

SENATE BILL 55**SECTION 1901**

****NOTE: This is reconciled s. 50.035 (11). This SECTION has been affected by drafts with the following LRB numbers: LRB-0428/2 and LRB-1686/3.

1 *~~0428/3.7~~* **SECTION 1902.** 50.035 (11) (a) of the statutes is amended to read:

2 50.035 (11) (a) Whoever violates sub. (4m) ~~or~~, (4n), or (9) (b) or rules
3 promulgated under sub. (4m) ~~or~~, (4n), or (9) (b) may be required to forfeit not more
4 than \$500 for each violation.

5 *~~0205/3.28~~* **SECTION 1903.** 50.04 (2g) (a) of the statutes is amended to read:

6 50.04 (2g) (a) Subject to sub. (2i), a nursing home shall, within the time period
7 after inquiry by a prospective resident that is prescribed by the department by rule,
8 inform the prospective resident of the services of a resource center under s. 46.283,
9 the family care benefit under s. 46.286 and the availability of a functional screening
10 and financial ~~screen~~ eligibility and cost-sharing screening to determine the
11 prospective resident's eligibility for the family care benefit under s. 46.286 (1).

12 *~~0205/3.29~~* **SECTION 1904.** 50.04 (2h) (a) 1. of the statutes is amended to read:

13 50.04 (2h) (a) 1. For a person who has received a ~~screen~~ screening for functional
14 eligibility under s. 46.286 (1) (a) within the previous 6 months, the referral under this
15 paragraph need not include performance of an additional functional ~~screen~~
16 screening under s. 46.283 (4) ~~(g)~~ (3m) (c).

17 *~~0205/3.30~~* **SECTION 1905.** 50.04 (2h) (a) 4. of the statutes is amended to read:

18 50.04 (2h) (a) 4. For a person who seeks admission or is about to be admitted
19 on a private pay basis and who waives the requirement for a financial ~~screen~~
20 eligibility and cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), the referral
21 under this subsection may not include performance of a financial ~~screen~~ eligibility
22 and cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), unless the person
23 expected to become eligible for medical assistance within 6 months.

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1 *~~0203/2.18~~* **SECTION 1906.** 50.04 (2i) of the statutes is amended to read:

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

6 *~~0203/2.19~~* **SECTION 1907.** 50.04 (2m) (b) of the statutes is amended to read:

7 50.04 (2m) (b) Paragraph (a) does not apply to those residents for whom the
8 secretary has certified under s. 46.281 (3) (a) that a resource center is available.

9 *~~1686/4.35~~* **SECTION 1908.** 50.04 (4) (d) of the statutes is repealed.

10 *~~1686/4.36~~* **SECTION 1909.** 50.04 (4) (e) 3. of the statutes is amended to read:

11 50.04 (4) (e) 3. In any petition for judicial review under s. 50.02 (3r) of a decision
12 by the division under subd. 2., the department, if not the petitioner who was in the
13 proceeding before the division under subd. 1., shall be the named respondent.

14 *~~1686/4.37~~* **SECTION 1910.** 50.04 (5) (e) of the statutes is amended to read:

15 50.04 (5) (e) *Forfeiture appeal hearing.* A nursing home may contest an
16 assessment of forfeiture by sending, within 10 days after receipt of notice of a
17 contested action, a written request for hearing under s. 227.44 to the division of
18 hearings and appeals created under s. 15.103 (1). The administrator of the division
19 may designate a hearing examiner to preside over the case and recommend a decision
20 to the administrator under s. 227.46. The decision of the administrator of the
21 division shall be the final administrative decision. The division shall commence the
22 hearing within 30 days of receipt of the request for hearing and shall issue a final
23 decision within 15 days after the close of the hearing. Proceedings before the division
24 are governed by ch. 227. In any petition for judicial review under s. 50.02 (3r) of a

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1 decision by the division, the party, other than the petitioner, who was in the
2 proceeding before the division shall be the named respondent.

3 ***-1686/4.38* SECTION 1911.** 50.04 (5) (f) of the statutes is amended to read:

4 50.04 (5) (f) *Forfeitures paid within 10 days.* All forfeitures shall be paid to the
5 department within 10 days of receipt of notice of assessment or, if the forfeiture is
6 contested under par. (e), within 10 days of receipt of the final decision after
7 exhaustion of administrative review, unless the final decision is appealed and the
8 order is stayed by court order under s. ~~50.03 (11)~~ 50.02 (3r). The department shall
9 remit all forfeitures paid to the state treasurer for deposit in the school fund.

10 ***-1686/4.39* SECTION 1912.** 50.04 (6) (title) of the statutes is renumbered
11 50.02 (3g) (title) and amended to read:

12 50.02 (3g) (title) CONDITIONAL LICENSE, CERTIFICATION, APPROVAL, OR
13 REGISTRATION.

14 ***-1686/4.40* SECTION 1913.** 50.04 (6) (a) of the statutes is renumbered 50.02
15 (3g) (a) (intro.) and amended to read:

16 50.02 (3g) (a) *Power of department.* (intro.) ~~In addition to the right to assess~~
17 ~~forfeitures under sub. (5), the~~ The department may, in addition to assessing
18 forfeitures under sub. (3m) (b), issue a conditional license, certification, approval, or
19 registration, as applicable, to any nursing home if the department finds that either
20 a class “A” or class “B” violation, as defined in sub. (4), continues to exist in such
21 home. of the following, under the following conditions:

22 (b) The issuance of a conditional license shall revoke, certification, approval,
23 or registration to an entity revokes any outstanding license held by the nursing
24 home. The nursing home may seek review of a decision to issue a conditional license

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1 ~~as provided under s. 50.03 (5), certification, approval, or registration held under this~~
2 ~~chapter by the entity.~~

3 *~~1686/4.41~~* **SECTION 1914.** 50.04 (6) (b) of the statutes is renumbered 50.02
4 (3g) (c) and amended to read:

5 50.02 (3g) (c) ~~Violation correction plan.~~ Prior to the issuance of a conditional
6 license, certification, approval, or registration, the department shall establish a
7 written plan of correction. The plan shall specify the violations ~~which~~ that prevent
8 full licensure, certification, approval, or registration and shall establish a time
9 schedule for correction of the deficiencies. Retention of the conditional license,
10 certification, approval, or registration by an entity shall be conditional on the entity's
11 meeting the requirements of the plan of correction.

12 *~~1686/4.42~~* **SECTION 1915.** 50.04 (6) (c) of the statutes is renumbered 50.02
13 (3g) (d) and amended to read:

14 50.02 (3g) (d) ~~Notice. Written~~ The department shall send to an entity written
15 notice of the decision to issue a conditional license ~~shall be sent to the facility,~~
16 certification, approval, or registration, together with the proposed plan of correction.
17 The notice shall inform the ~~facility~~ entity of its right to a case conference under par.
18 (e) prior to issuance of the conditional license ~~under par. (d), certification, approval,~~
19 or registration and of its right under par. (f) to a full hearing ~~under par. (e).~~

20 *~~1686/4.43~~* **SECTION 1916.** 50.04 (6) (d) of the statutes is renumbered 50.02
21 (3g) (e) and amended to read:

22 50.02 (3g) (e) ~~Case conference.~~ If the ~~facility~~ entity desires to have a case
23 conference it shall, within 4 working days of receipt of the notice under par. ~~(e)~~ (d),
24 send a written request for a case conference to the department. The department
25 shall, within 4 working days from the receipt of the request, hold a case conference

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1 in the county in which the ~~facility~~ entity is located. Following this conference the
2 department may affirm or overrule its previous decision, or modify the terms of the
3 conditional license, certification, approval, or registration and plan of correction.
4 ~~The conditional license may be issued~~ department may issue the conditional license,
5 certification, approval, or registration after the case conference, or after the time for
6 requesting a case conference has expired, prior to any further hearing.

7 *~~1686/4.44~~* **SECTION 1917.** 50.04 (6) (e) of the statutes is renumbered 50.02
8 (3g) (f) and amended to read:

9 50.02 (3g) (f) ~~Hearing.~~ If after the case conference the licensee entity desires
10 to contest the basis for issuance of a conditional license, certification, approval, or
11 registration or the terms of the license conditional license, certification, approval, or
12 registration or plan of correction, the licensee ~~shall send a written request for~~
13 ~~hearing to the department within 4 working days after issuance of the conditional~~
14 ~~license. The department shall hold the hearing within 30 days of receipt of such~~
15 ~~notice and shall immediately notify the licensee of the date and location of the~~
16 ~~hearing~~ entity is entitled to a hearing under sub. (3m) (e).

17 *~~1686/4.45~~* **SECTION 1918.** 50.04 (6) (f) of the statutes is renumbered 50.02
18 (3g) (g) and amended to read:

19 50.02 (3g) (g) ~~Term; inspection.~~ ~~A conditional license shall be issued~~ The
20 department may issue a conditional license, certification, approval, or registration
21 for a period specified by the department, but in no event for more than ~~one year~~ 12
22 months. The department shall periodically inspect any ~~nursing home~~ entity that is
23 operating under a conditional license, certification, approval, or registration. If the
24 department finds substantial failure by the ~~nursing home~~ entity to follow the plan
25 of correction, the ~~conditional license may be revoked~~ department may revoke the

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1 conditional license, certification, approval, or registration as provided under s. 50.03
2 ~~(5) sub. (3m) (bm)~~. The licensee entity is entitled to a hearing under sub. (3m) (e) on
3 the revocation ~~under s. 50.03 (5)~~, but the department may rely on facts found in a
4 hearing under par. ~~(e)~~ (f) as grounds for revocation.

5 *~~1686/4.46~~* SECTION 1919. 50.04 (6) (g) of the statutes is renumbered 50.02
6 (3g) (h) and amended to read:

7 50.02 (3g) (h) *Expiration*. If the department determines that a the conditional
8 license, certification, approval, or registration of an entity shall expire without
9 renewal or replacement of the conditional license, certification, approval, or
10 registration by a regular license, certification, approval, or registration, the
11 department shall so notify the licensee entity at least 30 days prior to expiration of
12 the conditional license, certification, approval, or registration. The notice shall
13 ~~comply with notice requirements under s. 50.03 (5) be written, shall state the~~
14 grounds for the expiration without renewal or replacement and shall explain the
15 process for appealing the expiration without renewal or replacement. The licensee
16 entity is entitled to a hearing under ~~s. 50.03 (5) sub. (3m) (e)~~ prior to expiration of the
17 license conditional license, certification, approval, or registration.

18 *~~1686/4.47~~* SECTION 1920. 50.05 (2) (b) of the statutes is amended to read:
19 50.05 (2) (b) The department has ~~suspended or~~ revoked the existing license of
20 the facility.

21 *~~1686/4.48~~* SECTION 1921. 50.05 (2) (c) of the statutes is amended to read:
22 50.05 (2) (c) The department has initiated revocation procedures under s. ~~50.03~~
23 ~~(5) 50.02 (3m) (bm)~~ and has determined that the lives, health, safety, or welfare of
24 the residents cannot be adequately assured pending a full hearing on license
25 revocation.

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1 *~~1686/4.49~~* **SECTION 1922.** 50.053 of the statutes is renumbered 50.02 (3m)
2 (em) and amended to read:

3 50.02 (3m) (em) ~~Case conference.~~ The department may hold a case conference
4 with the parties to any contested action under this ~~subchapter~~ chapter to resolve any
5 or all issues prior to formal hearing. Unless any party to the contested case objects,
6 the department may delay the commencement of the formal hearing in order to hold
7 the case conference.

8 *~~0205/3.31~~* **SECTION 1923.** 50.06 (7) of the statutes is amended to read:

9 50.06 (7) An individual who consents to an admission under this section may
10 request that an assessment be conducted for the incapacitated individual under the
11 long-term support community options program under s. 46.27 (6) or, if the secretary
12 has certified under s. 46.281 (3) (a) that a resource center is available for the
13 individual, a functional screening and financial ~~screen~~ eligibility and cost-sharing
14 screening to determine eligibility for the family care benefit under s. 46.286 (1). If
15 admission is sought on behalf of the incapacitated individual or if the incapacitated
16 individual is about to be admitted on a private pay basis, the individual who consents
17 to the admission may waive the requirement for a financial ~~screen~~ eligibility and
18 cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), unless the incapacitated
19 individual is expected to become eligible for medical assistance within 6 months.

 ****NOTE: This is reconciled s. 50.06 (7). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0203/1 and LRB-0205/2.

20 *~~1686/4.50~~* **SECTION 1924.** 50.09 (6) (d) of the statutes is amended to read:

21 50.09 (6) (d) The facility shall attach a statement, which summarizes
22 complaints or allegations of violations of rights established under this section, to the
23 report required under s. 50.03 (4) (c) ~~1. or 2.~~ 2m. or (cm) 2. The statement shall

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1 contain the date of the complaint or allegation, the name of the persons involved, the
2 disposition of the matter and the date of disposition. The department shall consider
3 the statement in reviewing the report.

4 ***-1686/4.51* SECTION 1925.** 50.14 (6) of the statutes is repealed.

5 ***-1686/4.52* SECTION 1926.** 50.35 of the statutes is amended to read:

6 **50.35 Application and approval.** Application for approval to maintain a
7 hospital shall be made to the department on forms provided by the department. On
8 receipt of an application, the department shall, except as provided in s. 50.498, issue
9 a certificate of approval if the applicant and hospital facilities meet the requirements
10 established by the department. Except as provided in s. 50.498, this approval shall
11 be in effect until, for just cause and in the manner herein prescribed, it is suspended
12 or revoked. The certificate of approval may be issued only for the premises and
13 persons or governmental unit named in the application and is not transferable or
14 assignable. The department shall withhold, ~~suspend or, under s. 50.02 (3m) (bm),~~
15 revoke approval for a failure to comply with s. 165.40 (6) (a) 1. or 2., but, except as
16 provided in s. 50.498, otherwise may not withhold, ~~suspend or, under s. 50.02 (3m)~~
17 ~~(bm),~~ revoke approval unless for a substantial failure to comply with ss. 50.32 to
18 50.39 or the rules and standards adopted by the department ~~after giving a reasonable~~
19 ~~notice, a fair hearing and a reasonable opportunity to comply.~~ Failure by a hospital
20 to comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply
21 under this section.

22 ***-0200/2.3* SECTION 1927.** 50.36 (2) (c) of the statutes is amended to read:

23 50.36 (2) (c) ~~The department shall promulgate rules that require that a~~
24 ~~hospital, before discharging a patient who is aged 65 or older or who has~~
25 ~~developmental disability or physical disability and whose disability or condition~~

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1 ~~requires long-term care that is expected to last at least 90 days, refer the patient to~~
2 ~~the A hospital shall participate in developing and implementing plans required~~
3 ~~under s. 46.283 (4) (j) for making appropriate referrals of persons likely to be eligible~~
4 ~~for and to benefit from the family care benefit under s. 46.286 to a resource center~~
5 ~~under s. 46.283. The rules shall specify that this This requirement applies only if the~~
6 ~~secretary has certified under s. 46.281 (3) (a) that a resource center is available for~~
7 ~~the hospital and for specified groups of eligible individuals that include persons~~
8 ~~seeking admission to or patients of the hospital.~~

****NOTE: This is reconciled s. 50.36 (2) (c). This SECTION has been affected by drafts with the following LRB numbers: LRB-0200/1 and LRB-0203/1.

9 ***-1686/4.53* SECTION 1928.** 50.37 (1) of the statutes is amended to read:

10 50.37 (1) ~~Suspended or revoked~~ Revoked the hospital's approval under s. 50.35
11 50.02 (3m) (bm).

12 ***-0200/2.4* SECTION 1929.** 50.38 of the statutes is repealed.

13 ***-1686/4.54* SECTION 1930.** 50.49 (6) (b) of the statutes is amended to read:

14 50.49 (6) (b) A home health agency license is valid until ~~suspended or revoked,~~
15 ~~except as provided in s. 50.498.~~

16 ***-1194/1.1* SECTION 1931.** 50.49 (6m) (a) of the statutes is amended to read:

17 50.49 (6m) (a) A care management organization, as defined in s. 46.2805 (1),
18 or an entity with which a care management organization contracts under s. 46.284
19 (4) (d).

20 ***-1686/4.55* SECTION 1932.** 50.49 (7) of the statutes is repealed.

21 ***-1686/4.56* SECTION 1933.** 50.49 (9) of the statutes is repealed.

22 ***-1686/4.57* SECTION 1934.** 50.49 (10) of the statutes is amended to read:

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1 50.49 (10) ~~PROVISIONAL PROBATIONARY~~ LICENSES. Except as provided in s. 50.498,
2 a ~~provisional probationary~~ license if approved by the department may be issued to
3 any home health agency, the facilities of which are in use or needed for patients, but
4 which is temporarily unable to conform to all the rules established under this section.
5 A ~~provisional probationary~~ license may not be issued for more than one year.

6 *~~1686/4.58~~* **SECTION 1935.** 50.498 (1) (c) of the statutes is amended to read:

7 50.498 (1) (c) A ~~provisional probationary~~ license under s. 50.49 (10).

8 *~~1686/4.59~~* **SECTION 1936.** 50.498 (1m) of the statutes is amended to read:

9 50.498 (1m) If an individual who applies for a certificate of approval, ~~license~~
10 ~~or provisional license~~ or a license as specified under sub. (1) does not have a social
11 security number, the individual, as a condition of obtaining the certificate of
12 approval, ~~license or provisional~~ or the license, shall submit a statement made or
13 subscribed under oath or affirmation to the department that the applicant does not
14 have a social security number. The form of the statement shall be prescribed by the
15 department of workforce development. A certificate of approval, ~~license or~~
16 ~~provisional~~ or a license issued in reliance upon a false statement submitted under
17 this subsection is invalid.

18 *~~1686/4.60~~* **SECTION 1937.** 50.498 (3) of the statutes is amended to read:

19 50.498 (3) Except as provided in sub. (1m), the department shall deny an
20 application for the issuance of a certificate of approval, ~~license or provisional~~ or a
21 license specified in sub. (1) if the applicant does not provide the information specified
22 in sub. (1).

23 *~~1686/4.61~~* **SECTION 1938.** 50.498 (4) of the statutes is amended to read:

24 50.498 (4) The department shall deny an application for the issuance of a
25 certificate of approval, ~~license or provisional~~ or a license specified in sub. (1) or shall,

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1 ~~notwithstanding s. 50.02 (3m) (bm),~~ revoke a certificate of approval, ~~license or~~
2 ~~provisional or a~~ license specified in sub. (1), if the department of revenue certifies
3 under s. 73.0301 that the applicant for or holder of the certificate of approval, ~~license~~
4 ~~or provisional or the~~ license is liable for delinquent taxes.

5 *~~1686/4.62~~* **SECTION 1939.** 50.498 (5) of the statutes is amended to read:

6 50.498 (5) ~~An~~ Notwithstanding s. 50.02 (3m) (e), an action taken under sub. (3)
7 or (4) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

8 *~~1686/4.63~~* **SECTION 1940.** 50.51 (2) (b) of the statutes is amended to read:

9 50.51 (2) (b) Minimum requirements for issuance of a ~~provisional license or a~~
10 ~~regular~~ license to rural medical centers.

11 *~~1686/4.64~~* **SECTION 1941.** 50.52 (2) (intro.) of the statutes is amended to
12 read:

13 50.52 (2) (intro.) The department shall issue a ~~provisional license or a regular~~
14 license as a rural medical center to an applicant if all of the following are first done:

15 *~~1686/4.65~~* **SECTION 1942.** 50.52 (4) of the statutes is amended to read:

16 50.52 (4) A regular license issued to a rural medical center is valid until it is
17 ~~suspended or revoked. A provisional license issued to a rural medical center is valid~~
18 ~~for 6 months from the date of issuance.~~

19 *~~1686/4.66~~* **SECTION 1943.** 50.55 (1) of the statutes is repealed.

20 *~~1686/4.67~~* **SECTION 1944.** 50.55 (2) (title) of the statutes is repealed and
21 recreated to read:

22 50.55 (2) (title) PENALTY.

23 *~~1686/4.68~~* **SECTION 1945.** 50.925 of the statutes is amended to read:

24 **50.925 Use of name or advertising prohibited.** No entity that is not a
25 hospice licensed or conditionally licensed under this subchapter or an applicant for

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1 a license ~~or a provisional license~~ under this subchapter may designate itself as a
2 “hospice” or use the word “hospice” to represent or tend to represent the entity as a
3 hospice or services provided by the entity as services provided by a hospice.

4 ***-1686/4.69* SECTION 1946.** 50.93 (1) (intro.) of the statutes is amended to
5 read:

6 50.93 (1) APPLICATION. (intro.) The application for a license ~~or for a provisional~~
7 license shall:

8 ***-1686/4.70* SECTION 1947.** 50.93 (2) (a) of the statutes is amended to read:

9 50.93 (2) (a) A hospice license is valid until ~~suspended or~~ revoked.

10 ***-1686/4.71* SECTION 1948.** 50.93 (3) of the statutes is amended to read:

11 50.93 (3) PROVISIONAL PROBATIONARY LICENSE. If the applicant has not been
12 previously licensed under this subchapter or if the hospice is not in operation at the
13 time that application is made, the department may issue a ~~provisional~~ probationary
14 license. Unless sooner ~~suspended or~~ revoked under sub. (4), a provisional
15 probationary license shall be valid for ~~24~~ 12 months from the date of issuance. Within
16 30 days prior to the termination of a ~~provisional~~ probationary license, the
17 department shall fully and completely inspect the hospice and, if the hospice meets
18 the applicable requirements for licensure, shall issue a regular license under sub. (2).
19 If the department finds that the hospice does not meet the requirements for
20 licensure, the department may not issue a regular license under sub. (2).

21 ***-1686/4.72* SECTION 1949.** 50.93 (3g) of the statutes is created to read:

22 50.93 (3g) SUBSTANTIAL NONCOMPLIANCE. A hospice that is in substantial
23 noncompliance, as defined by the department by rule under s. 50.95 (7), with a
24 federal statute or regulation or with an applicable provision of this chapter shall
25 demonstrate, including by providing financial or other information requested by the

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1 department, that the hospice continues to be fit and qualified, as defined by the
2 department by rule under s. 50.95 (5), to operate.

3 ***-1686/4.73* SECTION 1950.** 50.93 (4) of the statutes is repealed and recreated
4 to read:

5 50.93 (4) **EFFECT OF LICENSE INVALIDITY.** No state or federal funds passing
6 through the state treasury may be paid to a hospice that does not have a valid license
7 issued under this section.

8 ***-1686/4.74* SECTION 1951.** 50.95 (7) of the statutes is created to read:

9 50.95 (7) The definition of “substantial noncompliance” for the purposes of s.
10 50.93 (3g).

11 ***-1686/4.75* SECTION 1952.** 50.98 (title) and (1) of the statutes are repealed.

12 ***-1686/4.76* SECTION 1953.** 50.98 (2) of the statutes is renumbered 50.02 (3m)
13 (b) 3. and amended to read:

14 50.02 (3m) (b) 3. In determining whether a forfeiture is to be imposed under
15 subd. 1. and in fixing the amount of the forfeiture to be imposed under subd. 2., if any,
16 for a violation, the department shall consider the following factors shall be
17 considered:

18 a. The gravity of the violation, including the probability that death or serious
19 physical or psychological harm to a resident or patient will result or has resulted; the
20 severity of the actual or potential harm; and the extent to which the provisions of the
21 applicable statutes or rules were violated.

22 b. Good faith exercised by the licensee entity. Indications of good faith include,
23 but are not limited to, awareness of the applicable statutes and regulation and
24 reasonable diligence in complying with such requirements, prior accomplishments

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1 manifesting the licensee's desire to comply with the requirements, efforts to correct
2 and any other mitigating factors in favor of the licensee entity.

3 c. Any previous violations committed by the licensee entity

4 d. The financial benefit to the ~~hospice~~ entity of committing or continuing the
5 violation.

6 *~~1686/4.77~~* **SECTION 1954.** 50.98 (3) to (6) of the statutes are repealed.

7 *~~1712/2.9~~* **SECTION 1955.** 51.02 (1) (e) of the statutes is renumbered 51.02 (3)
8 and amended to read:

9 51.02 (3) ~~Submit~~ The council on mental health may submit annually to the
10 department, the chief clerk of each house of the legislature, for distribution to the
11 legislature under s. 13.172 (2), and the governor a report on recommended policy
12 changes in the area of mental health.

13 *~~1686/4.78~~* **SECTION 1956.** 51.032 (1) (b) of the statutes is amended to read:
14 51.032 (1) (b) A certification issued under s. 51.04 (2).

15 *~~1686/4.79~~* **SECTION 1957.** 51.032 (1) (e) of the statutes is amended to read:
16 51.032 (1) (e) An approval issued under s. ~~51.45 (8)~~ 51.04 (1).

17 *~~1686/4.80~~* **SECTION 1958.** 51.032 (4) of the statutes is amended to read:

18 51.032 (4) The department shall deny an application for the issuance of a
19 certification or approval specified in sub. (1) or shall, notwithstanding s. 51.04 (4),
20 revoke a certification or approval specified in sub. (1) if the department of revenue
21 certifies under s. 73.0301 that the applicant for or holder of a certification or approval
22 is liable for delinquent taxes.

23 *~~1686/4.81~~* **SECTION 1959.** 51.032 (5) of the statutes is amended to read:

24 51.032 (5) ~~An~~ Notwithstanding s. 51.04 (4), action taken under sub. (3) or (4)
25 is subject to review only as provided under s. 73.0301 (2) (b) and (5).

1 *~~1686/4.82~~* **SECTION 1960.** 51.04 of the statutes is repealed and recreated to
2 read:

3 **51.04 Treatment facilities. (2) CERTIFICATION.** Except as provided in s.
4 51.032, an approved treatment facility may apply to the department for certification
5 of the facility for the receipt of funds for services provided as a benefit to a medical
6 assistance recipient under s. 49.46 (2) (b) 6. f. or to a community aids funding
7 recipient under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The
8 department shall annually charge a fee for each certification.

9 **(3) CONDITIONAL APPROVAL.** (a) The department may, in addition to assessing
10 forfeitures under sub. (4) (a), issue a conditional approval to any treatment facility
11 if the department finds that a violation by the treatment facility of an applicable
12 provision of this chapter or of a rule promulgated under an applicable provision of
13 this chapter continues to exist.

14 (b) The issuance of a conditional approval to a treatment facility revokes any
15 outstanding approval held under this section by the treatment facility.

16 (c) Prior to the issuance of a conditional approval, the department shall
17 establish a written plan of correction. The plan shall specify the violations that
18 prevent full approval and shall establish a time schedule for correction of the
19 deficiencies. Retention of the conditional approval by a treatment facility shall be
20 conditional on the treatment facility's meeting the requirements of the plan of
21 correction.

22 (d) The department shall send to a treatment facility written notice of the
23 decision to issue a conditional approval, together with the proposed plan of
24 correction. The notice shall inform the treatment facility of its right to a case

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1 conference prior to issuance of the conditional approval and of its right under par. (f)
2 to a hearing.

3 (e) If the treatment facility desires to have a case conference it shall, within 4
4 working days of receipt of the notice under par. (d), send a written request for a case
5 conference to the department. The department shall, within 4 working days from the
6 receipt of the request, hold a case conference in the county in which the treatment
7 facility is located. Following this conference the department may affirm or overrule
8 its previous decision, or modify the terms of the conditional approval and plan of
9 correction. The department may issue the conditional approval after the case
10 conference, or after the time for requesting a case conference has expired, prior to any
11 further hearing.

12 (f) If after the case conference the treatment facility desires to contest the basis
13 for issuance of a conditional approval or the terms of the conditional approval or plan
14 of correction, the treatment facility is entitled to a hearing as specified under sub.
15 (4) (d).

16 (g) The department may issue a conditional approval for a period specified by
17 the department, but in no event for more than 12 months. The department shall
18 periodically inspect any treatment facility that is operating under a conditional
19 approval. If the department finds substantial failure by the treatment facility to
20 follow the plan of correction, the department may revoke the conditional approval as
21 provided under sub. (4) (b). The treatment facility is entitled to a hearing as specified
22 under sub. (4) (d) on the revocation, but the department may rely on facts found in
23 a hearing under par. (f) as grounds for revocation.

24 (h) If the department determines that the conditional approval of a treatment
25 facility shall expire without renewal or replacement of the conditional approval by

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1 an approval under sub. (1), the department shall so notify the treatment facility at
2 least 30 days prior to expiration of the conditional approval. The notice shall be
3 written, shall state the grounds for the expiration without renewal or replacement,
4 and shall explain the process for appealing the expiration without renewal or
5 replacement. The treatment facility is entitled to a hearing as specified under sub.
6 (4) (d) prior to expiration of the conditional approval.

7 (4) SANCTIONS AND PENALTIES. (a) If the department provides to a treatment
8 facility written notice of the sanction or penalty, the grounds for the sanction or
9 penalty, an explanation of the types of sanctions or penalties that the department
10 may impose under this subsection, and an explanation of the process for appealing
11 a sanction or penalty imposed under this subsection, the department may impose
12 any of the following against a treatment facility or other person who violates the
13 applicable provisions of this chapter or rules promulgated under the applicable
14 provisions of this chapter:

15 1. A daily forfeiture amount per violation of not less than \$10 nor more than
16 \$2,000 for each violation, with each day of violation constituting a separate offense.
17 All of the following apply to a forfeiture under this subdivision:

18 a. Within the limits specified in this subdivision, the department may, by rule,
19 set daily forfeiture amounts and payment deadlines based on the size of the
20 treatment facility, the type of the treatment facility, and the seriousness of the
21 violation.

22 b. The department may directly assess a forfeiture imposed under this
23 subdivision by specifying the amount of that forfeiture in the notice provided under
24 this paragraph.

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1 c. A treatment facility assessed a forfeiture shall pay the forfeiture to the
2 department within 10 days after receipt of notice of assessment or, if the forfeiture
3 is contested under par. (d), within 10 days after receipt of the final decision after
4 exhaustion of administrative review, unless the final decision is appealed and the
5 order is stayed by court order under sub. (5). The department shall remit all
6 forfeitures paid under this subdivision to the state treasurer for deposit in the school
7 fund.

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

12 2. Suspension of approval for the treatment facility.

13 3. Revocation of approval or of conditional approval as specified in pars. (b) to
14 (e).

15 (b) Under the procedure specified in par. (c), the department may revoke an
16 approval for a treatment facility for any of the following reasons:

17 1. The department has imposed a sanction or penalty on the treatment facility
18 under par. (a) and the treatment facility continues to violate or resumes violation of
19 an applicable provision of approval or of conditional approval or a rule relating to the
20 treatment facility promulgated under this chapter.

21 2. The treatment facility or a person under the supervision of the treatment
22 facility has substantially violated a provision of approval applicable to the treatment
23 facility or a rule relating to the treatment facility promulgated under this chapter.

24 3. The treatment facility or a person under the supervision of the treatment
25 facility has acted in relation to or has created a condition relating to the operation

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1 or maintenance of the treatment facility that directly threatens the health, safety,
2 or welfare of a patient of the treatment facility.

3 4. The treatment facility or a person under the supervision of the treatment
4 facility has repeatedly violated the same or similar provisions of approval or
5 conditional approval applicable to the treatment facility or rules relating to the
6 treatment facility promulgated under this chapter.

7 (c) 1. The department may revoke an approval or conditional approval for a
8 treatment facility for the reason specified in par. (b) 1., 2., 3., or 4. if the department
9 provides the treatment facility with written notice of revocation, the grounds for the
10 revocation, and an explanation of the process for appealing the revocation, at least
11 30 days before the date of revocation. The department may revoke the approval or
12 conditional approval only if the violation remains substantially uncorrected on the
13 date of revocation or expiration of the approval or conditional approval.

14 2. The department may revoke an approval or conditional approval for a
15 treatment facility for the reason specified in par. (b) 2. or 3. immediately if the
16 department provides the treatment facility with written notice of revocation, the
17 grounds for the revocation, and an explanation of the process for appealing the
18 revocation.

19 3. The department may deny an approval or conditional approval for treatment
20 facility whose approval or conditional approval was revoked under this paragraph.

21 (d) If a treatment facility desires to contest the suspension or revocation of an
22 approval or conditional approval or the imposition of a sanction or penalty, including
23 an assessment of a forfeiture under par. (a), the treatment facility shall, within 10
24 days after receipt of notice under par. (a), notify the department in writing of its
25 request for a hearing under s. 227.44. The department shall hold a prehearing

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1 conference within 30 days after receipt of the notice and shall send notice to the
2 treatment facility of a hearing as provided under s. 227.44 (2).

3 (e) 1. Subject to s. 227.51 (3), revocation shall become effective on the date set
4 by the department in the notice of revocation, upon final action after hearing under
5 ch. 227, or after court action if a stay is granted under sub. (5), whichever is later.

6 2. The department may extend the effective date of revocation of an approval
7 or a conditional approval in any case in order to permit orderly removal and
8 relocation of patients.

9 (5) JUDICIAL REVIEW. (a) All administrative remedies shall be exhausted before
10 an agency determination under this chapter is subject to judicial review. Final
11 decisions after hearing are subject to judicial review exclusively as provided in s.
12 227.52, except that a treatment facility shall file any petition for review of
13 department action under this chapter within 15 days after receipt of notice of the
14 final agency determination.

15 (b) The court may stay enforcement under s. 227.54 of the agency's final
16 decision if a showing is made that there is a substantial probability that the party
17 seeking review will prevail on the merits and will suffer irreparable harm if a stay
18 is not granted, and that the treatment facility will meet the applicable requirements
19 of this chapter and the rules promulgated under this chapter during the stay. If a
20 stay is granted, the court may impose such conditions on the granting of the stay as
21 may be necessary to safeguard the lives, health, rights, safety, and welfare of patients
22 and to assure compliance by the treatment facility with the requirements of this
23 chapter.

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1 (c) The attorney general may delegate to the department the authority to
2 represent the state in any action brought to challenge department actions prior to
3 exhaustion of administrative remedies and final disposition by the agency.

4 ***-0424/5.6* SECTION 1961.** 51.06 (1) (intro.) of the statutes is renumbered
5 51.06 (1) and amended to read:

6 51.06 (1) PURPOSE. The purpose of the northern center for developmentally
7 disabled, central center for developmentally disabled and southern center for
8 developmentally disabled is to provide services needed by developmentally disabled
9 citizens of this state ~~which~~ that are otherwise unavailable to them, and to return
10 ~~such~~ those persons to the community when their needs can be met at the local level.
11 ~~Services to be provided by the department at such centers shall include:~~

12 ***-0424/5.7* SECTION 1962.** 51.06 (1) (a) to (d) of the statutes are renumbered
13 51.06 (1m) (a) to (d), and 51.06 (1m) (d), as renumbered, is amended to read:

14 51.06 (1m) (d) Services for up to ~~36~~ 50 individuals with developmental
15 disability who are also diagnosed as mentally ill or who exhibit extremely aggressive
16 and challenging behaviors.

***NOTE: This is reconciled s. 51.06 (1m) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB–0424/4 and LRB–0435/1.

17 ***-0424/5.8* SECTION 1963.** 51.06 (1m) (intro.) of the statutes is created to read:

18 51.06 (1m) SERVICES. (intro.) Services to be provided by the department at
19 centers for the developmentally disabled shall include:

20 ***-0424/5.9* SECTION 1964.** 51.06 (1r) of the statutes is created to read:

21 51.06 (1r) ALTERNATIVE SERVICES. (a) In addition to services provided under
22 sub. (1m), the department may, when the department determines that community
23 services need to be supplemented, authorize a center for the developmentally

SENATE BILL 55**SECTION 1964**

1 disabled to offer short-term residential services, dental and mental health services,
2 physical therapy, psychiatric and psychological services, general medical services,
3 pharmacy services, and orthotics.

4 (b) Services under this subsection may be provided only under contract
5 between the department and a county department under s. 46.215, 46.22, 46.23,
6 51.42, or 51.437, a school district, or another public or private entity within the state
7 to persons referred from those entities, at the discretion of the department. The
8 department shall charge the referring entity all costs associated with providing the
9 services. Unless a referral is made, the department may not offer services under this
10 subsection to the person who is to receive the services or to his or her family. The
11 department may not impose a charge for services under this subsection upon the
12 person receiving the services or upon his or her family. Any revenues received under
13 this subsection shall be credited to the appropriation account under s. 20.435 (2) (g).

14 (c) 1. Services under this subsection are governed by subchapter XVI of ch. 48
15 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)
16 (b), and 51.61, for the application of which the services shall be considered to be
17 provided by a private entity, by rules promulgated under those statutes, and by the
18 terms of the contract between the department, except that, in the event of a conflict
19 between the contractual terms and the statutes or rules, the services shall comply
20 with the contractual, statutory, or rules provision that is most protective of the
21 service recipient's health, safety, welfare, or rights.

22 2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and
23 zoning or other ordinances or regulations of the county, city, town, or village in which
24 the services are provided or the facility is located do not apply to the services under
25 this subsection.

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1 3. The department may not be required, by court order or otherwise, to offer
2 services under this subsection.

3 (d) A residential facility operated by a center for the developmentally disabled
4 that is authorized by the department under this subsection may not be considered
5 to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment
6 facility, or a treatment facility.

7 *~~1686/4.83~~* **SECTION 1965.** 51.08 of the statutes is amended to read:

8 **51.08 Milwaukee County Mental Health Complex.** Any county having a
9 population of 500,000 or more may, pursuant to s. 46.17, establish and maintain a
10 county mental health complex. The county mental health complex shall be a hospital
11 devoted to the detention and care of drug addicts, alcoholics, chronic patients, and
12 mentally ill persons whose mental illness is acute. ~~Such~~ The hospital shall be
13 governed ~~pursuant to~~ under s. 46.21. Treatment of alcoholics at the county mental
14 health complex is subject to approval by the department under s. ~~51.45 (8)~~ 51.04 (1).
15 The county mental health complex established ~~pursuant to~~ under this section is
16 subject to rules promulgated by the department concerning hospital standards.

17 *~~1686/4.84~~* **SECTION 1966.** 51.09 of the statutes is amended to read:

18 **51.09 County hospitals.** Any county having a population of less than 500,000
19 may establish a hospital or facilities for the detention and care of mentally ill
20 persons, alcoholics, and drug addicts; and in connection therewith a hospital or
21 facility for the care of ~~eases~~ persons afflicted with pulmonary tuberculosis. County
22 hospitals established pursuant to under this section are subject to rules promulgated
23 by the department concerning hospital standards, including standards for alcoholic
24 treatment facilities under s. ~~51.45 (8)~~ 51.04 (1).

25 *~~1686/4.85~~* **SECTION 1967.** 51.30 (10) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 1967**

1 51.30 (10) (b) ~~Whoever~~ Notwithstanding s. 51.04 (4) (a), whoever negligently
2 discloses confidential information under this section is subject to a forfeiture of not
3 more than \$1,000 for each violation.

4 ***-1884/2.1*** **SECTION 1968.** 51.42 (3) (ar) 4m. of the statutes is amended to read:

5 51.42 (3) (ar) 4m. If state, federal, and county funding for alcohol and other
6 drug abuse treatment services provided under subd. 4. are insufficient to meet the
7 needs of all eligible individuals, ensure that first priority for services is given to
8 pregnant women who suffer from alcoholism or alcohol abuse or are drug dependent
9 and that second priority be given to independent foster care adolescents, as defined
10 in 42 USC 1396d (w) (1).

11 ***-1884/2.2*** **SECTION 1969.** 51.42 (3) (ar) 4p. of the statutes is created to read:

12 51.42 (3) (ar) 4p. If state, federal, and county funding for mental health services
13 provided under subd. 4. are insufficient to meet the needs of all eligible individuals,
14 ensure that first priority for services is given to independent foster care adolescents,
15 as defined in 42 USC 1396d (w) (1).

16 ***-0423/1.1*** **SECTION 1970.** 51.42 (3) (as) 1. of the statutes is amended to read:

17 51.42 (3) (as) 1. A county department of community programs shall authorize
18 all care of any patient in a state, local or private facility under a contractual
19 agreement between the county department of community programs and the facility,
20 unless the county department of community programs governs the facility. The need
21 for inpatient care shall be determined by the program director or designee in
22 consultation with and upon the recommendation of a licensed physician trained in
23 psychiatry and employed by the county department of community programs or its
24 contract agency. In cases of emergency, a facility under contract with any county
25 department of community programs shall charge the county department of

SENATE BILL 55**SECTION 1970**

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

18 ***-0423/1.2* SECTION 1971.** 51.42 (3) (as) 1m. of the statutes is created to read:

19 51.42 (3) (as) 1m. A county department of community programs shall
20 reimburse a mental health institute at the institute's daily rate for custody of any
21 county resident examined at the mental health institute under s. 971.14 (2) for all
22 days that the person remains in custody at the mental health institute, beginning
23 48 hours, not including Saturdays, Sundays, and legal holidays, after the sheriff and
24 county department receive notice under s. 971.14 (2) (d) that the examination has
25 been completed.

SENATE BILL 55**SECTION 1972**

1 ***-0424/5.10*** **SECTION 1972.** 51.437 (4rm) (c) 2m. of the statutes is amended
2 to read:

3 51.437 (**4rm**) (c) 2m. Bill the county department of developmental disabilities
4 services for services provided under s. 51.06 (~~1~~) (1m) (d) to individuals who are
5 eligible for medical assistance that are not provided by the federal government, using
6 the procedure established under subd. 1.

7 ***-1712/2.10*** **SECTION 1973.** 51.437 (14) (i) of the statutes is repealed.

8 ***-1712/2.11*** **SECTION 1974.** 51.437 (14p) (a) of the statutes is amended to read:

9 51.437 (**14p**) (a) *Requirement Optional requirement.* By December 1, 1991, and
10 every 5 years thereafter, the department ~~shall submit~~ may develop a state
11 developmental disabilities services plan for the next 5 years. ~~The plan shall be~~
12 updated and may update the plan biennially. ~~The plan and plan updates shall be~~
13 ~~submitted to the governor, the standing committees with jurisdiction over~~
14 ~~developmental disabilities issues in each house of the legislature and the joint~~
15 ~~committee on finance.~~

16 ***-1712/2.12*** **SECTION 1975.** 51.437 (14p) (b) (intro.) of the statutes is amended
17 to read:

18 51.437 (**14p**) (b) *Plan objectives.* (intro.) ~~The~~ Any plan under this subsection
19 shall may be developed and implemented so as to achieve all of the following
20 objectives:

21 ***-1712/2.13*** **SECTION 1976.** 51.437 (14p) (c) (intro.) of the statutes is amended
22 to read:

23 51.437 (**14p**) (c) *Plan content.* (intro.) ~~The~~ Any plan ~~required~~ developed under
24 this subsection shall may include:

25 ***-1712/2.14*** **SECTION 1977.** 51.437 (14p) (d) of the statutes is amended to read:

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1 51.437 (14p) (d) *Participation of council.* The department, in formulating the
2 plan under this subsection, ~~shall~~ may consider the comments and recommendations
3 of the Wisconsin council on developmental disabilities.

4 *~~1712/2.15~~* **SECTION 1978.** 51.437 (14p) (f) 1. of the statutes is amended to
5 read:

6 51.437 (14p) (f) 1. Copies of the any proposed state plan, and any proposed
7 biennial updates to the plan, ~~shall~~ may be made reasonably available to the public
8 in order to allow sufficient time for public review and comments.

9 *~~1712/2.16~~* **SECTION 1979.** 51.437 (14p) (f) 2. of the statutes is amended to
10 read:

11 51.437 (14p) (f) 2. Copies of the final state plan and biennial updates to the plan
12 ~~shall~~ may be submitted to the governor, the standing committees with jurisdiction
13 over developmental disabilities issues in each house of the legislature, and the joint
14 committee on finance ~~and~~. Copies of the plan and updates shall be made available
15 to the public.

16 *~~1712/2.17~~* **SECTION 1980.** 51.437 (14r) (title) of the statutes is amended to
17 read:

18 51.437 (14r) (title) ~~DUTIES~~ ACTIVITIES OF THE COUNCIL ON DEVELOPMENTAL
19 DISABILITIES.

20 *~~1712/2.18~~* **SECTION 1981.** 51.437 (14r) (a) 2. (intro.) of the statutes is
21 renumbered 51.437 (14r) (c) (intro.) and amended to read:

22 51.437 (14r) (c) (intro.) ~~Perform~~ The council on developmental disabilities may
23 perform the following responsibilities related to the any state plan developed under
24 sub. (14p) for the delivery of services, including the construction of facilities:

SENATE BILL 55**SECTION 1982**

1 ***-1712/2.19*** **SECTION 1982.** 51.437 (14r) (a) 2. a. and b. of the statutes are
2 renumbered 51.437 (14r) (c) 1. and 2.

3 ***-1712/2.20*** **SECTION 1983.** 51.44 (5) (c) of the statutes is renumbered 51.44
4 (6) and amended to read:

5 51.44 (6) Annually, the department may submit to the chief clerk of each house
6 of the legislature for distribution to the legislature under s. 13.172 (2) a report on the
7 department's progress toward full implementation of the program under this section,
8 including the progress of counties in implementing goals for participation in
9 5th-year requirements under 20 USC 1476.

10 ***-1686/4.86*** **SECTION 1984.** 51.45 (2) (b) of the statutes is amended to read:

11 51.45 (2) (b) "Approved private treatment facility" means a private agency
12 meeting the standards ~~prescribed in sub. (8) (a) of,~~ and approved under sub. (8) (e),
13 s. 51.04 (1).

14 ***-1686/4.87*** **SECTION 1985.** 51.45 (2) (c) of the statutes is amended to read:

15 51.45 (2) (c) "Approved public treatment facility" means a treatment agency
16 operating under the direction and control of the department or providing treatment
17 under this section through a contract with the department under sub. (7) (g) or with
18 the county department under s. 51.42 (3) (ar) 2., and meeting the standards
19 ~~prescribed in sub. (8) (a) of,~~ and approved under sub. (8) (e), s. 51.04 (1).

20 ***-1712/2.21*** **SECTION 1986.** 51.45 (4) (p) of the statutes is renumbered 51.45
21 (4m) and amended to read:

22 51.45 (4m) REPORT. ~~Submit~~ The department may submit to the governor or the
23 state health planning and development agency under P.L. 93-641, as amended, an
24 annual report covering the activities of the department relating to treatment of
25 alcoholism.

SENATE BILL 55**SECTION 1987**

1 *~~1686/4.88~~* **SECTION 1987.** 51.45 (8) (title) of the statutes is renumbered
2 51.04 (1) (title) and amended to read:

3 51.04 (1) (title) ~~STANDARDS FOR PUBLIC AND PRIVATE TREATMENT FACILITIES;~~
4 ~~ENFORCEMENT PROCEDURES APPROVAL.~~

5 *~~1686/4.89~~* **SECTION 1988.** 51.45 (8) (a) of the statutes is renumbered 51.04
6 (1) (a) and amended to read:

7 51.04 (1) (a) The department shall establish minimum standards for ~~approved~~
8 ~~treatment facilities that must be met for a treatment facility to be approved as a~~
9 ~~public or private treatment facility approval~~, except as provided in s. 51.032, of public
10 and private treatment facilities and ~~fix~~ shall specify the fees to be charged by the
11 department for the required inspections. The standards may concern only the health
12 standards to be met and standards of treatment to be afforded patients and shall
13 distinguish between facilities rendering different modes of treatment. In setting
14 standards, the department shall consider the residents' needs and abilities, the
15 services to be provided by the facility, and the relationship between the physical
16 structure and the objectives of the program. Nothing in this subsection shall may
17 be construed to prevent county departments from establishing reasonable higher
18 standards.

19 *~~1686/4.90~~* **SECTION 1989.** 51.45 (8) (b) of the statutes is renumbered 51.04
20 (1) (b).

21 *~~1686/4.91~~* **SECTION 1990.** 51.45 (8) (c) of the statutes is renumbered 51.04
22 (1) (c) and amended to read:

23 51.04 (1) (c) ~~Approval of a~~ No treatment facility must be secured that is not
24 approved under this ~~section~~ before application ~~subsection~~ may apply for a

SENATE BILL 55**SECTION 1990**

1 grant-in-aid for such facility under s. 51.423 or before treatment in any facility is
2 ~~rendered~~ render treatment to patients.

3 ***-1686/4.92* SECTION 1991.** 51.45 (8) (d) of the statutes is renumbered 51.04
4 (1) (d) and amended to read:

5 51.04 (1) (d) ~~Each~~ An approved public and private treatment facility shall file
6 with the department on request, data, statistics, schedules and information the
7 department reasonably requires, including any data or information specified under
8 s. 46.973 (2m). ~~An approved public or private~~ The approval of a treatment facility
9 that without good cause fails to furnish any data, statistics, schedules or information
10 as requested, or files fraudulent returns thereof, ~~shall be removed from the list of~~
11 approved treatment facilities, is subject to revocation.

12 ***-1686/4.93* SECTION 1992.** 51.45 (8) (e) of the statutes is repealed.

13 ***-1686/4.94* SECTION 1993.** 51.45 (8) (f) of the statutes is repealed.

14 ***-1301/5.98* SECTION 1994.** 59.05 (2) of the statutes is amended to read:

15 59.05 (2) If two-fifths of the legal voters of any county, to be determined by the
16 registration or poll lists of the last previous general election held in the county, the
17 names of which voters shall appear on some one of the registration or poll lists of such
18 election, present to the board a petition conforming to the requirements of s. 8.40
19 asking for a change of the county seat to some other place designated in the petition,
20 the board shall submit the question of removal of the county seat to a vote of the
21 qualified voters of the county. The board shall file the question as provided in s. 8.37.
22 The election shall be held only on the day of the general election, notice of the election
23 shall be given and the election shall be conducted as in the case of the election of
24 officers on that day, and the votes shall be canvassed, certified and returned in the

SENATE BILL 55**SECTION 1994**

1 same manner as other votes at that election. The question to be submitted shall be
2 “Shall the county seat of county be removed to?”.

3 ***-1939/5.34* SECTION 1995.** 59.22 (2) (c) 2. of the statutes is amended to read:

4 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
5 ~~rules of the department of health and family services under s. 49.33 (4) to (7) relating~~
6 ~~to employees administering old age assistance, aid to families with dependent~~
7 ~~children, aid to the blind and aid to totally and permanently disabled persons or ss.~~
8 63.01 to 63.17.

9 ***-1394/2.28* SECTION 1996.** 59.25 (3) (f) 2. of the statutes is amended to read:

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

SENATE BILL 55**SECTION 1996**

1 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85
2 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the
3 environmental assessment, the amounts required by s. 29.983 for the wild animal
4 protection assessment, the amounts required by s. 29.987 for the natural resources
5 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter
6 removal assessment, the amounts required by s. 350.115 for the snowmobile
7 registration restitution payment, and the amounts required by s. 29.989 for natural
8 resources restitution payments, transmit to the state treasurer a statement of all
9 moneys required by law to be paid on the actions entered during the preceding month
10 on or before the first day of the next succeeding month, certified by the county
11 treasurer's personal signature affixed or attached thereto, and at the same time pay
12 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: -0454 and -1394.

13 ***-1394/2.29* SECTION 1997.** 59.40 (2) (m) of the statutes is amended to read:

14 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
15 percentage of the fees required to be paid on each civil action, criminal action and
16 special proceeding filed during the preceding month and pay monthly to the
17 treasurer for the use of the state the percentage of court imposed fines and forfeitures
18 required by law to be deposited in the state treasury, the amounts required by s.
19 757.05 for the penalty assessment surcharge, the amounts required by s. 165.87 (1)
20 for the law enforcement training fund assessment, the amounts required by s.
21 165.755 for the crime laboratories and drug law enforcement assessment, the
22 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
23 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts

SENATE BILL 55**SECTION 1997**

1 required by s. 938.34 (8d) for the delinquency victim and witness assistance
2 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
3 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
4 improvement surcharge, the amounts required by s. 100.261 for the consumer
5 ~~information~~ protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1.
6 or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts
7 required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental
8 food program for women, infants and children, the amounts required by ss. 346.177,
9 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
10 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
11 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
12 required by s. 299.93 for the environmental assessment, the amounts required under
13 s. 29.983 for the wild animal protection assessment, the amounts required under s.
14 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
15 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
16 350.115 for the snowmobile registration restitution payment, and the amounts
17 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
18 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: -0454 and -1394.

19 ***-1634/P6.38* SECTION 1998.** 59.43 (1) (u) of the statutes, as affected by 1997
20 Wisconsin Act 27, is repealed and recreated to read:

21 59.43 (1) (u) Submit that portion of recording fees collected under sub. (2) (ag)
22 1. and (e) and not retained by the county to the department of administration under
23 s. 59.72 (5).

SENATE BILL 55**SECTION 1999**

1 ***-1634/P6.39*** **SECTION 1999.** 59.43 (2) (ag) 1. of the statutes, as affected by
2 1997 Wisconsin Act 27, is repealed and recreated to read:

3 59.43 (2) (ag) 1. After June 30, 1991, and subject to s. 59.72 (5), for recording
4 any instrument entitled to be recorded in the office of the register of deeds, \$11 for
5 the first page and \$2 for each additional page, except that no fee may be collected for
6 recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b).

7 ***-1923/1.1*** **SECTION 2000.** 59.43 (2) (b) of the statutes is amended to read:

8 59.43 (2) (b) For copies of any records or papers, \$2 for the first page plus \$1
9 for each additional page, plus ~~25-cents~~ \$1 for the certificate of the register of deeds,
10 except that the department of revenue is exempt from the fees under this paragraph.

11 ***-1634/P6.40*** **SECTION 2001.** 59.43 (2) (e) of the statutes, as affected by 1997
12 Wisconsin Act 27, is repealed and recreated to read:

13 59.43 (2) (e) After June 30, 1991, and subject to s. 59.72 (5), for filing any
14 instrument which is entitled to be filed in the office of register of deeds and for which
15 no other specific fee is specified, \$11 for the first page and \$2 for each additional page.

16 ***-0796/1.12*** **SECTION 2002.** 59.54 (12) of the statutes is amended to read:

17 59.54 (12) **COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS.** Pursuant to adoption
18 of a resolution, a board may enter into an agreement and seek funding under s.
19 ~~165.90~~ 16.964 (7).

20 ***-1634/P6.41*** **SECTION 2003.** 59.72 of the statutes, as affected by 1997
21 Wisconsin Act 27, is repealed and recreated to read:

22 **59.72 Land information.** (1) **DEFINITIONS.** In this section:

23 (a) “Land information” has the meaning given in s. 16.967 (1) (b).

24 (am) “Land information system” has the meaning given in s. 16.967 (1) (c).

25 (b) “Land records” has the meaning given in s. 16.967 (1) (d).

SENATE BILL 55**SECTION 2003**

1 (c) “Local governmental unit” means a municipality, regional planning
2 commission, special purpose district, or local governmental association, authority,
3 board, commission, department, independent agency, institution, or office.

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

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

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

15 (3) (e).

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

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

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

SENATE BILL 55**SECTION 2003**

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

4 1. The county has established a land information office under sub. (3).

5 2. A land information office has been established for less than 2 years or has
6 received approval for a countywide plan for land records modernization under sub.
7 (3) (b).

8 3. The county uses the fees retained under this paragraph to develop,
9 implement and maintain the countywide plan for land records modernization.

10 ***-0618/3.2* SECTION 2004.** 62.50 (23m) of the statutes is repealed.

11 ***-1394/2.30* SECTION 2005.** 66.0113 (1) (b) 7. c. of the statutes is amended to
12 read:

13 66.0113 (1) (b) 7. c. That, if the alleged violator makes a cash deposit and does
14 not appear in court, he or she either will be deemed to have tendered a plea of no
15 contest and submitted to a forfeiture, a penalty assessment imposed by s. 757.05, a
16 law enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment
17 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
18 imposed by s. 165.755, any applicable consumer information protection assessment
19 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
20 973.055 (1) not to exceed the amount of the deposit or will be summoned into court
21 to answer the complaint if the court does not accept the plea of no contest.

****NOTE: This is reconciled s. 66.0113 (1) (b) 7. c. This SECTION has been affected
by drafts with the following LRB numbers: -0454 and -1394.

22 ***-1394/2.31* SECTION 2006.** 66.0113 (1) (b) 7. d. of the statutes is amended to
23 read:

SENATE BILL 55**SECTION 2006**

1 66.0113 (1) (b) 7. d. That, if the alleged violator does not make a cash deposit
2 and does not appear in court at the time specified, the court may issue a summons
3 or a warrant for the defendant's arrest or consider the nonappearance to be a plea
4 of no contest and enter judgment under sub. (3) (d), or the municipality may
5 commence an action against the alleged violator to collect the forfeiture, the penalty
6 assessment imposed by s. 757.05, the law enforcement training fund assessment
7 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
8 laboratories and drug law enforcement assessment imposed by s. 165.755, any
9 applicable consumer ~~information~~ protection assessment imposed by s. 100.261, and
10 any applicable domestic abuse assessment imposed by s. 973.055 (1).

****NOTE: This is reconciled s. 66.0113 (1) (b) 7. d. This SECTION has been affected
by drafts with the following LRB numbers: -0454 and -1394.

11 ***-1394/2.32*** SECTION 2007. 66.0113 (1) (c) of the statutes is amended to read:

12 66.0113 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of
13 cash deposits that are to be required for the various ordinance violations, and for the
14 penalty assessment imposed by s. 757.05, the law enforcement training fund
15 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
16 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
17 applicable consumer ~~information~~ protection assessment imposed by s. 100.261, and
18 any applicable domestic abuse assessment imposed by s. 973.055 (1), for which a
19 citation may be issued. The ordinance shall also specify the court, clerk of court or
20 other official to whom cash deposits are to be made and shall require that receipts
21 be given for cash deposits.

****NOTE: This is reconciled s. 66.0113 (1) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

22 ***-1394/2.33*** SECTION 2008. 66.0113 (3) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 2008**

1 66.0113 (3) (a) The person named as the alleged violator in a citation may
2 appear in court at the time specified in the citation or may mail or deliver personally
3 a cash deposit in the amount, within the time and to the court, clerk of court or other
4 official specified in the citation. If a person makes a cash deposit, the person may
5 nevertheless appear in court at the time specified in the citation, but the cash deposit
6 may be retained for application against any forfeiture, restitution, penalty
7 assessment, law enforcement training fund assessment, jail assessment, crime
8 laboratories and drug law enforcement assessment, consumer information
9 protection assessment, or domestic abuse assessment that may be imposed.

 ****NOTE: This is reconciled s. 66.0113 (3) (a). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

10 ***-1394/2.34*** **SECTION 2009.** 66.0113 (3) (b) of the statutes is amended to read:
11 66.0113 (3) (b) If a person appears in court in response to a citation, the citation
12 may be used as the initial pleading, unless the court directs that a formal complaint
13 be made, and the appearance confers personal jurisdiction over the person. The
14 person may plead guilty, no contest or not guilty. If the person pleads guilty or no
15 contest, the court shall accept the plea, enter a judgment of guilty and impose a
16 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
17 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by
18 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
19 by s. 165.755, any applicable consumer ~~information~~ protection assessment imposed
20 by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055
21 (1). If the court finds that the violation meets the conditions in s. 800.093 (1), the
22 court may order restitution under s. 800.093. A plea of not guilty shall put all matters
23 in the case at issue, and the matter shall be set for trial.

SENATE BILL 55**SECTION 2009**

****NOTE: This is reconciled s. 66.0113 (3) (b). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

1 ***-1394/2.35*** SECTION 2010. 66.0113 (3) (c) of the statutes is amended to read:

2 66.0113 (3) (c) If the alleged violator makes a cash deposit and fails to appear
3 in court, the citation may serve as the initial pleading and the violator shall be
4 considered to have tendered a plea of no contest and submitted to a forfeiture, the
5 penalty assessment imposed by s. 757.05, the law enforcement training fund
6 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
7 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
8 applicable consumer ~~information~~ protection assessment imposed by s. 100.261, and
9 any applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding
10 the amount of the deposit. The court may either accept the plea of no contest and
11 enter judgment accordingly or reject the plea. If the court finds the violation meets
12 the conditions in s. 800.093 (1), the court may summon the alleged violator into court
13 to determine if restitution shall be ordered under s. 800.093. If the court accepts the
14 plea of no contest, the defendant may move within 10 days after the date set for the
15 appearance to withdraw the plea of no contest, open the judgment, and enter a plea
16 of not guilty if the defendant shows to the satisfaction of the court that the failure
17 to appear was due to mistake, inadvertence, surprisc, or excusable neglect. If the
18 plea of no contest is accepted and not subsequently changed to a plea of not guilty,
19 no costs or fees may be taxed against the violator, but a penalty assessment, a law
20 enforcement training fund assessment, a jail assessment, a crime laboratories and
21 drug law enforcement assessment and, if applicable, a consumer ~~information~~
22 protection assessment or a domestic abuse assessment shall be assessed. If the court
23 rejects the plea of no contest, an action for collection of the forfeiture, pcnalty

SENATE BILL 55**SECTION 2010**

1 assessment, law enforcement training fund assessment, jail assessment, crime
2 laboratories and drug law enforcement assessment, any applicable consumer
3 ~~information protection~~ assessment, and any applicable domestic abuse assessment
4 may be commenced. A city, village, town sanitary district, or public inland lake
5 protection and rehabilitation district may commence action under s. 66.0114 (1) and
6 a county or town may commence action under s. 778.10. The citation may be used
7 as the complaint in the action for the collection of the forfeiture, penalty assessment,
8 law enforcement training fund assessment, jail assessment, crime laboratories and
9 drug law enforcement assessment, any applicable consumer ~~information protection~~
10 assessment, and any applicable domestic abuse assessment.

****NOTE: This is reconciled s. 66.0113 (3) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

11 ***-1394/2.36* SECTION 2011.** 66.0113 (3) (d) of the statutes is amended to read:
12 66.0113 (3) (d) If the alleged violator does not make a cash deposit and fails to
13 appear in court at the time specified in the citation, the court may issue a summons
14 or warrant for the defendant's arrest or consider the nonappearance to be a plea of
15 no contest and enter judgment accordingly if service was completed as provided
16 under par. (e) or the county, town, city, village, town sanitary district, or public inland
17 lake protection and rehabilitation district may commence an action for collection of
18 the forfeiture, penalty assessment, law enforcement training fund assessment, jail
19 assessment, and crime laboratories and drug law enforcement assessment, any
20 applicable consumer ~~information protection~~ assessment, and any applicable
21 domestic abuse assessment. A city, village, town sanitary district, or public inland
22 lake protection and rehabilitation district may commence action under s. 66.0114 (1)
23 and a county or town may commence action under s. 778.10. The citation may be used

SENATE BILL 55**SECTION 2011**

1 as the complaint in the action for the collection of the forfeiture, penalty assessment,
2 law enforcement training fund assessment, jail assessment, and crime laboratories
3 and drug law enforcement assessment, any applicable consumer ~~information~~
4 protection assessment, and any applicable domestic abuse assessment. If the court
5 considers the nonappearance to be a plea of no contest and enters judgment
6 accordingly, the court shall promptly mail a copy or notice of the judgment to the
7 defendant. The judgment shall allow the defendant not less than 20 days from the
8 date of the judgment to pay any forfeiture, penalty assessment, law enforcement
9 training assessment, jail assessment, and crime laboratories and drug law
10 enforcement assessment, any applicable consumer ~~information~~ protection
11 assessment, and any applicable domestic abuse assessment imposed. If the
12 defendant moves to open the judgment within 6 months after the court appearance
13 date fixed in the citation, and shows to the satisfaction of the court that the failure
14 to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court
15 shall reopen the judgment, accept a not guilty plea and set a trial date.

****NOTE: This is reconciled s. 66.0113 (3) (d). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

16 ***-1394/2.37* SECTION 2012.** 66.0114 (1) (b) of the statutes is amended to read:
17 66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss.
18 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
19 or all violations under those ordinances, may designate the manner in which the
20 stipulation is to be made and may fix the penalty to be paid. When a person charged
21 with a violation for which stipulation of guilt or no contest is authorized makes a
22 timely stipulation, pays the required penalty and pays the penalty assessment
23 imposed by s. 757.05, the law enforcement training fund assessment imposed by s.

SENATE BILL 55**SECTION 2012**

1 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and
2 drug law enforcement assessment imposed by s. 165.755, any applicable consumer
3 ~~information~~ protection assessment imposed by s. 100.261, and any applicable
4 domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the
5 person need not appear in court and no witness fees or other additional costs may be
6 taxed unless the local ordinance so provides. A court appearance is required for a
7 violation of a local ordinance in conformity with s. 346.63 (1).

****NOTE: This is reconciled s. 66.0114 (1) (b). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

8 ***-1394/2.38* SECTION 2013.** 66.0114 (1) (bm) of the statutes is amended to
9 read:

10 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys
11 collected to the treasurer of the city, village, town sanitary district, or public inland
12 lake protection and rehabilitation district in whose behalf the sum was paid, except
13 that all jail assessments shall be remitted to the county treasurer, within 20 days
14 after its receipt by the official. If timely remittance is not made, the treasurer may
15 collect the payment of the officer by action, in the name of the office, and upon the
16 official bond of the officer, with interest at the rate of 12% per year from the date on
17 which it was due. In the case of the penalty assessment imposed by s. 757.05, the
18 law enforcement training fund assessment imposed by s. 165.87 (1), the crime
19 laboratories and drug law enforcement assessment imposed by s. 165.755, the driver
20 improvement surcharge imposed by s. 346.655 (1), any applicable consumer
21 ~~information~~ protection assessment imposed by s. 100.261, and any applicable
22 domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city,
23 village, town sanitary district, or public inland lake protection and rehabilitation

SENATE BILL 55

1 district shall remit to the state treasurer the amount required by law to be paid on
2 the actions entered during the preceding month on or before the first day of the next
3 succeeding month. The governing body of the city, village, town sanitary district, or
4 public inland lake protection and rehabilitation district shall by ordinance designate
5 the official to receive the penalties and the terms under which the official qualifies.

****NOTE: This is reconciled s. 66.0114 (1) (bm). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

6 ***-1394/2.39* SECTION 2014.** 66.0114 (3) (b) of the statutes is amended to read:

7 66.0114 (3) (b) All forfeitures and penalties recovered for the violation of an
8 ordinance or bylaw of a city, village, town, town sanitary district, or public inland
9 lake protection and rehabilitation district shall be paid into the city, village, town,
10 town sanitary district, or public inland lake protection and rehabilitation district
11 treasury for the use of the city, village, town, town sanitary district, or public inland
12 lake protection and rehabilitation district, except as provided in par. (c), and sub. (1)
13 (bm) ~~and s. 757.05~~. The judge shall report and pay into the treasury, quarterly, or
14 at more frequent intervals if required, all moneys collected belonging to the city,
15 village, town, town sanitary district, or public inland lake protection and
16 rehabilitation district. The report shall be certified and filed in the office of the
17 treasurer. The judge is entitled to duplicate receipts, one of which he or she shall file
18 with the city, village, or town clerk, or with the town sanitary district or the public
19 inland lake protection and rehabilitation district.

20 ***-1839/1.3* SECTION 2015.** 66.0203 (8) (b) of the statutes is amended to read:

21 66.0203 (8) (b) On the basis of the hearing the circuit court shall find if the
22 standards under s. 66.0205 are met. If the court finds that the standards are not met,
23 the court shall dismiss the petition. If the court finds that the standards are met the

SENATE BILL 55**SECTION 2015**

1 court shall refer the petition to the department and, Upon payment of any fee
2 imposed under s. 16.53 (14), the department shall determine whether the standards
3 under s. 66.0207 are met.

4 ***-1839/1.4* SECTION 2016.** 66.0203 (9) (a) of the statutes is amended to read:

5 66.0203 (9) (a) Upon receipt of the petition from the circuit court and payment
6 of any fee imposed under s. 16.53 (14), the department shall make any necessary
7 investigation to apply the standards under s. 66.0207.

8 ***-1839/1.5* SECTION 2017.** 66.0203 (9) (b) of the statutes is amended to read:

9 66.0203 (9) (b) Within 20 days after the receipt by the department of the
10 petition from the circuit court and payment of any fee imposed under s. 16.53 (14),
11 whichever is later, any party in interest may request a hearing. Upon receipt of the
12 request, the department shall schedule a hearing at a place in or convenient to the
13 territory sought to be incorporated.

14 ***-1839/1.6* SECTION 2018.** 66.0203 (9) (d) of the statutes is amended to read:

15 66.0203 (9) (d) Unless the court sets a different time limit, the department shall
16 prepare its findings and determination, citing the supporting evidence, within 90
17 days after receipt of the referral from the court and payment of any fee imposed under
18 s. 16.53 (14), whichever is later. The findings and determination shall be forwarded
19 by the department to the circuit court. Copies of the findings and determination shall
20 be sent by certified or registered mail to the designated representative of the
21 petitioners, and to all town and municipal clerks entitled to receive mailed notice of
22 the petition under sub. (4).

23 ***-1839/1.7* SECTION 2019.** 66.0217 (6) (a) of the statutes is amended to read:

24 66.0217 (6) (a) *Annexations within populous counties.* No annexation
25 proceeding within a county having a population of 50,000 or more is valid unless the

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1 person publishing a notice of annexation under sub. (4) mails a copy of the notice to
2 the clerk of each municipality affected and the department, together with any fee
3 imposed under s. 16.53 (14), within 5 days of the publication. The department may
4 within 20 days after receipt of the notice mail to the clerk of the town within which
5 the territory lies and to the clerk of the proposed annexing village or city a notice that
6 in its opinion the annexation is against the public interest and that advises the clerks
7 of the reasons the annexation is against the public interest as defined in par. (c). The
8 annexing municipality shall review the advice before final action is taken.

9 ***-1754/2.1* SECTION 2020.** 66.0309 (8m) of the statutes is created to read:

10 66.0309 (8m) AUTHORITY TO ACQUIRE REAL PROPERTY. A regional planning
11 commission may acquire and hold real property for public use and may convey and
12 dispose of the property.

13 ***-1870/2.1* SECTION 2021.** 66.0627 (title) of the statutes is amended to read:

14 **66.0627 (title) Special charges for current services.**

15 ***-1870/2.2* SECTION 2022.** 66.0627 (2) of the statutes is amended to read:

16 66.0627 (2) Except as provided in sub. (5), the governing body of a city, village
17 or town may impose a special charge against real property for ~~current~~ services that
18 are available, regardless of whether the services are actually rendered, by allocating
19 all or part of the cost of the service to the property that is served or that is eligible
20 to be served. The authority under this section is in addition to any other method
21 provided by law.

22 ***-1870/2.3* SECTION 2023.** 66.0707 (2) of the statutes is amended to read:

23 66.0707 (2) A city, village or town may impose a special charge under s. 66.0627
24 against real property in an adjacent city, village or town that is served by ~~current~~
25 services that are available, regardless of whether the services are actually rendered

SENATE BILL 55**SECTION 2023**

1 by the municipality imposing the special charge if the municipality in which the
2 property is located approves the imposition by resolution. The owner of the property
3 is entitled to the use and enjoyment of the service for which the special charge is
4 imposed on the same conditions as the owner of property within the city, village or
5 town.

6 ***-1922/1.1* SECTION 2024.** 66.0807 (2) of the statutes is amended to read:

7 66.0807 (2) A city, village or town served by a privately owned public utility,
8 motor bus or other systems of public transportation rendering local service may
9 contract with the owner of the utility or system for the leasing, public operation, joint
10 operation, extension and improvement of the utility or system by the municipality;
11 or, with funds loaned by the municipality, may contract for the stabilization by
12 municipal guaranty of the return upon or for the purchase by instalments out of
13 earnings or otherwise of that portion of the public utility or system which is operated
14 within the municipality and any territory immediately adjacent and tributary to the
15 municipality; or may contract for the accomplishment of any object agreed upon
16 between the parties relating to the use, operation, management, value, earnings,
17 purchase, extension, improvement, sale, lease or control of the utility or system
18 property. The provisions of s. 66.0817, 1999 stats., relating to preliminary agreement
19 and approval by the department of transportation or public service commission apply
20 to the contracts authorized by this section. The department of transportation or
21 public service commission shall, when a contract under this section is approved by
22 it and consummated, cooperate with the parties in respect to making valuations,
23 appraisals, estimates and other determinations specified in the contract to be made
24 by it.

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1 *–1922/1.2* SECTION 2025. 66.0817 (intro.) of the statutes is renumbered
2 66.0817 and amended to read:

3 **66.0817 Sale or lease of municipal public utility plant.** A town, village
4 ~~or city, village, or town~~ may sell or lease any complete public utility plant owned by
5 it in the following manner: any manner that it considers appropriate.

6 *–1922/1.3* SECTION 2026. 66.0817 (1) to (7) of the statutes are repealed.

7 *–1598/1.4* SECTION 2027. 66.0921 (2) of the statutes is amended to read:

8 66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint
9 contract with a nonprofit corporation organized for civic purposes and located in the
10 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
11 a facility to be used for municipal and civic activities if a majority of the voters voting
12 in a referendum authorize the municipality to enter into the joint contract. The
13 referendum shall be held at a special election or at a spring primary or election or
14 September primary or general election ~~approve the question of entering into the joint~~
15 ~~contract~~ or, if the municipality is a school district, at the next spring election or
16 general election to be held not earlier than 42 days after submittal of the issue or at
17 a special election held on the Tuesday after the first Monday in November in an
18 odd-numbered year if that date occurs not earlier than 42 days after submittal of the
19 issue.

20 *–1744/3.6* SECTION 2028. 66.1001 (3) (rm) of the statutes is created to read:
21 66.1001 (3) (rm) Area cooperation compacts under s. 79.065 (4).

22 *–0690/2.1* SECTION 2029. 66.1103 (10) (g) of the statutes is repealed.

23 *–1341/4.1* SECTION 2030. 66.1106 (1) (e) of the statutes is amended to read:

24 66.1106 (1) (e) “Environmental remediation tax increment” means that
25 amount obtained by multiplying the total city, county, school and other local general

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1 property taxes levied on a parcel of real property that is certified under this section
2 taxable property in a year by a fraction having as a numerator the environmental
3 remediation value increment for that year for that parcel in such district and as a
4 denominator that year's equalized value of that parcel taxable property. In any year,
5 an environmental remediation tax increment is "positive" if the environmental
6 remediation value increment is positive; it is "negative" if the environmental
7 remediation value increment is negative.

8 *~~1341/4.2~~* **SECTION 2031.** 66.1106 (1) (f) of the statutes is amended to read:

9 66.1106 (1) (f) "Environmental remediation tax incremental base" means the
10 aggregate value, as equalized by the department, of a ~~parcel of real~~ taxable property
11 that is certified under this section as of the January 1 preceding the date on which
12 the ~~department of natural resources issues a certificate certifying that~~
13 ~~environmental pollution on the property has been remediated in accordance with~~
14 ~~rules promulgated by the department of natural resources~~ environmental
15 remediation tax incremental district is created, as determined under sub. (1m) (b).

16 *~~1341/4.3~~* **SECTION 2032.** 66.1106 (1) (fm) of the statutes is created to read:

17 66.1106 (1) (fm) "Environmental remediation tax incremental district" means
18 a contiguous geographic area within a political subdivision defined and created by
19 resolution of the governing body of the political subdivision consisting solely of whole
20 units of property as are assessed for general property tax purposes, other than
21 railroad rights-of-way, rivers, or highways. Railroad rights-of-way, rivers, or
22 highways may be included in an environmental remediation tax incremental district
23 only if they are continuously bounded on either side, or on both sides, by whole units
24 of property as are assessed for general property tax purposes which are in the
25 environmental remediation tax incremental district. "Environmental remediation

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1 tax incremental district” does not include any area identified as a wetland on a map
2 under s. 23.32.

3 ***-1341/4.4* SECTION 2033.** 66.1106 (1) (g) of the statutes is amended to read:

4 66.1106 (1) (g) “Environmental remediation value increment” means the
5 equalized value of ~~a parcel of real~~ taxable property that is certified under this section
6 minus the environmental remediation tax incremental base. In any year, the
7 environmental remediation value increment is “positive” if the environmental
8 remediation tax incremental base of the ~~parcel of~~ taxable property is less than the
9 aggregate value of the ~~parcel of~~ taxable property as equalized by the department; it
10 is “negative” if that base exceeds that aggregate value.

11 ***-1341/4.5* SECTION 2034.** 66.1106 (1) (i) of the statutes is amended to read:

12 66.1106 (1) (i) “Period of certification” means a period of not more than 16 years
13 beginning after the department certifies the environmental remediation tax
14 incremental base of ~~a parcel of property~~ under sub. (4) or a period before all eligible
15 costs have been paid, whichever occurs first.

16 ***-1341/4.6* SECTION 2035.** 66.1106 (1) (jm) of the statutes is created to read:

17 66.1106 (1) (jm) “Project expenditures” means the sum of eligible costs and all
18 other costs incurred by a political subdivision in the creation and operation of an
19 environmental remediation tax incremental district.

20 ***-1341/4.7* SECTION 2036.** 66.1106 (1) (k) of the statutes is amended to read:

21 66.1106 (1) (k) “Taxable property” means all real and personal taxable property
22 located in an environmental remediation tax incremental district.

23 ***-1341/4.8* SECTION 2037.** 66.1106 (1m) of the statutes is created to read:

SENATE BILL 55**SECTION 2037**

1 66.1106 (1m) CREATION OF ENVIRONMENTAL REMEDIATION TAX INCREMENTAL
2 DISTRICTS. In order to implement the provisions of this section, the governing body
3 of the political subdivision shall adopt a resolution which does all of the following:

4 (a) Describes the boundaries of an environmental remediation tax incremental
5 district with sufficient definiteness to identify with ordinary and reasonable
6 certainty the territory included within the district.

7 (b) Creates such district as of a date therein provided. If the resolution is
8 adopted during the period between January 2 and September 30, then such date
9 shall be the next preceding January 1. If such resolution is adopted during the period
10 between October 1 and December 31, then such date shall be the next subsequent
11 January 1. If the resolution is adopted on January 1, the environmental remediation
12 tax incremental district shall have been created as of the date of the resolution.

13 ***-1341/4.9*** SECTION 2038. 66.1106 (2) (a) of the statutes is amended to read:

14 66.1106 (2) (a) A political subdivision that develops, and whose governing body
15 approves, a written proposal to remediate environmental pollution may use an
16 environmental remediation tax increment to pay the eligible costs of remediating
17 environmental pollution on contiguous parcels of property that are located in an
18 environmental remediation tax incremental district within the political subdivision
19 and that are not part of a tax incremental district created under s. 66.1105, as
20 provided in this section, except that a political subdivision may use an
21 environmental remediation tax increment to pay the cost of remediating
22 environmental pollution of groundwater without regard to whether the property
23 above the groundwater is owned by the political subdivision. No political subdivision
24 may submit an application to the department under sub. (4) until the joint review
25 board approves the political subdivision's written proposal under sub. (3).