.33 (3) (a) 1. a. and b. or to storm water management regulation.

5 *~~0226/1.11~~*SECTION 1259. 61.354 (6) of the statutes is amended to read:

6 61.354 (6) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted
7 to a village under s. 236.45 may be exercised by it with respect to construction site
8 erosion control at sites ~~where the construction activities do not include the~~
9 ~~construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. or with respect to
10 storm water management regulation, if the village has or provides a planning
11 commission or agency.

12 *~~1128/1.4~~*SECTION 1260. 62.13 (4) (d) of the statutes is amended to read:

13 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and
14 under 55 years of age, with proper limitations as to residence, health and, subject to
15 ss. 111.321, 111.322, and 111.335, arrest and conviction record. The examination,
16 including minimum training and experience requirements, shall be job-related in
17 compliance with appropriate validation standards and shall be subject to the
18 approval of the board and may include tests of manual skill and physical strength.
19 All relevant experience, whether paid or unpaid, shall satisfy experience
20 requirements. The board shall control examinations and may designate and change
21 examiners, who may or may not be otherwise in the official service of the city, and
22 whose compensation shall be fixed by the board and paid by the city. Veterans and
23 their spouses shall be given preference points in accordance with s. 230.16 (7).

24 *~~0226/1.12~~*SECTION 1261. 62.234 (2) of the statutes is amended to read:

1 62.234 (2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 281.33
2 and to promote the public health, safety and general welfare, a city may enact a
3 zoning ordinance, that is applicable to all of its incorporated area, for construction
4 site erosion control at sites ~~where the construction activities do not include the~~
5 ~~construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. and for storm water
6 management. This ordinance may be enacted separately from ordinances enacted
7 under s. 62.23.

8 *~~0226/1.13~~*SECTION 1262. 62.234 (4) (c) of the statutes is amended to read:

9 62.234 (4) (c) An ordinance enacted under this section supersedes all provisions
10 of an ordinance enacted under s. 62.23 that relate to construction site erosion control
11 at sites ~~where the construction activities do not include the construction of a building~~
12 described in s. 281.33 (3) (a) 1. a. and b. or to storm water management regulation.

13 *~~0226/1.14~~*SECTION 1263. 62.234 (6) of the statutes is amended to read:

14 62.234 (6) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted
15 to a city under s. 236.45 may be exercised by it with respect to construction site
16 erosion control at sites ~~where the construction activities do not include the~~
17 ~~construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. or with respect to
18 storm water management regulation, if the city has or provides a planning
19 commission or agency.

20 *~~1128/1.5~~*SECTION 1264. 62.50 (5) of the statutes is amended to read:

21 62.50 (5) EXAMINATIONS. The examinations which the rules and regulations
22 provide for shall be public and free to all U.S. citizens with proper limitations as to
23 residence, age, health and, subject to ss. 111.321, 111.322 and 111.335, arrest and
24 conviction record. The examinations shall be practical in their character and shall
25 relate to those matters which fairly test the relative capacity of the candidates to

1 discharge the duties of the positions in which they seek employment or to which they
2 seek to be appointed and may include tests of manual skill and physical strength.
3 The board shall control all examinations and may designate suitable persons, either
4 in the official service of the city or not, to conduct such examinations and may change
5 such examiners at any time, as seems best.

6 *~~1128/1.6~~*SECTION 1265. 62.53 of the statutes is repealed.

7 *~~1128/1.7~~*SECTION 1266. 63.08 (1) (a) of the statutes is amended to read:

8 63.08 (1) (a) Any applicant for an examination under s. 63.05, other than an
9 applicant for a deputy sheriff position under s. 59.26 (8) (a), shall be a resident of this
10 state before applying for an examination, but the commission may not require any
11 period of residency in the county for entrance to an examination or employment in
12 the county. The commission may require an applicant to file a written application
13 form which bears upon the applicant's fitness for a vacant position and which the
14 commission deems necessary. For a position offering a skilled, technical, or
15 professional service, upon a finding that a suitable number of qualified applicants
16 cannot be obtained from within the state, the commission may open the examination
17 to residents of other states. Residency in this state may be waived for an applicant
18 for an examination for a position which requires a license in a health care field. No
19 question pertaining to political affiliation or religious faith may be asked of any
20 applicant for an examination.

21 *~~1128/1.8~~*SECTION 1267. 63.25 (1) (a) of the statutes is amended to read:

22 63.25 (1) (a) For open, competitive examinations and for other examinations
23 by which to test applicants for office or for employment as to their practical fitness
24 to discharge the duties of the positions which they desire to fill, which examinations

1 shall be public and free to all persons with proper limitations as to residence, age,
2 health, and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record.

3 ***-1310/P1.1*SECTION 1268.** 66.0304 (1) (b) of the statutes is amended to read:

4 66.0304 (1) (b) "Bond" means any bond, note, or other obligation of a
5 ~~commission~~ issued, acquired, or entered into by a commission under this section,
6 including any refunding bond or certificate of participation or lease-purchase,
7 installment sale, or other financing agreement.

8 ***-1310/P1.2*SECTION 1269.** 66.0304 (4) (p) of the statutes is amended to read:

9 66.0304 (4) (p) Purchase bonds issued by or on behalf of, or held by, any
10 participant, ~~the~~ any state or a department, authority, or agency of the state, or any
11 political subdivision. Bonds purchased under this paragraph may be held by the
12 commission or sold, in whole or in part, separately or together with other bonds
13 issued by the commission.

****NOTE: Your instructions state that this change is needed to make clear that
bonds acquired by a commission "may have been issued by any public entity, not just
Wisconsin entities." This change may have no legal effect because the current law
definition of "political subdivision" in s. 66.0304 (1) (f) already applies to governmental
entities in other states. Changing "the state" to "any state" may have some legal effect,
but it's likely that another state would act through an agency, commission, or other
similar governmental entity that is already covered by current law. Consequently, I
really don't think this paragraph needs to be amended.

****NOTE: I have not amended the definition of "political subdivision" as requested
in your instructions because, as pointed out in the above NOTE, that definition already
includes governmental entities in other states.

14 ***-1310/P1.3*SECTION 1270.** 66.0304 (11) (bm) of the statutes is created to read:

15 66.0304 (11) (bm) A project may be located outside of the United States or
16 outside a territory of the United States if the borrower, including a co-borrower, of
17 proceeds of bonds issued to finance or refinance the project in whole or in part is
18 incorporated and has its principal place of business in the United States or a territory

1 of the United States. To the extent that this paragraph applies to a borrower, it also
 2 applies to a participant if the participant is a nongovernmental entity.

****NOTE: ~~I put this provision in sub. (11) instead of in the definition of "project"~~
 because it is more of a substantive provision than a definition. It seems like a limitation,
 though, because the definition of "project" says that it can be located "within or outside
 of this state." There's currently no limitation as to what "outside this state" means. Is
 it your intent to limit a project in this way?

****NOTE: Your pre-drafted language for this provision says "provided **the
 participant** or a borrower... is incorporated and has its principal place of business in the
 US." Because "participant" includes governmental entities, it seems odd for the provision
 to refer to a governmental entity that has its principal place of business in the US. As
 drafted, does this paragraph meet your intent?"

3 *-1310/P1.4*SECTION 1271. 66.0304 (11) (e) of the statutes is repealed.

4 *-1128/1.9*SECTION 1272. 66.0502 of the statutes is created to read:

5 **66.0502 Employee residency requirements prohibited.** (1) The
 6 legislature finds that public employee residency requirements are a matter of
 7 statewide concern.

8 (2) In this section, "local governmental unit" means any city, village, town,
 9 county, or school district.

10 (3) (a) Except as provided in sub. (4), no local governmental unit may require,
 11 as a condition of employment, that any employee or prospective employee reside
 12 within any jurisdictional limit.

13 (b) If a local governmental unit has a residency requirement that is in effect on
 14 the effective date of this paragraph [LRB inserts date], the residency requirement
 15 does not apply and may not be enforced.

16 (4) This section does not affect any statute that requires residency within the
 17 jurisdictional limits of any local governmental unit or any provision of law that
 18 requires residency in this state.

19 *-1253/1.1*SECTION 1273. 66.0602 (2m) of the statutes is amended to read:

1 66.0602 (2m) NEGATIVE ADJUSTMENT. If a political subdivision's levy for the
2 payment of any general obligation debt service, including debt service on debt issued
3 or reissued to fund or refund outstanding obligations of the political subdivision and
4 interest on outstanding obligations of the political subdivision, on debt originally
5 issued before July 1, 2005, is less in the current year than it was in the previous year,
6 the political subdivision shall reduce its levy limit in the current year by an amount
7 equal to the amount that its levy was reduced as described in this subsection. ~~This~~
8 ~~subsection does not apply to any political subdivision that does not increase its levy~~
9 ~~increase limit as allowed under sub. (3) (f) 1.~~

10 *-1253/1.2*SECTION 1274. 66.0602 (3) (f) 1. of the statutes is amended to read:

11 66.0602 (3) (f) 1. Subject to subd. 3., if a political subdivision's allowable levy
12 under this section in ~~2010~~ the prior year was greater than its actual levy in ~~2010~~ that
13 year, the levy increase limit otherwise applicable under this section to the political
14 subdivision in ~~2011~~ the next succeeding year is increased by the difference between
15 ~~these 2 amounts~~ the prior year's allowable levy and the prior year's actual levy, as
16 determined by the department of revenue, up to a maximum increase of 0.5 percent
17 of the actual levy in ~~2010~~ that prior year.

18 *-1253/1.3*SECTION 1275. 66.0602 (3) (f) 2. of the statutes is repealed.

19 *-1253/1.4*SECTION 1276. 66.0602 (3) (f) 3. (intro.) of the statutes is amended
20 to read:

21 66.0602 (3) (f) 3. (intro.) The adjustment described in ~~subds. subd. 1. and 2.~~ may
22 occur only if the political subdivision's governing body approves of the adjustment
23 by one of the following methods:

24 *-1253/1.5*SECTION 1277. 66.0602 (3) (f) 4. of the statutes is repealed.

1 *~~0269/P2.1~~*SECTION 1278. 66.0615 (1m) (a) of the statutes is amended to
2 read:

3 66.0615 (1m) (a) The governing body of a municipality may enact an ordinance,
4 and a district, under par. (e), may adopt a resolution, imposing a tax on the privilege
5 of furnishing, at retail, except sales for resale, rooms or lodging to transients by
6 hotelkeepers, motel operators and other persons furnishing accommodations that
7 are available to the public, irrespective of whether membership is required for use
8 of the accommodations. A tax imposed under this paragraph ~~is not subject to the~~
9 ~~selective sales tax imposed by s. 77.52 (2) (a) 1. and~~ may be collected from the
10 consumer or user, but may not be imposed on sales to the federal government and
11 persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a
12 municipality shall be paid to the municipality and may be forwarded to a commission
13 if one is created under par. (c), as provided in par. (d). Except as provided in par. (am),
14 a tax imposed under this paragraph by a municipality may not exceed 8%. Except
15 as provided in par. (am), if a tax greater than 8% under this paragraph is in effect
16 on May 13, 1994, the municipality imposing the tax shall reduce the tax to 8%,
17 effective on June 1, 1994.

18 *~~0260/P1.1~~*SECTION 1279. 66.0615 (1m) (f) 2. of the statutes is amended to
19 read:

20 66.0615 (1m) (f) 2. Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (3),
21 (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60,
22 77.61 (2), (3m), (5), (8), (9), ~~and~~ (12) to (15), and (19m), and 77.62, as they apply to
23 the taxes under subch. III of ch. 77, apply to the tax described under subd. 1.

24 *~~0317/1.4~~*SECTION 1280. 69.20 (3) (g) of the statutes is created to read:

1 69.20 (3) (g) The state or local registrar, upon request of the department of
2 revenue, may disclose information on vital records, including a social security
3 number, to the department of revenue only for the following purposes related to
4 administering state taxes and collection of debts referred to the department of
5 revenue:

6 1. Locating persons, or the assets of persons, who have failed to file tax returns,
7 have underreported their taxable income, or are delinquent debtors.

8 2. Identifying fraudulent tax returns and credit claims.

9 3. Providing information for tax-related prosecutions.

10 *-0740/P4.1*SECTION 1281. 70.111 (18) of the statutes is amended to read:

11 70.111 (18) ~~SOLAR AND WIND ENERGY~~ ENERGY SYSTEMS. Solar Biogas energy
12 systems, solar energy systems, and wind energy systems. In this subsection, "biogas
13 energy system" means equipment which directly converts biomass, as defined under
14 section 45K (c) (3) of the Internal Revenue Code, into biogas, equipment which
15 generates electricity, heat, or compressed natural gas exclusively from biogas,
16 equipment which is used exclusively for the direct transfer or storage of biomass or
17 biogas, and any structure used exclusively to shelter or operate such equipment, if
18 all such equipment, and any such structure, is located at the same site, but does not
19 include equipment or components that would be present as part of a conventional
20 energy system. In this subsection, "solar energy system" means equipment which
21 directly converts and then transfers or stores solar energy into usable forms of
22 thermal or electrical energy, but does not include equipment or components that
23 would be present as part of a conventional energy system or a system that operates
24 without mechanical means. In this subsection, "wind energy system" means
25 equipment which converts and then transfers or stores energy from the wind into

1 usable forms of energy, but does not include equipment or components that would be
2 present as part of a conventional energy system.

3 *-0228/3.1*SECTION 1282. 70.114 (1) (f) of the statutes is amended to read:

4 70.114 (1) (f) “Taxing jurisdiction” means any entity, not including the state,
5 authorized by law to levy taxes on general property, as defined in s. 70.02, that are
6 measured by the property’s value.

7 *-0228/3.2*SECTION 1283. 70.114 (3) of the statutes is amended to read:

8 70.114 (3) ASCERTAINING RATE. Each year, the department shall ascertain ~~from~~
9 ~~the clerks of the taxation district~~ the aggregate net general property tax rate for
10 taxation districts to which aids are paid under this section.

11 *-0228/3.3*SECTION 1284. 70.114 (4) (a) of the statutes is amended to read:

12 70.114 (4) (a) ~~On~~ Except as provided under par. (c), on or before January 31,
13 the department shall pay to each treasurer of a taxation district, with respect to each
14 parcel of land acquired by the department within the taxation district on or before
15 January 1 of the preceding year, an amount determined by multiplying each parcel’s
16 estimated value equated to the average level of assessment in the taxation district
17 by the aggregate net general property tax rate that would apply to the parcel of land
18 if it were taxable, as shown on property tax bills prepared for that year under s. 74.09.

19 *-0228/3.4*SECTION 1285. 70.114 (4) (c) of the statutes is created to read:

20 70.114 (4) (c) The department shall withhold from the payment amount
21 determined under par. (a) an amount equal to the amount determined under par. (a)
22 multiplied by the rate of the forestation state tax under s. 70.58 and shall deposit that
23 amount into the conservation fund.

24 *-0284/P2.1*SECTION 1286. 70.119 (4) of the statutes is amended to read:

1 70.119 (4) The department shall be responsible for negotiating with
2 municipalities on payments for municipal services and may delegate certain
3 responsibilities of negotiation to other state agencies or to the University of
4 Wisconsin Hospitals and Clinics Authority. ~~Prior to negotiating with municipalities~~
5 ~~the department shall submit guidelines for negotiation to the committee for~~
6 ~~approval.~~

7 *~~-0284/P2.2~~*SECTION 1287. 70.119 (5) of the statutes is amended to read:

8 70.119 (5) ~~Upon approval of guidelines by the committee, the department shall~~
9 ~~proceed with negotiations.~~ In no case may a municipality withhold services to the
10 state or to the University of Wisconsin Hospitals and Clinics Authority during
11 negotiations.

12 *~~-0284/P2.3~~*SECTION 1288. 70.119 (6) (a) of the statutes is renumbered 70.119

13 (6).

14 *~~-0284/P2.4~~*SECTION 1289. 70.119 (6) (b) of the statutes is repealed.

15 *~~-0506/P5.1~~*SECTION 1290. 71.01 (6) (i) of the statutes is created to read:

16 71.01 (6) (i) For taxable years that begin after December 31, 2012, for natural
17 persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or
18 reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code
19 as amended to December 31, 2010, excluding sections 103, 104, and 110 of P.L.
20 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,
21 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,
22 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, section 431 of P.L.
23 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L.
24 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L.
25 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.

1 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
2 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L.
3 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
4 (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 503, and 513 of P.L. 109–222,
5 P.L. 109–432, except sections 117, 406, 409, 410, 412, 417, 418, 424, and 425 of
6 division A and section 403 of division C of P.L. 109–432, P.L. 110–28, except sections
7 8215, 8231, 8232, 8234, and 8236 of P.L. 110–28, P.L. 110–140, sections 2, 3, and 5
8 of P.L. 110–142, P.L. 110–166, sections 3 (b) and 11 (b), (e), and (g) of P.L. 110–172,
9 P.L. 110–185, P.L. 110–234, section 301 of P.L. 110–245, P.L. 110–246, except sections
10 4, 15312, 15313, 15314, 15316, and 15342 of P.L. 110–246, sections 3071, 3081, and
11 3082 of P.L. 110–289, section 9 (e) of P.L. 110–317, P.L. 110–343, except sections 116,
12 208, 211, and 301 of division B and sections 313 and 504 of division C of P.L. 110–343,
13 P.L. 111–5, except sections 1261, 1262, 1401, 1402, 1521, 1522, 1531, and 1541 of
14 division B of P.L. 111–5, section 201 of P.L. 111–147, P.L. 111–148, except sections
15 1322, 1515, 9003, 9004, 9005, 9012, 9013, 9014, 9016, 9021, 9022, 10108, 10902,
16 10908, and 10909 of P.L. 111–148, P.L. 111–152, except sections 1403 and 1407 of P.L.
17 111–152, P.L. 111–203, except section 1601 of P.L. 111–203, P.L. 111–226, except
18 sections 215 and 217 of P.L. 111–226, P.L. 111–240, except sections 2014, 2043, 2111,
19 2112, and 2113 of P.L. 111–240, and P.L. 111–312, and as amendeded by section 1858
20 of P.L. 112–10, section 1108 of P.L. 112–95, sections 40211, 40241, 40242, and 100121
21 of P.L. 112–141, and sections 101 and 902 of P.L. 112–240, and as indirectly affected
22 by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,
23 P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding
24 sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66,
25 excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,

1 P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188,
2 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.
3 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.
4 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections
5 162 and 165 of P.L. 106-554, P.L. 106-573, P.L. 107-15, P.L. 107-16, excluding
6 section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147,
7 excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L.
8 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.
9 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.
10 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403
11 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 102, 201, 211, 242, 244, 336,
12 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7,
13 P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
14 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.
15 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding
16 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
17 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,
18 503, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, sections 117, 406, 409, 410,
19 412, 417, 418, 424, and 425 of division A and section 403 of division C of P.L. 109-432,
20 sections 8215, 8231, 8232, 8234, and 8236 of P.L. 110-28, P.L. 110-141, P.L. 110-142,
21 excluding sections 2, 3, and 5 of P.L. 110-142, P.L. 110-172, excluding sections 3 (b)
22 and 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-245, excluding section 301 of P.L.
23 110-245, sections 4, 15312, 15313, 15314, 15316, and 15342 of P.L. 110-246, P.L.
24 110-289, excluding sections 3071, 3081, and 3082 of P.L. 110-289, P.L. 110-317,
25 excluding section 9 (e) of P.L. 110-317, sections 116, 208, 211, and 301 of division B

1 and sections 313 and 504 of division C of P.L. 110-343, P.L. 110-351, P.L. 110-458,
2 sections 1261, 1262, 1401, 1402, 1521, 1522, 1531, and 1541 of division B of P.L.
3 111-5, P.L. 111-92, P.L. 111-147, excluding section 201 of P.L. 111-147, sections
4 1322, 1515, 9003, 9004, 9005, 9012, 9013, 9014, 9016, 9021, 9022, 10108, 10902,
5 10908, and 10909 of P.L. 111-148, sections 1403 and 1407 of P.L. 111-152, P.L.
6 111-192, section 1601 of P.L. 111-203, sections 215 and 217 of P.L. 111-226, sections
7 2014, 2043, 2111, 2112, and 2113 of P.L. 111-240, P.L. 111-325, section 1858 of P.L.
8 112-10, section 1108 of P.L. 112-95, and sections 40211, 40241, 40242, 100121 of P.L.
9 112-141, and sections 101 and 902 of P.L. 112-240. The Internal Revenue Code
10 applies for Wisconsin purposes at the same time as for federal purposes, except that
11 changes made by P.L. 106-573, sections 9004, 9005, 9012, 9013, 9014, 9016, and
12 10902 of P.L. 111-148, sections 1403 and 1407 of P.L. 111-152, section 1858 of P.L.
13 112-10, section 1108 of P.L. 112-95, and sections 40211, 40241, 40242, and 100121
14 of P.L. 112-141 do not apply for taxable years beginning before January 1, 2013.
15 Amendments to the federal Internal Revenue Code enacted after December 31, 2010,
16 do not apply to this paragraph with respect to taxable years beginning after
17 December 31, 2010, except that changes to the Internal Revenue Code made by
18 section 1858 of P.L. 112-10, section 1108 of P.L. 112-95, and sections 40211, 40241,
19 40242, and 100121 of P.L. 112-141, and changes that indirectly affect the provisions
20 applicable to this subchapter made by section 1858 of P.L. 112-10, section 1108 of P.L.
21 112-95, and sections 40211, 40241, 40242, and 100121 of P.L. 112-141, do not apply
22 for taxable years beginning before January 1, 2013, and changes to the Internal
23 Revenue Code made by sections 101 and 902 of P.L. 112-240, and changes that
24 indirectly affect the provisions applicable to this subchapter made by sections 101

1 and 902 of P.L. 112-240, apply for Wisconsin purposes at the same time as for federal
2 purposes.

3 ***-0506/P5.2***SECTION 1291. 71.01 (6) (o) of the statutes is repealed.

4 ***-0506/P5.3***SECTION 1292. 71.01 (6) (p) of the statutes is renumbered 71.01
5 (6) (a).

6 ***-0506/P5.4***SECTION 1293. 71.01 (6) (q) of the statutes is renumbered 71.01
7 (6) (b).

8 ***-0506/P5.5***SECTION 1294. 71.01 (6) (r) of the statutes is renumbered 71.01
9 (6) (c).

10 ***-0506/P5.6***SECTION 1295. 71.01 (6) (s) of the statutes is renumbered 71.01
11 (6) (d).

12 ***-0506/P5.7***SECTION 1296. 71.01 (6) (t) of the statutes is renumbered 71.01
13 (6) (e).

14 ***-0506/P5.8***SECTION 1297. 71.01 (6) (u) of the statutes is renumbered 71.01
15 (6) (f).

16 ***-0506/P5.9***SECTION 1298. 71.01 (6) (um) of the statutes is renumbered 71.01
17 (6) (g).

18 ***-0506/P5.10***SECTION 1299. 71.01 (6) (un) of the statutes is renumbered
19 71.01 (6) (h) and amended to read:

20 71.01 (6) (h) For taxable years that begin after December 31, 2010, and before
21 January 1, 2013, for natural persons and fiduciaries, except fiduciaries of nuclear
22 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
23 Internal Revenue Code as amended to December 31, 2010, excluding sections 103,
24 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
25 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.

1 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
2 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
3 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
4 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336,
5 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309,
6 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section
7 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates
8 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
9 207, 503, and 513 of P.L. 109–222, P.L. 109–432, except sections 117, 406, 409, 410,
10 412, 417, 418, 424, and 425 of division A and section 403 of division C of P.L. 109–432,
11 P.L. 110–28, except sections 8215, 8231, 8232, 8234, and 8236 of P.L. 110–28, P.L.
12 110–140, sections 2, 3, and 5 of P.L. 110–142, P.L. 110–166, sections 3 (b) and 11 (b),
13 (e), and (g) of P.L. 110–172, P.L. 110–185, P.L. 110–234, section 301 of P.L. 110–245,
14 P.L. 110–246, except sections 4, 15312, 15313, 15314, 15316, and 15342 of P.L.
15 110–246, sections 3071, 3081, and 3082 of P.L. 110–289, section 9 (e) of P.L. 110–317,
16 P.L. 110–343, except sections 116, 208, 211, and 301 of division B and sections 313
17 and 504 of division C of P.L. 110–343, P.L. 111–5, except sections 1261, 1262, 1401,
18 1402, 1521, 1522, 1531, and 1541 of division B of P.L. 111–5, section 201 of P.L.
19 111–147, P.L. 111–148, except sections 1322, 1515, 9003, 9021, 9022, 10108, 10908,
20 and 10909 of P.L. 111–148, P.L. 111–152, except section 1407 of P.L. 111–152, P.L.
21 111–203, except section 1601 of P.L. 111–203, P.L. 111–226, except sections 215 and
22 217 of P.L. 111–226, P.L. 111–240, except sections 2014, 2043, 2111, 2112, and 2113
23 of P.L. 111–240, and P.L. 111–312, and as amended by section 902 of P.L. 112–240,
24 and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73,
25 P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90,

1 P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.
2 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
3 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L.
4 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
5 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.
6 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.
7 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
8 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
9 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L.
10 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
11 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L.
12 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316,
13 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 102, 201, 211,
14 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476,
15 P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
16 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146
17 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135,
18 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
19 (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections
20 101, 207, 503, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, sections 117, 406,
21 409, 410, 412, 417, 418, 424, and 425 of division A and section 403 of division C of P.L.
22 109-432, sections 8215, 8231, 8232, 8234, and 8236 of P.L. 110-28, P.L. 110-141, P.L.
23 110-142, excluding sections 2, 3, and 5 of P.L. 110-142, P.L. 110-172, excluding
24 sections 3 (b) and 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-245, excluding section
25 301 of P.L. 110-245, sections 4, 15312, 15313, 15314, 15316, and 15342 of P.L.

1 110-246, P.L. 110-289, excluding sections 3071, 3081, and 3082 of P.L. 110-289, P.L.
2 110-317, excluding section 9 (e) of P.L. 110-317, sections 116, 208, 211, and 301 of
3 division B and sections 313 and 504 of division C of P.L. 110-343, P.L. 110-351, P.L.
4 110-458, sections 1261, 1262, 1401, 1402, 1521, 1522, 1531, and 1541 of division B
5 of P.L. 111-5, P.L. 111-92, P.L. 111-147, excluding section 201 of P.L. 111-147,
6 sections 1322, 1515, 9003, 9021, 9022, 10108, 10908, and 10909 of P.L. 111-148,
7 section 1407 of P.L. 111-152, P.L. 111-192, section 1601 of P.L. 111-203, sections 215
8 and 217 of P.L. 111-226, sections 2014, 2043, 2111, 2112, and 2113 of P.L. 111-240,
9 and P.L. 111-325, and section 902 of P.L. 112-240. The Internal Revenue Code
10 applies for Wisconsin purposes at the same time as for federal purposes, except that
11 changes made by section 209 of P.L. 109-222, sections 117, 406, 409, 410, 412, 417,
12 418, 424, and 425 of division A and section 403 of division C of P.L. 109-432, sections
13 8215, 8231, 8232, 8234, and 8236 of P.L. 110-28, P.L. 110-141, P.L. 110-142,
14 excluding sections 2, 3, and 5 of P.L. 110-142, P.L. 110-172, excluding sections 3 (b)
15 and 11 (b), (e), and (g) of P.L. 110-172, sections 110 and 113 of P.L. 110-245, sections
16 15312, 15313, 15314, and 15342 of P.L. 110-246, sections 3031, 3032, 3033, 3041,
17 3051, 3052, 3061, and 3092 of P.L. 110-289, P.L. 110-317, excluding section 9 (e) of
18 P.L. 110-317, sections 116, 208, and 211 of division B and section 504 of division C
19 of P.L. 110-343, section 14 of P.L. 111-92, sections 531, 532, and 533 of P.L. 111-147,
20 sections 10908 and 10909 of P.L. 111-148, and section 2043 of P.L. 111-240 do not
21 apply for taxable years beginning before January 1, 2011. Amendments to the
22 federal Internal Revenue Code enacted after December 31, 2010, do not apply to this
23 paragraph with respect to taxable years beginning after December 31, 2010, and
24 before January 1, 2013, except that changes to the Internal Revenue Code made by
25 section 902 of P.L. 112-240, and changes that indirectly affect the provisions

1 applicable to this subchapter made by section 902 of P.L. 112-240, apply for
2 Wisconsin purposes at the same time as for federal purposes.

3 ***-0279/2.1*SECTION 1300.** 71.05 (1) (c) 11. of the statutes is created to read:

4 71.05 (1) (c) 11. The Wisconsin Health and Educational Facilities Authority
5 under s. 231.03 (6), if the bonds or notes are issued for the benefit a person who is
6 eligible to receive the proceeds of bonds or notes from another entity for the same
7 purpose for which the bonds or notes are issued under s. 231.03 (6) and the interest
8 income received from the other bonds or notes is exempt from taxation under this
9 subchapter.

10 ***-0746/P1.1*SECTION 1301.** 71.05 (6) (b) 19. a. of the statutes is amended to
11 read:

12 71.05 (6) (b) 19. a. One hundred percent of the amount paid by the person for
13 medical care insurance, not including any amount that is paid with a premium
14 assistance credit amount under 26 USC 36B. In this subdivision, “medical care
15 insurance” means a medical care insurance policy that covers the person, his or her
16 spouse and the person’s dependents and provides surgical, medical, hospital, major
17 medical or other health service coverage, and includes payments made for medical
18 care benefits under a self-insured plan, but “medical care insurance” does not
19 include hospital indemnity policies or policies with ancillary benefits such as
20 accident benefits or benefits for loss of income resulting from a total or partial
21 inability to work because of illness, sickness or injury.

22 ***-0469/1.48*SECTION 1302.** 71.05 (6) (b) 28. (intro.) of the statutes is amended
23 to read:

24 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses and
25 mandatory student fees for a student who is the claimant or who is the claimant’s

1 child and the claimant's dependent who is claimed under section 151 (c) of the
2 Internal Revenue Code, to attend any university, college, technical college or a school
3 approved under s. 38.50 440.55, that is located in Wisconsin or to attend a public
4 vocational school or public institution of higher education in Minnesota under the
5 Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

6 ***-0502/P3.1***SECTION 1303. 71.05 (6) (b) 28. i. of the statutes is created to read:

7 71.05 (6) (b) 28. i. For taxable years beginning after December 31, 2012, the
8 dollar amounts in subd. 28. b., c., d., and g. shall be increased each year by a
9 percentage equal to the percentage change between the U.S. consumer price index
10 for all urban consumers, U.S. city average, for the month of August of the previous
11 year and the U.S. consumer price index for all urban consumers, U.S. city average,
12 for the month of August 2011, as determined by the federal department of labor,
13 except that the adjustment may occur only if the resulting amount is greater than
14 the corresponding amount that was calculated for the previous year. Each amount
15 that is revised under this subd. 28. i. shall be rounded to the nearest multiple of \$10
16 if the revised amount is not a multiple of \$10 or, if the revised amount is a multiple
17 of \$5, such an amount shall be increased to the next higher multiple of \$10. The
18 department of revenue shall annually adjust the changes in dollar amounts required
19 under this subd. 28. i. and incorporate the changes into the income tax forms and
20 instructions.

21 ***-0746/P1.2***SECTION 1304. 71.05 (6) (b) 35. a. of the statutes is amended to
22 read:

23 71.05 (6) (b) 35. a. One hundred percent of the amount paid by the individual
24 for medical care insurance, not including any amount that is paid with a premium
25 assistance credit amount under 26 USC 36B. In this subdivision, "medical care