

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 ***-1303/P1.2* SECTION 1373.** 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 ***-1303/P1.3* SECTION 1374.** 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
24 which the department contracts for a drug supplied to a person receiving benefits
25 under s. 49.68, 49.683, or 49.685 and prescribed for treatment covered under s. 49.68,

1 49.683, or 49.685, the person shall pay a \$5 copayment amount for each such generic
2 drug and a \$15 copayment amount for each such brand name drug.

3 *~~0529/4.102~~* SECTION 1375. 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 *~~0032/P2.10~~* SECTION 1376. 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 *~~1485/5.1~~* SECTION 1377. 49.688 (1) (e) of the statutes is amended to read:

15 49.688 (1) (e) “Program payment rate” means the rate of payment made for the
16 identical drug specified under s. 49.46 (2) (b) 6. h., ~~plus 5%~~, plus a dispensing fee that
17 is equal to the dispensing fee permitted to be charged for prescription drugs for which
18 coverage is provided under s. 49.46 (2) (b) 6. h.

19 *~~1485/5.2~~* SECTION 1378. 49.688 (3) (a) of the statutes is renumbered 49.688

20 (3) (a) (intro.) and amended to read:

21 49.688 (3) (a) (intro.) For each 12-month benefit period, a program enrollment
22 fee of \$20. that is based on the percentage that a person’s annual household income,
23 as determined by the department, is of the federal poverty line for a family the size
24 of the person’s eligible family, as follows:

25 *~~1485/5.3~~* SECTION 1379. 49.688 (3) (a) 1. of the statutes is created to read:

1 49.688 (3) (a) 1. Two hundred percent or less, \$25.

2 ***-1485/5.4* SECTION 1380.** 49.688 (3) (a) 2. of the statutes is created to read:

3 49.688 (3) (a) 2. More than 200%, \$30.

4 ***-1485/5.5* SECTION 1381.** 49.688 (3) (b) 1. of the statutes is renumbered
5 49.688 (3) (b) 1. (intro.) and amended to read:

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

11 ***-1485/5.6* SECTION 1382.** 49.688 (3) (b) 1. a. of the statutes is created to read:

12 49.688 (3) (b) 1. a. One hundred sixty percent or less, no deductible.

13 ***-1485/5.7* SECTION 1383.** 49.688 (3) (b) 1. b. of the statutes is created to read:

14 49.688 (3) (b) 1. b. More than 160%, but not more than 200%, \$500.

15 ***-1485/5.8* SECTION 1384.** 49.688 (3) (b) 1. c. of the statutes is created to read:

16 49.688 (3) (b) 1. c. More than 200%, but not more than 240%, \$750.

17 ***-1485/5.9* SECTION 1385.** 49.688 (3) (b) 2. b. of the statutes is amended to
18 read:

19 49.688 (3) (b) 2. b. ~~Five~~ Eight hundred ~~fifty~~ dollars.

20 ***-0529/4.103* SECTION 1386.** 49.688 (6) (a) of the statutes is amended to read:

21 49.688 (6) (a) That, except as provided in sub. (7) (b), the manufacturer shall
22 make rebate payments for each prescription drug of the manufacturer that is
23 prescribed for and purchased by persons who meet criteria under sub. (2) (a) and
24 persons who meet criteria under sub. (2) (b) and have paid the deductible under sub.
25 (3) (b) 2. a., to the ~~state treasurer~~ secretary of administration to be credited to the

1 appropriation account under s. 20.435 (4) (j), each calendar quarter or according to
2 a schedule established by the department.

3 ***-0576/8.63* SECTION 1387.** *create auton RAC 9* 49.78 (5) of the statutes, as affected by 2003
4 Wisconsin Act (this act), is amended to read:

5 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
6 qualifications of applicants in any county department administering aid to families
7 with dependent children shall be given by the administrator of the division of merit
8 recruitment and selection in the department of ~~employment relations~~
9 administration. The department of ~~employment relations~~ administration shall be
10 reimbursed for actual expenditures incurred in the performance of its functions
11 under this section from the appropriations available to the department of health and
12 family services for administrative expenditures.

***NOTE: This is reconciled s. 49.78 (5). It is affected by LRB-0576 and LRB-0190.

13 ***-0190/7.20* SECTION 1388.** 49.79 (4) of the statutes is amended to read:

14 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
15 department shall withhold the value of food stamp losses for which a county or
16 federally recognized American Indian tribe is liable under sub. (3) from the payment
17 to the county or tribe under income maintenance contracts under s. 49.33 49.78 and
18 reimburse the federal government from the funds withheld.

19 ***-0229/2.3* SECTION 1389.** 49.85 (title) of the statutes is amended to read:

20 **49.85 (title) Certification of certain public assistance overpayments**
21 **and delinquent loan repayments.**

22 ***-0229/2.4* SECTION 1390.** 49.85 (1) of the statutes is amended to read:

23 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
24 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American

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1 Indian tribe or band determines that the department of health and family services
2 may recover an amount under s. 49.497 or that the department of workforce
3 development may recover an amount under s. 49.161, 49.195 (3), or 49.793, or collect
4 an amount under s. 49.147 (6) (cm), the county department or governing body shall
5 notify the affected department of the determination. If a Wisconsin works agency
6 determines that the department of workforce development may recover an amount
7 under s. 49.161 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the
8 Wisconsin works agency shall notify the department of workforce development of the
9 determination.

10 ***-0229/2.5*** SECTION 1391. 49.85 (2) (b) of the statutes is amended to read: MS 405-
10
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11 49.85 (2) (b) At least annually, the department of workforce development shall
12 certify to the department of revenue the amounts that, based on the notifications
13 received under sub. (1) and on other information received by the department of
14 workforce development, the department of workforce development has determined
15 that it may recover under ss. 49.161, 49.195 (3), and 49.793, and collect under s.
16 49.147 (6) (cm), except that the department of workforce development may not certify
17 an amount under this subsection unless it has met the notice requirements under
18 sub. (3) and unless its determination has either not been appealed or is no longer
19 under appeal.

20 ***-0229/2.6*** SECTION 1392. 49.85 (3) (b) (intro.) of the statutes is amended to
21 read: MS 405-
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22 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
23 department of workforce development shall send a notice to the last-known address
24 of the person from whom that department intends to recover or collect the amount.

25 The notice shall do all of the following:

1 ***-0229/2.7*** SECTION 1393. 49.85 (3) (b) 1. of the statutes is amended to read:

2 49.85 (3) (b) 1. Inform the person that the department of workforce
3 development intends to certify to the department of revenue an amount that the
4 department of workforce development has determined to be due under s. 49.161,
5 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan
6 under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

7 ***-0229/2.8*** SECTION 1394. 49.85 (5) of the statutes is amended to read:

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

17 ***-1243/1.31*** SECTION 1395. 49.854 (11) (b) of the statutes is amended to read:

18 49.854 (11) (b) *The department.* The department may assess a collection fee
19 to recover the department's costs incurred in levying against property under this
20 section. The department shall determine its costs to be paid in all cases of levy. The
21 obligor is liable to the department for the amount of the collection fee authorized
22 under this paragraph. Fees collected under this paragraph shall be credited to the
23 appropriation account under s. 20.445 (1) (L) (3) (ja).

24 ***-1634/7.46*** SECTION 1396. 50.01 (1g) (c) of the statutes is amended to read:

25 50.01 (1g) (c) A shelter facility as defined under s. ~~16.352~~ 560.9808 (1) (d).

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1 *~~0203/3.1~~* SECTION 1397. 50.03 (5g) (c) 1. (intro.) of the statutes is amended
2 to read:

3 50.03 (5g) (c) 1. (intro.) A daily forfeiture amount per violation of not less than
4 \$10 nor more than ~~\$1,000~~ \$10,000 for each violation, with each day of violation
5 constituting a separate offense. All of the following apply to a forfeiture under this
6 subdivision:

7 *~~0529/4.104~~* SECTION 1398. 50.03 (5g) (c) 1. c. of the statutes is amended to
8 read:

9 50.03 (5g) (c) 1. c. All forfeitures shall be paid to the department within 10 days
10 after receipt of notice of assessment or, if the forfeiture is contested under par. (f),
11 within 10 days after receipt of the final decision after exhaustion of administrative
12 review, unless the final decision is appealed and the order is stayed by court order
13 under s. 50.03 (11). The department shall remit all forfeitures paid under this
14 subdivision to the ~~state treasurer~~ secretary of administration for deposit in the
15 school fund.

16 *~~0529/4.105~~* SECTION 1399. 50.034 (8) (d) of the statutes is amended to read:

17 50.034 (8) (d) All forfeitures shall be paid to the department within 10 days
18 after receipt of notice of assessment or, if the forfeiture is contested under par. (c),
19 within 10 days after receipt of the final decision after exhaustion of administrative
20 review, unless the final decision is appealed and the order is stayed by court order.
21 The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
22 administration for deposit in the school fund.

23 *~~0529/4.106~~* SECTION 1400. 50.035 (11) (d) of the statutes is amended to read:

24 50.035 (11) (d) All forfeitures shall be paid to the department within 10 days
25 after receipt of notice of assessment or, if the forfeiture is contested under par. (c),

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1 within 10 days after receipt of the final decision after exhaustion of administrative
2 review, unless the final decision is appealed and the order is stayed by court order.

3 The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
4 administration for deposit in the school fund.

5 *~~0203/3.2~~* SECTION 1401. 50.04 (5) (bm) of the statutes is created to read:

6 50.04 (5) (bm) *Forfeiture surcharge.* Whenever the department imposes a
7 forfeiture under par. (a) for a violation of this subchapter or a rule promulgated under
8 this subchapter, the department shall in addition levy a forfeiture surcharge in an
9 amount of 6% of the forfeiture imposed. If multiple violations are involved, the
10 forfeiture surcharge under this paragraph shall be based on the total forfeitures for
11 all violations.

12 *~~0203/3.3~~* SECTION 1402. 50.04 (5) (c) of the statutes is amended to read:

13 50.04 (5) (c) *Assessment of forfeitures; ~~powers and duties of department and~~*
14 *forfeiture surcharges.* The department may directly assess forfeitures provided for
15 under par. (a) and forfeiture surcharges provided for under par. (bm). If the
16 department determines that a forfeiture and forfeiture surcharge should be assessed
17 for a particular violation or for failure to correct it, it shall send a notice of assessment
18 to the nursing home. The notice shall specify the amount of the forfeiture and
19 forfeiture surcharge assessed, the violation, the statute or rule alleged to have been
20 violated, and shall inform the licensee of the right to hearing under par. (e).

21 *~~0203/3.4~~* SECTION 1403. 50.04 (5) (f) of the statutes is amended to read:

22 50.04 (5) (f) *Forfeitures and forfeiture surcharges paid within 10 days.* All
23 forfeitures and forfeiture surcharges shall be paid to the department within 10 days
24 of receipt of notice of assessment or, if the forfeiture is contested under par. (e), within
25 10 days of receipt of the final decision after exhaustion of administrative review,

1 unless the final decision is appealed and the order is stayed by court order under s.
2 50.03 (11). The department shall remit all forfeitures paid to the state treasurer for
3 deposit in the school fund and shall credit all forfeiture surcharges to the
4 appropriation account under s. 20.435 (6) (jm).

5 ***-0529/4.107* SECTION (1404)** *- create auto-ref RAC409* 50.04 (5) (f) of the statutes, as affected by 2003
6 Wisconsin Act (this act), is amended to read:

7 50.04 (5) (f) *Forfeitures and forfeiture surcharges paid within 10 days.* All
8 forfeitures and forfeiture surcharges shall be paid to the department within 10 days
9 of receipt of notice of assessment or, if the forfeiture is contested under par. (e), within
10 10 days of receipt of the final decision after exhaustion of administrative review,
11 unless the final decision is appealed and the order is stayed by court order under s.
12 50.03 (11). The department shall remit all forfeitures paid to the ~~state treasurer~~
13 secretary of administration for deposit in the school fund and shall credit all
14 forfeiture surcharges to the appropriation account under s. 20.435 (6) (jm).

****NOTE: This is reconciled s. 50.04 (5) (f). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0529 and LRB-0203.

15 ***-1295/2.18* SECTION 1405.** 50.07 (3) (a) of the statutes is repealed.

16 ***-1295/2.19* SECTION 1406.** 50.07 (3) (b) of the statutes is amended to read:

17 50.07 (3) (b) Any employee ~~of an employer not described in par. (a)~~ who is
18 discharged or otherwise retaliated or discriminated against in violation of sub. (1)
19 (e) or (em) may file a complaint with the department of workforce development under
20 s. 106.54 (5).

21 ***-1295/2.20* SECTION 1407.** 50.07 (3) (c) of the statutes is amended to read:

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

4 *~~0207/6.2~~* **SECTION 1408.** 50.14 (title) of the statutes is amended to read:

5 **50.14 (title) Assessments on ~~occupied~~, licensed beds.**

6 *~~0207/6.3~~* **SECTION 1409.** 50.14 (1) (a) of the statutes is amended to read:

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

11 *~~0207/6.4~~* **SECTION 1410.** 50.14 (2) of the statutes is renumbered 50.14 (2)
12 (intro.) and amended to read:

13 50.14 (2) (intro.) For the privilege of doing business in this state, there is
14 imposed on all ~~occupied~~, licensed beds of a facility, ~~except occupied, licensed beds for~~
15 ~~which payment is made under 42 USC 1395 to 1395ccc,~~ an assessment that shall be
16 ~~deposited in the general fund and that is \$100 per calendar month per occupied,~~
17 licensed bed of an intermediate care facility for the mentally retarded may not exceed
18 \$435 in fiscal year 2003–04 and may not exceed \$445 in fiscal year 2004–05 and is
19 \$32 an assessment that may not exceed \$116 per calendar month per occupied,
20 licensed bed of a nursing home. The assessment shall be ~~on the average number of~~
21 ~~occupied, licensed beds of a facility for the calendar month previous to the month of~~
22 ~~assessment, based on an average daily midnight census computed and reported by~~
23 ~~the facility and verified by the department. Charged bed-hold days for any resident~~
24 ~~of a facility shall be included as one full day in the average daily midnight census~~
25 deposited in the general fund, except that in fiscal year 2003–04, amounts in excess

1 of \$14,300,000, in fiscal year 2004–05, amounts in excess of \$13,800,000, and,
2 beginning July 1, 2005, in each fiscal year, amounts in excess of 45% of the money
3 received from the assessment shall be deposited in the Medical Assistance trust
4 fund. In determining the number of occupied, licensed beds, if all of the following
5 apply:

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

9 ***-0207/6.5* SECTION 1411.** 50.14 (2) (b) of the statutes is created to read:

10 50.14 (2) (b) The number of licensed beds of a nursing home includes any
11 number of beds that have been delicensed under s. 49.45 (6m) (ap) 1. but not deducted
12 from the nursing home's licensed bed capacity under s. 49.45 (6m) (ap) 4. a.

13 ***-0207/6.6* SECTION 1412.** 50.14 (3) of the statutes is amended to read:

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

21 ***-0207/6.7* SECTION 1413.** 50.14 (4) of the statutes is amended to read:

22 50.14 (4) Sections 77.59 (1) to (5), (6) (intro.), (a) and (c) and (7) to (10), 77.60
23 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes
24 under subch. III of ch. 77, apply to the assessment under this section, except that the
25 amount of any assessment collected under s. 77.59 (7) in excess of \$14,300,000 in

1 fiscal year 2003–04, in excess of \$13,800,000 in fiscal year 2004–05, and, beginning
2 July 1, 2005, in excess of 45% in each fiscal year shall be deposited in the Medical
3 Assistance trust fund.

4 *–0529/4.108* SECTION 1414. 50.38 (4) of the statutes is amended to read:

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

11 *–0529/4.109* SECTION 1415. 50.55 (1) (e) of the statutes is amended to read:

12 50.55 (1) (e) All forfeitures shall be paid to the department within 10 days after
13 receipt of notice of assessment or, if the forfeiture is contested under par. (d), within
14 10 days after receipt of the final decision, unless the final decision is appealed and
15 the decision is in favor of the appellant. The department shall remit all forfeitures
16 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

17 *–1607/P3.8* SECTION 1416. 50.90 (2) of the statutes is amended to read:

18 50.90 (2) “Organization” means a public agency, as defined in s. ~~46.93(1m)(e)~~
19 46.856 (1) (b), a nonprofit corporation, a for-profit stock corporation, a cooperative,
20 a partnership, a limited liability company or a sole proprietorship.

21 *–0529/4.110* SECTION 1417. 50.98 (5) of the statutes is amended to read:

22 50.98 (5) All forfeitures shall be paid to the department within 10 days after
23 receipt of notice of assessment or, if the forfeiture is contested under sub. (4), within
24 10 days after receipt of the final decision after exhaustion of administrative review,
25 unless the final decision is appealed and the order is stayed by court order under the

1 same terms and conditions as found in s. 50.03 (11). The department shall remit all
2 forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the
3 school fund.

4 ***-0211/5.3* SECTION 1418.** 51.06 (1m) (d) of the statutes is amended to read:

5 51.06 (1m) (d) Services for ~~up to 50~~ individuals with developmental disability
6 who are also diagnosed as mentally ill or who exhibit extremely aggressive and
7 challenging behaviors.

8 ***-0211/5.4* SECTION 1419.** 51.06 (3) of the statutes is renumbered 51.06 (3) (a)
9 and amended to read:

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

14 ***-0211/5.5* SECTION 1420.** 51.06 (3) (b) of the statutes is created to read:

15 51.06 (3) (b) An individual may be placed at a center for the developmentally
16 disabled for services under sub. (1m) (d) only after all of the following conditions are
17 met:

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

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

22 ***-0211/5.6* SECTION 1421.** 51.06 (5) of the statutes is created to read:

23 51.06 (5) SURCHARGE FOR EXTENDED INTENSIVE TREATMENT. The department may
24 impose on a county a progressive surcharge for services under sub. (1m) (d) that an
25 individual receives after the maximum discharge date for the individual that was

1 agreed upon under sub. (3) (b) 2. The surcharge is 10% of the amount paid for the
2 individual's services under s. 49.45 during any part of the first 6-month period
3 following the maximum discharge date, and increases by 10% of the amount paid for
4 the individual's services under s. 49.45 during any part of each 6-month period
5 thereafter. Any revenues received under this subsection shall be credited to the
6 appropriation account under s. 20.435 (2) (gL).

7 ***-1746/4.5* SECTION 1422.** 51.06 (6) of the statutes is created to read:

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

***NOTE: This is reconciled s. 51.06 (6). This SECTION has been affected by drafts
with the following LRB numbers: -0196/2 and -1746/3.

1 *~~0211/5.7~~* SECTION 1423. 51.20 (13) (c) (intro.) of the statutes is amended to
2 read:

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

5 *~~0211/5.8~~* SECTION 1424. 51.20 (13) (c) 1. of the statutes is amended to read:

6 51.20 (13) (c) 1. The court shall designate the facility or service ~~which~~ that is
7 to receive the subject individual into the mental health system, ~~except that, if the~~
8 ~~subject individual is under the age of 22 years and the facility is a center for the~~
9 ~~developmentally disabled, the court shall designate only the central center for the~~
10 ~~developmentally disabled unless the department authorizes designation of the~~
11 ~~northern or southern center for the developmentally disabled; subject to s. 51.06 (3).~~

12 *~~0211/5.9~~* SECTION 1425. 51.20 (13) (c) 2. of the statutes is amended to read:

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

22 *~~0211/5.10~~* SECTION 1426. 51.20 (13) (f) of the statutes is amended to read:

23 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which~~ that
24 receives an individual who is committed by a court under par. (a) 3. is authorized to
25 place ~~such~~ the individual in an approved treatment facility, subject to any limitations

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

13 *~~0196/3.1~~* SECTION 1427. 51.35 (1) (a) of the statutes is amended to read:

14 51.35 (1) (a) The Subject to pars. (b) and (d), the department or the county
15 department under s. 51.42 or 51.437 may transfer any patient or resident who is
16 committed to it, or who is admitted to a treatment facility under its supervision or
17 operating under an agreement with it, between treatment facilities or from a
18 treatment facility into the community if ~~such~~ the transfer is consistent with
19 reasonable medical and clinical judgment ~~and, consistent with s. 51.22 (5).~~ ~~The~~
20 ~~transfer shall be made, and, if the transfer results in a greater restriction of personal~~
21 freedom for the patient or resident, in accordance with par. (e). Terms and conditions
22 ~~which that~~ will benefit the patient or resident may be imposed as part of a transfer
23 to a less restrictive treatment alternative. A patient or resident who is committed
24 to the department or a county department under s. 51.42 or 51.437 may be required
25 to take medications and receive treatment, subject to the right of the patient or

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

7 ***-0196/3.2* SECTION 1428.** 51.35 (1) (b) of the statutes is amended to read:

8 51.35 (1) (b) ~~In addition to the requirements in par. (a), a~~ Except as provided
9 in pars. (c) and (d), a transfer of a patient in a mental health institute or center for
10 ~~the developmentally disabled~~ by the department is subject to the approval of the
11 appropriate county department under ss. 51.42 and 51.437 to which the patient was
12 committed or through which the patient was admitted to the ~~facility, if any~~ mental
13 health institute.

14 ***-0211/5.11* SECTION 1429.** 51.35 (1) (bm) of the statutes is amended to read:

15 51.35 (1) (bm) ~~Notwithstanding par. (b), transfer~~ Transfer of a patient under
16 ~~the age of 22 years~~ resident by a county department to a center for the
17 developmentally disabled ~~may be made only to the central center for the~~
18 ~~developmentally disabled unless the department authorizes the transfer of the~~
19 ~~patient to the northern or southern center for the developmentally disabled~~ is subject
20 to s. 51.06 (3).

****NOTE: This is reconciled s. 51.35 (1) (bm). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0211/4 and LRB-0196/2.

21 ***-0196/3.3* SECTION 1430.** 51.35 (1) (c) of the statutes is amended to read:

22 51.35 (1) (c) The department may, without approval of and without first
23 notifying the county department under s. 51.42 or 51.437 ~~and notwithstanding par.~~

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

8 *~~0196/3.4~~* SECTION 1431. 51.35 (1) (d) of the statutes is amended to read:

9 51.35 (1) (d) 1. The Subject to subds. 2. and 3., the department may, without
10 approval of the appropriate county department under s. 51.42 or 51.437, transfer any
11 patient from a state treatment facility or other inpatient facility to an approved
12 treatment facility which is less restrictive of the patient's personal freedom.

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

20 3. A transfer of a patient, made under authority of this ~~subsection~~ paragraph,
21 may be made only after the department has notified the county department under
22 s. 51.42 or 51.437 of its intent to transfer a patient in accordance with this subsection.
23 The patient's guardian, if any, or if a minor his or her parent or person in the place
24 of a parent shall be notified.

25 *~~1634/7.47~~* SECTION 1432. 51.35 (5) of the statutes is amended to read:

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

9 *~~0194/9.14~~* **SECTION 1433.** 51.421 (3) (e) of the statutes is amended to read:
10 51.421 (3) (e) ~~Distribute, from~~ From the appropriation appropriation accounts
11 under s. 20.435 (4) (w) and (o) and (7) (bL), distribute moneys in each fiscal year for
12 community support program services.

13 *~~0211/5.12~~* **SECTION 1434.** 51.437 (4rm) (c) 2m. of the statutes is amended
14 to read:

15 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities
16 services for services that are not provided by the federal government and that are
17 provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance
18 ~~that are not provided by the federal government, plus any applicable surcharge~~
19 under s. 51.06 (5), using the procedure established under subd. 1.

20 *~~0211/5.13~~* **SECTION 1435.** 51.67 (intro.) of the statutes is amended to read:
21 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing
22 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
23 warranted and that the subject individual is a fit subject for guardianship and
24 protective placement or services, the court may, without further notice, appoint a
25 temporary guardian for the subject individual and order temporary protective

1 placement or services under ch. 55 for a period not to exceed 30 days. If the court
2 ~~orders temporary~~ Temporary protective placement for an individual under the age
3 of 22 years in a center for the developmentally disabled, ~~this placement may be made~~
4 ~~only at the central center for the developmentally disabled unless the department~~
5 ~~authorizes the placement or transfer to the northern or southern center for the~~
6 ~~developmentally disabled is subject to s. 51.06 (3).~~ Any interested party may then
7 file a petition for permanent guardianship or protective placement or services,
8 including medication, under ch. 55. If the individual is in a treatment facility, the
9 individual may remain in the facility during the period of temporary protective
10 placement if no other appropriate facility is available. The court may order
11 psychotropic medication as a temporary protective service under this section if it
12 finds that there is probable cause to believe the individual is not competent to refuse
13 psychotropic medication and that the medication ordered will have therapeutic
14 value and will not unreasonably impair the ability of the individual to prepare for
15 and participate in subsequent legal proceedings. An individual is not competent to
16 refuse psychotropic medication if, because of chronic mental illness, and after the
17 advantages and disadvantages of and alternatives to accepting the particular
18 psychotropic medication have been explained to the individual, one of the following
19 is true:

20 *~~0209/2.16~~* SECTION 1436. 55.001 of the statutes is amended to read:

21 **55.001 Declaration of policy.** The legislature recognizes that many citizens
22 of the state, because of the infirmities of aging, chronic mental illness, mental
23 retardation, other developmental disabilities or like incapacities incurred at any age,
24 are in need of protective services. ~~These~~ Except as provided in s. 49.45 (30m) (a),
25 these services should, to the maximum degree of feasibility under programs, services

1 and resources that the county board of supervisors is reasonably able to provide
2 within the limits of available state and federal funds and of county funds required
3 to be appropriated to match state funds, allow the individual the same rights as other
4 citizens, and at the same time protect the individual from exploitation, abuse and
5 degrading treatment. This chapter is designed to establish those services and assure
6 their availability to all persons when in need of them, and to place the least possible
7 restriction on personal liberty and exercise of constitutional rights consistent with
8 due process and protection from abuse, exploitation and neglect.

9 *–0209/2.17* SECTION 1437. 55.01 (4g) of the statutes is created to read:

10 55.01 (4g) “Intermediate facility” has the meaning given in s. 46.279 (1) (a).

11 *–0209/2.18* SECTION 1438. 55.01 (4t) of the statutes is created to read:

12 55.01 (4t) “Nursing facility” has the meaning given in s. 46.279 (1) (b).

13 *–0209/2.19* SECTION 1439. 55.045 of the statutes is amended to read:

14 **55.045 Funding.** ~~The~~ Except as provided in s. 49.45 (30m) (a), the appropriate
15 county department designated under s. 55.02 shall within the limits of available
16 state and federal funds and of county funds required to be appropriated to match
17 state funds, provide for the reasonable program needs of persons who are
18 protectively placed or who receive protective services under this chapter, including
19 reasonable expenses for the evaluations required by s. 55.06 (8). Payment and
20 collections for protective placement or protective services provided in public facilities
21 specified in s. 46.10 shall be governed in accordance with s. 46.10. The department
22 may require that a person who is protectively placed or receives protective services
23 under this chapter provide reimbursement for services or care and custody received,
24 based on the ability of the person to pay for such costs.

25 *–0209/2.20* SECTION 1440. 55.06 (5) of the statutes is amended to read:

1 55.06 (5) Notice of a petition for placement shall be served upon the person
2 sought to be placed, by personal service, at least 10 days prior to the time set for a
3 hearing. Upon service of the notice, the person sought to be protected shall be
4 informed of the complete contents of the notice. The person serving the notice shall
5 return a certificate to the circuit judge verifying that the petition has been delivered
6 and notice given. The notice shall include the names of all petitioners. Notice shall
7 also be served personally or by mail upon the person's guardian ad litem, legal
8 counsel, guardian, if any, presumptive adult heirs, and upon other persons who have
9 physical custody of the person to be protected whose names and addresses are known
10 to the petitioner or can with reasonable diligence be ascertained, to any
11 governmental or private body or group from whom the person to be protected is
12 known to be receiving aid, and to such other persons or entities as the court may
13 require. Notice shall also be served personally or by mail upon the department at
14 least 10 days prior to the time set for hearing if the person sought to be protected may
15 be placed in a center for the developmentally disabled. ~~The department shall be~~
16 ~~allowed to submit oral or written testimony regarding such a placement at the~~
17 ~~hearing.~~ Notice shall also be served personally or by mail, at least 10 days before the
18 time set for hearing, upon the county department that is participating in the
19 program under s. 46.278 of the county of residence of the person sought to be
20 protected, if the person has a developmental disability and may be placed in an
21 intermediate facility or a nursing facility. The incompetent or proposed incompetent
22 is presumed able to attend the hearing unless, after a personal interview, the
23 guardian ad litem certifies to the court that the person is unable to attend.

24 *~~-0209/2.21~~* SECTION 1441. 55.06 (8) (intro.) of the statutes is amended to
25 read:

1 55.06 (8) (intro.) Before ordering the protective placement of any individual,
2 the court shall direct a comprehensive evaluation of the person in need of placement,
3 if such an evaluation has not already been made. The court may utilize available
4 multidisciplinary resources in the community in determining the need for
5 placement. The board designated under s. 55.02 or an agency designated by it shall
6 cooperate with the court in securing available resources. Where applicable by reason
7 of the particular disability, the appropriate board designated under s. 55.02 or an
8 agency designated by it having responsibility for the place of legal residence of the
9 individual as provided in s. 49.001 (6) shall make a recommendation for placement.
10 If the court is considering placement of the individual in a center for the
11 developmentally disabled, the court shall request a statement or testimony from the
12 department regarding whether the placement is appropriate for the person's needs
13 and whether it is consistent with the purpose of the center under s. 51.06 (1) ~~unless~~
14 ~~testimony was provided by the department under sub. (5).~~ If the individual has a
15 developmental disability and the court is considering placement of the individual in
16 an intermediate facility or a nursing facility, the court shall request a statement or
17 testimony from the county department of the individual's county of residence that is
18 participating in the program under s. 46.278 as to whether the individual's needs
19 could be met in a noninstitutional setting. A copy of the comprehensive evaluation
20 shall be provided to the guardian, the guardian ad litem, and to the individual or
21 attorney at least 96 hours in advance of the hearing to determine placement. The
22 court or the cooperating agency obtaining the evaluation shall request appropriate
23 information which shall include at least the following:

24 *–0209/2.22* SECTION 1442. 55.06 (9) (a) of the statutes is amended to read:

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1 55.06 (9) (a) The court may order protective services under s. 55.05 (2) (d) as
2 an alternative to placement. When ordering placement, the court, on the basis of the
3 evaluation and other relevant evidence, shall order the appropriate board specified
4 under s. 55.02 or an agency designated by it to protectively place the individual.
5 Placement by the appropriate board or designated agency is subject to s. 46.279 and
6 shall be made in the least restrictive environment consistent with the needs of the
7 person to be placed and with the placement resources of the appropriate board
8 specified under s. 55.02. Factors to be considered in making protective placement
9 shall include the needs of the person to be protected for health, social, or
10 rehabilitative services; the level of supervision needed; the reasonableness of the
11 placement given the cost and the actual benefits in the level of functioning to be
12 realized by the individual; the limits of available state and federal funds and of
13 county funds required to be appropriated to match state funds; and the
14 reasonableness of the placement given the number or projected number of
15 individuals who will need protective placement and given the limited funds
16 available. The Except as provided in s. 49.45 (30m), the county may not be required
17 to provide funding, in addition to its funds that are required to be appropriated to
18 match state funds, in order to protectively place an individual. Placement under this
19 section does not replace commitment of a person in need of acute psychiatric
20 treatment under s. 51.20 or 51.45 (13). Placement Subject to s. 46.279, placement
21 may be made to such facilities as nursing homes, public medical institutions, centers
22 for the developmentally disabled under the requirements of s. 51.06 (3), foster care
23 services and other home placements, or to other appropriate facilities but may not
24 be made to units for the acutely mentally ill. If the appropriate board or designated
25 agency proposes to place an individual who has a developmental disability in an

1 intermediate facility or a nursing facility under an order under this paragraph, the
2 county department shall develop a plan under s. 46.279 (4) and furnish the plan to
3 the board or agency and to the individual's guardian. The board or agency shall place
4 the individual in a noninstitutional community setting in accord with the plan unless
5 the court finds that to do so is not in the individual's best interests. If the individual
6 or the individual's guardian rejects the plan, the court shall take the rejection into
7 consideration in determining whether or not the placement is in the individual's best
8 interests. The prohibition of placements in units for the acutely mentally ill does not
9 prevent placement by a court for short-term diagnostic procedures under par. (d).
10 Placement in a locked unit shall require a specific finding of the court as to the need
11 for such action. A placement facility may transfer a patient from a locked unit to a
12 less restrictive environment without court approval.

13 ***-0209/2.23*** SECTION 1443. 55.06 (9) (b) of the statutes is amended to read:

14 55.06 (9) (b) Transfer may be made between placement units or from a
15 placement unit to a medical facility other than those specified in pars. (c) to (e) by a
16 guardian or placement facility without approval by a court. When transfer is made
17 by a placement facility, 24 hours' prior written notice of the transfer shall be provided
18 to the guardian, when feasible. If it is not feasible to notify the guardian in advance,
19 written notice shall be provided immediately upon transfer, and notice shall also be
20 provided to the court and to the board designated under s. 55.02 or an agency
21 designated by it within a reasonable time, not to exceed 48 hours from the time of the
22 transfer. Upon petition to a court by a guardian, ward, or attorney, or other
23 interested person specifying objections to a transfer, or if the person is transferred
24 to an intermediate facility or to a nursing facility, the court shall order a hearing,
25 within 96 hours after filing of the petition or, if the person is transferred to an

1 intermediate facility or to a nursing facility, within 96 hours after the transfer, to
2 determine whether there is probable cause to believe that the transfer is consistent
3 with the requirements specified in par. (a) and is necessary for the best interests of
4 the ward. The court shall notify the ward, guardian, and petitioner of the time and
5 place of the hearing, and a guardian ad litem shall be appointed to represent the
6 ward. If the person is an adult who is indigent, the county of legal settlement shall
7 be liable for guardian ad litem fees. If the person is a child, the person's parents or
8 the county of legal settlement shall be liable for guardian ad litem fees as provided
9 in s. 48.235 (8). The petitioner, ward, and guardian shall have the right to attend,
10 and to present and cross-examine witnesses.

11 *~~0209/2.24~~* SECTION 1444. 55.06 (9) (c) of the statutes is amended to read:

12 55.06 (9) (c) ~~Transfer~~ Subject to s. 46.279, transfer to a more restrictive
13 placement, including a locked unit, may be made with notice to the guardian, the
14 court and appropriate board designated under s. 55.02 or an agency designated by
15 it in the manner prescribed in par. (b). Upon petition by a guardian, ward or attorney,
16 or other interested person specifying objections to the transfer or if the person has
17 a developmental disability and is transferred to an intermediate facility or a nursing
18 facility, the court shall order a hearing as provided in par. (b).

19 *~~0209/2.25~~* SECTION 1445. 55.06 (10) (a) of the statutes is renumbered 55.06
20 (10) (a) 1.

21 *~~0209/2.26~~* SECTION 1446. 55.06 (10) (a) 2. of the statutes is created to read:

22 55.06 (10) (a) 2. If the person has a developmental disability and is placed in
23 an intermediate facility or a nursing facility, the agency that is responsible for the
24 protective placement shall notify in writing the county department of the county of
25 residence of the person that is participating in the program under s. 46.278, at least

1 90 days before the review. The county department so notified shall develop a plan
2 under s. 46.279 (4) and furnish the plan to the court that ordered the placement and
3 to the person's guardian. The court shall order that the person be transferred to the
4 noninstitutional community setting in accordance with the plan unless the court
5 finds that to do so is not in the person's best interests. If the person or the person's
6 guardian rejects the transfer, the court shall take the rejection into consideration in
7 determining whether or not the transfer is in the person's best interests.

8 *~~0209/2.27~~* SECTION 1447. 55.06 (11) (c) of the statutes is amended to read:

9 55.06 (11) (c) Upon a finding of probable cause under par. (b), the court may
10 order temporary placement up to 30 days pending the hearing for a permanent
11 placement, or the court may order such protective services as may be required. If an
12 individual who has a developmental disability is ordered, under this paragraph, to
13 be temporarily placed in an intermediate facility or in a nursing facility, and if at the
14 hearing for permanent placement the court orders that the individual be protectively
15 placed, the court may, before permanent placement, extend the temporary placement
16 order for not more than 60 days if necessary for the county department that is
17 participating in the program under s. 46.278 to develop the plan required under s.
18 46.279 (4).

19 *~~0190/7.21~~* SECTION 1448. 59.22 (2) (c) 2. of the statutes is amended to read:

20 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
21 rules of the department of health ~~and family services~~ workforce development under
22 s. 49.33 49.78 (4) to (7) relating to employees administering old-age assistance, aid
23 to families with dependent children, aid to the blind ~~and, or~~ aid to totally and
24 permanently disabled persons or ss. 63.01 to 63.17.

25 *~~0529/4.111~~* SECTION 1449. 59.25 (3) (f) 1. of the statutes is amended to read:

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

9 ***-0529/4.112*** SECTION 1450. 59.25 (3) (f) 2. of the statutes is amended to read:

10 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
11 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
12 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
13 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
14 weapons assessment, the amounts required by s. 973.045 for the crime victim and
15 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
16 delinquency victim and witness assistance surcharge, the amounts required by s.
17 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
18 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts
19 required by s. 100.261 for the consumer protection assessment, the amounts
20 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse
21 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
22 under the supplemental food program for women, infants and children, the amounts
23 required by s. 349.04 for the truck driver education assessment, the amounts
24 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
25 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the

1 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
2 uninsured employer assessment, the amounts required by s. 299.93 for the
3 environmental assessment, the amounts required by s. 29.983 for the wild animal
4 protection assessment, the amounts required by ss. 29.987 and 169.46 (1) for the
5 natural resources assessment surcharge, the amounts required by s. 29.985 for the
6 fishing shelter removal assessment, the amounts required by s. 350.115 for the
7 snowmobile registration restitution payment, and the amounts required by ss.
8 29.989 and 169.46 (2) for natural resources restitution payments, transmit to the
9 ~~state treasurer~~ secretary of administration a statement of all moneys required by law
10 to be paid on the actions entered during the preceding month on or before the first
11 day of the next succeeding month, certified by the county treasurer's personal
12 signature affixed or attached thereto, and at the same time pay to the ~~state treasurer~~
13 secretary of administration the amount thereof.

14 *~~0529/4.113~~* SECTION 1451. 59.25 (3) (k) of the statutes is amended to read:
15 59.25 (3) (k) Forward 40% of the state forfeitures, fines, and penalties under
16 ch. 348 to the ~~state treasurer~~ secretary of administration for deposit in the
17 transportation fund under s. 25.40 (1) (ig).

18 *~~0529/4.114~~* SECTION 1452. 59.25 (3) (L) of the statutes is amended to read:
19 59.25 (3) (L) Forward all money received under s. 66.0114 (3) (c) to the ~~state~~
20 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
21 s. 25.40 (1) (ig).

22 *~~0529/4.115~~* SECTION 1453. 59.25 (3) (m) of the statutes is amended to read:
23 59.25 (3) (m) Forward 50% of the fees received under s. 351.07 (1g) to the ~~state~~
24 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
25 s. 25.40 (1) (im).

SECTION 1454

1 *~~0529/4.116~~* SECTION 1454. 59.25 (3) (p) of the statutes is amended to read:

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

7 *~~0576/8.64~~* SECTION 1455. 59.26 (8) (a) of the statutes is amended to read:

8 59.26 (8) (a) In any county with a population of less than 500,000, the board,
9 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
10 at not less than that number required by sub. (1) (a) and (b) and may set the salary
11 of those deputies. The board may provide by ordinance that deputy sheriff positions
12 be filled by appointment by the sheriff from a list of all persons with the 3 highest
13 scores for each position based on a competitive examination. Such competitive
14 examinations may be by a county civil service commission or by the division of merit
15 recruitment and selection in the department of ~~employment relations~~
16 administration at the option of the board and it shall so provide by ordinance. The
17 division of merit recruitment and selection in the department of ~~employment~~
18 ~~relations~~ administration shall, upon request of the board, conduct such examination
19 according to the methods used in examinations for the state civil service and shall
20 certify an eligible list of the names of all persons with the 3 highest scores on that
21 examination for each position to the sheriff of that county who shall make an
22 appointment from that list to fill the position within 10 days after he or she receives
23 the eligible list. The county for which such examination is conducted shall pay the
24 cost of that examination. If a civil service commission is decided upon for the
25 selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent

1 with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision
2 governing minimum compensation of the commissioners. The ordinance or an
3 amending ordinance may provide for employee grievance procedures and
4 disciplinary actions, for hours of work, for tours of duty according to seniority and for
5 other administrative regulations. Any board provision consistent with this
6 paragraph and existing on July 25, 1951, is validated. If the sheriff fills a deputy
7 sheriff position by promotion, the sheriff shall make the appointment to the position
8 from a list of 3 deputy sheriffs who receive the highest scores in a competitive
9 examination. Such competitive examinations may be by a county civil service
10 commission or by the division of merit recruitment and selection in the department
11 of ~~employment relations~~ administration at the option of the board and it shall so
12 provide by ordinance.

13 *~~0529/4.117~~* SECTION 1456. 59.40 (2) (m) of the statutes is amended to read:
14 59.40 (2) (m) Pay monthly to the ~~treasurer~~ secretary of administration for the
15 use of the state the state's percentage of the fees required to be paid on each civil
16 action, criminal action, and special proceeding filed during the preceding month and
17 pay monthly to the ~~treasurer~~ secretary of administration for the use of the state the
18 percentage of court imposed fines and forfeitures required by law to be deposited in
19 the state treasury, the amounts required by s. 757.05 for the penalty assessment
20 surcharge, the amounts required by s. 165.755 for the crime laboratories and drug
21 law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons
22 assessment, the amounts required by s. 973.045 for the crime victim and witness
23 assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency
24 victim and witness assistance surcharge, the amounts required by s. 973.046 for the
25 deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for

1 the drug abuse program improvement surcharge, the amounts required by s. 100.261
2 for the consumer protection assessment, the amounts authorized by s. 971.37 (1m)
3 (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the
4 amounts required by s. 253.06 (4) (c) for the enforcement assessment under the
5 supplemental food program for women, infants, and children, the amounts required
6 by s. 349.04 for the truck driver education assessment, the amounts required by ss.
7 346.177, 346.495, and 346.65 (4r) for the railroad crossing improvement assessment,
8 the amounts required by s. 346.655 for the driver improvement surcharge, the
9 amounts required by s. 102.85 (4) for the uninsured employer assessment, the
10 amounts required by s. 299.93 for the environmental assessment, the amounts
11 required under s. 29.983 for the wild animal protection assessment, the amounts
12 required under ss. 29.987 (1) (d) and 169.46 (1) (d) for the natural resources
13 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter
14 removal assessment, the amounts required by s. 350.115 for the snowmobile
15 registration restitution payment, and the amounts required under ss. 29.989 (1) (d)
16 and 169.46 (2) (d) for the natural resources restitution payments. The payments
17 shall be made by the 15th day of the month following receipt thereof.

18 ***-0194/9.15* SECTION 1457.** 59.53 (24) of the statutes is created to read:

19 **59.53 (24) COUNTY PAYMENTS MADE UNDER MEDICAL ASSISTANCE.** The board shall,
20 upon demand by the department of health and family services, authorize payment
21 to that department not to exceed any of the following:

22 (a) *Home and community based services.* For services provided under ss. 46.275
23 and 46.278 beginning in 2001 and thereafter, any payment made under s. 20.435 (4)
24 (hm), and the portion of the payment made under s. 20.435 (4) (o) for Medical
25 Assistance Program benefits administered under ss. 46.275 and 46.278 that is

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1 related to any rates increased for services under s. 46.275 or 46.278 beginning in
2 2001.

3 (b) *Alcohol and other drug and mental health prevention and treatment*
4 *services*. For alcohol and other drug and mental health prevention and treatment
5 services provided under s. 49.46 (2) (a) 1., 2., and 4. d. and e. and (b) 6. b., c., d., f.,
6 fm., j., k., L., and m., 9., 12., 12m., 13., 15., and 16. beginning in 2003 and thereafter,
7 any payment made under s. 20.435 (4) (hm), and the portion of the payment made
8 under s. 20.435 (4) (o) as Medical Assistance Program benefits for the services that
9 is related to any rates increased for these services beginning in 2003.

10 ***-1887/1.13* SECTION 1458.** 59.54 (12) of the statutes is amended to read:

11 59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
12 of a resolution, a board may enter into an agreement and seek funding under s.
13 ~~165.90~~ 16.964 (7).

14 ***-1767/3.6* SECTION 1459.** 60.24 (3) (L) of the statutes is amended to read:

15 60.24 (3) (L) If authorized by the town board, represent the interests of the
16 town in connection with appearances before the state office of the commissioner of
17 tax appeals commission under s. 70.64 (5).

18 ***-1373/8.13* SECTION 1460.** 63.10 (2) of the statutes is amended to read:

19 63.10 (2) The commission shall appoint a time and place for the hearing of said
20 charges, the time to be within 3 weeks after the filing of the same, and notify the
21 person possessing the appointing power and the accused of the time and place of such
22 hearing. At the termination of the hearing the commission shall determine whether
23 or not the charge is well founded and shall take such action by way of suspension,
24 demotion, discharge or reinstatement, as it may deem requisite and proper under the
25 circumstances and as its rules may provide. The decision of the commission shall be

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1 final. Neither the person possessing the appointing power nor the accused shall have
2 the right to be represented by counsel at said hearing, but the commission may in its
3 discretion permit the accused to be represented by counsel and may request the
4 presence of an assistant a district attorney to act with the commission in an advisory
5 capacity.

6 ***-0529/4.118* SECTION 1461.** 66.0114 (1) (bm) of the statutes is amended to
7 read:

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

1 protection and rehabilitation district shall by ordinance designate the official to
2 receive the penalties and the terms under which the official qualifies.

3 *~~0529/4.119~~* SECTION 1462. 66.0114 (3) (c) of the statutes is amended to read:

4 66.0114 (3) (c) The entire amount in excess of \$150 of any forfeiture imposed
5 for the violation of any traffic regulation in conformity with ch. 348 shall be
6 transmitted to the county treasurer if the violation occurred on an interstate
7 highway, a state trunk highway, or a highway over which the local highway authority
8 does not have primary maintenance responsibility. The county treasurer shall then
9 make payment to the ~~state treasurer~~ secretary of administration as provided in s.
10 59.25 (3) (L).

11 *~~0529/4.120~~* SECTION 1463. 66.0517 (3) (b) 1. of the statutes is amended to
12 read:

13 66.0517 (3) (b) 1. Except as provided in sub. (2) (b), a weed commissioner shall
14 receive compensation for the destruction of noxious weeds as determined by the town
15 board, village board, or city council upon presenting to the proper treasurer the
16 account for noxious weed destruction, verified by oath and approved by the
17 appointing officer. The account shall specify by separate items the amount
18 chargeable to each piece of land, describing the land, and shall, after being paid by
19 the treasurer, be filed with the town, village, or city clerk. The clerk shall enter the
20 amount chargeable to each tract of land in the next tax roll in a column headed "For
21 the Destruction of Weeds", as a tax on the lands upon which the weeds were
22 destroyed. The tax shall be collected under ch. 74, except in case of lands which are
23 exempt from taxation, railroad lands, or other lands for which taxes are not collected
24 under ch. 74. A delinquent tax may be collected as is a delinquent real property tax
25 under chs. 74 and 75 or as is a delinquent personal property tax under ch. 74. In case

1 of railroad lands or other lands for which taxes are not collected under ch. 74, the
2 amount chargeable against these lands shall be certified by the town, village, or city
3 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount
4 designated to the sum due from the company owning, occupying, or controlling the
5 lands specified. The ~~state treasurer~~ secretary of administration shall collect the
6 amount chargeable as prescribed in subch. I of ch. 76 and return the amount collected
7 to the town, city, or village from which the certification was received.

8 *~~1187/4.16~~* SECTION 1464. 66.0801 (2) of the statutes is amended to read:

9 66.0801 (2) Sections 66.0803 to 66.0825 do not deprive the ~~office of the~~
10 ~~commissioner of railroads, department of transportation or public service~~
11 commission of any power under ss. ~~195.05 and~~ 197.01 to 197.10 and ch. 196.

12 *~~1243/1.32~~* SECTION 1465. 69.14 (1) (cm) of the statutes is amended to read:

13 69.14 (1) (cm) *Information concerning paternity.* For a birth which occurs en
14 route to or at a hospital, the filing party shall give the mother a copy of the pamphlet
15 under s. 69.03 (14). If the child's parents are not married at the time of the child's
16 birth, the filing party shall give the mother a copy of the form prescribed by the state
17 registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained,
18 designated hospital staff provide to the child's available parents oral information or
19 an audio or video presentation and written information about the form and the
20 significance and benefits of, and alternatives to, establishing paternity, before the
21 parents sign the form. The filing party shall also provide an opportunity to complete
22 the form and have the form notarized in the hospital. If the mother provides a
23 completed form to the filing party while she is a patient in the hospital and within
24 5 days after the birth, the filing party shall send the form directly to the state
25 registrar. ~~From the appropriation under s. 20.445 (3) (dz), the~~ The department of

1 workforce development shall pay the filing party a financial incentive for correctly
2 filing a form within 60 days after the child's birth.

3 ***-0529/4.121* SECTION 1466.** 69.22 (1) (c) of the statutes is amended to read:

4 69.22 (1) (c) Twelve dollars for issuing an uncertified copy of a birth certificate
5 or a certified copy of a birth certificate, \$7 of which shall be forwarded to the state
6 ~~treasurer~~ secretary of administration as provided in sub. (1m) and credited to the
7 appropriations under s. 20.433 (1) (g) and (h); and \$3 for issuing any additional
8 certified or uncertified copy of the same birth certificate issued at the same time.

9 ***-0529/4.122* SECTION 1467.** 69.22 (1m) of the statutes is amended to read:

10 69.22 (1m) The state registrar and any local registrar acting under this
11 subchapter shall, for each copy of a birth certificate for which a fee under sub. (1) (c)
12 is charged that is issued during a calendar quarter, forward to the ~~state treasurer~~
13 secretary of administration for deposit in the appropriations under s. 20.433 (1) (g)
14 and (h) the amounts specified in sub. (1) (c) by the 15th day of the first month
15 following the end of the calendar quarter.

16 ***-1680/2.1* SECTION 1468.** 70.36 (3) of the statutes is amended to read:

17 70.36 (3) The word assessor whenever used in ss. 70.35 and 70.36 shall, in 1st
18 class cities, be deemed to refer also to the commissioner of assessments of any such
19 city ~~and, where applicable, shall be deemed also to refer to the department of revenue~~
20 ~~responsible for the manufacturing property assessment under s. 70.995.~~

21 ***-1767/3.7* SECTION 1469.** 70.38 (4) of the statutes is amended to read:

22 70.38 (4) APPEALS. (a) Any person feeling aggrieved by the assessment notice
23 shall, within 60 days after the receipt of the notice, file with the department a
24 petition for redetermination setting forth the person's objections to the assessment.
25 The person may request an informal conference with representatives of the

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1 department prior to September 15. The request shall be indicated in the petition.
2 The secretary shall act on the petition on or before October 1. On or before November
3 1, the person shall pay the amount determined by the secretary pursuant to the
4 secretary's action on the petition. If the person is aggrieved by the secretary's denial
5 of the petition the person may appeal to the office of the commissioner of tax appeals
6 ~~commission~~ if the appeal is filed with the ~~commission~~ office of the commissioner on
7 or before December 1.

8 (b) Determinations of the office of the commissioner of tax appeals ~~commission~~
9 shall be subject to judicial review under ch. 227.

10 *~~0529/4.123~~* SECTION 1470. 70.385 of the statutes is amended to read:

11 **70.385 Collection of the tax.** All taxes as evidenced by the report under s.
12 70.38 (1) are due and payable to the department on or before June 15, and shall be
13 deposited by the department with the ~~state treasurer~~ secretary of administration.

14 *~~1767/3.8~~* SECTION 1471. 70.39 (2) of the statutes is amended to read:

15 70.39 (2) Any part of an assessment which is contested before the office of the
16 commissioner of tax appeals ~~commission~~ or the courts, which after hearing shall be
17 ordered to be paid, shall be considered as a delinquent tax if unpaid on the 10th day
18 following the date of the final order and shall be subject to the penalty and interest
19 provisions under sub. (1).

20 *~~0529/4.124~~* SECTION 1472. 70.39 (4) (b) of the statutes is amended to read:

21 70.39 (4) (b) The clerk of circuit court shall enter the warrant as a delinquent
22 income or franchise tax warrant as required under s. 806.11. The clerk of circuit
23 court shall accept, file, and enter the warrant without prepayment of any fee, but
24 shall submit a statement of the proper fees within 30 days to the department of
25 revenue. ~~The fees shall be paid by the state treasurer upon~~ Upon audit by the

1 department of administration on the certificate of the secretary of revenue, the
2 secretary of administration shall pay the fees and the fees shall be charged to the
3 proper appropriation for the department of revenue.

4 ***-1767/3.9* SECTION 1473.** 70.397 (3) (c) of the statutes is amended to read:

5 70.397 (3) (c) Any person feeling aggrieved by an assessment notice under this
6 section may, within 60 days after receipt of the notice, file with the department a
7 petition for redetermination setting forth the person's objections to the assessment.
8 In the petition, the person may request an informal conference with representatives
9 of the department. The secretary of revenue shall act on the petition within 90 days
10 after receipt of the petition for redetermination. If the person is aggrieved by the
11 secretary's denial of the petition, the person may appeal to the office of the
12 commissioner of tax appeals ~~commission~~ if the appeal is filed with the ~~commission~~
13 office of the commissioner within 30 days after the petition is denied.

14 ***-1680/2.2* SECTION 1474.** 70.44 (1) of the statutes is amended to read:

15 70.44 (1) Real or personal property omitted from assessment in any of the 2
16 next previous years, unless previously reassessed for the same year or years, shall
17 be entered once additionally for each previous year of such omission, designating
18 each such additional entry as omitted for the year of omission and affixing a just
19 valuation to each entry for a former year as the same should then have been assessed
20 according to the assessor's best judgment, and taxes shall be apportioned, using the
21 net tax rate as provided in s. 70.43, and collected on the tax roll for such entry. This
22 section shall not apply to manufacturing property ~~assessed by the department of~~
23 ~~revenue~~ under s. 70.995.

24 ***-1680/2.3* SECTION 1475.** 70.511 (2) (c) of the statutes is amended to read:

1 70.511 (2) (c) If the reviewing authority increases the value of the property in
2 question, the increase in value shall in the case of manufacturing property assessed
3 by the department of revenue under s. 70.995 be assessed as omitted property as
4 prescribed under s. 70.995 (12). In the case of all other property s. 70.44 shall apply.

5 *~~1767/3.10~~* **SECTION 1476.** 70.57 (2) of the statutes is amended to read:

6 70.57 (2) If the state board of assessors, the office of the commissioner of tax
7 appeals ~~commission~~ or a court makes a final redetermination on the assessment of
8 property subject to taxation under s. 70.995 that is higher or lower than the previous
9 assessment, the department of revenue shall recertify the equalized value of the
10 school district in which the property subject to taxation under s. 70.995 is located.

11 *~~1767/3.11~~* **SECTION 1477.** 70.64 (1) of the statutes is amended to read:

12 70.64 (1) BY THE OFFICE OF THE COMMISSIONER OF TAX APPEALS COMMISSION. The
13 assessment and determination of the relative value of taxable general property in
14 any county or taxation district, made by the department of revenue under s. 70.57,
15 may be reviewed, and a redetermination of the value of such property may be made
16 by the office of the commissioner of tax appeals commission, upon appeal by the
17 county or taxation district. The filing of such appeal in the manner provided in this
18 section by any county or taxation district shall impose upon the ~~commission~~ office of
19 the commissioner of tax appeals the duty, under the powers conferred upon it by s.
20 73.01 (4) (a), to review the assessment complained of. If, in its judgment based upon
21 the testimony, evidence and record made on the preliminary hearing of such appeal,
22 the ~~commission~~ office of the commissioner of tax appeals finds such assessment to
23 be unequal and discriminatory, it shall determine to correct such assessment to bring
24 it into substantial compliance with law. Except as provided in this section, the appeal
25 shall be taken and such review and redetermination shall be made as provided in ss.

1 73.01 and 73.015 and under the rules governing the procedure of the ~~commission~~
2 office of the commissioner of tax appeals.

3 ***-1767/3.12* SECTION 1478.** 70.64 (3) (intro.) of the statutes is amended to
4 read:

5 70.64 (3) FORM OF APPEAL. (intro.) To accomplish an appeal there shall be filed
6 with the office of the commissioner of tax appeals ~~commission~~ on or before October
7 15 an appeal in writing setting forth:

8 ***-1767/3.13* SECTION 1479.** 70.64 (3) (a) of the statutes is amended to read:

9 70.64 (3) (a) That the county or taxation district, naming the same, appeals to
10 the office of the commissioner of tax appeals ~~commission~~ from the assessment made
11 by the department of revenue under s. 70.57, specifying the date of such assessment.

12 ***-1767/3.14* SECTION 1480.** 70.64 (4) of the statutes is amended to read:

13 70.64 (4) CERTIFIED COPIES. Upon the filing of such appeal, the clerk of the
14 county or taxation district, without delay, shall prepare certified copies of it, together
15 with certified copies of the value established by the department of revenue from
16 which the appeal is taken and a complete list showing the clerk of each taxation
17 district within the county and the post-office address of each. The clerk shall mail
18 by certified mail 4 sets of certified copies to the office of the commissioner of tax
19 appeals ~~commission~~ and one set of the copies to the department of revenue, the
20 county clerk and the clerk of each taxation district within the county.

21 ***-1767/3.15* SECTION 1481.** 70.64 (5) of the statutes is amended to read:

22 70.64 (5) APPEARANCE. Not later than 30 days after the clerk of the county or
23 taxation district has mailed the certified copies, unless the time is extended by order
24 of the office of the commissioner of tax appeals ~~commission~~, any county, town, city
25 or village may cause an appearance to be entered in its behalf before the ~~commission~~

1 office of the commissioner in support of the appeal and uniting with the appellant for
2 the relief demanded; and by verified petition or statement showing grounds therefor
3 may apply for other or further review and redetermination than that demanded in
4 the appeal. Within the same time the county, town, city or village in the county may
5 in the same manner have its appearance entered in opposition to the appeal and to
6 the relief demanded. Such appearances shall be authorized in the manner for
7 authorizing an appeal under sub. (2). When so authorized the interests of the county,
8 town, city or village authorizing it shall be in the charge of the chairperson, mayor
9 or president thereof unless otherwise directed by the body authorizing such
10 appearance; and attorneys may be employed in that behalf. In such appearances any
11 2 or more of the towns, cities and villages of the county may join if united in support
12 of or in opposition to the appeal. Four copies of each appearance, petition or
13 statement mentioned in this subsection shall be filed in ~~the offices of the~~ office of the
14 commissioner of tax appeals ~~commission~~ and a copy of each mailed by certified mail
15 to the department of revenue, to the county clerk, and to the clerk of each town, city
16 and village within the county, and a copy to the attorney authorized to appear on
17 behalf of the county or any town, city or village within the county.

18 *~~1767/3.16~~* SECTION 1482. 70.64 (6) of the statutes is amended to read:

19 70.64 (6) HEARING. As soon as practicable, the ~~commission~~ office of the
20 commissioner of tax appeals shall set a time and place for preliminary hearing of
21 such appeal. At least 10 days before the time set for such hearing, the ~~commission~~
22 office of the commissioner of tax appeals shall cause notice thereof to be mailed by
23 certified mail to the county clerk and to the attorney or the clerk of each town, city
24 and village in whose behalf an appearance has been entered in the matter of such
25 appeal, and to the clerk of each town, city or village which has not appeared, and mail

1 a like notice to the clerk of the taxation district taking such appeal and to the
2 department of revenue. The department of revenue shall be prepared to present to
3 the ~~commission~~ office of the commissioner of tax appeals at such time during the
4 course of the hearings as the ~~commission~~ office requires, the full value of all property
5 subject to general property taxation in each town, village and city of the county, as
6 determined by the department according to s. 70.57 (1) or in the case of a complaint
7 by a taxation district under a county assessor such information as the department
8 has in its possession. Said hearing may be adjourned, in the discretion of the office
9 of the commissioner of tax appeals ~~commission~~, as often and to such times and places
10 as may be necessary in order to determine the facts. If satisfied that no substantial
11 injustice has been done in the taxation district assessment appealed from, the
12 ~~commission~~ office of the commissioner of tax appeals in its discretion may dismiss
13 such appeal. If satisfied that substantial injustice has been done in the taxation
14 district assessment, the ~~commission~~ office of the commissioner of tax appeals shall
15 determine to revalue any or all of the taxation districts in the county, which it deems
16 necessary, in a manner which in its judgment is best calculated to secure substantial
17 justice.

18 *~~1767/3.17~~* SECTION 1483. 70.64 (7) of the statutes is amended to read:

19 70.64 (7) REDETERMINATION. The ~~commission~~ office of the commissioner of tax
20 appeals shall then proceed to redetermine the value of the taxable general property
21 in such of the taxation districts in the county as it deems necessary. It may include
22 in such redetermination other taxation districts than first determined upon and may
23 include all of the taxation districts in said county, if at any time during the progress
24 of its investigations or revaluations it is satisfied that such course is necessary in
25 order to accomplish substantial justice and to secure relative equality as between all

1 the taxation districts in such county. It shall make careful investigation of the value
2 of taxable general property in the several taxation districts to which such review and
3 redetermination shall extend, in any manner which in its judgment is best calculated
4 to obtain the fair, full value of such property. The ~~commission~~ office of the
5 commissioner of tax appeals may employ such experts and other assistants as may
6 be necessary, and fix their compensation. In making such investigations the
7 ~~commission~~ office of the commissioner of tax appeals and all persons employed
8 therein by the ~~commission~~ office shall have all the authority possessed by assessors
9 so far as applicable, including authority to administer oaths and to examine property
10 owners and witnesses under oath as to the quantity and value of the property subject
11 to assessment belonging to any person or within any taxation district to which the
12 investigation shall extend.

13 ***-1767/3.18* SECTION 1484.** 70.64 (8) of the statutes is amended to read:

14 70.64 (8) HEARING. The ~~commission~~ office of the commissioner of tax appeals
15 may at any time before its final determination appoint a time and place at which it
16 will hear evidence and arguments relevant to the matters under consideration upon
17 such appeal. The time to be devoted to such hearings may be limited as the
18 ~~commission~~ office of the commissioner of tax appeals directs. At least 10 days before
19 the time fixed for such hearings, the ~~commission~~ office of the commissioner of tax
20 appeals shall cause notice thereof to be mailed by certified mail to the county clerk
21 and to the attorney or other representative of each town, city and village in whose
22 behalf an appearance has been entered in the matter of such appeal, and a like copy
23 to the department of revenue.

24 ***-1767/3.19* SECTION 1485.** 70.64 (9) of the statutes is amended to read:

1 70.64 (9) TESTIMONY. The office of the commissioner of tax appeals ~~commission~~
2 may take testimony. Witnesses summoned at the instance of said ~~commission~~ the
3 office of the commissioner of tax appeals shall be compensated at the rates provided
4 by law for witnesses in courts of record, the same to be audited and paid the same
5 as other claims against the state, upon the certificate of said ~~commission~~ the office
6 of the commissioner of tax appeals. If any property owner or other person makes any
7 false statement to said ~~commission~~ the office of the commissioner of tax appeals or
8 to any person employed by it upon any matter under investigation that person shall
9 be subject to all the forfeitures and penalties imposed by law for false statements to
10 assessors and boards of review.

11 *-1767/3.20* SECTION 1486. 70.64 (10) of the statutes is amended to read:

12 70.64 (10) DETERMINATION. The office of the commissioner of tax appeals
13 ~~commission~~ shall make its determination upon such appeal without unreasonable
14 delay and shall file a copy thereof in the office of the county clerk and mail by certified
15 mail a like copy to the department of revenue and to the clerk and attorney of the
16 taxation district appealing, and a copy to the clerk and attorney of each taxation
17 district having appeared. In such determination the ~~commission~~ office of the
18 commissioner of tax appeals shall set forth the relative value of the taxable general
19 property in each town, city and village of such county as found by them, and what
20 sum, if any, shall be added to or deducted from the aggregate value of taxable
21 property in each such taxation district as fixed in the determination of the
22 department of revenue from which such appeal was taken in order to produce a
23 relatively just and equitable taxation district assessment. Such determination shall
24 be final.

25 *-1767/3.21* SECTION 1487. 70.64 (11) of the statutes is amended to read:

1 70.64 (11) COMPUTATION. The determination of the ~~commission~~ office of the
2 commissioner of tax appeals shall not affect the validity of taxes apportioned in
3 accordance with the taxation district assessment from which such appeal was taken;
4 but if it is determined upon such appeal that such taxation district assessment is
5 relatively unequal, such inequality shall be remedied and compensated in the
6 apportionment of state and county taxes in such county next following the
7 determination of said ~~commission~~ the office of the commissioner of tax appeals in the
8 following manner: Each town, city and village whose valuation in such taxation
9 district assessment was determined by said ~~commission~~ the office of the
10 commissioner of tax appeals to be relatively too high shall be credited a sum equal
11 to the amount of taxes charged to it upon such unequal assessment in excess of the
12 amount equitably chargeable thereto according to the determination of the
13 ~~commission~~ office of the commissioner of tax appeals; and each town, city and village
14 whose valuation in such taxation district assessment was determined by said
15 ~~commission~~ the office of the commissioner of tax appeals to be relatively too low shall
16 be charged, in addition to all other taxes, a sum equal to the difference between the
17 amount charged thereto upon such unequal assessment and the amount which
18 should have been charged thereto according to the determination of the ~~commission~~
19 office of the commissioner of tax appeals. The department of revenue shall aid the
20 county clerk in making proper computations.

21 *-1767/3.22* SECTION 1488. 70.64 (12) of the statutes is amended to read:

22 70.64 (12) EXPENSES. The office of the commissioner of tax appeals ~~commission~~
23 shall transmit to the county clerk with its determination on such appeal a statement
24 of all expenses incurred therein by or at the instance of the ~~commission~~ office of the
25 commissioner of tax appeals, which shall include the actual expenses of the

1 ~~commission office of the commissioner of tax appeals~~ and regular employees of the
2 ~~commission office~~, the compensation and actual expenses of all other persons
3 employed by it and the fees of officers employed and witnesses summoned at its
4 instance. A duplicate of such statement shall be filed in the office of the department
5 of administration. Such expenses shall be audited upon the certificate of the
6 ~~commission office of the commissioner of tax appeals~~, and paid out of the state
7 treasury, in the first instance, as other claims against the state are audited and paid.
8 The amount of such expenses shall be a special charge against such county and shall
9 be included in the next apportionment and certification of state taxes and charges,
10 and collected from such county, as other special charges are certified and collected.
11 Unless otherwise directed by the ~~commission office of the commissioner of tax~~
12 ~~appeals~~ in its determination upon such appeal, the county clerk, in the next
13 apportionment of state and county taxes, shall apportion the amount of such special
14 charges to and among the towns, cities and villages in such county whose relative
15 valuations were increased in the determination of the ~~commission office of the~~
16 ~~commissioner of tax appeals~~ in proportion to the amount of such increase in each of
17 them respectively. The apportionment of such expenses shall be set forth in the
18 determination of the ~~commission office of the commissioner of tax appeals~~. The
19 amount so apportioned to each such town, city and village shall be charged upon its
20 tax roll and shall be collected and paid over to the county treasurer as other state
21 taxes and special charges are collected and paid.

22 *~~0576/8.65~~* SECTION 1489. 70.99 (3) (a) of the statutes is amended to read:

23 70.99 (3) (a) The state department of ~~employment relations administration~~
24 shall recommend a reasonable salary range for the county assessor for each county
25 based upon pay for comparable work or qualifications in that county. If, by

1 contractual agreement under s. 66.0301, 2 or more counties join to employ one county
2 assessor with the approval of the secretary of revenue, the department of
3 ~~employment relations~~ administration shall recommend a reasonable salary range
4 for the county assessor under the agreement. The department of revenue shall assist
5 the county in establishing the budget for the county assessor's offices, including the
6 number of personnel and their qualifications, based on the anticipated workload.

7 *~~1680/2.4~~* SECTION 1490. 70.995 (title) of the statutes is amended to read:

8 **70.995 (title) State ~~assessment~~ Assessment of manufacturing property.**

9 *~~1680/2.5~~* SECTION 1491. 70.995 (4) of the statutes is amended to read:

10 70.995 (4) ~~Whenever real property or tangible personal property is used for~~
11 ~~one, or some combination, of the processes mentioned in sub. (3) and also for other~~
12 ~~purposes, the~~ The department of revenue, if satisfied that there is substantial use
13 ~~in one or some combination of such processes, may assess the~~ shall establish
14 standards and procedures for the assessment of property under this section. ~~For all~~
15 ~~purposes of this section the department of revenue shall have sole discretion for the~~
16 ~~determination of what is substantial use and what description of real property or~~
17 ~~what unit of tangible personal property shall constitute "the property" to be included~~
18 ~~for assessment purposes, and, in connection herewith, the department may include~~
19 ~~in a real property unit, real property owned by different persons. Vacant property~~
20 ~~designed for use in manufacturing, assembling, processing, fabricating, making or~~
21 ~~milling tangible property for profit may be assessed under this section or under s.~~
22 ~~70.32 (1), and the period of vacancy may not be the sole ground for making that~~
23 ~~determination. In those specific instances where a portion of a description of real~~
24 ~~property includes manufacturing property rented or leased and operated by a~~
25 ~~separate person which does not satisfy the substantial use qualification for the entire~~

1 ~~property, the local assessor shall assess the entire real property description and all~~
2 ~~personal property not exempt under s. 70.11 (27). The applicable portions of the~~
3 ~~standard manufacturing property report form under sub. (12) as they relate to~~
4 ~~manufacturing machinery and equipment shall be submitted by such person and~~
5 ~~shall publish such standards and procedures in the property tax assessment manual~~
6 ~~provided under s. 73.03 (2a).~~

7 *~~1680/2.6~~* SECTION 1492. 70.995 (5) of the statutes is amended to read:

8 70.995 (5) ~~The department of revenue~~ taxation district assessor of the taxation
9 district in which the property is located shall assess all property of manufacturing
10 establishments included under subs. (1) and (2) as of the close of January 1 of each
11 year, ~~if on or before March 1 of that year the department has classified the property~~
12 ~~as manufacturing or the owner of the property has requested, in writing, that the~~
13 ~~department make such a classification and the department later does so. A change~~
14 ~~in ownership, location, or name of the manufacturing establishment does not~~
15 ~~necessitate a new request. In assessing lands from which metalliferous minerals are~~
16 ~~being extracted and valued for purposes of the tax under s. 70.375, the value of the~~
17 ~~metalliferous mineral content of such lands shall be excluded.~~

18 *~~1680/2.7~~* SECTION 1493. 70.995 (6) of the statutes is repealed.

19 *~~1680/2.8~~* SECTION 1494. 70.995 (7) (a) of the statutes is renumbered 70.995
20 (7) and amended to read:

21 70.995 (7) ~~Each manufacturing property assessed by~~ The taxation district
22 assessor shall notify the department of revenue shall be entered of all manufacturing
23 property located and assessed in the taxation district and the department shall enter
24 such property on a state manufacturing property assessment roll ~~for each~~
25 ~~municipality that has manufacturing property as set forth in subs. (1) and (2).~~

SECTION 1494

1 ~~Notification of the individual manufacturing property assessments contained in the~~
2 ~~roll shall be furnished by the department to the municipal clerk that identifies all~~
3 ~~such property by the municipality in which the property is located.~~

4 *~~1680/2.9~~* SECTION 1495. 70.995 (7) (b) of the statutes is repealed.

5 *~~1767/3.23~~* SECTION 1496. 70.995 (8) (a) of the statutes is amended to read:

6 70.995 (8) (a) The secretary of revenue shall establish a state board of
7 assessors, which shall be comprised of the members of the department of revenue
8 whom the secretary designates. The state board of assessors shall investigate any
9 objection filed under par. (c) ~~or (d)~~ if the fee under that paragraph is paid. The state
10 board of assessors, after having made the investigation, shall notify the person
11 assessed or the person's agent and the appropriate municipality of its determination
12 by 1st class mail or electronic mail. Beginning with objections filed in 1989, the state
13 board of assessors shall make its determination on or before April 1 of the year after
14 the filing. If the determination results in a refund of property taxes paid, the state
15 board of assessors shall include in the determination a finding of whether the refund
16 is due to false or incomplete information supplied by the person assessed. The person
17 assessed or the municipality having been notified of the determination of the state
18 board of assessors shall be deemed to have accepted the determination unless the
19 person or municipality files a petition for review with the clerk of the office of the
20 commissioner of tax appeals commission as provided in s. 73.01 (5) and the rules of
21 practice promulgated by the ~~commission~~ office of the commissioner of tax appeals.
22 If an assessment is reduced by the state board of assessors, the municipality affected
23 may file an appeal seeking review of the reduction, or may, within 30 days after the
24 person assessed files a petition for review, file a cross-appeal, before the office of the
25 commissioner of tax appeals commission even though the municipality did not file