

DAK

SENATE BILL 44

1 ~~budgeted~~ under s. 20.435 (4) (e) and (je), ~~the department shall revise the sliding scale~~
2 ~~for patient liability by January 1, 1994, and shall, every 3 years thereafter by~~
3 ~~January 1, review and, if necessary, revise the sliding scale~~ are sufficient to cover
4 treatment costs.

5 ***-1303/P1.3*** SECTION 1435. 49.687 (2m) of the statutes is created to read:
6 49.687 (2m) If a pharmacy directly bills the department or an entity with
7 which the department contracts for a drug supplied to a person receiving benefits
8 under s. 49.68, 49.683, or 49.685 and prescribed for treatment covered under s. 49.68,
9 49.683, or 49.685, the person shall pay a \$7.50 copayment amount for each such
10 generic drug and a \$15 copayment amount for each such brand name drug.

11 ***-0529/4.102*** SECTION 1436. 49.687 (3) (a) of the statutes is amended to read:
12 49.687 (3) (a) That, as a condition of coverage for prescription drugs of a
13 manufacturer under s. 49.68, 49.683, or 49.685, the manufacturer shall make rebate
14 payments for each prescription drug of the manufacturer that is prescribed for and
15 purchased by persons who meet eligibility criteria under s. 49.68, 49.683, or 49.685,
16 to the state treasurer secretary of administration to be credited to the appropriation
17 under s. 20.435 (4) (je), each calendar quarter or according to a schedule established
18 by the department.

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19 ***-0032/P2.10*** SECTION 1437. 49.687 (4) of the statutes is created to read:
20 49.687 (4) The department may adopt managed care methods of cost
21 containment for the programs under ss. 49.68, 49.683, and 49.685.

H

22 ***b0292/3.1*** SECTION 1438h. 49.688 (2) (b) of the statutes is amended to read:
23 49.688 (2) (b) A person to whom par. (a) 1. to 3. and 5. applies, but whose annual
24 household income, as determined by the department and as modified under sub.
25 (4m), if applicable, exceeds 240% of the federal poverty line for a family the size of

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SECTION 1438h

1 the persons' person's eligible family, is eligible to purchase a prescription drug at the
 2 amounts specified in sub. (5) (a) 4. only during the remaining amount of any
 3 12-month period in which the person has first paid the annual deductible specified
 4 in sub. (3) (b) 2. a. in purchasing prescription drugs at the retail price or, if permitted
 5 under sub. (4m), in paying premiums for a long-term care insurance policy and has
 6 then paid the annual deductible specified in sub. (3) (b) 2. b.

7 ↑
 Space
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8 *b0290/3.2* SECTION 1439d. 49.688 (3) (a) of the statutes is amended to read:

9 49.688 (3) (a) For each 12-month benefit period, a program enrollment fee of
 10 \$20 \$30.

11 *-1485/5.5* SECTION 1442. 49.688 (3) (b) 1. of the statutes is renumbered
 12 49.688 (3) (b) 1. (intro.) and amended to read:

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

18 *-1485/5.6* SECTION 1443. 49.688 (3) (b) 1. a. of the statutes is created to read:

19 49.688 (3) (b) 1. a. One hundred sixty percent or less, no deductible.

20 *-1485/5.7* SECTION 1444. 49.688 (3) (b) 1. b. of the statutes is created to read:

21 49.688 (3) (b) 1. b. More than 160%, but not more than 200%, \$500.

22 *-1485/5.8* SECTION 1445. 49.688 (3) (b) 1. c. of the statutes is created to read:

23 49.688 (3) (b) 1. c. More than 200%, but not more than 240%, \$850.

24 (24) *b0292/3.2* SECTION 1445h. 49.688 (3) (b) 2. a. of the statutes is amended to

25 read:

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SECTION 1145h

1 49.688 (3) (b) 2. a. The difference between the person's annual household
2 income, as modified under sub. (4m), if applicable, and 240% of the federal poverty
3 line for a family the size of the person's eligible family.

4 *~~1485/5.9~~* SECTION 1446. 49.688 (3) (b) 2. b. of the statutes is amended to
5 read:

6 49.688 (3) (b) 2. b. Five Eight hundred fifty dollars.

7 *b0290/3.4* SECTION 1446g. 49.688 (3) (c) 2. of the statutes is amended to read:

8 49.688 (3) (c) 2. A copayment of \$~~15~~ \$20 for each prescription drug that does
9 not bear only a generic name.

10 **(10)** *b0292/3.3* SECTION ~~1146h~~. 49.688 (4m) of the statutes is created to read:

11 49.688 (4m) If a person who applies for prescription drug assistance under this
12 section pays premiums for a long-term care insurance policy, as defined in s. 146.91
13 (1), the department either shall treat the amount that the person pays in premiums
14 as a reduction in the person's annual household income for purposes of subs. (2) (b)
15 and (3) (b) 2. a. or shall count the amount paid in premiums towards the deductible
16 specified under sub. (3) (b) 2. a. and required for eligibility under sub. (2) (b).

17 *~~0529/4.103~~* SECTION 1447. 49.688 (6) (a) of the statutes is amended to read:

18 49.688 (6) (a) That, except as provided in sub. (7) (b), the manufacturer shall
19 make rebate payments for each prescription drug of the manufacturer that is
20 prescribed for and purchased by persons who meet criteria under sub. (2) (a) and
21 persons who meet criteria under sub. (2) (b) and have paid the deductible under sub.
22 (3) (b) 2. a., to the ~~state treasurer~~ secretary of administration to be credited to the
23 appropriation account under s. 20.435 (4) (j), each calendar quarter or according to
24 a schedule established by the department.

25 *b0280/1.2* SECTION 1447g. 49.688 (7) (a) of the statutes is amended to read:

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SECTION 1447g

1 49.688 (7) (a) Except as provided in par. (b), from the appropriation accounts
2 under s. 20.435 (4) (bv) ~~and~~, (j), and (pg), beginning on September 1, 2002, the
3 department shall, under a schedule that is identical to that used by the department
4 for payment of pharmacy provider claims under medical assistance, provide to
5 pharmacies and pharmacists payments for prescription drugs sold by the
6 pharmacies or pharmacists to persons eligible under sub. (2) who have paid the
7 deductible specified under sub. (3) (b) 1. or 2. or who, under sub. (3) (b) 1., are not
8 required to pay a deductible. The payment for each prescription drug under this
9 paragraph shall be at the program payment rate, minus any copayment paid by the
10 person under sub. (5) (a) 2. or 4., and plus, if applicable, incentive payments that are
11 similar to those provided under s. 49.45 (8v). The department shall devise and
12 distribute a claim form for use by pharmacies and pharmacists under this paragraph
13 and may limit payment under this paragraph to those prescription drugs for which
14 payment claims are submitted by pharmacists or pharmacies directly to the
15 department. The department may apply to the program under this section the same
16 utilization and cost control procedures that apply under rules promulgated by the
17 department to medical assistance under subch. IV of ch. 49.

18 ***b0280/1.2* SECTION 1447h.** 49.688 (7) (b) of the statutes is amended to read:

19 49.688 (7) (b) During any period in which funding under s. 20.435 (4) (bv) and
20 (pg) is completely expended for the payments specified in par. (a), the requirements
21 of par. (a) and subs. (3) (c), (5), and (6) (a) and (b) do not apply to drugs purchased
22 during that period, but the department shall continue to accept applications and
23 determine eligibility under sub. (4) and shall indicate to applicants that the
24 eligibility of program participants to purchase prescription drugs as specified in sub.

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SECTION 1447h

1 (3), under the requirements of sub. (5), is conditioned on the availability of funding
2 under s. 20.435 (4) (bv) and (pg).

3 ***-0576/8.63*** SECTION 1448. 49.78 (5) of the statutes, as affected by 2003
4 Wisconsin Act (this act), is amended to read:

5 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
6 qualifications of applicants in any county department administering aid to families
7 with dependent children shall be given by the administrator of the division of merit
8 recruitment and selection in the ~~department of employment relations~~. The
9 ~~department of employment relations~~ office of state human resources management.

10 The office of state human resources management shall be reimbursed for actual
11 expenditures incurred in the performance of its functions under this section from the
12 appropriations available to the department of health and family services for
13 administrative expenditures. STET

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

****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.

14 ***-0190/7.20*** SECTION 1450. 49.79 (4) of the statutes is amended to read:

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

20 ***b0161/2.1*** SECTION 1450m. 49.797 (4) (e) of the statutes is created to read:

21 49.797 (4) (e) Pay a supplier, as defined in s. 49.795 (1) (d), a fee of \$.08 for each
22 food stamp purchase or merchandise return transaction or balance inquiry

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1 conducted on a point-of-sale terminal that is owned or leased by the supplier for use
2 in the delivery of food stamp benefits.

3 *-0229/2.3* **SECTION 1451.** 49.85 (title) of the statutes is amended to read:

4 **49.85 (title) Certification of certain public assistance overpayments**
5 **and delinquent loan repayments.**

6 *-0229/2.4* **SECTION 1452.** 49.85 (1) of the statutes is amended to read:

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

STET

****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.

18 *-0229/2.5* **SECTION 1454.** 49.85 (2) (b) of the statutes is amended to read:

19 49.85 (2) (b) At least annually, the department of workforce development shall
20 certify to the department of revenue the amounts that, based on the notifications
21 received under sub. (1) and on other information received by the department of
22 workforce development, the department of workforce development has determined
23 that it may recover under ss. 49.161, 49.195 (3), and 49.793, and collect under s.

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1 49.147 (6) (cm), except that the department of workforce development may not certify
2 an amount under this subsection unless it has met the notice requirements under
3 sub. (3) and unless its determination has either not been appealed or is no longer
4 under appeal.

STET

****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.

5 ***-0229/2.6* SECTION 1456.** 49.85 (3) (b) (intro.) of the statutes is amended to
6 read:

7 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
8 department of workforce development shall send a notice to the last-known address
9 of the person from whom that department intends to recover or collect the amount.

10 The notice shall do all of the following:

11 ***-0229/2.7* SECTION 1457.** 49.85 (3) (b) 1. of the statutes is amended to read:

12 49.85 (3) (b) 1. Inform the person that the department of workforce
13 development intends to certify to the department of revenue an amount that the
14 department of workforce development has determined to be due under s. 49.161,
15 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan
16 under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

STET

****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.

17 ***-0229/2.8* SECTION 1459.** 49.85 (5) of the statutes is amended to read:

18 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
19 of revenue shall constitute a lien, equal to the amount certified, on any state tax
20 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
21 of revenue as a setoff under s. 71.93. Certification of an amount under this section
22 does not prohibit the department of health and family services or the department of

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1 workforce development from attempting to recover or collect the amount through
2 other legal means. The department of health and family services or the department
3 of workforce development shall promptly notify the department of revenue upon
4 recovery or collection of any amount previously certified under this section.

5 ***-1243/1.31* SECTION 1460.** 49.854 (11) (b) of the statutes is amended to read:

6 49.854 (11) (b) *The department.* The department may assess a collection fee
7 to recover the department's costs incurred in levying against property under this
8 section. The department shall determine its costs to be paid in all cases of levy. The
9 obligor is liable to the department for the amount of the collection fee authorized
10 under this paragraph. Fees collected under this paragraph shall be credited to the
11 appropriation account under s. 20.445 (1)-(L) (3) (ja).

12 ***-1634/7.46* SECTION 1464.** 50.01 (1g) (c) of the statutes is amended to read:

13 50.01 (1g) (c) A shelter facility as defined under s. ~~16.352~~ 560.9808 (1) (d).

14 ***-0529/4.104* SECTION 1466.** 50.03 (5g) (c) 1. c. of the statutes is amended to
15 read:

16 50.03 (5g) (c) 1. c. All forfeitures shall be paid to the department within 10 days
17 after receipt of notice of assessment or, if the forfeiture is contested under par. (f),
18 within 10 days after receipt of the final decision after exhaustion of administrative
19 review, unless the final decision is appealed and the order is stayed by court order
20 under s. 50.03 (11). The department shall remit all forfeitures paid under this
21 subdivision to the ~~state treasurer~~ secretary of administration for deposit in the
22 school fund.

23 ***b0114/1.1* SECTION 1466d.** 50.031 of the statutes is created to read:

24 **50.031 Nursing home surveyor positions.** (1) In this section, "long-term
25 care facility" means a licensed nursing home, community-based residential facility,

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1 adult family home, home health agency, or rural medical center or a certified or
2 registered residential care apartment complex.

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

14 ***-0529/4.105* SECTION 1467.** 50.034 (8) (d) of the statutes is amended to read:

15 50.034 (8) (d) All forfeitures shall be paid to the department within 10 days
16 after receipt of notice of assessment or, if the forfeiture is contested under par. (c),
17 within 10 days after receipt of the final decision after exhaustion of administrative
18 review, unless the final decision is appealed and the order is stayed by court order.
19 The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
20 administration for deposit in the school fund.

21 ***-0529/4.106* SECTION 1468.** 50.035 (11) (d) of the statutes is amended to read:

22 50.035 (11) (d) All forfeitures shall be paid to the department within 10 days
23 after receipt of notice of assessment or, if the forfeiture is contested under par. (c),
24 within 10 days after receipt of the final decision after exhaustion of administrative
25 review, unless the final decision is appealed and the order is stayed by court order.

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SECTION 1468

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

3 *b0113/1.5* SECTION 1472b. 50.04 (5) (f) of the statutes is amended to read:

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

****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.

11 *-1295/2.18* SECTION 1473. 50.07 (3) (a) of the statutes is repealed.

12 *-1295/2.19* SECTION 1474. 50.07 (3) (b) of the statutes is amended to read:

13 50.07 (3) (b) Any employee ~~of an employer not described in par. (a)~~ who is
14 discharged or otherwise retaliated or discriminated against in violation of sub. (1)
15 (e) or (em) may file a complaint with the department of workforce development under
16 s. 106.54 (5).

17 *-1295/2.20* SECTION 1475. 50.07 (3) (c) of the statutes is amended to read:

18 50.07 (3) (c) Any person not described in par. ~~(a) or~~ (b) who is retaliated or
19 discriminated against in violation of sub. (1) (e) or (em) may commence an action in
20 circuit court for damages incurred as a result of the violation.

21 *-0207/6.2* SECTION 1476. 50.14 (title) of the statutes is amended to read:

22 50.14 (title) **Assessments on occupied, licensed beds.**

23 *-0207/6.3* SECTION 1477. 50.14 (1) (a) of the statutes is amended to read:

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

5 *~~0207/6.4~~* SECTION 1478. 50.14 (2) of the statutes is renumbered 50.14 (2)
6 (intro.) and amended to read:

7 50.14 (2) (intro.) For the privilege of doing business in this state, there is
8 imposed on all ~~occupied, licensed beds of a facility, except occupied, licensed beds for~~
9 ~~which payment is made under 42 USC 1395 to 1395eee, an assessment that shall be~~
10 ~~deposited in the general fund and that is \$100 per calendar month per occupied,~~
11 ~~licensed bed of an intermediate care facility for the mentally retarded may not exceed~~
12 ~~\$435 in fiscal year 2003–04 and may not exceed \$445 in fiscal year 2004–05 and is~~
13 ~~\$32 an assessment that may not exceed \$75 per calendar month per occupied,~~
14 ~~licensed bed of a nursing home. The assessment shall be on the average number of~~
15 ~~occupied, licensed beds of a facility for the calendar month previous to the month of~~
16 ~~assessment, based on an average daily midnight census computed and reported by~~
17 ~~the facility and verified by the department. Charged bed hold days for any resident~~
18 ~~of a facility shall be included as one full day in the average daily midnight census~~
19 ~~deposited in the general fund, except that in fiscal year 2003–04, amounts in excess~~
20 ~~of \$14,300,000, in fiscal year 2004–05, amounts in excess of \$13,800,000, and,~~
21 ~~beginning July 1, 2005, in each fiscal year, amounts in excess of 45% of the money~~
22 ~~received from the assessment shall be deposited in the Medical Assistance trust~~
23 ~~fund. In determining the number of occupied, licensed beds, if all of the following~~
24 ~~apply:~~

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SECTION 1478

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

4 *~~0207/6.5~~* SECTION 1479. 50.14 (2) (b) of the statutes is created to read:

5 50.14 (2) (b) The number of licensed beds of a nursing home includes any
6 number of beds that have been delicensed under s. 49.45 (6m) (ap) 1. but not deducted
7 from the nursing home's licensed bed capacity under s. 49.45 (6m) (ap) 4. a.

8 *~~0207/6.6~~* SECTION 1480. 50.14 (3) of the statutes is amended to read:

9 50.14 (3) By the end of each month, each facility shall submit to the department
10 ~~the facility's occupied licensed bed count and the amount due under sub. (2) for each~~
11 ~~occupied licensed bed of the facility for the month preceding the month during which~~
12 ~~the bed count and payment are~~ is being submitted. The department shall verify the
13 ~~bed count~~ number of beds licensed and, if necessary, make adjustments to the
14 payment, notify the facility of changes in the ~~bed count or payment owing~~ and send
15 the facility an invoice for the additional amount due or send the facility a refund.

16 *~~0207/6.7~~* SECTION 1481. 50.14 (4) of the statutes is amended to read:

17 50.14 (4) Sections 77.59 (1) to (5), (6) (intro.), (a) and (c) and (7) to (10), 77.60
18 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes
19 under subch. III of ch. 77, apply to the assessment under this section, except that the
20 amount of any assessment collected under s. 77.59 (7) in excess of \$14,300,000 in
21 fiscal year 2003–04, in excess of \$13,800,000 in fiscal year 2004–05, and, beginning
22 July 1, 2005, in excess of 45% in each fiscal year shall be deposited in the Medical
23 Assistance trust fund.

24 *~~0529/4.108~~* SECTION 1482. 50.38 (4) of the statutes is amended to read:

SENATE BILL 44**SECTION 1482**

1 50.38 (4) All forfeitures shall be paid to the department within 10 days after
2 receipt of notice of assessment or, if the forfeiture is contested under sub. (3), within
3 10 days after receipt of the final decision after exhaustion of administrative review,
4 unless the final decision is appealed and the order is stayed by court order. The
5 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
6 administration for deposit in the school fund.

7 *~~0529/4.109~~* **SECTION 1483.** 50.55 (1) (e) of the statutes is amended to read:

8 50.55 (1) (e) All forfeitures shall be paid to the department within 10 days after
9 receipt of notice of assessment or, if the forfeiture is contested under par. (d), within
10 10 days after receipt of the final decision, unless the final decision is appealed and
11 the decision is in favor of the appellant. The department shall remit all forfeitures
12 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

13 *~~1607/P3.8~~* **SECTION 1484.** 50.90 (2) of the statutes is amended to read:

14 50.90 (2) “Organization” means a public agency, as defined in s. ~~46.93 (1m) (e)~~
15 46.856 (1) (b), a nonprofit corporation, a for-profit stock corporation, a cooperative,
16 a partnership, a limited liability company or a sole proprietorship.

17 *~~0529/4.110~~* **SECTION 1485.** 50.98 (5) of the statutes is amended to read:

18 50.98 (5) All forfeitures shall be paid to the department within 10 days after
19 receipt of notice of assessment or, if the forfeiture is contested under sub. (4), within
20 10 days after receipt of the final decision after exhaustion of administrative review,
21 unless the final decision is appealed and the order is stayed by court order under the
22 same terms and conditions as found in s. 50.03 (11). The department shall remit all
23 forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the
24 school fund.

25 *~~0211/5.3~~* **SECTION 1486.** 51.06 (1m) (d) of the statutes is amended to read:

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

4 *–0211/5.4* **SECTION 1487.** 51.06 (3) of the statutes is renumbered 51.06 (3) (a)
5 and amended to read:

6 51.06 (3) (a) Individuals Subject to par. (b), individuals under the age of 22
7 years shall be placed only at the central center for the developmentally disabled
8 unless the department authorizes the placement of the individual at the northern or
9 southern center for the developmentally disabled.

10 *–0211/5.5* **SECTION 1488.** 51.06 (3) (b) of the statutes is created to read:

11 51.06 (3) (b) An individual may be placed at or transferred to a center for the
12 developmentally disabled for services under sub. (1m) (d) only after all of the
13 following conditions are met:

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

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

18 *–0211/5.6* **SECTION 1489.** 51.06 (5) of the statutes is created to read:

19 51.06 (5) **SURCHARGE FOR EXTENDED INTENSIVE TREATMENT.** The department may
20 impose on a county a progressive surcharge for services under sub. (1m) (d) that an
21 individual receives after the maximum discharge date for the individual that was
22 agreed upon under sub. (3) (b) 2. The surcharge is 10% of the amount paid for the
23 individual's services under s. 49.45 during any part of the first 6-month period
24 following the maximum discharge date, and increases by 10% of the amount paid for
25 the individual's services under s. 49.45 during any part of each 6-month period

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1 thereafter. Any revenues received under this subsection shall be credited to the
2 appropriation account under s. 20.435 (2) (gL).

3 ***-1746/4.5* SECTION 1490.** 51.06 (6) of the statutes is created to read:

4 51.06 (6) SALE OF ASSETS OR REAL PROPERTY AT NORTHERN CENTER FOR THE
5 DEVELOPMENTALLY DISABLED. The department may maintain the Northern Center for
6 the Developmentally Disabled for the purpose specified in sub. (1), but may sell
7 assets or real property of the Northern Center for the Developmentally Disabled. If
8 there is any outstanding public debt used to finance the acquisition, construction, or
9 improvement of any property that is sold under this subsection, the department shall
10 deposit a sufficient amount of the net proceeds from the sale of the property in the
11 bond security and redemption fund under s. 18.09 to repay the principal and pay the
12 interest on the debt, and any premium due upon refunding any of the debt. If the
13 property was purchased with federal financial assistance, the department shall pay
14 to the federal government any of the net proceeds required by federal law. If there
15 is no such debt outstanding and there are no moneys payable to the federal
16 government, or if the net proceeds exceed the amount required to be deposited or paid
17 under this subsection, the department shall credit the net proceeds or remaining net
18 proceeds to the appropriation account under s. 20.435 (2) (gk).

19 **INSERT *** NOTE @ 44-2**
***b0215/3.10* SECTION 1490c.** 51.06 (7) of the statutes is created to read:

20 51.06 (7) EMPLOYEE OR POSITION TRANSFERS. The department may not transfer
21 an employee of the Northern Center for the Developmentally Disabled to another
22 center for the developmentally disabled unless the employee requests the transfer.
23 The department may not transfer employee positions from the Northern Center for
24 the Developmentally Disabled to another center for the developmentally disabled if

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SECTION 1490c

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

MOVE
TO
413-18

****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.

3 *-0211/5.7* SECTION 1491. 51.20 (13) (c) (intro.) of the statutes is amended to
4 read:

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

7 *-0211/5.8* SECTION 1492. 51.20 (13) (c) 1. of the statutes is amended to read:

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

14 *-0211/5.9* SECTION 1493. 51.20 (13) (c) 2. of the statutes is amended to read:

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

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1 *~~0211/5.10~~* SECTION 1494. 51.20 (13) (f) of the statutes is amended to read:

2 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which that~~
3 receives an individual who is committed by a court under par. (a) 3. is authorized to
4 place ~~sueh~~ the individual in an approved treatment facility, subject to any limitations
5 which are specified by the court under par. (c) 2. The county department shall place
6 the subject individual in the treatment program and treatment facility ~~which that~~
7 is least restrictive of the individual's personal liberty, consistent with the treatment
8 requirements of the individual. The county department ~~shall have~~ has ongoing
9 responsibility to review the individual's needs, in accordance with sub. (17), and to
10 transfer the person to the least restrictive program consistent with the individual's
11 needs. ~~If the subject individual is under the age of 22 years and if the facility~~
12 ~~appropriate for placement or transfer is a center for the developmentally disabled,~~
13 ~~placement or transfer of the individual shall be made only to the central center for~~
14 ~~the developmentally disabled unless the department authorizes the placement or~~
15 ~~transfer to the northern or southern center for the developmentally disabled~~
16 Placement or transfer under this paragraph is subject to s. 51.06 (3).

17 *~~0196/3.1~~* SECTION 1495. 51.35 (1) (a) of the statutes is amended to read:

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

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SECTION 1495

1 ~~which~~ that will benefit the patient or resident may be imposed as part of a transfer
2 to a less restrictive treatment alternative. A patient or resident who is committed
3 to the department or a county department under s. 51.42 or 51.437 may be required
4 to take medications and receive treatment, subject to the right of the patient or
5 resident to refuse medication and treatment under s. 51.61 (1) (g) and (h), through
6 a community support program as a term or condition of a transfer. The patient or
7 resident shall be informed at the time of transfer of the consequences of violating
8 ~~such~~ the terms and conditions of the transfer, including possible transfer back to a
9 ~~facility~~ treatment facility that imposes a greater restriction on personal
10 freedom of the patient or resident.

11 ***-0196/3.2* SECTION 1496.** 51.35 (1) (b) of the statutes is renumbered 51.35 (1)
12 (b) 1. and amended to read:

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

19 ***b0215/3.13* SECTION 1496c.** 51.35 (1) (b) 2. of the statutes is created to read:

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

25 ***-0211/5.11* SECTION 1497.** 51.35 (1) (bm) of the statutes is amended to read:

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

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****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.

7 ***-0196/3.3*** SECTION 1498. 51.35 (1) (c) of the statutes is amended to read:

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

17 ***-0196/3.4*** SECTION 1499. 51.35 (1) (d) 1. and 2. of the statutes are amended
 18 to read:

19 51.35 (1) (d) 1. ~~The~~ Subject to subd. 2., the department may, without approval
 20 of the appropriate county department under s. 51.42 or 51.437, transfer any patient
 21 from a state treatment facility or other inpatient facility to an approved treatment
 22 facility which is less restrictive of the patient's personal freedom.

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

8 ***b0215/3.17* SECTION 1499b.** 51.35 (1) (d) 3. of the statutes is renumbered
9 51.35 (1) (b) 3. and amended to read:

10 51.35 (1) (b) 3. ~~A~~ Except as provided in pars. (c) and (d), a transfer of a patient,
11 ~~made under authority of this subsection, in a treatment facility other than as~~
12 ~~specified in subd. 1. or 2. may be made by the department only after the department~~
13 ~~has notified the appropriate county department under s. 51.42 or 51.437 of its intent~~
14 ~~to transfer a the patient in accordance with this subsection. The patient's guardian,~~
15 ~~if any, or if a minor his or her parent or person in the place of a parent shall be notified~~
16 ~~by the department.~~

17 ***-1634/7.47* SECTION 1500.** 51.35 (5) of the statutes is amended to read:

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

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1 *~~0211/5.12~~* SECTION 1502. 51.437 (4rm) (c) 2m. of the statutes is amended
2 to read:

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

8 *~~0211/5.13~~* SECTION 1503. 51.67 (intro.) of the statutes is amended to read:

9 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing
10 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not
11 warranted and that the subject individual is a fit subject for guardianship and
12 protective placement or services, the court may, without further notice, appoint a
13 temporary guardian for the subject individual and order temporary protective
14 placement or services under ch. 55 for a period not to exceed 30 days. ~~If the court~~
15 ~~orders temporary~~ Temporary protective placement for an individual ~~under the age~~
16 ~~of 22 years in a center for the developmentally disabled, this placement may be made~~
17 ~~only at the central center for the developmentally disabled unless the department~~
18 ~~authorizes the placement or transfer to the northern or southern center for the~~
19 ~~developmentally disabled is subject to s. 51.06 (3).~~ Any interested party may then
20 file a petition for permanent guardianship or protective placement or services,
21 including medication, under ch. 55. If the individual is in a treatment facility, the
22 individual may remain in the facility during the period of temporary protective
23 placement if no other appropriate facility is available. The court may order
24 psychotropic medication as a temporary protective service under this section if it
25 finds that there is probable cause to believe the individual is not competent to refuse

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1 psychotropic medication and that the medication ordered will have therapeutic
2 value and will not unreasonably impair the ability of the individual to prepare for
3 and participate in subsequent legal proceedings. An individual is not competent to
4 refuse psychotropic medication if, because of chronic mental illness, and after the
5 advantages and disadvantages of and alternatives to accepting the particular
6 psychotropic medication have been explained to the individual, one of the following
7 is true:

8 ***-0209/2.16* SECTION 1504.** 55.001 of the statutes is amended to read:

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

22 ***-0209/2.17* SECTION 1505.** 55.01 (4g) of the statutes is created to read:

23 55.01 (4g) “Intermediate facility” has the meaning given in s. 46.279 (1) (a).

24 ***-0209/2.18* SECTION 1506.** 55.01 (4t) of the statutes is created to read:

25 55.01 (4t) “Nursing facility” has the meaning given in s. 46.279 (1) (b).

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1 *~~0209/2.19~~* SECTION 1507. 55.045 of the statutes is amended to read:

2 **55.045 Funding.** ~~The~~ Except as provided in s. 49.45 (30m) (a), the appropriate
3 county department designated under s. 55.02 shall within the limits of available
4 state and federal funds and of county funds required to be appropriated to match
5 state funds, provide for the reasonable program needs of persons who are
6 protectively placed or who receive protective services under this chapter, including
7 reasonable expenses for the evaluations required by s. 55.06 (8). Payment and
8 collections for protective placement or protective services provided in public facilities
9 specified in s. 46.10 shall be governed in accordance with s. 46.10. The department
10 may require that a person who is protectively placed or receives protective services
11 under this chapter provide reimbursement for services or care and custody received,
12 based on the ability of the person to pay for such costs.

13 *~~0209/2.20~~* SECTION 1508. 55.06 (5) of the statutes is amended to read:

14 55.06 (5) Notice of a petition for placement shall be served upon the person
15 sought to be placed, by personal service, at least 10 days prior to the time set for a
16 hearing. Upon service of the notice, the person sought to be protected shall be
17 informed of the complete contents of the notice. The person serving the notice shall
18 return a certificate to the circuit judge verifying that the petition has been delivered
19 and notice given. The notice shall include the names of all petitioners. Notice shall
20 also be served personally or by mail upon the person's guardian ad litem, legal
21 counsel, guardian, if any, presumptive adult heirs, and upon other persons who have
22 physical custody of the person to be protected whose names and addresses are known
23 to the petitioner or can with reasonable diligence be ascertained, to any
24 governmental or private body or group from whom the person to be protected is
25 known to be receiving aid, and to such other persons or entities as the court may

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1 require. Notice shall also be served personally or by mail upon the department at
2 least 10 days prior to the time set for hearing if the person sought to be protected may
3 be placed in a center for the developmentally disabled. ~~The department shall be~~
4 ~~allowed to submit oral or written testimony regarding such a placement at the~~
5 ~~hearing.~~ Notice shall also be served personally or by mail, at least 10 days before the
6 time set for hearing, upon the county department that is participating in the
7 program under s. 46.278 of the county of residence of the person sought to be
8 protected, if the person has a developmental disability and may be placed in an
9 intermediate facility or a nursing facility, except that, for a person sought to be
10 protected to whom s. 46.279 (4m) applies, this notice shall instead be served on the
11 department. The incompetent or proposed incompetent is presumed able to attend
12 the hearing unless, after a personal interview, the guardian ad litem certifies to the
13 court that the person is unable to attend.

14 *~~0209/2.21~~* SECTION 1509. 55.06 (8) (intro.) of the statutes is amended to
15 read:

16 55.06 (8) (intro.) Before ordering the protective placement of any individual,
17 the court shall direct a comprehensive evaluation of the person in need of placement,
18 if such an evaluation has not already been made. The court may utilize available
19 multidisciplinary resources in the community in determining the need for
20 placement. The board designated under s. 55.02 or an agency designated by it shall
21 cooperate with the court in securing available resources. Where applicable by reason
22 of the particular disability, the appropriate board designated under s. 55.02 or an
23 agency designated by it having responsibility for the place of legal residence of the
24 individual as provided in s. 49.001 (6) shall make a recommendation for placement.
25 If the court is considering placement of the individual in a center for the

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1 developmentally disabled, the court shall request a statement or testimony from the
2 department regarding whether the placement is appropriate for the person's needs
3 and whether it is consistent with the purpose of the center under s. 51.06 (1) ~~unless~~
4 ~~testimony was provided by the department under sub. (5).~~ If the individual has a
5 developmental disability and the court is considering placement of the individual in
6 an intermediate facility or a nursing facility, the court shall request a statement or
7 testimony from the county department of the individual's county of residence that is
8 participating in the program under s. 46.278 as to whether the individual's needs
9 could be met in a noninstitutional setting, except that, if s. 46.279 (4m) applies to the
10 individual, the court shall request the statement or testimony from the department,
11 rather than the county department. A copy of the comprehensive evaluation shall be
12 provided to the guardian, the guardian ad litem, and to the individual or attorney
13 at least 96 hours in advance of the hearing to determine placement. The court or the
14 cooperating agency obtaining the evaluation shall request appropriate information
15 which shall include at least the following:

16 *~~0209/2.22~~* SECTION 1510. 55.06 (9) (a) of the statutes is amended to read:

17 55.06 (9) (a) The court may order protective services under s. 55.05 (2) (d) as
18 an alternative to placement. When ordering placement, the court, on the basis of the
19 evaluation and other relevant evidence, shall order the appropriate board specified
20 under s. 55.02 or an agency designated by it to protectively place the individual.
21 Placement by the appropriate board or designated agency is subject to s. 46.279 and
22 shall be made in the least restrictive environment consistent with the needs of the
23 person to be placed and with the placement resources of the appropriate board
24 specified under s. 55.02. Factors to be considered in making protective placement
25 shall include the needs of the person to be protected for health, social, or

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1 rehabilitative services; the level of supervision needed; the reasonableness of the
2 placement given the cost and the actual benefits in the level of functioning to be
3 realized by the individual; the limits of available state and federal funds and of
4 county funds required to be appropriated to match state funds; and the
5 reasonableness of the placement given the number or projected number of
6 individuals who will need protective placement and given the limited funds
7 available. The Except as provided in s. 49.45 (30m), the county may not be required
8 to provide funding, in addition to its funds that are required to be appropriated to
9 match state funds, in order to protectively place an individual. Placement under this
10 section does not replace commitment of a person in need of acute psychiatric
11 treatment under s. 51.20 or 51.45 (13). Placement Subject to s. 46.279, placement
12 may be made to such facilities as nursing homes, public medical institutions, centers
13 for the developmentally disabled under the requirements of s. 51.06 (3), foster care
14 services and other home placements, or to other appropriate facilities but may not
15 be made to units for the acutely mentally ill. If the appropriate board or designated
16 agency proposes to place an individual who has a developmental disability in an
17 intermediate facility or a nursing facility under an order under this paragraph, the
18 county department, or, if s. 46.279 (4m) applies to the individual, the department or
19 the department's contractor shall develop a plan under s. 46.279 (4) and furnish the
20 plan to the board or agency and to the individual's guardian. The board or agency
21 shall place the individual in a noninstitutional community setting in accord with the
22 plan unless the court finds that placement in the intermediate facility or nursing
23 facility is the most integrated setting, as defined in s. 46.279 (1) (bm), that is
24 appropriate to the needs of the individual taking into account information presented
25 by all affected parties. The prohibition of placements in units for the acutely

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1 mentally ill does not prevent placement by a court for short-term diagnostic
2 procedures under par. (d). Placement in a locked unit shall require a specific finding
3 of the court as to the need for such action. A placement facility may transfer a patient
4 from a locked unit to a less restrictive environment without court approval.

5 *~~0209/2.23~~* SECTION 1511. 55.06 (9) (b) of the statutes is amended to read:

6 55.06 (9) (b) Transfer may be made between placement units or from a
7 placement unit to a medical facility other than those specified in pars. (c) to (e) by a
8 guardian or placement facility without approval by a court. When transfer is made
9 by a placement facility, 24 hours' prior written notice of the transfer shall be provided
10 to the guardian, when feasible. If it is not feasible to notify the guardian in advance,
11 written notice shall be provided immediately upon transfer, and notice shall also be
12 provided to the court and to the board designated under s. 55.02 or an agency
13 designated by it within a reasonable time, not to exceed 48 hours from the time of the
14 transfer. Upon petition to a court by a guardian, ward, or attorney, or other
15 interested person specifying objections to a transfer, or if the person is transferred
16 to an intermediate facility or to a nursing facility, the court shall order a hearing,
17 within 96 ^{Plain} hours after filing of the petition, to determine whether there is probable
18 cause to believe that the transfer is consistent with the requirements specified in par.
19 (a) and is necessary for the best interests of the ward or, if the person is transferred
20 to an intermediate facility or to a nursing facility, to determine if the intermediate
21 facility or nursing facility is the most integrated setting, as defined in s. 46.279 (1)
22 (bm), that is appropriate to the needs of the ward taking into account information
23 presented by all affected parties. The court shall notify the ward, guardian, and
24 petitioner of the time and place of the hearing, and a guardian ad litem shall be
25 appointed to represent the ward. If the person is an adult who is indigent, the county

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SECTION 1511

1 of legal settlement shall be liable for guardian ad litem fees. If the person is a child,
2 the person's parents or the county of legal settlement shall be liable for guardian ad
3 litem fees as provided in s. 48.235 (8). The petitioner, ward, and guardian shall have
4 the right to attend, and to present and cross-examine witnesses.

5 ***-0209/2.24* SECTION 1512.** 55.06 (9) (c) of the statutes is amended to read:

6 55.06 (9) (c) ~~Transfer~~ Subject to s. 46.279, transfer to a more restrictive
7 placement, including a locked unit, may be made with notice to the guardian, the
8 court and appropriate board designated under s. 55.02 or an agency designated by
9 it in the manner prescribed in par. (b). Upon petition by a guardian, ward or attorney,
10 or other interested person specifying objections to the transfer or if the person has
11 a developmental disability and is transferred to an intermediate facility or a nursing
12 facility, the court shall order a hearing as provided in par. (b).

13 ***-0209/2.25* SECTION 1513.** 55.06 (10) (a) of the statutes is renumbered 55.06
14 (10) (a) 1.

15 ***-0209/2.26* SECTION 1514.** 55.06 (10) (a) 2. of the statutes is created to read:

16 55.06 (10) (a) 2. If the person has a developmental disability and is placed in
17 an intermediate facility or a nursing facility, the agency that is responsible for the
18 protective placement shall notify in writing the county department of the county of
19 residence of the person that is participating in the program under s. 46.278 or, if s.
20 46.279 (4m) applies to the person, the department, at least 120 days before the
21 review. The county department so notified or, if s. 46.279 (4m) applies, the
22 department's contractor shall develop a plan under s. 46.279 (4) and furnish the plan
23 to the court that ordered the placement and to the person's guardian. The court shall
24 order that the person be transferred to the noninstitutional community setting in
25 accordance with the plan unless the court finds that placement in the intermediate

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1 facility or nursing facility is the most integrated setting, as defined in s. 46.279 (1)
2 (bm), that is appropriate to the needs of the person taking into account information
3 presented by all affected parties.

4 *~~0209/2.27~~* SECTION 1515. 55.06 (11) (c) of the statutes is amended to read:

5 55.06 (11) (c) Upon a finding of probable cause under par. (b), the court may
6 order temporary placement up to 30 days pending the hearing for a permanent
7 placement, or the court may order such protective services as may be required. If an
8 individual who has a developmental disability is ordered, under this paragraph, to
9 be temporarily placed in an intermediate facility or in a nursing facility, and if at the
10 hearing for permanent placement the court orders that the individual be protectively
11 placed, the court may, before permanent placement, extend the temporary placement
12 order for not more than 90 days if necessary for the county department that is
13 participating in the program under s. 46.278 or, if s. 46.279 (4m) applies, the
14 department's contractor to develop the plan required under s. 46.279 (4).

15 *~~0190/7.21~~* SECTION 1516. 59.22 (2) (c) 2. of the statutes is amended to read:

16 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
17 rules of the department of ~~health and family services~~ workforce development under
18 s. ~~49.33~~ 49.78 (4) to (7) relating to employees administering old-age assistance, aid
19 to families with dependent children, aid to the blind ~~and,~~ or aid to totally and
20 permanently disabled persons or ss. 63.01 to 63.17.

21 *~~0529/4.111~~* SECTION 1517. 59.25 (3) (f) 1. of the statutes is amended to read:

22 59.25 (3) (f) 1. Except as provided in subd. 2., transmit to the ~~state treasurer~~
23 secretary of administration at the time required by law to pay the state taxes a
24 particular statement, certified by the county treasurer's personal signature affixed
25 or attached thereto, of all moneys received by him or her during the preceding year

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1 and which are payable to the ~~state treasurer~~ secretary of administration for licenses,
2 fines, penalties, or on any other account, and at the same time pay to the state
3 ~~treasurer~~ secretary of administration the amount thereof after deducting the legal
4 fees.

5 ***-0529/4.112* SECTION 1518.** 59.25 (3) (f) 2. of the statutes is amended to read:

6 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
7 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
8 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
9 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
10 weapons assessment, the amounts required by s. 973.045 for the crime victim and
11 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
12 delinquency victim and witness assistance surcharge, the amounts required by s.
13 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
14 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts
15 required by s. 100.261 for the consumer protection assessment, the amounts
16 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse
17 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
18 under the supplemental food program for women, infants and children, the amounts
19 required by s. 349.04 for the truck driver education assessment, the amounts
20 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
21 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the
22 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
23 uninsured employer assessment, the amounts required by s. 299.93 for the
24 environmental assessment, the amounts required by s. 29.983 for the wild animal
25 protection assessment, the amounts required by ss. 29.987 and 169.46 (1) for the

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

10 *~~0529/4.113~~* SECTION 1519. 59.25 (3) (k) of the statutes is amended to read:

11 59.25 (3) (k) Forward 40% of the state forfeitures, fines, and penalties under
12 ch. 348 to the ~~state treasurer~~ secretary of administration for deposit in the
13 transportation fund under s. 25.40 (1) (ig).

14 *~~0529/4.114~~* SECTION 1520. 59.25 (3) (L) of the statutes is amended to read:

15 59.25 (3) (L) Forward all money received under s. 66.0114 (3) (c) to the ~~state~~
16 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
17 s. 25.40 (1) (ig).

18 *~~0529/4.115~~* SECTION 1521. 59.25 (3) (m) of the statutes is amended to read:

19 59.25 (3) (m) Forward 50% of the fees received under s. 351.07 (1g) to the ~~state~~
20 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
21 s. 25.40 (1) (im).

22 *~~0529/4.116~~* SECTION 1522. 59.25 (3) (p) of the statutes is amended to read:

23 59.25 (3) (p) Pay to the ~~state treasurer~~ secretary of administration on his or her
24 order the state percentage of fees received from the clerk of the circuit court under
25 s. 59.40 (2) (m) and if any such moneys remain in his or her hands when he or she

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SECTION 1522

1 is required to pay the state percentage of fees, pay such moneys therewith to the state
2 ~~treasurer~~ secretary of administration.

3 *~~0576/8.64~~* SECTION 1523. 59.26 (8) (a) of the statutes is amended to read:

4 59.26 (8) (a) In any county with a population of less than 500,000, the board,
5 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
6 at not less than that number required by sub. (1) (a) and (b) and may set the salary
7 of those deputies. The board may provide by ordinance that deputy sheriff positions
8 be filled by appointment by the sheriff from a list of all persons with the 3 highest
9 scores for each position based on a competitive examination. Such competitive
10 examinations may be by a county civil service commission or by the division of merit
11 recruitment and selection in the ~~department of employment relations~~ office of state
12 human resources management ^{Δ?} at the option of the board and it shall so provide by
13 ordinance. The division of merit recruitment and selection in the ~~department of~~
14 employment relations office of state human resources management ^{Δ?} shall, upon
15 request of the board, conduct such examination according to the methods used in
16 examinations for the state civil service and shall certify an eligible list of the names
17 of all persons with the 3 highest scores on that examination for each position to the
18 sheriff of that county who shall make an appointment from that list to fill the position
19 within 10 days after he or she receives the eligible list. The county for which such
20 examination is conducted shall pay the cost of that examination. If a civil service
21 commission is decided upon for the selection of deputy sheriffs, then ss. 63.01 to 63.17
22 shall apply so far as consistent with this subsection, except ss. 63.03, 63.04 and 63.15
23 and except the provision governing minimum compensation of the commissioners.
24 The ordinance or an amending ordinance may provide for employee grievance
25 procedures and disciplinary actions, for hours of work, for tours of duty according to

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1 seniority and for other administrative regulations. Any board provision consistent
2 with this paragraph and existing on July 25, 1951, is validated. If the sheriff fills a
3 deputy sheriff position by promotion, the sheriff shall make the appointment to the
4 position from a list of 3 deputy sheriffs who receive the highest scores in a competitive
5 examination. Such competitive examinations may be by a county civil service
6 commission or by the division of merit recruitment and selection in the department
7 of employment relations office of state human resources management at the option
8 of the board and it shall so provide by ordinance.

9 *~~0529~~/4.117* SECTION 1524. 59.40 (2) (m) of the statutes is amended to read:

10 59.40 (2) (m) Pay monthly to the ~~treasurer~~ secretary of administration for the
11 use of the state the state's percentage of the fees required to be paid on each civil
12 action, criminal action, and special proceeding filed during the preceding month and
13 pay monthly to the ~~treasurer~~ secretary of administration for the use of the state the
14 percentage of court imposed fines and forfeitures required by law to be deposited in
15 the state treasury, the amounts required by s. 757.05 for the penalty assessment
16 surcharge, the amounts required by s. 165.755 for the crime laboratories and drug
17 law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons
18 assessment, the amounts required by s. 973.045 for the crime victim and witness
19 assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency
20 victim and witness assistance surcharge, the amounts required by s. 973.046 for the
21 deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for
22 the drug abuse program improvement surcharge, the amounts required by s. 100.261
23 for the consumer protection assessment, the amounts authorized by s. 971.37 (1m)
24 (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the
25 amounts required by s. 253.06 (4) (c) for the enforcement assessment under the

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SECTION 1524

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

14 *~~0194/9.15~~* SECTION 1526. 59.53 (24) of the statutes is created to read:

15 59.53 (24) COUNTY PAYMENTS MADE UNDER MEDICAL ASSISTANCE. The board shall,
16 upon demand by the department of health and family services, authorize payment
17 to that department not to exceed any of the following:

18 (a) *Home and community based services.* For services provided under ss. 46.275
19 and 46.278 beginning in 2001 and thereafter, any payment made under s. 20.435 (4)
20 (hm), and the portion of the payment made under s. 20.435 (4) (o) for Medical
21 Assistance Program benefits administered under ss. 46.275 and 46.278 that is
22 related to any rates increased for services under s. 46.275 or 46.278 beginning in
23 2001.

24 (b) *Alcohol and other drug and mental health prevention and treatment*
25 *services.* For alcohol and other drug and mental health prevention and treatment

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

6 ↑
 SPACE

7 ↓

7 ***-0529/4.118*** SECTION 1530. 66.0114 (1) (bm) of the statutes is amended to
8 read:

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

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SECTION 1530

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

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

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

11 *b0317/3.2* SECTION 1531m. 66.0306 of the statutes is created to read:

12 **66.0306 Local revenue sharing board; Indian gaming compacts. (1)**

13 DEFINITIONS. In this section:

14 (a) “Board” means a local revenue sharing board created under sub. (2).

15 (b) “Compact” means an Indian gaming compact entered into under s. 14.035.

16 (c) “Facility” means a facility that provides Class III gaming, as defined in 25
17 USC 2703 (8).

18 (d) “Net win” means the amount wagered at a facility, less the amount paid out
19 in winnings at the facility.

20 (e) “Political subdivision” means a city, village, town, or county.

21 (f) “Public safety entities” means all of the following departments, agencies, or
22 subunits of a political subdivision that are obligated to provide services to a
23 particular facility:

24 1. A fire department.

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1 2. An emergency medical services department, whose personnel include an
2 emergency medical technician licensed under s. 146.50, a first responder certified
3 under s. 146.50 (8), or other personnel who operate or staff an ambulance or
4 authorized emergency vehicle.

5 3. A governmental unit of one or more persons employed full time by a political
6 subdivision for the purpose of preventing and detecting crime and enforcing state
7 laws or local ordinances, employees of which unit are authorized to make arrests for
8 crimes while acting within the scope of their authority.

9 **(2) CREATION, MEMBERSHIP, AND POWERS OF A LOCAL REVENUE SHARING BOARD.** (a)
10 *Creation.* 1. A board shall be created by the city, village, or town, and by the county,
11 in which a facility is located. The governing bodies of the political subdivisions shall
12 enact an ordinance creating the board and the members of the board shall be
13 appointed under par. (b). Each member of the board shall serve at the pleasure of
14 the governing body or group that appoints the individual, except that if the members
15 appointed under par. (b) 1., 2., and 3. act under par. (b) 5. the term of the member
16 appointed under par. (b) 4. shall end upon the selection of a new member under that
17 subdivision.

18 2. All political subdivisions whose public safety entities are obligated to provide
19 services to a particular facility shall establish a group that is made up of the highest
20 ranking member of each public safety entity. Such a group shall appoint one member
21 of the board under par. (b) 3., who shall serve at the pleasure of the group.

22 (b) *Membership.* 1. The governing body of the city, village, or town in which
23 the facility is located shall appoint one member of the board.

24 2. The county board of the county in which the facility is located shall appoint
25 one member of the board.

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1 3. The members of the group described under par. (a) 2. shall appoint one
2 member of the board.

3 4. The members appointed under subds. 1., 2., and 3. shall select the political
4 subdivision that is most impacted by the facility, other than a political subdivision
5 specified under subd. 1. or 2., and the governing body of that political subdivision
6 shall appoint one member of the board.

7 5. Not more than once every 2 years, a majority of the members appointed
8 under subds. 1. to 3. may select a different political subdivision under subd. 4. and
9 the governing body of that political subdivision shall appoint one member under
10 subd. 4.

11 (c) *Responsibilities, meetings, compensation.* 1. The board shall select from
12 among its members a president, vice president, and secretary–treasurer. Meetings
13 of the board may be called by the president or by any other member of the board, and
14 shall be held in a building in which the governing body of a political subdivision holds
15 its meetings.

16 2. A member of the board may not receive any compensation for serving on the
17 board, but shall be reimbursed by the political subdivision that appoints or confirms
18 the member for any actual and necessary expenses that he or she incurs relating to
19 service on the board. The reimbursement of the member appointed under par. (b) 3.
20 shall be apportioned among the political subdivisions described under par. (a) 2.

21 3. The board shall establish an account at a financial institution, as defined in
22 s. 69.30 (1) (b), and shall deposit into the account any revenues received under sub.
23 (3).

24 4. All 4 members appointed under par. (b) constitute a quorum, and a majority
25 of a quorum may act in any matter within the jurisdiction of the board.

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1 5. Annually, the board shall determine the costs incurred by each political
2 subdivision that provides services to a facility, based on the method determined
3 under par. (d) 2. The total amount of these costs may be certified to the department
4 of administration.

5 (d) *Cooperation agreement.* The governing bodies of each political subdivision
6 that is represented on the board shall enter into an intergovernmental cooperation
7 agreement under s. 66.0301 that addresses at least all of the following:

8 1. The public safety entities, including police, fire, and rescue services, that are
9 to receive payments under sub. (4) (a), and the apportionment formula among the
10 political subdivisions.

11 2. A method to determine the costs incurred by each political subdivision as a
12 result of the development of the facility, for the purpose of apportioning any
13 payments that are made under sub. (4) (a).

14 3. The apportionment formula among the political subdivisions for any
15 payments that are made under sub. (4) (c).

16 4. A mechanism to provide any supplies that are needed by the board.

17 **(3) RECEIPT OF GAMING REVENUES.** (a) If a compact requires payments to a
18 political subdivision, such payments shall be sent to the board.

19 (b) If a compact does not require payments to a political subdivision, the
20 department of administration shall pay annually to the board, from the
21 appropriation under s. 20.505 (8) (k), the amount certified under sub. (2) (c) 5.

22 (c) If a compact requires payments to a political subdivision and such payments
23 are less than the amount certified under sub. (2) (c) 5., the department of
24 administration shall pay annually to the board, from the appropriation under s.
25 20.505 (8) (k), an amount equal to the difference between the amount certified under

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1 sub. (2) (c) 5. and the amount that is paid to the political subdivision under the
2 compact.

3 (4) DISBURSEMENT OF GAMING REVENUES. Annually, from the amounts deposited
4 into the account under sub. (2) (c) 3., the board shall make the following
5 disbursements, in the following order:

6 (a) To public safety entities, based on costs incurred, and based on the
7 apportionment formula described under sub. (2) (d) 1.

8 (b) To each political subdivision that is represented on the board by a person
9 appointed under sub. (2) (b) 1., 2., and 4., an amount equal to the amount that the
10 political subdivision would have received, in the year to which the payment relates,
11 in property taxes on the facility if the facility had been subject to property taxes.

12 (c) To each political subdivision that is represented on the board by a person
13 appointed under sub. (2) (b) 1., 2., and 4., any funds that remain in the account after
14 making the payments under pars. (a) and (b), based on the apportionment formula
15 described under sub. (2) (d) 3.

16 (5) DISSOLUTION. If a facility ceases operation, after the facility makes its last
17 payment to the account under sub. (2) (c) 3. the board shall distribute the amount in
18 the account as provided in sub. (4). After the board distributes all funds in the
19 account, the board is dissolved.

20 (6) APPLICABILITY. This section does not apply to 1st class cities or to counties
21 with a population of at least 500,000.

22 *-0529/4.120* SECTION 1532. 66.0517 (3) (b) 1. of the statutes is amended to
23 read:

24 66.0517 (3) (b) 1. Except as provided in sub. (2) (b), a weed commissioner shall
25 receive compensation for the destruction of noxious weeds as determined by the town

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

19 ***b0335/3.2* SECTION 1532m.** 66.0602 of the statutes is created to read:

20 **66.0602 Local levy limits. (1) DEFINITIONS.** In this section:

21 (a) “Debt service” includes debt service on debt issued or reissued to fund or
22 refund outstanding municipal or county obligations, interest on outstanding
23 municipal or county obligations, and related issuance costs and redemption
24 premiums.

25 (b) “Political subdivision” means a city, village, town, or county.

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1 (c) “Valuation factor” means a percentage equal to the percentage change in the
2 political subdivision’s January 1 equalized value due to new construction less
3 improvements removed between the year before the previous year and the previous
4 year, but not less than zero.

5 (2) **LEVY LIMIT.** Except as provided in subs. (3), (4), and (5), no political
6 subdivision may increase its levy in any year by a percentage that exceeds the
7 political subdivision’s valuation factor.

8 (3) **EXCEPTIONS.** (a) If a political subdivision transfers to another governmental
9 unit responsibility for providing any service that the political subdivision provided
10 in the preceding year, the levy increase limit otherwise applicable under this section
11 to the political subdivision in the current year is decreased to reflect the cost that the
12 political subdivision would have incurred to provide that service, as determined by
13 the department of revenue.

14 (b) If a political subdivision increases the services that it provides by adding
15 responsibility for providing a service transferred to it from another governmental
16 unit that provided the service in the preceding year, the levy increase limit otherwise
17 applicable under this section to the political subdivision in the current year is
18 increased to reflect the cost of that service, as determined by the department of
19 revenue.

20 (c) If a city or village annexes territory from a town, the city’s or village’s levy
21 increase limit otherwise applicable under this section is increased in the current year
22 by an amount equal to the town levy on the annexed territory in the preceding year
23 and the levy increase limit otherwise applicable under this section in the current
24 year for the town from which the territory is annexed is decreased by that same
25 amount, as determined by the department of revenue.

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1 (d) If the amount of debt service for a political subdivision in the preceding year
2 is less than the amount of debt service needed in the current year, as a result of the
3 political subdivision adopting a resolution before the effective date of this paragraph
4 [revisor inserts date], authorizing the issuance of debt, the levy increase limit
5 otherwise applicable under this section to the political subdivision in the current
6 year is increased by the difference between these two amounts, as determined by the
7 department of revenue.

8 (4) REFERENDUM EXCEPTION. (a) A political subdivision may exceed the levy
9 increase limit under sub. (2) if its governing body adopts a resolution to that effect
10 and if the resolution is approved in a referendum. The resolution shall specify the
11 proposed amount of increase in the levy beyond the amount that is allowed under
12 sub. (2). With regard to a referendum relating to the 2003 or 2005 levy, the political
13 subdivision may call a special referendum for the purpose of submitting the
14 resolution to the electors of the political subdivision for approval or rejection. With
15 regard to a referendum relating to the 2004 levy, the referendum shall be held at the
16 next succeeding spring primary or election or September primary or general election.

17 (b) The clerk of the political subdivision shall publish type A, B, C, D, and E
18 notices of the referendum under s. 10.01 (2). Section 5.01 (1) applies in the event of
19 failure to comply with the notice requirements of this paragraph.

20 (c) The referendum shall be held in accordance with chs. 5 to 12. The political
21 subdivision shall provide the election officials with all necessary election supplies.
22 The form of the ballot shall correspond substantially with the standard form for
23 referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1)
24 (a). The question shall be submitted as follows: "Under state law, the increase in the
25 levy of the (name of political subdivision) for the tax to be imposed for the next

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SECTION 1532m

1 fiscal year, (year), is limited to%, which results in a levy of \$.... Shall the
2 (name of political subdivision) be allowed to exceed this limit and increase the levy
3 for the next fiscal year, (year), by a total of%, which results in a levy of \$....?”.

4 (d) Within 14 days after the referendum, the clerk of the political subdivision
5 shall certify the results of the referendum to the department of revenue. The levy
6 increase limit otherwise applicable to the political subdivision under sub. (2) is
7 increased in the next fiscal year by the percentage approved by a majority of those
8 voting on the question.

9 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than 2,000 may
10 exceed the levy increase limit otherwise applicable under this section to the town if
11 the annual town meeting adopts a resolution to that effect. The limit otherwise
12 applicable to the town under sub. (2) is increased in the next fiscal year by the
13 percentage approved by a majority of those voting on the question. Within 14 days
14 after the adoption of the resolution, the town clerk shall certify the results of the vote
15 to the department of revenue.

16 (6) SUNSET. This section does not apply after June 30, 2006.

17 *b0235/4.3* SECTION 1533d. 66.1001 (4) (b) 4. of the statutes is amended to
18 read:

19 66.1001 (4) (b) 4. After September 1, ~~2003~~ 2005, the department of
20 administration.

21 *-1243/1.32* SECTION 1534. 69.14 (1) (cm) of the statutes is amended to read:

22 69.14 (1) (cm) *Information concerning paternity.* For a birth which occurs en
23 route to or at a hospital, the filing party shall give the mother a copy of the pamphlet
24 under s. 69.03 (14). If the child's parents are not married at the time of the child's
25 birth, the filing party shall give the mother a copy of the form prescribed by the state

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1 registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained,
2 designated hospital staff provide to the child's available parents oral information or
3 an audio or video presentation and written information about the form and the
4 significance and benefits of, and alternatives to, establishing paternity, before the
5 parents sign the form. The filing party shall also provide an opportunity to complete
6 the form and have the form notarized in the hospital. If the mother provides a
7 completed form to the filing party while she is a patient in the hospital and within
8 5 days after the birth, the filing party shall send the form directly to the state
9 registrar. ~~From the appropriation under s. 20.445 (3) (dz), the~~ The department of
10 workforce development shall pay the filing party a financial incentive for correctly
11 filing a form within 60 days after the child's birth.

12 *~~0529/4.121~~* SECTION 1535. 69.22 (1) (c) of the statutes is amended to read:

13 69.22 (1) (c) Twelve dollars for issuing an uncertified copy of a birth certificate
14 or a certified copy of a birth certificate, \$7 of which shall be forwarded to the state
15 ~~treasurer~~ secretary of administration as provided in sub. (1m) and credited to the
16 appropriations under s. 20.433 (1) (g) and (h); and \$3 for issuing any additional
17 certified or uncertified copy of the same birth certificate issued at the same time.

18 *~~0529/4.122~~* SECTION 1536. 69.22 (1m) of the statutes is amended to read:

19 69.22 (1m) The state registrar and any local registrar acting under this
20 subchapter shall, for each copy of a birth certificate for which a fee under sub. (1) (c)
21 is charged that is issued during a calendar quarter, forward to the ~~state treasurer~~
22 secretary of administration for deposit in the appropriations under s. 20.433 (1) (g)
23 and (h) the amounts specified in sub. (1) (c) by the 15th day of the first month
24 following the end of the calendar quarter.

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SECTION 1536m

1 ***b0172/1.1* SECTION 1536m.** 70.114 (1) (b) of the statutes is renumbered
2 70.114 (1) (b) 1. and amended to read:

3 70.114 (1) (b) 1. ~~“Estimated value”, For land purchased before the effective date~~
4 ~~of this subdivision [revisor inserts date], “estimated value,”~~ for the year during
5 which land is purchased, means the purchase price and, for later years, means the
6 value that was used for calculating the aid payment under this section for the prior
7 year increased or decreased to reflect the annual percentage change in the equalized
8 valuation of all property, excluding improvements, in the taxation district, as
9 determined by comparing the most recent determination of equalized valuation
10 under s. 70.57 for that property to the next preceding determination of equalized
11 valuation under s. 70.57 for that property.

12 ***b0172/1.1* SECTION 1536n.** 70.114 (1) (b) 2. of the statutes is created to read:

13 70.114 (1) (b) 2. For land purchased on or after the effective date of this
14 subdivision [revisor inserts date], “estimated value,” for the year during which
15 land is purchased, means the lesser of the purchase price or the most recent
16 determination of the land’s equalized valuation under s. 70.57, except that if the land
17 was exempt from taxation in the year prior to the year during which the department
18 purchased the land “estimated value,” for the year during which the land is
19 purchased, means the lesser of the purchase price, the most recent determination of
20 the land’s equalized valuation under s. 70.57, or an amount that would result in a
21 payment under sub. (4) that is equal to \$1 per acre. “Estimated value,” for later
22 years, means the value that was used for calculating the aid payment under this
23 section for the prior year increased or decreased to reflect the annual percentage
24 change in the equalized valuation of all property, excluding improvements, in the
25 taxation district, as determined by comparing the most recent determination of

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1 equalized valuation under s. 70.57 for that property to the next preceding
2 determination of equalized valuation under s. 70.57 for that property.

3 *b0355/1.1* SECTION 1536b. 70.05 (5) (a) 1m. of the statutes is amended to
4 read:

5 70.05 (5) (a) 1m. “Class of property” means residential under s. 70.32 (2) (a) 1.;
6 commercial under s. 70.32 (2) (a) 2.; personal property; ~~or the sum of swamp or waste~~
7 undeveloped under s. 70.32 (2) (a) 5.; agricultural forest under s. 70.32 (2) (a) 5m.;
8 productive forest land under s. 70.32 (2) (a) 6. ~~and; or~~ other under s. 70.32 (2) (a) 7.

9 *b0355/1.1* SECTION 1536d. 70.32 (2) (a) (intro.) of the statutes is amended
10 to read:

11 70.32 (2) (a) (intro.) The assessor shall segregate into the following classes on
12 the basis of use and set down separately in proper columns the values of the land,
13 exclusive of improvements, and, except for subs. 5., 5m., and 6., the improvements
14 in each class:

15 *b0355/1.1* SECTION 1536e. 70.32 (2) (a) 5. of the statutes is repealed and
16 recreated to read:

17 70.32 (2) (a) 5. Undeveloped.

18 *b0355/1.1* SECTION 1536f. 70.32 (2) (a) 5m. of the statutes is created to read:

19 70.32 (2) (a) 5m. Agricultural forest.

20 *b0355/1.1* SECTION 1536g. 70.32 (2) (c) 1. of the statutes is renumbered 70.32
21 (2) (c) 1g.

22 *b0355/1.1* SECTION 1536h. 70.32 (2) (c) 1d. of the statutes is created to read:

23 70.32 (2) (c) 1d. “Agricultural forest land” means land that is producing or is
24 capable of producing commercial forest products and is included on a parcel that has
25 been classified in part as agricultural land under this subsection or is contiguous to

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1 a parcel that has been classified in part as agricultural land under this subsection,
2 if the contiguous parcel is owned by the same person that owns the land that is
3 producing or is capable of producing commercial forest products. In this subdivision,
4 “contiguous” includes separated only by a road.

5 *b0355/1.1* SECTION 1536i. 70.32 (2) (c) 4. of the statutes is amended to read:

6 70.32 (2) (c) 4. ~~“Swampland or wasteland”~~ “Undeveloped land” means bog,
7 marsh, lowland brush, uncultivated land zoned as shoreland under s. 59.692 and
8 shown as a wetland on a final map under s. 23.32 or other nonproductive lands not
9 otherwise classified under this subsection.

10



11 *b0355/1.1* SECTION 1536j. 70.32 (4) of the statutes is created to read:

12 70.32 (4) Beginning with the assessments as of January 1, 2004, agricultural
13 forest land shall be assessed at 50% of its full value, as determined under sub. (1),
14 and undeveloped land shall be assessed at 50% of its full value, as determined under
15 sub. (1).

16 *b0388/2.1* SECTION 1536m. 70.32 (2r) (d) of the statutes is created to read:

17 70.32 (2r) (d) Any modification by the department of revenue to the procedures
18 used to implement the valuation method as described under par. (c) shall be approved
19 as rules under subchapter II of ch. 227.

20 *-0529/4.123* SECTION 1539. 70.385 of the statutes is amended to read:

21 70.385 **Collection of the tax.** All taxes as evidenced by the report under s.
22 70.38 (1) are due and payable to the department on or before June 15, and shall be
23 deposited by the department with the ~~state treasurer~~ secretary of administration.

24 *-0529/4.124* SECTION 1541. 70.39 (4) (b) of the statutes is amended to read:

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1 70.39 (4) (b) The clerk of circuit court shall enter the warrant as a delinquent
2 income or franchise tax warrant as required under s. 806.11. The clerk of circuit
3 court shall accept, file, and enter the warrant without prepayment of any fee, but
4 shall submit a statement of the proper fees within 30 days to the department of
5 revenue. ~~The fees shall be paid by the state treasurer upon~~ Upon audit by the
6 department of administration on the certificate of the secretary of revenue, the
7 secretary of administration shall pay the fees and the fees shall be charged to the
8 proper appropriation for the department of revenue.

9 ***b0362/2.1* SECTION 1545b.** 70.57 (2) of the statutes is renumbered 70.57 (2)

10 (a).

11 ***b0355/1.2* SECTION 1545d.** 70.57 (3) of the statutes is renumbered 70.57 (3)

12 (a).

13 ↑
SPACE —
 ↓

14 ***b0355/1.2* SECTION 1545e.** 70.57 (3) (b) of the statutes is created to read:

15 70.57 (3) (b) In determining the value under sub. (1) of agricultural forest land,
16 as defined in s. 70.32 (2) (c) 1d., and undeveloped land, as defined in s. 70.32 (2) (c)
17 4., the department shall fulfill the requirements under s. 70.32 (4).

18 ***b0362/2.3* SECTION 1545m.** 70.57 (2) (b) of the statutes is created to read:

19 70.57 (2) (b) If a court makes a final redetermination on the assessment of
20 telephone company property subject to taxation under s. 70.112 (4) and subch. IV of
21 ch. 76 that is lower than the previous assessment, the department of revenue shall
22 recertify the equalized value of the school district in which such property is located.

23 ↑
SPACE —
 ↓

24 ***-0576/8.65* SECTION 1558.** 70.99 (3) (a) of the statutes is amended to read:

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1 70.99 (3) (a) ~~The state department of employment relations~~ office of state
 2 human resources management shall recommend a reasonable salary range for the
 3 county assessor for each county based upon pay for comparable work or
 4 qualifications in that county. If, by contractual agreement under s. 66.0301, 2 or
 5 more counties join to employ one county assessor with the approval of the secretary
 6 of revenue, ~~the department of employment relations~~ office of state human resources
 7 management, shall recommend a reasonable salary range for the county assessor
 8 under the agreement. The department of revenue shall assist the county in
 9 establishing the budget for the county assessor's offices, including the number of
 10 personnel and their qualifications, based on the anticipated workload.

Extra Space?

H

***b0188/P1.1* SECTION 1580da.** 71.01 (6) (i) of the statutes is repealed.

***b0188/P1.1* SECTION 1580db.** 71.01 (6) (j) of the statutes is amended to read:

71.01 (6) (j) For taxable years that begin after December 31, 1994, and before
 January 1, 1996, for natural persons and fiduciaries, except fiduciaries of nuclear
 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
 Internal Revenue Code as amended to December 31, 1994, excluding sections 103,
 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and
 13203 (d) of P.L. 103-66, and as amended by P.L. 104-7, P.L. 104-117, P.L. 104-188,
 excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L.
 104-193, P.L. 105-34, P.L. 105-206, P.L. 105-277, and P.L. 106-554, excluding
 sections 162 and 165 of P.L. 106-554, P.L. 107-134, P.L. 107-147, excluding sections
101 and 406 of P.L. 107-147, and P.L. 107-181, and as indirectly affected by P.L.
 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L.

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