

1       ••87b0446/2••SECTION 1031n. 49.50 (11) of the statutes is amended to  
2 read:

3       49.50 (11) PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall  
4 make a periodic check of the amounts earned by ~~public-assistance~~ recipients of  
5 medical assistance under s. 49.46 or 49.47, aid to families with dependent  
6 children under s. 49.19 and food stamps under 7 USC 2011 to 2029 through a  
7 check of the amounts credited to the recipient's social security number. The  
8 department shall make an investigation into any discrepancy between the  
9 amounts credited to a social security number and amounts reported as income on  
10 the declaration application and take appropriate action under s. 49.12 when  
11 warranted. The department shall use the state wage reporting system developed  
12 by the department of industry, labor and human relations under 1985 Wisconsin  
13 Act 17, section 65 (1), when the system is implemented, to make periodic  
14 earnings checks. The department of industry, labor and human relations shall  
15 cooperate with the department in supplying this information.

16       ••87-2090/6••SECTION 1032. 49.51 of the statutes is created to read:

17       49.51 PROVIDING WORK EXPERIENCE AND JOB TRAINING SERVICES. (1) In this  
18 section, "provider" means the department if it provides services for the pro-  
19 gram under s. 49.50 (7j) directly or an agency which contracts with the  
20 department under s. 49.50 (7j) (b) to provide services for the program under  
21 s. 49.50 (7j).

22       (2) The provider in a county may contract with the county to provide work  
23 experience and job training services under s. 49.50 (7j) to recipients of  
24 general relief under s. 49.02. The number of general relief recipients  
25 receiving services under this subsection in a county may not exceed 20% of the  
26 number of aid to families with dependent children recipients receiving ser-  
27 vices under s. 49.50 (7j) in the county. The county shall reimburse the  
28 provider for the actual cost of services provided under this subsection.

1 (3) If the department is the provider in a county, the department may  
2 provide work experience and job training services under s. 49.50 (7j) to per-  
3 sons who participate in the child support supplement program under s. 46.257.

4 (4) If the department is not the provider in a county, the department may  
5 require the provider to contract with the department to provide work experi-  
6 ence and job training services under s. 49.50 (7j) to persons who participate  
7 in the child support supplement program under s. 46.257. The department shall  
8 reimburse the provider for the actual cost of services provided under this  
9 subsection.

\*\*\*\*NOTE: This is reconciled s. 49.51. This section has been  
affected by drafts with the following LRB #'s: 2090 and 2104.  
There is an x-ref. to 49.51 (5) in proposed s. 767.078 (1) (b).

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\*\*\*\*NOTE: This draft (LRB-2090/6) reconciles LRB-2090/5 and  
LRB-2104/3. Both LRB-2090 and LRB-2104 should continue to appear  
in the sprint.

11 ••87-1791/3••SECTION 1034. 49.52 (1) (ad) of the statutes is created to  
12 read:

13 49.52 (1) (ad) In par. (ag), "county base allocation" means, for a year,  
14 the total of the following:

15 1. The state and federal income maintenance administration funds dis-  
16 tributed to the county by contract under s. 46.032 for the previous year.

17 2. The ratio of the amount of that county's funds matched to federal  
18 funds for income maintenance administration in 1985 to the total amount of  
19 county funds matched to federal funds by all counties for income maintenance  
20 administration in 1985 multiplied by \$4,855,214.

21 ••87-1791/3••SECTION 1035. 49.52 (1) (ag) of the statutes is repealed and  
22 recreated to read:

23 49.52 (1) (ag) The department shall reimburse each county for reasonable  
24 costs of income maintenance administration within the limits of available

1 state and federal funds under s. 20.435 (4) (de) and (nL) by contract under s.  
2 46.032. The department shall determine reimbursement to a county as follows:  
3 1. For the last 6 months of 1987, an amount equal to the amount distrib-  
4 uted to the county for the first 6 months of 1987.  
5 2. For 1988:  
6 a. Divide the projected county workload change for 1988, as determined by  
7 the department, by the projected statewide workload change for 1988, as  
8 determined by the department.  
9 b. Multiply the amount under subd. 2. a by 0.75.  
10 c. Multiply the amount under subd. 2. b by the county base allocation for  
11 1988.  
12 d. If the county has a projected workload increase, add the amount under  
13 subd. 2. c to the county base allocation for 1988; and if the county has a  
14 projected workload decrease, subtract the amount under subd. 2. c from the  
15 county base allocation for 1988.  
16 e. A county's reimbursement equals the amount under subd. 2. d or 95% of  
17 the county base allocation for 1988, whichever is greater.  
18 3. For the first 6 months of 1989:  
19 a. Divide the projected county workload change for the first 6 months of  
20 1989, as determined by the department, by the projected statewide workload  
21 change for the first 6 months of 1989, as determined by the department.  
22 b. Multiply the amount under subd. 3. a by 0.75.  
23 c. Multiply the amount under subd. 3. b by 50% of the county base allo-  
24 cation for 1989.  
25 d. If the county has a projected workload increase, add the amount under  
26 subd. 3. c to 50% of the county base allocation for 1989; and if the county  
27 has a projected workload decrease, subtract the amount under subd. 3. c from  
28 50% of the county base allocation for 1989.

1 e. A county's reimbursement equals the amount under subd. 3. d or 95% of  
2 50% of the county base allocation for 1989, whichever is greater.

\*\*\*NOTE: This is reconciled s. 49.52 (1) (ag). This section  
has been affected by drafts with the following LRB numbers: 1791  
and 2092.

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\*\*\*NOTE: This draft (LRB-1791/3) reconciles LRB-1791/2 and  
LRB-2092/2. Both LRB-1791 and LRB-2092 should continue to appear  
in the sprint.

4 ••87b1098/2 •• 87b1226/2••SECTION 1035m. 49.52 (1) (aj) of the statutes  
5 is created to read:

6 49.52 (1) (aj) In addition to the amounts determined under par. (ag), the  
7 department shall reimburse each county for the costs of administering ss.  
8 49.50 (7) (e) and (g) in an amount not to exceed \$427,500 in the last 6 months  
9 of 1987, \$855,200 in 1988 and \$427,500 in the first 6 months of 1989,  
10 statewide.

11 ••87-2093/6••SECTION 1036. 49.52 (1) (d) of the statutes is amended to  
12 read:

13 49.52 (1) (d) From the appropriations under s. 20.435 (4) (b) and (o),  
14 the department shall allocate the funding for social services, including  
15 funding for foster care of a child receiving aid under s. 49.19, to county  
16 departments under ss. 46.215 and, 46.22 or to county departments under s. and  
17 46.23 as provided under ~~1985 Wisconsin Act 29, section 3023 (3) s. 46.40.~~  
18 County matching funds are required for the allocations under ~~1985 Wisconsin~~  
19 ~~Act 29, section 3023 (3) (a), (bm), (c) to (h), (i) to (n) and (qr). The s.~~  
20 46.40 (1) to (4), (8) and (9). Before January 1, 1988, the ratio of state and  
21 federal funds to county matching funds shall equal 91 to 9. Beginning January  
22 1, 1988, each county's required match for a year equals 9.89% of the total of  
23 the county's allocations for that year for which matching funds are required  
24 plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to

1 spend for juvenile delinquency-related services from its allocation for 1987.  
2 Matching funds may be from county tax levies, federal and state revenue  
3 sharing funds or private donations to the county that meet the requirements  
4 specified in s. 51.423 (5). Private donations may not exceed 25% of the total  
5 county match. If the county match is less than the amount required to gener-  
6 ate the full amount of state and federal funds allocated for this period, the  
7 decrease in the amount of state and federal funds equals the difference  
8 between the required and the actual amount of county matching funds.

9 ••87-2093/6••SECTION 1037. 49.52 (1) (h) of the statutes is repealed.

10 ••87-2092/4••SECTION 1038. 49.52 (4) and (5) of the statutes are created  
11 to read:

12 49.52 (4) (a) A county or federally recognized American Indian tribe is  
13 liable for all food stamp coupons lost, misappropriated or destroyed while  
14 under the county's or tribe's direct control, except as provided in par. (b).

15 (b) A county or federally recognized American Indian tribe is not liable  
16 for food stamp coupons lost in natural disasters if it provides evidence  
17 acceptable to the department that the coupons were destroyed and not redeemed.

18 (c) A county or federally recognized American Indian tribe is liable for  
19 food stamp coupons mailed to residents of the county or members of the tribe  
20 and lost in the mail due to incorrect information submitted to the department  
21 by the county or tribe.

22 (5) The department shall withhold the value of food stamp losses for  
23 which a county or federally recognized American Indian tribe is liable under  
24 sub. (4) from the payment to the county or tribe under s. 20.435 (4) (de) 1  
25 and (nL) and reimburse the federal government from the funds withheld.

\*\*\*\*NOTE: The treatment of s. 46.27 (7) (a) by this draft  
(LRB-2092) was removed as a result of reconciliation with LRB-2174  
which repeals that paragraph. The treatment of s. 46.27 (7) (am)  
by this draft (LRB-2092) was removed as a result of reconciliation  
with LRB-2174. The treatment of s. 49.52 (1) (ag) (intro.) by this

draft (LRB-2092) was removed as a result of reconciliation with LRB-1791.

1       ••87-2095/2••SECTION 1039. 49.80 (3) (a) (intro.) of the statutes is  
2 renumbered 49.80 (3) (a) and amended to read:

3       49.80 (3) (a) From the appropriation under s. 20.435 (4) (md), transfer  
4 or credit ~~the following to the appropriation under s. 20.435 (4) (o) for~~  
5 social services under s. 49.52 (1) (d)+ \$1,600,000 in each fiscal year.

6       ••87-2095/2••SECTION 1040. 49.80 (3) (a) 1 and 2 of the statutes are  
7 repealed.

8       ••87b0332/4••SECTION 1041m. 49.80 (3) (b) of the statutes is amended to  
9 read:

10       49.80 (3) (b) By October 1 of every year from the appropriation under s.  
11 20.435 (4) (md), ~~determine under the revenue available the amounts payable~~  
12 ~~under sub. (5) (b) and (c) the total amount available for payment of benefits~~  
13 under sub. (6) and the intended benefit level for each category of assistance.

14       ••87b0332/4••SECTION 1043m. 49.80 (3) (c) 1 and 2 of the statutes are  
15 amended to read:

16       49.80 (3) (c) 1. In federal fiscal year ~~1986~~ 1988, \$1,100,000.

17       2. In federal fiscal year ~~1987~~ 1989, \$1,100,000.

18       ••87b0332/4••SECTION 1044m. 49.80 (3) (d) 1 and 2 of the statutes are  
19 amended to read:

20       49.80 (3) (d) 1. In federal fiscal year ~~1986, \$3,100,000~~ 1988,  
21 \$2,900,000.

22       2. In federal fiscal year ~~1987, \$3,100,000~~ 1989, \$2,900,000.

23       ••87-2095/2••SECTION 1045. 49.80 (3) (e) 1. a and b of the statutes are  
24 amended to read:

25       49.80 (3) (e) 1. a. In federal fiscal year ~~1986~~ 1988, 15% of the moneys  
26 received under 42 USC 8621 to 8629.

1 b. In federal fiscal year ~~1987~~ 1989, 15% of the moneys received under 42  
2 USC 8621 to 8629.

3 ••87-2095/2••SECTION 1046. 49.80 (3) (e) 1m of the statutes is repealed.

4 ••87-2095/2••SECTION 1047. 49.80 (3) (e) 2 of the statutes is amended to  
5 read:

6 49.80 (3) (e) 2. Allocate the following to a county department under s.  
7 46.215 (1) (n) or 46.22 (1) (b) 10 for the payment of a household eligible for  
8 a crisis assistance benefit to meet weather-related or fuel supply shortage  
9 emergencies under sub. (8):

10 a. In federal fiscal year ~~1986, \$2,400,000~~ 1988, \$1,400,000.

11 b. In federal fiscal year ~~1987, \$2,400,000~~ 1989, \$1,400,000.

12 ••87b0332/4••SECTION 1048m. 49.80 (3) (e) 3 of the statutes is repealed  
13 and recreated to read:

14 49.80 (3) (e) 3. Except as provided under subd. 6, allocate the balance  
15 of funds received under 42 USC 8621 to 8629 in a federal fiscal year, after  
16 making the transfer under par. (a) and the allocations under pars. (c) and (d)  
17 and subds. 1 and 2, for the payment of low-income energy assistance benefits  
18 under sub. (6).

19 ••87b0332/4••SECTION 1049e. 49.80 (3) (e) 4 and 5 of the statutes are  
20 repealed.

21 ••87b0332/4••SECTION 1049m. 49.80 (3) (e) 6 of the statutes is amended to  
22 read:

23 49.80 (3) (e) 6. If federal funds received under 42 USC 8621 to 8629  
24 total less than ~~\$66,880,000~~ 90% of the amount received in federal fiscal year  
25 1987, in federal fiscal year ~~1986~~ 1988 or in federal fiscal year ~~1987~~ 1989,  
26 the department shall submit a plan of expenditure under s. 16.54 (2) (b).

27 ••87b0332/4••SECTION 1049s. 49.80 (3) (e) 7 of the statutes is created to  
28 read:

1 49.80 (3) (e) 7. By October 1 of each year, allocate funds budgeted but  
2 not spent and any funds remaining from previous fiscal years to benefits under  
3 sub. (6) or weatherization under sub. (9).

4 ••87-2095/2••SECTION 1050. 49.80 (5) (b) of the statutes is amended to  
5 read:

6 49.80 (5) (b) A household with income which is not more than ~~105%~~ 150% of  
7 the income poverty guidelines for the nonfarm population of the United States  
8 as prescribed by the federal office of management and budget under 42 USC 9902  
9 (2).

10 ••87-2095/2••SECTION 1051. 49.80 (5) (c) of the statutes is repealed and  
11 recreated to read:

12 49.80 (5) (c) A household entirely composed of persons receiving aid to  
13 families with dependent children under s. 49.19, food stamps under 7 USC 2011  
14 to 2029, or supplemental security income or state supplemental payments under  
15 42 USC 1381 to 1383c or s. 49.177.

16 ••87-2095/2••SECTION 1052. 49.80 (5) (d) of the statutes is amended to  
17 read:

18 49.80 (5) (d) A household with income within the limits specified under  
19 par. (b) that resides in ~~public~~ housing that is subsidized or administered by  
20 a municipality, a county, the state or the federal government in which a  
21 utility allowance is applied to determine the amount of rent ~~that is~~  
22 ~~subsidized or administered by a municipality or county or by the state or~~  
23 ~~federal government~~ or the amount of the subsidy.

24 ••87-2095/2••SECTION 1053. 49.80 (5) (e) of the statutes is repealed.

25 ••87-2095/2••SECTION 1054. 49.80 (6) (a) of the statutes is amended to  
26 read:



1 49.80 (6) (a) To a household eligible under sub. (5) (a), a benefit  
2 amount equal to that set forth under par. (b) ~~or (c), depending on household~~  
3 ~~income~~, which shall be mailed to the household.

4 ••87-2095/2••SECTION 1055. 49.80 (6) (b) of the statutes is repealed and  
5 recreated to read:

6 49.80 (6) (b) To a household eligible under sub. (5) (b), (c) or (d), a  
7 benefit amount based on a 4-tier payment system established under the state  
8 plan required under 42 USC 8624 (c) prepared by the department. The plan may  
9 provide for different benefit levels in counties participating in pilot  
10 programs.

11 ••87-2095/2••SECTION 1056. 49.80 (6) (c) and (d) of the statutes are  
12 repealed.

13 ••87-2095/2••SECTION 1058. 49.80 (8) of the statutes is amended to read:

14 49.80 (8) (title) CRISIS ASSISTANCE PROGRAM. A household eligible for a  
15 benefit under sub. (5) may also be eligible for a benefit payment to meet a  
16 weather-related or fuel supply shortage emergencies. ~~A county crisis.~~ The  
17 department under s. 46.215 (1) (n) or 46.22 (1) (b) 10 shall define the  
18 circumstances constituting an emergency a crisis for which a payment may be  
19 made and shall establish the amount of payment to an eligible household or  
20 individual. The department may delegate a portion of its responsibility under  
21 this subsection to a county department under s. 46.215 or 46.22.

22 ••87b1454/1 •• 87b1990/en••SECTION 1058c. 50.02 (3) (e) of the statutes  
23 is created to read:

24 50.02 (3) (e) The department shall promulgate rules to establish stan-  
25 dards for the provision of services by specialized nursing homes or special-  
26 ized units of nursing homes which provide care and treatment for persons who  
27 are mentally ill and procedures for the granting of authorization by applying  
28 nursing homes to so operate.

1       ••87b1458/1 •• 87b1990/en••SECTION 1058e. 50.03 (2) (c) of the statutes  
2 is amended to read:

3       50.03 (2) (c) The department may shall conduct both announced and  
4 unannounced inspections. Inspections of records not directly related to  
5 resident health, welfare or safety shall be made between the hours of 8 a.m.  
6 and 5 p.m. unless specifically authorized by the secretary. Any employe of  
7 the department who intentionally gives or causes to be given advance notice of  
8 an unannounced inspection to any unauthorized person is subject to disci-  
9 plinary action ranging from a 5-day suspension without pay to termination of  
10 employment.

11       ••87b1464/1 •• 87b1990/en••SECTION 1058g. 50.03 (4) (a) 1 of the statutes  
12 is amended to read:

13       50.03 (4) (a) 1. Except as provided in sub. (4m), the department shall  
14 issue a license if it finds the applicant to be fit and qualified, and if it  
15 finds that the facility meets the requirements established by this subchapter.  
16 The department, or its designee, shall make such inspections and investi-  
17 gations as are necessary to determine the conditions existing in each case and  
18 shall file written reports. The department may designate and use full-time  
19 city or county agencies as its agents in making the inspections and  
20 investigations, including such subsequent inspections and investigations as  
21 are deemed necessary or advisable. The department shall reimburse the city or  
22 county furnishing such service at the rate of \$25 per year per license issued  
23 in the municipality. Before renewing the license of any community-based  
24 residential facility, the department shall consider all formal complaints  
25 filed under sub. (2) (f) during the current license period and the disposition  
26 of each. The department shall promulgate rules defining "fit and qualified"  
27 for the purposes of this subdivision.

1       ••87b1464/1 •• 87b1990/en••SECTION 1058i. 50.03 (4m) of the statutes is  
2 amended to read:

3       50.03 (4m) PROBATIONARY LICENSE. If the applicant has not been previ-  
4 ously licensed under this subchapter or if the facility is not in operation at  
5 the time application is made, the department ~~may~~ shall issue a probationary  
6 license. A probationary license shall be valid for ~~120 days~~ 12 months from  
7 the date of issuance unless sooner suspended or revoked under sub. (5).  
8 Within 30 days prior to the termination of a probationary license, the  
9 department shall fully and completely inspect the facility and, if the facil-  
10 ity meets the applicable requirements for licensure, shall issue a regular  
11 license under sub. (4). ~~If the department has conducted a full inspection~~  
12 ~~prior to issuing a probationary license to any nursing home, the department is~~  
13 ~~not required to conduct a 2nd full inspection within 30 days prior to termi-~~  
14 ~~nation of the nursing home's probationary license but shall inspect any~~  
15 ~~condition found out of compliance during the initial inspection. The depart-~~  
16 ~~ment may expand its 2nd inspection as it deems necessary. If the department~~  
17 ~~finds that the facility does not meet the requirements for licensure but has~~  
18 ~~made substantial progress toward meeting those requirements, the license may~~  
19 ~~be renewed for a period not to exceed 120 days from the expiration date of the~~  
20 ~~initial probationary license, the department may not issue a regular license~~  
21 under sub. (4).

22       ••87b1460/4 •• 87b1990/en••SECTION 1058k. 50.04 (2) (c) of the statutes  
23 is created to read:

24       50.04 (2) (c) Beginning January 1, 1988, the department shall enforce  
25 nursing home minimum staffing requirements based on daily staffing levels.

26       ••87b1455/5 •• 87b1990/en••SECTION 1058m. 50.04 (2r) of the statutes is  
27 created to read:

1        50.04 (2r) ADMISSIONS REQUIRING APPROVAL. Except in an emergency, no  
2 nursing home may admit as a resident an individual who is under age 65 and has  
3 mental illness, as defined in s. 51.01 (13), or who has a developmental  
4 disability, as defined in s. 51.01 (5), unless the county department under s.  
5 46.23, 51.42 or 51.437 of the individual's county of residence has recommended  
6 the admission.

7        ••87b1465/2 •• 87b1990/en•SECTION 1058t. 50.04 (5) (a) 5 of the statutes  
8 is amended to read:

9        50.04 (5) (a) 5. A nursing home which violates a statute or rule and  
10 which has received a notice of violation of the same statute or rule or of  
11 rules grouped under rules promulgated by the department on one or more sep-  
12 arate prior occasions within the prior 2-year period may be subject to a for-  
13 feiture 3 times the amount authorized for the class of violation involved.  
14 This provision only applies to a class "A" or class "B" violation. A notice  
15 of violation found to be unjustified after hearing may not be considered in  
16 determining whether to apply this subdivision.

17        ••87-2076/6•SECTION 1059. 50.05 (7) (h) of the statutes is amended to  
18 read:

19        50.05 (7) (h) Shall have full power to direct and manage and to discharge  
20 employes of the facility, subject to any contract rights they may have. The  
21 receiver shall pay employes at the same rate of compensation, including  
22 benefits, that the employes would have received from the operator, except that  
23 the receiver shall compensate employes only for time actually worked during  
24 the period of receivership and shall not be responsible for reimbursement for  
25 vacations or periods of sick leave. The receiver may grant salary increases  
26 and fringe benefits to employes of a nursing home, in accord with the nursing  
27 home reimbursement facility payment formula under s. 49.45 (6m). Receivership

1 does not relieve the operator of any obligation to employes not carried out by  
2 the receiver.

3 ••87b0598/1 •• 87b1226/2••SECTION 1059p. 50.09 (1) (j) of the statutes is  
4 repealed and recreated to read:

5 50.09 (1) (j) Be transferred or discharged, and be given reasonable  
6 advance notice of any planned transfer or discharge, and an explanation of the  
7 need for and alternatives to the transfer or discharge. The facility to which  
8 the resident is to be transferred must have accepted the resident for  
9 transfer, except in a medical emergency or if the transfer or discharge is for  
10 nonpayment of charges following a reasonable opportunity to pay a deficiency.  
11 No person may be involuntarily discharged for nonpayment under this paragraph  
12 if the person meets all of the following conditions:

13 1. He or she is in need of ongoing care and treatment and has not been  
14 accepted for ongoing care and treatment by another facility or through com-  
15 munity support services.

16 2. The funding of his or her care in the nursing home or community-based  
17 residential facility under s. 49.45 (6m) is reduced or terminated because of  
18 one of the following:

19 a. He or she requires a level or type of care which is not provided by  
20 the nursing home or community-based residential facility.

21 b. The nursing home is found to be an institution for mental diseases, as  
22 defined under 42 CFR 435.1009.

23 ••87b2186/1••SECTION 1059v. 50.095 of the statutes is created to read:

24 50.095 RESIDENT'S RIGHT TO KNOW. (1) Every resident in or prospective  
25 resident of a nursing home has the right to know certain information from the  
26 nursing home which would aid an individual in assessing the quality of care  
27 provided by a nursing home.

1 (2) The department shall promulgate rules regarding the information to be  
2 provided under sub. (1), which rules may include requiring nursing homes to  
3 provide information, including all of the following:

4 (a) The direct care nursing home staffing ratio at each skill level on a  
5 daily basis and the percentage, if any, by which the ratio is above the staf-  
6 fing requirements of the department for the previous year.

7 (b) The staff replacement rates for full-time nursing staff and adminis-  
8 trators for the previous year.

9 (c) Nursing home violations.

10 (3) Every nursing home shall provide a copy of the information required  
11 under sub. (1) to every resident of the nursing home and his or her guardian,  
12 if any, and to every prospective resident of the nursing home, if any. The  
13 information shall include a provision stating that a complete copy of the most  
14 recent report of inspection of the nursing home by the department will be  
15 provided by the department upon request for a minimal fee.

16 ••87-2077/2••SECTION 1062. 50.50 (2) of the statutes is amended to read:  
17 50.50 (2) "Establishment" means a hotel, tourist rooming house, bed and  
18 breakfast establishment, restaurant, temporary restaurant or vending machine  
19 commissary.

20 ••87-2077/2••SECTION 1063. 50.50 (5) (intro.) and (c) of the statutes are  
21 amended to read:

22 50.50 (5) (intro.) "Restaurant" means any building, room or place where  
23 meals are prepared or served or sold to transients or the general public, and  
24 all places used in connection with it and includes any public or private  
25 school lunchroom for which food service is provided by contract. "Meals" does  
26 not include soft drinks, ice cream, milk, milk drinks, ices and confections.  
27 "Restaurant" does not include:

1 (c) Any public or private school lunchroom for which food service is  
2 directly provided by the school, or a private individual selling foods from a  
3 movable or temporary stand at public farm sales.

4 ••87-2077/2••SECTION 1064. 50.50 (5m) of the statutes is created to read:  
5 50.50 (5m) "Temporary restaurant" means a restaurant that operates at a  
6 fixed location in conjunction with a single event such as a fair, carnival,  
7 circus, public exhibition, anniversary sale or occasional sales promotion.

8 ••87-2077/2••SECTION 1065. 50.51 (1) (a) of the statutes is amended to  
9 read:

10 50.51 (1) (a) No person may conduct, maintain, manage or operate a hotel,  
11 restaurant, temporary restaurant, tourist rooming house, vending machine  
12 commissary or vending machine as defined in s. 50.50 if the person has not  
13 been issued an annual permit by the department or by a village, city or county  
14 ~~or a city~~ which is granted agent status under s. 50.535 (2).

15 ••87-2077/2••SECTION 1066. 50.51 (1) (c) of the statutes is created to  
16 read:

17 50.51 (1) (c) No permit may be issued under this section until all  
18 applicable fees have been paid. If the payment is by check or other draft  
19 drawn upon an account containing insufficient funds, the permit applicant  
20 shall, within 15 days after receipt of notice from the department of the  
21 insufficiency, pay by cashier's check or other certified draft, money order or  
22 cash the fees, late fees and processing charges that are specified by rules  
23 promulgated by the department. If the permit applicant fails to pay all  
24 applicable fees, late fees and processing charges within 15 days after the  
25 applicant receives notice of the insufficiency, the permit is void. In an  
26 appeal concerning voiding of a permit under this paragraph, the burden is on  
27 the permit applicant to show that the entire applicable fees, late fees and  
28 processing charges have been paid. During any appeal process concerning pay-

1 ment dispute, operation of the establishment in question is deemed to be  
2 operation without a permit.

3 ••87-2077/2••SECTION 1067. 50.51 (2) of the statutes is repealed and re-  
4 created to read:

5 50.51 (2) Except as provided in sub. (3), a separate permit is required  
6 for each establishment.

7 ••87-2077/2••SECTION 1068. 50.51 (4) of the statutes is amended to read:

8 50.51 (4) No permit is transferable from one premise to another or from  
9 one person to another, except that a permit for a ~~"temporary restaurant"~~ as  
10 ~~defined by the department~~ temporary restaurant may be transferred to a premise  
11 other than that for which it was issued if, prior to operation of the tempo-  
12 rary restaurant at the new premise, approval of the new premise is secured  
13 from a department representative or, if the new premise is located in a  
14 village, city or county granted agent status for the premise under s. 50.535  
15 (2), from the village, city or county.

16 ••87-2077/2••SECTION 1069. 50.51 (6) of the statutes is repealed.

17 ••87-2077/2••SECTION 1070. 50.515 (1) of the statutes is amended to read:

18 50.515 (1) The department or a village, city or county granted agent  
19 status under s. 50.535 (2) may not grant a permit to a person intending to  
20 operate a new hotel, tourist rooming house, bed and breakfast establishment,  
21 restaurant or vending machine commissary or to a person intending to be the  
22 new operator of an existing hotel, tourist rooming house, bed and breakfast  
23 establishment, restaurant or vending machine commissary without a  
24 preinspection. This section does not apply to a ~~"temporary restaurant"~~ as  
25 ~~defined by rule of the department~~ temporary restaurant.

26 ••87b0451/1••SECTION 1070m. 50.518 of the statutes is created to read:

27 50.518 AVERAGE ANNUAL SURVEYS. The department or a village, city or  
28 county granted agent status under s. 50.535 (2) shall annually make a number



1 of inspections of restaurants in this state that shall equal the number of  
2 restaurants for which annual permits are issued under s. 50.51 (1) (a).

3 ••87-2077/2••SECTION 1071. 50.53 (1) of the statutes is repealed and re-  
4 created to read:

5 50.53 (1) Except as provided in sub. (4) and s. 50.535 (2) (d) and (e),  
6 the annual permit fees under this section are as follows:

7 (a) For a hotel or motel:

- 8 1. With 5 to 30 rooms, \$85.
- 9 2. With 31 to 99 rooms, \$120.
- 10 3. With 100 or more rooms, \$150.

11 (b) For a tourist rooming house, \$70.

12 (c) For a restaurant:

- 13 1. That serves only individually wrapped, hermetically sealed single food  
14 servings supplied by a licensed processor, \$45.
- 15 2. That serves meals prepared from raw, canned, dried, packaged or frozen  
16 foods, \$105.
- 17 3. That has an additional, physically separate food holding, serving or  
18 preparation area, for each such area, \$30.

19 (d) For a temporary restaurant:

- 20 1. That relocates fewer than 6 times in one year, \$40.
- 21 2. That relocates at least 6 times in one year, \$100.

22 (e) For a vending machine operator, \$50.

23 (f) For a vending machine, \$5.

24 (g) For a vending machine commissary, \$110.

25 ••87-2077/2••SECTION 1072. 50.53 (1m) of the statutes is created to read:

26 50.53 (1m) In addition to the fee under sub. (1) or (1g), a penalty fee  
27 of \$20 is required for renewal of each permit if the annual fee under sub. (1)

1 or the biennial fee under sub. (1g) is not paid prior to expiration of the  
2 permit.

3 ••87-2077/2••SECTION 1073. 50.53 (2m) of the statutes is renumbered 50.53  
4 (1g) and amended to read:

5 50.53 (1g) The Beginning on July 1, 1987, except as provided in sub. (4)  
6 and s. 50.535 (2) (d) and (e), the biennial permit fee for a bed and breakfast  
7 establishment is \$25 \$75.

8 ••87b2180/1••SECTION 1074g. 50.53 (4) of the statutes is created to read:  
9 50.53 (4) Beginning July 1, 1988, the department may promulgate rules  
10 increasing or decreasing the fees under this section.

11 ••87b1457/2 •• 87b1990/en••SECTION 1074m. 50.535 (title) and (1) of the  
12 statutes are amended to read:

13 50.535 (title) AGENT STATUS FOR VILLAGES, CITIES AND COUNTIES. (1)  
14 VENDING OPERATIONS. In the administration and enforcement of this subchapter,  
15 the department may use villages, cities or counties as its agents in making  
16 inspections and investigations of vending machine commissaries, vending  
17 machine operators and vending machines if the village, city or county has a  
18 population greater than 5,000. When the designation is made and the services  
19 are furnished, the department shall reimburse the village, city or county  
20 furnishing the service at the rate of 80% of the net license fee per license  
21 per year issued in the municipality. No city or village may be designated on  
22 or after the effective date of this subsection .... [revisor inserts date], as  
23 an agent under this subsection if the county in which the city or village is  
24 located is designated as an agent. If a county is designated before, on or  
25 after the effective date of this subsection .... [revisor inserts date], as an  
26 agent under this subsection, the designation only applies to those cities,  
27 villages and towns in the county which are not designated as an agent under  
28 this subsection.

1       ••87-2077/2 •• 87b1457/2 •• 87b1990/en••SECTION 1075m. 50.535 (2) (a) of  
2 the statutes is amended to read:  
3       50.535 (2) (a) In the administration of this subchapter or s. 140.05  
4 (17), the department may enter into a written agreement with a village, city  
5 or county, if the village, city or county has a population greater than 5,000,  
6 which designates the village, city or county as its agent in issuing permits  
7 to and making investigations or inspections of hotels, restaurants, temporary  
8 restaurants, tourist rooming houses, bed and breakfast establishments, camp-  
9 grounds and camping resorts, recreational and educational camps, mobile home  
10 parks and public swimming pools. ~~When the designation is made, In a village,~~  
11 city or county without agent status, the department may issue permits, collect  
12 permit fees under s. 50.53 and make investigations or inspections of hotels,  
13 restaurants, temporary restaurants, tourist rooming houses, bed and breakfast  
14 establishments, campgrounds and camping resorts, recreational and educational  
15 camps, mobile home parks and public swimming pools. If the department desig-  
16 nates a village, city or county as its agent, the department, village, city or  
17 county may require no permit for the same operations other than the permit  
18 issued by the village, city or county under this subsection may be required  
19 for the same operations by the department, the city or the county. The  
20 department shall coordinate the designation of agents under this subsection  
21 with the department of agriculture, trade and consumer protection to ensure  
22 that, to the extent feasible, the same village, city and county agencies are  
23 granted agent status under this subsection and under s. 97.41. Except as  
24 otherwise provided by the department, a village, city or county granted agent  
25 status shall regulate all types of establishments for which this subchapter  
26 permits the department to delegate regulatory authority. No village or city  
27 may be designated on or after the effective date of this paragraph ....  
28 [revisor inserts date], as an agent under this paragraph if the county in

1 which the village or city is located is designated as an agent. If a county  
2 is designated before, on or after the effective date of this paragraph ....  
3 [revisor inserts date], as an agent under this paragraph, the designation only  
4 applies to those villages, cities and towns in the county which are not  
5 designated as an agent under this subsection.

6 ••87b1457/2 •• 87b1990/en••SECTION 1075r. 50.535 (2) (d) of the statutes  
7 is amended to read:

8 50.535 (2) (d) Except as provided in par. (dm), a village, city or county  
9 granted agent status under this subsection shall establish and collect the  
10 permit fee for each type of establishment. The village, city or county may  
11 establish separate fees for preinspections of new establishments, for  
12 preinspections of existing establishments for which a person intends to be the  
13 new operator or for the issuance of duplicate permits. No fee may exceed the  
14 village's, city's or county's reasonable costs of issuing permits to, making  
15 investigations and inspections of, and providing education, training and  
16 technical assistance to the establishments, plus the state fee established  
17 under par. (e). A village, city or county granted agent status under this  
18 subsection or under s. 97.41 may issue a single permit and establish and col-  
19 lect a single fee which authorizes the operation on the same premises of more  
20 than one type of establishment for which it is granted agent status under this  
21 subsection or under s. 97.41.

22 ••87b2180/1••SECTION 1076g. 50.535 (2) (e) of the statutes is amended to  
23 read:

24 50.535 (2) (e) The department shall establish state fees for its costs  
25 related to setting standards under this subchapter and s. 140.05 (17) and  
26 monitoring and evaluating the activities of, and providing education and  
27 training to, agent cities and counties. Agent cities and counties shall  
28 include the state fees in the permit fees established under par. (d), collect

1 the state fees and reimburse the department for the state fees collected. For  
2 each type of establishment, the state fee may not exceed 20% of the permit  
3 fees charged under ss. 50.53 and 140.05 (17) ~~in cities and counties where the~~  
4 ~~department issues permits.~~ Any increase or decrease in the state fees that  
5 results from an increase or decrease in fees required under s. 50.53 or 140.05  
6 (17) that is promulgated by the department by rule may not be initially  
7 implemented until the calendar year that begins at least 6 months after the  
8 effective date of the rules.

9 ••87b1457/2 •• 87b1990/en••SECTION 1076m. 50.535 (2) (f) and (h) of the  
10 statutes are amended to read:

11 50.535 (2) (f) If, under this subsection, a village, city or county  
12 becomes an agent or its agent status is discontinued during a permittee's  
13 permit year, the department and the village, city or county shall divide any  
14 permit fee paid by the permittee for that permit year according to the pro-  
15 portions of the permit year occurring before and after the village's, city's  
16 or county's agent status is granted or discontinued. No additional fee may be  
17 required during the permit year due to the change in agent status.

18 (h) This subsection does not limit the authority of the department to  
19 inspect establishments in villages, cities and counties where agent status is  
20 granted if it inspects in response to an emergency, for the purpose of moni-  
21 toring and evaluating the village's, city's or county's licensing, inspection  
22 and enforcement program or at the request of the village, city or county.

23 ••87-2077/2••SECTION 1077. 50.55 of the statutes is amended to read:

24 50.55 RULES OF HEALTH AND SAFETY. Every hotel, tourist rooming house,  
25 bed and breakfast establishment, restaurant, temporary restaurant, vending  
26 machine commissary and vending machine shall be operated and maintained with a  
27 strict regard to the public health and safety and in conformity with this  
28 subchapter and the rules and orders of the department.

1       ••87b1457/2 •• 87b1990/en••SECTION 1077m. 50.57 (title) of the statutes  
2 is amended to read:

3       50.57 (title) POWERS OF DEPARTMENT, VILLAGES, CITIES AND COUNTIES.

4       ••87-2077/2••SECTION 1078. 50.57 (1) (e) of the statutes is amended to  
5 read:

6       50.57 (1) (e) Hold a hearing under ch. 227 if, in lieu of proceeding  
7 under ch. 68, any interested person in a village, city or county not granted  
8 agent status under s. 50.535 appeals to the department alleging that a permit  
9 fee for a hotel, restaurant, temporary restaurant, tourist rooming house,  
10 campground, camping resort, recreational or educational camp, mobile home park  
11 or public swimming pool exceeds the permit issuer's reasonable costs of issu-  
12 ing permits to, making investigations and inspections of, and providing  
13 education, training and technical assistance to the establishment.

14       ••87b1457/2 •• 87b1990/en••SECTION 1078b. 50.57 (2) of the statutes is  
15 amended to read:

16       50.57 (2) A village, city or county ~~or city~~ designated as an agent under  
17 s. 50.535 (2) may exercise the powers specified in sub. (1) (a) to (d), con-  
18 sistent with s. 50.535 (2) (g).

19       ••87b1457/2 •• 87b1990/en••SECTION 1078d. 50.70 of the statutes is  
20 amended to read:

21       50.70 SUSPENSION OR REVOCATION OF PERMIT. The department or a village,  
22 city or county ~~or city~~ designated as an agent under s. 50.535 (2) may refuse  
23 or withhold issuance of a permit or may suspend or revoke a permit for viola-  
24 tion of this subchapter or any rule, ordinance or order of the department,  
25 village, city or county ~~or city~~.

26       ••87b0412/1••SECTION 1078g. 51.035 of the statutes is repealed.

27       ••87b0412/1••SECTION 1078r. 51.038 of the statutes is created to read:

1        51.038 OUTPATIENT MENTAL HEALTH CLINIC CERTIFICATION. If a facility that  
2 provides mental health services on an outpatient basis holds current accredi-  
3 tation from the council on accreditation of services for families and  
4 children, the department may accept evidence of this accreditation as equiva-  
5 lent to the standards established by the department, for the purpose of cer-  
6 tifying the facility for the receipt of funds for services provided as a  
7 benefit to a medical assistance recipient under s. 49.46 (2) (b) 6. f, a com-  
8 munity aids funding recipient under s. 51.423 (2) or as mandated coverage  
9 under s. 632.89.

10        ••87-2025/5••SECTION 1079. 51.05 (5) of the statutes is created to read:  
11        51.05 (5) SCHOOL ACTIVITIES. If an individual over the age of 2 and  
12 under the age of 22 and eligible for schooling under ss. 115.76 (2) and 115.85  
13 is committed, admitted or transferred to or is a resident of the Mendota  
14 mental health institute or Winnebago mental health institute, the individual  
15 shall attend a school program operated by the applicable mental health insti-  
16 tute or a school outside the applicable mental health institute which is  
17 approved by the department of public instruction. A school program operated  
18 by the Mendota mental health institute or Winnebago mental health institute  
19 shall be under the supervision of the department of public instruction and  
20 shall meet standards prescribed by that agency.

21        ••87b1543/1 •• 87b1990/en••SECTION 1079g. 51.20 (1) (ar) 2 of the stat-  
22 utes is amended to read:

23        51.20 (1) (ar) 2. This paragraph does not apply to petitions filed under  
24 this section on or after July 1, ~~1987~~ 1989, or the effective date of the  
25 ~~1987-89~~ 1989-91 biennial budget act, whichever is later.

26        ••87b1455/5 •• 87b1990/en••SECTION 1079m. 51.40 of the statutes is  
27 created to read:

1        51.40 RESIDENCE OF DEVELOPMENTALLY DISABLED OR CHRONICALLY MENTALLY ILL  
2 ADULTS. (1) DEFINITIONS. In this section:

3        (a) "Agency of a county department" means a public or private organiza-  
4 tion with which a county department contracts for provision of services under  
5 ch. 46, 51 or 55.

6        (b) "Arrange or make placement" means perform any action beyond providing  
7 basic information concerning the availability of services, facilities or pro-  
8 grams in a county to an individual or the individual's family.

9        (c) "Capable of indicating intent" means able to express by words or  
10 other means an informed choice of a place to live.

11        (d) "County department" means a county department under s. 46.23, 51.42  
12 or 51.437.

13        (e) "County of responsibility" means the county responsible for funding  
14 the provision of services under ch. 46, 52 or 55 to an individual.

15        (f) "Guardian" means a guardian of the person appointed by a court under  
16 ch. 880.

17        (g) "Incapable of indicating intent" means one of the following:

18        1. The status of an individual who has had a guardian appointed under ch.  
19 880, unless the court made a specific finding under s. 880.33 (3) that the  
20 individual is competent to make an informed choice of a place to live.

21        2. The status of an individual for whom there is substantial evidence,  
22 based on documentation from a licensed physician or psychologist who has  
23 personally examined the individual and who has expertise concerning the type  
24 of mental disability evidenced by the individual, that the individual is  
25 incapable of indicating intent.

26        (h) "Nursing home" has the meaning specified under s. 50.01 (3), except  
27 that "nursing home" does not include a facility that is operated directly by  
28 the department.



1 (i) "Parent" has the meaning specified under s. 48.02 (13).

2 (j) "State facility" means a state mental health institute, center for  
3 the developmentally disabled, prison as specified in s. 53.01 or a facility  
4 that is operated directly by the department.

5 (2) DETERMINATION OF RESIDENCE. For purposes of determining responsi-  
6 bility for funding the provision of services under chs. 46, 51 and 55, the  
7 county of residence of individuals aged 18 or older with developmental dis-  
8 ability or chronic mental illness in state facilities or nursing homes shall  
9 be determined as follows:

10 (a) Commitment or protective placement. If an individual is under a  
11 court order of commitment under this chapter or protective placement under s.  
12 55.06, the individual remains a resident of the county in which he or she has  
13 residence at the time the commitment or protective placement is made. If the  
14 court makes no specific finding of a county of residence, the individual is a  
15 resident of the county in which the court is located.

16 (b) Placement by a county. Except for the provision of emergency ser-  
17 vices under s. 51.15, 51.42 (1) (b), 51.437 (4) (c), 51.45 (11) and (12) or  
18 55.06 (11), if a county department or an agency of a county department  
19 arranges or makes placement of the individual into a state facility or nursing  
20 home, the individual is a resident of the county of that county department.  
21 Any agency of the county department is deemed to be acting on behalf of the  
22 county department in arranging or making placement.

23 (c) Individuals in state facilities. Except as provided in pars. (a),  
24 (b) and (f), an individual who is in a state facility is a resident of the  
25 county in which he or she was a resident at the time the admission to the  
26 state facility was made. This paragraph may not be applied to change resi-  
27 dence from a county, other than the county in which the facility is located,

1 which has accepted responsibility for or provided services to the individual  
2 prior to the effective date of this paragraph .... [revisor inserts date].

3 (d) Individuals in nursing homes; admission after effective date of this  
4 paragraph .... [revisor inserts date]. An individual in a nursing home who  
5 was admitted to the nursing home on or after the effective date of this para-  
6 graph .... [revisor inserts date], is a resident of the county which approved  
7 the admission under s. 50.04 (2r).

8 (e) Individuals in nursing homes before the effective date of this para-  
9 graph .... [revisor inserts date]. 1. Except as provided in pars. (a) and  
10 (b) and subd. 2, an individual in a nursing home on the effective date of this  
11 paragraph .... [revisor inserts date], is presumed to be a resident of the  
12 county in which the individual is physically present. The presumption of  
13 residence is overcome only by substantial evidence which clearly establishes  
14 residence in another county under subd. 2 or 3.

15 2. An individual is a resident of a county other than the county in which  
16 he or she is physically present as determined under subd. 1 if one of the  
17 following conditions are met:

18 a. The individual is capable of indicating intent or has a guardian of  
19 the person; the individual had an established residence in the county other  
20 than the county in which he or she is physically present prior to entering a  
21 nursing home; the individual or the individual's guardian, if any, indicates  
22 an intent that the individual will return to the county other than the county  
23 in which he or she is physically present when the purpose of entering a nurs-  
24 ing home has been accomplished or when needed care and services can be  
25 obtained in the other county; and the individual, at a time when capable of  
26 indicating intent, or a guardian for the individual, has made no clearly  
27 documented expression to a court or county department of an intent to estab-

1 lish residence elsewhere since leaving the county other than the county in  
2 which he or she is physically present.

3 b. The individual is incapable of indicating intent as determined by the  
4 county department, and has no guardian, the individual ordinarily resides in  
5 the other county, and the individual is in the county in which he or she is  
6 physically present for a temporary purpose that is expected to last for no  
7 more than one year, after which the individual is expected to return to the  
8 county other than the county in which he or she is physically present.

9 c. The county other than the county in which he or she is physically  
10 present accepts responsibility for provision of services for the individual,  
11 and the individual or the individual's guardian, if any, agrees to residence  
12 in the county other than the county in which he or she is physically present.

13 d. The county other than the county in which he or she is physically  
14 present has accepted responsibility for or provided services to the individual  
15 prior to the effective date of this subdivision .... [revisor inserts date].

16 e. The individual is incapable of indicating intent; the individual was  
17 living in the county other than the county in which he or she is physically  
18 present outside of a nursing home or state facility on December 1, 1982, or  
19 during a period of time after December 1, 1982, under circumstances which  
20 established residence in the county other than the county in which he or she  
21 is physically present; and the county other than the county in which he or she  
22 is physically present was the last county in which the individual had resi-  
23 dence while living outside of a nursing home or state facility.

24 3. Unless another county accepts the person as a resident or residence is  
25 determined to be in another county under par. (g), the county in which the  
26 individual is physically present shall be the individual's county of  
27 residence.

1 (f) Exception: county of guardian's residence. Notwithstanding pars. (a)  
2 to (e), an individual in a nursing home or state facility who is incapable of  
3 indicating intent and has a guardian of the person may establish residence in  
4 the county of residence of the guardian if all of the following are true:

5 1. The guardian is a parent or sibling of the individual.

6 2. The state facility or nursing home is located in the guardian's county  
7 of residence or the guardian indicates an intent that the individual reside in  
8 the guardian's county of residence when the purpose of entering the state  
9 facility or nursing home has been accomplished or when needed care and ser-  
10 vices can be obtained in that county.

11 (g) Determination of county of responsibility. 1. An individual, an  
12 interested person on behalf of the individual, or any county may request that  
13 the department make a determination of the county of responsibility of the  
14 individual. Within 10 days after receiving the request, the department shall  
15 provide written notice to the individual, to the individual's guardian, if  
16 any, and to all potentially responsible counties that a determination of  
17 county of responsibility shall be made and that written information and com-  
18 ments may be submitted within 30 days after the date on which the notice is  
19 sent.

20 2. The department shall review information submitted under subd. 1 and  
21 make such investigation as it deems proper. Within 30 days after the end of  
22 the period for submitting information, the department shall make a decision as  
23 to residence, and send a copy of the decision to the individual and to all  
24 involved counties. The decision may be appealed under s. 227.44 by the indi-  
25 vidual or the county determined to be responsible.

26 3. Pending a determination under subd. 2, a county department which has  
27 been providing services to the individual shall continue to provide services  
28 if necessary to meet the individual's needs. If no county department is cur-

1 rently providing services, the county in which the client is physically  
2 present shall provide necessary services pending the determination.

3 4. A determination under subd. 2 may provide for a period of transitional  
4 services to assure continuity of services by specifying a date until which the  
5 county department which has been providing services shall continue to do so.

6 5. The decision of the department under subd. 2 is binding on the indi-  
7 vidual and on any county which received notice of the proceeding. Except as  
8 provided in the determination, the county determined to be the county of  
9 responsibility shall act as the county of responsibility immediately after  
10 receiving notice of the determination, and during the pendency of any appeal  
11 of the determination that is brought under ch. 227.

12 ••87-2078/4••SECTION 1095. 51.42 (3) (ar) 3 of the statutes is amended to  
13 read:

14 51.42 (3) (ar) 3. Plan for and establish a community developmental dis-  
15 abilities program to deliver the services required under s. 51.437 if, under  
16 s. 51.437 (4g) (b), the county board of supervisors in a county with a  
17 single-county department of community programs or the county boards of super-  
18 visors in counties with a multicounty department of community programs trans-  
19 fer the powers and duties of the county department under s. 51.437 to the  
20 county department of community programs. The county board of supervisors in a  
21 county with a single-county department of community programs and the county  
22 boards of supervisors in counties with a multicounty department of community  
23 programs may designate the county department of community programs to which  
24 these powers and duties have been transferred as the administrative agency of  
25 the long-term support community options program under s. 46.27 (3) (b) 1 and 5  
26 and the community integration programs under ss. 46.275 ~~and~~, 46.277 ~~and~~  
27 46.278.

1       ••87-1800/2••SECTION 1096. 51.42 (3) (ar) 12 of the statutes is amended  
2 to read:

3       51.42 (3) (ar) 12. If participating in the program under s. 49.45 (6) or  
4 ~~49.46 (2) (e)~~, provide case management and payment authorization for medical  
5 assistance recipients who need medical day treatment, mental health services  
6 or alcohol and other drug abuse services covered under s. 49.46 (2) as long as  
7 a federal waiver is in effect authorizing the department of health and social  
8 services to restrict free choice of provider. In this subdivision, "case  
9 management" means prior approval for provision of services based on appro-  
10 priateness and cost-effectiveness, and monitoring provision of services to  
11 avoid duplication and overutilization.

12       ••87b1454/1 •• 87b1990/en••SECTION 1096m. 51.42 (3) (ar) 13 of the stat-  
13 utes is created to read:

14       51.42 (3) (ar) 13. Except in an emergency, review and approve or disap-  
15 prove all admissions to nursing homes of mentally ill persons under age 65 who  
16 are residents of the county.

17       ••87-1778/1••SECTION 1099. 51.42 (3) (as) 2 of the statutes is amended to  
18 read:

19       51.42 (3) (as) 2. If a ~~state hospital~~ mental health institute has pro-  
20 vided a county department of community programs with service, the department  
21 of health and social services shall regularly bill the county department of  
22 community programs, except as provided under subd. 2m. If collections for  
23 care exceed current billings, the difference shall be remitted to the county  
24 department of community programs through the appropriation under s. 20.435 (2)  
25 (gk). For care provided on and after February 1, 1979, the department of  
26 health and social services shall adjust collections from medical assistance to  
27 compensate for differences between specific rate scales for care charged to  
28 the county department of community programs and the average daily medical

1 assistance reimbursement rate. Payment shall be due from the county depart-  
2 ment of community programs within 60 days of the billing date subject to  
3 provisions of the contract. If any payment has not been received within 60  
4 days, the department of health and social services shall deduct all or part of  
5 the amount from any payment due from the department of health and social ser-  
6 vices to the county department of community programs.

7 ••87-1778/1••SECTION 1100. 51.42 (3) (as) 2m of the statutes is created  
8 to read:

9 51.42 (3) (as) 2m. The department of health and social services may bill  
10 the county department of community programs under subd. 2 for inpatient ser-  
11 vices provided on or after October 1, 1987, by a mental health institute for  
12 individuals under 21 years of age or for individuals under 22 years of age who  
13 are receiving the services immediately prior to reaching age 21, only if the  
14 person lacks full means of payment, including payment from medical assistance  
15 and other sources.

16 ••87b0516/1••SECTION 1100g. 51.42 (5) (m) of the statutes is created to  
17 read:

18 51.42 (5) (m) Administer funds provided under s. 49.45 (6g) in accordance  
19 with s. 49.45 (6g) (c).

20 ••87b0516/1••SECTION 1100r. 51.42 (6m) (o) of the statutes is created to  
21 read:

22 51.42 (6m) (o) Administer funds provided under s. 49.45 (6g) in accor-  
23 dance with s. 49.45 (6g) (c).

24 ••87b0706/4 •• 87b1226/2••SECTION 1100t. 51.421 (2) of the statutes is  
25 amended to read:

26 51.421 (2) SERVICES. If funds are provided, and within the limits of the  
27 availability of funds provided under subs. (4) and (5) and s. 51.423 (2), each  
28 county department under s. 51.42 shall establish a community support program.

1 Each community support program shall use a coordinated case management system  
2 and shall provide or assure access to services for persons with chronic mental  
3 illness who reside within the community. Services provided or coordinated  
4 through a community support program shall include assessment, diagnosis,  
5 identification of persons in need of services, case management, crisis  
6 intervention, psychiatric treatment including medication supervision, coun-  
7 seling and psychotherapy, activities of daily living, psychosocial rehabili-  
8 tation which may include services provided by day treatment programs, client  
9 advocacy including assistance in applying for any financial support for which  
10 the client may be eligible, residential services and recreational activities.  
11 Services shall be provided to an individual based upon his or her treatment  
12 and psychosocial rehabilitation needs.

13 ••87b0706/4 •• 87b1226/2••SECTION 1100u. 51.421 (3) (a) of the statutes  
14 is amended to read:

15 51.421 (3) (a) Promulgate rules establishing standards for the provision  
16 of community support programs by county departments under s. 51.42. The  
17 department shall establish standards that ensure that providers of services  
18 meet federal standards for certification of providers of community support  
19 program services under the medical assistance program, 42 USC 1396 to 1397e.  
20 The department shall develop the standards in consultation with representa-  
21 tives of county departments under s. 51.42, elected county officials and con-  
22 sumer advocates.

23 ••87b0706/4 •• 87b1226/2••SECTION 1100v. 51.421 (4) of the statutes is  
24 created to read:

25 51.421 (4) GRANTS. From the appropriation under s. 20.435 (4) (bb), the  
26 department shall award grants to county departments under s. 51.42 for the  
27 purpose of assisting community support programs in becoming eligible for  
28 certification as medical assistance providers under s. 49.45 (2) (a) 11. In



1 awarding grants under this subsection, the department shall give first prior-  
2 ity to county departments under s. 51.42 serving geographical areas in which  
3 no community support program is eligible for certification as a medical  
4 assistance provider. A county department under s. 51.42 may apply to the  
5 department for a grant under this subsection before November 1, 1987. The  
6 department shall award the grants on or before January 31, 1988.

7 ••87b0706/4 •• 87b1226/2••SECTION 1100vm. 51.421 (5) of the statutes is  
8 created to read:

9 51.421 (5) AIDS TO COUNTY DEPARTMENTS. (a) From the appropriation under  
10 s. 20.435 (4) (bc), the department shall, each January, beginning in 1989,  
11 allocate funds for community support programs under this section to county  
12 departments under s. 51.42 as follows:

13 1. A base allocation of \$2,500 for each county served by a county  
14 department.

15 2. The remainder of the funds based on the performance of a county  
16 department in providing community support program services in each county it  
17 serves, as determined under par. (b).

18 (b) In allocating amounts under par. (a) 2, the department shall give  
19 equal weight to each of the following performance factors as they apply to  
20 each county served by a county department under s. 51.42, and may consider  
21 other relevant performance factors:

22 1. The higher the number of chronically mentally ill persons in the  
23 county who received services from community support programs during the pre-  
24 vious calendar year, the more funding the department shall allocate to the  
25 county department.

26 2. The higher the ratio of the per capita amounts expended during the  
27 previous calendar year by the county department for community support programs  
28 in the county, regardless of funding source, compared to the average per

1 capita expenditures during the previous calendar year by all county depart-  
2 ments under s. 51.42 for community support programs, the more funding the  
3 department shall allocate to the county department.

4 3. The higher the ratio of the per capita amounts expended during the  
5 previous calendar year by the county department for inpatient psychiatric  
6 treatment for mentally ill persons in the county, regardless of funding  
7 source, to the average per capita expenditures during the previous calendar  
8 year by all county departments under s. 51.42 for inpatient psychiatric  
9 treatment for mentally ill persons, the lower the amount of funding the  
10 department shall allocate to the county department.

11 ••87b0706/4 •• 87b1226/2••SECTION 1100w. 51.421 (6) of the statutes is  
12 created to read:

13 51.421 (6) MAINTENANCE OF EFFORT. No county may use funds provided under  
14 sub. (4) or (5) to replace federal, state or county funds for community sup-  
15 port program services previously provided, as indicated by the county budget  
16 or by actual expenditures for the calendar year prior to the county's initial  
17 receipt of funds under sub. (4) or (5), except to the extent that federal or  
18 state funding available for these services decreases.

19 ••87-2093/6••SECTION 1101. 51.423 (2) of the statutes is amended to read:

20 51.423 (2) From the appropriations under s. 20.435 (4) (b) and (c), the  
21 department shall allocate the funding for services provided or purchased by  
22 county departments under s. 46.23, 51.42 or 51.437 to such county departments  
23 as provided under ~~1985 Wisconsin Act 29, section 3023 (3)~~ s. 46.40. County  
24 matching funds are required for the allocations under ~~1985 Wisconsin Act 29,~~  
25 ~~section 3023 (3) (a), (bm), (g), (h), (i), (km), (L) and (qr).~~ The s. 46.40  
26 (1), (2), (5) to (9) and (11). Before January 1, 1988, the ratio of state and  
27 federal funds to county matching funds shall equal 91 to 9. Beginning Janu-  
28 ary 1, 1988, each county's required match for a year equals 9.89% of the total

1 of the county's allocations for that year for which matching funds are  
2 required plus the amount the county was required by s. 46.26 (2) (c), 1985  
3 stats., to spend for juvenile delinquency-related services from its allocation  
4 for 1987. Matching funds may be from county tax levies, federal and state  
5 revenue sharing funds or private donations to the counties that meet the  
6 requirements specified in sub. (5). Private donations may not exceed 25% of  
7 the total county match. If the county match is less than the amount required  
8 to generate the full amount of state and federal funds allocated for this  
9 period, the decrease in the amount of state and federal funds equals the  
10 difference between the required and the actual amount of county matching  
11 funds. ~~The secretary shall promulgate rules which govern the eligibility of~~  
12 ~~single-county and multicounty departments for grants-in-aid under this~~  
13 ~~section.~~

14 ••87-2093/6••SECTION 1103. 51.423 (8) of the statutes is repealed.

15 ••87b1455/5 •• 87b1990/en••SECTION 1103ab. 51.437 (4m) (L) of the stat-  
16 utes is created to read:

17 51.437 (4m) (L) Except in an emergency, review and approve or disapprove  
18 all admissions to nursing homes of persons with a developmental disability who  
19 are residents of the county.

20 ••87b1451/3 •• 87b1990/en••SECTION 1103ag. 51.62 (2) (a) 1 of the stat-  
21 utes is amended to read:

22 51.62 (2) (a) 1. A state agency, except for the receipt of funds allo-  
23 cated under s. 20.432 (2) (a).

24 ••87b1451/3 •• 87b1990/en••SECTION 1103ah. 51.62 (3) (a) 4 of the stat-  
25 utes is created to read:

26 51.62 (3) (a) 4. Provide advocacy services for persons with developmental  
27 disabilities or mental illness who reside in or are relocated to the community  
28 from a facility rendering care or treatment.

1       ••87b1451/3 •• 87b1990/en••SECTION 1103ai. 51.62 (3m) of the statutes is  
2 created to read:

3       51.62 (3m) From the appropriation under s. 20.432 (2) (a), the protection  
4 and advocacy agency shall provide advocacy services for persons with develop-  
5 mental disabilities who reside in or are relocated to the community from a  
6 state center for the developmentally disabled, a nursing home, an intermediate  
7 care facility for the mentally retarded or a community-based residential  
8 facility.

9       ••87b1745/2 •• 87b1922/en••SECTION 1103ap. 53.11 (1) of the statutes is  
10 amended to read:

11       53.11 (1) The warden or superintendent shall keep a record of the conduct  
12 of each inmate, specifying each infraction of the rules. Except as provided  
13 in subs. (1m) ~~and~~, (7) ~~and~~ (10), each inmate is entitled to mandatory release  
14 on parole by the department. The mandatory release date is established at  
15 two-thirds of the sentence. Any calculations under this subsection or sub.  
16 (2) (b) resulting in fractions of a day shall be rounded in the inmate's favor  
17 to a whole day.

18       ••87b1745/2 •• 87b1922/en••SECTION 1103apg. 53.11 (10) of the statutes is  
19 created to read:

20       53.11 (10) An inmate subject to an order under s. 48.366 is not entitled  
21 to mandatory release and may be released or discharged only as provided under  
22 s. 48.366.

23       ••87b1745/2 •• 87b1922/en••SECTION 1103apm. 53.17 of the statutes is  
24 renumbered 53.17 (1) and amended to read:

25       53.17 (1) When any inmate is received into any state penal institution  
26 the department shall register the date of admission, the name, age, nativity  
27 and nationality and such other facts as may be obtained as to parentage, edu-  
28 cation and previous history and environments of such inmate.

1        (2) Entries shall be made on the register of the progress made by each  
2 inmate and his parole and his condition at the time of parole and the progress  
3 made by him while on parole. This subsection does not apply to inmates  
4 subject to an order under s. 48.366.

5        ••87b1745/2 •• 87b1922/en••SECTION 1103app. 53.17 (3) of the statutes is  
6 created to read:

7        53.17 (3) If the inmate is subject to an order under s. 48.366, the  
8 department shall keep a record of the inmate's behavior for use in proceedings  
9 under s. 48.366 (5) and (6).

10        ••87b0661/3 •• 87b1226/2••SECTION 1103bf. 53.18 (7) of the statutes is  
11 created to read:

12        53.18 (7) Except as provided in s. 973.013 (3m), the department shall  
13 keep all prisoners under 16 years of age in secured juvenile correctional  
14 facilities, but may transfer them to adult correctional institutions after  
15 they attain 16 years of age.

16        ••87b1745/2 •• 87b1922/en••SECTION 1141m. 53.255 of the statutes is  
17 created to read:

18        53.255 INTERSTATE CORRECTIONS COMPACT; ADDITIONAL APPLICABILITY.  
19 "Inmate", as defined under s. 53.25 (2) (a), includes persons subject to an  
20 order under s. 48.366 who are confined to a state prison under s. 53.01.

21        ••87-1802/1••SECTION 1142. 53.33 (2) (a) 3 of the statutes is amended to  
22 read:

23        53.33 (2) (a) 3. After verification by the department, it shall reim-  
24 burse the county at a rate of \$30 per person per day subject to the conditions  
25 in subds. 1 and 2. If ~~\$400,000~~ \$450,000 for any fiscal year ~~1985-86 or~~  
26 ~~\$400,000 for fiscal year 1986-87~~ is insufficient to provide complete reim-  
27 bursement at that rate, the department shall prorate the payments to counties  
28 for that fiscal year. The department shall not reimburse a county unless that

1 county informs the department of the amount of reimbursement to which it is  
2 entitled under this subsection no later than September 1 of the fiscal year  
3 following the fiscal year for which reimbursement is requested.

4 ••87b1542/1 •• 87b1990/en••SECTION 1142g. 53.38 of the statutes is  
5 amended to read:

6 53.38 MEDICAL CARE OF PRISONERS. (1) If a prisoner needs medical or  
7 hospital care or is intoxicated or incapacitated by alcohol the sheriff or  
8 other keeper of the jail shall provide appropriate care or treatment and may  
9 transfer him the prisoner to a hospital or to an approved treatment facility  
10 under s. 51.45 (2) (b) and (c), making provision for the security of the  
11 prisoner.

12 (2) The prisoner is liable for the costs of medical and hospital care  
13 outside of the jail shall ~~(if. If the prisoner is unable to pay for it)~~ the  
14 costs. the county shall pay the costs in the case of persons held under the  
15 state criminal laws or for contempt of court, be borne by the county and a  
16 municipality shall pay the costs in the case of persons held under municipal  
17 ordinance by the municipality.

18 (4) The governmental unit paying such the costs of medical or hospital  
19 care under this section may collect the value of the same from him or his the  
20 prisoner or the prisoner's estate as provided for in s. 49.08.

21 ••87b1542/1 •• 87b1990/en••SECTION 1142r. 53.38 (3) of the statutes is  
22 created to read:

23 53.38 (3) The maximum amount that a governmental unit may pay for the  
24 costs of medical or hospital care under this section is limited for that care  
25 to the amount payable by medical assistance under ss. 49.43 to 49.47 for care  
26 for which a medical assistance rate exists. No provider of medical or hospi-  
27 tal care may bill a prisoner under sub. (1) for the cost of care exceeding the  
28 amount paid under this subsection by the governmental unit. If no medical

1 assistance rate exists for the care provided, there is no limitation under  
2 this subsection.

3 ••87b1690/1••SECTION 1142t. 53.46 of the statutes is created to read:

4 53.46 JAIL ASSESSMENT. (1) (a) On or after October 1, 1987, if a court  
5 imposes a fine or forfeiture for a violation of state law or for a violation  
6 of a municipal or county ordinance except for state laws or municipal or  
7 county ordinances involving nonmoving traffic violations, the court, in  
8 addition, shall impose a jail assessment in an amount of one percent of the  
9 fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses  
10 are involved, the court shall determine the jail assessment on the basis of  
11 each fine or forfeiture. If a fine or forfeiture is suspended in whole or in  
12 part, the court shall reduce the jail assessment in proportion to the  
13 suspension.

14 (b) If a fine or forfeiture is imposed by a court of record, after a  
15 determination by the court of the amount due for the jail assessment, the  
16 clerk of the court shall collect and transmit the jail assessment to the  
17 county treasurer as provided in s. 59.395 (5m). The county treasurer shall  
18 place the amount in the county jail fund as provided in s. 59.20 (5m).

19 (c) If a fine or forfeiture is imposed by a municipal court, after a  
20 determination by the court of the amount due for the jail assessment, the  
21 court shall collect and transmit the jail assessment to the county treasurer  
22 under s. 800.10 (2). The county treasurer shall place the amount in the  
23 county jail fund as provided in s. 59.20 (5m).

24 (d) If any deposit of bail is made for a noncriminal offense to which  
25 this section applies, the person making the deposit shall also deposit a suf-  
26 ficient amount to include the jail assessment prescribed in this section for  
27 forfeited bail. If bail is forfeited, the amount of the jail assessment shall

1 be transmitted to the county treasurer under this section. If bail is  
2 returned, the jail assessment shall also be returned.

3 (2) Counties may make payments for construction, remodeling, repair or  
4 improvement of county jails from county jail funds.

5 (3) This section applies only to violations occurring on or after October  
6 1, 1987, and before October 1, 1988.

7 ••87b0360/1••SECTION 1157m. Chapter 54 of the statutes is repealed.

8 ••87-1340/7••SECTION 1160. 56.01 (9) of the statutes is amended to read:  
9 56.01 (9) STAFF SERVICES. The secretary shall appoint the director of  
10 prison industries outside the classified service. The department shall pro-  
11 vide other staff services to the prison industries board within the classified  
12 service.

13 ••87b0940/5 •• 87b1226/2••SECTION 1181c. 57.06 (1r) of the statutes is  
14 created to read:

15 57.06 (1r) (a) In this subsection, "special action release program" means  
16 any program designed to reduce crowded conditions in state prisons by releas-  
17 ing prisoners on parole using a procedure other than mandatory release under  
18 s. 53.11 or release pursuant to a recommendation by the parole board.

19 (b) If the department uses a special action release program to release  
20 prisoners on parole, the department shall promulgate rules for the adminis-  
21 tration of the program. Any such rules shall include all of the following:

22 1. Departmental procedure for the administration of the program.

23 2. Any eligibility requirements excluding the minimum time to be served  
24 on any sentence.

25 3. Conditions of release which may be established for a released  
26 prisoner. This subdivision does not preclude the department from providing  
27 specific conditions of release, not included in the rule, to be applicable to  
28 a prisoner.



1 4. A procedure for notifying, prior to making a decision concerning the  
2 release of a prisoner, any interested office of the district attorney which  
3 prosecuted the prisoner or judge who tried the prisoner.

4 5. A procedure for notifying the municipal police department and the  
5 county sheriff for the area where the prisoner will be residing.

6 (c) The department may grant a release under this subsection only to  
7 prisoners who are eligible for parole under sub. (1) or (1m).

8 ••87b1745/2 •• 87b1922/en••SECTION 1181dp. 57.15 of the statutes is  
9 created to read:

10 57.15 NONAPPLICABILITY OF CHAPTER. This chapter does not apply to a  
11 person who is subject to an order under s. 48.366.

12 ••87b0608/1 •• 87b1226/2••SECTION 1195m. 59.07 (33m) of the statutes is  
13 created to read:

14 59.07 (33m) ECONOMIC DEVELOPMENT FUNDING. Appropriate and loan money to  
15 nonprofit organizations to install property improvements including but not  
16 limited to roadways, sewers, water mains, storm sewers and sidewalks.

17 ••87b1833/2 •• 87b2007/3••SECTION 1195p. 59.07 (42) of the statutes is  
18 amended to read:

19 59.07 (42) RESCUE EQUIPMENT. Appropriate money for the purchase of boats  
20 and other equipment necessary for the rescue of human beings and the recovery  
21 of human bodies from waters of which the county has jurisdiction under s. 2.04  
22 and charge a reasonable fee for the use of such boats and other equipment in  
23 nonlife-threatening situations.

24 ••87b1284/1 •• 87b1780/en••SECTION 1195r. 59.07 (140) of the statutes is  
25 amended to read:

26 59.07 (140) INLAND LAKE PROTECTION AND REHABILITATION. May establish an  
27 inland lake protection and rehabilitation program and may create, develop and  
28 implement inland lake protection and rehabilitation projects similar to

1 projects which an inland lake protection and rehabilitation district is  
2 authorized to create, develop and implement under ch. 33, except that no  
3 county may establish or create such a program or project within the Yahara  
4 watershed, as defined in s. 33.01 (11). As used in this subsection "lake  
5 rehabilitation", "program", "project" and "lake" have the meanings specified  
6 under s. 33.01 (4), (6), (7) and (8), respectively.

7 ••87b0418/1••SECTION 1196m. 59.20 (5) (b) of the statutes is amended to  
8 read:

9 59.20 (5) (b) For all court imposed fines and forfeitures required by law  
10 to be deposited in the state treasury, the amounts required by s. 165.87 for  
11 the penalty assessment surcharge, the amounts required by s. 167.31 (5) for  
12 the weapons assessment, the amounts required by s. 973.045 for the crime vic-  
13 tim and witness assistance surcharge, the amounts authorized by s. 971.37 (1m)  
14 (c) 1 or required by s. 973.055 for the domestic abuse assessment surcharge,  
15 the amounts required by s. 346.655 for the driver improvement surcharge, the  
16 amounts required by s. 29.997 for the natural resources assessment surcharge  
17 and the amount required by s. 29.998 for natural resources restitution  
18 payments, transmit to the state treasurer a statement of all moneys required  
19 by law to be paid on the actions so entered during the preceding month on or  
20 before the first day of the next succeeding month, certified by personal  
21 affidavit endorsed upon or attached thereto, and at the same time pay to the  
22 state treasurer the amount thereof.

23 ••87b1690/1••SECTION 1196p. 59.20 (5m) of the statutes is created to  
24 read:

25 59.20 (5m) Deposit all moneys for jail assessments received under s.  
26 53.46 (1) in a county jail fund and make payments from the fund for purposes  
27 of s. 53.46 (2) on order of the county board under sub. (2).

28 ••87-2096/2••SECTION 1197. 59.39 (9m) of the statutes is amended to read:

1       59.39 (9m) Keep a record of all payments and arrearages in payments  
2 ordered by the court under ss. 767.25 to 767.265, 767.29 (1), 767.51 and  
3 767.65. The If the department of health and social services operates a data  
4 system relating to those payments and arrearages, the clerk may contract with  
5 the department of health and social services for the department shall use that  
6 system to keep this record.

7       ••87b0418/1••SECTION 1197m. 59.395 (5) of the statutes is amended to  
8 read:

9       59.395 (5) Pay monthly to the county treasurer for the use of the state  
10 the state's percentage of the fees required to be paid on each civil action,  
11 criminal action and special proceeding filed during the preceding month and  
12 pay monthly to the county treasurer for the use of the state the percentage of  
13 court imposed fines and forfeitures required by law to be deposited in the  
14 state treasury, the amounts required by s. 165.87 (2) (b) for the penalty  
15 assessment surcharge, the amounts required by s. 167.31 (5) for the weapons  
16 assessment, the amounts required by s. 973.045 for the crime victim and  
17 witness assistance surcharge, the amounts authorized by s. 971.37 (1m) (c) 1  
18 or required by s. 973.055 for the domestic abuse assessment surcharge, the  
19 amounts required by s. 346.655 for the driver improvement surcharge, the  
20 amounts required under s. 29.997 (1) (d) for the natural resources assessment  
21 surcharge and the amounts required under s. 29.998 (1) (d) for the natural  
22 resources restitution payments. The payments shall be made by the 15th day of  
23 the month following receipt thereof.

24       ••87b1690/1••SECTION 1197p. 59.395 (5m) of the statutes is created to  
25 read:

26       59.395 (5m) Pay monthly to the county treasurer the amounts required by  
27 s. 53.46 (1) for the jail assessment surcharge. The payments shall be made by  
28 the 15th day of the month following receipt thereof.

1       ••87b0282/3••SECTION 1203g. 59.965 (2) (d) 6 of the statutes is amended  
2 to read:  
3       59.965 (2) (d) 6. When the board has acquired title to lands in fee  
4 either for the county or the state, the county or a person authorized by the  
5 county may use and develop any portion of the lands not directly needed for  
6 expressway-roadway purposes and which do not interfere with the primary  
7 expressway purpose, and without exclusion because of enumeration the power to  
8 use the subsoil beneath the ground, the ground level area or air space above  
9 the ground, for parking, storage or building purposes subject to municipal  
10 land use zoning regulations except as to parking, but if the expressway  
11 right-of-way area is either on the federal interstate system or on a state  
12 trunk highway, the county shall obtain the consent of the department of  
13 transportation to ~~such~~ the development and use ~~shall be obtained~~ prior to  
14 construction or initiation of ~~such that~~ use, ~~and the~~. The state shall receive  
15 a share of the rentals or sale price derived from ~~such~~ the use in the propor-  
16 tion that the amount of federal or state funds used in the purchase of the  
17 site bears to the total cost of the land and improvement which is the subject  
18 of the sale or rental. Such sharing shall not be made until the county or the  
19 person authorized by the county has been reimbursed for all sums expended by  
20 it, in the developments referred to in this paragraph, and such sharing shall  
21 terminate when the fair proportion of the federal and state funds allocable to  
22 the purchase of the area so developed has been reimbursed. In lieu of sharing  
23 in the proportion of the amount of federal or state funds used in the purchase  
24 of the site to the total cost of the land and improvement which is the subject  
25 of the sale or rental, the state and the county or the person authorized by  
26 the county may share the rentals or sale price on the basis of a different  
27 formula for such sharing if the department of transportation and the county  
28 agree to a different formula.

1       ••87b0282/3••SECTION 1203h. 59.965 (2) (d) 7 of the statutes is created  
2 to read:

3       59.965 (2) (d) 7. Before the county authorizes any person to use or  
4 develop lands under subd. 6, the county shall make a reasonable effort to  
5 determine whether any public institution of higher education in the vicinity  
6 of the lands has demonstrated to the county an interest in the use or  
7 development of the lands. The county shall give preference to proposals for  
8 the use or development of lands under subd. 6 which are submitted by a public  
9 institution of higher education in the vicinity of those lands and which pro-  
10 vide for reasonable payment to the county under a lease of or other authority  
11 to use or develop those lands.

12       ••87b2103/2••SECTION 1204bh. 59.97 (15) (a) of the statutes is amended to  
13 read:

14       59.97 (15) (a) ~~No~~ Before July 1, 1991, no community living arrangement in  
15 a city that is not a 1st class city that has capacity for 5 or more persons  
16 being served by the program and no community living arrangement in a 1st class  
17 city may be established ~~after March 28, 1978~~ within 2,500 feet, or any lesser  
18 distance established by an ordinance of a city, town or village, of any other  
19 such facility. Agents of a facility may apply for an exception to this  
20 requirement, and such exceptions may be granted at the discretion of the local  
21 municipality. Two community living arrangements may be adjacent if the local  
22 municipality authorizes that arrangement and if both facilities comprise  
23 essential components of a single program.

24       ••87b1455/5 •• 87b1990/en••SECTION 1204c. 59.97 (15) (am) of the statutes  
25 is created to read:

26       59.97 (15) (am) After June 30, 1991, no community living arrangement may  
27 be established within 2,500 feet, or any lesser distance established by an  
28 ordinance of a city, town or village, of any other such facility. Agents of a

1 facility may apply for an exception to this requirement, and such exceptions  
2 may be granted at the discretion of the local municipality. Two community  
3 living arrangements may be adjacent if the local municipality authorizes that  
4 arrangement and if both facilities comprise essential components of a single  
5 program.

6 ••87b1284/1 •• 87b1780/en••SECTION 1204d. 59.971 (6) of the statutes is  
7 amended to read:

8 59.971 (6) If any county does not adopt an ordinance by January 1, 1968,  
9 or if the department of natural resources, after notice and hearing, deter-  
10 mines that a county or the Yahara watershed management district, acting under  
11 s. 33.43 (3) (b), has adopted an ordinance which fails to meet reasonable  
12 minimum standards in accomplishing the shoreland protection objectives of s.  
13 144.26 (1), the department of natural resources shall adopt such an ordinance.  
14 As far as possible, s. 87.30 shall apply to this subsection.

15 ••87b1284/1 •• 87b1780/en••SECTION 1204g. 59.971 (7) of the statutes is  
16 amended to read:

17 59.971 (7) An ordinance enacted under this section by a county continues  
18 in effect in any shoreland area annexed by a city or village after May 7,  
19 1982, unless the city or village adopts, maintains and enforces a zoning  
20 ordinance which complies with the requirements of this section to the extent  
21 possible and which is at least as restrictive as the county shoreland zoning  
22 ordinance or unless the Yahara watershed management district, acting under s.  
23 33.43 (3) (b), adopts, maintains and enforces a zoning ordinance which com-  
24 plies with the requirements of this section to the extent possible and which  
25 is more restrictive than the county shoreland zoning ordinance. If the  
26 department determines that a zoning ordinance adopted by a city or village or  
27 by the Yahara watershed management district which is applicable to a shoreland  
28 area annexed after May 7, 1982, does not meet these standards after providing

1 notice and conducting a hearing on the matter, it either shall issue an order  
 2 declaring the city or village ordinance or the Yahara watershed management  
 3 district shoreland zoning ordinance, if one exists, void and reinstating the  
 4 applicability of the county shoreland zoning ordinance to the annexed area or  
 5 it shall issue an order declaring the city or village ordinance or the Yahara  
 6 watershed management district shoreland zoning ordinance, if one exists, void  
 7 and adopting an ordinance for the annexed area for the city or village or for  
 8 the Yahara watershed management district which does meet these standards. As  
 9 far as applicable, the procedures set forth in s. 87.30 apply to this  
 10 subsection.

11 ••87b1295/2 •• 87b1780/en••SECTION 1204j. 59.974 (2) of the statutes is  
 12 amended to read:

13 59.974 (2) (title) AUTHORITY OR REQUIREMENT TO ENACT ORDINANCE. To  
 14 effect the purposes of s. 144.266 and to promote the public health, safety and  
 15 general welfare, a county ~~may~~ shall enact a construction site erosion control  
 16 ordinance and may enact a storm water management zoning ordinance applicable  
 17 to all of its unincorporated area. ~~This ordinance~~ These ordinances may be  
 18 enacted separately from ordinances enacted under s. 59.97.

19 ••87b1284/1 •• 87b1780/en••SECTION 1204m. 59.974 (9) of the statutes is  
 20 amended to read:

21 59.974 (9) (title) INTERGOVERNMENTAL COOPERATION. Section 66.30 applies  
 22 to this section, except that for the purposes of this section any agreement  
 23 under s. 66.30 shall be effected by ordinance. If a county is served by a  
 24 regional planning commission under s. 66.945 or by the Yahara watershed man-  
 25 agement district under ch. 33 and if the commission or the Yahara watershed  
 26 management district consents, the county may empower the commission or the  
 27 Yahara watershed management district by ordinance to administer an ordinance  
 28 enacted under this section throughout the county, whether or not the area

1 otherwise served by the commission or the Yahara watershed management district  
2 includes all of that county.

3 ••87-2304/4••SECTION 1205. 60.34 (5) (b) and (c) of the statutes are  
4 amended to read:

5 60.34 (5) (b) On or before January 15 and February 15 and any other date  
6 specified by the town board, make a payment to the appropriate treasurer of  
7 any school district, and to the appropriate vocational, technical and adult  
8 education district treasurer, if the district has not received a payment under  
9 par. (a) during that month. That payment shall be the proportion of the  
10 school district's or vocational, technical and adult education district's levy  
11 that the general property taxes collected in the town, except collections for  
12 state trust fund loans, state tax, and state special charges ~~and school dis-~~  
13 ~~trict levies offset by school aid credits paid under s. 79.10 (3), up to the~~  
14 last day of the preceding month bears to the total general property tax levy  
15 in the town for all purposes except levies for state trust fund loans, state  
16 tax, and state special charges ~~and school district levies offset by school aid~~  
17 ~~credits paid under s. 79.10 (3).~~ The town treasurer may make the payments  
18 required under this paragraph without authorization by the town board.

19 (c) On or before January 15 and any other date specified by the town  
20 board, pay, under s. 74.031, to the appropriate school district treasurer and  
21 vocational, technical and adult education district treasurer the proportion of  
22 the district's levy that the general property taxes collected in the town,  
23 except collections for state trust fund loans, state tax, and state special  
24 charges ~~and school district levies offset by school aid credits paid under s.~~  
25 ~~79.10 (3), up to the last day of the preceding month bears to the total gen-~~  
26 eral property tax levy in the town for all purposes except levies for state  
27 trust fund loans, state tax, and state special charges ~~and school district~~  
28 ~~levies offset by school aid credits paid under s. 79.10 (3).~~



1       ••87-1352/1••SECTION 1206. 60.56 (1) (am) (intro.) and 1 of the statutes  
2 are amended to read:

3       60.56 (1) (am) (intro.) If a town board establishes a town police  
4 department under par. (a) 1 or 2 and does not create a board of police  
5 commissioners singly or in combination with another town, village or city, the  
6 town board may not suspend, reduce, suspend and reduce, or remove any police  
7 chief or other law enforcement officer who is not probationary, and for whom  
8 there is no valid and enforceable contract of employment or collective bar-  
9 gaining agreement which provides for a fair review prior to that suspension,  
10 reduction, suspension and reduction or removal, unless the board follows the  
11 procedure under s. 62.13 (5). To act under this paragraph in place of the  
12 board of police and fire commissioners under s. 62.13, the town may do either  
13 board does one of the following:

14       1. ~~Establish~~ Establishes a committee of not less than 3 members, none of  
15 whom may be an elected or appointed official of the town or be employed by the  
16 town. The committee shall act under s. 62.13 (5) in place of a board of  
17 police and fire commissioners. The town shall ~~pay~~ board may provide for some  
18 payment to each member for the member's cost of serving on the committee at a  
19 rate established by the town board.

20       ••87-1352/1••SECTION 1207. 60.56 (1) (am) 2 of the statutes is repealed  
21 and recreated to read:

22       60.56 (1) (am) 2. Appoint a person who is not an elected or appointed  
23 official of the town and who is not employed by the town. The person shall  
24 act under s. 62.13 (5) in place of a board of police and fire commissioners.  
25 The town board may provide for some payment to that person for serving under  
26 this subdivision at a rate established by the town board.

27       ••87b1455/5 •• 87b1990/en••SECTION 1207g. 60.63 (1) of the statutes is  
28 amended to read: