

SENATE BILL

SECTION 1409

1 49.473 (5) The department shall audit and pay, from the appropriation
2 accounts under s. 20.435 (4) (b), (gp), and (o), and (r), allowable charges to a provider
3 who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman
4 who meets the requirements under sub. (2) for all benefits and services specified
5 under s. 49.46 (2).

 ****NOTE: This is reconciled s. 49.473 (5). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

6 ***-0033/P2.4*** SECTION 1410. 49.473 (6) (b) of the statutes is amended to read:
7 49.473 (6) (b) Inform the woman at the ~~of~~ time of the determination that she
8 is required to apply to the department or a county department for medical assistance
9 no later than the last day of the month following the month in which the qualified
10 entity determines that the woman is eligible for medical assistance.

11 ***-1824/6.15*** SECTION 1411. 49.496 (3) (f) of the statutes is amended to read:
12 49.496 (3) (f) The department may ~~contract with or employ~~ retain an attorney
13 to probate estates to recover under this subsection the costs of care.

14 ***-0190/7.19*** SECTION 1412. 49.496 (4) of the statutes is amended to read:
15 49.496 (4) ADMINISTRATION. The department may require a county department
16 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
17 American Indian tribe administering medical assistance to gather and provide the
18 department with information needed to recover medical assistance under this
19 section. The department shall pay to a county department or tribal governing body
20 an amount equal to 5% of the recovery collected by the department relating to a
21 beneficiary for whom the county department or tribal governing body made the last
22 determination of medical assistance eligibility. A county department or tribal
23 governing body may use funds received under this subsection only to pay costs

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1 incurred under this subsection and, if any amount remains, to pay for improvements
2 to functions required under s. ~~49.33~~ 49.78 (2). The department may withhold
3 payments under this subsection for failure to comply with the department's
4 requirements under this subsection. The department shall treat payments made
5 under this subsection as costs of administration of the ~~medical assistance~~ Medical
6 Assistance program.

7 *~~0529/4.101~~* SECTION 1413. 49.498 (16) (g) of the statutes is amended to read:

8 49.498 (16) (g) All forfeitures, penalty assessments, and interest, if any, shall
9 be paid to the department within 10 days of receipt of notice of assessment or, if the
10 forfeiture, penalty assessment, and interest, if any, are contested under par. (f),
11 within 10 days of 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 sub. (19) (b). The department shall remit all forfeitures paid to the ~~state~~
14 ~~treasurer~~ secretary of administration for deposit in the school fund. The department
15 shall deposit all penalty assessments and interest in the appropriation under s.
16 20.435 (6) (g).

17 *~~0029/2.1~~* SECTION 1414. 49.665 (2) (title) of the statutes is amended to read:

18 49.665 (2) (title) ~~WAIVER~~ WAIVERS.

19 *~~0029/2.2~~* SECTION 1415. 49.665 (2) of the statutes is renumbered 49.665 (2)

20 (a) and amended to read:

21 49.665 (2) (a) The department of health and family services shall request a
22 waiver from the secretary of the federal department of health and human services
23 to permit the department of health and family services to implement, beginning not
24 later than July 1, 1998, or the effective date of the waiver, whichever is later, a health
25 care program under this section. If a waiver that is consistent with all of the

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1 provisions of this section, excluding sub. (4) (a) 3m., is granted and in effect, the
2 department of health and family services shall implement the program under this
3 section. The department of health and family services may not implement the
4 program under this section unless a waiver that is consistent with all of the
5 provisions of this section, excluding sub. (4) (a) 3m., is granted and in effect.

6 ***-0029/2.3* SECTION 1416.** 49.665 (2) (b) of the statutes is created to read:

7 49.665 (2) (b) If the department of health and family services determines that
8 it needs a waiver to require the verification specified in sub. (4) (a) 3m., the
9 department shall request a waiver from the secretary of the federal department of
10 health and human services and may not implement the verification requirement
11 under sub. (4) (a) 3m. unless the waiver is granted. If a waiver is required and is
12 granted, the department of health and family services may implement the
13 verification requirement under sub. (4) (a) 3m. as appropriate. If a waiver is not
14 required, the department of health and family services may require the verification
15 specified in sub. (4) (a) 3m. for eligibility determinations and annual review
16 eligibility determinations made by the department, beginning on January 1, 2004.

17 ***-0029/2.4* SECTION 1417.** 49.665 (4) (am) 3m. of the statutes is created to
18 read:

19 49.665 (4) (am) 3m. Each member of the child's household who is employed
20 provides verification from his or her employer, in the manner specified by the
21 department, of his or her earnings, of whether the employer provides health care
22 coverage for which the child is eligible, and of the amount that the employer pays,
23 if any, towards the cost of the health care coverage, excluding any deductibles or
24 copayments required under the coverage.

25 ***-1486/2.5* SECTION 1418.** 49.665 (4m) of the statutes is created to read:

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1 49.665 (4m) SUPPLEMENTAL PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS.

2 From the appropriation under s. 20.435 (4) (wr), the department shall distribute
3 funding in each fiscal year to a health maintenance organization, as defined under
4 s. 609.01 (2), to supplement payment to the health maintenance organization under
5 this section. The funding shall be to assist in meeting increasing costs, more intense
6 use of services by Badger Care recipients, and other reimbursement needs that the
7 department identifies.

8 ***-1489/P2.6*** SECTION 1419. 49.665 (5) (a) of the statutes is renumbered
9 49.665 (5) (ag) and amended to read:

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

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1 on finance approves the schedule. The joint committee on finance may not approve
2 and the department may not implement a schedule that requires a family or child
3 to contribute, including the amounts required under par. (am), more than 3.5% of the
4 family's or child's income towards the cost of the health care coverage provided under
5 this section.

6 ***-1489/P2.7* SECTION 1420.** 49.665 (5) (ac) of the statutes is created to read:
7 49.665 (5) (ac) In this subsection, "cost" means total cost-sharing charges,
8 including premiums, copayments, coinsurance, deductibles, enrollment fees, and
9 any other cost-sharing charges.

10 ***-1489/P2.8* SECTION 1421.** 49.665 (5) (ag) of the statutes, as affected by 2003
11 Wisconsin Act (this act), is amended to read:

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

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1 ~~may not require a family, or child who does not reside with his or her parent, to~~
2 ~~contribute more than 3% of the family's or child's income unless the joint committee~~
3 ~~on finance approves the schedule. The joint committee on finance may not approve~~
4 ~~and the~~ The department may not establish or implement a schedule that requires a
5 family or child to contribute, including the amounts required under par. (am), more
6 than ~~3.5%~~ 5% of the family's or child's income towards the cost of the health care
7 coverage provided under this section.

8 ***-1489/P2.9* SECTION 1422.** 49.665 (5) (am) of the statutes is created to read:

9 49.665 (5) (am) Except as provided in pars. (b) and (bm), a child or family
10 member who receives health care coverage under this section shall pay the following
11 cost-sharing amounts:

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

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

16 ***-0032/P2.1* SECTION 1423.** 49.68 (3) (a) of the statutes is amended to read:

17 49.68 (3) (a) ~~Any~~ Subject to s. 49.687 (1m), any permanent resident of this state
18 who suffers from chronic renal disease may be accepted into the dialysis treatment
19 phase of the renal disease control program if the resident meets standards set by rule
20 under sub. (2) and s. 49.687.

21 ***-0032/P2.2* SECTION 1424.** 49.68 (3) (d) 1. of the statutes is amended to read:

22 49.68 (3) (d) 1. No aid may be granted under this subsection unless the recipient
23 has no other form of aid available from the federal medicare program ~~or~~, from private
24 health, accident, sickness, medical, and hospital insurance coverage, or from other
25 health care coverage specified by rule under s. 49.687 (1m) (b). If insufficient aid is

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1 available from other sources and if the recipient has paid an amount equal to the
2 annual medicare deductible amount specified in subd. 2., the state shall pay the
3 difference in cost to a qualified recipient. If at any time sufficient federal or private
4 insurance aid or other health care coverage becomes available during the treatment
5 period, state aid under this subsection shall be terminated or appropriately reduced.
6 Any patient who is eligible for the federal medicare program shall register and pay
7 the premium for medicare medical insurance coverage where permitted, and shall
8 pay an amount equal to the annual medicare deductible amounts required under 42
9 USC 1395e and 1395L (b), prior to becoming eligible for state aid under this
10 subsection.

11 ***-0032/P2.3* SECTION 1425.** 49.68 (3) (d) 3. of the statutes is created to read:

12 49.68 (3) (d) 3. No payment shall be made under this subsection for any portion
13 of medical treatment costs or other expenses that are payable under any state,
14 federal, or other health care coverage program, including a health care coverage
15 program specified by rule under s. 49.687 (1m) (b), or under any grant, contract, or
16 other contractual arrangement.

17 ***-0032/P2.4* SECTION 1426.** 49.68 (3) (e) of the statutes is amended to read:

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

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1 the charge for the service exceeds the amount paid for the service under this section.

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

5 ***-1824/6.16* SECTION 1427.** 49.682 (6) of the statutes is amended to read:

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

8 ***-0032/P2.5* SECTION 1428.** 49.683 (1) of the statutes is amended to read:

9 49.683 (1) ~~The~~ Subject to s. 49.687 (1m), the department may provide financial
10 assistance for costs of medical care of persons over the age of 18 years with the
11 diagnosis of cystic fibrosis who meet financial requirements established by the
12 department by rule under s. 49.687 (1).

13 ***-0032/P2.6* SECTION 1429.** 49.683 (3) of the statutes is created to read:

14 49.683 (3) No payment shall be made under this section for any portion of
15 medical care costs that are payable under any state, federal, or other health care
16 coverage program, including a health care coverage program specified by rule under
17 s. 49.687 (1m) (b), or under any grant, contract, or other contractual arrangement.

18 ***-0032/P2.7* SECTION 1430.** 49.685 (6) (b) of the statutes is amended to read:

19 49.685 (6) (b) Reimbursement shall not be made under this section for any
20 blood products or supplies ~~which~~ that are not purchased from or provided by a
21 comprehensive hemophilia treatment center, or a source approved by the treatment
22 center. Reimbursement shall not be made under this section for any portion of the
23 costs of blood products or supplies ~~which~~ that are payable under any other state ~~or,~~
24 federal program, or other health care coverage program, including a health care

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1 coverage program specified by rule under s. 49.687 (1m) (b), or under any grant,
2 contract and any, or other contractual arrangement.

3 ***-0032/P2.8* SECTION 1431.** 49.687 (title) of the statutes is amended to read:
4 **49.687 (title) Disease aids; patient requirements; rebate agreements;**
5 **cost containment.**

6 ***-1303/P1.1* SECTION 1432.** 49.687 (1) of the statutes is amended to read:
7 49.687 (1) The department shall promulgate rules that require a person who
8 is eligible for benefits under s. 49.68, 49.683, or 49.685 and whose current estimated
9 total family income exceeds specified limits for the current year is at or above 200%
10 of the poverty line to obligate or expend specified portions of the income for medical
11 care for treatment of kidney disease, cystic fibrosis, or hemophilia before receiving
12 benefits under s. 49.68, 49.683, or 49.685. The rules shall require a person to pay 1%
13 of his or her total family income for the cost of medical treatment covered under s.
14 49.68, 49.683, or 49.685 if that income is from 300% to 325% of the federal poverty
15 line, 1.75% if that income is more than 325% but not more than 350% of the federal
16 poverty line, 2.5% if that income is more than 350% but not more than 375% of the
17 federal poverty line, 3.25% if that income is more than 375% but not more than 400%
18 of the federal poverty line, and 4.25% if that income is more than 400% of the federal
19 poverty line.

20 ***-0032/P2.9* SECTION 1433.** 49.687 (1m) of the statutes is created to read:
21 49.687 (1m) (a) A person is not eligible to receive benefits under s. 49.68,
22 49.683, or 49.685 unless, before the person applies for benefits under s. 49.68, 49.683,
23 or 49.685, the person first applies for benefits under all other health care coverage
24 programs specified by the department by rule under par. (b) for which the person
25 reasonably may be eligible.

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1 (b) The department shall promulgate rules that specify other health care
2 coverage programs for which a person must apply before applying for benefits under
3 s. 49.68, 49.683, or 49.685. The programs specified by rule must include the Medical
4 Assistance program under subch. IV, the Badger Care health care program under s.
5 49.665, and the prescription drug assistance for elderly persons program under s.
6 49.688.

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

15 ***-1303/P1.2* SECTION 1434.** 49.687 (2) of the statutes is amended to read:

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

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1 ***-1303/P1.3*** SECTION 1435. 49.687 (2m) of the statutes is created to read:

2 49.687 (2m) If a pharmacy directly bills the department or an entity with
3 which the department contracts for a drug supplied to a person receiving benefits
4 under s. 49.68, 49.683, or 49.685 and prescribed for treatment covered under s. 49.68,
5 49.683, or 49.685, the person shall pay a \$5 copayment amount for each such generic
6 drug and a \$15 copayment amount for each such brand name drug.

7 ***-0529/4.102*** SECTION 1436. 49.687 (3) (a) of the statutes is amended to read:

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

15 ***-0032/P2.10*** SECTION 1437. 49.687 (4) of the statutes is created to read:

16 49.687 (4) The department may adopt managed care methods of cost
17 containment for the programs under ss. 49.68, 49.683, and 49.685.

18 ***-1485/5.1*** SECTION 1438. 49.688 (1) (e) of the statutes is amended to read:

19 49.688 (1) (e) “Program payment rate” means the rate of payment made for the
20 identical drug specified under s. 49.46 (2) (b) 6. h., ~~plus 5%~~, plus a dispensing fee that
21 is equal to the dispensing fee permitted to be charged for prescription drugs for which
22 coverage is provided under s. 49.46 (2) (b) 6. h.

23 ***-1485/5.2*** SECTION 1439. 49.688 (3) (a) of the statutes is renumbered 49.688

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

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1 49.688 (3) (a) (intro.) For each 12-month benefit period, a program enrollment
2 fee of \$20. that is based on the percentage that a person's annual household income,
3 as determined by the department, is of the federal poverty line for a family the size
4 of the person's eligible family, as follows:

5 *-1485/5.3* SECTION 1440. 49.688 (3) (a) 1. of the statutes is created to read:

6 49.688 (3) (a) 1. Two hundred percent or less, \$25.

7 *-1485/5.4* SECTION 1441. 49.688 (3) (a) 2. of the statutes is created to read:

8 49.688 (3) (a) 2. More than 200%, \$30.

9 *-1485/5.5* SECTION 1442. 49.688 (3) (b) 1. of the statutes is renumbered
10 49.688 (3) (b) 1. (intro.) and amended to read:

11 49.688 (3) (b) 1. (intro.) For each 12-month benefit period, for a person specified
12 in sub. (2) (a); a deductible for prescription drugs of \$500, ~~except that a person whose~~
13 that is based on the percentage that a person's annual household income, as
14 determined by the department, is 160% or less of the federal poverty line for a family
15 the size of the person's eligible family pays no deductible., as follows:

16 *-1485/5.6* SECTION 1443. 49.688 (3) (b) 1. a. of the statutes is created to read:

17 49.688 (3) (b) 1. a. One hundred sixty percent or less, no deductible.

18 *-1485/5.7* SECTION 1444. 49.688 (3) (b) 1. b. of the statutes is created to read:

19 49.688 (3) (b) 1. b. More than 160%, but not more than 200%, \$500.

20 *-1485/5.8* SECTION 1445. 49.688 (3) (b) 1. c. of the statutes is created to read:

21 49.688 (3) (b) 1. c. More than 200%, but not more than 240%, \$750.

22 *-1485/5.9* SECTION 1446. 49.688 (3) (b) 2. b. of the statutes is amended to
23 read:

24 49.688 (3) (b) 2. b. Five Eight hundred fifty dollars.

25 *-0529/4.103* SECTION 1447. 49.688 (6) (a) of the statutes is amended to read:

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1 49.688 (6) (a) That, except as provided in sub. (7) (b), the manufacturer shall
2 make rebate payments for each prescription drug of the manufacturer that is
3 prescribed for and purchased by persons who meet criteria under sub. (2) (a) and
4 persons who meet criteria under sub. (2) (b) and have paid the deductible under sub.
5 (3) (b) 2. a., to the ~~state treasurer~~ secretary of administration to be credited to the
6 appropriation account under s. 20.435 (4) (j), each calendar quarter or according to
7 a schedule established by the department.

8 *~~0576/8.63~~* SECTION 1448. 49.78 (5) of the statutes, as affected by 2003
9 Wisconsin Act (this act), is amended to read:

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

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

18 *~~1256/5.67~~* SECTION 1449. 49.785 (1) (intro.) of the statutes, as affected by
19 2003 Wisconsin Act (this act), is amended to read:

20 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient of a stipend
21 under s. 49.147 (3m) (g) or of benefits or wages under s. 49.148, 49.46, or 49.77, or
22 under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the
23 deceased recipient is insufficient to pay the funeral, burial, and cemetery expenses
24 of the deceased recipient, the county or applicable tribal governing body or

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1 organization responsible for burial of the recipient shall pay, to the person
2 designated by the county department under s. 46.215, 46.22, or 46.23 or applicable
3 tribal governing body or organization responsible for the burial of the recipient, all
4 of the following:

****NOTE: This is reconciled s. 49.785 (1) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0190 and LRB-1256.

5 ***-0190/7.20* SECTION 1450.** 49.79 (4) of the statutes is amended to read:

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

11 ***-0229/2.3* SECTION 1451.** 49.85 (title) of the statutes is amended to read:

12 **49.85 (title) Certification of certain public assistance overpayments**
13 **and delinquent loan repayments.**

14 ***-0229/2.4* SECTION 1452.** 49.85 (1) of the statutes is amended to read:

15 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
16 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
17 Indian tribe or band determines that the department of health and family services
18 may recover an amount under s. 49.497 or that the department of workforce
19 development may recover an amount under s. 49.161, 49.195 (3), or 49.793, or collect
20 an amount under s. 49.147 (6) (cm), the county department or governing body shall
21 notify the affected department of the determination. If a Wisconsin works agency
22 determines that the department of workforce development may recover an amount
23 under s. 49.161 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the

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1 Wisconsin works agency shall notify the department of workforce development of the
2 determination.

3 ***-1256/5.68* SECTION 1453.** 49.85 (1) of the statutes, as affected by 2003
4 Wisconsin Act (this act), is amended to read:

5 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
6 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
7 Indian tribe or band determines that the department of health and family services
8 may recover an amount under s. 49.497 or that the department of workforce
9 development may recover an amount under s. 49.161, 49.195 (3), or 49.793, or collect
10 an amount under s. ~~49.147 (6) (cm)~~ 49.1471 (3m), the county department or
11 governing body shall notify the affected department of the determination. If a
12 Wisconsin works agency determines that the department of workforce development
13 may recover an amount under s. 49.161 or 49.195 (3), or collect an amount under s.
14 ~~49.147 (6) (cm)~~ 49.1471 (3m), the Wisconsin works agency shall notify the
15 department of workforce development of the determination.

****NOTE: This is reconciled s. 49.85 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0229 and LRB-1256.

16 ***-0229/2.5* SECTION 1454.** 49.85 (2) (b) of the statutes is amended to read:
17 49.85 (2) (b) At least annually, the department of workforce development shall
18 certify to the department of revenue the amounts that, based on the notifications
19 received under sub. (1) and on other information received by the department of
20 workforce development, the department of workforce development has determined
21 that it may recover under ss. 49.161, 49.195 (3), and 49.793, and collect under s.
22 49.147 (6) (cm), except that the department of workforce development may not certify
23 an amount under this subsection unless it has met the notice requirements under

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1 sub. (3) and unless its determination has either not been appealed or is no longer
2 under appeal.

3 ***-1256/5.69* SECTION 1455.** 49.85 (2) (b) of the statutes, as affected by 2003
4 Wisconsin Act (this act), is amended to read:

5 49.85 (2) (b) At least annually, the department of workforce development shall
6 certify to the department of revenue the amounts that, based on the notifications
7 received under sub. (1) and on other information received by the department of
8 workforce development, the department of workforce development has determined
9 that it may recover under ss. 49.161, 49.195 (3), and 49.793, and collect under s.
10 ~~49.147 (6) (em)~~ 49.1471 (3m), except that the department of workforce development
11 may not certify an amount under this subsection unless it has met the notice
12 requirements under sub. (3) and unless its determination has either not been
13 appealed or is no longer under appeal.

****NOTE: This is reconciled s. 49.85 (2) (b). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0229 and LRB-1256.

14 ***-0229/2.6* SECTION 1456.** 49.85 (3) (b) (intro.) of the statutes is amended to
15 read:

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

20 ***-0229/2.7* SECTION 1457.** 49.85 (3) (b) 1. of the statutes is amended to read:

21 49.85 (3) (b) 1. Inform the person that the department of workforce
22 development intends to certify to the department of revenue an amount that the
23 department of workforce development has determined to be due under s. 49.161,

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SECTION 1457

1 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan
2 under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

3 ***-1256/5.70* SECTION 1458.** 49.85 (3) (b) 1. of the statutes, as affected by 2003
4 Wisconsin Act (this act), is amended to read:

5 49.85 (3) (b) 1. Inform the person that the department of workforce
6 development intends to certify to the department of revenue an amount that the
7 department of workforce development has determined to be due under s. 49.161,
8 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan
9 under s. ~~49.147 (6)~~ 49.1471, for setoff from any state tax refund that may be due the
10 person.

****NOTE: This is reconciled s. 49.85 (3) (b) 1. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0229 and LRB-1256.

11 ***-0229/2.8* SECTION 1459.** 49.85 (5) of the statutes is amended to read:

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

21 ***-1243/1.31* SECTION 1460.** 49.854 (11) (b) of the statutes is amended to read:

22 49.854 (11) (b) *The department.* The department may assess a collection fee
23 to recover the department's costs incurred in levying against property under this

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SECTION 1460

1 section. The department shall determine its costs to be paid in all cases of levy. The
2 obligor is liable to the department for the amount of the collection fee authorized
3 under this paragraph. Fees collected under this paragraph shall be credited to the
4 appropriation account under s. 20.445 ~~(1)(L)~~ (3)(ja).

5 ***-1256/5.71* SECTION 1461.** 49.95 (4m) (a) of the statutes is amended to read:

6 49.95 **(4m)** (a) Without legal authority, sends or brings a person to a county,
7 tribal governing body, or municipality or advises a person to go to a county, tribal
8 governing body, or municipality for the purpose of obtaining relief funded by a relief
9 block grant, wages, a stipend, or benefits under the Wisconsin ~~works~~ Works program
10 under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19,
11 medical assistance under subch. IV, or food stamps under 7 USC 2011 to 2029.

12 ***-1256/5.72* SECTION 1462.** 49.95 (11) of the statutes is amended to read:

13 49.95 **(11)** “Public assistance” as used in this section includes relief funded by
14 a relief block grant and wages, a stipend, or benefits under ss. 49.141 to 49.161.

15 ***-1256/5.73* SECTION 1463.** 49.96 of the statutes is amended to read:

16 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
17 dependent children, stipends paid under s. 49.147 (3m) (g), payments made under
18 ~~ss. s. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or (c) or (1m) or 49.149 to 49.159, 49.155, or~~
19 49.157, payments made for social services, cash benefits paid by counties under s.
20 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every
21 tax, and from execution, garnishment, attachment, and every other process and shall
22 be inalienable.

23 ***-1634/7.46* SECTION 1464.** 50.01 (1g) (c) of the statutes is amended to read:

24 50.01 **(1g)** (c) A shelter facility as defined under s. ~~16.352~~ 560.9808 (1) (d).

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SECTION 1465

1 ***-0203/3.1*** SECTION 1465. 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 1466. 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 1467. 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 1468. 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 1469.** 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 1470.** 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 1471.** 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,

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SECTION 1471

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 1472.** 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 1473.** 50.07 (3) (a) of the statutes is repealed.

16 ***-1295/2.19* SECTION 1474.** 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 1475.** 50.07 (3) (c) of the statutes is amended to read:

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

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

6 *–0207/6.3* **SECTION 1477.** 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 1478.** 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 1395eee,~~ 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

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SECTION 1478

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 1479. 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 1480. 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 1481. 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

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SECTION 1481

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 1482. 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 1483. 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 1484. 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 1485. 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

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SECTION 1485

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 1486.** 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 1487.** 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 1488.** 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 1489.** 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

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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 1490.** 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 may maintain the Northern Center for
10 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.

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SECTION 1491

1 *~~0211/5.7~~* SECTION 1491. 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 1492. 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 1493. 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 1494. 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

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SECTION 1494

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 1495. 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

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SECTION 1495

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 1496.** 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 1497.** 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 1498.** 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 1499.** 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 1500.** 51.35 (5) of the statutes is amended to read:

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SECTION 1500

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 1501. 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 1502. 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 1503. 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

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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 1504.** 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

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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 1505. 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 1506. 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 1507. 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 1508. 55.06 (5) of the statutes is amended to read:

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

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SECTION 1509

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 1510. 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

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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 1511. 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

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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 1512.** 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 1513.** 55.06 (10) (a) of the statutes is renumbered 55.06
20 (10) (a) 1.

21 ***-0209/2.26* SECTION 1514.** 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

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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 1515.** 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 1516.** 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 1517.** 59.25 (3) (f) 1. of the statutes is amended to read:

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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 1518. 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

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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 1519. 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 1520. 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 1521. 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).

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1 *~~0529/4.116~~* SECTION 1522. 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 1523. 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

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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 1524. 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

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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 ***-1256/5.74* SECTION 1525.** 59.53 (5) (a) of the statutes is amended to read:

19 59.53 (5) (a) The board shall contract with the department of workforce
20 development to implement and administer the child and spousal support and
21 establishment of paternity and the medical support liability programs provided for
22 by Title IV of the federal social security act. The board may designate by board
23 resolution any office, officer, board, department, or agency, except the clerk of circuit
24 court, as the county child support agency. The board or county child support agency
25 shall implement and administer the programs in accordance with the contract with

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1 the department of workforce development. The attorneys responsible for support
2 enforcement under sub. (6) (a), circuit court commissioners, and all other county
3 officials shall cooperate with the county and the department of workforce
4 development as necessary to provide the services required under the programs. The
5 county shall charge the fee established by the department of workforce development
6 under s. 49.22 for services provided under this paragraph to persons not receiving
7 a stipend under s. 49.147 (3m) (g), benefits or wages under s. 49.148 or 49.155, or
8 assistance under s. 46.261, 49.19, or 49.47.

9 ***-0194/9.15*** SECTION 1526. 59.53 (24) of the statutes is created to read:

10 59.53 (24) COUNTY PAYMENTS MADE UNDER MEDICAL ASSISTANCE. The board shall,
11 upon demand by the department of health and family services, authorize payment
12 to that department not to exceed any of the following:

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

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

SENATE BILL**SECTION 1527**

1 *~~1887/1.13~~* **SECTION 1527.** 59.54 (12) of the statutes is amended to read:

2 59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
3 of a resolution, a board may enter into an agreement and seek funding under s.
4 ~~165.90~~ 16.964 (7).

5 *~~1767/3.6~~* **SECTION 1528.** 60.24 (3) (L) of the statutes is amended to read:

6 60.24 (3) (L) If authorized by the town board, represent the interests of the
7 town in connection with appearances before the state office of the commissioner of
8 tax appeals ~~commission~~ under s. 70.64 (5).

9 *~~1373/8.13~~* **SECTION 1529.** 63.10 (2) of the statutes is amended to read:

10 63.10 (2) The commission shall appoint a time and place for the hearing of said
11 charges, the time to be within 3 weeks after the filing of the same, and notify the
12 person possessing the appointing power and the accused of the time and place of such
13 hearing. At the termination of the hearing the commission shall determine whether
14 or not the charge is well founded and shall take such action by way of suspension,
15 demotion, discharge or reinstatement, as it may deem requisite and proper under the
16 circumstances and as its rules may provide. The decision of the commission shall be
17 final. Neither the person possessing the appointing power nor the accused shall have
18 the right to be represented by counsel at said hearing, but the commission may in its
19 discretion permit the accused to be represented by counsel and may request the
20 presence of ~~an assistant~~ a district attorney to act with the commission in an advisory
21 capacity.

22 *~~0529/4.118~~* **SECTION 1530.** 66.0114 (1) (bm) of the statutes is amended to
23 read:

24 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys
25 collected to the treasurer of the city, village, town sanitary district, or public inland

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SECTION 1530

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

18 *~~0529/4.119~~* SECTION 1531. 66.0114 (3) (c) of the statutes is amended to read:

19 66.0114 (3) (c) The entire amount in excess of \$150 of any forfeiture imposed
20 for the violation of any traffic regulation in conformity with ch. 348 shall be
21 transmitted to the county treasurer if the violation occurred on an interstate
22 highway, a state trunk highway, or a highway over which the local highway authority
23 does not have primary maintenance responsibility. The county treasurer shall then
24 make payment to the ~~state treasurer~~ secretary of administration as provided in s.
25 59.25 (3) (L).

SENATE BILL**SECTION 1532**

1 *~~0529/4.120~~* **SECTION 1532.** 66.0517 (3) (b) 1. of the statutes is amended to
2 read:

3 66.0517 (3) (b) 1. Except as provided in sub. (2) (b), a weed commissioner shall
4 receive compensation for the destruction of noxious weeds as determined by the town
5 board, village board, or city council upon presenting to the proper treasurer the
6 account for noxious weed destruction, verified by oath and approved by the
7 appointing officer. The account shall specify by separate items the amount
8 chargeable to each piece of land, describing the land, and shall, after being paid by
9 the treasurer, be filed with the town, village, or city clerk. The clerk shall enter the
10 amount chargeable to each tract of land in the next tax roll in a column headed “For
11 the Destruction of Weeds”, as a tax on the lands upon which the weeds were
12 destroyed. The tax shall be collected under ch. 74, except in case of lands which are
13 exempt from taxation, railroad lands, or other lands for which taxes are not collected
14 under ch. 74. A delinquent tax may be collected as is a delinquent real property tax
15 under chs. 74 and 75 or as is a delinquent personal property tax under ch. 74. In case
16 of railroad lands or other lands for which taxes are not collected under ch. 74, the
17 amount chargeable against these lands shall be certified by the town, village, or city
18 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount
19 designated to the sum due from the company owning, occupying, or controlling the
20 lands specified. The ~~state treasurer~~ secretary of administration shall collect the
21 amount chargeable as prescribed in subch. I of ch. 76 and return the amount collected
22 to the town, city, or village from which the certification was received.

23 *~~1187/4.16~~* **SECTION 1533.** 66.0801 (2) of the statutes is amended to read:

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1 66.0801 (2) Sections 66.0803 to 66.0825 do not deprive the ~~office of the~~
2 ~~commissioner of railroads, department of transportation or~~ public service
3 commission of any power under ss. ~~195.05 and~~ 197.01 to 197.10 and ch. 196.

4 *~~1243/1.32~~* SECTION 1534. 69.14 (1) (cm) of the statutes is amended to read:

5 69.14 (1) (cm) *Information concerning paternity.* For a birth which occurs en
6 route to or at a hospital, the filing party shall give the mother a copy of the pamphlet
7 under s. 69.03 (14). If the child's parents are not married at the time of the child's
8 birth, the filing party shall give the mother a copy of the form prescribed by the state
9 registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained,
10 designated hospital staff provide to the child's available parents oral information or
11 an audio or video presentation and written information about the form and the
12 significance and benefits of, and alternatives to, establishing paternity, before the
13 parents sign the form. The filing party shall also provide an opportunity to complete
14 the form and have the form notarized in the hospital. If the mother provides a
15 completed form to the filing party while she is a patient in the hospital and within
16 5 days after the birth, the filing party shall send the form directly to the state
17 registrar. ~~From the appropriation under s. 20.445 (3) (dz), the~~ The department of
18 workforce development shall pay the filing party a financial incentive for correctly
19 filing a form within 60 days after the child's birth.

20 *~~0529/4.121~~* SECTION 1535. 69.22 (1) (c) of the statutes is amended to read:

21 69.22 (1) (c) Twelve dollars for issuing an uncertified copy of a birth certificate
22 or a certified copy of a birth certificate, \$7 of which shall be forwarded to the ~~state~~
23 ~~treasurer~~ secretary of administration as provided in sub. (1m) and credited to the
24 appropriations under s. 20.433 (1) (g) and (h); and \$3 for issuing any additional
25 certified or uncertified copy of the same birth certificate issued at the same time.

SENATE BILL**SECTION 1536**

1 *~~0529/4.122~~* **SECTION 1536.** 69.22 (1m) of the statutes is amended to read:

2 69.22 (1m) The state registrar and any local registrar acting under this
3 subchapter shall, for each copy of a birth certificate for which a fee under sub. (1) (c)
4 is charged that is issued during a calendar quarter, forward to the ~~state treasurer~~
5 secretary of administration for deposit in the appropriations under s. 20.433 (1) (g)
6 and (h) the amounts specified in sub. (1) (c) by the 15th day of the first month
7 following the end of the calendar quarter.

8 *~~1680/2.1~~* **SECTION 1537.** 70.36 (3) of the statutes is amended to read:

9 70.36 (3) The word assessor whenever used in ss. 70.35 and 70.36 shall, in 1st
10 class cities, be deemed to refer also to the commissioner of assessments of any such
11 city and, where applicable, shall be deemed also to refer to the department of revenue
12 responsible for the manufacturing property assessment under s. 70.995.

13 *~~1767/3.7~~* **SECTION 1538.** 70.38 (4) of the statutes is amended to read:

14 70.38 (4) APPEALS. (a) Any person feeling aggrieved by the assessment notice
15 shall, within 60 days after the receipt of the notice, file with the department a
16 petition for redetermination setting forth the person's objections to the assessment.
17 The person may request an informal conference with representatives of the
18 department prior to September 15. The request shall be indicated in the petition.
19 The secretary shall act on the petition on or before October 1. On or before November
20 1, the person shall pay the amount determined by the secretary pursuant to the
21 secretary's action on the petition. If the person is aggrieved by the secretary's denial
22 of the petition the person may appeal to the office of the commissioner of tax appeals
23 ~~commission~~ if the appeal is filed with the ~~commission~~ office of the commissioner on
24 or before December 1.