

1 ***-0263/2.2* SECTION 1420.** 49.453 (4) (a) of the statutes is renumbered 49.453
2 (4) (a) (intro.) and amended to read:

3 49.453 (4) (a) (intro.) For the purposes of sub. (2), whenever a covered
4 individual or his or her spouse, or another person acting on behalf of the covered
5 individual or his or her spouse, transfers assets to an irrevocable annuity, or
6 transfers assets by promissory note or similar instrument, in an amount that exceeds
7 the expected value of the benefit, the covered individual or his or her spouse transfers
8 assets for less than fair market value. A transfer to an annuity, or a transfer by
9 promissory note or similar instrument, is not in excess of the expected value only if
10 all of the following are true:

11 ***-0263/2.3* SECTION 1421.** 49.453 (4) (a) 1. and 2. of the statutes are created
12 to read:

13 49.453 (4) (a) 1. The periodic payments back to the transferor include principal
14 and interest that, at the time that the transfer is made, is at least at the prime
15 lending rate as reported by the federal reserve board in federal statistical release H.
16 15.

17 2. The terms of the instrument provide for a payment schedule that includes
18 equal periodic payments, except that payments may be unequal if the interest
19 payments are tied to the prime lending rate, as reported by the federal reserve board
20 in federal statistical release H. 15., and the inequality is caused exclusively by
21 fluctuations in that rate.

22 ***-0263/2.4* SECTION 1422.** 49.453 (4) (c) of the statutes is amended to read:

23 49.453 (4) (c) The department shall promulgate rules specifying the method to
24 be used in calculating the expected value of the benefit, based on 26 CFR 1.72-1 to
25 1.72-18, and specifying the criteria for adjusting the expected value of the benefit

1 based on a medical condition diagnosed by a physician before the assets were
2 transferred to the annuity, or transferred by promissory note or similar instrument.

3 ***-0261/2.1* SECTION 1423.** 49.46 (1p) of the statutes is created to read:

4 49.46 (1p) DEMONSTRATION PROJECT FOR PERSONS WITH HIV. The department
5 shall request a waiver from the secretary of the federal department of health and
6 human services to allow the department to provide under this section coverage of
7 services specified under sub. (2)(b) 17. for persons who have HIV infection, as defined
8 in s. 252.01 (2). If a waiver is granted and in effect, the department shall provide
9 coverage for the services specified under sub. (2)(b) 17. for persons who qualify under
10 the terms of the waiver.

11 ***-0030/2.73* SECTION 1424.** 49.46 (2) (b) 8. of the statutes is amended to read:

12 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
13 (11), 46.275, 46.277 or 46.278 or under the family care benefit if a waiver is in effect
14 under s. 46.281 (1) (c).

15 ***-0261/2.2* SECTION 1425.** 49.46 (2) (b) 17. of the statutes is created to read:

16 49.46 (2) (b) 17. If a waiver under sub. (1p) is granted and in effect, clinical
17 evaluation services, as defined by the department, for persons who qualify for
18 coverage under sub. (1p), not to exceed \$500 per year per person.

19 ***-0315/4.2* SECTION 1426.** 49.46 (2) (b) 18. of the statutes is created to read:

20 49.46 (2) (b) 18. Alcohol or other drug abuse residential treatment services of
21 no more than 45 days per treatment episode, under s. 49.45 (46). This subdivision
22 does not apply after July 1, 2003.

23 ***-0030/2.74* SECTION 1427.** 49.47 (4) (as) 1. of the statutes is amended to read:

24 49.47 (4) (as) 1. The person would meet the financial and other eligibility
25 requirements for home or community-based services under s. 46.27 (11) or 46.277

1 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c) but for
2 the fact that the person engages in substantial gainful activity under 42 USC 1382c
3 (a) (3).

4 ***-0030/2.75*** **SECTION 1428.** 49.47 (4) (as) 3. of the statutes is amended to read:
5 49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11) or 46.277
6 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c).

7 ***-0266/3.3*** **SECTION 1429.** 49.472 of the statutes is created to read:
8 **49.472 Medical assistance purchase plan. (1) DEFINITIONS.** In this section:
9 (a) “Earned income” has the meaning given in 42 USC 1382a (a) (1).
10 (am) “Family” means an individual, the individual’s spouse and any dependent
11 child, as defined in s. 49.141 (1) (c), of the individual.

12 (b) “Health insurance” means surgical, medical, hospital, major medical or
13 other health service coverage, including a self-insured health plan, but does not
14 include hospital indemnity policies or ancillary coverages such as income
15 continuation, loss of time or accident benefits.

16 (c) “Independence account” means an account approved by the department that
17 consists solely of savings, and dividends or other gains derived from those savings,
18 from income earned from paid employment after the initial date that an individual
19 began receiving medical assistance under this section.

20 (d) “Medical assistance purchase plan” means medical assistance, eligibility for
21 which is determined under this section.

22 (e) “Unearned income” has the meaning given in 42 USC 1382a (a) (2).

23 **(2) WAIVERS AND AMENDMENTS.** The department shall submit to the federal
24 department of health and human services an amendment to the state medical
25 assistance plan, and shall request any necessary waivers from the secretary of the

1 federal department of health and human services, to permit the department to
2 expand medical assistance eligibility as provided in this section. If the state plan
3 amendment and all necessary waivers are approved and in effect, the department
4 shall implement the medical assistance eligibility expansion under this section not
5 later than January 1, 2000, or 3 months after full federal approval, whichever is
6 later.

7 **(3) ELIGIBILITY.** Except as provided in sub. (6) (a), an individual is eligible for
8 and shall receive medical assistance under this section if all of the following
9 conditions are met:

10 (a) The individual's net income, including income that would be deemed to the
11 individual under 20 CFR 416.1160, is less than 250% of the poverty line for a family
12 the size of the individual's family. In calculating the net income, the department
13 shall disregard the income specified under 42 USC 1382a (b).

14 (b) The individual's assets do not exceed \$20,000. In determining assets, the
15 department may not include assets that are excluded from the resource calculation
16 under 42 USC 1382b (a) or assets accumulated in an independence account. The
17 department may exclude, in whole or in part, the value of a vehicle used by the
18 individual for transportation to paid employment.

19 (c) The individual would be eligible for supplemental security income for
20 purposes of receiving medical assistance but for evidence of work, attainment of the
21 substantial gainful activity level, earned income in excess of the limit established
22 under 42 USC 1396d (q) (2) (B) and unearned income that is disregarded under sub.

23 (4) (a) 2.

24 (e) The individual is legally able to work in all employment settings without
25 a permit under s. 103.70.

1 (f) The individual maintains premium payments calculated by the department
2 in accordance with sub. (4), unless the individual is exempted from premium
3 payments under sub. (4) (b) or (c) or (5).

4 (g) The individual is engaged in gainful employment or is participating in a
5 program that is certified by the department to provide health and employment
6 services that are aimed at helping the individual achieve employment goals.

7 (h) The individual meets all other requirements established by the department
8 by rule.

9 (4) PREMIUMS. (a) Except as provided in par. (b) and sub. (5), an individual who
10 is eligible for medical assistance under sub. (3) and receives medical assistance shall
11 pay a monthly premium to the department. The department shall establish the
12 monthly premiums by rule in accordance with the following guidelines:

13 1. The premium for any individual may not exceed the sum of the following:

14 a. Three and one-half percent of the individual's earned income.

15 b. One hundred percent of the individual's unearned income after the
16 deductions specified in subd. 2.

17 2. In determining an individual's unearned income under subd. 1., the
18 department shall disregard all of the following:

19 a. A maintenance allowance established by the department by rule. The
20 maintenance allowance may not be less than the sum of \$20, the federal
21 supplemental security income payment level determined under 42 USC 1382 (b) and
22 the state supplemental payment determined under s. 49.77 (2m).

23 b. Medical and remedial expenses and impairment-related work expenses.

24 3. The department may reduce the premium by 25% for an individual who is
25 covered by private health insurance.

1 (b) The department may waive monthly premiums that are calculated to be
2 below \$10 per month.

3 (c) The department shall assess a one-time entry premium based on a sliding
4 scale established by the department by rule and according to an individual's gross
5 income. In calculating an individual's gross income, the department may treat
6 earned and unearned income differently. The department may waive all or part of
7 the entry premium, or extend the time period for payment of the entry premium, for
8 an individual if the department determines that any of the following is true:

9 1. Assessment of the premium would impose an undue hardship on the
10 individual and, would fail to remove barriers to employment for the individual or
11 would fail to increase access to health care for the individual.

12 2. Assessment of the premium would reduce the cost-effectiveness of the
13 medical assistance purchase plan.

14 **(5) COMMUNITY OPTIONS PARTICIPANTS.** From the appropriation under s. 20.435
15 (7) (bd), the department shall pay the entry premium established under sub. (4) (c)
16 for a person who is a participant in the community options program under s. 46.27
17 (7), and may pay the entry premium calculated under sub. (4) (c) or the monthly
18 premium calculated under sub. (4) (a), for an individual who is a participant in the
19 community options program under s. 46.27 (11). No individual who is a participant
20 in the community options program under s. 46.27 (11) may be required to pay a
21 monthly premium calculated under sub. (4) (a) if the individual pays the amount
22 calculated under s. 46.27 (6u) (c) 2.

23 **(6) INSURED PERSONS.** (a) Notwithstanding sub. (4) (a) 3., from the
24 appropriation under s. 20.435 (4) (b), the department shall, on the part of an
25 individual who is eligible for medical assistance under sub. (3), pay premiums for or

1 purchase individual coverage offered by the individual's employer if the department
2 determines that paying the premiums for or purchasing the coverage will not be more
3 costly than providing medical assistance.

4 (b) If federal financial participation is available, from the appropriation under
5 s. 20.435 (4) (b), the department may pay medicare Part A and Part B premiums for
6 individuals who are eligible for medicare and for medical assistance under sub. (3).

7 **(7) DEPARTMENT DUTIES.** The department shall do all of the following:

8 (a) Determine eligibility, or contract with a county department, as defined in
9 49.45 (6c) (a) 3., or with a tribal governing body to determine eligibility, of individuals
10 for the medical assistance purchase plan in accordance with sub. (3).

11 (b) Ensure, to the extent practicable, continuity of care for a medical assistance
12 recipient under this section who is engaged in paid employment, or is enrolled in a
13 home-based or community-based waiver program under section 1915 (c) of the
14 Social Security Act, and who becomes ineligible for medical assistance. (pa) [✓]

15 ***-0028/7.62* SECTION 1430.** 49.475 (5) of the statutes is amended to read:

16 49.475 (5) REIMBURSEMENT OF COSTS. From the appropriations under s. 20.435
17 ~~(1)~~ (4) (bm) and ~~(p)~~ ^κ the department shall reimburse an insurer that provides
18 information under this section for the insurer's reasonable costs incurred in
19 providing the requested information, including its reasonable costs, if any, to develop
20 and operate automated systems specifically for the disclosure of information under
21 this section.

22 ***-0498/1.1* SECTION 1431.** 49.475 (6) of the statutes is created to read:

23 49.475 (6) SHARING INFORMATION. The department may provide to the
24 department of workforce development any information that the department receives

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1 under this section. The 2 departments shall agree on procedures and methods to
2 adequately safeguard the confidentiality of the information provided.

3 ***-1098/3.21* SECTION 1432.** 49.489 of the statutes is created to read:

4 **49.489 False claims or statements prohibited.** (1) In this section:

5 (a) "Claim" means a request submitted by a provider for payment for services
6 or items furnished by the provider under the medical assistance program.

7 (b) "Statement" means a representation, certification, affirmation, document,
8 record or accounting or bookkeeping entry made with respect to a claim or to obtain
9 approval or payment of a claim.

10 (2) No provider may submit a claim or cause a claim to be submitted if the
11 provider knows or should know any of the following:

12 (a) That the claim is false.

13 (b) That the claim includes or is supported by a written statement that asserts
14 a material fact that is false.

15 (c) That the claim includes or is supported by a written statement that omits
16 a material fact that the provider has a duty to include and, by reason of the omission,
17 is false.

18 (3) No provider may make or cause to be made a written statement that
19 contains or is accompanied by an express certification or affirmation of the
20 truthfulness and accuracy of the statement if the provider knows or should know any
21 of the following:

22 (a) That the statement asserts a material fact that is false.

23 (b) That the statement omits a material fact that the provider has a duty to
24 include and, by reason of the omission, is false.

25 (4) For purposes of subs. (2) and (3), all of the following apply:

1 (a) Each claim form constitutes a separate claim.

2 (b) Each representation, certification, affirmation, document, record or
3 accounting or bookkeeping entry constitutes a separate statement.

4 (c) A claim is subject to this section regardless of whether the claim is actually
5 paid.

6 (d) A claim is considered to be made when it is received by the fiscal agent.

7 (e) Except as provided in par. (f), a statement is considered to be made when
8 it is received by the fiscal agent.

9 (f) A statement that is not submitted to a fiscal agent but is retained by the
10 provider to support a claim is considered to be made when it is entered in the
11 provider's books, files or other records.

12 (5) Any person who violates sub. (2) or (3) may be required to forfeit not more
13 than \$5,000 for each offense.

14 (6) If the department assesses a forfeiture under sub. (5) for a violation of sub.
15 (2), the department may impose on the violator, in addition to the forfeiture, a false
16 claim surcharge in an amount that is not more than 200% of the amount of the claim
17 in regard to which sub. (2) was found to have been violated.

18 (7) The department may directly assess a forfeiture provided for in sub. (5).
19 If the department determines that a forfeiture should be assessed for a particular
20 violation, the department shall send a notice of assessment to the alleged violator.
21 The notice shall specify the amount of the forfeiture assessed, the violation and the
22 statute alleged to have been violated and shall inform the alleged violator of the right
23 to a hearing under sub. (8).

24 (8) An alleged violator may contest an assessment of a forfeiture by sending,
25 within 30 days after receipt of the notice under sub. (7), a written request for hearing

1 under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1).
2 The administrator of the division may designate a hearing examiner to preside over
3 the case and recommend a decision to the administrator under s. 227.46. The
4 decision of the administrator of the division shall be the final administrative
5 decision. The division shall commence the hearing within 30 days after receipt of the
6 request for hearing and shall issue a final decision within 15 days after the close of
7 the hearing. Proceedings before the division are governed by ch. 227. In any petition
8 for judicial review of a decision by the division, the party, other than the petitioner,
9 who was in the proceeding before the division shall be the named respondent.

10 (9) All forfeitures and false claim surcharges, if any, shall be paid to the
11 department within 10 days after receipt of notice of assessment or, if the forfeiture
12 is contested under sub. (8), within 10 days after receipt of the final decision after
13 exhaustion of administrative review, unless the final decision is appealed. The
14 department shall remit all forfeitures paid to the state treasurer for deposit in the
15 school fund. The department shall credit all false claims surcharges to the
16 appropriation account under s. 20.435 (1) (kx).

17 (10) The attorney general may bring an action in the name of the state to collect
18 any forfeiture or false claim surcharge imposed under this section if the forfeiture or
19 false claim surcharge has not been paid following the exhaustion of all
20 administrative and judicial reviews. The only issue to be contested in any such action
21 is whether the forfeiture or false claim surcharge has been paid.

22 ***-1295/2.5*** SECTION 1433. 49.496 (2) (title) of the statutes is amended to read:

23 49.496 (2) (title) LIENS ON THE HOMES OF NURSING HOME RESIDENTS AND INPATIENTS
24 AT HOSPITALS.

25 ***-1295/2.6*** SECTION 1434. 49.496 (2) (a) of the statutes is amended to read:

1 49.496 (2) (a) Except as provided in par. (b), the department may obtain a lien
2 on a recipient's home if the recipient resides in a nursing home, or if the recipient
3 resides in a hospital and is required to contribute to the cost of care, and the recipient
4 cannot reasonably be expected to be discharged from the nursing home or hospital
5 and return home. The lien is for the amount of medical assistance paid on behalf of
6 the recipient ~~while the recipient resides in a nursing home~~ that is recoverable under
7 sub. (3) (a).

8 ***-1295/2.7*** SECTION 1435. 49.496 (2) (b) 3. of the statutes is amended to read:
9 49.496 (2) (b) 3. The recipient's sibling who has an ownership interest in the
10 home and who has lived in the home continuously beginning at least 12 months
11 before the recipient was admitted to the nursing home or hospital.

12 ***-1295/2.8*** SECTION 1436. 49.496 (2) (c) 1. of the statutes is amended to read:
13 49.496 (2) (c) 1. Notify the recipient in writing of its determination that the
14 recipient cannot reasonably be expected to be discharged from the nursing home or
15 hospital, its intent to impose a lien on the recipient's home and the recipient's right
16 to a hearing on whether the requirements for the imposition of a lien are satisfied.

17 ***-1295/2.9*** SECTION 1437. 49.496 (2) (f) 3. of the statutes is amended to read:
18 49.496 (2) (f) 3. A child of any age who resides in the home, if that child resided
19 in the home for at least 24 months before the recipient was admitted to the nursing
20 home or hospital and provided care to the recipient that delayed the recipient's
21 admission to the nursing home or hospital.

22 ***-1295/2.10*** SECTION 1438. 49.496 (2) (f) 4. of the statutes is amended to read:
23 49.496 (2) (f) 4. A sibling who resides in the home, if the sibling resided in the
24 home for at least 12 months before the recipient was admitted to the nursing home
25 or hospital.

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1 ***-1295/2.11*** **SECTION 1439.** 49.496 (2) (h) of the statutes is amended to read:

2 49.496 (2) (h) The department shall file a release of a lien imposed under this
3 subsection if the recipient is discharged from the nursing home or hospital and
4 returns to live in the home.

5 ***-1295/2.12*** **SECTION 1440.** 49.496 (3) (a) (intro.) of the statutes is amended
6 to read:

7 49.496 (3) (a) (intro.) Except as provided in par. (b), the department shall file
8 a claim against the estate of a recipient ~~or against the estate of the surviving spouse~~
9 ~~of a recipient~~ for all of the following unless already recovered by the department
10 under this section:

11 ***-1295/2.13*** **SECTION 1441.** 49.496 (3) (a) 1. of the statutes is amended to read:

12 49.496 (3) (a) 1. The amount of medical assistance paid on behalf of the
13 recipient while the recipient resided in a nursing home or while the recipient was an
14 inpatient in a ~~medical institution~~ hospital and was required to contribute to the cost
15 of care.

16 ***-1295/2.14*** **SECTION 1442.** 49.496 (3) (a) 2. a. of the statutes is amended to
17 read:

18 49.496 (3) (a) 2. a. Home-based or community-based services under 42 USC
19 1396d (a) (7) and (8) and under any waiver granted under 42 USC 1396n (c) (4) (B)
20 or 42 USC 1396u.

21 ***-1295/2.15*** **SECTION 1443.** 49.496 (3) (a) 2. d. of the statutes is created to
22 read:

23 49.496 (3) (a) 2. d. Personal care services under s. 49.46 (2) (b) 6. j.

24 ***-1295/2.16*** **SECTION 1444.** 49.496 (3) (am) (intro.) of the statutes is amended
25 to read:

1 49.496 (3) (am) (intro.) The court shall reduce the amount of a claim under par.
2 (a) by up to ~~\$3,000~~ the amount specified in s. 861.33 (2) if necessary to allow the
3 recipient's heirs or the beneficiaries of the recipient's will to retain the following
4 personal property:

5 *~~-1295/2.17~~* **SECTION 1445.** 49.496 (3) (am) 3. of the statutes is amended to
6 read:

7 49.496 (3) (am) 3. Other tangible personal property not used in trade,
8 agriculture or other business, not to exceed \$1,000 in value the amount specified in
9 s. 861.33 (1) (a) 4.

10 *~~-1295/2.18~~* **SECTION 1446.** 49.496 (3) (b) of the statutes is amended to read:

11 49.496 (3) (b) A claim under par. (a) is not allowable if while the decedent has
12 a surviving child who is under age 21 or disabled or a surviving spouse.

13 *~~-0260/2.3~~* **SECTION 1447.** 49.496 (3) (c) of the statutes is renumbered 49.496
14 (3) (c) 1. and amended to read:

15 49.496 (3) (c) 1. If the department's claim is not allowable because of par. (b)
16 and the estate includes an interest in a home, the court exercising probate
17 jurisdiction shall, in the final judgment or summary findings and order, assign the
18 interest in the home subject to a lien in favor of the department for the amount
19 described in par. (a). The personal representative or petitioner for summary
20 settlement or summary assignment of the estate shall record the final judgment as
21 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

22 *~~-0260/2.4~~* **SECTION 1448.** 49.496 (3) (c) 2. of the statutes is created to read:

23 49.496 (3) (c) 2. If the department's claim is not allowable because of par. (b),
24 the estate includes an interest in a home and the personal representative closes the
25 estate by sworn statement under s. 865.16, the personal representative shall

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1 stipulate in the statement that the home is assigned subject to a lien in favor of the
2 department for the amount described in par. (a). The personal representative shall
3 record the statement in the same manner as described in s. 863.29, as if the
4 statement were a final judgment.

5 ***-1295/2.19* SECTION 1449.** 49.496 (3) (f) of the statutes is created to read:

6 49.496 (3) (f) The department may contract with or employ an attorney to
7 probate estates to recover under this subsection the costs of care.

8 ***-0028/7.63* SECTION 1450.** 49.496 (5) of the statutes is amended to read:

9 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 ~~(5)~~ (4) (im),
10 the department shall pay the amount of the payments under sub. (4) that is not paid
11 from federal funds, shall pay to the federal government the amount of the funds
12 recovered under this section equal to the amount of federal funds used to pay the
13 benefits recovered under this section and shall spend the remainder of the funds
14 recovered under this section for medical assistance benefits under this subchapter.

15 ***-0033/1.2* SECTION 1451.** 49.499 (intro.) of the statutes, as affected by 1997
16 Wisconsin Act 27, is renumbered 49.499 (1) (intro.).

17 ***-0033/1.3* SECTION 1452.** 49.499 (1) to (3) of the statutes are renumbered
18 49.499 (1) (a) to (c).

19 ***-0033/1.4* SECTION 1453.** 49.499 (2m) of the statutes is created to read:

20 49.499 (2m) From the appropriation under s. 20.435 (6) (g), the department
21 may distribute funds for innovative projects designed to protect the health and
22 property of a resident in a nursing facility, as defined in s. 49.498 (1) (i).

23 ***-1967/3.1* SECTION 1454.** 49.665 (1) (a) of the statutes is renumbered 49.665
24 (1) (e) and amended to read:

1 49.665 (1) (e) "~~Custodial parent~~ Parent" has the meaning given in s. 49.141 (1)
2 ~~(b)~~ (j).

3 *~~1967/3.2~~* **SECTION 1455.** 49.665 (1) (b) of the statutes is repealed and
4 recreated to read:

5 49.665 (1) (b) "Child" means a person who is under the age of 19.

6 *~~1967/3.3~~* **SECTION 1456.** 49.665 (1) (d) of the statutes is amended to read:

7 49.665 (1) (d) "Family" means a unit that consists of at least one ~~dependent~~
8 child and his or her ~~eustodial~~ parent or parents, all of whom reside in the same
9 household. "Family" includes the spouse of an individual who is a ~~eustodial~~ parent
10 if the spouse resides in the same household as the individual.

11 *~~1967/3.4~~* **SECTION 1457.** 49.665 (1) (f) of the statutes is created to read:

12 49.665 (1) (f) "State plan" means the state child health plan under 42 USC
13 1397aa (b).

14 *~~1967/3.5~~* **SECTION 1458.** 49.665 (3) of the statutes is amended to read:

15 49.665 (3) ADMINISTRATION. The department shall administer a program to
16 provide the health services and benefits described in s. 49.46 (2) to ~~families~~ persons
17 that meet the eligibility requirements specified in sub. (4). The department shall
18 promulgate rules setting forth the application procedures and appeal and grievance
19 procedures. The department may promulgate rules limiting access to the program
20 under this section to defined enrollment periods. The department may also
21 promulgate rules establishing a method by which the department may purchase
22 family coverage offered by the employer of a member of an eligible family or by a
23 member of a child's household under circumstances in which the department
24 determines that purchasing that coverage would not be more costly than providing
25 the coverage under this section.

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1 ***-1967/3.6* SECTION 1459.** 49.665 (4) (a) 1. of the statutes is amended to read:

2 49.665 (4) (a) 1. The family's income does not exceed 185% of the poverty line,
3 except as provided in par. (at) and except that a family that is already receiving
4 health care coverage under this section may have an income that does not exceed
5 200% of the poverty line. The department shall establish by rule the criteria to be
6 used to determine income.

7 ***-1967/3.7* SECTION 1460.** 49.665 (4) (am) of the statutes is created to read:

8 49.665 (4) (am) A child who does not reside with his or her parent is eligible
9 for health care coverage under this section if the child meets all of the following
10 requirements:

11 1. The child's income does not exceed 185% of the poverty line, except as
12 provided in par. (at) and except that a child that is already receiving health care
13 coverage under this section may have an income that does not exceed 200% of the
14 poverty line. The department shall use the criteria established under par. (a) 1. to
15 determine income under this subdivision.

16 2. The child does not have access to employer-subsidized health care coverage.

17 3. The child has not had access to employer-subsidized health care coverage
18 within the time period established by the department under par. (a) 3. The
19 department may establish exceptions to this subdivision.

20 4. The child meets all other requirements established by the department by
21 rule. In establishing other eligibility criteria, the department may not include any
22 health condition requirements.

23 ***-1967/3.8* SECTION 1461.** 49.665 (4) (at) of the statutes is created to read:

24 49.665 (4) (at) 1. The department shall establish by state plan amendment a
25 lower maximum income level for the initial eligibility determination if funding under

1 s. 20.435 ⁽⁴⁾~~(b)~~(bc), (jz) and ^(p)~~(p)~~ is insufficient to accommodate the projected enrollment
2 levels for the health care program under this section. The adjustment may not be (MAY)
3 greater than necessary to ensure sufficient funding.

4 2. If, after the department has established a lower maximum income level
5 under subd. 1., projections indicate that funding under s. 20.435 ⁽⁴⁾~~(b)~~(bc), (jz) and ^(p)~~(p)~~ (MAY)
6 is sufficient to raise the level, the department shall, by state plan amendment, raise
7 the maximum income level for initial eligibility, but not to exceed 185% of the poverty
8 line.

9 3. The department may not adjust the maximum income level of 200% of the
10 poverty line for persons already receiving health care coverage under this section.

11 ***-1967/3.9* SECTION 1462.** 49.665 (4) (b) of the statutes is amended to read:
12 49.665 (4) (b) Notwithstanding fulfillment of the eligibility requirements
13 under this subsection, a family no person is not entitled to health care coverage under
14 this section.

15 ***-1967/3.10* SECTION 1463.** 49.665 (4) (c) of the statutes is amended to read:
16 49.665 (4) (c) No family person may be denied health care coverage under this
17 section solely because of a health condition of that person or of any family member
18 of that person.

19 ***-1967/3.11* SECTION 1464.** 49.665 (5) (a) of the statutes is amended to read:
20 49.665 (5) (a) Except as provided in par. (b), a family that, or child who does
21 not reside with his or her parent, who receives health care coverage under this
22 section shall pay a percentage of the cost of that coverage in accordance with a
23 schedule established by the department by rule. If the schedule established by the
24 department requires a family, or child who does not reside with his or her parent, to
25 contribute more than 3% of the family's or child's income towards the cost of the

1 health care coverage provided under this section, the department shall submit the
2 schedule to the joint committee on finance for review and approval of the schedule.
3 If the cochairpersons of the joint committee on finance do not notify the department
4 within 14 working days after the date of the department's submittal of the schedule
5 that the committee has scheduled a meeting to review the schedule, the department
6 may implement the schedule. If, within 14 days after the date of the department's
7 submittal of the schedule, the cochairpersons of the committee notify the department
8 that the committee has scheduled a meeting to review the schedule, the department
9 may not require a family, or child who does not reside with his or her parent, to
10 contribute more than 3% of the family's or child's income unless the joint committee
11 on finance approves the schedule. The joint committee on finance may not approve
12 and the department may not implement a schedule that requires a family or child
13 to contribute more than 3.5% of the family's or child's income towards the cost of the
14 health care coverage provided under this section.

15 ***-1967/3.12*** SECTION 1465. 49.665 (5) (b) of the statutes is amended to read:

16 49.665 (5) (b) The department may not require a family, or child who does not
17 reside with his or her parent, with an income below ~~143%~~ 150% of the poverty line
18 to contribute to the cost of health care coverage provided under this section.

19 ***-1295/2.20*** SECTION 1466. 49.682 (2) (c) (intro.) of the statutes is amended
20 to read:

21 49.682 (2) (c) (intro.) The court shall reduce the amount of a claim under par.
22 (a) by up to ~~\$3,000~~ the amount specified in s. 861.33 (2) if necessary to allow the
23 client's heirs or the beneficiaries of the client's will to retain the following personal
24 property:

25 ***-1295/2.21*** SECTION 1467. 49.682 (2) (c) 3. of the statutes is amended to read:

1 49.682 (2) (c) 3. Other tangible personal property not used in trade, agriculture
2 or other business, not to exceed \$1,000 in value the amount specified in s. 861.33 (1)
3 (a) 4.

4 *~~0260/2.5~~* **SECTION 1468.** 49.682 (2) (e) of the statutes is renumbered 49.682
5 (2) (e) 1. and amended to read:

6 49.682 (2) (e) 1. If the department's claim is not allowable because of par. (d)
7 and the estate includes an interest in a home, the court exercising probate
8 jurisdiction shall, in the final judgment or summary findings and order, assign the
9 interest in the home subject to a lien in favor of the department for the amount
10 described in par. (a). The personal representative or petitioner for summary
11 settlement or summary assignment of the estate shall record the final judgment as
12 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

13 *~~0260/2.6~~* **SECTION 1469.** 49.682 (2) (e) 2. of the statutes is created to read:

14 49.682 (2) (e) 2. If the department's claim is not allowable because of par. (d),
15 the estate includes an interest in a home and the personal representative closes the
16 estate by sworn statement under s. 865.16, the personal representative shall
17 stipulate in the statement that the home is assigned subject to a lien in favor of the
18 department for the amount described in par. (a). The personal representative shall
19 record the statement in the same manner as described in s. 863.29, as if the
20 statement were a final judgment.

21 *~~1295/2.22~~* **SECTION 1470.** 49.682 (6) of the statutes is created to read:

22 49.682 (6) The department may contract with or employ an attorney to probate
23 estates to recover under this section the costs of care.

24 *~~0028/7.64~~* **SECTION 1471.** 49.683 (2) of the statutes is amended to read:

1 49.683 (2) Approved costs for medical care under sub. (1) shall be paid from the
2 appropriation under s. 20.435 ~~(5)~~ (4) (e).

3 *~~0028/7.65~~* SECTION 1472. 49.687 (2) of the statutes is amended to read:

4 49.687 (2) The department shall develop and implement a sliding scale of
5 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.
6 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to
7 pay for treatment. To ensure that the needs for treatment of patients with lower
8 incomes receive priority within the availability of funds under s. 20.435 ~~(5)~~ (4) (e),
9 the department shall revise the sliding scale for patient liability by January 1, 1994,
10 and shall, every 3 years thereafter by January 1, review and, if necessary, revise the
11 sliding scale.

12 *~~1003/4.1~~* SECTION 1473. 49.775 (4) of the statutes is amended to read:

13 49.775 (4) PAYMENT AMOUNT. The payment under sub. (2) is ~~\$100~~ \$150 per
14 month per dependent child.

15 *~~1098/3.22~~* SECTION 1474. 49.85 (2) (a) of the statutes is amended to read:

16 49.85 (2) (a) At least annually, the department of health and family services
17 shall certify to the department of revenue the amounts that, based on the
18 notifications received under sub. (1) and on other information received by the
19 department of health and family services, the department of health and family
20 services has determined that it may recover under s. 49.45(2)(a) 10. or 49.497, except
21 that the department of health and family services may not certify an amount under
22 this subsection unless it has met the notice requirements under sub. (3) and unless
23 its determination has either not been appealed or is no longer under appeal.

24 *~~1098/3.23~~* SECTION 1475. 49.85 (3) (a) 1. of the statutes is amended to read:

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

5 ***-0589/2.18*** SECTION 1476. 49.855 (7) of the statutes is repealed.

6 ***-2105/1.23*** SECTION 1477. 49.857 (1) (d) 3. of the statutes is amended to read:
7 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).

8 ***-0265/1.1*** SECTION 1478. 49.89 (2) of the statutes is amended to read:

9 49.89 (2) SUBROGATION. The department of health and family services, the
10 department of workforce development, a county or an elected tribal governing body
11 that provides any public assistance under this chapter or under s. 253.05 as a result
12 of the occurrence of an injury, sickness or death that creates a claim or cause of action,
13 whether in tort or contract, on the part of a public assistance recipient or beneficiary
14 or the estate of a recipient or beneficiary against a 3rd party, including an insurer,
15 is subrogated to the rights of the recipient, beneficiary or estate and may make a
16 claim or maintain an action or intervene in a claim or action by the recipient,
17 beneficiary or estate against the 3rd party. Subrogation under this subsection
18 because of the provision of medical assistance under subch. IV constitutes a lien
19 equal to the amount of the medical assistance provided as a result of the injury,
20 sickness or death that gave rise to the claim. The lien is on any lump sum payment
21 resulting from a judgment or settlement that may be due the obligor. A lien under
22 this subsection continues until it is released and discharged by the department of
23 health and family services.

24 ***-0265/1.2*** SECTION 1479. 49.89 (3m) (bm) of the statutes is created to read:

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1 49.89 **(3m)** (bm) A person against whom a claim that is subrogated under sub.
2 (2) or assigned under sub. (3) is made, or that person's attorney or insurer, shall
3 provide notice under par. (c), if that person, attorney or insurer knows, or could
4 reasonably determine, that the claimant is a recipient or former recipient of medical
5 assistance under subch. IV, or is the estate of a former recipient of medical assistance
6 under subch. IV.

7 ***-1186/4.35*** **SECTION 1480.** 49.89 (7) (c) of the statutes is amended to read:

8 49.89 **(7)** (c) The incentive payment shall be an amount equal to 15% of the
9 amount recovered because of benefits paid under s. 49.19, ~~49.20~~, s. 49.20, 1997 stats.
10 and 49.30 or 253.05. The incentive payment shall be taken from the state share of
11 the sum recovered, except that the incentive payment for an amount recovered
12 because of benefits paid under s. 49.19 shall be considered an administrative cost
13 under s. 49.19 for the purpose of claiming federal funding.

14 ***-0030/2.76*** **SECTION 1481.** 50.01 (6h) of the statutes is created to read:

15 50.01 **(6h)** "Secretary" means the secretary of health and family services.

16 ***-0030/2.77*** **SECTION 1482.** 50.02 (2) (d) of the statutes is created to read:

17 50.02 **(2)** (d) The department shall promulgate rules that prescribe the time
18 periods and the methods of providing information specified in ss. 50.033 (2r) and (2s),
19 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a).

20 ***-1098/3.24*** **SECTION 1483.** 50.03 (13) (a) of the statutes is amended to read:

21 50.03 **(13)** (a) *New license.* Whenever ownership of a facility is transferred from
22 the person or persons named in the license to any other person or persons, the
23 transferee must obtain a new license. The license may be a probationary license.
24 Penalties under sub. (1) shall apply to violations of this subsection. The transferee
25 shall notify the department of the transfer, file an application under sub. (3) (b) and

1 apply for a new license at least 30 days prior to final transfer. Retention of any
2 interest required to be disclosed under sub. (3) (b) after transfer by any person who
3 held such an interest prior to transfer may constitute grounds for denial of a license
4 where violations of this subchapter for which notice had been given to the transferor
5 are outstanding and uncorrected, if the department determines that effective control
6 over operation of the facility has not been transferred. If the transferor was a
7 provider under s. 49.43 (10), the transferee and transferor shall comply with s. 49.45
8 (21).

9 ***-0321/6.2* SECTION 1484.** 50.033 (2) of the statutes is amended to read:

10 50.033 (2) REGULATION. Standards for operation of licensed adult family homes
11 and procedures for application for licensure, monitoring, inspection, revocation and
12 appeal of revocation under this section shall be under rules promulgated by the
13 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
14 revoked under this section. Licensure is not transferable. The biennial licensure fee
15 for a licensed adult family home is ~~\$75~~ \$142.50. The fee is payable to the county
16 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department
17 licenses the adult family home under sub. (1m) (b), and is payable to the department,
18 on a schedule determined by the department if the department licenses the adult
19 family home under sub. (1m) (b).

20 ***-0030/2.78* SECTION 1485.** 50.033 (2r) of the statutes is created to read:

21 50.033 (2r) PROVISION OF INFORMATION REQUIRED. Subject to sub. (2t), an adult
22 family home shall, within the time period after inquiry by a prospective resident that
23 is prescribed by the department by rule, inform the prospective resident of the
24 services of a resource center under s. 46.283, the family care benefit under s. 46.286

1 and the availability of a functional and financial screen to determine the prospective
2 resident's eligibility for the family care benefit under s. 46.286 (1).

3 ***-0030/2.79* SECTION 1486.** 50.033 (2s) of the statutes is created to read:

4 50.033 (2s) REQUIRED REFERRAL. Subject to sub. (2t), an adult family home shall,
5 within the time period prescribed by the department by rule, refer to a resource
6 center under s. 46.283 a person who is seeking admission, who is at least 65 years
7 of age or has a physical disability and whose disability or condition is expected to last
8 at least 90 days, unless any of the following applies:

9 (a) The person has received a screen for functional eligibility under s. 46.286
10 (1) (a) within the previous 6 months.

11 (b) The person is entering the adult family home only for respite care.

12 (c) The person is an enrollee of a care management organization.

13 ***-0030/2.80* SECTION 1487.** 50.033 (2t) of the statutes is created to read:

14 50.033 (2t) APPLICABILITY. Subsections (2r) and (2s) apply only if the secretary
15 has certified under s. 46.281 (3) that a resource center is available for the adult family
16 home and for specified groups of eligible individuals that include those persons
17 seeking admission to or the residents of the adult family home.

18 ***-0030/2.81* SECTION 1488.** 50.034 (5m) of the statutes is created to read:

19 50.034 (5m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), a
20 residential care apartment complex shall, within the time period after inquiry by a
21 prospective resident that is prescribed by the department by rule, inform the
22 prospective resident of the services of a resource center under s. 46.283, the family
23 care benefit under s. 46.286 and the availability of a functional and financial screen
24 to determine the prospective resident's eligibility for the family care benefit under
25 s. 46.286 (1).

1 *~~0030/2.82~~* **SECTION 1489.** 50.034 (5n) of the statutes is created to read:

2 50.034 (5n) **REQUIRED REFERRAL.** Subject to sub. (5p), a residential care
3 apartment complex shall, within the time period prescribed by the department by
4 rule, refer to a resource center under s. 46.283 a person who is seeking admission,
5 who is at least 65 years of age or has a physical disability and whose disability or
6 condition is expected to last at least 90 days, unless any of the following applies:

7 (a) The person has received a screen for functional eligibility under s. 46.286
8 (1) (a) within the previous 6 months.

9 (b) The person is entering the residential care apartment complex only for
10 respite care.

11 (c) The person is an enrollee of a care management organization.

12 *~~0030/2.83~~* **SECTION 1490.** 50.034 (5p) of the statutes is created to read:

13 50.034 (5p) **APPLICABILITY.** Subsections (5m) and (5n) apply only if the secretary
14 has certified under s. 46.281 (3) that a resource center is available for the residential
15 care apartment complex and for specified groups of eligible individuals that include
16 those person seeking admission to or the residents of the residential care apartment
17 complex.

18 *~~0030/2.84~~* **SECTION 1491.** 50.034 (8) of the statutes is created to read:

19 50.034 (8) **FORFEITURES.** (a) Whoever violates sub. (5m) or (5n) or rules
20 promulgated under sub. (5m) or (5n) may be required to forfeit not more than \$500
21 for each violation.

22 (b) The department may directly assess forfeitures provided for under par. (a).
23 If the department determines that a forfeiture should be assessed for a particular
24 violation, it shall send a notice of assessment to the residential care apartment
25 complex. The notice shall specify the amount of the forfeiture assessed, the violation

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1 and the statute or rule alleged to have been violated, and shall inform the residential
2 care apartment complex of the right to a hearing under par. (c).

3 (c) A residential care apartment complex may contest an assessment of a
4 forfeiture by sending, within 10 days after receipt of notice under par. (b), a written
5 request for a hearing under s. 227.44 to the division of hearings and appeals created
6 under s. 15.103 (1). The administrator of the division may designate a hearing
7 examiner to preside over the case and recommend a decision to the administrator
8 under s. 227.46. The decision of the administrator of the division shall be the final
9 administrative decision. The division shall commence the hearing within 30 days
10 after receipt of the request for a hearing and shall issue a final decision within 15
11 days after the close of the hearing. Proceedings before the division are governed by
12 ch. 227. In any petition for judicial review of a decision by the division, the party,
13 other than the petitioner, who was in the proceeding before the division shall be the
14 named respondent.

15 (d) All forfeitures shall be paid to the department within 10 days after receipt
16 of notice of assessment or, if the forfeiture is contested under par. (c), within 10 days
17 after receipt of the final decision after exhaustion of administrative review, unless
18 the final decision is appealed and the order is stayed by court order. The department
19 shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

20 (e) The attorney general may bring an action in the name of the state to collect
21 any forfeiture imposed under this section if the forfeiture has not been paid following
22 the exhaustion of all administrative and judicial reviews. The only issue to be
23 contested in any such action shall be whether the forfeiture has been paid.

24 ***-0030/2.85* SECTION 1492.** 50.035 (4m) of the statutes is created to read:

1 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), a
2 community-based residential facility shall, within the time period after inquiry by
3 a prospective resident that is prescribed by the department by rule, inform the
4 prospective resident of the services of a resource center under s. 46.283, the family
5 care benefit under s. 46.286 and the availability of a functional and financial screen
6 to determine the prospective resident's eligibility for the family care benefit under
7 s. 46.286 (1).

8 *~~0030/2.86~~* **SECTION 1493.** 50.035 (4n) of the statutes is created to read:

9 50.035 (4n) REQUIRED REFERRAL. Subject to sub. (4p), a community-based
10 residential facility shall, within the time period prescribed by the department by
11 rule, refer to a resource center under s. 46.283 a person who is seeking admission,
12 who is at least 65 years of age or has a physical disability and whose disability or
13 condition is expected to last at least 90 days, unless any of the following applies:

14 (a) The person has received a screen for functional eligibility under s. 46.286
15 (1) (a) within the previous 6 months.

16 (b) The person is entering the community-based residential facility only for
17 respite care.

18 (c) The person is an enrollee of a care management organization.

19 *~~0030/2.87~~* **SECTION 1494.** 50.035 (4p) of the statutes is created to read:

20 50.035 (4p) APPLICABILITY. Subsections (4m) and (4n) apply only if the secretary
21 has certified under s. 46.281 (3) that a resource center is available for the
22 community-based residential facility and for specified groups of eligible individuals
23 that include those persons seeking admission to or the residents of the
24 community-based residential facility.

25 *~~0327/1.4~~* **SECTION 1495.** 50.035 (7) (c) of the statutes is amended to read:

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1 50.035 (7) (c) If the date estimated under par. (a) 2. is less than 24 months after
2 the date of the individual's statement of financial condition, the community-based
3 residential facility shall provide the statement to the county department under s.
4 46.215 or 46.22 and shall refer the potential resident to the county department to
5 determine whether an assessment under s. 46.27 (6) should be conducted.

6 *~~0030/2.88~~* **SECTION 1496.** 50.035 (8) of the statutes is repealed.

7 *~~0030/2.89~~* **SECTION 1497.** 50.035 (11) of the statutes is created to read:

8 50.035 (11) FORFEITURES. (a) Whoever violates sub. (4m) or (4n) or rules
9 promulgated under sub. (4m) or (4n) may be required to forfeit not more than \$500
10 for each violation.

11 (b) The department may directly assess forfeitures provided for under par. (a).
12 If the department determines that a forfeiture should be assessed for a particular
13 violation, it shall send a notice of assessment to the community-based residential
14 facility. The notice shall specify the amount of the forfeiture assessed, the violation
15 and the statute or rule alleged to have been violated, and shall inform the licensee
16 of the right to a hearing under par. (c).

17 (c) A community-based residential facility may contest an assessment of a
18 forfeiture by sending, within 10 days after receipt of notice under par. (b), a written
19 request for a hearing under s. 227.44 to the division of hearings and appeals created
20 under s. 15.103 (1). The administrator of the division may designate a hearing
21 examiner to preside over the case and recommend a decision to the administrator
22 under s. 227.46. The decision of the administrator of the division shall be the final
23 administrative decision. The division shall commence the hearing within 30 days
24 after receipt of the request for a hearing and shall issue a final decision within 15
25 days after the close of the hearing. Proceedings before the division are governed by

1 ch. 227. In any petition for judicial review of a decision by the division, the party,
2 other than the petitioner, who was in the proceeding before the division shall be the
3 named respondent.

4 (d) All forfeitures shall be paid to the department within 10 days after receipt
5 of notice of assessment or, if the forfeiture is contested under par. (c), within 10 days
6 after receipt of the final decision after exhaustion of administrative review, unless
7 the final decision is appealed and the order is stayed by court order. The department
8 shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

9 (e) The attorney general may bring an action in the name of the state to collect
10 any forfeiture imposed under this section if the forfeiture has not been paid following
11 the exhaustion of all administrative and judicial reviews. The only issue to be
12 contested in any such action shall be whether the forfeiture has been paid.

13 *~~0321/6.3~~* **SECTION 1498.** 50.037 (2) (a) of the statutes is amended to read:
14 50.037 (2) (a) The biennial fee for a community-based residential facility is
15 \$170 ~~\$323~~, plus a biennial fee of \$22 ~~\$41.80~~ per resident, based on the number of
16 residents that the facility is licensed to serve.

17 *~~0030/2.90~~* **SECTION 1499.** 50.04 (2g) of the statutes is created to read:

18 50.04 (2g) PROVISION OF INFORMATION REQUIRED. (a) Subject to sub. (2i), a
19 nursing home shall, within the time period after inquiry by a prospective resident
20 that is prescribed by the department by rule, inform the prospective resident of the
21 services of a resource center under s. 46.283, the family care benefit under s. 46.286
22 and the availability of a functional and financial screen to determine the prospective
23 resident's eligibility for the family care benefit under s. 46.286 (1).

24 (b) Failure to comply with this subsection is a class "C" violation under sub. (4)

25 (b) 3.

1 *~~0030/2.91~~* SECTION 1500. 50.04 (2h) of the statutes is created to read:

2 50.04 (2h) REQUIRED REFERRAL. (a) Subject to sub. (2i), a nursing home shall,
3 within the time period prescribed by the department by rule, refer to a resource
4 center under s. 46.283 a person who is seeking admission, who is at least 65 years
5 of age or has developmental disability or physical disability and whose disability or
6 condition is expected to last at least 90 days, unless any of the following applies:

7 1. The person has received a screen for functional eligibility under s. 46.286 (1)
8 (a) within the previous 6 months.

9 2. The person is seeking admission to the nursing home only for respite care.

10 3. The person is an enrollee of a care management organization.

11 (b) Failure to comply with this subsection is a class "C" violation under sub. (4)
12 (b) 3.

13 *~~0030/2.92~~* SECTION 1501. 50.04 (2i) of the statutes is created to read:

14 50.04 (2i) APPLICABILITY. Subsections (2g) and (2h) apply only if the secretary
15 has certified under s. 46.281 (3) that a resource center is available for the nursing
16 home and for specified groups of eligible individuals that include those persons
17 seeking admission to or the residents of the nursing home.

18 *~~0030/2.93~~* SECTION 1502. 50.04 (2m) of the statutes is renumbered 50.04
19 (2m) (a) and amended to read:

20 50.04 (2m) (a) ~~No~~ Except as provided in par. (b), no nursing home may admit
21 any patient until a physician has completed a plan of care for the patient and the
22 patient is assessed or the patient is exempt from or waives assessment under s. 46.27
23 (6) (a) ~~or 46.271 (2m) (a) 2~~. Failure to comply with this subsection is a class "C"
24 violation under sub. (4) (b) 3.

25 *~~0030/2.94~~* SECTION 1503. 50.04 (2m) (b) of the statutes is created to read:

1 50.04 (2m) (b) Paragraph (a) does not apply to those residents for whom the
2 secretary has certified under s. 46.281 (3) that a resource center is available.

3 *~~0030/2.95~~* **SECTION 1504.** 50.06 (7) of the statutes is amended to read:

4 50.06 (7) (a) An individual who consents to an admission under this section
5 may request that an assessment be conducted for the incapacitated individual under
6 the long-term support community options program under s. 46.27 (6) or, if the
7 secretary has certified under s. 46.281 (3) that a resource center is available for the
8 individual, a functional and financial screen to determine eligibility for the family
9 care benefit under s. 46.286 (1).

10 *~~1059/3.9~~* **SECTION 1505.** 50.065 (2) (a) (intro.) of the statutes is amended to
11 read:

12 50.065 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
13 sub. (5), if the department knows or should know any of the following, the
14 department may not license, certify, issue a certificate of approval to or register a
15 person to operate an entity or continue the license, certification, certificate of
16 approval or registration of a person to operate an entity ~~if the department knows or~~
17 ~~should have known any of the following:~~

18 *~~1059/3.10~~* **SECTION 1506.** 50.065 (2) (ag) (intro.) of the statutes is amended
19 to read:

20 50.065 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
21 sub. (5), if an entity knows or should know any of the following, the entity may not
22 hire or contract with a person who will be under the entity's control, as defined by
23 the department by rule, and who is expected to ~~have access to its clients, or provide~~
24 to clients of the entity direct care that is more intensive than negligible care in
25 quantity or quality or in amount of time required to provide the care; or the entity

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1 may not permit to reside at the entity a person who is not a client and who is expected
2 to have access to a client, ~~if the entity knows or should have known any of the~~
3 ~~following:~~

4 ***-1059/3.11* SECTION 1507.** 50.065 (2) (ag) (intro.) of the statutes, as affected
5 by 1997 Wisconsin Act 27, section 2059f, and 1999 Wisconsin Act (this act), is
6 repealed and recreated to read:

7 50.065 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
8 sub. (5), if an entity knows or should have known any of the following, the entity may
9 not employ or contract with a person who will be under the entity's control, as defined
10 by the department by rule, and who provides to clients of the entity, or is expected
11 to provide to them, direct care that is more intensive than negligible care in quantity
12 or quality or in the amount of time required to provide the care; or the entity may not
13 permit to reside at the entity a person who is not a client and who has, or is expected
14 to have, access to a client:

15 ***-1059/3.12* SECTION 1508.** 50.065 (2) (b) 1. (intro.) of the statutes is amended
16 to read:

17 50.065 (2) (b) 1. (intro.) Subject to subds. 1. e. and 2. and par. (bd), every entity
18 shall obtain all of the following with respect to a person specified under par. (ag)
19 (intro.) who is an employe or contractor or a prospective employe or contractor of the
20 entity:

21 ***-1059/3.13* SECTION 1509.** 50.065 (2) (b) 2. of the statutes is repealed.

22 ***-1059/3.14* SECTION 1510.** 50.065 (6) (am) 1. of the statutes is amended to
23 read:

24 50.065 (6) (am) 1. A person who is an employe, prospective employe, contractor
25 or prospective contractor of the entity, who will be under the entity's control and who

1 ~~has, or is expected to have, access to its clients, other than a person specified in sub.~~
2 ~~(2) (b) 2 provides to clients of the entity, or is expected to provide to them, direct care~~
3 ~~that is more intensive than negligible care in quantity or quality or in the amount~~
4 ~~of time required to provide the care.~~

5 *~~0333/2.3~~* **SECTION 1511.** 50.065 (8) of the statutes is amended to read:

6 50.065 (8) The department may charge a fee for obtaining the information
7 required under sub. (2) (am) or (3) (a). ~~The fee or for providing information to an~~
8 ~~entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b).~~ The department
9 ~~may also charge a fee to a person who requests to demonstrate to the department~~
10 ~~under sub. (5) that he or she has been rehabilitated. Fees charged under this~~
11 ~~subsection~~ may not exceed the reasonable cost of obtaining the information. No fee
12 may be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or
13 maintaining the information if to do so would be inconsistent with federal law.

14 *~~0183/2.10~~* **SECTION 1512.** 50.135 (1) of the statutes is amended to read:

15 50.135 (1) DEFINITION. In this section, "inpatient health care facility" means
16 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~
17 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,
18 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, ~~and 51.09, 58.06, 252.073 and 252.076,~~ but
19 does not include community-based residential facilities.

20 *~~0028/7.66~~* **SECTION 1513.** 50.135 (2) (c) of the statutes is amended to read:

21 50.135 (2) (c) The fees collected under par. (a) shall be credited to the
22 appropriations under s. 20.435 ~~(1)~~ (4) (gm) and (6) (jm) as specified in those
23 appropriations for licensing, review and certifying activities.

24 *~~0030/2.96~~* **SECTION 1514.** 50.36 (2) (c) of the statutes is created to read:

1 50.36 (2) (c) The department shall promulgate rules that require that a
2 hospital, before discharging a patient who is aged 65 or older or who has
3 developmental disability or physical disability and whose disability or condition
4 requires long-term care that is expected to last at least 90 days, refer the patient to
5 the resource center under s. 46.283. The rules shall specify that this requirement
6 applies only if the secretary has certified under s. 46.281 (3) that a resource center
7 is available for the hospital and for specified groups of eligible individuals that
8 include persons seeking admission to or patients of the hospital.

9 *~~0030/2.97~~* SECTION 1515. 50.38 of the statutes is created to read:

10 **50.38 Forfeitures.** (1) Whoever violates rules promulgated under s. 50.36 (2)
11 (c) may be required to forfeit not more than \$500 for each violation.

12 (2) The department may directly assess forfeitures provided for under sub. (1).
13 If the department determines that a forfeiture should be assessed for a particular
14 violation, the department shall send a notice of assessment to the hospital. The
15 notice shall specify the amount of the forfeiture assessed, the violation and the
16 statute or rule alleged to have been violated, and shall inform the hospital of the right
17 to a hearing under sub. (3).

18 (3) A hospital may contest an assessment of a forfeiture by sending, within 10
19 days after receipt of notice under sub. (2), a written request for a hearing under s.
20 227.44 to the division of hearings and appeals created under s. 15.103 (1). The
21 administrator of the division may designate a hearing examiner to preside over the
22 case and recommend a decision to the administrator under s. 227.46. The decision
23 of the administrator of the division shall be the final administrative decision. The
24 division shall commence the hearing within 30 days after receipt of the request for
25 a hearing and shall issue a final decision within 15 days after the close of the hearing.

1 Proceedings before the division are governed by ch. 227. In any petition for judicial
2 review of a decision by the division, the party, other than the petitioner, who was in
3 the proceeding before the division shall be the named respondent.

4 (4) All forfeitures shall be paid to the department within 10 days after receipt
5 of notice of assessment or, if the forfeiture is contested under sub. (3), within 10 days
6 after receipt of the final decision after exhaustion of administrative review, unless
7 the final decision is appealed and the order is stayed by court order. The department
8 shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

9 (5) The attorney general may bring an action in the name of the state to collect
10 any forfeiture imposed under this section if the forfeiture has not been paid following
11 the exhaustion of all administrative and judicial reviews. The only issue to be
12 contested in any such action shall be whether the forfeiture has been paid.

13 ***-0183/2.11* SECTION 1516.** 50.39 (2) of the statutes is amended to read:

14 50.39 (2) The use of the title “hospital” to represent or identify any facility
15 which does not meet the definition of a “hospital” as provided herein or is not subject
16 to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed
17 by ss. s. 51.09 and ~~252.073~~ are exempt.

18 ***-0183/2.12* SECTION 1517.** 50.39 (3) of the statutes is amended to read:

19 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
20 ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.
21 938.02 (15m), correctional institutions governed by the department of corrections
22 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
23 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
24 not abridge the rights of the medical examining board, physical therapists affiliated
25 credentialing board, podiatrists affiliated credentialing board, dentistry examining

1 board, pharmacy examining board, chiropractic examining board and board of
2 nursing in carrying out their statutory duties and responsibilities.

3 ***-0026/1.1* SECTION 1518.** 50.49 (2) (b) of the statutes is amended to read:

4 50.49 (2) (b) The department shall, by rule, set a license fee to be paid by home
5 health agencies. ~~The fee shall be based on the annual net income, as determined by~~
6 ~~the department, of a home health agency.~~

7 ***-0030/2.98* SECTION 1519.** 50.49 (4) of the statutes is amended to read:

8 50.49 (4) LICENSING, INSPECTION AND REGULATION. ~~The~~ Except as provided in sub.
9 (6m), the department may register, license, inspect and regulate home health
10 agencies as provided in this section. The department shall ensure, in its inspections
11 of home health agencies, that a sampling of records from private pay patients are
12 reviewed. The department shall select the patients who shall receive home visits as
13 a part of the inspection. Results of the inspections shall be made available to the
14 public at each of the regional offices of the department.

15 ***-0030/2.99* SECTION 1520.** 50.49 (6m) of the statutes is created to read:

16 50.49 (6m) EXCEPTIONS. None of the following is required to be licensed as a
17 home health agency under sub. (4), regardless of whether any of the following
18 provides services that are similar to services provided by a home health agency:

19 (a) A care management organization, as defined in s. 46.2805 (1).

20 (b) A program specified in s. 46.2805 (1) (a).

21 (c) A demonstration program specified in s. 46.2805 (1) (b).

22 ***-2105/1.24* SECTION 1521.** 51.01 (14k) of the statutes is created to read:

23 51.01 (14k) “Secured child caring institution” has the meaning given in s.
24 938.02 (15g).

25 ***-2105/1.25* SECTION 1522.** 51.01 (14m) of the statutes is created to read:

1 51.01 (14m) “Secured correctional facility” has the meaning given in s. 938.02
2 (15m).

3 *–2105/1.26* **SECTION 1523.** 51.01 (14p) of the statutes is created to read:

4 51.01 (14p) “Secured group home” has the meaning given in s. 938.02 (15p).

5 *–0326/3.1* **SECTION 1524.** 51.03 (1) of the statutes is renumbered 51.03 (1r).

6 *–0326/3.2* **SECTION 1525.** 51.03 (1g) of the statutes is created to read:

7 51.03 (1g) In this section:

8 (a) “Early intervention” means action to hinder or alter a person’s mental
9 disorder or abuse of alcohol or other drugs in order to reduce the duration of early
10 symptoms or to reduce the duration or severity of mental illness or alcohol or other
11 drug abuse that may result.

12 (b) “Individualized service planning” means a process under which a person
13 with mental illness or who abuses alcohol or other drugs and, if a child, his or her
14 family, receives information, education and skills to enable the person to participate
15 mutually and creatively with his or her mental health or alcohol or other drug abuse
16 service provider in identifying his or her personal goals and developing his or her
17 assessment, crisis protocol, treatment and treatment plan. “Individualized service
18 planning” is tailored to the person and is based on his or her strengths, abilities and
19 needs.

20 (c) “Prevention” means action to reduce the instance, delay the onset or lessen
21 the severity of mental disorder, before the disorders may progress to mental illness,
22 by reducing risk factors for, enhancing protections against and promptly treating
23 early warning signs of mental disorder.

24 (d) “Recovery” means the process of a person’s growth and improvement,
25 despite a history of mental illness or alcohol or other drug abuse, in attitudes,

1 feelings, values, goals, skills and behavior and is measured by a decrease in
2 dysfunctional symptoms and an increase in maintaining the person's highest level
3 of health, wellness, stability, self-determination and self-sufficiency.

4 (e) "Stigma" means disqualification from social acceptance, derogation,
5 marginalization and ostracism encountered by persons with mental illness or
6 persons who abuse alcohol or other drugs as the result of societal negative attitudes,
7 feelings, perceptions, representations and acts of discrimination.

8 *~~0326/3.3~~* SECTION 1526. 51.03 (4) of the statutes is created to read:

9 51.03 (4) Within the limits of available state and federal funds, the department
10 may do all of the following:

11 (a) Promote the creation of coalitions among the state, counties, providers of
12 mental health and alcohol and other drug abuse services, consumers of the services
13 and their families and advocates for persons with mental illness and for alcoholic and
14 drug dependent persons to develop, coordinate and provide a full range of resources
15 to advance prevention; early intervention; treatment; recovery; safe and affordable
16 housing; opportunities for education, employment and recreation; family and peer
17 support; self-help; and the safety and well-being of communities.

18 (b) In cooperation with counties, providers of mental health and alcohol and
19 other drug abuse services, consumers of the services, interested community
20 members and advocates for persons with mental illness and for alcoholic and drug
21 dependent persons, develop and implement a comprehensive strategy to reduce
22 stigma of and discrimination against persons with mental illness, alcoholics and
23 drug dependent persons.

24 (c) Develop and implement a comprehensive strategy to involve counties,
25 providers of mental health and alcohol and other drug abuse services, consumers of

1 the services and their families, interested community members and advocates for
2 persons with mental illness and for alcoholic and drug dependent persons as equal
3 participants in service system planning and delivery.

4 (d) Promote responsible stewardship of human and fiscal resources in the
5 provision of mental health and alcohol and other drug abuse services.

6 (e) Develop and implement methods to identify and measure outcomes for
7 consumers of mental health and alcohol and other drug abuse services.

8 (f) Promote access to appropriate mental health and alcohol and other drug
9 abuse services regardless of a person's geographic location, age, degree of mental
10 illness, alcoholism or drug dependency or availability of personal financial resources.

11 (g) Promote consumer decision making to enable persons with mental illness
12 and alcohol or drug dependency to be more self-sufficient.

13 (h) Promote use by providers of mental health and alcohol and other drug abuse
14 services of individualized service planning, under which the providers develop
15 written individualized service plans that promote treatment and recovery, together
16 with service consumers, families of service consumers who are children and
17 advocates chosen by consumers.

18 ***-0326/3.4* SECTION 1527.** 51.03 (5) of the statutes is created to read:

19 51.03 (5) The department shall ensure that providers of mental health and
20 alcohol and other drug abuse services who use individualized service plans, as
21 specified in sub. (4) (h), do all of the following in using a plan:

22 (a) Establish meaningful and measurable goals for the consumer.

23 (b) Base the plan on a comprehensive assessment of the consumer's strengths,
24 abilities, needs and preferences.

25 (c) Keep the plan current.

1 (d) Modify the plan as necessary.

2 ***-2105/1.27* SECTION 1528.** 51.05 (2) of the statutes is amended to read:

3 51.05 (2) The department may not accept for admission to a mental health
4 institute any resident person, except in an emergency, unless the county department
5 under s. 51.42 in the county where the person has legal residency authorizes the care,
6 as provided in s. 51.42 (3) (as). Patients who are committed to the department under
7 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,
8 admitted by the department under s. 975.17, 1977 stats., or are transferred from a
9 juvenile secured correctional facility or, a secured child caring institution, ~~as defined~~
10 ~~in s. 938.02 (15g), or a secured group home~~ to a state treatment facility under s. 51.35
11 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not
12 subject to this section.

13 ***-0025/1.1* SECTION 1529.** 51.06 (1) (d) of the statutes is amended to read:

14 51.06 (1) (d) ~~At the southern center for developmentally disabled, services~~
15 Services for up to ~~40~~ 36 individuals with developmental disability who are also
16 diagnosed as mentally ill or who exhibit extremely aggressive and challenging
17 behaviors ~~and at the northern center for developmentally disabled, services for up~~
18 ~~to 12 such individuals.~~

19 ***-0023/4.3* SECTION 1530.** 51.07 (3) of the statutes is amended to read:

20 51.07 (3) The department may provide outpatient services only to patients
21 contracted for with county departments under ss. 51.42 and 51.437 in accordance
22 with s. 46.03 (18), except for those patients whom the department finds to be
23 nonresidents of this state and ~~those patients specified in sub. (4)(a)~~ persons receiving
24 services under contracts under s. 46.043. The full and actual cost less applicable
25 collections of services contracted for with county departments under s. 51.42 or

1 51.437 shall be charged to the respective county department under s. 51.42 or 51.437.
2 The state shall provide the services required for patient care only if no outpatient
3 services are funded by the department in the county or group of counties served by
4 the respective county department under s. 51.42 or 51.437.

5 *~~0023/4.4~~* **SECTION 1531.** 51.07 (4) of the statutes is repealed.

6 *~~0689/2.1~~* **SECTION 1532.** 51.15 (1) (a) 5. c. of the statutes is repealed.

7 *~~0689/2.2~~* **SECTION 1533.** 51.15 (1) (c) 4. of the statutes is repealed.

8 *~~0689/2.3~~* **SECTION 1534.** 51.20 (1) (a) 2. e. of the statutes is amended to read:

9 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to
10 be drug dependent or developmentally disabled, after the advantages and
11 disadvantages of and alternatives to accepting a particular medication or treatment
12 have been explained to him or her and because of mental illness, evidences either
13 incapability of expressing an understanding of the advantages and disadvantages of
14 accepting medication or treatment and the alternatives, or substantial incapability
15 of applying an understanding of the advantages, disadvantages and alternatives to
16 his or her mental illness in order to make an informed choice as to whether to accept
17 or refuse medication or treatment; and evidences a substantial probability, as
18 demonstrated by both the individual's treatment history and his or her recent acts
19 or omissions, that the individual needs care or treatment to prevent further
20 disability or deterioration and a substantial probability that he or she will, if left
21 untreated, lack services necessary for his or her health or safety and suffer severe
22 mental, emotional or physical harm that will result in the loss of the individual's
23 ability to function independently in the community or the loss of cognitive or
24 volitional control over his or her thoughts or actions. The probability of suffering
25 severe mental, emotional or physical harm is not substantial under this subd. 2. e.

1 if reasonable provision for the individual's care or treatment is available in the
2 community and there is a reasonable probability that the individual will avail
3 himself or herself of these services or if the individual is appropriate for protective
4 placement under s. 55.06. Food, shelter or other care that is provided to an individual
5 who is substantially incapable of obtaining food, shelter or other care for himself or
6 herself by any person other than a treatment facility does not constitute reasonable
7 provision for the individual's care or treatment in the community under this subd.
8 2. e. The individual's status as a minor does not automatically establish a substantial
9 probability of suffering severe mental, emotional or physical harm under this subd.
10 2.e. ~~This subd. 2. e. does not apply after November 30, 2001.~~

11 *~~0689/2.4~~* SECTION 1535. 51.20 (1) (ad) 3. of the statutes is repealed.

12 *~~0689/2.5~~* SECTION 1536. 51.20 (10) (cm) 1. of the statutes is renumbered
13 51.20 (10) (cm) and amended to read:

14 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a
15 petition is filed under sub. (1)(a) 2. e., the county department under s. 51.42 or 51.437
16 shall furnish to the court and the subject individual an initial recommended written
17 treatment plan that contains the goals of treatment, the type of treatment to be
18 provided and the expected providers. The treatment plan shall address the
19 individual's needs for inpatient care, residential services, community support
20 services, medication and its monitoring, case management, and other services to
21 enable the person to live in the community upon release from an inpatient facility.
22 The treatment plan shall contain information concerning the availability of the
23 needed services and community treatment providers' acceptance of the individual
24 into their programs. The treatment plan is only a recommendation and is not subject
25 to approval or disapproval by the court. Failure to furnish a treatment plan under

1 this ~~subdivision~~ paragraph does not constitute grounds for dismissal of the petition
2 unless the failure is made in bad faith.

3 ***-0689/2.6* SECTION 1537.** 51.20 (10) (cm) 2. of the statutes is repealed.

4 ***-0112/2.1* SECTION 1538.** 51.20 (13) (g) 1. of the statutes is amended to read:

5 51.20 (13) (g) 1. Except as provided in ~~subd. subds. 2., 2f. and 2g.,~~ the first order
6 of commitment of a subject individual under this section may be for a period not to
7 exceed 6 months, and all subsequent consecutive orders of commitment of the
8 individual may be for a period not to exceed one year.

9 ***-0689/2.7* SECTION 1539.** 51.20 (13) (g) 2d. c. of the statutes is repealed.

10 ***-0112/2.2* SECTION 1540.** 51.20 (13) (g) 2f. of the statutes is created to read:

11 51.20 (13) (g) 2f. Any order of commitment of a subject individual under par.
12 (a) 4., following proof of the allegations under sub. (1) (ar), may be for a period not
13 to exceed one year.

14 ***-0112/2.3* SECTION 1541.** 51.20 (13) (g) 2g. of the statutes is amended to read:

15 51.20 (13) (g) 2g. The total period a person may be committed pursuant to
16 commitments ordered under par. (a) ~~4. or~~ 4m., following proof of the allegations
17 under sub. (1) ~~(ar) or~~ (av), may not exceed 180 days in any 365-day period.

18 ***-0112/2.4* SECTION 1542.** 51.20 (13) (g) 2m. of the statutes is amended to
19 read:

20 51.20 (13) (g) 2m. In addition to the provisions under subds. 1., 2., ~~2f.~~ and 2g.,
21 no commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's
22 date of release on parole or extended supervision, as determined under s. 302.11 or
23 302.113, whichever is applicable.

24 ***-0112/2.5* SECTION 1543.** 51.20 (13) (g) 2r. of the statutes is amended to read:

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1 51.20 (13) (g) 2r. Twenty-one days prior to expiration of the period of
2 commitment under subd. 1., 2., 2f., 2g. or 2m., the department, if the individual is
3 committed to the department, or the county department to which an individual is
4 committed shall file an evaluation of the individual and the recommendation of the
5 department or county department regarding the individual's recommitment with the
6 committing court and provide a copy of the evaluation and recommendation to the
7 individual's counsel and the counsel designated under sub. (4). If the date for filing
8 an evaluation and recommendation under this subdivision falls on a Saturday,
9 Sunday or legal holiday, the date which is not a Saturday, Sunday or legal holiday
10 and which most closely precedes the evaluation and recommendation filing date
11 shall be the filing date. A failure of the department or the county department to
12 which an individual is committed to file an evaluation and recommendation under
13 this subdivision does not affect the jurisdiction of the court over a petition for
14 recommitment.

15 *~~-2105/1.28~~* **SECTION 1544.** 51.35 (3) (title) of the statutes is amended to read:

16 51.35 (3) (title) ~~TRANSFER OF CERTAIN JUVENILES FROM JUVENILE CORRECTIONAL~~
17 ~~SECURED JUVENILE FACILITIES AND SECURED CHILD-CARING INSTITUTIONS.~~

18 *~~-2105/1.29~~* **SECTION 1545.** 51.35 (3) (a) of the statutes is amended to read:

19 51.35 (3) (a) A licensed psychologist of a juvenile secured correctional facility
20 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
21 physician of the department of corrections, who has reason to believe that any
22 individual confined in the ~~facility or institution~~ secured correctional facility, secured
23 child caring institution or secured group home is, in his or her opinion, in need of
24 services for developmental disability, alcoholism or drug dependency or in need of
25 psychiatric services, and who has obtained voluntary consent to make a transfer for

1 treatment, shall make a report, in writing, to the superintendent of the ~~facility or~~
2 ~~institution~~ secured correctional facility, secured child caring institution or secured
3 group home, stating the nature and basis of the belief and verifying the consent. In
4 the case of a minor age 14 and over, the minor and the minor's parent or guardian
5 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of
6 a minor under the age of 14, only the minor's parent or guardian need consent. The
7 superintendent shall inform, orally and in writing, the minor and the minor's parent
8 or guardian, that transfer is being considered and shall inform them of the basis for
9 the request and their rights as provided in s. 51.13 (3). If the department of
10 corrections, upon review of a request for transfer, determines that transfer is
11 appropriate, that department shall immediately notify the department of health and
12 family services and, if the department of health and family services consents, the
13 department of corrections may immediately transfer the individual. The
14 department of ~~corrections~~ health and family services shall file a petition under s.
15 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the
16 county where the treatment facility is located.

17 *~~2105/1.30~~* SECTION 1546. 51.35 (3) (c) of the statutes is amended to read:

18 51.35 (3) (c) A licensed psychologist of a juvenile secured correctional facility
19 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
20 physician of the department of corrections, who has reason to believe that any
21 individual confined in the ~~facility or institution~~ secured correctional facility, secured
22 child caring institution or secured group home, in his or her opinion, is mentally ill,
23 drug dependent or developmentally disabled and is dangerous as described in s.
24 51.20 (1) (a) 2. a., b., c. or d., is mentally ill, is dangerous and satisfies the standard
25 under s. 51.20 (1) (a) 2. e. or is an alcoholic and is dangerous as described in s. 51.45

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1 (13) (a) 1. and 2., shall file a written report with the superintendent of the ~~facility or~~
2 ~~institution~~ secured correctional facility, secured child caring institution or secured
3 group home, stating the nature and basis of the belief. If the superintendent, upon
4 review of the allegations in the report, determines that transfer is appropriate, he
5 or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to
6 exercise jurisdiction under chs. 48 and 938 of the county where the secured
7 correctional facility or, secured child caring institution or secured group home is
8 located. The court shall hold a hearing according to procedures provided in s. 51.20
9 or 51.45 (13).

10 ***-2105/1.31*** **SECTION 1547.** 51.35 (3) (c) of the statutes, as affected by 1995
11 Wisconsin Act 292, section 28, and 1999 Wisconsin Act (this act), is repealed and
12 recreated to read:

13 51.35 (3) (c) A licensed psychologist of a secured correctional facility or a
14 secured child caring institution or a licensed physician of the department of
15 corrections, who has reason to believe that any individual confined in the secured
16 correctional facility, secured child caring institution or secured group home, in his
17 or her opinion, is mentally ill, drug dependent or developmentally disabled and is
18 dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is dangerous as
19 described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the
20 superintendent of the secured correctional facility, secured child caring institution
21 or secured group home, stating the nature and basis of the belief. If the
22 superintendent, upon review of the allegations in the report, determines that
23 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45
24 in the court assigned to exercise jurisdiction under ch. 48 of the county where the
25 secured correctional facility, secured child caring institution or secured group home

1 is located. The court shall hold a hearing according to procedures provided in s. 51.20
2 or 51.45 (13).

3 ***-2105/1.32* SECTION 1548.** 51.35 (3) (e) of the statutes is amended to read:

4 51.35 (3) (e) The department of corrections may authorize emergency transfer
5 of an individual from a ~~juvenile~~ secured correctional facility ~~or~~, a secured child caring
6 institution, ~~as defined in s. 938.02 (15g), or a secured group home~~ to a state treatment
7 facility if there is cause to believe that the individual is mentally ill, drug dependent
8 or developmentally disabled and exhibits conduct which constitutes a danger as
9 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is
10 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is
11 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian
12 of the sending ~~facility or institution~~ secured correctional facility, secured child caring
13 institution or secured group home shall execute a statement of emergency detention
14 or petition for emergency commitment for the individual and deliver it to the
15 receiving state treatment facility. The department of health and family services
16 shall file the statement or petition with the court within 24 hours after the subject
17 individual is received for detention or commitment. The statement or petition shall
18 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,
19 the director of the receiving facility may file a petition for continued commitment
20 under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~facility or~~
21 ~~institution~~ secured correctional facility, secured child caring institution or secured
22 group home from which the transfer was made. As an alternative to this procedure,
23 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no ~~prisoner~~
24 individual may be released without the approval of the court which directed

1 confinement in the secured correctional facility or, secured child caring institution
2 or secured group home.

3 ***-2105/1.33* SECTION 1549.** 51.35 (3) (e) of the statutes, as affected by 1995
4 Wisconsin Act 292, section 28, and 1999 Wisconsin Act (this act), is repealed and
5 recreated to read:

6 51.35 (3) (e) The department of corrections may authorize emergency transfer
7 of an individual from a secured correctional facility, a secured child caring institution
8 or a secured group home to a state treatment facility if there is cause to believe that
9 the individual is mentally ill, drug dependent or developmentally disabled and
10 exhibits conduct which constitutes a danger as described under s. 51.20 (1) (a) 2. to
11 the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45
12 (13) (a) 1. and 2. The custodian of the sending secured correctional facility, secured
13 child caring institution or secured group home shall execute a statement of
14 emergency detention or petition for emergency commitment for the individual and
15 deliver it to the receiving state treatment facility. The department of health and
16 family services shall file the statement or petition with the court within 24 hours
17 after the subject individual is received for detention or commitment. The statement
18 or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency
19 transfer is made, the director of the receiving facility may file a petition for continued
20 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the
21 secured correctional facility, secured child caring institution or secured group home
22 from which the transfer was made. As an alternative to this procedure, the
23 procedure provided in s. 51.15 or 51.45 (12) may be used, except that no individual
24 may be released without the approval of the court which directed confinement in the
25 secured correctional facility, secured child caring institution or secured group home.

1 ***-2105/1.34* SECTION 1550.** 51.35 (3) (g) of the statutes is amended to read:

2 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
3 facility under par. (a) may request in writing a return to the juvenile secured
4 correctional facility or, secured child caring institution, as defined in s. 938.02 (15g)
5 or secured group home. In the case of a minor under 14 years of age, the parent or
6 guardian may make the request. Upon receipt of a request for return from a minor
7 14 years of age or over, the director shall immediately notify the minor's parent or
8 guardian. The minor shall be returned to the juvenile secured correctional facility
9 or, secured child caring institution or secured group home within 48 hours after
10 submission of the request unless a petition or statement is filed for emergency
11 detention, emergency commitment, involuntary commitment or protective
12 placement.

13 ***-0030/2.100* SECTION 1551.** 51.42 (3) (ar) 17. of the statutes is created to
14 read:

15 51.42 (3) (ar) 17. If authorized under s. 46.283 (1) (a) 1., apply to the department
16 of health and family services to operate a resource center under s. 46.283 and, if the
17 department contracts with the county under s. 46.283 (2), operate the resource
18 center.

19 ***-0030/2.101* SECTION 1552.** 51.42 (3) (ar) 18. of the statutes is created to
20 read:

21 51.42 (3) (ar) 18. If authorized under s. 46.284 (1) (a) 1., apply to the department
22 of health and family services to operate a care management organization under s.
23 46.284 and, if the department contracts with the county under s. 46.284 (2), operate
24 the care management organization and, if appropriate, place funds in a risk reserve.

25 ***-1173/1.1* SECTION 1553.** 51.42 (3) (as) 3. of the statutes is amended to read:

1 51.42 (3) (as) 3. Care, services and supplies provided after December 31, 1973,
2 to any person who, on December 31, 1973, was in or under the supervision of a mental
3 health institute, or was receiving mental health services in a facility authorized by
4 s. 51.08 or 51.09, but was not admitted to a mental health institute by the
5 department of health and family services, shall be charged to the county department
6 of community programs which was responsible for such care and services at the place
7 where the patient resided when admitted to the institution. The department of
8 health and family services ~~shall~~ may bill county departments of community
9 programs for care provided at the mental health institutes at rates which ~~reflects the~~
10 ~~estimated per diem cost of specific levels of care, to be adjusted periodically by the~~
11 department of health and family services sets on a flexible basis, except that this
12 flexible rate structure shall cover the cost of operations of the mental health
13 institutes.

14 *~~0284/3.6~~* SECTION 1554. 51.42 (3) (aw) 1. d. of the statutes is amended to
15 read:

16 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a
17 conditional release plan approved by a court for a person who is a county resident and
18 is conditionally released under s. 971.17 (3) or (4) or that are specified in a supervised
19 release plan approved by a court under s. 980.06 (2) ~~(e)~~ (cr) or 980.08 (5) (d). If the
20 county department provides treatment and services under this subdivision, the
21 department of health and family services shall, from the appropriation under s.
22 20.435 (2) (bj), pay the county department for the costs of the treatment and services.

23 *~~0030/2.102~~* SECTION 1555. 51.42 (3) (e) of the statutes is amended to read:

24 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
25 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07

1 (3) (c) and 938.78 (2) (a), any subunit of a county department of community programs
2 acting under this section may exchange confidential information about a client,
3 without the informed consent of the client, with any other subunit of the same county
4 department of community programs, with a resource center, care management
5 organization or family care district, or with any person providing services to the
6 client under a purchase of services contract with the county department of
7 community programs or with a resource center, care management organization or
8 family care district, if necessary to enable an employe or service provider to perform
9 his or her duties, or to enable the county department of community programs to
10 coordinate the delivery of services to the client.

11 ***-0271/4.8* SECTION 1556.** 51.423 (1) of the statutes is amended to read:

12 51.423 (1) The department shall fund, within the limits of the department's
13 allocation for mental health services under s. 20.435 (3) (o) and (7) (b), (kw), (kz) and
14 (o) and subject to this section, services for mental illness, developmental disability,
15 alcoholism and drug abuse to meet standards of service quality and accessibility. The
16 department's primary responsibility is to guarantee that county departments
17 established under either s. 51.42 or 51.437 receive a reasonably uniform minimum
18 level of funding and its secondary responsibility is to fund programs which meet
19 exceptional community needs or provide specialized or innovative services. Moneys
20 appropriated under s. 20.435 (7) (b) and earmarked by the department for mental
21 health services under s. 20.435 (7) (o) shall be allocated by the department to county
22 departments under s. 51.42 or 51.437 in the manner set forth in this section.

23 ***-0275/5.10* SECTION 1557.** 51.423 (2) of the statutes is amended to read:

24 51.423 (2) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw), (kz)
25 and (o), the department shall distribute the funding for services provided or

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

****NOTE: This is reconciled s. 51.423 (2). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0271/3 and LRB-0275/4.

17 ***-0275/5.11* SECTION 1558.** 51.423 (2m) of the statutes is created to read:
18 51.423 (2m) The department shall pay any performance-based distribution
19 under s. 46.40 (2) earned by a county department under s. 46.23, 51.42 or 51.437 by
20 December 31 of the year after the year in which the performance-based distribution
21 was earned. The county department may expend that distribution for any purpose
22 specified in s. 20.435 (7) (b).

23 ***-0030/2.103* SECTION 1559.** 51.437 (4m) (n) of the statutes is created to read:

1 51.437 (4m) (n) If authorized under s. 46.283 (1)(a) 1., apply to the department
2 of health and family services to operate a resource center under s. 46.283 and, if the
3 department contracts with the county under s. 46.283 (2), operate the resource
4 center.

5 ***-0030/2.104*** SECTION 1560. 51.437 (4m) (p) of the statutes is created to read:

6 51.437 (4m) (p) If authorized under s. 46.284 (1)(a) 1., apply to the department
7 of health and family services to operate a care management organization under s.
8 46.284 and, if the department contracts with the county under s. 46.284 (2), operate
9 the care management organization and, if appropriate, place funds in a risk reserve.

10 ***-0030/2.105*** SECTION 1561. 51.437 (4r) (b) of the statutes is amended to read:

11 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
12 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a),
13 any subunit of the county department of developmental disabilities services acting
14 under this section may exchange confidential information about a client, without the
15 informed consent of the client, with any other subunit of the same county department
16 of developmental disabilities services, with a resource center, care management
17 organization or family care district, or with any person providing services to the
18 client under a purchase of services contract with the county department of
19 developmental disabilities services or with a resource center, care management
20 organization or family care district, if necessary to enable an employe or service
21 provider to perform his or her duties, or to enable the county department of
22 developmental disabilities services to coordinate the delivery of services to the client.

23 ***-0277/4.10*** SECTION 1562. 51.45 (5) of the statutes is repealed.

24 ***-0689/2.8*** SECTION 1563. 51.61 (1) (g) 3m. of the statutes is amended to read:

1 51.61 (1) (g) 3m. Following a final commitment order for a subject individual
2 who is determined to meet the commitment standard under s. 51.20 (1) (a) 2. e., the
3 court shall issue an order permitting medication or treatment to be administered to
4 the individual regardless of his or her consent. ~~This subdivision does not apply after~~
5 ~~November 30, 2001.~~

6 *~~0183/2.13~~* **SECTION 1564.** 58.06 of the statutes is repealed.

7 *~~0063/2.2~~* **SECTION 1565.** 59.25 (3) (f) 2. of the statutes is amended to read:

8 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
9 deposited in the state treasury, the amounts required by s. ~~165.87~~ 757.05 for the
10 penalty assessment surcharge, the amounts required by s. 165.755 for the crime
11 laboratories and drug law enforcement assessment, the amounts required by s.
12 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the
13 crime victim and witness assistance surcharge, the amounts required by s. 938.34
14 (8d) for the delinquency victim and witness assistance surcharge, the amounts
15 required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts
16 required by s. 961.41 (5) for the drug abuse program improvement surcharge, the
17 amounts required by s. 100.261 for the consumer information assessment, the
18 amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the
19 domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the
20 enforcement assessment under the supplemental food program for women, infants
21 and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the
22 railroad crossing improvement assessment, the amounts required by s. 346.655 (2)
23 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85
24 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the
25 environmental assessment, the amounts required by s. 29.983 for the wild animal

1 protection assessment, the amounts required by s. 29.987 for the natural resources
2 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter
3 removal assessment, the amounts required by s. 350.115 for the snowmobile
4 registration restitution payment and the amounts required by s. 29.989 for natural
5 resources restitution payments, transmit to the state treasurer a statement of all
6 moneys required by law to be paid on the actions entered during the preceding month
7 on or before the first day of the next succeeding month, certified by the county
8 treasurer's personal signature affixed or attached thereto, and at the same time pay
9 to the state treasurer the amount thereof.

****NOTE: This is reconciled s. 59.25 (3) (f) 2. This SECTION has been affected by
drafts with the following LRB numbers: 0063/1 and 1265/5.

10 ***-0063/2.3* SECTION 1566.** 59.40 (2) (m) of the statutes is amended to read:
11 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
12 percentage of the fees required to be paid on each civil action, criminal action and
13 special proceeding filed during the preceding month and pay monthly to the
14 treasurer for the use of the state the percentage of court imposed fines and forfeitures
15 required by law to be deposited in the state treasury, the amounts required by s.
16 ~~165.87(2)(b)~~ 757.05 for the penalty assessment surcharge, the amounts required by
17 s. 165.755 for the crime laboratories and drug law enforcement assessment, the
18 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
19 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
20 required by s. 938.34 (8d) for the delinquency victim and witness assistance
21 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
22 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
23 improvement surcharge, the amounts required by s. 100.261 for the consumer

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1 information assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required
2 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by
3 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food
4 program for women, infants and children, the amounts required by ss. 346.177,
5 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
6 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
7 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
8 required by s. 299.93 for the environmental assessment, the amounts required under
9 s. 29.983 for the wild animal protection assessment, the amounts required under s.
10 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
11 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
12 350.115 for the snowmobile registration restitution payment and the amounts
13 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
14 payments shall be made by the 15th day of the month following receipt thereof.

***NOTE: This is reconciled s. 59.40 (2) (m). This SECTION has been affected by
drafts with the following LRB numbers: 0063/1 and 1265/5.

15 ***-1256/1.1* SECTION 1567.** 59.69 (3) (a) of the statutes is amended to read:
16 59.69 (3) (a) The county zoning agency shall direct the preparation of a county
17 development plan or parts thereof for the physical development of the
18 unincorporated territory within the county and areas within incorporated
19 jurisdictions whose governing bodies by resolution agree to having their areas
20 included in the county's development plan. The plan may be adopted in whole or in
21 part and may be amended by the board and endorsed by the governing bodies of
22 incorporated jurisdictions included in the plan. The county development plan, in
23 whole or in part, in its original form or as amended, is hereafter referred to as the

1 development plan. The development plan shall contain at least the elements
2 described in s. 66.0295.

3 ***-1256/1.2* SECTION 1568.** 59.69 (3) (b) of the statutes is repealed and
4 recreated to read:

5 59.69 (3) (b) The development plan shall include the master plan, if any, of any
6 city or village, which was adopted under s. 62.23 (2) or (3) and the official map, if any,
7 of such city or village, which was adopted under s. 62.23 (6) in the county, without
8 change.

9 ***-1065/2.1* SECTION 1569.** 59.692 (6m) of the statutes is created to read:

10 59.692 (6m) For an amendment to an ordinance enacted under this section that
11 affects an activity that meets all of the requirements under s. 281.165 (1) to (5), the
12 department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the
13 amendment, to determine whether the ordinance, as amended, fails to meet the
14 shoreland zoning standards.

15 ***-0935/3.3* SECTION 1570.** 59.70 (1) of the statutes is amended to read:

16 59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and
17 sanitary codes, make necessary rules and regulations in relation thereto and provide
18 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The
19 codes, rules and regulations do not apply within municipalities which have enacted
20 ordinances or codes concerning the same subject matter. "Sanitary code" does not
21 include a ~~private~~ small sewage system ordinance enacted under sub. (5). "Building
22 and sanitary codes" does not include well code ordinances enacted under sub. (6).

23 ***-0935/3.4* SECTION 1571.** 59.70 (5) of the statutes is amended to read:

24 59.70 (5) ~~PRIVATE~~ SMALL SEWAGE SYSTEM ORDINANCE. (a) Every governmental
25 unit responsible for the regulation of ~~private~~ small sewage systems, as defined under

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1 s. 145.01 (5), shall enact an ordinance governing ~~private~~ small sewage systems, as
2 defined in s. 145.01 ~~(12)~~ (14m), which conforms with the state plumbing code. The
3 ordinance shall apply to the entire area of the governmental unit responsible for the
4 regulation of ~~private~~ small sewage systems, as defined under s. 145.01 (5). After
5 July 1, 1980, no municipality may enact or enforce a ~~private~~ small sewage system
6 ordinance unless it is a governmental unit responsible for the regulation of ~~private~~
7 small sewage systems, as defined under s. 145.01 (5).

8 (b) The governmental unit responsible for the regulation of ~~private~~ small
9 sewage systems, as defined under s. 145.01 (5), shall administer the ~~private~~ small
10 sewage system ordinance under s. 145.20 and the rules promulgated under s. 145.20.

11 ***-0935/3.5* SECTION 1572.** 60.70 (5) of the statutes is amended to read:

12 60.70 (5) "Private sewage system" ~~has the meaning given under s. 145.01 (12)~~
13 means a sewage treatment and disposal system serving a single structure with a
14 septic tank and soil absorption field located on the same parcel as the structure. This
15 term also means an alternative sewage system approved by the department of
16 commerce including a substitute for the septic tank or soil absorption field, a holding
17 tank, a system serving more than one structure or a system located on a different
18 parcel than the structure. A private sewage system may be owned by the property
19 owner or by a special purpose district.

20 ***-0935/3.6* SECTION 1573.** 60.70 (6m) of the statutes is created to read:

21 60.70 (6m) "Small sewage system" has the meaning given in s. 145.01 (14m).

22 ***-0935/3.7* SECTION 1574.** 60.726 (2) of the statutes is amended to read:

23 60.726 (2) If a property owner installed on his or her property a private sewage
24 system, ~~as defined in s. 145.01 (12)~~, that conforms with the state plumbing code,
25 before a town sanitary district that encompasses that property came into existence,

1 that property shall be included in the town sanitary district. If the private sewage
2 system was installed on or after 10 years before May 14, 1992, and if the property
3 owner provides the town sanitary district with any information about the cost of the
4 private sewage system required by the district, the town sanitary district, when the
5 district issues any assessment or charges or imposes property taxes to construct a
6 sewage service system, shall pay or credit the property owner an amount equal to
7 10% of the cost of the private sewage system, less any grants or aids received by the
8 property owner for construction of the private sewage system, multiplied by the
9 number of years of remaining life of the private sewage system. The number of years
10 of remaining life of the private sewage system is equal to 10 minus the number of
11 years that the private sewage system has been in operation.

12 ***-0935/3.8* SECTION 1575.** 60.77 (5) (b) of the statutes is amended to read:

13 60.77 (5) (b) Require the installation of ~~private~~ small sewage systems.

14 ***-0935/3.9* SECTION 1576.** 60.77 (5) (bm) of the statutes is amended to read:

15 60.77 (5) (bm) Require the inspection of ~~private~~ small sewage systems that
16 have been already installed to determine compliance with the state plumbing code
17 and may report violations of the state plumbing code to the governmental unit
18 responsible for the regulation of ~~private~~ small sewage systems for enforcement under
19 s. 145.20.

20 ***-0935/3.10* SECTION 1577.** 60.77 (5) (bs) of the statutes is amended to read:

21 60.77 (5) (bs) Provide direct financial assistance for costs related to the
22 replacement of ~~private~~ small sewage systems, as defined in s. 145.01 ~~(12)~~ (14m), that
23 are failing.

24 ***-0935/3.11* SECTION 1578.** 60.77 (5) (j) of the statutes is amended to read:

1 60.77 (5) (j) Administer the ~~private~~ small sewage system program if authorized
2 under s. 145.20 (1) (am).

3 *~~1256/1.3~~* SECTION 1579. 62.23 (2) of the statutes is amended to read:

4 62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to
5 make and adopt a master plan for the physical development of the city, including any
6 areas outside of its boundaries which in the commission's judgment bear relation to
7 the development of the city provided, however, that in any county where a regional
8 planning department has been established, areas outside the boundaries of a city
9 may not be included in the master plan without the consent of the county board of
10 supervisors. The master plan, with the accompanying maps, plats, charts and
11 descriptive and explanatory matter, shall show the commission's recommendations
12 for such physical development, and ~~may include, among other things without~~
13 ~~limitation because of enumeration, the general location, character and extent of~~
14 ~~streets, highways, freeways, street grades, roadways, walks, bridges, viaducts,~~
15 ~~parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites~~
16 ~~for public buildings and structures, airports, pierhead and bulkhead lines,~~
17 ~~waterways, routes for railroads and buses, historic districts, and the general location~~
18 ~~and extent of sewers, water conduits and other public utilities whether privately or~~
19 ~~publicly owned, the acceptance, widening, narrowing, extension, relocation,~~
20 ~~removal, vacation, abandonment or change of use of any of the foregoing public ways,~~
21 ~~grounds, places, spaces, buildings, properties, utilities, routes or terminals, the~~
22 ~~general location, character and extent of community centers and neighborhood~~
23 ~~units, the general character, extent and layout of the replanning of blighted districts~~
24 ~~and slum areas, and a comprehensive zoning plan shall contain at least the elements~~
25 described in s. 66.0295. The commission may from time to time amend, extend or add

1 to the master plan or carry any part or subject matter into greater detail. The
2 commission may adopt rules for the transaction of business and shall keep a record
3 of its resolutions, transactions, findings and determinations, which record shall be
4 a public record.

5 ***-1256/1.4* SECTION 1580.** 62.23 (3) (b) of the statutes is amended to read:

6 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
7 resolution, or, as the work of making the whole master plan progresses, may from
8 time to time by resolution adopt a part or parts thereof, any such part to correspond
9 ~~generally~~ with one or more of the ~~functional subdivisions of the subject matter of the~~
10 ~~plan elements specified in s. 66.0295.~~ The adoption of the plan or any part,
11 amendment or addition, shall be by resolution carried by the affirmative votes of not
12 less than a majority of all the members of the city plan commission. The resolution
13 shall refer expressly to the ~~maps, descriptive matter,~~ elements under s. 66.0295 and
14 other matters intended by the commission to form the whole or any part of the plan,
15 and the action taken shall be recorded on the adopted plan or part thereof by the
16 identifying signature of the secretary of the commission, and a copy of the plan or
17 part thereof shall be certified to the common council. The purpose and effect of the
18 adoption and certifying of the master plan or part thereof shall be solely to aid the
19 city plan commission and the council in the performance of their duties.

20 ***-1065/2.2* SECTION 1581.** 62.231 (6m) of the statutes is created to read:

21 62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
22 ordinance enacted under this section that affects an activity that meets all of the
23 requirements under s. 281.165 (1) to (5), the department of natural resources may
24 not proceed under sub. (6), or otherwise review the amendment, to determine
25 whether the ordinance, as amended, fails to meet reasonable minimum standards.

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1 *~~1641/1.1~~* **SECTION 1582.** 66.014 (8) (b) of the statutes is amended to read:

2 66.014 (8) (b) On the basis of the hearing the circuit court shall find if the
3 standards under s. 66.015 are met. If the court finds that the standards are not met,
4 the court shall dismiss the petition. If the court finds that the standards are met the
5 court shall refer the petition to the department and ~~thereupon~~ the department shall
6 determine whether ~~or not~~ the standards under s. 66.016 are met, except that if the
7 incorporation is part of a cooperative boundary agreement under s. 66.023, the
8 department is not required to determine whether the standards under s. 66.016 are
9 met.

10 *~~1641/1.2~~* **SECTION 1583.** 66.015 (intro.) of the statutes is amended to read:

11 **66.015 Standards to be applied by the circuit court.** (intro.) Before
12 referring the incorporation petition as provided in s. 66.014 (2) to the department,
13 the court shall determine whether the petition meets the formal and signature
14 requirements and shall further find, except as provided in sub. (6), that the following
15 minimum requirements are met:

16 *~~1641/1.3~~* **SECTION 1584.** 66.015 (5) of the statutes is amended to read:

17 66.015 (5) STANDARDS WHEN NEAR FIRST, SECOND OR THIRD CLASS CITY. Where the
18 proposed boundary of a metropolitan village or city is within 10 miles of the boundary
19 of a city of the first class or 5 miles of a city of the second or third class, the minimum
20 area requirements shall be ~~4~~ 3 and 6 square miles for villages and cities,
21 respectively.

22 *~~1641/1.4~~* **SECTION 1585.** 66.015 (6) of the statutes is created to read:

23 66.015 (6) INCORPORATION AS PART OF COOPERATIVE PLAN. If an incorporation is
24 part of a cooperative plan under s. 66.023, the court may not consider whether any
25 of the requirements under subs. (1) to (5) are met.

1 *~~0345/1.1~~* SECTION 1586. 66.021 (7) (d) of the statutes is amended to read:
2 66.021 (7) (d) The annexation shall be effective ~~upon enactment of~~ when the
3 annexation ordinance is recorded by the clerk with the register of deeds as provided
4 in sub. (8) (a). The board of school directors in any city of the first class shall not be
5 required to administer the schools in any territory annexed to any such city until
6 July 1 following such annexation.

7 *~~0345/1.2~~* SECTION 1587. 66.021 (8) (a) of the statutes is amended to read:
8 66.021 (8) (a) The clerk of a city or village which has annexed territory shall
9 file immediately with the secretary of state a certified copy of the ordinance,
10 certificate and plat, and shall send one copy of the ordinance, certificate and plat to
11 each company that provides any utility service in the area that is annexed. The clerk
12 shall also record the ordinance with the register of deeds and file a signed copy of the
13 ordinance with the clerk of any affected school district. ~~Failure to file, record or send~~
14 ~~shall not invalidate the annexation and the duty to file, record or send shall be a~~
15 ~~continuing one~~. The ordinance that is filed, recorded or sent shall describe the
16 annexed territory and the associated population. The information filed with the
17 secretary of state shall be utilized in making recommendations for adjustments to
18 entitlements under the federal revenue sharing program and distribution of funds
19 under ch. 79. The clerk shall certify annually to the secretary of state and record with
20 the register of deeds a legal description of the total boundaries of the municipality
21 as those boundaries existed on December 1, unless there has been no change in the
22 12 months preceding.

23 *~~0345/1.3~~* SECTION 1588. 66.021 (11) (a) of the statutes is amended to read:
24 66.021 (11) (a) *Annexations within populous counties*. No annexation
25 proceeding within a county having a population of 50,000 or more shall be valid

1 unless the person causing a notice of annexation to be published under sub. (3) shall
2 within 5 days of the publication mail a copy of the notice, legal description and a scale
3 map of the proposed annexation to the clerk of each municipality affected and the
4 department of administration, except that if the department of administration
5 determines within 5 days of receipt of the documents that the legal description or
6 scale map is illegible, contains errors that prevent the department from ascertaining
7 the territory that is proposed to be annexed or do not conform to generally accepted
8 standards for the preparation of legal descriptions and scale maps the department
9 may refuse acceptance of the documents and the annexation process may not
10 continue. If the refused documents are resubmitted by the proposed annexing city
11 or village to the department of administration not later than 10 days after they have
12 been returned and the department determines that they are legible, accurate and
13 conform to generally accepted standards for the preparation of legal descriptions and
14 scale maps the annexation shall proceed. The department may within ~~20~~ 60 days
15 after receipt of the notice mail to the clerk of the town within which the territory lies
16 and to the clerk of the proposed annexing village or city a notice that in its opinion
17 the annexation is against the public interest. No later than 10 days after mailing the
18 notice, the department shall advise the clerk of the town in which the territory is
19 located and the clerk of the village or city to which the annexation is proposed of the
20 reasons the annexation is against the public interest as defined in par. (c). The
21 annexing municipality shall review the advice before final action is taken.

22 ***-1641/1.5*** **SECTION 1589.** 66.023 (title) of the statutes is amended to read:

23 **66.023 (title) Boundary change pursuant to approved cooperative**
24 **plan; incorporation of certain towns.**