



1           49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation account  
2 under s. 20.435 (4) (b), (gp), (r), (rg), or (w), the department shall, on the part of an  
3 individual who is eligible for medical assistance under sub. (3), pay premiums for or  
4 purchase individual coverage offered by the individual's employer if the department  
5 determines that paying the premiums for or purchasing the coverage will not be more  
6 costly than providing medical assistance.

7           \*~~1649/7~~\*SECTION 1161. 49.472 (6) (a) of the statutes, as affected by 2005  
8 Wisconsin Act .... (this act), is amended to read:

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

15           \*~~1649/7~~\*SECTION 1162. 49.472 (6) (b) of the statutes is amended to read:

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

20           \*~~1649/7~~\*SECTION 1163. 49.472 (6) (b) of the statutes, as affected by 2005  
21 Wisconsin Act .... (this act), is amended to read:

22           49.472 (6) (b) If federal financial participation is available, from the  
23 appropriation account under s. 20.435 (4) (b), (gp), (r), (~~rg~~), or (w), the department  
24 may pay Medicare Part A and Part B premiums for individuals who are eligible for  
25 Medicare and for medical assistance under sub. (3).

1           \*~~1649/7~~\*SECTION 1164. 49.473 (5) of the statutes is amended to read:

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

7           \*~~1649/7~~\*SECTION 1165. 49.473 (5) of the statutes, as affected by 2005  
8 Wisconsin Act ... (this act), is amended to read:

9           49.473 (5) The department shall audit and pay, from the appropriation  
10 accounts under s. 20.435 (4) (b), (gp), (o), and (r), ~~and (rg)~~ allowable charges to a  
11 provider who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of  
12 a woman who meets the requirements under sub. (2) for all benefits and services  
13 specified under s. 49.46 (2).

14           \*~~1525/3.2~~\* SECTION 1166. 49.475 (6) of the statutes is created to read:

15           49.475 (6) SHARING INFORMATION. The department of health and family services  
16 shall provide to the department of workforce development, for purposes of the  
17 medical support liability program under s. 49.22, any information that the  
18 department of health and family services receives under this section. The  
19 department of workforce development may allow a county child support agency  
20 under s. 59.53 (5) or a tribal child support agency access to the information, subject  
21 to the use and disclosure restrictions under s. 49.83, and shall consult with the  
22 department of health and family services regarding procedures and methods to  
23 adequately safeguard the confidentiality of the information provided under this  
24 subsection.

25           \*~~0879/4.1~~\* SECTION 1167. 49.497 (title) of the statutes is amended to read:

1           **49.497 (title) Recovery of incorrect ~~medical assistance~~ Medical**  
2           **Assistance or Badger Care payments.**

3           \*~~0879/4.2~~\* **SECTION 1168.** 49.497 (1) of the statutes is renumbered 49.497 (1)  
4           (a) (intro.) and amended to read:

5           49.497 (1) (a) (intro.) The department may recover any payment made  
6           incorrectly for benefits specified under s. ~~49.46, 49.468 or 49.47~~ provided under this  
7           subchapter or s. 49.665 if the incorrect payment results from any of the following:

8           1. A misstatement or omission of fact by a person supplying information in an  
9           application for benefits under s. ~~49.46, 49.468 or 49.47~~ this subchapter or s. 49.665.

10           2. ~~The department may also recover if a medical assistance~~ failure of a Medical  
11           Assistance or Badger Care recipient or any other person responsible for giving  
12           information on the recipient's behalf fails to report the receipt of income or assets in  
13           an amount that would have affected the recipient's eligibility for benefits.

14           (b) The department's right of recovery is against any ~~medical assistance~~  
15           Medical Assistance or Badger Care recipient to whom or on whose behalf the  
16           incorrect payment was made. The extent of recovery is limited to the amount of the  
17           benefits incorrectly granted. The county department under s. 46.215 or 46.22 or the  
18           governing body of a federally recognized American Indian tribe administering  
19           ~~medical assistance~~ Medical Assistance or Badger Care shall begin recovery actions  
20           on behalf of the department according to rules promulgated by the department.

21           \*~~0879/4.3~~\* **SECTION 1169.** 49.497 (1) (a) 3. of the statutes is created to read:

22           49.497 (1) (a) 3. The failure of a Medical Assistance or Badger Care recipient  
23           or any other person responsible for giving information on the recipient's behalf to  
24           report any change in the recipient's financial or nonfinancial situation or eligibility

1 characteristics that would have affected the recipient's eligibility for benefits or the  
2 recipient's cost-sharing requirements.

3 \*~~0879/4.4~~ SECTION 1170. 49.497 (1m) of the statutes is created to read:

4 49.497 (1m) (a) If, after notice that an incorrect payment was made, a recipient,  
5 or parent of a minor recipient, who is liable for repayment of an incorrect payment  
6 fails to repay the incorrect payment or enter into, or comply with, an agreement for  
7 repayment, the department may bring an action to enforce the liability or may issue  
8 an order to compel payment of the liability. Any person aggrieved by an order issued  
9 by the department under this paragraph may appeal the order as a contested case  
10 under ch. 227 by filing with the department a request for a hearing within 30 days  
11 after the date of the order. The only issue at hearing shall be the determination by  
12 the department that the person has not repaid the incorrect payment or entered into,  
13 or complied with, an agreement for repayment.

14 (b) If any recipient, or parent of a minor recipient, named in an order to compel  
15 payment issued under par. (a) fails to pay the department any amount due under the  
16 terms of the order and no contested case to review the order is pending and the time  
17 for filing for a contested case review has expired, the department may present a  
18 certified copy of the order to the circuit court for any county. The sworn statement  
19 of the secretary shall be evidence of the incorrect payment. The circuit court shall,  
20 without notice, render judgment in accordance with the order. A judgment rendered  
21 under this paragraph shall have the same effect and shall be entered in the judgment  
22 and lien docket and may be enforced in the same manner as if the judgment had been  
23 rendered in an action tried and determined by the circuit court.

24 (c) The recovery procedure under this subsection is in addition to any other  
25 recovery procedure authorized by law.

1           \***-0879/4.5\*** SECTION 1171. 49.497 (2) of the statutes is amended to read:

2           49.497 (2) A county or governing body of a federally recognized American  
3 Indian tribe may retain 15% of benefits distributed under s. 49.46, 49.468 or 49.47  
4 provided under this subchapter or s. 49.665 that are recovered under sub. (1) this  
5 section due to the efforts of an employee or officer of the county or tribe.

6           \***-0879/4.6\*** SECTION 1172. 49.497 (4) of the statutes is created to read:

7           49.497 (4) The department may appear for the state in any and all collection  
8 matters under this section, and may commence suit in the name of the department  
9 to recover an incorrect payment from the recipient to whom or on whose behalf it was  
10 made.

11           \***-0879/4.7\*** SECTION 1173. 49.497 (5) of the statutes is created to read:

12           49.497 (5) The department may make an agreement with a recipient, or parent  
13 of a minor recipient, who is liable under sub. (1), providing for repayment of an  
14 incorrect payment at a specified rate or amount.

15           \***-0261/1.4\*** SECTION 1174. 49.665 (1) (b) of the statutes is amended to read:

16           49.665 (1) (b) "Child" means a person who is born and who is under the age of  
17 19.

18           \***-0261/1.5\*** SECTION 1175. 49.665 (1) (g) of the statutes is created to read:

19           49.665 (1) (g) "Unborn child" means a person from the time of conception until  
20 it is born alive.

21           \***-0261/1.6\*** SECTION 1176. 49.665 (2) (a) of the statutes is renumbered 49.665

22 (2) (a) 1. and amended to read:

23           49.665 (2) (a) 1. The department of health and family services shall request a  
24 waiver from the secretary of the federal department of health and human services  
25 to permit the department of health and family services to implement, beginning not

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1 later than July 1, 1998, or the effective date of the waiver, whichever is later, a health  
2 care program under this section. If a waiver that is consistent with all of the  
3 provisions of this section, excluding sub. (4) (a) 3m. and (ap) and provisions related  
4 to sub. (4) (ap), is granted and in effect, the department of health and family services  
5 shall implement the program under this section, subject to subd. 2. The department  
6 of health and family services may not implement the program under this section  
7 unless a waiver that is consistent with all of the provisions of this section, excluding  
8 sub. (4) (a) 3m. and (ap) and provisions related to sub. (4) (ap), is granted and in effect.

9 \***-0261/1.7\*** SECTION 1177. 49.665 (2) (a) 2. of the statutes is created to read:

10 49.665 (2) (a) 2. The department may not implement sub. (4) (ap) or provisions  
11 related to the coverage under sub. (4) (ap) unless a state plan amendment  
12 authorizing the coverage under sub. (4) (ap) is approved by the federal department  
13 of health and human services.

14 \***-0261/1.8\*** SECTION 1178. 49.665 (3) of the statutes is amended to read:

15 49.665 (3) ADMINISTRATION. The Subject to sub. (2) (a) 2., the department shall  
16 administer a program to provide the health services and benefits described in s. 49.46  
17 (2) to persons that meet the eligibility requirements specified in sub. (4). The  
18 department shall promulgate rules setting forth the application procedures and  
19 appeal and grievance procedures. The department may promulgate rules limiting  
20 access to the program under this section to defined enrollment periods. The  
21 department may also promulgate rules establishing a method by which the  
22 department may purchase family coverage offered by the employer of a member of  
23 an eligible family or by of a member of -a- an eligible child's household, or family or  
24 individual coverage offered by the employer of an eligible unborn child's mother or  
25 her spouse, under circumstances in which the department determines that

1 purchasing that coverage would not be more costly than providing the coverage  
2 under this section.

3 \*~~0261/1.9~~\* SECTION 1179. 49.665 (4) (ap) of the statutes is created to read:

4 49.665 (4) (ap) An unborn child whose mother is not eligible for health care  
5 coverage under par. (a) or (am) or for medical assistance under s. 49.46 or 49.47,  
6 except that she may be eligible for benefits under s. 49.45 (27), is eligible for health  
7 care coverage under this section, which shall be limited to coverage for prenatal care,  
8 if all of the following requirements are met:

9 1. The income of the unborn child's mother, mother and her spouse, or mother  
10 and her family, whichever is applicable, does not exceed 185 percent of the poverty  
11 line, except as provided in par. (at) and except that, if an unborn child is already  
12 receiving health care coverage under this section, the applicable specified person or  
13 persons may have an income that does not exceed 200 percent of the poverty line.  
14 The department shall establish by rule the criteria to be used to determine income.

15 2. Each of the following applicable persons who is employed provides  
16 verification from his or her employer, in the manner specified by the department, of  
17 his or her earnings:

18 a. The unborn child's mother.

19 b. The spouse of the unborn child's mother.

20 c. Members of the unborn child's mother's family.

21 3. The unborn child's mother provides medical verification of her pregnancy,  
22 in the manner specified by the department.

23 4. The unborn child and the mother of the unborn child meet all other  
24 requirements established by the department by rule except for any of the following:

1 a. The mother is not a U.S. citizen or an alien qualifying for medicaid under 8  
2 USC 1612.

3 b. The mother is an inmate of a public institution.

4 c. The mother does not provide a social security number, but only if subd. 4. a.  
5 applies.

6 **\*-0261/1.10\* SECTION 1180.** 49.665 (4) (at) 3. of the statutes is amended to  
7 read:

8 49.665 (4) (at) 3. The department may not adjust the maximum income level  
9 of 200% of the poverty line for persons already receiving health care coverage under  
10 this section or for applicable persons specified in par. (ap) 1. with respect to an unborn  
11 child already receiving health care coverage under this section.

12 **\*-0261/1.11\* SECTION 1181.** 49.665 (4) (c) of the statutes is amended to read:

13 49.665 (4) (c) No person may be denied health care coverage under this section  
14 solely because of a health condition of that person or, of any family member of that  
15 person, or of the mother of an unborn child.

16 **\*-0261/1.12\* SECTION 1182.** 49.665 (4) (d) of the statutes is created to read:

17 49.665 (4) (d) An unborn child's eligibility for coverage under par. (ap) shall not  
18 begin before the first day of the month in which the unborn child's mother provides  
19 the medical verification required under par. (ap) 3.

20 **\*-0261/1.13\* SECTION 1183.** 49.665 (5) (ag) of the statutes is amended to read:

21 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, or a  
22 child who does not reside with his or her parent, or the mother of an unborn child,  
23 who receives health care coverage under this section shall pay a percentage of the  
24 cost of that coverage in accordance with a schedule established by the department  
25 by rule. The department may not establish or implement a schedule that requires

1 a family or child to contribute contribution, including the amounts required under  
2 par. (am), of more than 5% of the family's or child's income of the family, child, or  
3 applicable persons specified in sub. (4) (ap) 1. towards the cost of the health care  
4 coverage provided under this section.

5 \*~~0261/1.14~~\* SECTION 1184. 49.665 (5) (am) (intro.) of the statutes is amended  
6 to read:

7 49.665 (5) (am) (intro.) Except as provided in pars. (b) and (bm), a child ~~or, a~~  
8 family member, or the mother of an unborn child, who receives health care coverage  
9 under this section shall pay the following cost-sharing amounts:

10 \*~~0261/1.15~~\* SECTION 1185. 49.665 (5) (b) of the statutes is amended to read:

11 49.665 (5) (b) The department may not require a family, ~~or~~ child who does not  
12 reside with his or her parent, or applicable persons specified in sub. (4) (ap) 1., with  
13 an income below 150% of the poverty line, to contribute to the cost of health care  
14 coverage provided under this section.

15 \*~~0261/1.16~~\* SECTION 1186. 49.665 (5) (c) of the statutes is amended to read:

16 49.665 (5) (c) The department may establish by rule requirements for wage  
17 withholding as a means of collecting ~~the a~~ family's or an unborn child's mother's  
18 share of the cost of the health care coverage under this section.

19 \*~~0314/1.1~~\* SECTION 1187. 49.688 (1) (e) of the statutes is amended to read:

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

24 \*~~0265/3.13~~\* SECTION 1188. 49.77 (6) of the statutes is created to read:

1           49.77 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer  
2 this section and s. 49.775, and may promulgate rules to guide the administration of  
3 eligibility determinations and benefits payments.

4           \*~~0265/3.14~~\* SECTION 1189. 49.78 (8) (a) of the statutes is amended to read:

5           49.78 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn)  
6 and subject to par. (b), the department shall reimburse each county and tribal  
7 governing body that contracts with the department under sub. (2) for reasonable  
8 costs of administering the income maintenance programs. The amount of each  
9 reimbursement paid under this paragraph shall be calculated using a formula based  
10 on workload within the limits of available state and federal funds under s. 20.435 (4)  
11 (bn) and (nn) by contract under sub. (2). The amount of reimbursement calculated  
12 under this paragraph and par. (b) is in addition to any reimbursement provided to  
13 a county or tribal governing body for fraud and error reduction under s. 49.197 (~~1m~~)  
14 and ~~(4)~~ or 49.845.

15           \*~~0878/1.1~~\* SECTION 1190. 49.78 (11) of the statutes is created to read:

16           49.78 (11) REQUIREMENT TO PROVIDE INFORMATION. (a) 1. The department, a  
17 county department under s. 46.215, 46.22, or 46.23, or a tribal governing body may  
18 request from any person in this state information it determines appropriate and  
19 necessary for determining or verifying eligibility or benefits for a recipient under any  
20 income maintenance program. Unless access to the information is prohibited or  
21 restricted by law, or unless the person has good cause, as determined by the  
22 department in accordance with federal law and regulations, for refusing to  
23 cooperate, the person shall make a good faith effort to provide the information within  
24 7 days after receiving a request under this paragraph. The department, county  
25 department, or tribal governing body, or employees of any of them, may not disclose

1 information obtained under this subdivision for any purpose not connected with the  
2 administration of the income maintenance program for which the information was  
3 requested.

4 2. In conjunction with any request for information under subd. 1., including a  
5 request made by subpoena under par. (b), the department, county department, or  
6 tribal governing body shall advise the person of the time by which the information  
7 must be provided.

8 (b) The department, a county department, or a tribal governing body may issue  
9 a subpoena, in substantially the form authorized under s. 885.02, to compel the  
10 production of financial information or other documentary evidence for determining  
11 or verifying eligibility or benefits for a recipient under any income maintenance  
12 program.

13 (c) A person is not liable to any person for any of the following:

14 1. Allowing access to financial or other records by the department, a county  
15 department, or a tribal governing body in response to a request under par. (a) or a  
16 subpoena described in par. (b).

17 2. Disclosing information from financial or other records to the department, a  
18 county department, or a tribal governing body in response to a request under par. (a)  
19 or a subpoena described in par. (b).

20 3. Any other action taken in good faith to comply with this subsection or a  
21 subpoena described in par. (b) or to comply with a request for information or access  
22 to records from the department, a county department, or a tribal governing body for  
23 determining or verifying eligibility or benefits for a recipient under any income  
24 maintenance program.

25 \*-1597/1.1\* **SECTION 1191.** 49.785 (2) of the statutes is amended to read:

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1           49.785 (2) From the appropriation under s. 20.435 (4) (bn), to the extent that  
2 funds are available for this purpose, the department shall reimburse a county or  
3 applicable tribal governing body or organization for any amount that the county or  
4 applicable tribal governing body or organization is required to pay under sub. (1).  
5 From the appropriation under s. 20.435 (4) (bn), the department shall reimburse a  
6 county or applicable tribal governing body or organization for cemetery expenses or  
7 for funeral and burial expenses for persons described under sub. (1) that the county  
8 or applicable tribal governing body or organization is not required to pay under subs.  
9 (1) and (1m) only if the department approves the reimbursement due to unusual  
10 circumstances and if funds are available for this purpose.

11           \*~~0265/3.15~~\* **SECTION 1192.** 49.79 (9) of the statutes is repealed.

12           \*~~0261/1.17~~\* **SECTION 1193.** 49.82 (2) of the statutes is amended to read:

13           49.82 (2) **ELIGIBILITY VERIFICATION.** Proof shall be provided for each person  
14 included in an application for public assistance under this chapter, except for a child  
15 who is eligible for medical assistance under s. 49.46 or 49.47 because of 42 USC 1396a  
16 (e) (4) or an unborn child who is eligible for coverage under the Badger Care health  
17 care program under s. 49.665 (4) (ap), of his or her social security number or that an  
18 application for a social security number has been made.

19           \*~~0299/2.1~~\* **SECTION 1194.** 49.83 of the statutes is amended to read:

20           **49.83 Limitation on giving information.** Except as provided under s. 49.32  
21 (9), (10), and (10m), no person may use or disclose information concerning applicants  
22 and recipients of relief funded by a relief block grant, aid to families with dependent  
23 children, Wisconsin works Works under ss. 49.141 to 49.161, social services, child  
24 and spousal support and establishment of paternity and medical support liability  
25 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not

1 connected with the administration of the programs, except that the department may  
2 disclose such information to the department of revenue for the sole purpose of  
3 administering state taxes. Any person violating this section may be fined not less  
4 than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days  
5 nor more than one year or both.

\*\*\*\*NOTE: This is reconciled s. 49.83. This SECTION has been affected by drafts with  
the following LRB numbers: 0299/1 and 1525/2.

6 \*~~0265/3.16~~\* SECTION 1195. 49.845 of the statutes is created to read:

7 **49.845 Fraud investigation and error reduction. (1) FRAUD**  
8 INVESTIGATION. From the appropriations under s. 20.435 (4) (bn), (kz), (L), and (nn),  
9 the department of health and family services shall establish a program to investigate  
10 suspected fraudulent activity on the part of recipients of medical assistance under  
11 subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to  
12 2036, supplemental security income payments under s. 49.77, payments for the  
13 support of children of supplemental security income recipients under s. 49.775, and  
14 health care benefits under the Badger Care health care program under s. 49.665 and,  
15 if the department of workforce development contracts with the department of health  
16 and family services under sub. (4), on the part of recipients of aid to families with  
17 dependent children under s. 49.19 and participants in the Wisconsin Works program  
18 under ss. 49.141 to 49.161. The activities of the department of health and family  
19 services under this subsection may include comparisons of information provided to  
20 the department by an applicant and information provided by the applicant to other  
21 federal, state, and local agencies, development of an advisory welfare investigation  
22 prosecution standard, and provision of funds to county departments under ss.  
23 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to

1 detect fraud. The department of health and family services shall cooperate with  
2 district attorneys regarding fraud prosecutions.

3 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and family  
4 services shall conduct activities to reduce payment errors in the Medical Assistance  
5 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the  
6 supplemental security income payments program under s. 49.77, the program  
7 providing payments for the support of children of supplemental security income  
8 recipients under s. 49.775, and the Badger Care health care program under s. 49.665  
9 and, if the department of workforce development contracts with the department of  
10 health and family services under sub. (4), in Wisconsin Works under ss. 49.141 to  
11 49.161.

12 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of workforce  
13 development contracts with the department of health and family services under sub.  
14 (4), the department of health and family services shall provide funds from the  
15 appropriation under s. 20.435 (4) (kz) to Wisconsin Works agencies to offset the  
16 administrative costs of reducing payment errors in Wisconsin Works under ss.  
17 49.141 to 49.161.

18 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m) and (3),  
19 the department of workforce development may contract with the department of  
20 health and family services to investigate suspected fraudulent activity on the part  
21 of recipients of aid to families with dependent children under s. 49.19 and  
22 participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities  
23 to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161, as provided  
24 in this section.

25 \*-0265/3.17\* SECTION 1196. 49.847 of the statutes is created to read:

1           **49.847 Recovery of incorrect payments under certain public**  
2 **assistance programs.** (1) Subject to ss. 49.497 (1) and 49.793 (1), the department  
3 of health and family services, or a county or elected governing body of a federally  
4 recognized American Indian tribe or band acting on behalf of the department, may  
5 recover benefits incorrectly paid under any of the programs administered by the  
6 department under this chapter.

7           (2) The department, county, or elected governing body may recover an  
8 overpayment from a family or individual who continues to receive benefits under any  
9 program administered by the department under this chapter by reducing the  
10 family's or individual's benefit amount. Subject to s. 49.793 (1), the department may  
11 by rule specify other methods for recovering incorrectly paid benefits.

12           (3) Subject to ss. 49.497 (2) and 49.793 (2), a county or elected governing body  
13 may retain a portion of an amount recovered under this section due to the efforts of  
14 an employee or officer of the county, tribe, or band, as provided by the department  
15 by rule.

16           \*~~0265/3.18~~\* SECTION 1197. 49.85 (1) of the statutes is amended to read:

17           49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under  
18 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American  
19 Indian tribe or band determines that the department of health and family services  
20 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department  
21 of workforce development may recover an amount under s. 49.161, or 49.195 (3), ~~or~~  
22 ~~49.793~~, or collect an amount under s. 49.147 (6) (cm), the county department or  
23 governing body shall notify the affected department of the determination. If a  
24 Wisconsin works Works agency determines that the department of workforce  
25 development may recover an amount under s. 49.161 or 49.195 (3), or collect an

## SECTION 1197

1 amount under s. 49.147 (6) (cm), the Wisconsin works Works agency shall notify the  
2 department of workforce development of the determination.

3 **\*-0879/4.8\* SECTION 1198.** 49.85 (2) (a) of the statutes is renumbered 49.85 (2)  
4 (a) (intro.) and amended to read:

5 49.85 (2) (a) (intro.) At least annually, the department of health and family  
6 services shall certify to the department of revenue the amounts that, based on the  
7 notifications received under sub. (1) and on other information received by the  
8 department of health and family services, the department of health and family  
9 services has determined that it may recover under s. 49.45 (2) (a) 10. ~~or~~, 49.497,  
10 49.793, or 49.847, except that the department of health and family services may not  
11 certify an amount under this subsection unless it all of the following apply:

12 1. The department has met the notice requirements under sub. (3) ~~and unless~~  
13 ~~its~~.

14 2. The department's determination has either not been appealed or is no longer  
15 under appeal.

16 **\*-0879/4.9\* SECTION 1199.** 49.85 (2) (a) 3. of the statutes is created to read:  
17 49.85 (2) (a) 3. If the determination relates to recovery of an amount under s.  
18 49.497, the determination was rendered to a judgment under s. 49.497 (1m) (b).

\*\*\*\*NOTE: This is reconciled s. 49.85 (2). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0265 and LRB-0879.

19 **\*-0265/3.19\* SECTION 1200.** 49.85 (2) (b) of the statutes is amended to read:  
20 49.85 (2) (b) At least annually, the department of workforce development shall  
21 certify to the department of revenue the amounts that, based on the notifications  
22 received under sub. (1) and on other information received by the department of  
23 workforce development, the department of workforce development has determined

1 that it may recover under ss. 49.161, and 49.195 (3), ~~and 49.793~~, and collect under  
2 s. 49.147 (6) (cm), except that the department of workforce development may not  
3 certify an amount under this subsection unless it has met the notice requirements  
4 under sub. (3) and unless its determination has either not been appealed or is no  
5 longer under appeal.

6 **\*-0265/3.20\* SECTION 1201.** 49.85 (3) (a) 1. of the statutes is amended to read:

7 49.85 (3) (a) 1. Inform the person that the department of health and family  
8 services intends to certify to the department of revenue an amount that the  
9 department of health and family services has determined to be due under s. 49.45  
10 (2) (a) 10. ~~or, 49.497, 49.793, or 49.847~~, for setoff from any state tax refund that may  
11 be due the person.

12 **\*-0265/3.21\* SECTION 1202.** 49.85 (3) (b) 1. of the statutes is amended to read:

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

18 **\*-1525/3.3\* SECTION 1203.** 49.855 (6) of the statutes is amended to read:

19 49.855 (6) If the state implements the child and spousal support and  
20 establishment of paternity and medical support liability program under ss. 49.22  
21 and 59.53 (5), the state may act under this section in place of the county child support  
22 agency under s. 59.53 (5).

23 **\*-0404/4.94\* SECTION 1204.** 49.857 (1) (d) 3m. of the statutes is created to read:

24 49.857 (1) (d) 3m. A license issued under s. 49.984 (1).

25 **\*-0347/2.2\* SECTION 1205.** 49.857 (1) (d) 4. of the statutes is amended to read:

1 49.857 (1) (d) 4. A certification, license, training permit, registration, approval  
2 or certificate issued under s. 49.45 (2) (a) 11., 146.50 (5) (a) or (b), (6g) (a) or (8) (a),  
3 ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3)  
4 or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).

5 **\*-0404/4.95\* SECTION 1206.** 49.97 of the statutes is created to read:

6 **49.97 Definition.** In this subchapter, “department” means the department of  
7 workforce development.

8 **\*-0404/4.96\* SECTION 1207.** 49.982 (title) of the statutes is created to read:

9 **49.982 (title) Information for day care providers and parents.**

10 **\*-1522/2.2\* SECTION 1208.** 49.982 (5) of the statutes is created to read:

11 49.982 (5) The department shall provide a child care quality rating system that  
12 rates the quality of the child care provided by a child care provider that is licensed  
13 under s. 49.98, certified under s. 49.156, or established or contracted for under s.  
14 120.13 (14). The department shall make the rating information provided under that  
15 system available to the parents, guardians, and legal custodians of children who are  
16 recipients, or prospective recipients, of care and supervision from a child care  
17 provider that is licensed under s. 49.98, certified under s. 49.156, or established or  
18 contracted for under s. 120.13 (14), including making that information available on  
19 the department’s Internet site.

20 **\*-0404/4.97\* SECTION 1209.** 49.984 of the statutes is created to read:

21 **49.984 Licensing duties of the department. (1)** Except as provided in s.  
22 49.992 (6) and (7), the department shall license and supervise day care centers as  
23 required by s. 49.98. A license issued under this subsection is valid until revoked or  
24 suspended. No license issued under this subsection is transferable.

1           (2) The department shall prescribe an application form to be used by all  
2 applicants for licenses to operate a day care center. In prescribing that form, the  
3 department shall require an applicant for a license to operate a day care center who  
4 is an individual, other than an individual who does not have a social security number  
5 and who submits a statement made or subscribed under oath or affirmation as  
6 required under sub. (3) (a) 2., to provide his or her social security number, and an  
7 applicant for a license to operate a day care center who is not an individual to provide  
8 the applicant's federal employer identification number.

9           (3) (a) 1. Except as provided in subd. 2., when initially applying for or applying  
10 to continue a license issued under sub. (1) to operate a day care center, an applicant  
11 who is an individual shall provide the department with the applicant's social security  
12 number, and an applicant who is not an individual shall provide the department with  
13 the applicant's federal employer identification number.

14           2. If an applicant who is an individual does not have a social security number,  
15 the applicant shall submit a statement made or subscribed under oath or affirmation  
16 to the department that the applicant does not have a social security number. The  
17 department shall prescribe the form of the statement. A license issued in reliance  
18 upon a false statement submitted under this subdivision is invalid.

19           (b) If an applicant who is an individual fails to provide the applicant's social  
20 security number to the department or if an applicant who is not an individual fails  
21 to provide the applicant's federal employer identification number to the department,  
22 the department may not issue or continue a license under sub. (1) to operate a day  
23 care center to or for the applicant unless the applicant is an individual who does not  
24 have a social security number and the applicant submits a statement made or  
25 subscribed under oath or affirmation as required under par. (a) 2.

1 (c) The department of workforce development may not disclose any information  
2 obtained under par. (a) 1. to any person except to the department of revenue for the  
3 sole purpose of requesting certifications under s. 73.0301 or on the request of the  
4 subunit of the department of workforce development that administers the child and  
5 spousal support program under s. 49.22 (2m).

6 (4) The department shall prescribe the form and content of records to be kept  
7 and information to be reported by persons licensed by it.

8 (5) A day care center license, other than a probationary license, is valid until  
9 revoked or suspended, but shall be reviewed every 2 years after the date of issuance  
10 as provided in this subsection. At least 30 days prior to the continuation date of the  
11 license, the licensee shall submit to the department an application for continuance  
12 of the license in the form and containing the information that the department  
13 requires. If the minimum requirements established under s. 49.986 for a license are  
14 met, the application is approved, the applicable fees specified in ss. 48.685 (8) and  
15 49.98 (3) (a) are paid, and any forfeiture under s. 49.992 (3) (a) or penalty under s.  
16 49.999 (1) that is due is paid, the department shall continue the license for an  
17 additional 2-year period, unless sooner suspended or revoked. If the application is  
18 not timely filed, the department shall issue a warning to the licensee. If the licensee  
19 fails to apply for continuance of the license within 30 days after receipt of the  
20 warning, the department may revoke the license as provided in s. 49.992 (4) and (4m)  
21 (b).

22 \*~~0404/4.98~~\* SECTION 1210. 49.986 of the statutes is created to read:

23 **49.986 Rules governing day care centers.** The department shall  
24 promulgate rules establishing minimum requirements for the issuance of licenses to,  
25 and establishing standards for the operation of, day care centers. These rules shall

1 be designed to protect and promote the health, safety, and welfare of the children in  
2 the care of all licensees. The department shall consult with the department of  
3 commerce and the department of public instruction before promulgating these rules.  
4 In establishing the minimum requirements for the issuance of licenses to day care  
5 centers that provide care and supervision for children under one year of age, the  
6 department shall include a requirement that all licensees who are individuals and  
7 all employees and volunteers of a licensee who provide care and supervision for  
8 children receive, before the date on which the license is issued or the employment or  
9 volunteer work commences, whichever is applicable, training in the most current  
10 medically accepted methods of preventing sudden infant death syndrome.

11 \*–0404/4.99\* SECTION 1211. 49.988 of the statutes is created to read:

12 **49.988 Investigation of applicant; issuance of license; provisions of**  
13 **licensure.** (1) After receipt of an application for a license, the department shall  
14 investigate to determine if the applicant meets the minimum requirements for a  
15 license promulgated by the department by rule under s. 49.986 and meets the  
16 requirements specified in s. 48.685. In determining whether to issue or continue a  
17 license, the department may consider any action by the applicant, or by an employee  
18 of the applicant, that constitutes a substantial failure by the applicant or employee  
19 to protect and promote the health, safety, and welfare of a child. Upon satisfactory  
20 completion of this investigation and payment of the fee required under s. 49.98 (3)  
21 (a), the department shall issue a license under s. 49.984 (1) or, if applicable, a  
22 probationary license under s. 49.99 or, if applicable, shall continue a license under  
23 s. 49.984 (5). The department shall provide the department of health and family  
24 services with information about each person who is denied a license for a reason  
25 specified in s. 48.685 (4m) (a) 1. to 5.

1           (2) Each license shall state the name of the person licensed, the premises  
2 included under the license, the maximum number of children who can be received  
3 and their ages and sex, and such additional information and special conditions as the  
4 department may prescribe.

5           \*~~0404/4.100~~\* SECTION 1212. 49.99 of the statutes is created to read:

6           **49.99 Probationary licenses.** Except as provided under s. 49.992 (6) and (7),  
7 if any day care center that has not been previously issued a license under s. 49.984  
8 (1) applies for a license, meets the minimum requirements established under s.  
9 49.986 for a license, and pays the applicable fee specified in s. 49.98 (3) (a), the  
10 department shall issue a probationary license to that day care center. A probationary  
11 license is valid for up to 6 months after the date of issuance unless renewed under  
12 this section or suspended or revoked under s. 49.992. Before a probationary license  
13 expires, the department shall inspect the day care center holding the probationary  
14 license and, except as provided under s. 49.992 (6) and (7), if the day care center  
15 meets the minimum requirements established under s. 49.986 for a license, the  
16 department shall issue a license under s. 49.984 (1). A probationary license issued  
17 under this section may be renewed for one 6-month period.

18           \*~~0404/4.101~~\* SECTION 1213. 49.992 of the statutes is created to read:

19           **49.992 Sanctions and penalties.** (1) In this section, “licensee” means a  
20 person who holds a license under s. 49.984 (1) or a probationary license under s. 49.99  
21 to operate a day care center.

22           (2) If the department provides written notice of the grounds for a sanction, an  
23 explanation of the types of sanctions that may be imposed under this subsection, and  
24 an explanation of the process for appealing a sanction imposed under this subsection,  
25 the department may order any of the following sanctions:

1 (a) That a person stop operating a day care center if the day care center is  
2 without a license in violation of s. 49.984 (1) or a probationary license in violation of  
3 s. 49.99.

4 (b) That a person who employs a person who has had a license under s. 49.984  
5 (1) or a probationary license under s. 49.99 revoked within the previous 5 years  
6 terminate the employment of that person within 30 days after the date of the order.  
7 This paragraph includes employment of a person in any capacity, whether as an  
8 officer, director, agent, or employee.

9 (c) That a licensee stop violating any provision of licensure under s. 49.988 (2)  
10 or rules promulgated by the department under s. 49.986.

11 (d) That a licensee submit a plan of correction for violation of any provision of  
12 licensure under s. 49.988 (2) or rule promulgated by the department under s. 49.986.

13 (e) That a licensee implement and comply with a plan of correction provided by  
14 the department or previously submitted by the licensee and approved by the  
15 department.

16 (f) That a licensee close the intake of any new children until all violations of the  
17 provisions of licensure under s. 49.988 (2) and the rules promulgated by the  
18 department under s. 49.986 are corrected.

19 (g) That a licensee provide training for the licensee's staff members as specified  
20 by the department.

21 (3) If the department provides written notice of the grounds for a penalty, an  
22 explanation of the types of penalties that may be imposed under this subsection, and  
23 an explanation of the process for appealing a penalty imposed under this subsection,  
24 the department may impose any of the following penalties against a licensee or any  
25 other person who violates a provision of licensure under s. 49.988 (2) or rule

1 promulgated by the department under s. 49.986 or who fails to comply with an order  
2 issued under sub. (2) by the time specified in the order:

3 (a) A daily forfeiture amount per violation of not less than \$10 nor more than  
4 \$1,000. All of the following apply to a forfeiture under this paragraph:

5 1. Within the limits specified in this paragraph, the department may, by rule,  
6 set daily forfeiture amounts and payment deadlines based on the size and type of  
7 facility or agency and the seriousness of the violation. The department may set daily  
8 forfeiture amounts that increase periodically within the statutory limits if there is  
9 continued failure to comply with an order issued under sub. (2).

10 2. The department may directly assess a forfeiture imposed under this  
11 paragraph by specifying the amount of that forfeiture in the notice provided under  
12 this subsection.

13 3. A person against whom the department has assessed a forfeiture shall pay  
14 that forfeiture to the department within 10 days after receipt of notice of the  
15 assessment or, if that person contests that assessment under s. 49.994, within 10  
16 days after receipt of the final decision after exhaustion of administrative review or,  
17 if that person petitions for judicial review under ch. 227, within 10 days after receipt  
18 of the final decision after exhaustion of judicial review. The department shall remit  
19 all forfeitures paid under this subdivision to the secretary of administration for  
20 deposit into the school fund.

21 4. The attorney general may bring an action in the name of the state to collect  
22 any forfeiture imposed under this paragraph that has not been paid as provided in  
23 subd. 3. The only contestable issue in an action under this subdivision is whether  
24 or not the forfeiture has been paid.

25 (b) Suspension of the licensee's license for not more than 2 weeks.

1 (c) Refusal to continue a license or a probationary license.

2 (d) Revocation of a license or a probationary license as provided in sub. (4).

3 (4) If the department provides written notice of revocation and the grounds for  
4 revocation as provided in sub. (4m) and an explanation of the process for appealing  
5 a revocation under this subsection, the department may revoke a license issued  
6 under s. 49.984 (1) or a probationary license issued under s. 49.99 for any of the  
7 following reasons:

8 (a) The department has imposed a penalty on the licensee under sub. (3) and  
9 the licensee or a person under the supervision of the licensee either continues to  
10 violate or resumes violation of a rule promulgated under s. 49.986, a provision of  
11 licensure under s. 49.988 (2), or an order under this section forming any part of the  
12 basis for the penalty.

13 (b) The licensee or a person under the supervision of the licensee has committed  
14 a substantial violation, as determined by the department, of a rule promulgated  
15 under s. 49.986, a provision of licensure under s. 49.988 (2), or an order under this  
16 section.

17 (c) The licensee or a person under the supervision of the licensee has committed  
18 an action or has created a condition relating to the operation or maintenance of the  
19 day care center that directly threatens the health, safety, or welfare of any child  
20 under the care of the licensee.

21 (d) The licensee or a person under the supervision of the licensee has violated,  
22 as determined by the department, a rule promulgated under s. 49.986, a provision  
23 of licensure under s. 49.988 (2), or an order under this section that is the same as or  
24 similar to a rule promulgated under s. 49.986, a provision of licensure under s. 49.988

1 (2), or an order under this section that the licensee or a person under the supervision  
2 of the licensee has violated previously.

3 (e) The licensee has failed to apply for a continuance of the license within 30  
4 days after receipt of the warning under s. 49.984 (5).

5 **(4m)** (a) For a revocation under sub. (4) (a) or (d), the department shall provide  
6 to the licensee written notice of the revocation and the grounds for revocation not less  
7 than 30 days before the date of the revocation. The revocation will take effect only  
8 if the violation on which the revocation is based remains substantially uncorrected  
9 at the end of the 30-day notice period.

10 (b) For revocations under sub. (4) (b), (c), or (e), the department may revoke the  
11 license or probationary license immediately upon written notice to the licensee of the  
12 revocation and the grounds for revocation.

13 **(5)** The department may deny a license under s. 49.984 (1) or a probationary  
14 license under s. 49.99 to any person who has had a license under s. 49.984 (1) or a  
15 probationary license under s. 49.99 revoked within the previous 5 years.

16 **(6)** The department shall deny, suspend, restrict, refuse to renew, or otherwise  
17 withhold a license under s. 49.984 (1) or a probationary license under s. 49.99 to  
18 operate a day care center for failure of the applicant or licensee to pay court-ordered  
19 payments of child or family support, maintenance, birth expenses, medical expenses,  
20 or other expenses related to the support of a child or former spouse or for failure of  
21 the applicant or licensee to comply, after appropriate notice, with a subpoena or  
22 warrant issued by the department or a county child support agency under s. 59.53  
23 (5) and related to paternity or child support proceedings, as provided in a  
24 memorandum of understanding entered into under s. 49.857. Notwithstanding s.  
25 49.994, an action taken under this subsection is subject to review only as provided

1 in the memorandum of understanding entered into under s. 49.857 and not as  
2 provided in s. 49.994.

3 (7) The department of workforce development shall deny an application for the  
4 issuance or continuation of a license under s. 49.984 (1) or a probationary license  
5 under s. 49.99 to operate a day care center, or revoke such a license already issued,  
6 if the department of revenue certifies under s. 73.0301 that the applicant or licensee  
7 is liable for delinquent taxes. An action taken under this subsection is subject to  
8 review only as provided under s. 73.0301 (5) and not as provided in s. 49.994.

9 \*~~0404/4.102~~\* SECTION 1214. 49.994 of the statutes is created to read:

10 **49.994 Appeal procedure.** Except as provided in s. 49.992 (6) and (7), any  
11 person aggrieved by the department's refusal or failure to issue, renew, or continue  
12 a license or by any action taken by the department under s. 49.992 has the right to  
13 an administrative hearing provided for contested cases in ch. 227. To receive an  
14 administrative hearing under ch. 227, the aggrieved person shall send to the  
15 department a written request for a hearing under s. 227.44 within 10 days after the  
16 date of the department's refusal or failure to issue, renew, or continue a license or the  
17 department's action taken under s. 49.992. The department shall hold an  
18 administrative hearing under s. 227.44 within 30 days after receipt of the request  
19 for the administrative hearing unless the aggrieved person consents to an extension  
20 of that time period. Judicial review of the department's decision may be had as  
21 provided in ch. 227.

22 \*~~0404/4.103~~\* SECTION 1215. 49.996 of the statutes is created to read:

23 **49.996 Inspection and investigation of licensees.** (1) The department  
24 may visit and inspect each day care center licensed by the department, and for such  
25 purpose shall be given unrestricted access to the premises described in the license.

## SECTION 1215

1 (2) Whenever the department is advised or has reason to believe that any  
2 person is violating s. 49.98, the department shall make an investigation to determine  
3 the facts. For the purposes of this investigation, the department shall have authority  
4 to inspect the premises where the violation is alleged to occur. If the department  
5 finds that the person is violating s. 49.98, the department may either issue a license  
6 if the person is qualified or may institute an action for the penalties and injunction  
7 specified under s. 49.999 (1).

8 \*~~0404/4.104~~\* SECTION 1216. 49.998 (title) of the statutes is created to read:

9 **49.998 (title) Immunization and lead screening requirements.**

10 \*~~0404/4.105~~\* SECTION 1217. 49.999 of the statutes is created to read:

11 **49.999 Penalties and injunctions.** (1) In addition to the sanctions and  
12 penalties provided in s. 49.992, any person who violates s. 49.98 may be fined not  
13 more than \$500 or imprisoned for not more than one year in county jail or both.

14 (2) In addition to the penalties provided in sub. (1), the circuit courts shall have  
15 jurisdiction to prevent and restrain by injunction violations of s. 49.98. It shall be  
16 the duty of the district attorneys, upon request of the department, to institute action  
17 for such injunction under ch. 813.

18 \*~~1744/2.1~~\* SECTION 1218. 50.065 (2) (bg) of the statutes is amended to read:

19 50.065 (2) (bg) If an entity hires or contracts with a caregiver for whom, within  
20 the last 4 years, the information required under par. (b) 1. to 3. and 5. has already  
21 been obtained by another entity, the entity may obtain that information from that  
22 other entity, which, notwithstanding par. (br), shall provide the information, if  
23 possible, to the requesting entity. If an entity cannot obtain the information required  
24 under par. (b) 1. to 3. and 5. from another entity or if an entity has reasonable grounds  
25 to believe that any information obtained from another entity is no longer accurate,

1 the entity shall obtain that information from the sources specified in par. (b) 1. to 3.  
2 and 5.

3 ~~\*-1744/2.2\*~~ **SECTION 1219.** 50.065 (2) (br) of the statutes is created to read:

4 50.065 (2) (br) 1. Except as provided in subd. 2, an entity that receives  
5 information regarding the arrest or conviction of a caregiver from the federal bureau  
6 of investigation in connection with a criminal history search under this section may  
7 use the information only to determine whether the caregiver's arrest or conviction  
8 record disqualifies him or her from serving as a caregiver. An entity is immune from  
9 civil liability to a caregiver for using arrest or conviction information provided by the  
10 federal bureau of investigation to make an employment determination regarding the  
11 caregiver.

12 2. Subdivision 1. does not apply to use by an entity of arrest or conviction  
13 information that the entity requests from the federal bureau of investigation after  
14 September 30, 2007.

15 ~~\*-0309/4.2\*~~ **SECTION 1220.** 50.065 (8) of the statutes is amended to read:

16 50.065 (8) The department may charge a fee for obtaining the information  
17 required under sub. (2) (am) or (3) (a) or for providing information to an entity to  
18 enable the entity to comply with sub. (2) (b) or (3) (b). ~~The fee may not exceed the~~  
19 ~~reasonable cost of obtaining the information.~~ No fee may be charged to a nurse's  
20 assistant, as defined in s. 146.40 (1) (d), for obtaining or maintaining the information  
21 if to do so would be inconsistent with federal law.

22 ~~\*-0316/3.4\*~~ **SECTION 1221.** 50.135 (2) (c) of the statutes is amended to read:

23 50.135 (2) (c) The fees collected under par. (a) shall be credited to the  
24 appropriations appropriation account under s. 20.435 (4) ~~(gm)~~ and (6) (jm) as  
25 specified in those appropriations for licensing, review and certifying activities.

1           \*~~0560/2.2~~\* SECTION 1222. 50.14 (2) (intro.) of the statutes is amended to read:

2           50.14 (2) (intro.) For the privilege of doing business in this state, there is  
3 imposed on all licensed beds of a facility an assessment that per calendar month per  
4 licensed bed of an intermediate care facility for the mentally retarded may not exceed  
5 ~~\$435~~ \$523 in fiscal year ~~2003-04~~ 2005-06 and may not exceed ~~\$445~~ \$587 in fiscal  
6 year ~~2004-05~~ 2006-07 and an assessment that may not exceed ~~\$75~~ \$125 per calendar  
7 month per licensed bed of a nursing home. ~~The~~ In each fiscal year, \$13,800,000 of  
8 the assessment moneys collected shall be deposited in the general fund, ~~except that~~  
9 ~~in fiscal year 2003-04, amounts in excess of \$14,300,000, in fiscal year 2004-05,~~  
10 ~~amounts in excess of \$13,800,000, and, beginning July 1, 2005, in each fiscal year,~~  
11 ~~amounts in excess of 45% of the money received from the assessment and the~~  
12 remainder shall be deposited in the Medical Assistance trust fund. In determining  
13 the number of licensed beds, all of the following apply:

      \*\*\*NOTE: This is reconciled s. 50.14 (2) (intro.). This SECTION has been affected by  
drafts with the following LRB numbers: 0560/1 and 0750/1.

14           \*~~0560/2.3~~\* SECTION 1223. 50.14 (4) of the statutes is amended to read:

15           50.14 (4) Sections 77.59 (1) to (5), (6) (intro.), (a) and (c) and (7) to (10), 77.60  
16 (1) to (7), (9) and (10), 77.61 (9) and (12) to (14) and 77.62, as they apply to the taxes  
17 under subch. III of ch. 77, apply to the assessment under this section, except that ~~the~~  
18 amount of any assessment amount greater than \$13,800,000 collected under s. 77.59  
19 ~~(7) in excess of \$14,300,000 in fiscal year 2003-04, in excess of \$13,800,000 in fiscal~~  
20 ~~year 2004-05, and, beginning July 1, 2005, in excess of 45% in each fiscal year in a~~  
21 fiscal year shall be deposited in the Medical Assistance trust fund.

22           \*~~0042/1.1~~\* SECTION 1224. 51.05 (3g) of the statutes is repealed.

23           \*~~0042/1.2~~\* SECTION 1225. 51.05 (3m) of the statutes is repealed.

1           \***-0296/2.2**\* **SECTION 1226.** 51.30 (4) (b) 27. of the statutes is created to read:

2           51.30 (4) (b) 27. For the purpose of entering information concerning the subject  
3 individual into the statewide automated child welfare information system  
4 established under s. 46.03 (7) (g). A county department under s. 46.215, 46.22, 46.23,  
5 51.42, or 51.437, the department of health and family services, the department of  
6 corrections, or any other organization that has entered into an information sharing  
7 and access agreement with one of those county departments or departments and that  
8 has been approved for access to the statewide automated child welfare information  
9 system by the department of health and family services may have access to  
10 information concerning a client of that county department, department, or  
11 organization under this chapter or ch. 48 or 938 that is maintained in the statewide  
12 automated child welfare information system, if necessary to enable the county  
13 department, department, or organization to perform its duties under this chapter or  
14 ch. 48 or 938 or to coordinate the delivery of services under this chapter or ch. 48 or  
15 938 to the client. Before entering any information about an individual into the  
16 statewide automated child welfare information system, the person entering the  
17 information shall notify the individual that the information entered may be disclosed  
18 as provided in this subdivision.

19           \***-0295/2.7**\* **SECTION 1227.** 51.423 (1) of the statutes is amended to read:

20           51.423 (1) The department shall fund, within the limits of the department's  
21 allocation for mental health services under s. 20.435 ~~(3) (e)~~ and (7) (b) and (o) and  
22 subject to this section, services for mental illness, developmental disability,  
23 alcoholism, and drug abuse to meet standards of service quality and accessibility.  
24 The department's primary responsibility is to guarantee that county departments  
25 established under either s. 51.42 or 51.437 receive a reasonably uniform minimum

1 level of funding and its secondary responsibility is to fund programs which meet  
2 exceptional community needs or provide specialized or innovative services. Moneys  
3 appropriated under s. 20.435 (7) (b) and earmarked by the department for mental  
4 health services under s. 20.435 (7) (o) shall be allocated by the department to county  
5 departments under s. 51.42 or 51.437 in the manner set forth in this section.

6 **\*-0295/2.8\* SECTION 1228.** 51.423 (2) of the statutes is amended to read:

7 51.423 (2) From the appropriations under s. 20.435 ~~(3)(e)~~ and (7) (b) and (o),  
8 the department shall distribute the funding for services provided or purchased by  
9 county departments under s. 46.23, 51.42, or 51.437 to such county departments as  
10 provided under s. 46.40. County matching funds are required for the distributions  
11 under s. 46.40 (2) and (9) (b). Each county's required match for the distributions  
12 under s. 46.40 (2) for a year equals 9.89% of the total of the county's distributions  
13 under s. 46.40 (2) for that year for which matching funds are required plus the  
14 amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile  
15 delinquency-related services from its distribution for 1987. Each county's required  
16 match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that  
17 county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching funds  
18 may be from county tax levies, federal and state revenue sharing funds, or private  
19 donations to the counties that meet the requirements specified in sub. (5). Private  
20 donations may not exceed 25% of the total county match. If the county match is less  
21 than the amount required to generate the full amount of state and federal funds  
22 distributed for this period, the decrease in the amount of state and federal funds  
23 equals the difference between the required and the actual amount of county  
24 matching funds.

1           \*~~0345/1.1~~\* **SECTION 1229.** 51.437 (4rm) (c) 2. b. of the statutes is amended to  
2 read:

3           51.437 (~~4rm~~) (c) 2. b. Bill the county department of developmental disabilities  
4 services for services provided on or after December 31, 1997, at \$48 per day, if an  
5 independent professional review established under 42 USC 1396a (a) (31) designates  
6 the person served as appropriate for community care, including persons who have  
7 been admitted for more than 180 consecutive days and for whom the cost of care in  
8 the community would be equal to or less than \$184 per day the daily rate for services  
9 under s. 46.275. The department of health and family services shall use money it  
10 receives from the county department of developmental disabilities services to offset  
11 the state's share of medical assistance. Payment is due from the county department  
12 of developmental disabilities services within 60 days of the billing date, subject to  
13 provisions of the contract. If the department of health and family services does not  
14 receive any payment within 60 days, it shall deduct all or part of the amount due from  
15 any payment the department of health and family services is required to make to the  
16 county department of developmental disabilities services. The department of health  
17 and family services shall first use collections received under s. 46.10 as a result of  
18 care at a center for the developmentally disabled to reduce the costs paid by medical  
19 assistance, and shall remit the remainder to the county department of  
20 developmental disabilities services up to the portion billed. The department of  
21 health and family services shall use the appropriation under s. 20.435 (2) (gk) to  
22 remit collection credits and other appropriate refunds to county departments of  
23 developmental disabilities services.

24           \*~~1525/3.4~~\* **SECTION 1230.** 59.40 (2) (p) of the statutes is amended to read:

1           59.40 (2) (p) Cooperate with the department of workforce development with  
2 respect to the child and spousal support and establishment of paternity and medical  
3 liability support liability program under ss. 49.22 and 59.53 (5), and provide that  
4 department with any information from court records which it requires to administer  
5 that program.

6           \*~~0984/4.12~~\* SECTION 1231. 59.43 (1) (u) of the statutes is repealed and  
7 recreated to read:

8           59.43 (1) (u) Submit that portion of recording fees collected under sub. (2) (ag)  
9 1. and (e) and not retained by the county to the department of administration under  
10 s. 59.72 (5).

11           \*~~0984/4.13~~\* SECTION 1232. 59.43 (1) (um) of the statutes is repealed.

12           \*~~0984/4.14~~\* SECTION 1233. 59.43 (2) (ag) 1. of the statutes is repealed and  
13 recreated to read:

14           59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled  
15 to be recorded in the office of the register of deeds, \$11 for the first page and \$2 for  
16 each additional page, except that no fee may be collected for recording a change of  
17 address that is exempt from a filing fee under s. 185.83 (1) (b).

18           \*~~0984/4.15~~\* SECTION 1234. 59.43 (2) (e) of the statutes is repealed and  
19 recreated to read:

20           59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled  
21 to be filed in the office of register of deeds and for which no other specific fee is  
22 specified, \$11 for the first page and \$2 for each additional page.

23           \*~~1377/3.8~~\* SECTION 1235. 59.54 (12) of the statutes is amended to read:

1           59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption  
2 of a resolution, a board may enter into an agreement and seek funding under s.  
3 ~~165.90~~ 16.964 (7m).

4           \*~~0984/4.16~~\* SECTION 1236. 59.72 (3) of the statutes is repealed and recreated  
5 to read:

6           59.72 (3) LAND INFORMATION OFFICE. The board may establish a county land  
7 information office or may direct that the functions and duties of the office be  
8 performed by an existing department, board, commission, agency, institution,  
9 authority, or office. If the board establishes a county land information office, the  
10 office shall:

11           (a) Coordinate land information projects within the county, between the county  
12 and local governmental units, between the state and local governmental units and  
13 among local governmental units, the federal government and the private sector.

14           (b) Within 2 years after the land information office is established, develop and  
15 receive approval for a countywide plan for land records modernization. The plan  
16 shall be submitted for approval to the department of administration under s. 16.967  
17 (3) (e).

18           (c) Review and recommend projects from local governmental units for grants  
19 from the department of administration under s. 16.967 (7).

20           \*~~0984/4.17~~\* SECTION 1237. 59.72 (4) of the statutes is repealed and recreated  
21 to read:

22           59.72 (4) AID TO COUNTIES. A board that has established a land information  
23 office under sub. (3) may apply to the department of administration for a grant for  
24 a land information project under s. 16.967 (7).

1           \***-0984/4.18\* SECTION 1238.** 59.72 (5) of the statutes is repealed and recreated  
2 to read:

3           **59.72 (5) LAND RECORD MODERNIZATION FUNDING.** (a) Before the 16th day of each  
4 month a register of deeds shall submit to the department of administration \$7 from  
5 the fee for recording or filing the first page of each instrument that is recorded or filed  
6 under s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par.  
7 (b).

8           (b) A county may retain \$5 of the \$7 submitted under par. (a) from the fee for  
9 recording or filing the first page of each instrument that is recorded or filed under  
10 s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

11           1. The county has established a land information office under sub. (3).

12           2. A land information office has been established for less than 2 years or has  
13 received approval for a countywide plan for land records modernization under sub.  
14 (3) (b).

15           3. The county uses \$4 of each \$5 fee retained under this paragraph to develop,  
16 implement, and maintain the countywide plan for land records modernization and  
17 \$1 of each \$5 fee retained under this paragraph for the provision of land information  
18 on the Internet, including the county's land information records relating to housing.

19           \***-1566/2.1\* SECTION 1239.** 65.90 (3) (br) of the statutes is created to read:

20           **65.90 (3) (br)** For a school district, the budget summary required under par. (a)  
21 shall also include all of the following:

22           1. For the proposed budget, the current budget, and the budget in the previous  
23 fiscal year, the school district's general fund balance at the end of the fiscal year  
24 divided by the school district's general fund expenditures in that fiscal year,  
25 expressed as a percentage.

1           2. For the current budget and the budget in the previous fiscal year, the  
2 statewide average school district general fund balance at the end of the fiscal year  
3 divided by the statewide average school district general fund expenditures in that  
4 fiscal year, expressed as a percentage, as provided by the department of public  
5 instruction under par. (c).

6           \*–1566/2.2\* SECTION 1240. 65.90 (3) (c) of the statutes is amended to read:

7           65.90 (3) (c) The department of public instruction under s. 115.28, the  
8 department of revenue under s. 73.10 and the technical college system board under  
9 s. 38.04 shall encourage and consult with interested public and private organizations  
10 regarding the budget summary information required under pars. (a) and (b). The  
11 department of public instruction and the technical college system board shall specify  
12 the revenue and expenditure detail that is required under par. (b) 1. and 2. for school  
13 districts and for technical college districts. The department of public instruction  
14 shall provide school districts with the information required under par. (br) 2. For the  
15 current budget, the department shall estimate the percentage.

16           \*–1566/2.3\* SECTION 1241. 65.90 (3) (d) of the statutes is amended to read:

17           65.90 (3) (d) A municipality may publish any additional budget summary  
18 information that its governing body considers necessary, but the additional  
19 information shall be reported separately from the information required under pars.  
20 (a), (b) ~~and~~, (bm), and (br).

21           \*–1566/2.4\* SECTION 1242. 65.90 (5) (c) of the statutes is created to read:

22           65.90 (5) (c) If a school board adopts a proposed budget in which the school  
23 district's general fund balance at the end of the fiscal year divided by the school  
24 district's general fund expenditures in that fiscal year exceeds an amount equal to  
25 90 percent of the statewide average school district general fund balance at the end

1 of the previous fiscal year divided by the statewide average school district general  
2 fund expenditures in the previous fiscal year, as determined by the department of  
3 public instruction under sub. (3) (br) 2., the school board shall conduct a separate  
4 vote approving the excess.

5 \***-1707/3.2\* SECTION 1243.** 66.0301 (3) of the statutes is amended to read:

6 66.0301 (3) Any contract under sub. (2) may provide a plan for administration  
7 of the function or project, which may include but is not limited to provisions as to  
8 proration of the expenses involved, deposit and disbursement of funds appropriated,  
9 submission and approval of budgets, creation of a commission, selection and removal  
10 of commissioners, and formation and letting of contracts. If a commission is created,  
11 the employees of the commission are not employees of the municipalities that created  
12 the commission, unless the municipalities specify otherwise in the contract.

13 \***-1018/2.1\* SECTION 1244.** 66.0305 (title) of the statutes is amended to read:

14 **66.0305 (title) Municipal Political subdivision revenue sharing.**

15 \***-1018/2.2\* SECTION 1245.** 66.0305 (1) of the statutes is amended to read:

16 66.0305 (1) DEFINITION. In this section, “municipality” “political subdivision”  
17 means a city, village ~~or~~, town, or county.

18 \***-1018/2.3\* SECTION 1246.** 66.0305 (2) of the statutes is amended to read:

19 **66.0305 (2) MUNICIPAL POLITICAL SUBDIVISION REVENUE SHARING AGREEMENT.**

20 Subject to the requirements of this section, any 2 or more municipalities political  
21 subdivisions may, by a majority vote of a quorum of their governing bodies, enter into  
22 an agreement to share all or a specified part of revenues derived from taxes,  
23 payments received from the state, fee revenues, and special charges, as defined in  
24 s. 74.01 (4). One or more municipalities political subdivisions may enter into

1 agreements under this section with federally recognized American Indian tribes or  
2 bands.

\*\*\*NOTE: This is reconciled s. 66.0305 (2). This SECTION has been affected by drafts  
with the following LRB numbers: -1017/1 and 1018/1.

3 **\*-1018/2.4\* SECTION 1247.** 66.0305 (3) of the statutes is amended to read:  
4 66.0305 (3) PUBLIC HEARING. At least 30 days before entering into an agreement  
5 under sub. (2), a ~~municipality~~ political subdivision shall hold a public hearing on the  
6 proposed agreement. Notice of the hearing shall be published as a class 3 notice  
7 under ch. 985.

8 **\*-1018/2.5\* SECTION 1248.** 66.0305 (4) (a) 4. of the statutes is amended to read:  
9 66.0305 (4) (a) 4. The date upon which revenues agreed to be shared under the  
10 agreement shall be paid to the appropriate ~~municipality~~ political subdivision shall  
11 be specified.

12 **\*-1018/2.6\* SECTION 1249.** 66.0305 (5) of the statutes is amended to read:  
13 66.0305 (5) CONTIGUOUS BOUNDARIES. No ~~municipality~~ political subdivision  
14 may enter into an agreement under sub. (2) with one or more ~~municipalities~~ political  
15 subdivisions unless the ~~municipality~~ political subdivision is contiguous to at least  
16 one other ~~municipality~~ political subdivision that enters into the agreement.

17 **\*-1018/2.7\* SECTION 1250.** 66.0305 (6) of the statutes is amended to read:  
18 66.0305 (6) ADVISORY REFERENDUM. (a) Within 30 days after the hearing under  
19 sub. (3), the governing body of a participating ~~municipality~~ political subdivision may  
20 adopt a resolution calling for an advisory referendum on the agreement. An advisory  
21 referendum shall be held if, within 30 days after the hearing under sub. (3), a  
22 petition, signed by a number of qualified electors equal to at least 10% of the votes  
23 cast for governor in the ~~municipality~~ political subdivision at the last gubernatorial

1 election, is filed with the clerk of a participating municipality political subdivision,  
2 requesting an advisory referendum on the revenue sharing plan. The petition shall  
3 conform to the requirements of s. 8.40 and shall be filed as provided in s. 8.37. If an  
4 advisory referendum is held, the municipality's political subdivision's governing  
5 body may not vote to approve the agreement under sub. (2) until the report under par.  
6 (d) is filed.

7 (b) The advisory referendum shall be held not less than 42 days nor more than  
8 72 days after adoption of the resolution under par. (a) calling for the referendum or  
9 not less than 42 days nor more than 72 days after receipt of the petition under par.  
10 (a) by the municipal or county clerk. The municipal or county clerk shall give notice  
11 of the referendum by publishing a notice in a newspaper of general circulation in the  
12 municipality political subdivision, both on the publication day next preceding the  
13 advisory referendum election and one week prior to that publication date.

14 (c) The advisory referendum shall be conducted by the municipal political  
15 subdivision's election officials. The governing body of the municipality political  
16 subdivision may specify the number of election officials for the referendum. The  
17 ballots shall contain the words "For the revenue sharing agreement" and "Against  
18 the revenue sharing agreement" and shall otherwise conform to the provisions of s.  
19 5.64 (2). The election shall be conducted as are other municipal or county elections  
20 in accordance with chs. 6 and 7, insofar as applicable.

21 (d) The election inspectors shall report the results of the election, showing the  
22 total number of votes cast and the numbers cast for and against the revenue sharing.  
23 The election inspectors shall attach their affidavit to the report and immediately file  
24 the report in the office of the municipal or county clerk.

1 (e) The costs of the advisory referendum election shall be borne by the  
2 municipality political subdivision that holds the election.

3 \*–1863/4.1\* SECTION 1251. 66.0602 of the statutes is created to read:

4 **66.0602 Local levy limits.** (1) DEFINITIONS. In this section:

5 (a) “County growth factor” means a percentage equal to 60 percent of the  
6 percentage change in the county’s January 1 equalized value due to new construction  
7 less improvements removed between the year before the previous year and the  
8 previous year, but not less than zero.

9 (b) “Debt service” includes debt service on debt issued or reissued to fund or  
10 refund outstanding municipal or county obligations, interest on outstanding  
11 municipal or county obligations, and related issuance costs and redemption  
12 premiums.

13 (c) “Inflation factor” means a percentage equal to the average annual  
14 percentage change in the U.S. consumer price index for all urban consumers, U.S.  
15 city average, as determined by the U.S. department of labor, for the 12 months  
16 ending on June 30 of the year in which property tax bills are mailed under s. 74.09  
17 (5).

18 (d) “Members–elect” has the meaning given in s. 59.001 (2m).

19 (e) “Municipal growth factor” means a percentage equal to 60 percent of the  
20 percentage change in the region’s January 1 equalized value due to new construction  
21 less improvements removed between the year before the previous year and the  
22 previous year, but not less than zero.

23 (f) “Municipality” means a city, village, or town.

24 (g) “Political subdivision” means a city, village, town, or county.

1 (h) "Region" means any of the following areas to which a municipality is  
2 assigned by the department of revenue, according to the county in which the  
3 municipality is located, except that, if the municipality is located in more than one  
4 county, the municipality is considered to be located in the county that has the greater  
5 taxable value:

6 1. Region 1, consisting of the counties of Brown, Door, Florence, Kewaunee,  
7 Manitowoc, Marinette, Oconto, and Sheboygan.

8 2. Region 2, consisting of the counties of Calumet, Fond du Lac, Green Lake,  
9 Marquette, Menominee, Outagamie, Shawano, Waupaca, Waushara, and  
10 Winnebago.

11 3. Region 3, consisting of the counties of Buffalo, Crawford, Jackson, La Crosse,  
12 Monroe, Pepin, Pierce, Trempealeau, and Vernon.

13 4. Region 4, consisting of the counties of Adams, Forest, Juneau, Langlade,  
14 Lincoln, Marathon, Oneida, Portage, Vilas, and Wood.

15 5. Region 5, consisting of the counties of Ashland, Bayfield, Burnett, Douglas,  
16 Iron, Price, Rusk, Sawyer, Taylor, and Washburn.

17 6. Region 6, consisting of the counties of Columbia, Dane, Dodge, Jefferson,  
18 Rock, and Sauk.

19 7. Region 7, consisting of the counties of Kenosha, Milwaukee, Ozaukee,  
20 Racine, Walworth, Washington, and Waukesha.

21 8. Region 8, consisting of the counties of Grant, Green, Iowa, Lafayette, and  
22 Richland.

23 9. Region 9, consisting of the counties of Barron, Chippewa, Clark, Dunn, Eau  
24 Claire, Polk, and St. Croix.

1           **(2) LEVY LIMIT.** (a) Except as provided in subs. (3), (4), and (5), no municipality  
2 may increase its levy in any year by a percentage that exceeds the sum of the inflation  
3 factor and the municipal growth factor. In determining its levy in any year, a city,  
4 village, or town shall subtract any tax increment that is calculated under s. 60.85 (1)  
5 (L) or 66.1105 (2) (i).

6           (b) Except as provided in subs. (3), (4), and (5), no county may increase its levy  
7 in any year by a percentage that exceeds the sum of the inflation factor and the  
8 county growth factor.

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

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

21           (c) If a city or village annexes territory from a town, the city's or village's levy  
22 increase limit otherwise applicable under this section is increased in the current year  
23 by an amount equal to the city's or village's mill rate applied to the current assessed  
24 value of the annexed territory, and the levy increase limit otherwise applicable under  
25 this section in the current year for the town from which the territory is annexed is

1 decreased by the town's mill rate applied to the assessed value of the annexed  
2 territory as of the last year that the territory was subject to taxation by the town, as  
3 determined by the department of revenue.

4 (d) The limit otherwise applicable under this section does not apply to amounts  
5 levied by a political subdivision for the payment of any general obligation debt  
6 service, including debt service on debt issued or reissued to fund or refund  
7 outstanding obligations of the political subdivision, interest on outstanding  
8 obligations of the political subdivision, or the payment of related issuance costs or  
9 redemption premiums, secured by the full faith and credit of the political  
10 subdivision.

11 (e) The limit otherwise applicable under this section does not apply to the  
12 amount that a county levies in that year for a county children with disabilities  
13 education board.

14 (f) The limit otherwise applicable under this section does not apply to the  
15 amount that a 1st class city levies for school purposes.

16 (g) If in any year a political subdivision's distribution under s. 79.043 (5) is less  
17 than the political subdivision's distribution under s. 79.043 (5) in the previous year,  
18 the limit otherwise applicable under this section shall be increased to reflect the  
19 reduction in the distribution.

20 (4) REFERENDUM EXCEPTION. (a) A political subdivision may exceed the levy  
21 increase limit under sub. (2) if its governing body adopts a resolution to that effect  
22 and the resolution is approved in a referendum.

23 (b) The resolution under par. (a) shall specify the proposed amount of increase  
24 in the levy beyond the amount that is allowed under sub. (2). The political  
25 subdivision may either call a special referendum for the purpose of submitting the

1 resolution to the electors of the political subdivision for approval or rejection or the  
2 referendum may be held at the next succeeding spring primary or election or  
3 September primary or general election, if such election is to be held not sooner than  
4 42 days after the resolution is adopted.

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

8 (d) The referendum shall be held in accordance with chs. 5 to 12. The political  
9 subdivision shall provide the election officials with all necessary election supplies.  
10 The form of the ballot shall correspond substantially with the standard form for  
11 referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1)

12 (a). The question shall be submitted as follows: “Under state law, the increase in the  
13 levy of the .... (name of political subdivision) for the tax to be imposed for the next  
14 fiscal year, .... (year), is limited to ....%, which results in a levy of \$.... Shall the ....  
15 (name of political subdivision) be allowed to exceed this limit and increase the levy  
16 for the next fiscal year, .... (year), by a total of ....%, which results in a levy of \$....?”.

17 (e) Within 14 days after the referendum, the clerk of the political subdivision  
18 shall certify the results of the referendum to the department of revenue.

19 (f) The levy increase limit otherwise applicable to the political subdivision  
20 under sub. (2) is increased in the next fiscal year by the percentage approved by a  
21 majority of those voting on the question under par. (d).

22 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than 2,000 may  
23 exceed the levy increase limit otherwise applicable under this section to the town if  
24 the annual town meeting or a special town meeting adopts a resolution to that effect.  
25 The limit otherwise applicable to the town under sub. (2) is increased in the next

1 fiscal year by the percentage approved by a majority of those voting on the question.  
2 Within 14 days after the adoption of the resolution, the town clerk shall certify the  
3 results of the vote to the department of revenue.

4 (6) REPORTING REQUIREMENTS. The department of revenue may promulgate  
5 rules relating to a political subdivision reporting its debt service levy and nondebt  
6 service levy to the department.

7 (7) SUNSET. This section does not apply to a property tax levy that is imposed  
8 after December 2006.

9 \*-0303/4.3\* SECTION 1252. 66.0615 (1m) (f) 2. of the statutes is amended to  
10 read:

11 66.0615 (1m) (f) 2. Sections 77.51 (12m), (14) (e), (~~f~~) and (j) and, (14g), (15a),  
12 and (15b), 77.52 (3), (3m), (4), (~~6~~) and (13), (14), (18), and (19), 77.522, 77.58 (1) to (5),  
13 (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9) and, (12) to (14), and  
14 (15), and 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax  
15 described under subd. 1.

16 \*-1219/2.7\* SECTION 1253. 66.0902 of the statutes is created to read:

17 **66.0902 False claims.** (1) DEFINITIONS. In this section:

18 (a) “Local governmental unit” has the meaning given in s. 66.0131 (1) (a).

19 (b) “Public contract” means a contract for the construction, execution, repair,  
20 remodeling, or improvement of a public work or building or for the furnishing of  
21 supplies, equipment, material, or professional or contractual services of any kind.

22 (2) PRESENTATION OF FALSE CLAIMS. Whoever knowingly presents or causes to  
23 be presented a false claim for payment under any public contract with a local  
24 governmental unit shall forfeit not less than \$5,000 nor more than \$10,000, plus 3  
25 times the amount of the damages that were sustained by the local governmental unit

1 or would have been sustained by the local governmental unit, whichever is greater,  
2 as a result of the false claim.

3 \*~~1305/1.1~~\* SECTION 1254. 66.0903 (10) (a) of the statutes is amended to read:

4 66.0903 (10) (a) Each contractor, subcontractor, or contractor's or  
5 subcontractor's agent performing work on a project that is subject to this section  
6 shall keep full and accurate records clearly indicating the name and trade or  
7 occupation of every person performing the work described in sub. (4) and an accurate  
8 record of the number of hours worked by each of those persons and the actual wages  
9 paid for the hours worked. By no later than the end of the week following a week in  
10 which a contractor, subcontractor, or contractor's or subcontractor's agent performs  
11 work on a project that is subject to this section, the contractor, subcontractor, or agent  
12 shall submit to the contracting local governmental unit a certified record of the  
13 information specified in the preceding sentence for that preceding week.

14 \*~~0404/4.106~~\* SECTION 1255. 66.1017 (1) (a) of the statutes is amended to read:

15 66.1017 (1) (a) "Family day care home" means a dwelling licensed as a day care  
16 center by the department of health and family services under s. ~~48.65~~ workforce  
17 development under s. 49.98 where care is provided for not more than 8 children.

18 \*~~0404/4.107~~\* SECTION 1256. 66.1017 (2) of the statutes is amended to read:

19 66.1017 (2) No municipality may prevent a family day care home from being  
20 located in a zoned district in which a single-family residence is a permitted use. No  
21 municipality may establish standards or requirements for family day care homes  
22 different from the licensing standards established under s. ~~48.65~~ 49.98. This  
23 subsection does not prevent a municipality from applying to a family day care home  
24 the zoning regulations applicable to other dwellings in the zoning district in which  
25 it is located.

## SECTION 1257

1           \*~~0748/1.1~~\* SECTION 1257. 69.22 (1) (c) of the statutes is amended to read:

2           69.22 (1) (c) ~~Twelve~~ Fifteen dollars for issuing an uncertified copy of a birth  
3 certificate or a certified copy of a birth certificate, ~~\$7~~ \$9 of which shall be forwarded  
4 to the secretary of administration as provided in sub. (1m) and credited to the  
5 appropriations under s. 20.433 (1) (g) and (h); and \$3 for issuing any additional  
6 certified or uncertified copy of the same birth certificate issued at the same time.

7           \*~~0748/1.2~~\* SECTION 1258. 69.22 (5) (b) 2. of the statutes is amended to read:

8           69.22 (5) (b) 2. The filing of a birth certificate under s. 69.14 (2) (b) 5. ~~The To~~  
9 ~~the fee under this subdivision includes the search for the birth certificate and the~~  
10 ~~first copy of the certificate except that the state registrar shall add to the \$20 fee, the~~  
11 ~~\$5 shall be added the \$15 fee required under sub. (1) (c), which shall be treated as~~  
12 specified in sub. (1) (c).

13           \*~~1258/5.68~~\* SECTION 1259. 70.111 (3m) of the statutes is amended to read:

14           70.111 (3m) CHARTER SPORT FISHING BOATS. Motorboats, and the equipment  
15 used on them, which are regularly employed in carrying persons for hire for sport  
16 fishing in and upon the outlying waters, as defined in s. 29.001 (63), and the rivers  
17 and tributaries specified in s. ~~29.191 (5)~~ 29.2285 (2) (a) 1. and 2. if the owner and all  
18 operators are licensed under s. 29.512 or under s. 29.514 or both and by the U.S. coast  
19 guard to operate the boat for that purpose.

20           \*~~0303/4.4~~\* SECTION 1260. 70.111 (23) of the statutes is amended to read:

21           70.111 (23) VENDING MACHINES. All machines that automatically dispense soda  
22 water beverages, as defined in s. ~~97.29 (1) (i)~~, and items included as a food or beverage  
23 under s. ~~77.54 (20) (a) and (b)~~ food and food ingredient, as defined in s. 77.51 (3t),  
24 upon the deposit in the machines of specified coins or currency, or insertion of a credit

1 card, in payment for the ~~soda water beverages, food or beverages~~ food and food  
2 ingredient, as defined in s. 77.51 (3t).

3 **\*-1656/3.1\* SECTION 1261.** 71.01 (1b) of the statutes is created to read:

4 71.01 (1b) For purposes of s. 71.04 (7) (df), (dg), and (dh), “commercial domicile”  
5 means the location from which a trade or business is principally managed and  
6 directed, based on any factors the department determines are appropriate, including  
7 the location where the greatest number of employees of the trade or business work,  
8 have their office or base of operations, or from which the employees are directed or  
9 controlled.

10 **\*-1656/3.2\* SECTION 1262.** 71.01 (1n) of the statutes is created to read:

11 71.01 (1n) For purposes of s. 71.04 (7) (df), (dg), and (dh), “domicile” means an  
12 individual’s true, fixed, and permanent home where the individual intends to remain  
13 permanently and indefinitely and to which, whenever absent, the individual intends  
14 to return, except that no individual may have more than one domicile at any time.

15 **\*-0302/4.1\* SECTION 1263.** 71.01 (6) (j) of the statutes is repealed.

16 **\*-0302/4.2\* SECTION 1264.** 71.01 (6) (k) of the statutes is repealed.

17 **\*-0302/4.3\* SECTION 1265.** 71.01 (6) (L) of the statutes is amended to read:

18 71.01 (6) (L) For taxable years that begin after December 31, 1996, and before  
19 January 1, 1998, for natural persons and fiduciaries, except fiduciaries of nuclear  
20 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal  
21 Internal Revenue Code as amended to December 31, 1996, excluding sections 103,  
22 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203  
23 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.  
24 104–188, and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277,  
25 P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L.

## SECTION 1265

1 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding  
2 sections 101 and 406 of P.L. 107-147, and P.L. 107-181, P.L. 108-121, excluding  
3 section 109 of P.L. 108-121, P.L. 108-311, excluding sections 306, 307, 308, 401, and  
4 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 244, 336, 337,  
5 909, and 910 of P.L. 108-357, and as indirectly affected by P.L. 99-514, P.L. 100-203,  
6 P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280,  
7 P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.  
8 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150  
9 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.  
10 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202  
11 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.  
12 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-554,  
13 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431  
14 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101 and 406 of P.L.  
15 107-147, and P.L. 107-181, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L.  
16 108-311, excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108-311, and P.L.  
17 108-357, excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108-357.

18 The Internal Revenue Code applies for Wisconsin purposes at the same time as for  
19 federal purposes. Amendments to the federal Internal Revenue Code enacted after  
20 December 31, 1996, do not apply to this paragraph with respect to taxable years  
21 beginning after December 31, 1996, and before January 1, 1998, except that  
22 changes to the Internal Revenue Code made by P.L. 105-33, P.L. 105-34, P.L.  
23 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of  
24 P.L. 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134, P.L.  
25 107-147, excluding sections 101 and 406 of P.L. 107-147, and P.L. 107-181, P.L.