

1 (d) “Respite facility” means a facility in which overnight respite care is provided
2 to up to 10 persons with like or similar disabilities who are at least 2 years of age and
3 in which day respite care may be provided to up to 10 additional persons with like
4 or similar disabilities who are at least 2 years of age.

5 **(2) DEPARTMENTAL POWERS AND DUTIES.** The department shall provide uniform,
6 statewide licensure, inspection, and regulation of respite facilities as specified in this
7 section.

8 **(3) LICENSURE REQUIREMENTS.** (a) No person may conduct, maintain, operate,
9 or otherwise participate in conducting, maintaining, or operating a respite facility
10 unless the respite facility is licensed by the department.

11 (b) The department shall issue a license if the department finds that the
12 applicant is fit and qualified and that the respite facility meets the requirements of
13 this section and the rules promulgated under this section.

14 (c) The department or the department’s designated representative shall
15 inspect or investigate a respite facility prior to issuance of a license for the respite
16 facility and may inspect or investigate a respite facility as the department deems
17 necessary, including a review of patient health care records of any individuals served
18 by the respite facility, to determine if any person is in violation of this section.

19 (d) The past record of violations of applicable federal laws or regulations or of
20 state statutes or rules of this or any other state, in the operation of any
21 health-related organization, by an operator, managing employee, or direct or
22 indirect owner of a respite facility or of an interest of a respite facility is relevant to
23 the issue of the fitness of an applicant for a license. The department or the
24 department’s designated representative shall inspect and investigate as necessary

1 to determine the conditions existing in each case under this paragraph and shall
2 prepare and maintain a written report concerning the investigation and inspection.

3 (4) USE OF NAME OR ADVERTISING PROHIBITED. No entity that is not a respite
4 facility licensed under this section or an applicant for a license under this section may
5 designate itself as a “respite facility” or use the word “respite facility” to represent
6 or tend to represent the entity as a respite facility or services provided by the entity
7 as services provided by a respite facility.

8 (5) LICENSING PROCEDURE. (a) The application for a license shall:

- 9 1. Be in writing on a form provided by the department.
10 2. Contain such information as the department requires.
11 3. Include licensing fee payment, as specified in sub. (6).

12 (b) 1. A respite facility license is valid until suspended or revoked.

13 2. Each license shall be issued only for the applicant named in the application
14 and may not be transferred or assigned.

15 3. Any license granted under special limitations prescribed by the department
16 shall state the limitations.

17 (6) LICENSURE FEE. The annual fee for a licensed respite facility is \$18 per bed,
18 based on the number of licensed beds of the respite facility.

19 (7) SUSPENSION AND REVOCATION. (a) The department, after notice to the
20 applicant or licensee, may suspend or revoke a license in any case in which the
21 department finds that there has been a substantial failure to comply with the
22 requirements of this section or the rules promulgated under this section. No state
23 or federal funds passing through the state treasury may be paid to a respite facility
24 that does not have a valid license issued under this section.

1 (b) Notice under this subsection shall include a clear and concise statement of
2 the violations on which the revocation is based, the statute or rule violated and notice
3 of the opportunity for an evidentiary hearing under par. (c).

4 (c) If a respite facility desires to contest the revocation of a license, the respite
5 facility shall, within 10 days after receipt of notice under par. (b), notify the
6 department in writing of its request for a hearing under s. 227.44.

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

11 3. The department may extend the effective date of license revocation in any
12 case in order to permit orderly removal and relocation of individuals served by the
13 respite facility.

14 (8) RULE-MAKING AUTHORITY. The department shall promulgate all of the
15 following rules:

16 (a) Standards for the care, treatment, health, safety, rights, and welfare of
17 persons with like or similar disabilities who receive respite care care from a respite
18 facility and the maintenance, general hygiene and operation of a respite facility,
19 which will permit the use of advancing knowledge to promote safe and adequate care
20 and treatment for these individuals. These standards shall permit persons with like
21 or similar disabilities who receive day care from a respite facility to share dining
22 facilities and day trips with persons with with like or similar disabilities who receive
23 overnight care from a respite facility. The standards shall also allow provision of fire
24 safety training by a local fire inspector or a fire department.

1 (b) Inspection or investigation procedures that the department or the
2 department's designated representative may use to assure the provision of care and
3 treatment that is commensurate with the standards established under par. (a).

4 (c) Criteria for determining that the applicant for licensure is fit and qualified.

5 (d) A procedure for waiver of and variance from standards under par. (a) or
6 criteria under par. (c). The department may limit the duration of the waiver or
7 variance.

8 (e) A definition of "disability" for the purposes of this section.

9 (f) A definition of "like or similar disabilities" for the purposes of this section.

10 **(9) RIGHT OF INJUNCTION.** The department may, upon the advice of the attorney
11 general, who shall represent the department in all proceedings under this section,
12 institute an action in the name of the state in the circuit court for Dane County for
13 injunctive relief or other process against any licensee, owner, operator,
14 administrator or representative of any owner of a respite facility for the violation of
15 any of the provisions of this section or rules promulgated under this section if the
16 violation affects the health, safety, or welfare of persons with like or similar
17 disabilities.

18 **(10) FORFEITURES.** (a) Any person who violates this subchapter or rules
19 promulgated under this subchapter may be required to forfeit not more than \$100
20 for the first violation and may be required to forfeit not more than \$200 for the 2nd
21 or any subsequent violation within a year. The period shall be measured using the
22 dates of issuance of citations of the violations. Each day of violation constitutes a
23 separate violation.

1 (b) In determining whether a forfeiture is to be imposed and in fixing the
2 amount of the forfeiture to be imposed, if any, for a violation, the following factors
3 shall be considered:

4 1. The gravity of the violation, including the probability that death or serious
5 physical or psychological harm to a person receiving respite care from a respite
6 facility will result or has resulted; the severity of the actual or potential harm; and
7 the extent to which the provisions of the applicable statutes or rules were violated.

8 2. Good faith exercised by the licensee. Indications of good faith include, but
9 are not limited to, awareness of the applicable statutes and regulation and
10 reasonable diligence in complying with such requirements, prior accomplishments
11 manifesting the licensee's desire to comply with the requirements, efforts to correct
12 and any other mitigating factors in favor of the licensee.

13 3. Any previous violations committed by the licensee.

14 4. The financial benefit to the respite facility of committing or continuing the
15 violation.

16 (c) The department may directly assess forfeitures provided for under par. (a).
17 If the department determines that a forfeiture should be assessed for a particular
18 violation or for failure to correct the violation, the department shall send a notice of
19 assessment to the respite facility. The notice shall specify the amount of the
20 forfeiture assessed, the violation, and the statute or rule alleged to have been
21 violated, and shall inform the licensee of the right to a hearing under par. (d).

22 (d) A respite facility may contest an assessment of forfeiture, by sending, within
23 10 days after receipt of notice under par. (c), a written request for hearing under s.
24 227.44 to the division of hearings and appeals created under s. 15.103 (1). The
25 administrator of the division may designate a hearing examiner to preside over the

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

8 (e) All forfeitures shall be paid to the department within 10 days after receipt
9 of notice of assessment or, if the forfeiture is contested under par. (d), within 10 days
10 after receipt of the final decision after exhaustion of administrative review, unless
11 the final decision is appealed and the order is stayed by court order under the same
12 terms and conditions as found in s. 50.03 (11). The department shall remit all
13 forfeitures paid to the state treasurer for deposit in the school fund.

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

18 *b1417/2.2* SECTION 1900d. 50.90 (intro.) of the statutes is amended to read:

19 **50.90 Definitions.** (intro.) In this ~~subchapter~~ section to s. 50.981:

20 *b1417/2.2* SECTION 1900e. 50.91 of the statutes is amended to read:

21 **50.91 Departmental powers and duties.** The department shall provide
22 uniform, statewide licensing, inspection and regulation of hospices as specified in
23 this subchapter ss. 50.90 to 50.981.

24 *b1417/2.2* SECTION 1900f. 50.92 (2) of the statutes is amended to read:

1 50.92 (2) The department shall issue a license if the department finds that the
2 applicant is fit and qualified and that the hospice meets the requirements of this
3 subchapter ss. 50.90 to 50.981 and the rules promulgated under ~~this subchapter ss.~~
4 50.90 to 50.981.

5 ***b1417/2.2* SECTION 1900g.** 50.92 (3) of the statutes is amended to read:

6 50.92 (3) The department or the department's designated representative shall
7 inspect or investigate a hospice prior to issuance of a license for the hospice except
8 as provided in sub. (4) and may inspect or investigate a hospice as the department
9 deems necessary, including conducting home visits or a review of health care records
10 of any individuals with terminal illness served by the hospice, to determine if any
11 person is in violation of ~~this subchapter ss. 50.90 to 50.981~~.

12 ***b1417/2.2* SECTION 1900h.** 50.925 of the statutes is amended to read:

13 **50.925 Use of name or advertising prohibited.** No entity that is not a
14 hospice licensed under ~~this subchapter ss. 50.90 to 50.981~~ or an applicant for a
15 license or a provisional license under ~~this subchapter ss. 50.90 to 50.981~~ may
16 designate itself as a "hospice" or use the word "hospice" to represent or tend to
17 represent the entity as a hospice or services provided by the entity as services
18 provided by a hospice.

19 ***b1417/2.2* SECTION 1900i.** 50.93 (3) of the statutes is amended to read:

20 50.93 (3) PROVISIONAL LICENSE. If the applicant has not been previously licensed
21 under ~~this subchapter s. 50.92~~ or if the hospice is not in operation at the time that
22 application is made, the department may issue a provisional license. Unless sooner
23 suspended or revoked under sub. (4), a provisional license shall be valid for 24
24 months from the date of issuance. Within 30 days prior to the termination of a
25 provisional license, the department shall fully and completely inspect the hospice

1 and, if the hospice meets the applicable requirements for licensure, shall issue a
2 regular license under sub. (2). If the department finds that the hospice does not meet
3 the requirements for licensure, the department may not issue a regular license under
4 sub. (2).

5 ***b1417/2.2* SECTION 1900j.** 50.93 (4) (a) of the statutes is amended to read:

6 50.93 (4) (a) The department, after notice to the applicant or licensee, may
7 suspend or revoke a license in any case in which the department finds that there has
8 been a substantial failure to comply with the requirements of ~~this subchapter ss.~~
9 50.90 to 50.981 or the rules promulgated under ~~this subchapter ss. 50.90 to 50.981.~~
10 No state or federal funds passing through the state treasury may be paid to a hospice
11 not having a valid license issued under this section.

12 ***b1417/2.2* SECTION 1900k.** 50.97 of the statutes is amended to read:

13 **50.97 Right of injunction.** The department may, upon the advice of the
14 attorney general, who shall represent the department in all proceedings under this
15 section, institute an action in the name of the state in the circuit court for Dane
16 County for injunctive relief or other process against any licensee, owner, operator,
17 administrator or representative of any owner of a hospice for the violation of any of
18 the provisions of ~~this subchapter ss. 50.90 to 50.981~~ or rules promulgated under ~~this~~
19 ~~subchapter ss. 50.90 to 50.981~~ if the violation affects the health, safety or welfare of
20 individuals with terminal illness.

21 ***b1417/2.2* SECTION 1900L.** 50.98 (1) of the statutes is amended to read:

22 50.98 (1) Any person who violates ~~this subchapter ss. 50.90 to 50.981~~ or rules
23 promulgated under ~~this subchapter ss. 50.90 to 50.981~~ may be required to forfeit not
24 more than \$100 for the first violation and may be required to forfeit not more than
25 \$200 for the 2nd or any later violation within a year. The period shall be measured

1 using the dates of issuance of citations of the violations. Each day of violation
2 constitutes a separate violation.

3 ***b1417/2.2* SECTION 1900m.** 50.981 of the statutes is amended to read:

4 **50.981 Fees permitted for a workshop or seminar.** If the department
5 develops and provides a workshop or seminar relating to the provision of services by
6 hospices under ~~this subchapter~~ ss. 50.90 to 50.981, the department may establish a
7 fee for each workshop or seminar and impose the fee on registrants for the workshop
8 or seminar. A fee so established and imposed shall be in an amount sufficient to
9 reimburse the department for the costs directly associated with developing and
10 providing the workshop or seminar.”

11 ***b1409/1.1* 984.** Page 656, line 10: after that line insert:

12 ***b1409/1.1* “SECTION 1965b.** 51.15 (1) (a) (intro.) of the statutes is amended
13 to read:

14 51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to
15 take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938
16 may take an individual into custody if the officer or person has cause to believe that
17 ~~such~~ the individual is mentally ill ~~or, except as provided in subd. 5.,~~ is drug
18 dependent, or is developmentally disabled, and that the individual evidences any of
19 the following:

20 ***b1409/1.1* SECTION 1965c.** 51.15 (1) (a) 5. of the statutes is repealed.

21 ***b1409/1.1* SECTION 1965d.** 51.15 (1) (c) of the statutes is repealed.

22 ***b1409/1.1* SECTION 1965e.** 51.15 (4) (a) of the statutes is amended to read:

23 51.15 (4) (a) In counties having a population of 500,000 or more, the law
24 enforcement officer or other person authorized to take a child into custody under ch.

1 48 or to take a juvenile into custody under ch. 938 shall sign a statement of
2 emergency detention which shall provide detailed specific information concerning
3 the recent overt act, attempt, or threat to act or omission on which the belief under
4 sub. (1) is based and the names of the persons observing or reporting the recent overt
5 act, attempt, or threat to act or omission. The law enforcement officer or other person
6 is not required to designate in the statement whether the subject individual is
7 mentally ill, developmentally disabled, or drug dependent, but shall allege that he
8 or she has cause to believe that the individual evidences one or more of these
9 conditions if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5.
10 is believed. The law enforcement officer or other person shall deliver, or cause to be
11 delivered, the statement to the detention facility upon the delivery of the individual
12 to it.

13 ***b1409/1.1* SECTION 1965f.** 51.15 (5) of the statutes is amended to read:

14 51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a
15 population of less than 500,000, the law enforcement officer or other person
16 authorized to take a child into custody under ch. 48 or to take a juvenile into custody
17 under ch. 938 shall sign a statement of emergency detention ~~which~~ that shall provide
18 detailed specific information concerning the recent overt act, attempt, or threat to
19 act or omission on which the belief under sub. (1) is based and the names of persons
20 observing or reporting the recent overt act, attempt, or threat to act or omission. The
21 law enforcement officer or other person is not required to designate in the statement
22 whether the subject individual is mentally ill, developmentally disabled, or drug
23 dependent, but shall allege that he or she has cause to believe that the individual
24 evidences one or more of these conditions if sub. (1) (a) 1., 2., 3. or 4. is believed or
25 mental illness, if sub. (1) (a) 5. is believed. The statement of emergency detention

1 shall be filed by the officer or other person with the detention facility at the time of
2 admission, and with the court immediately thereafter. The filing of the statement
3 has the same effect as a petition for commitment under s. 51.20. When, upon the
4 advice of the treatment staff, the director of a facility specified in sub. (2) determines
5 that the grounds for detention no longer exist, he or she shall discharge the
6 individual detained under this section. Unless a hearing is held under s. 51.20 (7)
7 or 55.06 (11) (b), the subject individual may not be detained by the law enforcement
8 officer or other person and the facility for more than a total of 72 hours, exclusive of
9 Saturdays, Sundays, and legal holidays.

10 ***b1409/1.1* SECTION 1965g.** 51.20 (1) (a) 2. e. of the statutes is amended to
11 read:

12 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to
13 be drug dependent or developmentally disabled, after the advantages and
14 disadvantages of and alternatives to accepting a particular medication or treatment
15 have been explained to him or her and because of mental illness, evidences either
16 incapability of expressing an understanding of the advantages and disadvantages of
17 accepting medication or treatment and the alternatives, or substantial incapability
18 of applying an understanding of the advantages, disadvantages, and alternatives to
19 his or her mental illness in order to make an informed choice as to whether to accept
20 or refuse medication or treatment; and evidences a substantial probability, as
21 demonstrated by both the individual's treatment history and his or her recent acts
22 or omissions, that the individual needs care or treatment to prevent further
23 disability or deterioration and a substantial probability that he or she will, if left
24 untreated, lack services necessary for his or her health or safety and suffer severe
25 mental, emotional, or physical harm that will result in the loss of the individual's

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

14 ***b1409/1.1* SECTION 1965h.** 51.20 (1) (ad) 1. of the statutes is amended to
15 read:

16 51.20 (1) (ad) 1. If a petition under par. (a) is based on par. (a) 2. e., the petition
17 shall be reviewed and approved by the attorney general or by his or her designee prior
18 to ~~or within 12 hours after~~ the time that it is filed. If the attorney general or his or
19 her designee disapproves or fails to act with respect to the petition, the petition may
20 not be filed. ~~If the attorney general or his or her designee disapproves or fails to act~~
21 ~~with respect to a petition under this subdivision within 12 hours after the time that~~
22 ~~it is filed, the individual, if detained under the petition, shall be released and the~~
23 ~~petition is void.~~

24 ***b1409/1.1* SECTION 1965i.** 51.20 (1) (ad) 3. of the statutes is repealed.

1 ***b1409/1.1* SECTION 1965j.** 51.20 (10) (cm) 1. of the statutes is renumbered
2 51.20 (10) (cm) and amended to read:

3 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a
4 petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437
5 shall furnish to the court and the subject individual an initial recommended written
6 treatment plan that contains the goals of treatment, the type of treatment to be
7 provided, and the expected providers. The treatment plan shall address the
8 individual's needs for inpatient care, residential services, community support
9 services, medication and its monitoring, case management, and other services to
10 enable the person to live in the community upon release from an inpatient facility.
11 The treatment plan shall contain information concerning the availability of the
12 needed services and community treatment providers' acceptance of the individual
13 into their programs. The treatment plan is only a recommendation and is not subject
14 to approval or disapproval by the court. Failure to furnish a treatment plan under
15 this ~~subdivision~~ paragraph does not constitute grounds for dismissal of the petition
16 unless the failure is made in bad faith.

17 ***b1409/1.1* SECTION 1965k.** 51.20 (10) (cm) 2. of the statutes is repealed.

18 ***b1409/1.1* SECTION 1965L.** 51.20 (13) (g) 2d. c. of the statutes is repealed.

19 ***b1409/1.1* SECTION 1965m.** 51.30 (3) (b) of the statutes is amended to read:

20 51.30 (3) (b) An individual's attorney or guardian ad litem and the corporation
21 counsel shall have access to the files and records of the court proceedings under this
22 chapter without the individual's consent and without modification of the records in
23 order to prepare for involuntary commitment or recommitment proceedings,
24 reexaminations, appeals, or other actions relating to detention, admission, or
25 commitment under this chapter or ch. 971 or 975.

1 ***b1409/1.1* SECTION 1965n.** 51.30 (4) (b) 11. of the statutes is amended to read:

2 51.30 (4) (b) 11. To the subject individual's counsel or guardian ad litem and
3 the corporation counsel, without modification, at any time in order to prepare for
4 involuntary commitment or recommitment proceedings, reexaminations, appeals, or
5 other actions relating to detention, admission, commitment, or patients' rights under
6 this chapter or ch. 48, 971, or 975.

7 ***b1409/1.1* SECTION 1965p.** 51.30 (4) (b) 14. of the statutes is repealed.”.

8 ***b1432/1.1* 985.** Page 656, line 10: after that line insert:

9 ***b1432/1.1* “SECTION 1966cb.** 51.13 (1) (a) of the statutes is amended to read:
10 51.13 (1) (a) Except as provided in par. (c) and s. 51.45 (2m), the application for
11 voluntary admission of a minor who is ~~under~~ 14 years of age or older to an approved
12 inpatient treatment facility for the primary purpose of treatment for alcoholism or
13 drug abuse and the application for voluntary admission of a minor who is under 14
14 years of age to an approved inpatient treatment facility for the primary purpose of
15 treatment for mental illness, developmental disability, alcoholism, or drug abuse
16 shall be executed by a parent who has legal custody of the minor or the minor's
17 guardian. Any statement or conduct by a minor ~~under the age of 14~~ who is the subject
18 of an application for voluntary admission under this paragraph indicating that the
19 minor does not agree to admission to the facility shall be noted on the face of the
20 application and shall be noted in the petition required by sub. (4).

21 ***b1432/1.1* SECTION 1966cc.** 51.13 (1) (b) of the statutes is amended to read:

22 51.13 (1) (b) The application for voluntary admission of a minor who is 14 years
23 of age or ~~ever~~ older to an approved inpatient treatment facility for the primary
24 purpose of treatment for mental illness or developmental disability shall be executed

1 by the minor and a parent who has legal custody of the minor or the minor's guardian,
2 except as provided in par. (c) 1.

3 ***b1432/1.1* SECTION 1966cd.** 51.13 (1) (c) of the statutes is renumbered 51.13
4 (1) (c) 1. and amended to read:

5 51.13 (1) (c) 1. If a minor 14 years of age or older wishes to be admitted to an
6 approved inpatient treatment facility but a parent with legal custody or the guardian
7 refuses to execute the application for admission or cannot be found, or if there is no
8 parent with legal custody, the minor or a person acting on the minor's behalf may
9 petition the court assigned to exercise jurisdiction under chs. 48 and 938 in the
10 county of residence of the parent or guardian for approval of the admission. A copy
11 of the petition and a notice of hearing shall be served upon the parent or guardian
12 at his or her last-known address. If, after a hearing, the court determines that the
13 ~~parent or guardian's consent is~~ of the parent or guardian is being unreasonably
14 withheld ~~or,~~ that the parent or guardian cannot be found, or that there is no parent
15 with legal custody, and that the admission is proper under the standards prescribed
16 in sub. (4) (d), ~~if~~ the court shall approve the minor's admission without the parent
17 ~~or guardian's consent~~ of the parent or guardian.

18 3. The court may, at the minor's request, temporarily approve the admission
19 pending hearing on the petition. If a hearing is held under ~~this subsection~~ subd. 1.
20 or 2., no review or hearing under sub. (4) is required.

21 ***b1432/1.1* SECTION 1966ce.** 51.13 (1) (c) 2. of the statutes is created to read:

22 51.13 (1) (c) 2. If a minor under 14 years of age wishes to be admitted to an
23 approved inpatient treatment facility but a parent with legal custody or the guardian
24 cannot be found, or if there is no parent with legal custody, the minor or a person
25 acting on the minor's behalf may petition the court assigned to exercise jurisdiction

1 under chs. 48 and 938 in the county of residence of the parent or guardian for
2 approval of the admission. A copy of the petition and a notice of hearing shall be
3 served upon the parent or guardian at his or her last-known address. If, after a
4 hearing, the court determines that the parent or guardian cannot be found or that
5 there is no parent with legal custody, and that the admission is proper under the
6 standards prescribed in sub. (4) (d), the court shall approve the minor's admission
7 without the consent of the parent or guardian.

8 ***b1432/1.1* SECTION 1966cf.** 51.13 (1) (d) of the statutes is amended to read:

9 51.13 (1) (d) A minor against whom a petition or statement has been filed under
10 s. 51.15, 51.20, or 51.45 (12) or (13) may be admitted under this section. The court
11 may permit the minor to become a voluntary patient pursuant to under this section
12 upon approval by the court of an application executed pursuant to under par. (a), (b),
13 or (c), and the judge. The court shall then dismiss the proceedings under s. 51.15,
14 51.20, or 51.45 (12) or (13). If a hearing is held under this subsection, no hearing
15 under sub. (4) is required.

16 ***b1432/1.1* SECTION 1966cg.** 51.13 (1) (e) of the statutes is amended to read:

17 51.13 (1) (e) A minor may be admitted immediately upon the approval of the
18 application executed under par. (a) or (b) by the treatment director of the facility or
19 his or her designee or, in the case of a center for the developmentally disabled, the
20 director of the center or his or her designee, and the director of the appropriate county
21 department under s. 51.42 or 51.437 if ~~such~~ the county department is to be
22 responsible for the cost of the minor's therapy and treatment. Approval shall be
23 based upon an informed professional opinion that the minor is in need of psychiatric
24 services or services for developmental disability, alcoholism, or drug abuse, that the
25 treatment facility offers inpatient therapy or treatment ~~which~~ that is appropriate for

1 the minor's needs, and that inpatient care in the facility is the least restrictive
2 therapy or treatment consistent with the minor's needs. In the case of a minor who
3 is being admitted for the primary purpose of treatment for alcoholism or drug abuse,
4 approval shall also be based on the results of an alcohol or other drug abuse
5 assessment that conforms to the criteria specified in s. 938.547 (4).

6 *b1432/1.1* SECTION 1966ch. 51.13 (2) (a) of the statutes is amended to read:

7 51.13 (2) (a) A minor may be admitted to an inpatient treatment facility
8 without complying with the requirements of this section if the admission does not
9 involve the department or a county department under s. 51.42 or 51.437, or a contract
10 between a treatment facility and the department or ~~between a treatment facility and~~
11 a county department. The application for voluntary admission of a minor who is 14
12 years of age or older to an inpatient treatment facility for the primary purpose of
13 treatment for alcoholism or drug abuse and the application for voluntary admission
14 of a minor who is under 14 years of age to an inpatient treatment facility for the
15 primary purpose of treatment for mental illness, developmental disability,
16 alcoholism, or drug abuse shall be executed by a parent who has legal custody of the
17 minor or by the minor's guardian. The application for voluntary admission of a minor
18 who is 14 years of age or ~~over~~ older to an inpatient treatment facility for the primary
19 purpose of treatment for mental illness or developmental disability shall be executed
20 by the minor and a parent who has legal custody of the minor or the minor's guardian.

21 *b1432/1.1* SECTION 1966ci. 51.13 (2) (b) of the statutes is amended to read:

22 51.13 (2) (b) Notwithstanding par. (a), any minor who is 14 years of age or older
23 and who is admitted to an inpatient treatment facility for the primary purpose of
24 treatment of mental illness, or developmental disability, ~~alcoholism or drug abuse~~
25 has the right to be discharged within 48 hours of after his or her request, as provided

1 in sub. (7) (b). At the time of admission, any minor who is 14 years of age or older and
2 who is admitted to an inpatient treatment facility for the primary purpose of
3 treatment for mental illness or developmental disability, and the minor's parent or
4 guardian, shall be informed of this right orally and in writing by the director of the
5 hospital or such person's designee. This paragraph does not apply to individuals who
6 receive services in hospital emergency rooms.

7 *b1432/1.1* SECTION 1966ck. 51.13 (2) (d) of the statutes is amended to read:

8 51.13 (2) (d) Writing materials for use in requesting a discharge shall be made
9 available at all times to all minors who are 14 years of age or older and who are
10 admitted under this subsection for the primary purpose of treatment for mental
11 illness or developmental disability. The staff of the facility shall assist such minors
12 in preparing or submitting requests for discharge.

13 *b1432/1.1* SECTION 1966cm. 51.13 (3) (b) of the statutes is amended to read:

14 51.13 (3) (b) A minor 14 years of age or older who has been admitted to an
15 inpatient treatment facility for the primary purpose of treatment for mental illness
16 or developmental disability, a minor who is voluntarily admitted under sub. (1) (c)
17 1. or 2., and his or her the minor's parent or guardian shall also be informed by the
18 director or his or her designee, both orally and in writing, in easily understandable
19 language, of the minor's right to request discharge and to be discharged within 48
20 hours of the request if no petition or statement is filed for emergency detention,
21 emergency commitment, involuntary commitment, or protective placement, and the
22 minor's right to consent to or refuse treatment as provided in s. 51.61 (6).

23 *b1432/1.1* SECTION 1966cn. 51.13 (3) (c) of the statutes is amended to read:

24 51.13 (3) (c) A minor 14 years of age or older who has been admitted to an
25 inpatient facility for the primary purpose of treatment for alcoholism or drug abuse.

1 a minor under 14 years of age who has been admitted to an inpatient treatment
2 facility for the primary purpose of treatment for mental illness, developmental
3 disability, alcoholism, or drug abuse, and his or her the minor's parent or guardian
4 shall also be informed by the director or his or her designee, both orally and in
5 writing, in easily understandable language, of the right of the parent or guardian to
6 request the minor's discharge as provided in sub. (7) (b) and of the minor's right to
7 a hearing to determine continued appropriateness of the admission as provided in
8 sub. (7) (c).

9 ***b1432/1.1* SECTION 1966cp.** 51.13 (4) (a) (intro.) of the statutes is amended
10 to read:

11 51.13 (4) (a) (intro.) Within 3 days of after the admission of a minor under sub.
12 (1), or within 3 days of after application for admission of the minor, whichever occurs
13 first, the treatment director of the facility to which the minor is admitted or, in the
14 case of a center for the developmentally disabled, the director of the center, shall file
15 a verified petition for review of the admission in the court assigned to exercise
16 jurisdiction under chs. 48 and 938 in the county in which the facility is located. A
17 copy of the application for admission and of any relevant professional evaluations
18 shall be attached to the petition. The petition shall contain all of the following:

19 ***b1432/1.1* SECTION 1966cr.** 51.13 (4) (c) of the statutes is amended to read:

20 51.13 (4) (c) A copy of the petition shall be provided by the petitioner to the
21 minor and his or her parents or guardian within 5 days of after admission.

22 ***b1432/1.1* SECTION 1966ct.** 51.13 (4) (d) of the statutes is amended to read:

23 51.13 (4) (d) Within 5 days of after the filing of the petition, the court assigned
24 to exercise jurisdiction under chs. 48 and 938 shall determine, based on the
25 allegations of the petition and accompanying documents, ~~whether the admission is~~

1 ~~voluntary on the part of the minor if the minor is 14 years of age or older and whether~~
2 there is a prima facie showing that the minor is in need of psychiatric services, or
3 services for developmental disability, alcoholism, or drug abuse, that the treatment
4 facility offers inpatient therapy or treatment ~~which~~ that is appropriate to the minor's
5 needs, and that inpatient care in the treatment facility is the least restrictive therapy
6 or treatment consistent with the needs of the minor, and, if the minor is 14 years of
7 age or older and has been admitted to the treatment facility for the primary purpose
8 of treatment for mental illness or developmental disability, whether the admission
9 is voluntary on the part of the minor. If such a showing is made, the court shall
10 permit voluntary admission. If the court is unable to make ~~such~~ those
11 determinations based on the petition and accompanying documents, ~~it shall~~ the
12 court may dismiss the petition as provided in par. (h); ~~or~~ order additional information
13 to be produced as ~~it deems necessary~~ for the court to make ~~such~~ review, ~~and make~~
14 ~~such~~ those determinations within 14 days ~~of~~ after admission or application for
15 admission, whichever is sooner; or ~~it may~~ hold a hearing within 14 days ~~of~~ after
16 admission or application for admission, whichever is sooner. If a notation of the
17 minor's unwillingness appears on the face of the petition, or if a hearing has been
18 requested by the minor, or by the minor's counsel, parent, or guardian, the court shall
19 hold a hearing to review the admission within 14 days ~~of~~ after admission or
20 application for admission, whichever is sooner, and shall appoint counsel to
21 represent the minor if the minor is unrepresented. If the court ~~deems~~ considers it
22 necessary, ~~it~~ the court shall also appoint a guardian ad litem to represent the minor.

23 *b1432/1.1* SECTION 1966cv. 51.13 (4) (g) (intro.) of the statutes is amended
24 to read:

1 51.13 (4) (g) (intro.) If the court finds that the minor is in need of psychiatric
2 services or services for developmental disability, alcoholism, or drug abuse in an
3 inpatient facility, ~~and that the inpatient facility to which the minor is admitted offers~~
4 therapy or treatment that is appropriate for the minor's needs and that is the least
5 restrictive therapy or treatment consistent with the minor's needs, and, in the case
6 of a minor aged 14 or older who is being admitted for the primary purpose of
7 treatment for mental illness or developmental disability, that the application is
8 voluntary on the part of the minor, the court shall permit voluntary admission. If the
9 court finds that the therapy or treatment in the inpatient facility to which the minor
10 is admitted is not appropriate or is not the least restrictive therapy or treatment
11 consistent with the minor's needs, the court may order placement in or transfer to
12 another more appropriate or less restrictive inpatient facility, except that the court
13 may not permit or order placement in or transfer to the northern or southern centers
14 for the developmentally disabled of a minor unless the department gives approval
15 for the placement or transfer, and if the order of the court is approved by all of the
16 following if applicable:

17 ***b1432/1.1* SECTION 1966cvv.** 51.13 (4) (g) 1. of the statutes is amended to
18 read:

19 51.13 (4) (g) 1. The minor if he or she is aged 14 or older and is being admitted
20 for the primary purpose of treatment for mental illness or developmental disability.

21 ***b1432/1.1* SECTION 1966cw.** 51.13 (6) (a) of the statutes is amended to read:

22 51.13 (6) (a) A minor may be admitted to an inpatient treatment facility
23 without review of the application under sub. (4) for diagnosis and evaluation or for
24 dental, medical, or psychiatric services for a period not to exceed 12 days. The
25 application for short-term admission of a minor shall be executed by the minor's

1 parent or guardian, and by ~~the minor if he or she,~~ if the minor is 14 years of age or
2 older and is being admitted for the primary purpose of diagnosis, evaluation, or
3 services for mental illness or developmental disability, by the minor. A minor may
4 not be readmitted to an inpatient treatment facility for psychiatric services under
5 this paragraph within 120 days of a previous admission under this paragraph.

6 ***b1432/1.1* SECTION 1966cx.** 51.13 (7) (a) of the statutes is amended to read:

7 51.13 (7) (a) If a minor is admitted to an inpatient treatment facility while
8 under 14 years of age, and if upon reaching age 14 is in need of further inpatient care
9 and treatment primarily for mental illness or developmental disability, the director
10 of the facility shall request the minor and the minor's parent or guardian to execute
11 an application for voluntary admission. Such an application may be executed within
12 30 days prior to a minor's 14th birthday. If the application is executed, a petition for
13 review shall be filed in the manner prescribed in sub. (4), unless such a review has
14 been held within the last 120 days. If the application is not executed by the time of
15 the minor's 14th birthday, the minor shall be discharged unless a petition or
16 statement is filed for emergency detention, emergency commitment, involuntary
17 commitment, or protective placement by the end of the next day in which the court
18 transacts business.

19 ***b1432/1.1* SECTION 1966cy.** 51.13 (7) (b) of the statutes is amended to read:

20 51.13 (7) (b) Any minor 14 years of age or ~~ever~~ older who is voluntarily admitted
21 under this section for the primary purpose of treatment for mental illness or
22 developmental disability, and any minor who is voluntarily admitted under sub. (1)
23 (c) 1. or 2., may request discharge in writing. In the case of a minor 14 years of age
24 or older who is voluntarily admitted under this section for the primary purpose of
25 treatment for alcoholism or drug abuse or a minor under 14 years of age who is

1 voluntarily admitted under this section for the primary purpose of treatment for
2 mental illness, developmental disability, alcoholism, or drug abuse, the parent or
3 guardian of the minor may make the request. Upon receipt of any form of written
4 request for discharge from a minor, the director of the facility in which the minor is
5 admitted shall immediately notify the minor's parent or guardian. The minor shall
6 be discharged within 48 hours after submission of the request, exclusive of
7 Saturdays, Sundays, and legal holidays, unless a petition or statement is filed for
8 emergency detention, emergency commitment, involuntary commitment, or
9 protective placement.

10 *b1432/1.1* SECTION 1966cz. 51.13 (7) (c) of the statutes is amended to read:

11 51.13 (7) (c) Any minor 14 years of age or older who is voluntarily admitted
12 under this section for the primary purpose of treatment for alcoholism or drug abuse,
13 and who is not discharged under par. (b), and any minor under 14 years of age who
14 is voluntarily admitted under this section for the primary purpose of treatment for
15 mental illness, developmental disability, alcoholism, or drug abuse, and who is not
16 discharged under par. (b), may submit a written request to the court for a hearing
17 to determine the continued appropriateness of the admission. If the director or staff
18 of the inpatient treatment facility to which a minor under the age of 14 described in
19 this paragraph is admitted observes conduct by the minor which ~~that~~ demonstrates
20 an unwillingness to remain at the facility, including but not limited to a written
21 expression of opinion or unauthorized absence, the director shall file a written
22 request with the court to determine the continued appropriateness of the admission.
23 A request ~~which~~ that is made personally by a minor under this paragraph shall be
24 signed by the minor but need not be written or composed by ~~him or her~~ the minor.
25 A request for a hearing under this paragraph ~~which~~ that is received by staff or the

1 director of the facility in which the child is admitted shall be filed with the court by
2 the director. The court shall order a hearing upon request if no hearing concerning
3 the minor's admission has been held within 120 days of after receipt of the request.
4 The court shall appoint counsel and, if the court ~~deems~~ considers it necessary, a
5 guardian ad litem to represent the minor and if a hearing is held shall hold the
6 hearing within 14 days of after the request, unless the parties agree to a longer
7 period. After the hearing, the court shall make disposition of the matter in the
8 manner provided in sub. (4).

9 ***b1432/1.1* SECTION 1966r.** 51.22 (2) of the statutes is amended to read:

10 51.22 (2) ~~Voluntary~~ Except as provided in s. 51.13 (2), voluntary admissions
11 under ss. 51.10, 51.13, and 51.45 (10) shall be through the county department under
12 s. 51.42 or 51.437 serving the person's county of residence, or through the
13 department if the person to be admitted is a nonresident of this state. Admissions
14 through a county department under s. 51.42 or 51.437 shall be made in accordance
15 with s. 51.42 (3) (as) 1. or 51.437 (4rm) (a). Admissions through the department shall
16 be made in accordance with sub. (3).

17 ***b1432/1.1* SECTION 1967f.** 51.35 (3) (a) of the statutes is amended to read:

18 51.35 (3) (a) A licensed psychologist of a secured correctional facility ~~or~~, a
19 secured child caring institution, or a secured group home, or a licensed physician of
20 the department of corrections, who has reason to believe that any individual confined
21 in the secured correctional facility, secured child caring institution, or secured group
22 home is, in his or her opinion, in need of services for developmental disability,
23 alcoholism, or drug dependency or in need of psychiatric services, and who has
24 obtained voluntary consent to make a transfer for treatment, shall make a report,
25 in writing, to the superintendent of the secured correctional facility, secured child

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

20 ***b1432/1.1* SECTION 1967g.** 51.35 (3) (b) of the statutes is amended to read:

21 51.35 (3) (b) The court assigned to exercise jurisdiction under chs. 48 and 938
22 shall determine, based on the allegations of the petition and accompanying
23 documents, ~~whether the transfer is voluntary on the part of the minor if he or she is~~
24 ~~aged 14 or over,~~ and whether the transfer of the minor to an inpatient facility is
25 appropriate and consistent with the needs of the minor. ~~In the event that and, if the~~

1 minor is 14 years of age or older and is being transferred for the purpose of receiving
2 services for developmental disability or psychiatric services, whether the transfer is
3 voluntary on the part of the minor. If the court is unable to make such those
4 determinations based on the petition and accompanying documents, it shall the
5 court may order additional information to be produced as it deems necessary to make
6 such review, and make such those determinations within 14 days of after admission,
7 or the court may hold a hearing within 14 days of after admission. If a notation
8 of the minor's unwillingness appears on the face of the petition, or that if a hearing
9 has been requested by the minor, or by the minor's counsel, guardian ad litem,
10 parent, or guardian, the court shall hold a hearing and appoint counsel or a guardian
11 ad litem for the minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing,
12 the court shall approve or disapprove the request for transfer. If the minor is under
13 the continuing jurisdiction of the court of another county, the court may order the
14 case transferred together with all appropriate records to that court.

15 ***b1432/1.1* SECTION 1967h.** 51.35 (3) (c) of the statutes is amended to read:

16 51.35 (3) (c) A licensed psychologist of a secured correctional facility ~~or~~, a
17 secured child caring institution, or a secured group home, or a licensed physician of
18 the department of corrections, who has reason to believe that any individual confined
19 in the secured correctional facility, secured child caring institution, or secured group
20 home, in his or her opinion, is mentally ill, drug dependent, or developmentally
21 disabled and is dangerous as described in s. 51.20 (1) (a) 2. a., b., c., or d., is mentally
22 ill, is dangerous, and satisfies the standard under s. 51.20 (1) (a) 2. e., or is an
23 alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written
24 report with the superintendent of the secured correctional facility, secured child
25 caring institution, or secured group home, stating the nature and basis of the belief.

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

7 *b1432/1.1* SECTION 1967i. 51.35 (3) (c) of the statutes, as affected by 1999
8 Wisconsin Act 9, section 1558d, and 2001 Wisconsin Act (this act), is repealed and
9 recreated to read:

10 51.35 (3) (c) A licensed psychologist of a secured correctional facility, a secured
11 child caring institution, or a secured group home, or a licensed physician of the
12 department of corrections, who has reason to believe that any individual confined in
13 the secured correctional facility, secured child caring institution, or secured group
14 home, in his or her opinion, is mentally ill, drug dependent, or developmentally
15 disabled and is dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is
16 dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with
17 the superintendent of the secured correctional facility, secured child caring
18 institution, or secured group home, stating the nature and basis of the belief. If the
19 superintendent, upon review of the allegations in the report, determines that
20 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45
21 in the court assigned to exercise jurisdiction under ch. 48 of the county where the
22 secured correctional facility, secured child caring institution, or secured group home
23 is located. The court shall hold a hearing according to procedures provided in s. 51.20
24 or 51.45 (13).

25 *b1432/1.1* SECTION 1967j. 51.35 (3) (g) of the statutes is amended to read:

1 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
2 facility under par. (a) for the purpose of receiving services for developmental
3 disability or psychiatric services may request in writing a return to the secured
4 correctional facility, secured child caring institution, or secured group home. In the
5 case of a minor 14 years of age or older who is transferred to a treatment facility
6 under par. (a) for the purpose of receiving services for alcoholism or drug dependency
7 or a minor under 14 years of age, who is transferred to a treatment facility under par.
8 (a) for the purpose of receiving services for developmental disability, alcoholism, or
9 drug dependency, or psychiatric services, the parent or guardian may make the
10 request. Upon receipt of a request for return from a minor 14 years of age or ~~over~~
11 ~~older~~, the director shall immediately notify the minor's parent or guardian. The
12 minor shall be returned to the secured correctional facility, secured child caring
13 institution, or secured group home within 48 hours after submission of the request
14 unless a petition or statement is filed for emergency detention, emergency
15 commitment, involuntary commitment, or protective placement.”.

16 ***b2053/2.3* 986.** Page 656, line 10: after that line insert:

17 ***b2053/2.3* “SECTION 1967n.** 51.375 (2) of the statutes is renumbered 51.375
18 (2) (a).

19 ***b2053/2.3* SECTION 1967p.** 51.375 (2) (b) of the statutes is created to read:

20 51.375 (2) (b) The department may administer a lie detector test to a sex
21 offender as part of the sex offender's programming, care, or treatment. A patient may
22 refuse to submit to a lie detector test under this paragraph. This refusal does not
23 constitute a general refusal to participate in treatment. A person administering a
24 lie detector test under this paragraph may not ask the subject of the test any question

1 that can reasonably be anticipated to elicit information as to whether the subject
2 committed an offense for which the subject has not been convicted, found not guilty
3 by reason of mental disease or defect, or adjudicated delinquent. The results of a lie
4 detector test under this paragraph may be used only in the care, treatment, or
5 assessment of the subject or in programming for the subject. The results of a test may
6 be disclosed only to persons employed at the facility at which the subject is placed
7 who need to know the results for purposes related to care, treatment, or assessment
8 of the patient, the committing court, the patient's attorney, or the attorney
9 representing the state in a proceeding under ch. 980.”.

10 *b2042/2.2* **987.** Page 656, line 11: delete lines 11 to 22 and substitute:

11 *b2042/2.2* “SECTION 1968d. 51.42 (3) (ar) 4m. of the statutes is amended to
12 read:

13 51.42 (3) (ar) 4m. If state, federal, and county funding for alcohol and other
14 drug abuse treatment services provided under subd. 4. are insufficient to meet the
15 needs of all eligible individuals, ensure that first priority for services is given to
16 pregnant women who suffer from alcoholism or alcohol abuse or are drug dependent
17 and that second priority be given to individuals who are 20 years of age and were
18 eligible for the medical assistance program under s. 49.46 (1) (a) 5m. but became
19 ineligible for the program solely because they attained the age of 20.

20 *b2042/2.2* SECTION 1968dh. 51.42 (3) (ar) 4p. of the statutes is created to
21 read:

22 51.42 (3) (ar) 4p. If state, federal, and county funding for mental health services
23 provided under subd. 4. are insufficient to meet the needs of all eligible individuals,
24 ensure that first priority for services is given to individuals who are 20 years of age

1 and were eligible for the medical assistance program under s. 49.46 (1) (a) 5m. but
2 became ineligible for the program solely because they attained the age of 20.”.

3 *b2089/2.7* **988.** Page 658, line 7: after that line insert:

4 *b2089/2.7* “SECTION 1971L. 51.421 (3) (e) of the statutes is created to read:

5 51.421 (3) (e) Distribute, from the appropriation under s. 20.435 (7) (bL),
6 \$1,000,000 in each fiscal year for community support program services.”.

7 *b1409/1.2* **989.** Page 660, line 5: after that line insert:

8 *b1409/1.2* “SECTION 1982v. 51.61 (1) (g) 3m. of the statutes is amended to
9 read:

10 51.61 (1) (g) 3m. Following a final commitment order for a subject individual
11 who is determined to meet the commitment standard under s. 51.20 (1) (a) 2. e., the
12 court shall issue an order permitting medication or treatment to be administered to
13 the individual regardless of his or her consent. ~~This subdivision does not apply after~~
14 ~~November 30, 2001.~~”.

15 *b1432/1.2* **990.** Page 660, line 5: after that line insert:

16 *b1432/1.2* “SECTION 1993f. 51.47 (title) of the statutes is amended to read:

17 **51.47 (title) Alcohol and other drug abuse treatment for minors**
18 **without parental consent.**

19 *b1432/1.2* SECTION 1993g. 51.47 (1) of the statutes is amended to read:

20 51.47 (1) Except as provided in subs. (2) and (3), any physician or health care
21 facility licensed, approved, or certified by the state for the provision of health services
22 may render preventive, diagnostic, assessment, evaluation, or treatment services for
23 the abuse of alcohol or other drugs to a minor 12 years of age or over without
24 obtaining the consent of or notifying the minor’s parent or guardian and may render

1 those services to a minor under 12 years of age without obtaining the consent of or
2 notifying the minor's parent or guardian, but only if a parent with legal custody or
3 guardian of the minor under 12 years of age cannot be found or there is no parent with
4 legal custody of the minor under 12 years of age. An assessment under this
5 subsection shall conform to the criteria specified in s. 938.547 (4). Unless consent of
6 the minor's parent or guardian is required under sub. (2), the physician or health
7 care facility shall obtain the minor's consent prior to billing a 3rd party for services
8 under this section. If the minor does not consent, the minor shall be solely
9 responsible for paying for the services, which the department shall bill to the minor
10 under s. 46.03 (18) (b).

11 *b1432/1.2* SECTION 1993h. 51.48 of the statutes is amended to read:

12 **51.48 Alcohol and other drug testing of minors, assessment, and**
13 **treatment of minor without minor's consent.** A minor's parent or guardian may
14 consent to have the minor tested for the presence of alcohol or other drugs in the
15 minor's body or to have the minor assessed by an approved treatment facility for the
16 minor's abuse of alcohol or other drugs according to the criteria specified in s. 938.547
17 (4). If, based on the assessment, the approved treatment facility determines that the
18 minor is in need of treatment for the abuse of alcohol or other drugs, the approved
19 treatment facility shall recommend a plan of treatment that is appropriate for the
20 minor's needs and that provides for the least restrictive form of treatment consistent
21 with the minor's needs. That treatment may consist of outpatient treatment, day
22 treatment, or, if the minor is admitted in accordance with s. 51.13, inpatient
23 treatment. The parent or guardian of the minor may consent to the treatment
24 recommended under this section. Consent of the minor is not required for testing,
25 assessment, or treatment under this section is not required.

1 ***b1432/1.2* SECTION 1993j.** 51.61 (6) of the statutes is amended to read:

2 51.61 (6) Subject to the rights of patients provided under this chapter, the
3 department, county departments under s. 51.42 or 51.437, and any agency providing
4 services under an agreement with the department or those county departments have
5 the right to use customary and usual treatment techniques and procedures in a
6 reasonable and appropriate manner in the treatment of patients who are receiving
7 services under the mental health system, for the purpose of ameliorating the
8 conditions for which the patients were admitted to the system. The written,
9 informed consent of any patient shall first be obtained, unless the person has been
10 found not competent to refuse medication and treatment under s. 51.61 (1) (g) or the
11 person is a minor 14 years or older who is receiving services for alcoholism or drug
12 abuse or a minor under 14 years of age who is receiving services for mental illness,
13 developmental disability, alcoholism, or drug abuse. In the case of a minor, the
14 written, informed consent of the parent or guardian is required. ~~Except, except as~~
15 provided under an order issued under s. 51.13 (1) (c) or 51.14 (3) (h) or (4) (g), if. If
16 the minor is 14 years of age or older and is receiving services for mental illness or
17 developmental disability, the written, informed consent of the minor and the minor's
18 parent or guardian is required. A refusal of either a minor 14 years of age or older
19 or the minor's parent or guardian to provide written, informed consent for admission
20 to an approved inpatient treatment facility is reviewable under s. 51.13 (1) (c) 1. and
21 a refusal of either a minor 14 years of age or older or the minor's parent or guardian
22 to provide written, informed consent for outpatient mental health treatment is
23 reviewable under s. 51.14.”.

24 ***b1601/1.6* 991.** Page 660, line 5: after that line insert:

1 ***b1601/1.6*** “SECTION 1994m. 59.08 (9) of the statutes is amended to read:

2 59.08 (9) The ballot shall have on the back or reverse side the endorsements
3 provided by law for ballots for general elections and shall be marked, ~~punched or~~
4 ~~labeled~~ by the elector and counted and canvassed as other ballots cast on questions
5 in the county are counted and canvassed. The election shall be conducted by the
6 same officers and in the same manner as are other elections in the county. The
7 results of the election shall be certified to the judges of the circuit courts for the
8 counties.”.

9 ***b2053/2.4* 992.** Page 660, line 5: after that line insert:

10 ***b2053/2.4*** “SECTION 1993d. 51.61 (1) (c) of the statutes is renumbered 51.61
11 (1) (cm) 1. and amended to read:

12 51.61 (1) (cm) 1. ~~Have~~ Patients have an unrestricted right to send sealed mail
13 and receive sealed mail to or from legal counsel, the courts, ~~governmental~~
14 government officials, private physicians, and licensed psychologists, and have
15 reasonable access to letter writing materials including postage stamps. A patient
16 shall also have a right to send sealed mail and receive sealed mail to or from other
17 persons, subject to physical examination in the patient’s presence if there is reason
18 to believe that such communication contains contraband materials or objects ~~which~~
19 that threaten the security of patients, prisoners, or staff. Such reasons shall be
20 written in the individual’s treatment record. The officers and staff of a facility may
21 not read any mail covered by this ~~paragraph~~ subdivision.

22 ***b2053/2.4*** SECTION 1993e. 51.61 (1) (cm) (intro.) of the statutes is created to
23 read:

1 51.61 (1) (cm) Have the rights specified under subd. 1. to send and receive
2 sealed mail, subject to the limitations specified under subd. 2.

3 ***b2053/2.4* SECTION 1993f.** 51.61 (1) (cm) 2. of the statutes is created to read:

4 51.61 (1) (cm) 2. The rights of a patient detained or committed under ch. 980
5 to send and receive sealed mail are subject to the following limitations:

6 a. If the mail appears to be from legal counsel, a court, a government official,
7 or a private physician or licensed psychologist, an officer or staff member of the
8 facility at which the patient is placed may delay delivery of the mail to the patient
9 for a reasonable period of time to verify whether the person named as the sender
10 actually sent the mail; may open the mail in the presence of the patient and inspect
11 it for contraband; or may, if the officer or staff member cannot determine whether the
12 mail contains contraband, return the mail to the sender along with notice of the
13 facility mail policy.

14 b. If the mail appears to be from a person other than a person specified in subd.
15 2. a., the director of the facility or his or her designee may, in accordance with the
16 standards and the procedure under sub. (2) for denying a right for cause, authorize
17 a member of the facility treatment staff to read the mail, if the director or his or her
18 designee has reason to believe that the mail could pose a threat to security at the
19 facility or seriously interfere with the treatment, rights, or safety of others.

20 ***b2053/2.4* SECTION 1993g.** 51.61 (1) (i) 1. of the statutes is amended to read:

21 51.61 (1) (i) 1. Except as provided in subd. 2., have a right to be free from
22 physical restraint and isolation except for emergency situations or when isolation or
23 restraint is a part of a treatment program. Isolation or restraint may be used only
24 when less restrictive measures are ineffective or not feasible and shall be used for
25 the shortest time possible. When a patient is placed in isolation or restraint, his or

1 her status shall be reviewed once every 30 minutes. Each facility shall have a written
2 policy covering the use of restraint or isolation ~~which~~ that ensures that the dignity
3 of the individual is protected, that the safety of the individual is ensured, and that
4 there is regular, frequent monitoring by trained staff to care for bodily needs as may
5 be required. Isolation or restraint may be used for emergency situations only when
6 it is likely that the patient may physically harm himself or herself or others. The
7 treatment director shall specifically designate physicians who are authorized to
8 order isolation or restraint, and shall specifically designate licensed psychologists
9 who are authorized to order isolation. ~~In the instance where~~ If the treatment director
10 is not a physician, the medical director shall make the designation. In the case of a
11 center for the developmentally disabled, use shall be authorized by the director of the
12 center. The authorization for emergency use of isolation or restraint shall be in
13 writing, except that isolation or restraint may be authorized in emergencies for not
14 more than one hour, after which time an appropriate order in writing shall be
15 obtained from the physician or licensed psychologist designated by the director, in
16 the case of isolation, or the physician so designated in the case of restraint.
17 Emergency isolation or restraint may not be continued for more than 24 hours
18 without a new written order. Isolation may be used as part of a treatment program
19 if it is part of a written treatment plan, and the rights specified in this subsection are
20 provided to the patient. The use of isolation as a part of a treatment plan shall be
21 explained to the patient and to his or her guardian, if any, by the person who
22 ~~undertakes such~~ provides the treatment. ~~Such~~ A treatment plan that incorporates
23 isolation shall be evaluated at least once every 2 weeks. Patients who have a recent
24 history of physical aggression may be restrained during transport to or from the
25 facility. Persons who are committed or transferred under s. 51.35 (3) or 51.37 or

1 under ch. 971 or 975, or who are detained or committed under ch. 980, and who, while
2 under this status, are transferred to a hospital, as defined in s. 50.33 (2), for medical
3 care may be isolated for security reasons within locked facilities in the hospital.
4 Patients who are committed or transferred under s. 51.35 (3) or 51.37 or under ch.
5 971 or 975, or who are detained or committed under ch. 980, may be restrained for
6 security reasons during transport to or from the facility.

7 ***b2053/2.4* SECTION 1993h.** 51.61 (1) (i) 2. of the statutes is amended to read:

8 51.61 (1) (i) 2. Patients in the maximum security facility at the Mendota Mental
9 Health Institute may be locked in their rooms during the night shift and for a period
10 of no longer than one hour and 30 minutes during each change of shift by staff to
11 permit staff review of patient needs. Patients detained or committed under ch. 980
12 and placed in a facility specified under s. 980.065 may be locked in their rooms during
13 the night shift, if they reside in a maximum or medium security unit in which each
14 room is equipped with a toilet and sink, or if they reside in a unit in which each room
15 is not equipped with a toilet and sink and the number of patients outside their rooms
16 equals or exceeds the number of toilets in the unit, except that patients who do not
17 have toilets in their rooms must be given an opportunity to use a toilet at least once
18 every hour, or more frequently if medically indicated. Patients in the maximum
19 security facility at the Mendota Mental Health Institute, or patients detained or
20 committed under ch. 980 and placed in a facility specified under s. 980.065, may also
21 be locked in their rooms on a unit-wide or facility-wide basis as an emergency
22 measure as needed for security purposes to deal with an escape or attempted escape,
23 the discovery of a dangerous weapon in the unit or facility or the receipt of reliable
24 information that a dangerous weapon is in the unit or facility, or to prevent or control
25 a riot or the taking of a hostage. A unit-wide or facility-wide emergency isolation

1 order may only be authorized by the director of the unit or ~~maximum security~~ facility
2 where the order is applicable or his or her designee ~~and shall~~. A unit-wide or
3 facility-wide emergency isolation order affecting the Mendota Mental Health
4 Institute must be approved within one hour after it is authorized by the director of
5 the Mendota ~~mental health facility~~ Mental Health Institute or the director's
6 designee. An emergency order for unit-wide or facility-wide isolation may only be
7 in effect for the period of time needed to preserve order while dealing with the
8 situation and may not be used as a substitute for adequate staffing. During a period
9 of unit-wide or facility-wide isolation, the status of each patient shall be reviewed
10 every 30 minutes to ensure the safety and comfort of the patient, and each patient
11 who is locked in a room without a toilet shall be given an opportunity to use a toilet
12 at least once every hour, or more frequently if medically indicated. Each unit in the
13 maximum security facility at the Mendota Mental Health Institute and each unit in
14 a facility specified under s. 980.065 shall have a written policy covering the use of
15 isolation ~~which~~ that ensures that the dignity of the individual is protected, that the
16 safety of the individual is secured, and that there is regular, frequent monitoring by
17 trained staff to care for bodily needs as may be required. ~~Each policy~~ The isolation
18 policies shall be reviewed and approved by the director of the Mendota Mental
19 Health Institute or the director's designee, or by the director of the facility specified
20 under s. 980.065 or his or her designee, whichever is applicable.

21 ***b2053/2.4* SECTION 1993i.** 51.61 (1) (o) of the statutes is amended to read:

22 51.61 (1) (o) Except as otherwise provided, have a right not to be filmed or
23 taped, unless the patient signs an informed and voluntary consent ~~which~~ that
24 specifically authorizes a named individual or group to film or tape the patient for a
25 particular purpose or project during a specified time period. The patient may specify

1 in such consent periods during which, or situations in which, the patient may not be
2 filmed or taped. If a patient is legally incompetent, such consent shall be granted on
3 behalf of the patient by the patient's guardian. A patient in Goodland Hall at the
4 Mendota Mental Health Institute, or a patient detained or committed under ch. 980
5 and placed in a facility specified under s. 980.065, may be filmed or taped for security
6 purposes without the patient's consent, except that such a patient may not be filmed
7 in patient bedrooms or bathrooms for any purpose without the patient's consent.”.

8 *b2221/3.108* **993.** Page 660, line 5: after that line insert:

9 *b2221/3.108* “SECTION 1985m. 59.01 of the statutes is amended to read:

10 **59.01 Body corporate; status.** Each county in this state is a body corporate,
11 authorized to sue and be sued, to acquire and hold, lease or rent real and personal
12 estate for public uses or purposes, including lands acquired under ch. 75, to sell, lease
13 and convey the same, including the authority to enter into leases or contracts with
14 the state for a period of years for the uses and purposes specified in ~~s. ss.~~ 23.09 (2)
15 (d) and 28.02 (2), to make such contracts and to do such other acts as are necessary
16 and proper to the exercise of the powers and privileges granted and the performance
17 of the legal duties charged upon it.”.

18 *b2221/3.109* **994.** Page 665, line 7: after that line insert:

19 *b2221/3.109* “SECTION 2001nm. 59.52 (6) (a) of the statutes is amended to
20 read:

21 59.52 (6) (a) *How acquired; purposes.* Take and hold land acquired under ch.
22 75 and acquire, lease or rent property, real and personal, for public uses or purposes
23 of any nature, including without limitation acquisitions for county buildings,
24 airports, parks, recreation, highways, dam sites in parks, parkways and

1 playgrounds, flowages, sewage and waste disposal for county institutions, lime pits
2 for operation under s. 59.70 (24), equipment for clearing and draining land and
3 controlling weeds for operation under s. 59.70 (18), ambulances, acquisition and
4 transfer of real property to the state for new collegiate institutions or research
5 facilities, and for transfer to the state for state parks, for state forests and for the
6 other uses and purposes specified in s. 23.09 (2) (d).”

7 *b0957/1.6* **995.** Page 665, line 20: after that line insert:

8 *b0957/1.6* “SECTION 2001r. 59.52 (29) (c) of the statutes is created to read:

9 59.52 (29) (c) If a county enacts an ordinance or adopts a resolution that
10 authorizes preferences or set-asides to minority businesses in the awarding of a
11 public work contract under par. (a), the ordinance or resolution shall require that the
12 minority business be certified by the department of commerce under s. 560.036 (2).

13 *b0957/1.6* SECTION 2002j. 59.57 (1) (b) of the statutes is amended to read:

14 59.57 (1) (b) If a county with a population of 500,000 or more appropriates
15 money under par. (a) to fund nonprofit agencies, the county shall have a goal of
16 expending 20% of the money appropriated for this purpose to fund a nonprofit agency
17 that is ~~actively managed by minority group members, as defined in s. 560.036 (1) (f),~~
18 a minority business certified by the department of commerce under s. 560.036 (2) and
19 that principally serves minority group members.”.

20 *b2012/2.4* **996.** Page 665, line 20: after that line insert:

21 *b2012/2.4* “SECTION 2002j. 59.54 (27) of the statutes is created to read:

22 59.54 (27) RELIGIOUS ORGANIZATIONS; CONTRACT POWERS. (a) *Definition.* In this
23 subsection, “board” includes any department, as defined in s. 59.60 (2) (a).

1 (b) *General purpose and authority.* The purpose of this subsection is to allow
2 the board to contract with, or award grants to, religious organizations, under any
3 program administered by the county dealing with delinquency and crime prevention
4 or the rehabilitation of offenders, on the same basis as any other nongovernmental
5 provider, without impairing the religious character of such organizations and
6 without diminishing the religious freedom of beneficiaries of assistance funded
7 under such program.

8 (c) *Nondiscrimination against religious organizations.* If the board is
9 authorized to contract with a nongovernmental entity, or is authorized to award
10 grants to a nongovernmental entity, religious organizations are eligible, on the same
11 basis as any other private organization, to be contractors and grantees under any
12 program administered by the board so long as the programs are implemented
13 consistently with the first amendment to the U.S. Constitution and article I, section
14 18, of the Wisconsin constitution. Except as provided in par. (L), the board may not
15 discriminate against an organization that is or applies to be a contractor or grantee
16 on the basis that the organization does or does not have a religious character or
17 because of the specific religious nature of the organization.

18 (d) *Religious character and freedom.* 1. The board shall allow a religious
19 organization with which the board contracts or to which the board awards a grant
20 to retain its independence from government, including the organization's control
21 over the definition, development, practice, and expression of its religious beliefs.

22 2. The board may not require a religious organization to alter its form of
23 internal governance or to remove religious art, icons, scripture, or other symbols to
24 be eligible for a contract or grant.

1 (e) *Rights of beneficiaries of assistance.* 1. If the board contracts with, or
2 awards grants to, a religious organization for the provision of crime prevention or
3 offender rehabilitation assistance under a program administered by the board, an
4 individual who is eligible for this assistance shall be informed in writing that
5 assistance of equal value and accessibility is available from a nonreligious provider
6 upon request.

7 2. The board shall provide an individual who is otherwise eligible for assistance
8 from an organization described under subd. 1. with assistance of equal value from
9 a nonreligious provider if the individual objects to the religious character of the
10 organization described under subd. 1. and requests assistance from a nonreligious
11 provider. The board shall provide such assistance within a reasonable period of time
12 after the date of the objection and shall ensure that it is accessible to the individual.

13 (g) *Nondiscrimination against beneficiaries.* A religious organization may not
14 discriminate against an individual in regard to rendering assistance that is funded
15 under any program administered by the board on the basis of religion, a religious
16 belief or nonbelief, or a refusal to actively participate in a religious practice.

17 (h) *Fiscal accountability.* 1. Except as provided in subd. 2., any religious
18 organization that contracts with or receives a grant from the board is subject to the
19 same laws and rules as other contractors and grantees regarding accounting, in
20 accord with generally accepted auditing principles, for the use of the funds provided
21 under such programs.

22 2. If the religious organization segregates funds provided under programs
23 administered by the board into separate accounts, only the financial assistance
24 provided with those funds shall be subject to audit.

1 (i) *Compliance.* Any party that seeks to enforce its rights under this subsection
2 may bring a civil action for injunctive relief against the entity that allegedly commits
3 the violation.

4 (j) *Limitations on use of funds for certain purposes.* No funds provided directly
5 to religious organizations by the board may be expended for sectarian worship,
6 instruction, or proselytization.

7 (k) *Certification of compliance.* Every religious organization that contracts
8 with or receives a grant from the county board to provide delinquency and crime
9 prevention or offender rehabilitation services to eligible recipients shall certify in
10 writing that it has complied with the requirements of pars. (g) and (j) and submit to
11 the board a copy of this certification and a written description of the policies the
12 organization has adopted to ensure that it has complied with the requirements under
13 pars. (g) and (j).

14 (L) *Preemption.* Nothing in this subsection may be construed to preempt any
15 other statute that prohibits or restricts the expenditure of federal or state funds by
16 or the granting of federal or state funds to religious organizations.”.

17 *b1571/1.1* **997.** Page 669, line 11: after that line insert:

18 *b1571/1.1* **SECTION 2003pc.** 60.10 (1) (g) of the statutes is created to read:

19 60.10 (1) (g) *Hourly wage of certain employees.* Establish the hourly wage to
20 be paid under s. 60.37 (4) to a town employee who is also an elected town officer,
21 unless the authority has been delegated to the town board under sub. (2) (L).

22 *b1571/1.1* **SECTION 2003pd.** 60.10 (2) (g) of the statutes is amended to read:

1 60.10 (2) (g) *Disposal of property.* Authorize the town board to dispose of town
2 ~~real property, real or personal,~~ other than property donated to and required to be held
3 by the town for a special purpose.

4 ***b1571/1.1* SECTION 2003pe.** 60.10 (2) (L) of the statutes is created to read:

5 60.10 (2) (L) *Hourly wage of certain employees.* Authorize the town board to
6 establish the hourly wage to be paid under s. 60.37 (4) to a town employee who is also
7 an elected town officer, other than a town board supervisor.”.

8 ***b2221/3.110* 998.** Page 669, line 11: after that line insert:

9 ***b2221/3.110* “SECTION 2003mn.** 59.74 (2) (g) of the statutes is amended to
10 read:

11 59.74 (2) (g) Every land surveyor and every officer of the department of natural
12 resources, every officer of the department of forestry and the district attorney shall
13 enforce this subsection.”.

14 ***b0957/1.7* 999.** Page 669, line 17: after that line insert:

15 ***b0957/1.7* “SECTION 2003t.** 60.47 (7) of the statutes is created to read:

16 60.47 (7) **MINORITY CONTRACTING.** If a town board enacts an ordinance or adopts
17 a resolution that authorizes preferences or set-asides to minority businesses in the
18 awarding of a public work contract under subs. (2) and (3), the ordinance or
19 resolution shall require that the minority business be certified by the department of
20 commerce under s. 560.036 (2).

21 ***b0957/1.7* SECTION 2003up.** 61.55 of the statutes is renumbered 61.55 (1)
22 and amended to read:

23 61.55 (1) All contracts for public construction, in any ~~such~~ village, exceeding
24 \$15,000, shall be let by the village board to the lowest responsible bidder in

1 accordance with s. 66.0901 insofar as ~~said that~~ section ~~may be~~ is applicable. If the
2 estimated cost of any public construction exceeds \$5,000, but is not greater than
3 \$15,000, the village board shall give a class 1 notice, under ch. 985, of the proposed
4 construction before the contract for the construction is executed.

5 **(2)** This provision does not apply to public construction if the materials for such
6 a project are donated or if the labor for such a project is provided by volunteers, and
7 this provision and s. 281.41 are not mandatory for the repair and reconstruction of
8 public facilities when damage or threatened damage thereto creates an emergency,
9 as determined by resolution of the village board, in which the public health or welfare
10 of the village is endangered. Whenever the village board by majority vote at a regular
11 or special meeting declares that an emergency no longer exists, this exemption no
12 longer applies.

13 ***b0957/1.7* SECTION 2003uq.** 61.55 (3) of the statutes is created to read:

14 61.55 (3) If a village board enacts an ordinance or adopts a resolution that
15 authorizes preferences or set-asides to minority businesses in the awarding of a
16 public work contract under sub. (1), the ordinance or resolution shall require that the
17 minority business be certified by the department of commerce under s. 560.036 (2).

18 ***b0957/1.7* SECTION 2003vp.** 62.15 (1) of the statutes is renumbered 62.15 (1)

19 (a) and amended to read:

20 62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. (a)
21 All public construction, the estimated cost of which exceeds \$15,000, shall be let by
22 contract to the lowest responsible bidder; ~~all.~~ All other public construction shall be
23 let as the council may direct. If the estimated cost of any public construction exceeds
24 \$5,000 but is not greater than \$15,000, the board of public works shall give a class

1 1 notice, under ch. 985, of the proposed construction before the contract for the
2 construction is executed.

3 (b) This provision does not apply to public construction if the materials for such
4 a project are donated or if the labor for such a project is provided by volunteers. The
5 council may also by a vote of three-fourths of all the members-elect provide by
6 ordinance that any class of public construction or any part thereof may be done
7 directly by the city without submitting the same for bids.

8 *b0957/1.7* SECTION 2003vq. 62.15 (1) (c) of the statutes is created to read:

9 62.15 (1) (c) If a council enacts an ordinance or adopts a resolution that
10 authorizes preferences or set-asides to minority businesses in the awarding of a
11 public work contract under par. (a), the ordinance or resolution shall require that the
12 minority business be certified by the department of commerce under s. 560.036 (2).”.

13 *b1549/1.1* 1000. Page 669, line 17: after that line insert:

14 *b1549/1.1* “SECTION 2003rm. 60.34 (1) (a) of the statutes is amended to read:

15 60.34 (1) (a) ~~Receive~~ Except as provided in s. 66.0608, receive and take charge
16 of all money belonging to the town, or which is required by law to be paid into the
17 town treasury, and disburse the money under s. 66.0607.

18 *b1549/1.1* SECTION 2003rn. 61.26 (2) of the statutes is amended to read:

19 61.26 (2) ~~Receive~~ Except as provided in s. 66.0608, receive all moneys belonging
20 or accruing to the village or directed by law to be paid to the treasurer.

21 *b1549/1.1* SECTION 2003ve. 61.26 (3) of the statutes is amended to read:

22 61.26 (3) ~~Deposit~~ Except as provided in s. 66.0608, deposit upon receipt the
23 funds of the village in the name of the village in the public depository designated by
24 the board. Failure to comply with this subsection shall be prima facie grounds for

1 removal from office. When the money is deposited, the treasurer and bonders are not
2 liable for the losses defined by s. 34.01 (2), and the interest shall be paid into the
3 village treasury.

4 ***b1549/1.1* SECTION 2003we.** 62.09 (9) (a) of the statutes is amended to read:

5 62.09 (9) (a) The Except as provided in s. 66.0608, the treasurer shall collect
6 all city, school, county, and state taxes, receive all moneys belonging to the city or
7 which by law are directed to be paid to the treasurer, and pay over the money in the
8 treasurer's hands according to law.

9 ***b1549/1.1* SECTION 2003wg.** 62.09 (9) (e) of the statutes is amended to read:

10 62.09 (9) (e) The Except as provided in s. 66.0608, the treasurer shall deposit
11 immediately upon receipt thereof the funds of the city in the name of the city in the
12 public depository designated by the council. Such deposit may be in either a demand
13 deposit or in a time deposit, maturing in not more than one year. Failure to comply
14 with the provisions hereof shall be prima facie grounds for removal from office. When
15 the money is so deposited, the treasurer and the treasurer's bonders shall not be
16 liable for such losses as are defined by s. 34.01 (2). The interest arising therefrom
17 shall be paid into the city treasury.”.

18 ***b1552/2.1* 1001.** Page 669, line 17: after that line insert:

19 ***b1552/2.1* “SECTION 2003tm.** 60.77 (6) (a) of the statutes is amended to read:

20 60.77 (6) (a) Let contracts for any work or purchase that involves an
21 expenditure of ~~\$5,000~~ \$15,000 or more to the lowest responsible bidder in the manner
22 prescribed by the commission. Section 66.0901 applies to contracts let under this
23 paragraph.”.

24 ***b1571/1.2* 1002.** Page 669, line 17: after that line insert:

1 ***b1571/1.2*** “SECTION 2003sc. 60.323 of the statutes is amended to read:

2 **60.323 Compensation when acting in more than one official capacity.**

3 Except for offices combined under s. 60.305, no town may compensate a town officer
4 for acting in more than one ~~official capacity~~ or office of the town at the same time.

5 ***b1571/1.2*** SECTION 2003se. 60.37 (1) of the statutes is amended to read:

6 60.37 (1) GENERAL. The town board may employ on a temporary or permanent
7 basis persons necessary to carry out the functions of town government including,
8 subject to sub. (4), any elected officer of the town. The board may establish the
9 qualifications and terms of employment, which may include the residency of the
10 employee. The board may delegate the authority to hire town employees to any town
11 official or employee.

12 ***b1571/1.2*** SECTION 2003sg. 60.37 (4) of the statutes is created to read:

13 60.37 (4) ELECTED OFFICERS SERVING AS EMPLOYEES. (a) An elected town officer
14 who also serves as a town employee may be paid an hourly wage for serving as a town
15 employee, not exceeding a total of \$5,000 each year. Amounts that are paid under
16 this paragraph may be paid in addition to any amount that an individual receives
17 under s. 60.32 or as a volunteer fire fighter, emergency medical technician, or first
18 responder under s. 66.0501 (4). The \$5,000 maximum in this paragraph includes
19 amounts paid to a town board supervisor who is acting as superintendent of
20 highways under s. 81.01 (1).

21 (b) 1. Except as provided in subd. 2., the town meeting shall establish the hourly
22 wage to be paid an elected town officer for serving as a town employee.

23 2. If authorized by the town meeting under s. 60.10 (2) (L), the town board may
24 establish the hourly wage to be paid an elected town officer, other than a town board
25 supervisor, for serving as a town employee.”

1 ***b1524/1.4* 1003.** Page 669, line 18: after that line insert:

2 ***b1524/1.4* "SECTION 2004g.** 64.12 (4) of the statutes is amended to read:

3 64.12 (4) At the end of each fiscal year the council shall cause a full and
4 complete examination of all the books and accounts of the city to be made by
5 competent certified public accountants licensed or certified under ch. 442 who shall
6 report in full to the council. The summaries of such audits shall be presented and
7 furnished to all newspapers and libraries of the city and to such other persons as
8 shall apply therefor.

9 ***b1524/1.4* SECTION 2004j.** 64.34 (2) of the statutes is amended to read:

10 64.34 (2) At the end of each year the council shall cause a full and complete
11 examination of all of the books and accounts of the city to be made by competent
12 certified public accountants licensed or certified under ch. 442, who shall report in
13 full thereon to the council. Copies of such reports shall be furnished by the council
14 to all newspapers of the city and to all persons who shall apply therefor.”.

15 ***b0975/1.1* 1004.** Page 677, line 19: delete the material beginning with that
16 line and ending with page 678, line 10.

17 ***b2221/3.111* 1005.** Page 678, line 22: after that line insert:

18 ***b2221/3.111* "SECTION 2019g.** 66.0217 (9) (b) of the statutes is amended to
19 read:

20 66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,
21 the secretary of state shall forward 2 copies of the ordinance, certificate and plat to
22 the department of transportation, one copy to the department of administration, one
23 copy to the department of revenue, one copy to the department of public instruction,
24 one copy to the department, one copy to the department of natural resources, one

1 copy to the department of forestry, one copy to the department of agriculture, trade
2 and consumer protection and 2 copies to the clerk of the municipality from which the
3 territory was annexed.”

4 *b2221/3.112* **1006.** Page 679, line 21: after that line insert:

5 *b2221/3.112* “**SECTION 2019mn.** 66.0221 (1) of the statutes, as affected by
6 2001 Wisconsin Act (this act), is amended to read:

7 66.0221 (1) Upon its own motion, a city or village by a two-thirds vote of the
8 entire membership of its governing body may enact an ordinance annexing territory
9 which comprises a portion of a town or towns and which was completely surrounded
10 by territory of the city or village on December 2, 1973. The ordinance shall include
11 all surrounded town areas except those that are exempt by mutual agreement of all
12 of the governing bodies involved. The annexation ordinance shall contain a legal
13 description of the territory and the name of the town or towns from which the
14 territory is detached. Upon enactment of the ordinance, the city or village clerk
15 immediately shall file 6 certified copies of the ordinance in the office of the secretary
16 of state, together with 6 copies of a scale map. The secretary of state shall forward
17 2 copies of the ordinance and scale map to the department of transportation, one copy
18 to the department of natural resources, one copy to the department of forestry, one
19 copy to the department of revenue and one copy to the department of administration.
20 This subsection does not apply if the town island was created only by the annexation
21 of a railroad right-of-way or drainage ditch. This subsection does not apply to land
22 owned by a town government which has existing town government buildings located
23 on the land. No town island may be annexed under this subsection if the island
24 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies

1 to annexations under this subsection. Except as provided in sub. (2), after
2 December 2, 1973, no city or village may, by annexation, create a town area which
3 is completely surrounded by the city or village.”.

4 ~~*b0824/1.1* **1007.** Page 680, line 5: after that line insert:~~

5 ~~*b0824/1.1* “SECTION 2020s. 66.0501 (4) of the statutes is amended to read:~~

6 ~~66.0501 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter,
7 emergency medical technician or first responder in a city, village or town whose
8 annual compensation, including fringe benefits, does not exceed \$2,500 the amount
9 specified in s. 946.13 (2) (a) may also hold an elected elective office in that city, village
10 or town.”.~~

11 ~~*b0957/1.8* **1008.** Page 680, line 5: after that line insert:~~

12 ~~*b0957/1.8* “SECTION 2026k. 66.0901 (6) of the statutes is amended to read:~~

13 ~~66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. In public
14 contracts for the construction, repair, remodeling, or improvement of a public
15 building or structure, other than highway structures and facilities, a municipality
16 may bid projects based on a single or multiple division of the work. Public contracts
17 shall be awarded according to the division of work selected for bidding. The
18 municipality may set out in any public contract reasonable and lawful conditions as
19 to the hours of labor, wages, residence, character, and classification of workers to be
20 employed by any contractor, classify contractors as to their financial responsibility,
21 competency, and ability to perform work, and set up a classified list of contractors.
22 The municipality may reject the bid of any person, if the person has not been
23 classified for the kind or amount of work in the bid. If one of the conditions a
24 municipality imposes under a contract that is let under this section authorizes~~

1 preferences or set-asides to minority businesses in the awarding of a contract under
2 this section, the condition shall require that the minority business be certified by the
3 department of commerce under s. 560.036 (2).”.

4 ***b1043/1.3* 1009.** Page 680, line 5: after that line insert:

5 ***b1043/1.3* “SECTION 2020n.** 66.0301 (1) (a) of the statutes is amended to
6 read:

7 66.0301 (1) (a) In this section “municipality” means the state or any
8 department or agency thereof, or any city, village, town, county, school district, public
9 library system, public inland lake protection and rehabilitation district, sanitary
10 district, farm drainage district, metropolitan sewerage district, sewer utility district,
11 solid waste management system created under s. 59.70 (2), local exposition district
12 created under subch. II of ch. 229, local professional baseball park district created
13 under subch. III of ch. 229, local professional football stadium district created under
14 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
15 family care district under s. 46.2895, water utility district, mosquito control district,
16 municipal electric company, county or city transit commission, commission created
17 by contract under this section, taxation district ~~or~~, regional planning commission, or
18 city-county health department.”.

19 ***b1524/1.5* 1010.** Page 680, line 5: after that line insert:

20 ***b1524/1.5* “SECTION 2020m.** 66.0609 (3) of the statutes is amended to read:
21 66.0609 (3) The ordinance under sub. (1) shall require that the governing body
22 of the city or village obtain an annual detailed audit of its financial transactions and
23 accounts by a certified public accountant licensed or certified under ch. 442 and
24 designated by the governing body.”.