



1 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
2 (11), 46.275, 46.277 or 46.278 or, under the family care benefit if a waiver is in effect
3 under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin Act 16,
4 section 9123 (16rs), or 2003 Wisconsin Act ... (this act), section 9124 (8c).

5 ***-1760/2.16*** SECTION 1404. 49.472 (6) (a) of the statutes is amended to read:

6 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation account
7 under s. 20.435 (4) (b), (gp), or (w), the department shall, on the part of an individual
8 who is eligible for medical assistance under sub. (3), pay premiums for or purchase
9 individual coverage offered by the individual's employer if the department
10 determines that paying the premiums for or purchasing the coverage will not be more
11 costly than providing medical assistance.

12 ***-1760/2.17*** SECTION 1405. 49.472 (6) (b) of the statutes is amended to read:

13 49.472 (6) (b) If federal financial participation is available, from the
14 appropriation account under s. 20.435 (4) (b), (gp), or (w), the department may pay
15 medicare Part A and Part B premiums for individuals who are eligible for medicare
16 and for medical assistance under sub. (3).

17 ***-0033/P2.1*** SECTION 1406. 49.473 (title) of the statutes is amended to read:

18 **49.473 (title) Medical assistance; women diagnosed with breast or**
19 **cervical cancer or precancerous conditions.**

20 ***-0033/P2.2*** SECTION 1407. 49.473 (2) (c) of the statutes is amended to read:

21 49.473 (2) (c) The woman is not eligible for health care coverage that qualifies
22 as creditable coverage in 42 USC 300gg (c), excluding the coverage specified in 42
23 USC 300gg (c) (1) (F).

24 ***-0033/P2.3*** SECTION 1408. 49.473 (2) (e) of the statutes is amended to read:

1 49.473 (2) (e) The woman requires treatment for breast or cervical cancer or
2 for a precancerous condition of the breast or cervix.

3 *~~1760/2.18~~* SECTION 1409. 49.473 (5) of the statutes is amended to read:

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

9 *~~0033/P2.4~~* SECTION 1410. 49.473 (6) (b) of the statutes is amended to read:

10 49.473 (6) (b) Inform the woman at the ~~of~~ time of the determination that she
11 is required to apply to the department or a county department for medical assistance
12 no later than the last day of the month following the month in which the qualified
13 entity determines that the woman is eligible for medical assistance.

14 *~~0190/7.19~~* SECTION 1412. 49.496 (4) of the statutes is amended to read:

15 49.496 (4) ADMINISTRATION. The department may require a county department
16 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
17 American Indian tribe administering medical assistance to gather and provide the
18 department with information needed to recover medical assistance under this
19 section. The department shall pay to a county department or tribal governing body
20 an amount equal to 5% of the recovery collected by the department relating to a
21 beneficiary for whom the county department or tribal governing body made the last
22 determination of medical assistance eligibility. A county department or tribal
23 governing body may use funds received under this subsection only to pay costs
24 incurred under this subsection and, if any amount remains, to pay for improvements
25 to functions required under s. ~~49.33~~ 49.78 (2). The department may withhold

1 payments under this subsection for failure to comply with the department's
2 requirements under this subsection. The department shall treat payments made
3 under this subsection as costs of administration of the ~~medical assistance~~ Medical
4 Assistance program.

5 ***-0529/4.101* SECTION 1413.** 49.498 (16) (g) of the statutes is amended to read:

6 49.498 (16) (g) All forfeitures, penalty assessments, and interest, if any, shall
7 be paid to the department within 10 days of receipt of notice of assessment or, if the
8 forfeiture, penalty assessment, and interest, if any, are contested under par. (f),
9 within 10 days of receipt of the final decision after exhaustion of administrative
10 review, unless the final decision is appealed and the order is stayed by court order
11 under sub. (19) (b). The department shall remit all forfeitures paid to the ~~state~~
12 ~~treasurer~~ secretary of administration for deposit in the school fund. The department
13 shall deposit all penalty assessments and interest in the appropriation under s.
14 20.435 (6) (g).

15 ***-0029/2.1* SECTION 1414.** 49.665 (2) (title) of the statutes is amended to read:

16 49.665 (2) (title) ~~WAIVER~~ WAIVERS.

17 ***-0029/2.2* SECTION 1415.** 49.665 (2) of the statutes is renumbered 49.665 (2)
18 (a) and amended to read:

19 49.665 (2) (a) The department of health and family services shall request a
20 waiver from the secretary of the federal department of health and human services
21 to permit the department of health and family services to implement, beginning not
22 later than July 1, 1998, or the effective date of the waiver, whichever is later, a health
23 care program under this section. If a waiver that is consistent with all of the
24 provisions of this section, excluding sub. (4) (a) 3m., is granted and in effect, the
25 department of health and family services shall implement the program under this

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

4 ***-0029/2.3* SECTION 1416.** 49.665 (2) (b) of the statutes is created to read:

5 49.665 (2) (b) If the department of health and family services determines that
6 it needs a waiver to require the verification specified in sub. (4) (a) 3m., the
7 department shall request a waiver from the secretary of the federal department of
8 health and human services and may not implement the verification requirement
9 under sub. (4) (a) 3m. unless the waiver is granted. If a waiver is required and is
10 granted, the department of health and family services may implement the
11 verification requirement under sub. (4) (a) 3m. as appropriate. If a waiver is not
12 required, the department of health and family services may require the verification
13 specified in sub. (4) (a) 3m. for eligibility determinations and annual review
14 eligibility determinations made by the department, beginning on January 1, 2004.

15 ***-0029/2.4* SECTION 1417.** 49.665 (4) (a) 3m. of the statutes is created to read:

16 49.665 (4) (a) 3m. Each member of the family who is employed provides
17 verification from his or her employer, in the manner specified by the department, of
18 his or her earnings, of whether the employer provides health care coverage for which
19 the family is eligible, and of the amount that the employer pays, if any, towards the
20 cost of the health care coverage, excluding any deductibles or copayments required
21 under the coverage.

22 ***-1489/P2.6* SECTION 1419.** 49.665 (5) (a) of the statutes is renumbered
23 49.665 (5) (ag) and amended to read:

24 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, or child
25 who does not reside with his or her parent, who receives health care coverage under

1 this section shall pay a percentage of the cost of that coverage in accordance with a
2 schedule established by the department by rule. If the schedule established by the
3 department requires a family, or child who does not reside with his or her parent, to
4 contribute more than 3% of the family's or child's income towards the cost of the
5 health care coverage provided under this section, the department shall submit the
6 schedule to the joint committee on finance for review and approval of the schedule.
7 If the cochairpersons of the joint committee on finance do not notify the department
8 within 14 working days after the date of the department's submittal of the schedule
9 that the committee has scheduled a meeting to review the schedule, the department
10 may implement the schedule. If, within 14 days after the date of the department's
11 submittal of the schedule, the cochairpersons of the committee notify the department
12 that the committee has scheduled a meeting to review the schedule, the department
13 may not require a family, or child who does not reside with his or her parent, to
14 contribute more than 3% of the family's or child's income unless the joint committee
15 on finance approves the schedule. The joint committee on finance may not approve
16 and the department may not implement a schedule that requires a family or child
17 to contribute, including the amounts required under par. (am), more than 3.5% of the
18 family's or child's income towards the cost of the health care coverage provided under
19 this section.

20 ***-1489/P2.7* SECTION 1420.** 49.665 (5) (ac) of the statutes is created to read:

21 49.665 (5) (ac) In this subsection, "cost" means total cost-sharing charges,
22 including premiums, copayments, coinsurance, deductibles, enrollment fees, and
23 any other cost-sharing charges.

24 ***-1489/P2.8* SECTION 1421.** 49.665 (5) (ag) of the statutes, as affected by 2003
25 Wisconsin Act ... (this act), is amended to read:

1 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, or child
2 who does not reside with his or her parent, who receives health care coverage under
3 this section shall pay a percentage of the cost of that coverage in accordance with a
4 schedule established by the department by rule. ~~If the schedule established by the~~
5 ~~department requires a family, or child who does not reside with his or her parent, to~~
6 ~~contribute more than 3% of the family's or child's income towards the cost of the~~
7 ~~health care coverage provided under this section, the department shall submit the~~
8 ~~schedule to the joint committee on finance for review and approval of the schedule.~~
9 ~~If the cochairpersons of the joint committee on finance do not notify the department~~
10 ~~within 14 working days after the date of the department's submittal of the schedule~~
11 ~~that the committee has scheduled a meeting to review the schedule, the department~~
12 ~~may implement the schedule. If, within 14 days after the date of the department's~~
13 ~~submittal of the schedule, the cochairpersons of the committee notify the department~~
14 ~~that the committee has scheduled a meeting to review the schedule, the department~~
15 ~~may not require a family, or child who does not reside with his or her parent, to~~
16 ~~contribute more than 3% of the family's or child's income unless the joint committee~~
17 ~~on finance approves the schedule. The joint committee on finance may not approve~~
18 ~~and the~~ The department may not establish or implement a schedule that requires a
19 family or child to contribute, including the amounts required under par. (am), more
20 than ~~3.5%~~ 5% of the family's or child's income towards the cost of the health care
21 coverage provided under this section.

22 *~~1489/P2.9~~* SECTION 1422. 49.665 (5) (am) of the statutes is created to read:

23 49.665 (5) (am) Except as provided in pars. (b) and (bm), a child or family
24 member who receives health care coverage under this section shall pay the following
25 cost-sharing amounts:

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

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

5 ***-0032/P2.1*** SECTION 1423. 49.68 (3) (a) of the statutes is amended to read:

6 49.68 (3) (a) ~~Any~~ Subject to s. 49.687 (1m), any permanent resident of this state
7 who suffers from chronic renal disease may be accepted into the dialysis treatment
8 phase of the renal disease control program if the resident meets standards set by rule
9 under sub. (2) and s. 49.687.

10 ***-0032/P2.2*** SECTION 1424. 49.68 (3) (d) 1. of the statutes is amended to read:

11 49.68 (3) (d) 1. No aid may be granted under this subsection unless the recipient
12 has no other form of aid available from the federal medicare program ~~or~~, from private
13 health, accident, sickness, medical, and hospital insurance coverage, or from other
14 health care coverage specified by rule under s. 49.687 (1m) (b). If insufficient aid is
15 available from other sources and if the recipient has paid an amount equal to the
16 annual medicare deductible amount specified in subd. 2., the state shall pay the
17 difference in cost to a qualified recipient. If at any time sufficient federal or private
18 insurance aid or other health care coverage becomes available during the treatment
19 period, state aid under this subsection shall be terminated or appropriately reduced.
20 Any patient who is eligible for the federal medicare program shall register and pay
21 the premium for medicare medical insurance coverage where permitted, and shall
22 pay an amount equal to the annual medicare deductible amounts required under 42
23 USC 1395e and 1395L (b), prior to becoming eligible for state aid under this
24 subsection.

25 ***-0032/P2.3*** SECTION 1425. 49.68 (3) (d) 3. of the statutes is created to read:

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

6 ***-0032/P2.4*** SECTION 1426. 49.68 (3) (e) of the statutes is amended to read:

7 49.68 (3) (e) State aids for ~~services~~ any service provided under this section shall
8 be equal to the lower of the allowable charges charge under the Medical Assistance
9 program under subch. IV or the federal medicare program Medicare program. In no
10 case shall state rates for individual service elements exceed the federally defined
11 allowable costs. The rate of charges for services not covered by public and private
12 insurance shall not exceed the reasonable charges as established by medicare fee
13 determination procedures. A person that provides to a patient a service for which
14 aid is provided under this section shall accept the amount paid under this section for
15 the service as payment in full and may not bill the patient for any amount by which
16 the charge for the service exceeds the amount paid for the service under this section.

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

20 ***-0032/P2.5*** SECTION 1428. 49.683 (1) of the statutes is amended to read:

21 49.683 (1) ~~The~~ Subject to s. 49.687 (1m), the department may provide financial
22 assistance for costs of medical care of persons over the age of 18 years with the
23 diagnosis of cystic fibrosis who meet financial requirements established by the
24 department by rule under s. 49.687 (1).

25 ***-0032/P2.6*** SECTION 1429. 49.683 (3) of the statutes is created to read:

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

5 ***-0032/P2.7*** SECTION 1430. 49.685 (6) (b) of the statutes is amended to read:

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

14 ***-0032/P2.8*** SECTION 1431. 49.687 (title) of the statutes is amended to read:

15 49.687 (title) **Disease aids; patient requirements; rebate agreements;**
16 **cost containment.**

17 ***-1303/P1.1*** SECTION 1432. 49.687 (1) of the statutes is amended to read:

18 49.687 (1) The department shall promulgate rules that require a person who
19 is eligible for benefits under s. 49.68, 49.683, or 49.685 and whose ~~current~~ estimated
20 total family income exceeds specified limits for the current year is at or above 200%
21 of the poverty line to obligate or expend specified portions of the income for medical
22 care for treatment of kidney disease, cystic fibrosis, or hemophilia before receiving
23 benefits under s. 49.68, 49.683, or 49.685. The rules shall require a person to pay
24 0.50% of his or her total family income for the cost of medical treatment covered
25 under s. 49.68, 49.683, or 49.685 if that income is from 200% to 250% of the federal

1 poverty line, 0.75% if that income is more than 250% but not more than 275% of the
2 federal poverty line, 1% if that income is more than 275% but not more than 300%
3 of the federal poverty line, 1.25% if that income is more than 300% but not more than
4 325% of the federal poverty line, 2% if that income is more than 325% but not more
5 than 350% of the federal poverty line, 2.75% if that income is more than 350% but
6 not more than 375% of the federal poverty line, 3.5% if that income is more than 375%
7 but not more than 400% of the federal poverty line, and 4.5% if that income is more
8 than 400% of the federal poverty line.

9 ***-0032/P2.9*** SECTION 1433. 49.687 (1m) of the statutes is created to read:

10 49.687 (1m) (a) A person is not eligible to receive benefits under s. 49.68 or
11 49.683 unless before the person applies for benefits under s. 49.68 or 49.683, the
12 person first applies for benefits under all other health care coverage programs
13 specified by the department by rule under par. (b) for which the person reasonably
14 may be eligible.

15 (b) The department shall promulgate rules that specify other health care
16 coverage programs for which a person must apply before applying for benefits under
17 s. 49.68 or 49.683. The programs specified by rule must include the Medical
18 Assistance program under subch. IV, the Badger Care health care program under s.
19 49.665, and the prescription drug assistance for elderly persons program under s.
20 49.688.

21 (c) Using the procedure under s. 227.24, the department may promulgate rules
22 under par. (b) for the period before the effective date of any permanent rules
23 promulgated under par. (b), but not to exceed the period authorized under s. 227.24
24 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department is
25 not required to provide evidence that promulgating a rule under par. (b) as an

1 emergency rule is necessary for the preservation of the public peace, health, safety,
2 or welfare and is not required to make a finding of emergency for promulgating a rule
3 under par. (b) as an emergency rule.

4 ***-1303/P1.2* SECTION 1434.** 49.687 (2) of the statutes is amended to read:

5 49.687 (2) The department shall develop and implement a sliding scale of
6 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.
7 49.683, and hemophilia treatment under s. 49.685, based on the patient's ability to
8 pay for treatment. ~~To~~ The department shall continuously review the sliding scale for
9 patient liability and revise it as needed to ensure that the needs for treatment of
10 patients with lower incomes receive priority within the availability of funds amounts
11 budgeted under s. 20.435 (4) (e) and (je), the department shall revise the sliding scale
12 for patient liability by January 1, 1994, and shall, every 3 years thereafter by
13 January 1, review and, if necessary, revise the sliding scale are sufficient to cover
14 treatment costs.

15 ***-1303/P1.3* SECTION 1435.** 49.687 (2m) of the statutes is created to read:

16 49.687 (2m) If a pharmacy directly bills the department or an entity with which
17 the department contracts for a drug supplied to a person receiving benefits under s.
18 49.68, 49.683, or 49.685 and prescribed for treatment covered under s. 49.68, 49.683,
19 or 49.685, the person shall pay a \$7.50 copayment amount for each such generic drug
20 and a \$15 copayment amount for each such brand name drug.

21 ***-0529/4.102* SECTION 1436.** 49.687 (3) (a) of the statutes is amended to read:

22 49.687 (3) (a) That, as a condition of coverage for prescription drugs of a
23 manufacturer under s. 49.68, 49.683, or 49.685, the manufacturer shall make rebate
24 payments for each prescription drug of the manufacturer that is prescribed for and
25 purchased by persons who meet eligibility criteria under s. 49.68, 49.683, or 49.685,

1 to the ~~state treasurer~~ secretary of administration to be credited to the appropriation
2 under s. 20.435 (4) (je), each calendar quarter or according to a schedule established
3 by the department.

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

5 49.687 (4) The department may adopt managed care methods of cost
6 containment for the programs under ss. 49.68, 49.683, and 49.685.

7 ***b0292/3.1* SECTION 1438h.** 49.688 (2) (b) of the statutes is amended to read:

8 49.688 (2) (b) A person to whom par. (a) 1. to 3. and 5. applies, but whose annual
9 household income, as determined by the department and as modified under sub.
10 (4m), if applicable, exceeds 240% of the federal poverty line for a family the size of
11 the ~~persons'~~ person's eligible family, is eligible to purchase a prescription drug at the
12 amounts specified in sub. (5) (a) 4. only during the remaining amount of any
13 12-month period in which the person has first paid the annual deductible specified
14 in sub. (3) (b) 2. a. in purchasing prescription drugs at the retail price or, if permitted
15 under sub. (4m), in paying premiums for a long-term care insurance policy and has
16 then paid the annual deductible specified in sub. (3) (b) 2. b.

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

18 49.688 (3) (a) For each 12-month benefit period, a program enrollment fee of
19 ~~\$20~~ \$30.

20 ***-1485/5.5* SECTION 1442.** 49.688 (3) (b) 1. of the statutes is renumbered
21 49.688 (3) (b) 1. (intro.) and amended to read:

22 49.688 (3) (b) 1. (intro.) For each 12-month benefit period, for a person specified
23 in sub. (2) (a), a deductible for prescription drugs of \$500, ~~except that a person whose~~
24 that is based on the percentage that a person's annual household income, as

1 determined by the department, is ~~160% or less~~ of the federal poverty line for a family
2 the size of the person's eligible family ~~pays no deductible~~, as follows:

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

4 49.688 (3) (b) 1. a. One hundred sixty percent or less, no deductible.

5 ***-1485/5.7* SECTION 1444.** 49.688 (3) (b) 1. b. of the statutes is created to read:

6 49.688 (3) (b) 1. b. More than 160%, but not more than 200%, \$500.

7 ***-1485/5.8* SECTION 1445.** 49.688 (3) (b) 1. c. of the statutes is created to read:

8 49.688 (3) (b) 1. c. More than 200%, but not more than 240%, \$850.

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

11 49.688 (3) (b) 2. a. The difference between the person's annual household
12 income, as modified under sub. (4m), if applicable, and 240% of the federal poverty
13 line for a family the size of the person's eligible family.

14 ***-1485/5.9* SECTION 1446.** 49.688 (3) (b) 2. b. of the statutes is amended to
15 read:

16 49.688 (3) (b) 2. b. Five Eight hundred fifty dollars.

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

18 49.688 (3) (c) 2. A copayment of \$~~15~~ \$20 for each prescription drug that does
19 not bear only a generic name.

20 ***b0292/3.3* SECTION 1446h.** 49.688 (4m) of the statutes is created to read:

21 49.688 (4m) If a person who applies for prescription drug assistance under this
22 section pays premiums for a long-term care insurance policy, as defined in s. 146.91
23 (1), the department either shall treat the amount that the person pays in premiums
24 as a reduction in the person's annual household income for purposes of subs. (2) (b)

1 and (3) (b) 2. a. or shall count the amount paid in premiums towards the deductible
2 specified under sub. (3) (b) 2. a. and required for eligibility under sub. (2) (b).

3 ***-0529/4.103* SECTION 1447.** 49.688 (6) (a) of the statutes is amended to read:

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

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

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

1 department. The department may apply to the program under this section the same
2 utilization and cost control procedures that apply under rules promulgated by the
3 department to medical assistance under subch. IV of ch. 49.

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

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

13 ***-0576/8.63* SECTION 1448.** 49.78 (5) of the statutes, as affected by 2003
14 Wisconsin Act ... (this act), is amended to read:

15 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
16 qualifications of applicants in any county department administering aid to families
17 with dependent children shall be given by the administrator of the division of merit
18 recruitment and selection in the ~~department of employment relations~~. The
19 department of employment relations office of state human resources management.
20 The office of state human resources management shall be reimbursed for actual
21 expenditures incurred in the performance of its functions under this section from the
22 appropriations available to the department of health and family services for
23 administrative expenditures.

24 ***-0190/7.20* SECTION 1450.** 49.79 (4) of the statutes is amended to read:

1 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
2 department shall withhold the value of food stamp losses for which a county or
3 federally recognized American Indian tribe is liable under sub. (3) from the payment
4 to the county or tribe under income maintenance contracts under s. 49.33 49.78 and
5 reimburse the federal government from the funds withheld.

6 ***b0161/2.1* SECTION 1450m.** 49.797 (4) (e) of the statutes is created to read:
7 49.797 (4) (e) Pay a supplier, as defined in s. 49.795 (1) (d), a fee of \$.08 for each
8 food stamp purchase or merchandise return transaction or balance inquiry
9 conducted on a point-of-sale terminal that is owned or leased by the supplier for use
10 in the delivery of food stamp benefits.

11 ***-0229/2.3* SECTION 1451.** 49.85 (title) of the statutes is amended to read:
12 **49.85 (title) Certification of certain public assistance overpayments**
13 **and delinquent loan repayments.**

14 ***-0229/2.4* SECTION 1452.** 49.85 (1) of the statutes is amended to read:
15 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
16 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
17 Indian tribe or band determines that the department of health and family services
18 may recover an amount under s. 49.497 or that the department of workforce
19 development may recover an amount under s. 49.161, 49.195 (3), or 49.793, or collect
20 an amount under s. 49.147 (6) (cm), the county department or governing body shall
21 notify the affected department of the determination. If a Wisconsin works agency
22 determines that the department of workforce development may recover an amount
23 under s. 49.161 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the
24 Wisconsin works agency shall notify the department of workforce development of the
25 determination.

1 ***-0229/2.5*** SECTION 1454. 49.85 (2) (b) of the statutes is amended to read:

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

11 ***-0229/2.6*** SECTION 1456. 49.85 (3) (b) (intro.) of the statutes is amended to
12 read:

13 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
14 department of workforce development shall send a notice to the last-known address
15 of the person from whom that department intends to recover or collect the amount.
16 The notice shall do all of the following:

17 ***-0229/2.7*** SECTION 1457. 49.85 (3) (b) 1. of the statutes is amended to read:

18 49.85 (3) (b) 1. Inform the person that the department of workforce
19 development intends to certify to the department of revenue an amount that the
20 department of workforce development has determined to be due under s. 49.161,
21 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan
22 under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

23 ***-0229/2.8*** SECTION 1459. 49.85 (5) of the statutes is amended to read:

24 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
25 of revenue shall constitute a lien, equal to the amount certified, on any state tax

1 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
2 of revenue as a setoff under s. 71.93. Certification of an amount under this section
3 does not prohibit the department of health and family services or the department of
4 workforce development from attempting to recover or collect the amount through
5 other legal means. The department of health and family services or the department
6 of workforce development shall promptly notify the department of revenue upon
7 recovery or collection of any amount previously certified under this section.

8 *~~1243/1.31~~* SECTION 1460. 49.854 (11) (b) of the statutes is amended to read:

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

15 *~~1634/7.46~~* SECTION 1464. 50.01 (1g) (c) of the statutes is amended to read:

16 50.01 (1g) (c) A shelter facility as defined under s. ~~16.352~~ 560.9808 (1) (d).

17 *~~0529/4.104~~* SECTION 1466. 50.03 (5g) (c) 1. c. of the statutes is amended to
18 read:

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

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

2 **50.031 Nursing home surveyor positions.** (1) In this section, “long-term
3 care facility” means a licensed nursing home, community-based residential facility,
4 adult family home, home health agency, or rural medical center or a certified or
5 registered residential care apartment complex.

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

17 ***-0529/4.105* SECTION 1467.** 50.034 (8) (d) of the statutes is amended to read:

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

24 ***-0529/4.106* SECTION 1468.** 50.035 (11) (d) of the statutes is amended to read:

1 50.035 (11) (d) All forfeitures shall be paid to the department within 10 days
2 after receipt of notice of assessment or, if the forfeiture is contested under par. (c),
3 within 10 days after receipt of the final decision after exhaustion of administrative
4 review, unless the final decision is appealed and the order is stayed by court order.
5 The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
6 administration for deposit in the school fund.

7 ***b0113/1.5* SECTION 1472b.** 50.04 (5) (f) of the statutes is amended to read:
8 50.04 (5) (f) *Forfeitures paid within 10 days.* All forfeitures shall be paid to the
9 department within 10 days of receipt of notice of assessment or, if the forfeiture is
10 contested under par. (e), within 10 days of receipt of the final decision after
11 exhaustion of administrative review, unless the final decision is appealed and the
12 order is stayed by court order under s. 50.03 (11). The department shall remit all
13 forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the
14 school fund.

15 ***-1295/2.18* SECTION 1473.** 50.07 (3) (a) of the statutes is repealed.

16 ***-1295/2.19* SECTION 1474.** 50.07 (3) (b) of the statutes is amended to read:
17 50.07 (3) (b) Any employee ~~of an employer not described in par. (a)~~ who is
18 discharged or otherwise retaliated or discriminated against in violation of sub. (1)
19 (e) or (em) may file a complaint with the department of workforce development under
20 s. 106.54 (5).

21 ***-1295/2.20* SECTION 1475.** 50.07 (3) (c) of the statutes is amended to read:
22 50.07 (3) (c) Any person not described in par. ~~(a)~~ or (b) who is retaliated or
23 discriminated against in violation of sub. (1) (e) or (em) may commence an action in
24 circuit court for damages incurred as a result of the violation.

25 ***-0207/6.2* SECTION 1476.** 50.14 (title) of the statutes is amended to read:

1 **50.14 (title) Assessments on occupied, licensed beds.**

2 *~~0207/6.3~~* SECTION 1477. 50.14 (1) (a) of the statutes is amended to read:

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

7 *~~0207/6.4~~* SECTION 1478. 50.14 (2) of the statutes is renumbered 50.14 (2)
8 (intro.) and amended to read:

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

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

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

6 *~~0207/6.5~~* SECTION 1479. 50.14 (2) (b) of the statutes is created to read:

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

10 *~~0207/6.6~~* SECTION 1480. 50.14 (3) of the statutes is amended to read:

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

18 *~~0207/6.7~~* SECTION 1481. 50.14 (4) of the statutes is amended to read:

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

1 *~~0529/4.108~~* SECTION 1482. 50.38 (4) of the statutes is amended to read:

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

8 *~~0529/4.109~~* SECTION 1483. 50.55 (1) (e) of the statutes is amended to read:

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

14 *~~1607/P3.8~~* SECTION 1484. 50.90 (2) of the statutes is amended to read:

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

18 *~~0529/4.110~~* SECTION 1485. 50.98 (5) of the statutes is amended to read:

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

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

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

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

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

11 ***-0211/5.5*** SECTION 1488. 51.06 (3) (b) of the statutes is created to read:

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

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

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

19 ***-0211/5.6*** SECTION 1489. 51.06 (5) of the statutes is created to read:

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

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

4 ***-1746/4.5* SECTION 1490.** 51.06 (6) of the statutes is created to read:

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

20 ***b0215/3.10* SECTION 1490c.** 51.06 (7) of the statutes is created to read:

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

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

3 *~~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).

24 *~~0211/5.10~~* SECTION 1494. 51.20 (13) (f) of the statutes is amended to read:

1 51.20 (13) (f) The county department under s. 51.42 or 51.437 ~~which that~~
2 receives an individual who is committed by a court under par. (a) 3. is authorized to
3 place ~~such the~~ individual in an approved treatment facility, subject to any limitations
4 which are specified by the court under par. (c) 2. The county department shall place
5 the subject individual in the treatment program and treatment facility ~~which that~~
6 is least restrictive of the individual's personal liberty, consistent with the treatment
7 requirements of the individual. The county department ~~shall have~~ has ongoing
8 responsibility to review the individual's needs, in accordance with sub. (17), and to
9 transfer the person to the least restrictive program consistent with the individual's
10 needs. ~~If the subject individual is under the age of 22 years and if the facility~~
11 ~~appropriate for placement or transfer is a center for the developmentally disabled,~~
12 ~~placement or transfer of the individual shall be made only to the central center for~~
13 ~~the developmentally disabled unless the department authorizes the placement or~~
14 ~~transfer to the northern or southern center for the developmentally disabled~~
15 Placement or transfer under this paragraph is subject to s. 51.06 (3).

16 *~~0196/3.1~~* **SECTION 1495.** 51.35 (1) (a) of the statutes is amended to read:

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

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

10 *~~0196/3.2~~* SECTION 1496. 51.35 (1) (b) of the statutes is renumbered 51.35 (1)
11 (b) 1. and amended to read:

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

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

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

24 *~~0211/5.11~~* SECTION 1497. 51.35 (1) (bm) of the statutes is amended to read:

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).

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.

23 2. Transfer under this ~~subsection~~ paragraph may be made only if the transfer
24 is consistent with the requirements of par. (a), and the department finds that the
25 appropriate county department under s. 51.42 or 51.437 is unable to locate an

1 approved treatment facility in the community, or that such the county department
2 has acted in an arbitrary or capricious manner to prevent the transfer of the patient
3 out of the state treatment facility or other inpatient facility contrary to medical and
4 clinical judgment.

5 *b0215/3.17* SECTION 1499b. 51.35 (1) (d) 3. of the statutes is renumbered
6 51.35 (1) (b) 3. and amended to read:

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

14 *-1634/7.47* SECTION 1500. 51.35 (5) of the statutes is amended to read:

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

23 *-0211/5.12* SECTION 1502. 51.437 (4rm) (c) 2m. of the statutes is amended
24 to read:

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

6 *~~0211/5.13~~* SECTION 1503. 51.67 (intro.) of the statutes is amended to read:

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

1 and participate in subsequent legal proceedings. An individual is not competent to
2 refuse psychotropic medication if, because of chronic mental illness, and after the
3 advantages and disadvantages of and alternatives to accepting the particular
4 psychotropic medication have been explained to the individual, one of the following
5 is true:

6 *~~0209/2.16~~* SECTION 1504. 55.001 of the statutes is amended to read:

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

20 *~~0209/2.17~~* SECTION 1505. 55.01 (4g) of the statutes is created to read:

21 55.01 (4g) “Intermediate facility” has the meaning given in s. 46.279 (1) (a).

22 *~~0209/2.18~~* SECTION 1506. 55.01 (4t) of the statutes is created to read:

23 55.01 (4t) “Nursing facility” has the meaning given in s. 46.279 (1) (b).

24 *~~0209/2.19~~* SECTION 1507. 55.045 of the statutes is amended to read:

1 **55.045 Funding.** The Except as provided in s. 49.45 (30m) (a), the appropriate
2 county department designated under s. 55.02 shall within the limits of available
3 state and federal funds and of county funds required to be appropriated to match
4 state funds, provide for the reasonable program needs of persons who are
5 protectively placed or who receive protective services under this chapter, including
6 reasonable expenses for the evaluations required by s. 55.06 (8). Payment and
7 collections for protective placement or protective services provided in public facilities
8 specified in s. 46.10 shall be governed in accordance with s. 46.10. The department
9 may require that a person who is protectively placed or receives protective services
10 under this chapter provide reimbursement for services or care and custody received,
11 based on the ability of the person to pay for such costs.

12 *~~0209/2.20~~* **SECTION 1508.** 55.06 (5) of the statutes is amended to read:

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

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

13 ***-0209/2.21* SECTION 1509.** 55.06 (8) (intro.) of the statutes is amended to
14 read:

15 55.06 (8) (intro.) Before ordering the protective placement of any individual,
16 the court shall direct a comprehensive evaluation of the person in need of placement,
17 if such an evaluation has not already been made. The court may utilize available
18 multidisciplinary resources in the community in determining the need for
19 placement. The board designated under s. 55.02 or an agency designated by it shall
20 cooperate with the court in securing available resources. Where applicable by reason
21 of the particular disability, the appropriate board designated under s. 55.02 or an
22 agency designated by it having responsibility for the place of legal residence of the
23 individual as provided in s. 49.001 (6) shall make a recommendation for placement.
24 If the court is considering placement of the individual in a center for the
25 developmentally disabled, the court shall request a statement or testimony from the

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

15 *~~0209/2.22~~* SECTION 1510. 55.06 (9) (a) of the statutes is amended to read:

16 55.06 (9) (a) The court may order protective services under s. 55.05 (2) (d) as
17 an alternative to placement. When ordering placement, the court, on the basis of the
18 evaluation and other relevant evidence, shall order the appropriate board specified
19 under s. 55.02 or an agency designated by it to protectively place the individual.
20 Placement by the appropriate board or designated agency is subject to s. 46.279 and
21 shall be made in the least restrictive environment consistent with the needs of the
22 person to be placed and with the placement resources of the appropriate board
23 specified under s. 55.02. Factors to be considered in making protective placement
24 shall include the needs of the person to be protected for health, social, or
25 rehabilitative services; the level of supervision needed; the reasonableness of the

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

1 procedures under par. (d). Placement in a locked unit shall require a specific finding
2 of the court as to the need for such action. A placement facility may transfer a patient
3 from a locked unit to a less restrictive environment without court approval.

4 *~~0209/2.23~~* SECTION 1511. 55.06 (9) (b) of the statutes is amended to read:

5 55.06 (9) (b) Transfer may be made between placement units or from a
6 placement unit to a medical facility other than those specified in pars. (c) to (e) by a
7 guardian or placement facility without approval by a court. When transfer is made
8 by a placement facility, 24 hours' prior written notice of the transfer shall be provided
9 to the guardian, when feasible. If it is not feasible to notify the guardian in advance,
10 written notice shall be provided immediately upon transfer, and notice shall also be
11 provided to the court and to the board designated under s. 55.02 or an agency
12 designated by it within a reasonable time, not to exceed 48 hours from the time of the
13 transfer. Upon petition to a court by a guardian, ward, or attorney, or other
14 interested person specifying objections to a transfer, or if the person is transferred
15 to an intermediate facility or to a nursing facility, the court shall order a hearing,
16 within 96 hours after filing of the petition, to determine whether there is probable
17 cause to believe that the transfer is consistent with the requirements specified in par.
18 (a) and is necessary for the best interests of the ward or, if the person is transferred
19 to an intermediate facility or to a nursing facility, to determine if the intermediate
20 facility or nursing facility is the most integrated setting, as defined in s. 46.279 (1)
21 (bm), that is appropriate to the needs of the ward taking into account information
22 presented by all affected parties. The court shall notify the ward, guardian, and
23 petitioner of the time and place of the hearing, and a guardian ad litem shall be
24 appointed to represent the ward. If the person is an adult who is indigent, the county
25 of legal settlement shall be liable for guardian ad litem fees. If the person is a child,

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

4 ***-0209/2.24* SECTION 1512.** 55.06 (9) (c) of the statutes is amended to read:

5 55.06 (9) (c) Transfer Subject to s. 46.279, transfer to a more restrictive
6 placement, including a locked unit, may be made with notice to the guardian, the
7 court and appropriate board designated under s. 55.02 or an agency designated by
8 it in the manner prescribed in par. (b). Upon petition by a guardian, ward or attorney,
9 or other interested person specifying objections to the transfer or if the person has
10 a developmental disability and is transferred to an intermediate facility or a nursing
11 facility, the court shall order a hearing as provided in par. (b).

12 ***-0209/2.25* SECTION 1513.** 55.06 (10) (a) of the statutes is renumbered 55.06
13 (10) (a) 1.

14 ***-0209/2.26* SECTION 1514.** 55.06 (10) (a) 2. of the statutes is created to read:

15 55.06 (10) (a) 2. If the person has a developmental disability and is placed in
16 an intermediate facility or a nursing facility, the agency that is responsible for the
17 protective placement shall notify in writing the county department of the county of
18 residence of the person that is participating in the program under s. 46.278 or, if s.
19 46.279 (4m) applies to the person, the department, at least 120 days before the
20 review. The county department so notified or, if s. 46.279 (4m) applies, the
21 department's contractor shall develop a plan under s. 46.279 (4) and furnish the plan
22 to the court that ordered the placement and to the person's guardian. The court shall
23 order that the person be transferred to the noninstitutional community setting in
24 accordance with the plan unless the court finds that placement in the intermediate
25 facility or nursing facility is the most integrated setting, as defined in s. 46.279 (1)

1 (bm), that is appropriate to the needs of the person taking into account information
2 presented by all affected parties.

3 ***-0209/2.27* SECTION 1515.** 55.06 (11) (c) of the statutes is amended to read:

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

14 ***-0190/7.21* SECTION 1516.** 59.22 (2) (c) 2. of the statutes is amended to read:

15 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
16 rules of the department of ~~health and family services~~ workforce development under
17 s. ~~49.33~~ 49.78 (4) to (7) relating to employees administering old-age assistance, aid
18 to families with dependent children, aid to the blind ~~and, or~~ aid to totally and
19 permanently disabled persons or ss. 63.01 to 63.17.

20 ***-0529/4.111* SECTION 1517.** 59.25 (3) (f) 1. of the statutes is amended to read:

21 59.25 (3) (f) 1. Except as provided in subd. 2., transmit to the ~~state treasurer~~
22 secretary of administration at the time required by law to pay the state taxes a
23 particular statement, certified by the county treasurer's personal signature affixed
24 or attached thereto, of all moneys received by him or her during the preceding year
25 and which are payable to the ~~state treasurer~~ secretary of administration for licenses,

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

4 ***-0529/4.112*** SECTION 1518. 59.25 (3) (f) 2. of the statutes is amended to read:

5 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
6 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
7 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
8 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
9 weapons assessment, the amounts required by s. 973.045 for the crime victim and
10 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
11 delinquency victim and witness assistance surcharge, the amounts required by s.
12 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
13 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts
14 required by s. 100.261 for the consumer protection assessment, the amounts
15 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse
16 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
17 under the supplemental food program for women, infants and children, the amounts
18 required by s. 349.04 for the truck driver education assessment, the amounts
19 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
20 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the
21 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
22 uninsured employer assessment, the amounts required by s. 299.93 for the
23 environmental assessment, the amounts required by s. 29.983 for the wild animal
24 protection assessment, the amounts required by ss. 29.987 and 169.46 (1) for the
25 natural resources assessment surcharge, the amounts required by s. 29.985 for the

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

9 ***-0529/4.113* SECTION 1519.** 59.25 (3) (k) of the statutes is amended to read:

10 59.25 (3) (k) Forward 40% of the state forfeitures, fines, and penalties under
11 ch. 348 to the ~~state treasurer~~ secretary of administration for deposit in the
12 transportation fund under s. 25.40 (1) (ig).

13 ***-0529/4.114* SECTION 1520.** 59.25 (3) (L) of the statutes is amended to read:

14 59.25 (3) (L) Forward all money received under s. 66.0114 (3) (c) to the ~~state~~
15 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
16 s. 25.40 (1) (ig).

17 ***-0529/4.115* SECTION 1521.** 59.25 (3) (m) of the statutes is amended to read:

18 59.25 (3) (m) Forward 50% of the fees received under s. 351.07 (1g) to the ~~state~~
19 ~~treasurer~~ secretary of administration for deposit in the transportation fund under
20 s. 25.40 (1) (im).

21 ***-0529/4.116* SECTION 1522.** 59.25 (3) (p) of the statutes is amended to read:

22 59.25 (3) (p) Pay to the ~~state treasurer~~ secretary of administration on his or her
23 order the state percentage of fees received from the clerk of the circuit court under
24 s. 59.40 (2) (m) and if any such moneys remain in his or her hands when he or she

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 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 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

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

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

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

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

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

3 *~~0529/4.119~~* **SECTION 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.

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.

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.

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

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