

1 **SECTION 1420.** 49.665 (5) (ac) of the statutes is created to read:

2 49.665 (5) (ac) In this subsection, “cost” means total cost-sharing charges,
3 including premiums, copayments, coinsurance, deductibles, enrollment fees, and
4 any other cost-sharing charges.

5 **SECTION 1421.** 49.665 (5) (ag) of the statutes, as affected by 2003 Wisconsin Act
6 (this act), is amended to read:

7 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, or child
8 who does not reside with his or her parent, who receives health care coverage under
9 this section shall pay a percentage of the cost of that coverage in accordance with a
10 schedule established by the department by rule. ~~If the schedule established by the~~
11 ~~department requires a family, or child who does not reside with his or her parent, to~~
12 ~~contribute more than 3% of the family’s or child’s income towards the cost of the~~
13 ~~health care coverage provided under this section, the department shall submit the~~
14 ~~schedule to the joint committee on finance for review and approval of the schedule.~~
15 ~~If the cochairpersons of the joint committee on finance do not notify the department~~
16 ~~within 14 working days after the date of the department’s submittal of the schedule~~
17 ~~that the committee has scheduled a meeting to review the schedule, the department~~
18 ~~may implement the schedule. If, within 14 days after the date of the department’s~~
19 ~~submittal of the schedule, the cochairpersons of the committee notify the department~~
20 ~~that the committee has scheduled a meeting to review the schedule, the department~~
21 ~~may not require a family, or child who does not reside with his or her parent, to~~
22 ~~contribute more than 3% of the family’s or child’s income unless the joint committee~~
23 ~~on finance approves the schedule. The joint committee on finance may not approve~~
24 ~~and the~~ The department may not establish or implement a schedule that requires a
25 family or child to contribute, including the amounts required under par. (am), more

1 than ~~3.5%~~ 5% of the family's or child's income towards the cost of the health care
2 coverage provided under this section.

3 **SECTION 1422.** 49.665 (5) (am) of the statutes is created to read:

4 49.665 (5) (am) Except as provided in pars. (b) and (bm), a child or family
5 member who receives health care coverage under this section shall pay the following
6 cost-sharing amounts:

7 1. A copayment of \$1 for each prescription of a drug that bears only a generic
8 name, as defined in s. 450.12 (1) (b).

9 2. A copayment of \$3 for each prescription of a drug that bears a brand name,
10 as defined in s. 450.12 (1) (a).

11 **SECTION 1423.** 49.68 (3) (a) of the statutes is amended to read:

12 49.68 (3) (a) Any Subject to s. 49.687 (1m), any permanent resident of this state
13 who suffers from chronic renal disease may be accepted into the dialysis treatment
14 phase of the renal disease control program if the resident meets standards set by rule
15 under sub. (2) and s. 49.687.

16 **SECTION 1424.** 49.68 (3) (d) 1. of the statutes is amended to read:

17 49.68 (3) (d) 1. No aid may be granted under this subsection unless the recipient
18 has no other form of aid available from the federal medicare program ~~or~~, from private
19 health, accident, sickness, medical, and hospital insurance coverage, or from other
20 health care coverage specified by rule under s. 49.687 (1m) (b). If insufficient aid is
21 available from other sources and if the recipient has paid an amount equal to the
22 annual medicare deductible amount specified in subd. 2., the state shall pay the
23 difference in cost to a qualified recipient. If at any time sufficient federal or private
24 insurance aid or other health care coverage becomes available during the treatment
25 period, state aid under this subsection shall be terminated or appropriately reduced.

1 Any patient who is eligible for the federal medicare program shall register and pay
2 the premium for medicare medical insurance coverage where permitted, and shall
3 pay an amount equal to the annual medicare deductible amounts required under 42
4 USC 1395e and 1395L (b), prior to becoming eligible for state aid under this
5 subsection.

6 **SECTION 1425.** 49.68 (3) (d) 3. of the statutes is created to read:

7 49.68 (3) (d) 3. No payment shall be made under this subsection for any portion
8 of medical treatment costs or other expenses that are payable under any state,
9 federal, or other health care coverage program, including a health care coverage
10 program specified by rule under s. 49.687 (1m) (b), or under any grant, contract, or
11 other contractual arrangement.

12 **SECTION 1426.** 49.68 (3) (e) of the statutes is amended to read:

13 49.68 (3) (e) State aids for ~~services~~ any service provided under this section shall
14 be equal to the lower of the allowable charges charge under the Medical Assistance
15 program under subch. IV or the federal medicare program Medicare program. In no
16 case shall state rates for individual service elements exceed the federally defined
17 allowable costs. The rate of charges for services not covered by public and private
18 insurance shall not exceed the reasonable charges as established by medicare fee
19 determination procedures. A person that provides to a patient a service for which
20 aid is provided under this section shall accept the amount paid under this section for
21 the service as payment in full and may not bill the patient for any amount by which
22 the charge for the service exceeds the amount paid for the service under this section.

23 The state may not pay for the cost of travel, lodging, or meals for persons who must
24 travel to receive inpatient and outpatient dialysis treatment for kidney disease. This
25 paragraph shall not apply to donor related costs as defined in par. (b).

1 **SECTION 1428.** 49.683 (1) of the statutes is amended to read:

2 49.683 (1) The Subject to s. 49.687 (1m), the department may provide financial
3 assistance for costs of medical care of persons over the age of 18 years with the
4 diagnosis of cystic fibrosis who meet financial requirements established by the
5 department by rule under s. 49.687 (1).

6 **SECTION 1429.** 49.683 (3) of the statutes is created to read:

7 49.683 (3) No payment shall be made under this section for any portion of
8 medical care costs that are payable under any state, federal, or other health care
9 coverage program, including a health care coverage program specified by rule under
10 s. 49.687 (1m) (b), or under any grant, contract, or other contractual arrangement.

11 **SECTION 1430.** 49.685 (6) (b) of the statutes is amended to read:

12 49.685 (6) (b) Reimbursement shall not be made under this section for any
13 blood products or supplies ~~which~~ that are not purchased from or provided by a
14 comprehensive hemophilia treatment center, or a source approved by the treatment
15 center. Reimbursement shall not be made under this section for any portion of the
16 costs of blood products or supplies ~~which~~ that are payable under any other state or
17 federal program, or other health care coverage program, including a health care
18 coverage program specified by rule under s. 49.687 (1m) (b), or under any grant,
19 contract ~~and any, or~~ other contractual arrangement.

20 **SECTION 1431.** 49.687 (title) of the statutes is amended to read:

21 **49.687 (title) Disease aids; patient requirements; rebate agreements;**
22 **cost containment.**

23 **SECTION 1432.** 49.687 (1) of the statutes is amended to read:

24 49.687 (1) The department shall promulgate rules that require a person who
25 is eligible for benefits under s. 49.68, 49.683, or 49.685 and whose ~~current~~ estimated

1 total family income exceeds specified limits for the current year is at or above 200%
2 of the poverty line to obligate or expend specified portions of the income for medical
3 care for treatment of kidney disease, cystic fibrosis, or hemophilia before receiving
4 benefits under s. 49.68, 49.683, or 49.685. The rules shall require a person to pay
5 0.50% of his or her total family income for the cost of medical treatment covered
6 under s. 49.68, 49.683, or 49.685 if that income is from 200% to 250% of the federal
7 poverty line, 0.75% if that income is more than 250% but not more than 275% of the
8 federal poverty line, 1% if that income is more than 275% but not more than 300%
9 of the federal poverty line, 1.25% if that income is more than 300% but not more than
10 325% of the federal poverty line, 2% if that income is more than 325% but not more
11 than 350% of the federal poverty line, 2.75% if that income is more than 350% but
12 not more than 375% of the federal poverty line, 3.5% if that income is more than 375%
13 but not more than 400% of the federal poverty line, and 4.5% if that income is more
14 than 400% of the federal poverty line.

15 **SECTION 1433.** 49.687 (1m) of the statutes is created to read:

16 49.687 (1m) (a) A person is not eligible to receive benefits under s. 49.68 or
17 49.683 unless before the person applies for benefits under s. 49.68 or 49.683, the
18 person first applies for benefits under all other health care coverage programs
19 specified by the department by rule under par. (b) for which the person reasonably
20 may be eligible.

21 (b) The department shall promulgate rules that specify other health care
22 coverage programs for which a person must apply before applying for benefits under
23 s. 49.68 or 49.683. The programs specified by rule must include the Medical
24 Assistance program under subch. IV, the Badger Care health care program under s.

1 49.665, and the prescription drug assistance for elderly persons program under s.
2 49.688.

3 (c) Using the procedure under s. 227.24, the department may promulgate rules
4 under par. (b) for the period before the effective date of any permanent rules
5 promulgated under par. (b), but not to exceed the period authorized under s. 227.24
6 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department is
7 not required to provide evidence that promulgating a rule under par. (b) as an
8 emergency rule is necessary for the preservation of the public peace, health, safety,
9 or welfare and is not required to make a finding of emergency for promulgating a rule
10 under par. (b) as an emergency rule.

11 **SECTION 1434.** 49.687 (2) of the statutes is amended to read:

12 49.687 (2) The department shall develop and implement a sliding scale of
13 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.
14 49.683, and hemophilia treatment under s. 49.685, based on the patient's ability to
15 pay for treatment. ~~To~~ The department shall continuously review the sliding scale for
16 patient liability and revise it as needed to ensure that the needs for treatment of
17 patients with lower incomes receive priority within the availability of funds amounts
18 budgeted under s. 20.435 (4) (e) and (je), ~~the department shall revise the sliding scale~~
19 ~~for patient liability by January 1, 1994, and shall, every 3 years thereafter by~~
20 ~~January 1, review and, if necessary, revise the sliding scale~~ are sufficient to cover
21 treatment costs.

22 **SECTION 1435.** 49.687 (2m) of the statutes is created to read:

23 49.687 (2m) If a pharmacy directly bills the department or an entity with which
24 the department contracts for a drug supplied to a person receiving benefits under s.
25 49.68, 49.683, or 49.685 and prescribed for treatment covered under s. 49.68, 49.683,

1 or 49.685, the person shall pay a \$7.50 copayment amount for each such generic drug
2 and a \$15 copayment amount for each such brand name drug.

3 **SECTION 1436.** 49.687 (3) (a) of the statutes is amended to read:

4 49.687 (3) (a) That, as a condition of coverage for prescription drugs of a
5 manufacturer under s. 49.68, 49.683, or 49.685, the manufacturer shall make rebate
6 payments for each prescription drug of the manufacturer that is prescribed for and
7 purchased by persons who meet eligibility criteria under s. 49.68, 49.683, or 49.685,
8 to the ~~state treasurer~~ secretary of administration to be credited to the appropriation
9 under s. 20.435 (4) (je), each calendar quarter or according to a schedule established
10 by the department.

11 **SECTION 1437.** 49.687 (4) of the statutes is created to read:

12 49.687 (4) The department may adopt managed care methods of cost
13 containment for the programs under ss. 49.68, 49.683, and 49.685.

14 **SECTION 1438h.** 49.688 (2) (b) of the statutes is amended to read:

15 49.688 (2) (b) A person to whom par. (a) 1. to 3. and 5. applies, but whose annual
16 household income, as determined by the department and as modified under sub.
17 (4m), if applicable, exceeds 240% of the federal poverty line for a family the size of
18 the ~~persons'~~ person's eligible family, is eligible to purchase a prescription drug at the
19 amounts specified in sub. (5) (a) 4. only during the remaining amount of any
20 12-month period in which the person has first paid the annual deductible specified
21 in sub. (3) (b) 2. a. in purchasing prescription drugs at the retail price or, if permitted
22 under sub. (4m), in paying premiums for a long-term care insurance policy and has
23 then paid the annual deductible specified in sub. (3) (b) 2. b.

24 **SECTION 1439d.** 49.688 (3) (a) of the statutes is amended to read:

1 49.688 (3) (a) For each 12-month benefit period, a program enrollment fee of
2 \$20 \$30.

3 **SECTION 1442.** 49.688 (3) (b) 1. of the statutes is renumbered 49.688 (3) (b) 1.
4 (intro.) and amended to read:

5 49.688 (3) (b) 1. (intro.) For each 12-month benefit period, for a person specified
6 in sub. (2) (a), a deductible for prescription drugs of \$500, ~~except that a person whose~~
7 that is based on the percentage that a person's annual household income, as
8 determined by the department, is 160% ~~or less~~ of the federal poverty line for a family
9 the size of the person's eligible family ~~pays no deductible.~~, as follows:

10 **SECTION 1443.** 49.688 (3) (b) 1. a. of the statutes is created to read:

11 49.688 (3) (b) 1. a. One hundred sixty percent or less, no deductible.

12 **SECTION 1444.** 49.688 (3) (b) 1. b. of the statutes is created to read:

13 49.688 (3) (b) 1. b. More than 160%, but not more than 200%, \$500.

14 **SECTION 1445.** 49.688 (3) (b) 1. c. of the statutes is created to read:

15 49.688 (3) (b) 1. c. More than 200%, but not more than 240%, \$850.

16 **SECTION 1445h.** 49.688 (3) (b) 2. a. of the statutes is amended to read:

17 49.688 (3) (b) 2. a. The difference between the person's annual household
18 income, as modified under sub. (4m), if applicable, and 240% of the federal poverty
19 line for a family the size of the person's eligible family.

20 **SECTION 1446.** 49.688 (3) (b) 2. b. of the statutes is amended to read:

21 49.688 (3) (b) 2. b. Five Eight hundred fifty dollars.

22 **SECTION 1446g.** 49.688 (3) (c) 2. of the statutes is amended to read:

23 49.688 (3) (c) 2. A copayment of \$15 \$20 for each prescription drug that does
24 not bear only a generic name.

25 **SECTION 1446h.** 49.688 (4m) of the statutes is created to read:

1 49.688 (4m) If a person who applies for prescription drug assistance under this
2 section pays premiums for a long-term care insurance policy, as defined in s. 146.91
3 (1), the department either shall treat the amount that the person pays in premiums
4 as a reduction in the person's annual household income for purposes of subs. (2) (b)
5 and (3) (b) 2. a. or shall count the amount paid in premiums towards the deductible
6 specified under sub. (3) (b) 2. a. and required for eligibility under sub. (2) (b).

7 **SECTION 1447.** 49.688 (6) (a) of the statutes is amended to read:

8 49.688 (6) (a) That, except as provided in sub. (7) (b), the manufacturer shall
9 make rebate payments for each prescription drug of the manufacturer that is
10 prescribed for and purchased by persons who meet criteria under sub. (2) (a) and
11 persons who meet criteria under sub. (2) (b) and have paid the deductible under sub.
12 (3) (b) 2. a., to the ~~state treasurer~~ secretary of administration to be credited to the
13 appropriation account under s. 20.435 (4) (j), each calendar quarter or according to
14 a schedule established by the department.

15 **SECTION 1447g.** 49.688 (7) (a) of the statutes is amended to read:

16 49.688 (7) (a) Except as provided in par. (b), from the appropriation accounts
17 under s. 20.435 (4) (bv) ~~and~~, (j), and (pg), beginning on September 1, 2002, the
18 department shall, under a schedule that is identical to that used by the department
19 for payment of pharmacy provider claims under medical assistance, provide to
20 pharmacies and pharmacists payments for prescription drugs sold by the
21 pharmacies or pharmacists to persons eligible under sub. (2) who have paid the
22 deductible specified under sub. (3) (b) 1. or 2. or who, under sub. (3) (b) 1., are not
23 required to pay a deductible. The payment for each prescription drug under this
24 paragraph shall be at the program payment rate, minus any copayment paid by the
25 person under sub. (5) (a) 2. or 4., and plus, if applicable, incentive payments that are

1 similar to those provided under s. 49.45 (8v). The department shall devise and
2 distribute a claim form for use by pharmacies and pharmacists under this paragraph
3 and may limit payment under this paragraph to those prescription drugs for which
4 payment claims are submitted by pharmacists or pharmacies directly to the
5 department. The department may apply to the program under this section the same
6 utilization and cost control procedures that apply under rules promulgated by the
7 department to medical assistance under subch. IV of ch. 49.

8 **SECTION 1447h.** 49.688 (7) (b) of the statutes is amended to read:

9 49.688 (7) (b) During any period in which funding under s. 20.435 (4) (bv) and
10 (pg) is completely expended for the payments specified in par. (a), the requirements
11 of par. (a) and subs. (3) (c), (5), and (6) (a) and (b) do not apply to drugs purchased
12 during that period, but the department shall continue to accept applications and
13 determine eligibility under sub. (4) and shall indicate to applicants that the
14 eligibility of program participants to purchase prescription drugs as specified in sub.
15 (3), under the requirements of sub. (5), is conditioned on the availability of funding
16 under s. 20.435 (4) (bv) and (pg).

17 **SECTION 1448.** 49.78 (5) of the statutes, as affected by 2003 Wisconsin Act
18 (this act), is amended to read:

19 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
20 qualifications of applicants in any county department administering aid to families
21 with dependent children shall be given by the administrator of the division of merit
22 recruitment and selection in the ~~department of employment relations~~. The
23 ~~department of employment relations~~ office of state human resources management.
24 The office of state human resources management shall be reimbursed for actual
25 expenditures incurred in the performance of its functions under this section from the

1 appropriations available to the department of health and family services for
2 administrative expenditures.

3 **SECTION 1450.** 49.79 (4) of the statutes is amended to read:

4 **49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS.** The
5 department shall withhold the value of food stamp losses for which a county or
6 federally recognized American Indian tribe is liable under sub. (3) from the payment
7 to the county or tribe under income maintenance contracts under s. ~~49.33~~ 49.78 and
8 reimburse the federal government from the funds withheld.

9 **SECTION 1450m.** 49.797 (4) (e) of the statutes is created to read:

10 **49.797 (4) (e)** Pay a supplier, as defined in s. 49.795 (1) (d), a fee of \$.08 for each
11 food stamp purchase or merchandise return transaction or balance inquiry
12 conducted on a point-of-sale terminal that is owned or leased by the supplier for use
13 in the delivery of food stamp benefits.

14 **SECTION 1451.** 49.85 (title) of the statutes is amended to read:

15 **49.85 (title) Certification of certain public assistance overpayments**
16 **and delinquent loan repayments.**

17 **SECTION 1452.** 49.85 (1) of the statutes is amended to read:

18 **49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT.** If a county department under
19 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
20 Indian tribe or band determines that the department of health and family services
21 may recover an amount under s. 49.497 or that the department of workforce
22 development may recover an amount under s. 49.161, 49.195 (3), or 49.793, or collect
23 an amount under s. 49.147 (6) (cm), the county department or governing body shall
24 notify the affected department of the determination. If a Wisconsin works agency
25 determines that the department of workforce development may recover an amount

1 under s. 49.161 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the
2 Wisconsin works agency shall notify the department of workforce development of the
3 determination.

4 **SECTION 1454.** 49.85 (2) (b) of the statutes is amended to read:

5 49.85 (2) (b) At least annually, the department of workforce development shall
6 certify to the department of revenue the amounts that, based on the notifications
7 received under sub. (1) and on other information received by the department of
8 workforce development, the department of workforce development has determined
9 that it may recover under ss. 49.161, 49.195 (3), and 49.793, and collect under s.
10 49.147 (6) (cm), except that the department of workforce development may not certify
11 an amount under this subsection unless it has met the notice requirements under
12 sub. (3) and unless its determination has either not been appealed or is no longer
13 under appeal.

14 **SECTION 1456.** 49.85 (3) (b) (intro.) of the statutes is amended to read:

15 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
16 department of workforce development shall send a notice to the last-known address
17 of the person from whom that department intends to recover or collect the amount.
18 The notice shall do all of the following:

19 **SECTION 1457.** 49.85 (3) (b) 1. of the statutes is amended to read:

20 49.85 (3) (b) 1. Inform the person that the department of workforce
21 development intends to certify to the department of revenue an amount that the
22 department of workforce development has determined to be due under s. 49.161,
23 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan
24 under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

25 **SECTION 1459.** 49.85 (5) of the statutes is amended to read:

1 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
2 of revenue shall constitute a lien, equal to the amount certified, on any state tax
3 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
4 of revenue as a setoff under s. 71.93. Certification of an amount under this section
5 does not prohibit the department of health and family services or the department of
6 workforce development from attempting to recover or collect the amount through
7 other legal means. The department of health and family services or the department
8 of workforce development shall promptly notify the department of revenue upon
9 recovery or collection of any amount previously certified under this section.

10 **SECTION 1460.** 49.854 (11) (b) of the statutes is amended to read:

11 49.854 (11) (b) *The department.* The department may assess a collection fee
12 to recover the department's costs incurred in levying against property under this
13 section. The department shall determine its costs to be paid in all cases of levy. The
14 obligor is liable to the department for the amount of the collection fee authorized
15 under this paragraph. Fees collected under this paragraph shall be credited to the
16 appropriation account under s. 20.445 (1) ~~(L)~~ (3) (ja).

17 **SECTION 1464.** 50.01 (1g) (c) of the statutes is amended to read:

18 50.01 (1g) (c) A shelter facility as defined under s. ~~16.352~~ 560.9808 (1) (d).

19 **SECTION 1466.** 50.03 (5g) (c) 1. c. of the statutes is amended to read:

20 50.03 (5g) (c) 1. c. All forfeitures shall be paid to the department within 10 days
21 after receipt of notice of assessment or, if the forfeiture is contested under par. (f),
22 within 10 days after receipt of the final decision after exhaustion of administrative
23 review, unless the final decision is appealed and the order is stayed by court order
24 under s. 50.03 (11). The department shall remit all forfeitures paid under this

1 subdivision to the ~~state treasurer~~ secretary of administration for deposit in the
2 school fund.

3 **SECTION 1466d.** 50.031 of the statutes is created to read:

4 **50.031 Nursing home surveyor positions.** (1) In this section, “long-term
5 care facility” means a licensed nursing home, community-based residential facility,
6 adult family home, home health agency, or rural medical center or a certified or
7 registered residential care apartment complex.

8 (2) For every December 31 on which the total number of long-term care
9 facilities is less than the total number of long-term care facilities that existed on
10 December 31 of the previous year, the total number of authorized full-time
11 equivalent program revenue positions, as defined in s. 230.03 (11), for the
12 department, funded from the appropriation account under s. 20.435 (6) (jm) for the
13 purpose of performing surveillance of licensed nursing homes, shall be reduced by
14 the same percentage by which the total number of long-term care facilities is reduced
15 from the total number of long-term care facilities that existed on December 31 of the
16 previous year. Each reduction of authorized full-time equivalent program revenue
17 positions shall begin on July 1 of the year following the year in which the reduction
18 of the total number of long-term care facilities occurred.

19 **SECTION 1467.** 50.034 (8) (d) of the statutes is amended to read:

20 50.034 (8) (d) All forfeitures shall be paid to the department within 10 days
21 after receipt of notice of assessment or, if the forfeiture is contested under par. (c),
22 within 10 days after receipt of the final decision after exhaustion of administrative
23 review, unless the final decision is appealed and the order is stayed by court order.
24 The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
25 administration for deposit in the school fund.

1 **SECTION 1468.** 50.035 (11) (d) of the statutes is amended to read:

2 50.035 (11) (d) All forfeitures shall be paid to the department within 10 days
3 after receipt of notice of assessment or, if the forfeiture is contested under par. (c),
4 within 10 days after receipt of the final decision after exhaustion of administrative
5 review, unless the final decision is appealed and the order is stayed by court order.
6 The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
7 administration for deposit in the school fund.

8 **SECTION 1472b.** 50.04 (5) (f) of the statutes is amended to read:

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

16 **SECTION 1473.** 50.07 (3) (a) of the statutes is repealed.

17 **SECTION 1474.** 50.07 (3) (b) of the statutes is amended to read:

18 50.07 (3) (b) Any employee ~~of an employer not described in par. (a)~~ who is
19 discharged or otherwise retaliated or discriminated against in violation of sub. (1)
20 (e) or (em) may file a complaint with the department of workforce development under
21 s. 106.54 (5).

22 **SECTION 1475.** 50.07 (3) (c) of the statutes is amended to read:

23 50.07 (3) (c) Any person not described in par. ~~(a) or~~ (b) who is retaliated or
24 discriminated against in violation of sub. (1) (e) or (em) may commence an action in
25 circuit court for damages incurred as a result of the violation.

1 **SECTION 1476.** 50.14 (title) of the statutes is amended to read:

2 **50.14 (title) Assessments on occupied, licensed beds.**

3 **SECTION 1477.** 50.14 (1) (a) of the statutes is amended to read:

4 50.14 (1) (a) Notwithstanding s. 50.01 (1m), “facility” means a nursing home
5 or an intermediate care facility for the mentally retarded, ~~which is not state-owned~~
6 ~~or state-operated, federally owned or federally operated or that is not located outside~~
7 the state.

8 **SECTION 1478.** 50.14 (2) of the statutes is renumbered 50.14 (2) (intro.) and
9 amended to read:

10 50.14 (2) (intro.) For the privilege of doing business in this state, there is
11 imposed on all ~~occupied, licensed beds of a facility, except occupied, licensed beds for~~
12 ~~which payment is made under 42 USC 1395 to 1395eee, an assessment that shall be~~
13 ~~deposited in the general fund and that is \$100 per calendar month per occupied,~~
14 ~~licensed bed of an intermediate care facility for the mentally retarded may not exceed~~
15 ~~\$435 in fiscal year 2003–04 and may not exceed \$445 in fiscal year 2004–05 and is~~
16 ~~\$32 an assessment that may not exceed \$75 per calendar month per occupied,~~
17 ~~licensed bed of a nursing home. The assessment shall be on the average number of~~
18 ~~occupied, licensed beds of a facility for the calendar month previous to the month of~~
19 ~~assessment, based on an average daily midnight census computed and reported by~~
20 ~~the facility and verified by the department. Charged bed–hold days for any resident~~
21 ~~of a facility shall be included as one full day in the average daily midnight census~~
22 ~~deposited in the general fund, except that in fiscal year 2003–04, amounts in excess~~
23 ~~of \$14,300,000, in fiscal year 2004–05, amounts in excess of \$13,800,000, and,~~
24 ~~beginning July 1, 2005, in each fiscal year, amounts in excess of 45% of the money~~
25 ~~received from the assessment shall be deposited in the Medical Assistance trust~~

1 fund. In determining the number of ~~occupied~~, licensed beds, if all of the following
2 apply:

3 (a) If the amount of the beds is other than a whole number, the fractional part
4 of the amount shall be disregarded unless it equals 50% or more of a whole number,
5 in which case the amount shall be increased to the next whole number.

6 **SECTION 1479.** 50.14 (2) (b) of the statutes is created to read:

7 50.14 (2) (b) The number of licensed beds of a nursing home includes any
8 number of beds that have been delicensed under s. 49.45 (6m) (ap) 1. but not deducted
9 from the nursing home's licensed bed capacity under s. 49.45 (6m) (ap) 4. a.

10 **SECTION 1480.** 50.14 (3) of the statutes is amended to read:

11 50.14 (3) By the end of each month, each facility shall submit to the department
12 ~~the facility's occupied licensed bed count and~~ the amount due under sub. (2) for each
13 ~~occupied licensed bed of the facility for the month preceding the month during which~~
14 ~~the bed count and payment are~~ is being submitted. The department shall verify the
15 ~~bed count~~ number of beds licensed and, if necessary, make adjustments to the
16 payment, notify the facility of changes in the ~~bed count or payment~~ owing and send
17 the facility an invoice for the additional amount due or send the facility a refund.

18 **SECTION 1481.** 50.14 (4) of the statutes is amended to read:

19 50.14 (4) Sections 77.59 (1) to (5), (6) (intro.), (a) and (c) and (7) to (10), 77.60
20 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes
21 under subch. III of ch. 77, apply to the assessment under this section, except that the
22 amount of any assessment collected under s. 77.59 (7) in excess of \$14,300,000 in
23 fiscal year 2003–04, in excess of \$13,800,000 in fiscal year 2004–05, and, beginning
24 July 1, 2005, in excess of 45% in each fiscal year shall be deposited in the Medical
25 Assistance trust fund.

1 **SECTION 1482.** 50.38 (4) of the statutes is amended to read:

2 50.38 (4) All forfeitures shall be paid to the department within 10 days after
3 receipt of notice of assessment or, if the forfeiture is contested under sub. (3), within
4 10 days after receipt of the final decision after exhaustion of administrative review,
5 unless the final decision is appealed and the order is stayed by court order. The
6 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
7 administration for deposit in the school fund.

8 **SECTION 1483.** 50.55 (1) (e) of the statutes is amended to read:

9 50.55 (1) (e) All forfeitures shall be paid to the department within 10 days after
10 receipt of notice of assessment or, if the forfeiture is contested under par. (d), within
11 10 days after receipt of the final decision, unless the final decision is appealed and
12 the decision is in favor of the appellant. The department shall remit all forfeitures
13 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

14 **SECTION 1484.** 50.90 (2) of the statutes is amended to read:

15 50.90 (2) “Organization” means a public agency, as defined in s. ~~46.93 (1m) (e)~~
16 46.856 (1) (b), a nonprofit corporation, a for-profit stock corporation, a cooperative,
17 a partnership, a limited liability company or a sole proprietorship.

18 **SECTION 1485.** 50.98 (5) of the statutes is amended to read:

19 50.98 (5) All forfeitures shall be paid to the department within 10 days after
20 receipt of notice of assessment or, if the forfeiture is contested under sub. (4), within
21 10 days after receipt of the final decision after exhaustion of administrative review,
22 unless the final decision is appealed and the order is stayed by court order under the
23 same terms and conditions as found in s. 50.03 (11). The department shall remit all
24 forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the
25 school fund.

1 **SECTION 1486.** 51.06 (1m) (d) of the statutes is amended to read:

2 51.06 (1m) (d) Services for up to 50 individuals with developmental disability
3 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
4 challenging behaviors.

5 **SECTION 1487.** 51.06 (3) of the statutes is renumbered 51.06 (3) (a) and
6 amended to read:

7 51.06 (3) (a) ~~Individuals~~ Subject to par. (b), individuals under the age of 22
8 years shall be placed only at the central center for the developmentally disabled
9 unless the department authorizes the placement of the individual at the northern or
10 southern center for the developmentally disabled.

11 **SECTION 1488.** 51.06 (3) (b) of the statutes is created to read:

12 51.06 (3) (b) An individual may be placed at or transferred to a center for the
13 developmentally disabled for services under sub. (1m) (d) only after all of the
14 following conditions are met:

15 1. The department determines that a licensed bed and other necessary
16 resources are available to provide services to the individual.

17 2. The department and the county of residence of the individual agree on a
18 maximum discharge date for the individual.

19 **SECTION 1489.** 51.06 (5) of the statutes is created to read:

20 51.06 (5) **SURCHARGE FOR EXTENDED INTENSIVE TREATMENT.** The department may
21 impose on a county a progressive surcharge for services under sub. (1m) (d) that an
22 individual receives after the maximum discharge date for the individual that was
23 agreed upon under sub. (3) (b) 2. The surcharge is 10% of the amount paid for the
24 individual's services under s. 49.45 during any part of the first 6-month period
25 following the maximum discharge date, and increases by 10% of the amount paid for

1 the individual's services under s. 49.45 during any part of each 6-month period
2 thereafter. Any revenues received under this subsection shall be credited to the
3 appropriation account under s. 20.435 (2) (gL).

4 **SECTION 1490.** 51.06 (6) of the statutes is created to read:

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

20 **SECTION 1490c.** 51.06 (7) of the statutes is created to read:

21 **51.06 (7) EMPLOYEE OR POSITION TRANSFERS.** The department may not transfer
22 an employee of the Northern Center for the Developmentally Disabled to another
23 center for the developmentally disabled unless the employee requests the transfer.
24 The department may not transfer employee positions from the Northern Center for
25 the Developmentally Disabled to another center for the developmentally disabled if

1 the position transfer would have the purpose or effect of significantly changing the
2 mission of the Northern Center for the Developmentally Disabled.

3 **SECTION 1491.** 51.20 (13) (c) (intro.) of the statutes is amended to read:

4 51.20 (13) (c) (intro.) If disposition is made under par. (a) 3., all of the following
5 apply:

6 **SECTION 1492.** 51.20 (13) (c) 1. of the statutes is amended to read:

7 51.20 (13) (c) 1. The court shall designate the facility or service ~~which~~ that is
8 to receive the subject individual into the mental health system, ~~except that, if the~~
9 ~~subject individual is under the age of 22 years and the facility is a center for the~~
10 ~~developmentally disabled, the court shall designate only the central center for the~~
11 ~~developmentally disabled unless the department authorizes designation of the~~
12 ~~northern or southern center for the developmentally disabled; subject to s. 51.06 (3).~~

13 **SECTION 1493.** 51.20 (13) (c) 2. of the statutes is amended to read:

14 51.20 (13) (c) 2. The county department under s. 51.42 or 51.437 shall arrange
15 for treatment in the least restrictive manner consistent with the requirements of the
16 subject individual in accordance with a court order designating the maximum level
17 of inpatient facility, if any, ~~which~~ that may be used for treatment, ~~except that, if the~~
18 ~~subject individual is under the age of 22 years and the facility is a center for the~~
19 ~~developmentally disabled, designation shall be only to the central center for the~~
20 ~~developmentally disabled unless the department authorizes the placement of the~~
21 ~~individual at the northern or southern center for the developmentally disabled; and~~
22 subject to s. 51.06 (3).

23 **SECTION 1494.** 51.20 (13) (f) of the statutes is amended to read:

24 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which~~ that
25 receives an individual who is committed by a court under par. (a) 3. is authorized to

1 place ~~such~~ the individual in an approved treatment facility, subject to any limitations
2 which are specified by the court under par. (c) 2. The county department shall place
3 the subject individual in the treatment program and treatment facility which ~~that~~
4 is least restrictive of the individual's personal liberty, consistent with the treatment
5 requirements of the individual. The county department ~~shall have~~ has ongoing
6 responsibility to review the individual's needs, in accordance with sub. (17), and to
7 transfer the person to the least restrictive program consistent with the individual's
8 needs. ~~If the subject individual is under the age of 22 years and if the facility~~
9 ~~appropriate for placement or transfer is a center for the developmentally disabled,~~
10 ~~placement or transfer of the individual shall be made only to the central center for~~
11 ~~the developmentally disabled unless the department authorizes the placement or~~
12 ~~transfer to the northern or southern center for the developmentally disabled~~
13 Placement or transfer under this paragraph is subject to s. 51.06 (3).

14 **SECTION 1495.** 51.35 (1) (a) of the statutes is amended to read:

15 51.35 (1) (a) The Subject to pars. (b) and (d), the department or the county
16 department under s. 51.42 or 51.437 may transfer any patient or resident who is
17 committed to it, or who is admitted to a treatment facility under its supervision or
18 operating under an agreement with it, between treatment facilities or from a
19 treatment facility into the community if ~~such~~ the transfer is consistent with
20 reasonable medical and clinical judgment ~~and,~~ consistent with s. 51.22 (5). ~~The~~
21 ~~transfer shall be made, and, if the transfer results in a greater restriction of personal~~
22 freedom for the patient or resident, in accordance with par. (e). Terms and conditions
23 ~~which that~~ will benefit the patient or resident may be imposed as part of a transfer
24 to a less restrictive treatment alternative. A patient or resident who is committed
25 to the department or a county department under s. 51.42 or 51.437 may be required

1 to take medications and receive treatment, subject to the right of the patient or
2 resident to refuse medication and treatment under s. 51.61 (1) (g) and (h), through
3 a community support program as a term or condition of a transfer. The patient or
4 resident shall be informed at the time of transfer of the consequences of violating
5 such the terms and conditions of the transfer, including possible transfer back to a
6 facility ~~which~~ treatment facility that imposes a greater restriction on personal
7 freedom of the patient or resident.

8 **SECTION 1496.** 51.35 (1) (b) of the statutes is renumbered 51.35 (1) (b) 1. and
9 amended to read:

10 51.35 (1) (b) 1. ~~In addition to the requirements in par. (a), a~~ Except as provided
11 in pars. (c) and (d), a transfer of a patient in a mental health institute ~~or center for~~
12 ~~the developmentally disabled~~ by the department is subject to the approval of the
13 appropriate county department under ss. 51.42 and 51.437 to which the patient was
14 committed or through which the patient was admitted to the facility, ~~if any~~ mental
15 health institute.

16 **SECTION 1496c.** 51.35 (1) (b) 2. of the statutes is created to read:

17 51.35 (1) (b) 2. Except as provided in pars. (c) and (d), a transfer of a resident
18 of a center for the developmentally disabled by the department is subject to the
19 approval of the appropriate county department under s. 51.42 or 51.437 to which the
20 resident was committed or through which the resident was admitted to the center
21 and to the approval of the resident's guardian.

22 **SECTION 1497.** 51.35 (1) (bm) of the statutes is amended to read:

23 51.35 (1) (bm) ~~Notwithstanding par. (b), transfer~~ Transfer of a patient under
24 ~~the age of 22 years~~ resident by a county department to a center for the
25 developmentally disabled ~~may be made only to the central center for the~~

1 ~~developmentally disabled unless the department authorizes the transfer of the~~
2 ~~patient to the northern or southern center for the developmentally disabled is subject~~
3 ~~to s. 51.06 (3).~~

4 **SECTION 1498.** 51.35 (1) (c) of the statutes is amended to read:

5 51.35 (1) (c) The department may, without approval of the county department
6 under s. 51.42 or 51.437 ~~and notwithstanding par. (d) 3.~~, transfer any patient from
7 a treatment facility to another treatment facility when the condition of the patient
8 requires such transfer without delay. The department shall notify the appropriate
9 county department under s. 51.42 or 51.437 that the transfer has been made. Any
10 patient so transferred may be returned to the treatment facility from which the
11 transfer was made, upon orders from the department or the county department
12 under s. 51.42 or 51.437, when such the return would be in the best interests of the
13 patient.

14 **SECTION 1499.** 51.35 (1) (d) 1. and 2. of the statutes are amended to read:

15 51.35 (1) (d) 1. The Subject to subd. 2., the department may, without approval
16 of the appropriate county department under s. 51.42 or 51.437, transfer any patient
17 from a state treatment facility or other inpatient facility to an approved treatment
18 facility which is less restrictive of the patient's personal freedom.

19 2. Transfer under this ~~subsection~~ paragraph may be made only if the transfer
20 is consistent with the requirements of par. (a), and the department finds that the
21 appropriate county department under s. 51.42 or 51.437 is unable to locate an
22 approved treatment facility in the community, or that such the county department
23 has acted in an arbitrary or capricious manner to prevent the transfer of the patient
24 out of the state treatment facility or other inpatient facility contrary to medical and
25 clinical judgment.

1 **SECTION 1499b.** 51.35 (1) (d) 3. of the statutes is renumbered 51.35 (1) (b) 3.
2 and amended to read:

3 51.35 (1) (b) 3. ~~A Except as provided in pars. (c) and (d), a transfer of a patient,~~
4 ~~made under authority of this subsection, in a treatment facility other than as~~
5 ~~specified in subd. 1. or 2. may be made by the department only after the department~~
6 has notified the appropriate county department under s. 51.42 or 51.437 of its intent
7 to transfer ~~a the patient in accordance with this subsection.~~ The patient's guardian,
8 if any, or if a minor his or her parent or person in the place of a parent shall be notified
9 by the department.

10 **SECTION 1500.** 51.35 (5) of the statutes is amended to read:

11 51.35 (5) RESIDENTIAL LIVING ARRANGEMENTS; TRANSITIONARY SERVICES. The
12 department and any person, director or board authorized to discharge or transfer
13 patients under this section shall ensure that a proper residential living arrangement
14 and the necessary transitional services are available and provided for the patient
15 being discharged or transferred. Under this subsection, a proper residential living
16 arrangement may not include a shelter facility, as defined under s. ~~16.352~~ 560.9808
17 (1) (d), unless the discharge or transfer to the shelter facility is made on an
18 emergency basis for a period not to exceed 10 days.

19 **SECTION 1502.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

20 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities
21 services for services that are not provided by the federal government and that are
22 provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance
23 ~~that are not provided by the federal government, plus any applicable surcharge~~
24 under s. 51.06 (5), using the procedure established under subd. 1.

25 **SECTION 1503.** 51.67 (intro.) of the statutes is amended to read:

1 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing
2 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
3 warranted and that the subject individual is a fit subject for guardianship and
4 protective placement or services, the court may, without further notice, appoint a
5 temporary guardian for the subject individual and order temporary protective
6 placement or services under ch. 55 for a period not to exceed 30 days. ~~If the court~~
7 ~~orders temporary~~ Temporary protective placement for an individual ~~under the age~~
8 ~~of 22 years in a center for the developmentally disabled, this placement may be made~~
9 ~~only at the central center for the developmentally disabled unless the department~~
10 ~~authorizes the placement or transfer to the northern or southern center for the~~
11 ~~developmentally disabled is subject to s. 51.06 (3).~~ Any interested party may then
12 file a petition for permanent guardianship or protective placement or services,
13 including medication, under ch. 55. If the individual is in a treatment facility, the
14 individual may remain in the facility during the period of temporary protective
15 placement if no other appropriate facility is available. The court may order
16 psychotropic medication as a temporary protective service under this section if it
17 finds that there is probable cause to believe the individual is not competent to refuse
18 psychotropic medication and that the medication ordered will have therapeutic
19 value and will not unreasonably impair the ability of the individual to prepare for
20 and participate in subsequent legal proceedings. An individual is not competent to
21 refuse psychotropic medication if, because of chronic mental illness, and after the
22 advantages and disadvantages of and alternatives to accepting the particular
23 psychotropic medication have been explained to the individual, one of the following
24 is true:

25 **SECTION 1504.** 55.001 of the statutes is amended to read:

1 **55.001 Declaration of policy.** The legislature recognizes that many citizens
2 of the state, because of the infirmities of aging, chronic mental illness, mental
3 retardation, other developmental disabilities or like incapacities incurred at any age,
4 are in need of protective services. These Except as provided in s. 49.45 (30m) (a),
5 these services should, to the maximum degree of feasibility under programs, services
6 and resources that the county board of supervisors is reasonably able to provide
7 within the limits of available state and federal funds and of county funds required
8 to be appropriated to match state funds, allow the individual the same rights as other
9 citizens, and at the same time protect the individual from exploitation, abuse and
10 degrading treatment. This chapter is designed to establish those services and assure
11 their availability to all persons when in need of them, and to place the least possible
12 restriction on personal liberty and exercise of constitutional rights consistent with
13 due process and protection from abuse, exploitation and neglect.

14 **SECTION 1505.** 55.01 (4g) of the statutes is created to read:

15 **55.01 (4g)** “Intermediate facility” has the meaning given in s. 46.279 (1) (a).

16 **SECTION 1506.** 55.01 (4t) of the statutes is created to read:

17 **55.01 (4t)** “Nursing facility” has the meaning given in s. 46.279 (1) (b).

18 **SECTION 1507.** 55.045 of the statutes is amended to read:

19 **55.045 Funding.** The Except as provided in s. 49.45 (30m) (a), the appropriate
20 county department designated under s. 55.02 shall within the limits of available
21 state and federal funds and of county funds required to be appropriated to match
22 state funds, provide for the reasonable program needs of persons who are
23 protectively placed or who receive protective services under this chapter, including
24 reasonable expenses for the evaluations required by s. 55.06 (8). Payment and
25 collections for protective placement or protective services provided in public facilities

1 specified in s. 46.10 shall be governed in accordance with s. 46.10. The department
2 may require that a person who is protectively placed or receives protective services
3 under this chapter provide reimbursement for services or care and custody received,
4 based on the ability of the person to pay for such costs.

5 **SECTION 1508.** 55.06 (5) of the statutes is amended to read:

6 55.06 (5) Notice of a petition for placement shall be served upon the person
7 sought to be placed, by personal service, at least 10 days prior to the time set for a
8 hearing. Upon service of the notice, the person sought to be protected shall be
9 informed of the complete contents of the notice. The person serving the notice shall
10 return a certificate to the circuit judge verifying that the petition has been delivered
11 and notice given. The notice shall include the names of all petitioners. Notice shall
12 also be served personally or by mail upon the person's guardian ad litem, legal
13 counsel, guardian, if any, presumptive adult heirs, and upon other persons who have
14 physical custody of the person to be protected whose names and addresses are known
15 to the petitioner or can with reasonable diligence be ascertained, to any
16 governmental or private body or group from whom the person to be protected is
17 known to be receiving aid, and to such other persons or entities as the court may
18 require. Notice shall also be served personally or by mail upon the department at
19 least 10 days prior to the time set for hearing if the person sought to be protected may
20 be placed in a center for the developmentally disabled. ~~The department shall be~~
21 ~~allowed to submit oral or written testimony regarding such a placement at the~~
22 hearing. Notice shall also be served personally or by mail, at least 10 days before the
23 time set for hearing, upon the county department that is participating in the
24 program under s. 46.278 of the county of residence of the person sought to be
25 protected, if the person has a developmental disability and may be placed in an

1 intermediate facility or a nursing facility, except that, for a person sought to be
2 protected to whom s. 46.279 (4m) applies, this notice shall instead be served on the
3 department. The incompetent or proposed incompetent is presumed able to attend
4 the hearing unless, after a personal interview, the guardian ad litem certifies to the
5 court that the person is unable to attend.

6 **SECTION 1509.** 55.06 (8) (intro.) of the statutes is amended to read:

7 55.06 (8) (intro.) Before ordering the protective placement of any individual,
8 the court shall direct a comprehensive evaluation of the person in need of placement,
9 if such an evaluation has not already been made. The court may utilize available
10 multidisciplinary resources in the community in determining the need for
11 placement. The board designated under s. 55.02 or an agency designated by it shall
12 cooperate with the court in securing available resources. Where applicable by reason
13 of the particular disability, the appropriate board designated under s. 55.02 or an
14 agency designated by it having responsibility for the place of legal residence of the
15 individual as provided in s. 49.001 (6) shall make a recommendation for placement.
16 If the court is considering placement of the individual in a center for the
17 developmentally disabled, the court shall request a statement or testimony from the
18 department regarding whether the placement is appropriate for the person's needs
19 and whether it is consistent with the purpose of the center under s. 51.06 (1) ~~unless~~
20 ~~testimony was provided by the department under sub. (5).~~ If the individual has a
21 developmental disability and the court is considering placement of the individual in
22 an intermediate facility or a nursing facility, the court shall request a statement or
23 testimony from the county department of the individual's county of residence that is
24 participating in the program under s. 46.278 as to whether the individual's needs
25 could be met in a noninstitutional setting, except that, if s. 46.279 (4m) applies to the

1 individual, the court shall request the statement or testimony from the department,
2 rather than the county department. A copy of the comprehensive evaluation shall be
3 provided to the guardian, the guardian ad litem, and to the individual or attorney
4 at least 96 hours in advance of the hearing to determine placement. The court or the
5 cooperating agency obtaining the evaluation shall request appropriate information
6 which shall include at least the following:

7 **SECTION 1510.** 55.06 (9) (a) of the statutes is amended to read:

8 55.06 (9) (a) The court may order protective services under s. 55.05 (2) (d) as
9 an alternative to placement. When ordering placement, the court, on the basis of the
10 evaluation and other relevant evidence, shall order the appropriate board specified
11 under s. 55.02 or an agency designated by it to protectively place the individual.
12 Placement by the appropriate board or designated agency is subject to s. 46.279 and
13 shall be made in the least restrictive environment consistent with the needs of the
14 person to be placed and with the placement resources of the appropriate board
15 specified under s. 55.02. Factors to be considered in making protective placement
16 shall include the needs of the person to be protected for health, social, or
17 rehabilitative services; the level of supervision needed; the reasonableness of the
18 placement given the cost and the actual benefits in the level of functioning to be
19 realized by the individual; the limits of available state and federal funds and of
20 county funds required to be appropriated to match state funds; and the
21 reasonableness of the placement given the number or projected number of
22 individuals who will need protective placement and given the limited funds
23 available. The Except as provided in s. 49.45 (30m), the county may not be required
24 to provide funding, in addition to its funds that are required to be appropriated to
25 match state funds, in order to protectively place an individual. Placement under this

1 section does not replace commitment of a person in need of acute psychiatric
2 treatment under s. 51.20 or 51.45 (13). Placement Subject to s. 46.279, placement
3 may be made to such facilities as nursing homes, public medical institutions, centers
4 for the developmentally disabled under the requirements of s. 51.06 (3), foster care
5 services and other home placements, or to other appropriate facilities but may not
6 be made to units for the acutely mentally ill. If the appropriate board or designated
7 agency proposes to place an individual who has a developmental disability in an
8 intermediate facility or a nursing facility under an order under this paragraph, the
9 county department, or, if s. 46.279 (4m) applies to the individual, the department or
10 the department's contractor shall develop a plan under s. 46.279 (4) and furnish the
11 plan to the board or agency and to the individual's guardian. The board or agency
12 shall place the individual in a noninstitutional community setting in accord with the
13 plan unless the court finds that placement in the intermediate facility or nursing
14 facility is the most integrated setting, as defined in s. 46.279 (1) (bm), that is
15 appropriate to the needs of the individual taking into account information presented
16 by all affected parties. The prohibition of placements in units for the acutely
17 mentally ill does not prevent placement by a court for short-term diagnostic
18 procedures under par. (d). Placement in a locked unit shall require a specific finding
19 of the court as to the need for such action. A placement facility may transfer a patient
20 from a locked unit to a less restrictive environment without court approval.

21 **SECTION 1511.** 55.06 (9) (b) of the statutes is amended to read:

22 55.06 (9) (b) Transfer may be made between placement units or from a
23 placement unit to a medical facility other than those specified in pars. (c) to (e) by a
24 guardian or placement facility without approval by a court. When transfer is made
25 by a placement facility, 24 hours' prior written notice of the transfer shall be provided

1 to the guardian, when feasible. If it is not feasible to notify the guardian in advance,
2 written notice shall be provided immediately upon transfer, and notice shall also be
3 provided to the court and to the board designated under s. 55.02 or an agency
4 designated by it within a reasonable time, not to exceed 48 hours from the time of the
5 transfer. Upon petition to a court by a guardian, ward, or attorney, or other
6 interested person specifying objections to a transfer, or if the person is transferred
7 to an intermediate facility or to a nursing facility, the court shall order a hearing,
8 within 96 hours after filing of the petition, to determine whether there is probable
9 cause to believe that the transfer is consistent with the requirements specified in par.
10 (a) and is necessary for the best interests of the ward or, if the person is transferred
11 to an intermediate facility or to a nursing facility, to determine if the intermediate
12 facility or nursing facility is the most integrated setting, as defined in s. 46.279 (1)
13 (bm), that is appropriate to the needs of the ward taking into account information
14 presented by all affected parties. The court shall notify the ward, guardian, and
15 petitioner of the time and place of the hearing, and a guardian ad litem shall be
16 appointed to represent the ward. If the person is an adult who is indigent, the county
17 of legal settlement shall be liable for guardian ad litem fees. If the person is a child,
18 the person's parents or the county of legal settlement shall be liable for guardian ad
19 litem fees as provided in s. 48.235 (8). The petitioner, ward, and guardian shall have
20 the right to attend, and to present and cross-examine witnesses.

21 **SECTION 1512.** 55.06 (9) (c) of the statutes is amended to read:

22 55.06 (9) (c) Transfer Subject to s. 46.279, transfer to a more restrictive
23 placement, including a locked unit, may be made with notice to the guardian, the
24 court and appropriate board designated under s. 55.02 or an agency designated by
25 it in the manner prescribed in par. (b). Upon petition by a guardian, ward or attorney,

1 or other interested person specifying objections to the transfer or if the person has
2 a developmental disability and is transferred to an intermediate facility or a nursing
3 facility, the court shall order a hearing as provided in par. (b).

4 **SECTION 1513.** 55.06 (10) (a) of the statutes is renumbered 55.06 (10) (a) 1.

5 **SECTION 1514.** 55.06 (10) (a) 2. of the statutes is created to read:

6 55.06 (10) (a) 2. If the person has a developmental disability and is placed in
7 an intermediate facility or a nursing facility, the agency that is responsible for the
8 protective placement shall notify in writing the county department of the county of
9 residence of the person that is participating in the program under s. 46.278 or, if s.
10 46.279 (4m) applies to the person, the department, at least 120 days before the
11 review. The county department so notified or, if s. 46.279 (4m) applies, the
12 department's contractor shall develop a plan under s. 46.279 (4) and furnish the plan
13 to the court that ordered the placement and to the person's guardian. The court shall
14 order that the person be transferred to the noninstitutional community setting in
15 accordance with the plan unless the court finds that placement in the intermediate
16 facility or nursing facility is the most integrated setting, as defined in s. 46.279 (1)
17 (bm), that is appropriate to the needs of the person taking into account information
18 presented by all affected parties.

19 **SECTION 1515.** 55.06 (11) (c) of the statutes is amended to read:

20 55.06 (11) (c) Upon a finding of probable cause under par. (b), the court may
21 order temporary placement up to 30 days pending the hearing for a permanent
22 placement, or the court may order such protective services as may be required. If an
23 individual who has a developmental disability is ordered, under this paragraph, to
24 be temporarily placed in an intermediate facility or in a nursing facility, and if at the
25 hearing for permanent placement the court orders that the individual be protectively

1 placed, the court may, before permanent placement, extend the temporary placement
2 order for not more than 90 days if necessary for the county department that is
3 participating in the program under s. 46.278 or, if s. 46.279 (4m) applies, the
4 department's contractor to develop the plan required under s. 46.279 (4).

5 **SECTION 1516.** 59.22 (2) (c) 2. of the statutes is amended to read:

6 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
7 rules of the department of ~~health and family services~~ workforce development under
8 s. ~~49.33~~ 49.78 (4) to (7) relating to employees administering old-age assistance, aid
9 to families with dependent children, aid to the blind ~~and,~~ or aid to totally and
10 permanently disabled persons or ss. 63.01 to 63.17.

11 **SECTION 1517.** 59.25 (3) (f) 1. of the statutes is amended to read:

12 59.25 (3) (f) 1. Except as provided in subd. 2., transmit to the ~~state treasurer~~
13 secretary of administration at the time required by law to pay the state taxes a
14 particular statement, certified by the county treasurer's personal signature affixed
15 or attached thereto, of all moneys received by him or her during the preceding year
16 and which are payable to the ~~state treasurer~~ secretary of administration for licenses,
17 fines, penalties, or on any other account, and at the same time pay to the ~~state~~
18 ~~treasurer~~ secretary of administration the amount thereof after deducting the legal
19 fees.

20 **SECTION 1518.** 59.25 (3) (f) 2. of the statutes is amended to read:

21 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
22 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
23 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
24 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
25 weapons assessment, the amounts required by s. 973.045 for the crime victim and

1 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
2 delinquency victim and witness assistance surcharge, the amounts required by s.
3 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
4 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts
5 required by s. 100.261 for the consumer protection assessment, the amounts
6 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse
7 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
8 under the supplemental food program for women, infants and children, the amounts
9 required by s. 349.04 for the truck driver education assessment, the amounts
10 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
11 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the
12 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
13 uninsured employer assessment, the amounts required by s. 299.93 for the
14 environmental assessment, the amounts required by s. 29.983 for the wild animal
15 protection assessment, the amounts required by ss. 29.987 and 169.46 (1) for the
16 natural resources assessment surcharge, the amounts required by s. 29.985 for the
17 fishing shelter removal assessment, the amounts required by s. 350.115 for the
18 snowmobile registration restitution payment, and the amounts required by ss.
19 29.989 and 169.46 (2) for natural resources restitution payments, transmit to the
20 ~~state treasurer~~ secretary of administration a statement of all moneys required by law
21 to be paid on the actions entered during the preceding month on or before the first
22 day of the next succeeding month, certified by the county treasurer's personal
23 signature affixed or attached thereto, and at the same time pay to the ~~state treasurer~~
24 secretary of administration the amount thereof.

25 **SECTION 1519.** 59.25 (3) (k) of the statutes is amended to read:

1 59.25 (3) (k) Forward 40% of the state forfeitures, fines, and penalties under
2 ch. 348 to the ~~state treasurer~~ secretary of administration for deposit in the
3 transportation fund under s. 25.40 (1) (ig).

4 **SECTION 1520.** 59.25 (3) (L) of the statutes is amended to read:

5 59.25 (3) (L) Forward all money received under s. 66.0114 (3) (c) to the state
6 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
7 s. 25.40 (1) (ig).

8 **SECTION 1521.** 59.25 (3) (m) of the statutes is amended to read:

9 59.25 (3) (m) Forward 50% of the fees received under s. 351.07 (1g) to the state
10 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
11 s. 25.40 (1) (im).

12 **SECTION 1522.** 59.25 (3) (p) of the statutes is amended to read:

13 59.25 (3) (p) Pay to the ~~state treasurer~~ secretary of administration on his or her
14 order the state percentage of fees received from the clerk of the circuit court under
15 s. 59.40 (2) (m) and if any such moneys remain in his or her hands when he or she
16 is required to pay the state percentage of fees, pay such moneys therewith to the state
17 ~~treasurer~~ secretary of administration.

18 **SECTION 1523.** 59.26 (8) (a) of the statutes is amended to read:

19 59.26 (8) (a) In any county with a population of less than 500,000, the board,
20 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
21 at not less than that number required by sub. (1) (a) and (b) and may set the salary
22 of those deputies. The board may provide by ordinance that deputy sheriff positions
23 be filled by appointment by the sheriff from a list of all persons with the 3 highest
24 scores for each position based on a competitive examination. Such competitive
25 examinations may be by a county civil service commission or by the division of merit

1 recruitment and selection in the ~~department of employment relations~~ office of state
2 human resources management at the option of the board and it shall so provide by
3 ordinance. The division of merit recruitment and selection in the ~~department of~~
4 ~~employment relations~~ office of state human resources management shall, upon
5 request of the board, conduct such examination according to the methods used in
6 examinations for the state civil service and shall certify an eligible list of the names
7 of all persons with the 3 highest scores on that examination for each position to the
8 sheriff of that county who shall make an appointment from that list to fill the position
9 within 10 days after he or she receives the eligible list. The county for which such
10 examination is conducted shall pay the cost of that examination. If a civil service
11 commission is decided upon for the selection of deputy sheriffs, then ss. 63.01 to 63.17
12 shall apply so far as consistent with this subsection, except ss. 63.03, 63.04 and 63.15
13 and except the provision governing minimum compensation of the commissioners.
14 The ordinance or an amending ordinance may provide for employee grievance
15 procedures and disciplinary actions, for hours of work, for tours of duty according to
16 seniority and for other administrative regulations. Any board provision consistent
17 with this paragraph and existing on July 25, 1951, is validated. If the sheriff fills a
18 deputy sheriff position by promotion, the sheriff shall make the appointment to the
19 position from a list of 3 deputy sheriffs who receive the highest scores in a competitive
20 examination. Such competitive examinations may be by a county civil service
21 commission or by the division of merit recruitment and selection in the ~~department~~
22 ~~of employment relations~~ office of state human resources management at the option
23 of the board and it shall so provide by ordinance.

24 **SECTION 1524.** 59.40 (2) (m) of the statutes is amended to read:

1 59.40 (2) (m) Pay monthly to the ~~treasurer~~ secretary of administration for the
2 use of the state the state's percentage of the fees required to be paid on each civil
3 action, criminal action, and special proceeding filed during the preceding month and
4 pay monthly to the ~~treasurer~~ secretary of administration for the use of the state the
5 percentage of court imposed fines and forfeitures required by law to be deposited in
6 the state treasury, the amounts required by s. 757.05 for the penalty assessment
7 surcharge, the amounts required by s. 165.755 for the crime laboratories and drug
8 law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons
9 assessment, the amounts required by s. 973.045 for the crime victim and witness
10 assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency
11 victim and witness assistance surcharge, the amounts required by s. 973.046 for the
12 deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for
13 the drug abuse program improvement surcharge, the amounts required by s. 100.261
14 for the consumer protection assessment, the amounts authorized by s. 971.37 (1m)
15 (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the
16 amounts required by s. 253.06 (4) (c) for the enforcement assessment under the
17 supplemental food program for women, infants, and children, the amounts required
18 by s. 349.04 for the truck driver education assessment, the amounts required by ss.
19 346.177, 346.495, and 346.65 (4r) for the railroad crossing improvement assessment,
20 the amounts required by s. 346.655 for the driver improvement surcharge, the
21 amounts required by s. 102.85 (4) for the uninsured employer assessment, the
22 amounts required by s. 299.93 for the environmental assessment, the amounts
23 required under s. 29.983 for the wild animal protection assessment, the amounts
24 required under ss. 29.987 (1) (d) and 169.46 (1) (d) for the natural resources
25 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter

1 removal assessment, the amounts required by s. 350.115 for the snowmobile
2 registration restitution payment, and the amounts required under ss. 29.989 (1) (d)
3 and 169.46 (2) (d) for the natural resources restitution payments. The payments
4 shall be made by the 15th day of the month following receipt thereof.

5 **SECTION 1524r.** 59.52 (29) (c) of the statutes is created to read:

6 59.52 (29) (c) If a county enacts an ordinance or adopts a resolution that
7 authorizes preferences or set-asides to minority businesses in the awarding of a
8 public work contract under par. (a), the ordinance or resolution shall require that the
9 minority business be certified by the department of commerce under s. 560.036 (2).

10 **SECTION 1526.** 59.53 (24) of the statutes is created to read:

11 59.53 (24) COUNTY PAYMENTS MADE UNDER MEDICAL ASSISTANCE. The board shall,
12 upon demand by the department of health and family services, authorize payment
13 to that department not to exceed any of the following:

14 (a) *Home and community based services.* For services provided under ss. 46.275
15 and 46.278 beginning in 2001 and thereafter, any payment made under s. 20.435 (4)
16 (hm), and the portion of the payment made under s. 20.435 (4) (o) for Medical
17 Assistance Program benefits administered under ss. 46.275 and 46.278 that is
18 related to any rates increased for services under s. 46.275 or 46.278 beginning in
19 2001.

20 (b) *Alcohol and other drug and mental health prevention and treatment*
21 *services.* For alcohol and other drug and mental health prevention and treatment
22 services provided under s. 49.46 (2) (a) 1., 2., and 4. d. and e. and (b) 6. b., c., d., f.,
23 fm., j., k., L., and m., 9., 12., 12m., 13., 15., and 16. beginning in 2003 and thereafter,
24 any payment made under s. 20.435 (4) (hm), and the portion of the payment made

1 under s. 20.435 (4) (o) as Medical Assistance Program benefits for the services that
2 is related to any rates increased for these services beginning in 2003.

3 **SECTION 1527g.** 59.57 (1) (b) of the statutes is amended to read:

4 59.57 (1) (b) If a county with a population of 500,000 or more appropriates
5 money under par. (a) to fund nonprofit agencies, the county shall have a goal of
6 expending 20% of the money appropriated for this purpose to fund a nonprofit agency
7 that is ~~actively managed by minority group members, as defined in s. 560.036 (1) (f),~~
8 a minority business certified by the department of commerce under s. 560.036 (2) and
9 that principally serves minority group members.

10 **SECTION 1528g.** 60.47 (7) of the statutes is created to read:

11 60.47 (7) MINORITY CONTRACTING. If a town board enacts an ordinance or adopts
12 a resolution that authorizes preferences or set-asides to minority businesses in the
13 awarding of a public work contract under subs. (2) and (3), the ordinance or
14 resolution shall require that the minority business be certified by the department of
15 commerce under s. 560.036 (2).

16 **SECTION 1528m.** 61.55 of the statutes is renumbered 61.55 (1) and amended
17 to read:

18 61.55 (1) All contracts for public construction, in any such village, exceeding
19 \$15,000, shall be let by the village board to the lowest responsible bidder in
20 accordance with s. 66.0901 insofar as said that section ~~may be~~ is applicable. If the
21 estimated cost of any public construction exceeds \$5,000, but is not greater than
22 \$15,000, the village board shall give a class 1 notice, under ch. 985, of the proposed
23 construction before the contract for the construction is executed.

24 (2) This provision does not apply to public construction if the materials for such
25 a project are donated or if the labor for such a project is provided by volunteers, and

1 this provision and s. 281.41 are not mandatory for the repair and reconstruction of
2 public facilities when damage or threatened damage thereto creates an emergency,
3 as determined by resolution of the village board, in which the public health or welfare
4 of the village is endangered. Whenever the village board by majority vote at a regular
5 or special meeting declares that an emergency no longer exists, this exemption no
6 longer applies.

7 **SECTION 1528n.** 61.55 (3) of the statutes is created to read:

8 61.55 (3) If a village board enacts an ordinance or adopts a resolution that
9 authorizes preferences or set-asides to minority businesses in the awarding of a
10 public work contract under sub. (1), the ordinance or resolution shall require that the
11 minority business be certified by the department of commerce under s. 560.036 (2).

12 **SECTION 1528s.** 62.15 (1) of the statutes is renumbered 62.15 (1) (a) and
13 amended to read:

14 62.15 (1) (a) All public construction, the estimated cost of which exceeds
15 \$15,000, shall be let by contract to the lowest responsible bidder; ~~all.~~ All other public
16 construction shall be let as the council may direct. If the estimated cost of any public
17 construction exceeds \$5,000 but is not greater than \$15,000, the board of public
18 works shall give a class 1 notice, under ch. 985, of the proposed construction before
19 the contract for the construction is executed.

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

25 **SECTION 1528t.** 62.15 (1) (c) of the statutes is created to read:

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

5 **SECTION 1530.** 66.0114 (1) (bm) of the statutes is amended to read:

6 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys
7 collected to the treasurer of the city, village, town sanitary district, or public inland
8 lake protection and rehabilitation district in whose behalf the sum was paid, except
9 that all jail assessments shall be remitted to the county treasurer, within 20 days
10 after its receipt by the official. If timely remittance is not made, the treasurer may
11 collect the payment of the officer by action, in the name of the office, and upon the
12 official bond of the officer, with interest at the rate of 12% per year from the date on
13 which it was due. In the case of the penalty assessment imposed by s. 757.05, the
14 crime laboratories and drug law enforcement assessment imposed by s. 165.755, the
15 driver improvement surcharge imposed by s. 346.655 (1), the truck driver education
16 assessment imposed by s. 349.04, any applicable consumer protection assessment
17 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
18 973.055 (1), the treasurer of the city, village, town sanitary district, or public inland
19 lake protection and rehabilitation district shall remit to the ~~state treasurer~~ secretary
20 of administration the amount required by law to be paid on the actions entered
21 during the preceding month on or before the first day of the next succeeding month.
22 The governing body of the city, village, town sanitary district, or public inland lake
23 protection and rehabilitation district shall by ordinance designate the official to
24 receive the penalties and the terms under which the official qualifies.

25 **SECTION 1531.** 66.0114 (3) (c) of the statutes is amended to read:

1 ordinance that any class of public construction or any part thereof may be done
2 directly by the city without submitting the same for bids.

3 ***b0699/1.59* *b0503/2.7*** SECTION 1528t. 62.15 (1) (c) of the statutes is
4 created to read:

5 62.15 (1) (c) If a council enacts an ordinance or adopts a resolution that
6 authorizes preferences or set-asides to minority businesses in the awarding of a
7 public work contract under par. (a), the ordinance or resolution shall require that the
8 minority business be certified by the department of commerce under s. 560.036 (2).".

9 ***b0699/1.60* *b0511/4.6* 73.** Page 590, line 7: delete lines 7 and 8.

***NOTE: This term no longer appears in s. 66.0306.

10 ***b0699/1.61* *b0511/4.7* 74.** Page 590, line 9: delete "(e)" and substitute
11 "(d)".

***NOTE: This item corrects a cross-reference.

12 ***b0699/1.62* *b0511/4.8* 75.** Page 590, line 10: delete "(f)" and substitute
13 "(e)".

***NOTE: This item corrects a cross-reference.

14 ***b0699/1.63* *b0712/2.1* 76.** Page 596, line 10: delete "If" and substitute
15 "Except as provided in par. (e), if".

16 ***b0699/1.64* *b0704/1.3* 77.** Page 596, line 18: delete "the effective date of
17 this paragraph".

18 ***b0699/1.65* *b0704/1.4* 78.** Page 596, line 19: delete "... [revisor inserts
19 date]" and substitute "July 1, 2003".

20 ***b0808/1.2* 79.** Page 596, line 22: on page 15, line 22, of the material inserted
21 by senate amendment 121, delete lines 22 and 23.

1 **67.** Page 596, line 22: after that line insert:

2 “(f) If a city or village, which has been providing services for a fee to a town for
3 at least 10 years, annexes territory from that town, the city’s or village’s levy increase
4 limit otherwise applicable under this section is increased in the current year by an
5 amount equal to the city’s or village’s mill rate applied to the current assessed value
6 of the annexed territory and the levy increase limit otherwise applicable under this
7 section in the current year for the town from which the territory is annexed is
8 decreased by the town’s mill rate applied to the assessed value of the annexed
9 territory as of the last year that the territory was subject to taxation by the town, as
10 determined by the department of revenue.”.

11 **68.** Page 598, line 6: delete “after June 30, 2006” and substitute “beginning
12 3 years after the effective date of the subsection [revisor inserts date]”.

13 **69.** Page 598, line 6: after that line insert:

14 “**SECTION 1532p.** 66.0628 of the statutes is created to read:

15 **66.0628 Fees imposed by a political subdivision.** (1) In this section,
16 “political subdivision” means a city, village, town, or county.

17 (2) Any fee that is imposed by a political subdivision shall bear a reasonable
18 relationship to the service for which the fee is imposed.

19 (3) With regard to a fee that is first imposed, or an existing fee that is increased,
20 on or after the effective date of this subsection [revisor inserts date], a political
21 subdivision shall issue written findings that demonstrate that the fee meets the
22 standard in sub. (2).”.

23 **70.** Page 598, line 6: after that line insert:

24 “**SECTION 1533b.** 66.0901 (6) of the statutes is amended to read: