

1 ***-0334/2.1* SECTION 1776.** 50.035 (6) of the statutes is amended to read:

2 50.035 (6) POSTING OF NOTICE REQUIRED. The licensee of a community-based
3 residential facility that is licensed to serve a client group of persons with functional
4 impairments that commonly accompany advanced age, or his or her designee, shall
5 post in a conspicuous location in the community-based residential facility a notice,
6 provided by the board on aging and long-term care, of the name, address and
7 telephone number of the long-term care ombudsman program under s. 16.009 (2) (b).

8 ***-1198/P4.17* SECTION 1777.** 50.035 (7) of the statutes is repealed.

9 ***-1198/P4.18* SECTION 1778.** 50.035 (9) of the statutes is repealed.

10 ***-1085/1.2* SECTION 1779.** 50.037 (2) (a) of the statutes is amended to read:

11 50.037 (2) (a) The biennial fee for a community-based residential facility is
12 \$306, plus a biennial fee of \$39.60 per resident, based on the number of residents that
13 the facility is licensed to serve, except that, after March 31, 2008, the biennial fee for
14 a community-based residential facility, including any fee for a resident, shall be the
15 amount that the department shall establish by rule.

16 ***-0330/P6.48* SECTION 1780.** 50.04 (2g) (a) of the statutes is amended to read:

17 50.04 (2g) (a) Subject to sub. (2i), a nursing home shall, within the time period
18 after inquiry by a prospective resident that is prescribed by the department by rule,
19 inform the prospective resident of the services of a resource center under s. 46.283,
20 the family care benefit under s. 46.286, and the availability of a functional screening
21 and a financial screen and cost-sharing screening to determine the prospective
22 resident's eligibility for the family care benefit under s. 46.286 (1).

23 ***-0330/P6.49* SECTION 1781.** 50.04 (2h) (a) 1. of the statutes is amended to
24 read:

SECTION 1781

1 50.04 (2h) (a) 1. For a person who has received a screen for whom a screening
2 for functional eligibility under s. 46.286 (1) (a) has been performed within the
3 previous 6 months, the referral under this paragraph need not include performance
4 of an additional functional screen screening under s. 46.283 (4) (g).

5 ***-0330/P6.50*** SECTION 1782. 50.04 (2h) (a) 4. of the statutes is amended to
6 read:

7 50.04 (2h) (a) 4. For a person who seeks admission or is about to be admitted
8 on a private pay basis and who waives the requirement for a financial screen and
9 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
10 not include performance of a financial screen and cost-sharing screening under s.
11 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
12 within 6 months.

13 ***-0244/1.1*** SECTION 1783. 50.04 (4) (e) 1. of the statutes is amended to read:

14 50.04 (4) (e) 1. If a nursing home desires to contest any department action
15 under this subsection, it shall send a written request for a hearing under s. 227.44
16 to the division of hearings and appeals created under s. 15.103 (1) within ~~10~~ 60 days
17 of receipt of notice of the contested action. Department action that is subject to a
18 hearing under this subsection includes service of a notice of a violation of this
19 subchapter or rules promulgated under this subchapter, a notation in the report
20 under sub. (3) (b), imposition of a plan of correction and rejection of a nursing home's
21 plan of correction, but does not include a correction order. Upon the request of the
22 nursing home, the division shall grant a stay of the hearing under this paragraph
23 until the department assesses a forfeiture, so that its hearing under this paragraph
24 is consolidated with the forfeiture appeal hearing held under sub. (5) (e). All agency
25 action under this subsection arising out of a violation, deficiency or rejection and

1 imposition of a plan of correction shall be the subject of a single hearing. Unless a
2 stay is granted under this paragraph, the division shall commence the hearing
3 within 30 days of the request for hearing, within 30 days of the department's
4 acceptance of a nursing home's plan of correction or within 30 days of the
5 department's imposition of a plan of correction, whichever is later. The division shall
6 send notice to the nursing home in conformance with s. 227.44. Issues litigated at
7 the hearing may not be relitigated at subsequent hearings under this paragraph
8 arising out of the same violation or deficiency.

9 ***-0244/1.2* SECTION 1784.** 50.04 (5) (e) of the statutes is amended to read:
10 50.04 (5) (e) *Forfeiture appeal hearing.* A nursing home may contest an
11 assessment of forfeiture by sending, within ~~10~~ 60 days after receipt of notice of a
12 contested action, a written request for hearing under s. 227.44 to the division of
13 hearings and appeals created under s. 15.103 (1). The administrator of the division
14 may designate a hearing examiner to preside over the case and recommend a decision
15 to the administrator under s. 227.46. The decision of the administrator of the
16 division shall be the final administrative decision. The division shall commence the
17 hearing within 30 days of receipt of the request for hearing and shall issue a final
18 decision within 15 days after the close of the hearing. Proceedings before the division
19 are governed by ch. 227. In any petition for judicial review of a decision by the
20 division, the party, other than the petitioner, who was in the proceeding before the
21 division shall be the named respondent.

22 ***-0242/1.10* SECTION 1785.** 50.04 (5) (fr) of the statutes is repealed.

23 ***-0244/1.3* SECTION 1786.** 50.05 (1) (dg) of the statutes is created to read:
24 50.05 (1) (dg) "Medicare" means 42 USC 1395 to 1395hhh.

25 ***-0244/1.4* SECTION 1787.** 50.05 (2) (g) of the statutes is created to read:

1 50.05 (2) (g) The department or the facility determines that estimated
2 operating expenditures of the facility significantly exceed anticipated revenues for
3 the facility.

4 *-0244/1.5* SECTION 1788. 50.05 (2) (h) of the statutes is created to read:

5 50.05 (2) (h) The facility or facility's operator has been charged with or
6 convicted of an offense specified under s. 49.49 or 940.295, or a Medicare violation
7 under 42 USC 1320a-7a, 1320a-7b, or 1320a-8.

8 *-0244/1.6* SECTION 1789. 50.05 (3) of the statutes is amended to read:

9 50.05 (3) MONITOR. In any situation described in sub. (2), the department may
10 place a person to act as monitor in the facility. The monitor shall observe operation
11 of the facility, assist the facility by advising it on how to comply with state
12 regulations, and shall submit a written report periodically to the department on the
13 operation of the facility. The monitor may assist in the financial management of the
14 facility. The department may require payment by the operator or controlling person
15 of the facility for the costs of placement of a person to act as monitor in the facility.

16 *-0330/P6.51* SECTION 1790. 50.06 (7) of the statutes is amended to read:

17 50.06 (7) An individual who consents to an admission under this section may
18 request that an assessment be conducted for the incapacitated individual under the
19 long-term support community options program under s. 46.27 (6) or, if the secretary
20 has certified under s. 46.281 (3) that a resource center is available for the individual,
21 a functional screening and a financial screen and cost-sharing screening to
22 determine eligibility for the family care benefit under s. 46.286 (1). If admission is
23 sought on behalf of the incapacitated individual or if the incapacitated individual is
24 about to be admitted on a private pay basis, the individual who consents to the
25 admission may waive the requirement for a financial screen and cost-sharing

1 screening under s. 46.283 (4) (g), unless the incapacitated individual is expected to
2 become eligible for medical assistance within 6 months.

3 ***-0242/1.11* SECTION 1791.** 50.065 (5d) (a) 4. of the statutes is amended to
4 read:

5 50.065 (5d) (a) 4. The manner in which the tribe will submit information
6 relating to a rehabilitation review to the department so that the department may
7 include that information in its report to the legislature required under sub. (5g).

8 ***-0242/1.12* SECTION 1792.** 50.065 (5g) of the statutes is repealed.

9 ***-0358/3.4* SECTION 1793.** 50.09 (title) of the statutes is amended to read:

10 **50.09 (title) Rights of residents in certain facilities and complexes.**

11 ***-0358/3.5* SECTION 1794.** 50.09 (1) of the statutes is renumbered 50.09 (1m),
12 and 50.09 (1m) (intro.), (b), (c), (e), (f) 1. and 3., (g), (j) (intro.) and 2. (intro.) and a.
13 and (L), as renumbered, are amended to read:

14 50.09 (1m) RESIDENTS' RIGHTS. (intro.) Every resident in a nursing home or
15 community-based residential facility or a complex shall, except as provided in sub.
16 (5), have the right to:

17 (b) Present grievances on the resident's own behalf or others to the facility's
18 staff or administrator of the facility or complex, to public officials or to any other
19 person without justifiable fear of reprisal, and to join with other residents or
20 individuals within or outside of the facility or complex to work for improvements in
21 resident care.

22 (c) Manage the resident's own financial affairs, including any personal
23 allowances under federal or state programs, unless the resident delegates, in
24 writing, such this responsibility to the facility or complex and the facility or complex
25 accepts the responsibility, or unless the resident delegates to someone else of the

1 resident's choosing and that person accepts the responsibility. The resident shall
2 receive, upon written request by the resident or guardian, a written monthly account
3 of any financial transactions made by the facility or complex under such a delegation
4 of responsibility.

5 (e) Be treated with courtesy, respect and full recognition of the resident's
6 dignity and individuality, by all employees of the facility or complex and licensed,
7 certified, or registered providers of health care and pharmacists with whom the
8 resident comes in contact.

9 (f) 1. 'Privacy for visits by spouse.' If both spouses are residents of the same
10 facility or complex, they shall be permitted to share a room or apartment unless
11 medically contraindicated as documented by the resident's physician or advanced
12 practice nurse prescriber in the resident's medical record.

13 3. Confidentiality of health and personal records, and the right to approve or
14 refuse their release to any individual outside the facility or complex, except in the
15 case of the resident's transfer to another facility or complex or as required by law or
16 3rd-party payment contracts and except as provided in s. 146.82 (2) and (3).

17 (g) Not to be required to perform services for the facility or complex that are not
18 included for therapeutic purposes in the resident's plan of care.

19 (j) (intro.) Be transferred or discharged, and be given reasonable advance notice
20 of any planned transfer or discharge, and an explanation of the need for and
21 alternatives to the transfer or discharge. The facility or complex to which the
22 resident is to be transferred must have accepted the resident for transfer, except in
23 a medical emergency or if the transfer or discharge is for nonpayment of charges
24 following a reasonable opportunity to pay a deficiency. No person may be

1 involuntarily discharged for nonpayment under this paragraph if the person meets
2 all of the following conditions:

3 2. (intro.) The funding of his or her care in the ~~nursing home or~~
4 ~~community-based residential facility~~ under s. 49.45 (6m) is reduced or terminated
5 because of one of the following:

6 a. He or she requires a level or type of care ~~which that~~ is not provided by the
7 ~~nursing home or community-based residential facility.~~

8 (L) Receive adequate and appropriate care within the capacity of the facility
9 or complex.

10 ***-0358/3.6* SECTION 1795.** 50.09 (1g) of the statutes is created to read:

11 50.09 (1g) In this section, "complex" means a residential care apartment
12 complex.

13 ***-0358/3.7* SECTION 1796.** 50.09 (2), (4) and (5) of the statutes are amended
14 to read:

15 50.09 (2) The department, in establishing standards for ~~nursing homes and~~
16 ~~community-based residential facilities~~ and complexes may establish, by rule, rights
17 in addition to those specified in sub. (1) (1m) for residents in ~~such the facilities or~~
18 complexes.

19 (4) Each facility or complex shall make available a copy of the rights and
20 responsibilities established under this section and the facility's rules of the facility
21 or complex to each resident and each resident's legal representative, if any, at or prior
22 to the time of admission to the facility or complex, to each person who is a resident
23 of the facility or complex, and to each member of the facility's staff of the facility or
24 complex. The rights, responsibilities, and rules shall be posted in a prominent place
25 in each facility or complex. Each facility or complex shall prepare a written plan and

SECTION 1796

1 provide appropriate staff training to implement each resident's rights established
2 under this section.

3 (5) Rights established under this section shall not, except as determined by the
4 department of corrections, be applicable to residents in such facilities or complexes,
5 if the resident is in the legal custody of the department of corrections and is a
6 correctional client in such a facility or complex.

7 *-0358/3.8* SECTION 1797. 50.09 (6) (a), (b) and (d) of the statutes are amended
8 to read:

9 50.09 (6) (a) Each facility or complex shall establish a system of reviewing
10 complaints and allegations of violations of residents' rights established under this
11 section. The facility or complex shall designate a specific individual who, for the
12 purposes of effectuating this section, shall report to the administrator.

13 (b) Allegations of violations of such rights by persons licensed, certified, or
14 registered under chs. 441, 446 to 450, 455, and 456 shall be promptly reported by the
15 facility or complex to the appropriate licensing, examining, or affiliated
16 credentialing board and to the person against whom the allegation has been made.
17 Any employee of the facility or complex and any person licensed, certified, or
18 registered under chs. 441, 446 to 450, 455, and 456 may also report such allegations
19 to the board. ~~Such~~ The board may make further investigation and take such
20 disciplinary action, within the board's statutory authority, as the case requires.

21 (d) The facility or complex shall attach a statement, which summarizes
22 complaints or allegations of violations of rights established under this section, to the
23 report required under s. 50.03 (4) (c) 1. or 2. The statement shall contain the date
24 of the complaint or allegation, the name of the persons involved, the disposition of

1 the matter, and the date of disposition. The department shall consider the statement
2 in reviewing the report.

3 ***-0332/4.1* SECTION 1798.** 50.14 (2) (intro.) of the statutes is amended to read:

4 50.14 (2) (intro.) For the privilege of doing business in this state, there is
5 imposed on all licensed beds of a facility an assessment that may not exceed \$445 per
6 calendar month per licensed bed of an intermediate care facility for the mentally
7 retarded and an assessment that may not exceed \$75 in the following amount per
8 calendar month per licensed bed of ~~a nursing home.~~ the facility:

9 (2g) The assessment moneys collected under this section shall be deposited in
10 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
11 Medical Assistance trust fund. ~~In determining the number of licensed beds, all of the~~
12 ~~following apply:~~

13 ***-0332/4.2* SECTION 1799.** 50.14 (2) (a) of the statutes is renumbered 50.14

14 (2r) and amended to read:

15 50.14 (2r) ~~If the amount~~ For the purpose of determining the number of beds
16 subject to assessment under sub. (2), if a facility's number of the beds is other than
17 a whole number, the fractional part of the amount that number shall be disregarded
18 unless it equals 50% or more of a whole number, in which case the amount number
19 of beds shall be increased to the next whole number.

20 ***-0332/4.3* SECTION 1800.** 50.14 (2) (am) of the statutes is created to read:

21 50.14 (2) (am) For nursing homes, an amount not to exceed \$75.

\$127

22 ***-0332/4.4* SECTION 1801.** 50.14 (2) (b) of the statutes is repealed.

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23 ***-0332/4.5* SECTION 1802.** 50.14 (2) (bm) of the statutes is created to read:

24 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
25 amount calculated by multiplying the projected annual gross revenues of all

1 intermediate care facilities for the mentally retarded in this state by 0.055, dividing
2 the product by the number of licensed beds of intermediate care facilities in this state
3 and dividing the quotient by 12.

4 ***-0332/4.6* SECTION 1803.** 50.14 (2m) of the statutes is created to read:

5 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
6 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.

7 The department may reduce the assessment amount during a state fiscal year to
8 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.
9 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate
10 care facilities for the mentally retarded for the fiscal year.

11 ***-1198/P4.19* SECTION 1804.** 50.36 (2) (c) of the statutes is repealed.

12 ***-0892/11.40* SECTION 1805.** 50.375 of the statutes is created to read:

13 **50.375 Assessment.** (1) Beginning in 2007, for the privilege of doing business
14 in this state, there is imposed on each hospital an annual assessment, based on the
15 hospital's gross revenue that each hospital shall pay before December 1. The
16 assessments shall be deposited into the health care quality fund.

17 (2) The department shall verify the amount of each hospital's gross revenue
18 and determine the amount of each hospital's assessment, based on claims
19 information that shall be provided to the department under s. 153.46 (5).

20 (3) Although the department may consider the revenue received by a hospital
21 for services or items provided as benefits under subch. IV of chapter 49, the
22 department's determination under sub. (2) shall be based on a rate not to exceed 1
23 percent of the hospital's gross revenue, as adjusted by the department.

24 (4) Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
25 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under

1 subch. III of ch. 77, apply to the assessment under this section, except that the
2 amount of any assessment collected under sub. (1) shall be deposited in the health
3 care quality fund.

4 (5) The department shall levy, enforce, and collect the assessment under this
5 section and shall develop and distribute forms necessary for levying and collection.

6 (6) An affected hospital may contest an action by the department of health and
7 family services under this section by submitting a written request for a hearing to
8 the division of hearings and appeals in the department of administration within 30
9 days after the date of the department's action.

10 (7) Any order or determination made by the division of hearings and appeals
11 in the department of administration under a hearing as specified in sub. (6) is subject
12 to judicial review as prescribed under ch. 227.

13 *-1198/P4.20* SECTION 1806. 50.38 of the statutes is repealed.

14 *-0330/P6.52* SECTION 1807. 50.49 (6m) (am) of the statutes is created to read:

15 50.49 (6m) (am) An entity with which a care management organization, as
16 defined in s. 46.2805 (1), contracts for care management services under s. 46.284 (4)
17 (d), for purposes of providing the contracted services.

18 *-1261/5.665* *-1267/P1.205* SECTION 1808. 50.498 (1m) of the statutes is
19 amended to read:

20 50.498 (1m) If an individual who applies for a certificate of approval, license
21 or provisional license under sub. (1) does not have a social security number, the
22 individual, as a condition of obtaining the certificate of approval, license or
23 provisional license, shall submit a statement made or subscribed under oath or
24 affirmation to the department that the applicant does not have a social security
25 number. The form of the statement shall be prescribed by the department of

1 ~~workforce development~~ children and families. A certificate of approval, license or
2 provisional license issued in reliance upon a false statement submitted under this
3 subsection is invalid.

4 *~~1261/5.666~~* *~~1267/P1.206~~* **SECTION 1809.** 51.032 (1m) of the statutes is
5 amended to read:

6 51.032 (1m) If an individual who applies for a certification or approval under
7 sub. (1) does not have a social security number, the individual, as a condition of
8 obtaining the certification or approval, shall submit a statement made or subscribed
9 under oath or affirmation to the department that the applicant does not have a social
10 security number. The form of the statement shall be prescribed by the department
11 of ~~workforce development~~ children and families. A certification or approval issued
12 in reliance upon a false statement submitted under this subsection is invalid.

13 *~~0905/3.76~~* **SECTION 1810.** 51.038 of the statutes is amended to read:

14 **51.038 Outpatient mental health clinic certification.** Except as provided
15 in s. 51.032, if a facility that provides mental health services on an outpatient basis
16 holds current accreditation from the council on accreditation of services for families
17 and children, the department may accept evidence of this accreditation as equivalent
18 to the standards established by the department, for the purpose of certifying the
19 facility for the receipt of funds for services provided as a benefit to a medical
20 assistance recipient under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k), a community aids
21 funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

22 *~~0905/3.77~~* **SECTION 1811.** 51.04 of the statutes is amended to read:

23 **51.04 Treatment facility certification.** Except as provided in s. 51.032, any
24 treatment facility may apply to the department for certification of the facility for the
25 receipt of funds for services provided as a benefit to a medical assistance recipient

1 under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k) or to a community aids funding recipient
2 under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The
3 department shall annually charge a fee for each certification.

4 ***-0459/2.3* SECTION 1812.** 51.15 (9) of the statutes is amended to read:

5 51.15 (9) NOTICE OF RIGHTS. At the time of detention the individual shall be
6 informed by the director of the facility or such person's designee, both orally and in
7 writing, of his or her right to contact an attorney and a member of his or her
8 immediate family, the right to have an attorney provided at public expense, as
9 provided under s. 967.06 and ch. 977, if the individual is a child or is indigent, 51.60,
10 and the right to remain silent and that the individual's statements may be used as
11 a basis for commitment. The individual shall also be provided with a copy of the
12 statement of emergency detention.

13 ***-0459/2.4* SECTION 1813.** 51.20 (3) of the statutes is amended to read:

14 51.20 (3) LEGAL COUNSEL. At the time of the filing of the petition the court shall
15 assure that the subject individual is represented by adversary counsel. ~~If the~~
16 ~~individual claims or appears to be indigent, the court shall refer the person to the~~
17 ~~authority for indigency determinations specified under s. 977.07 (1).~~ ~~If the~~
18 ~~individual is a child, the court shall refer that child by referring the individual~~ to the
19 state public defender, who shall appoint counsel for the ~~child~~ individual without a
20 determination of indigency, as provided in s. ~~48.23 (4)~~ 51.60.

21 ***-0459/2.5* SECTION 1814.** 51.20 (18) (c) of the statutes is amended to read:

22 51.20 (18) (c) Expenses of the proceedings from the presentation of the
23 statement of emergency detention or petition for commitment to the conclusion of the
24 proceeding shall be allowed by the court and paid by the county from which the
25 subject individual is detained, committed, or released, in the manner that the

SECTION 1814

1 expenses of a criminal prosecution are paid, as provided in s. 59.64 (1). Payment of
2 attorney fees for appointed attorneys in the case of children and indigents shall be
3 in accordance with ch. 977.

4 ***-1261/5.667* *-1261/P3.499* SECTION 1815.** 51.30 (4) (b) 27. of the statutes
5 is amended to read:

6 51.30 (4) (b) 27. For the purpose of entering information concerning the subject
7 individual into the statewide automated child welfare information system
8 established under s. 46.03 48.47 (7g).

9 ***-0459/2.6* SECTION 1816.** 51.35 (1) (e) 1. of the statutes is amended to read:

10 51.35 (1) (e) 1. Whenever any transfer between different treatment facilities
11 results in a greater restriction of personal freedom for the patient and whenever the
12 patient is transferred from outpatient to inpatient status, the department or the
13 county department specified under par. (a) shall inform the patient both orally and
14 in writing of his or her right to contact an attorney and a member of his or her
15 immediate family, the right to have counsel provided at public expense, as provided
16 under s. 967.06 and ch. 977, if the patient is a child or is indigent 51.60, and the right
17 to petition a court in the county in which the patient is located or the committing
18 court for a review of the transfer.

19 ***-0459/2.7* SECTION 1817.** 51.35 (1) (e) 2. c. of the statutes is amended to read:

20 51.35 (1) (e) 2. c. The patient's right to have counsel provided at public expense,
21 as provided under s. 967.06 and ch. 977, if the patient is a child or is indigent 51.60.

22 ***-1261/5.668* *-1261/P3.500* SECTION 1818.** 51.42 (3) (as) 1. of the statutes
23 is amended to read:

24 51.42 (3) (as) 1. A county department of community programs shall authorize
25 all care of any patient in a state, local, or private facility under a contractual

1 agreement between the county department of community programs and the facility,
2 unless the county department of community programs governs the facility. The need
3 for inpatient care shall be determined by the program director or designee in
4 consultation with and upon the recommendation of a licensed physician trained in
5 psychiatry and employed by the county department of community programs or its
6 contract agency. In cases of emergency, a facility under contract with any county
7 department of community programs shall charge the county department of
8 community programs having jurisdiction in the county where the patient is found.
9 The county department of community programs shall reimburse the facility for the
10 actual cost of all authorized care and services less applicable collections under s.
11 46.036, unless the department of health and family services determines that a
12 charge is administratively infeasible, or unless the department of health and family
13 services, after individual review, determines that the charge is not attributable to the
14 cost of basic care and services. Except as provided in subd. 1m., a county department
15 of community programs may not reimburse any state institution or receive credit for
16 collections for care received therein in a state institution by nonresidents of this
17 state, interstate compact clients, transfers under s. 51.35 (3), and transfers from
18 Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977
19 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s.
20 975.17, 1977 stats., or children placed in the guardianship of the department of
21 ~~health and family services~~ children and families under s. 48.427 or 48.43 or under
22 the supervision of the department of corrections under s. 938.183 or 938.355. The
23 exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which
24 that are attributable to care and treatment of the client.

25 *-1524/P3.80* SECTION 1819. 51.42 (3) (e) of the statutes is amended to read:

SECTION 1819

1 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
2 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)
3 (c) and 938.78 (2) (a), any subunit of a county department of community programs
4 or tribal agency acting under this section may exchange confidential information
5 about a client, without the informed consent of the client, with any other subunit of
6 the same county department of community programs or tribal agency, with a
7 resource center, a care management organization, or a family long-term care
8 district, or with any person providing services to the client under a purchase of
9 services contract with the county department of community programs or tribal
10 agency or with a resource center, care management organization, or family
11 long-term care district, if necessary to enable an employee or service provider to
12 perform his or her duties, or to enable the county department of community
13 programs or tribal agency to coordinate the delivery of services to the client. Any
14 agency releasing information under this paragraph shall document that a request
15 was received and what information was provided.

16 ***-1524/P3.81*** SECTION 1820. 51.437 (4r) (b) of the statutes is amended to
17 read:

18 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
19 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), any
20 subunit of a county department of developmental disabilities services or tribal
21 agency acting under this section may exchange confidential information about a
22 client, without the informed consent of the client, with any other subunit of the same
23 county department of developmental disabilities services or tribal agency, with a
24 resource center, a care management organization, or a family long-term care
25 district, or with any person providing services to the client under a purchase of

1 services contract with the county department of developmental disabilities services
2 or tribal agency or with a resource center, a care management organization, or a
3 family long-term care district, if necessary to enable an employee or service provider
4 to perform his or her duties, or to enable the county department of developmental
5 disabilities services or tribal agency to coordinate the delivery of services to the
6 client. Any agency releasing information under this paragraph shall document that
7 a request was received and what information was provided.

8 ***-1261/5.669*** ***-1261/P3.501*** SECTION 1821. 51.437 (4rm) (a) of the statutes
9 is amended to read:

10 51.437 (4rm) (a) A county department of developmental disabilities services
11 shall authorize all care of any patient in a state, local, or private facility under a
12 contractual agreement between the county department of developmental disabilities
13 services and the facility, unless the county department of developmental disabilities
14 services governs the facility. The need for inpatient care shall be determined by the
15 program director or designee in consultation with and upon the recommendation of
16 a licensed physician trained in psychiatry and employed by the county department
17 of developmental disabilities services or its contract agency prior to the admission
18 of a patient to the facility except in the case of emergency services. In cases of
19 emergency, a facility under contract with any county department of developmental
20 disabilities services shall charge the county department of developmental
21 disabilities services having jurisdiction in the county where the individual receiving
22 care is found. The county department of developmental disabilities services shall
23 reimburse the facility, except as provided under par. (c), for the actual cost of all
24 authorized care and services less applicable collections under s. 46.036, unless the
25 department of health and family services determines that a charge is

SECTION 1821

1 administratively infeasible, or unless the department of health and family services,
2 after individual review, determines that the charge is not attributable to the cost of
3 basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to
4 direct and indirect costs which are attributable to care and treatment of the client.
5 County departments of developmental disabilities services may not reimburse any
6 state institution or receive credit for collections for care received therein in a state
7 institution by nonresidents of this state, interstate compact clients, transfers under
8 s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,
9 or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., children
10 placed in the guardianship of the department of ~~health and family services~~ children
11 and families under s. 48.427 or 48.43 or juveniles under the supervision of the
12 department of corrections under s. 938.183 or 938.355.

13 ***-0878/5.3* SECTION 1822.** 51.437 (14) (i) of the statutes is created to read:

14 51.437 (14) (i) Ensure that the matching funds requirement for the state
15 developmental disabilities councils grant, as received from the federal department
16 of health and human services, is met by reporting to the federal department of health
17 and human services expenditures made for the provision of developmental
18 disabilities services under the basic county allocation distributed under s. 46.40 (2).

19 ***-0242/1.13* SECTION 1823.** 51.44 (5) (c) of the statutes is repealed.

20 ***-0242/1.14* SECTION 1824.** 51.45 (4) (p) of the statutes is repealed.

21 ***-0459/2.8* SECTION 1825.** 51.45 (12) (b) (intro.), 1. and 3. of the statutes are
22 consolidated, renumbered 51.45 (12) (b) and amended to read:

23 51.45 (12) (b) The physician, spouse, guardian, or a relative of the person
24 sought to be committed, or any other responsible person, may petition a circuit court
25 commissioner or the circuit court of the county in which the person sought to be

1 committed resides or is present for commitment under this subsection. The petition
2 shall: ~~1. State state facts to support the need for emergency treatment;~~ ~~3. Be and~~
3 ~~be supported by one or more affidavits which that aver with particularity the factual~~
4 basis for the allegations contained in the petition.

5 ~~*-0459/2.9* SECTION 1826.~~ 51.45 (12) (b) 2. of the statutes is repealed.

6 ~~*-0459/2.10* SECTION 1827.~~ 51.45 (12) (c) 2. of the statutes is amended to read:
7 51.45 (12) (c) 2. Assure that the person sought to be committed is represented
8 by counsel and, if the person claims or appears to be indigent, refer the person to the
9 authority for indigency determinations specified under s. 977.07 (1) or, if the person
10 is a child, refer that child by referring the person to the state public defender, who
11 shall appoint counsel for the child person without a determination of indigency, as
12 provided in s. ~~48.23 (4)~~ 51.60.

13 ~~*-0459/2.11* SECTION 1828.~~ 51.45 (13) (b) 2. of the statutes is amended to read:

14 51.45 (13) (b) 2. Assure that the person is represented by counsel and, if the
15 person claims or appears to be indigent, refer the person to the authority for
16 indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer
17 that child by referring the person to the state public defender, who shall appoint
18 counsel for the child person without a determination of indigency, as provided in s.
19 ~~48.23 (4)~~ 51.60. The person shall be represented by counsel at the preliminary
20 hearing under par. (d). The person may, with the approval of the court, waive his or
21 her right to representation by counsel at the full hearing under par. (f).

22 ~~*-0459/2.12* SECTION 1829.~~ 51.45 (13) (d) of the statutes is amended to read:

23 51.45 (13) (d) Whenever it is desired to involuntarily commit a person, a
24 preliminary hearing shall be held under this paragraph. The purpose of the
25 preliminary hearing shall be to determine if there is probable cause for believing that

SECTION 1829

1 the allegations of the petition under par. (a) are true. The court shall assure that the
2 person shall be is represented by counsel at the preliminary hearing and, if the
3 person is a child or is indigent, by referring the person to the state public defender,
4 who shall appoint counsel shall timely be appointed at public expense, as provided
5 in s. 967.06 and ch. 977 for the person without a determination of indigency, as
6 provided in s. 51.60. Counsel shall have access to all reports and records, psychiatric
7 and otherwise, which have been made prior to the preliminary hearing. The person
8 shall be present at the preliminary hearing and shall be afforded a meaningful
9 opportunity to be heard. Upon failure to make a finding of probable cause under this
10 paragraph, the court shall dismiss the petition and discharge the person from the
11 custody of the county department.

12 ***-0459/2.13* SECTION 1830.** 51.45 (13) (j) of the statutes is amended to read:

13 51.45 (13) (j) Upon the filing of a petition for recommitment under par. (h), the
14 court shall fix a date for a recommitment hearing within 10 days, and assure that the
15 person sought to be recommitted is represented by counsel and, if the person is
16 indigent, appoint by referring the person to the state public defender, who shall
17 appoint counsel for him or her, unless waived for the person without a determination
18 of indigency, as provided in s. 51.60. The provisions of par. (e) relating to notice and
19 to access to records, names of witnesses, and summaries of their testimony shall
20 apply to recommitment hearings under this paragraph. At the recommitment
21 hearing, the court shall proceed as provided under pars. (f) and (g).

22 ***-0459/2.14* SECTION 1831.** 51.45 (16) (c) of the statutes is repealed.

23 ***-0459/2.15* SECTION 1832.** 51.60 of the statutes is created to read:

24 **51.60 Appointment of counsel. (1) ADULTS.** (a) In any situation under this
25 chapter in which an adult individual has a right to be represented by counsel, the

1 individual shall be referred as soon as practicable to the state public defender, who
2 shall appoint counsel for the individual under s. 977.08 without a determination of
3 indigency.

4 (b) Except as provided in s. 51.45 (13) (b) 2., par. (a) does not apply if the
5 individual knowingly and voluntarily waives counsel.

6 (2) MINORS. In any situation under this chapter in which a minor has a right
7 to be represented by counsel, counsel for the minor shall be appointed as provided
8 in s. 48.23 (4).

9 (3) RETAINED COUNSEL. Notwithstanding subs. (1) and (2), an individual subject
10 to proceedings under this chapter is entitled to retain counsel of his or her own
11 choosing at his or her own expense.

12 *-0459/2.16* SECTION 1833. 51.605 of the statutes is created to read:

13 **51.605 Reimbursement for counsel provided by the state. (1) INQUIRY.**
14 At or after the conclusion of a proceeding under this chapter in which the state public
15 defender has provided counsel for an adult individual, the court may inquire as to
16 the individual's ability to reimburse the state for all or part of the cost of
17 representation. If the court determines that the individual is able to make
18 reimbursement for all or part of the cost of representation, the court may order the
19 individual to reimburse the state an amount not to exceed the maximum amount
20 established by the public defender board under s. 977.075 (4). Upon the court's
21 request, the state public defender shall conduct a determination of indigency under
22 s. 977.07 and report the results of the determination to the court.

23 (2) PAYMENT. Reimbursement ordered under this section shall be made to the
24 clerk of courts of the county where the proceedings took place. The clerk of courts
25 shall transmit payments under this section to the county treasurer, who shall deposit

SECTION 1833

1 25 percent of the payment amount in the county treasury and transmit the
2 remainder to the secretary of administration. Payments transmitted to the
3 secretary of administration shall be deposited in the general fund and credited to the
4 appropriation account under s. 20.550 (1) (L).

5 (3) REPORT. By January 31st of each year, the clerk of courts for each county
6 shall report to the state public defender the total amount of reimbursements ordered
7 under sub. (1) in the previous calendar year and the total amount of reimbursements
8 paid to the clerk under sub. (2) in the previous year.

9 *-0459/2.17* SECTION 1834. 55.10 (4) (a) of the statutes is amended to read:

10 55.10 (4) (a) *Counsel; costs.* The individual sought to be protected has the right
11 to counsel whether or not the individual is present at the hearing on the petition.
12 The court shall require representation by full legal counsel whenever the petition
13 alleges that the individual is not competent to refuse psychotropic medication under
14 s. 55.14, the individual sought to be protected requested such representation at least
15 72 hours before the hearing, the guardian ad litem or any other person states that
16 the individual sought to be protected is opposed to the petition, or the court
17 determines that the interests of justice require it. If the individual sought to be
18 protected or any other person on his or her behalf requests but is unable to obtain
19 legal counsel, the court shall appoint refer the individual to the state public defender
20 as provided under s. 55.105 for appointment of legal counsel. ~~Counsel shall be~~
21 ~~provided at public expense, as provided under s. 967.06 and ch. 977, if the individual~~
22 ~~is indigent. If the individual sought to be protected is an adult who is indigent, and~~
23 ~~if counsel was not appointed under s. 977.08, the county in which the hearing is held~~
24 ~~is liable for any fees due the individual's legal counsel.~~ If the individual sought to
25 be protected is represented by counsel appointed under s. 977.08 in a proceeding for

1 the appointment of a guardian under ~~s. 880.33~~ ch. 54, the court shall order the
2 counsel appointed under s. 977.08 to represent under this section the individual
3 sought to be protected.

4 ***-0459/2.18* SECTION 1835.** 55.105 of the statutes is created to read:

5 **55.105 Appointment of counsel. (1)** In any situation under this chapter in
6 which an adult individual has a right to be represented by legal counsel, the
7 individual shall be referred as soon as practicable to the state public defender, who
8 shall appoint counsel for the individual under s. 977.08 without a determination of
9 indigency.

10 **(2)** In any situation under this chapter in which a minor has a right to be
11 represented by legal counsel, legal counsel for the minor shall be appointed as
12 provided in s. 48.23 (4).

13 **(3)** Notwithstanding subs. (1) and (2), an individual subject to proceedings
14 under this chapter is entitled to retain counsel of his or her own choosing at his or
15 her own expense.

16 ***-0459/2.19* SECTION 1836.** 55.107 of the statutes is created to read:

17 **55.107 Reimbursement of counsel provided by the state. (1)** At or after
18 the conclusion of a proceeding under this chapter in which the state public defender
19 has provided legal counsel for an adult individual, the court may inquire as to the
20 individual's ability to reimburse the state for all or part of the cost of representation.
21 If the court determines that the individual is able to make reimbursement for all or
22 part of the cost of representation, the court may order the individual to reimburse
23 the state an amount not to exceed the maximum amount established by the public
24 defender board under s. 977.075 (4). Upon the court's request, the state public

1 defender shall conduct a determination of indigency under s. 977.07 and report the
2 results of the determination to the court.

3 (2) Reimbursement ordered under this section shall be made to the clerk of
4 courts of the county where the proceedings took place. The clerk of courts shall
5 transmit payments under this section to the county treasurer, who shall deposit 25
6 percent of the payment amount in the county treasury and transmit the remainder
7 to the secretary of administration. Payments transmitted to the secretary of
8 administration shall be deposited in the general fund and credited to the
9 appropriation account under s. 20.550 (1) (L).

10 (3) By January 31st of each year, the clerk of courts for each county shall report
11 to the state public defender the total amount of reimbursements ordered under sub.
12 (1) in the previous calendar year and the total amount of reimbursements paid to the
13 clerk under sub. (2) in the previous year.

14 *-0459/2.20* SECTION 1837. 55.135 (1) of the statutes is amended to read:

15 55.135 (1) If, ~~upon a credible report to or~~, from personal observation of, or a
16 reliable report made by a person who identifies himself or herself to, a sheriff, police
17 officer, fire fighter, guardian, if any, or authorized representative of a county
18 department or an agency with which it contracts under s. 55.02 (2), it appears
19 probable that an individual is so totally incapable of providing for his or her own care
20 or custody as to create a substantial risk of serious physical harm to himself or herself
21 or others as a result of developmental disabilities, degenerative brain disorder,
22 serious and persistent mental illness, or other like incapacities if not immediately
23 placed, the individual ~~under this paragraph who received the credible report or who~~
24 personally made the observation or to whom the report is made may take into custody
25 and transport the individual to an appropriate medical or protective placement

1 facility. The person making emergency protective placement shall prepare a
2 statement at the time of detention providing specific factual information concerning
3 the person's observations or reports made to the person and the basis for emergency
4 placement. The statement shall be filed with the director of the facility and with any
5 petition under s. 55.075. At the time of emergency protective placement the
6 individual shall be informed by the director of the facility or the director's designee,
7 orally and in writing, of his or her right to contact an attorney and a member of his
8 or her immediate family and the right to have an attorney provided at public
9 expense, as provided under s. 967.06 and ch. 977, if the individual is a minor or is
10 indigent s. 55.105. The director or designee shall also provide the individual with
11 a copy of the statement by the person making emergency protective placement.

12 ***-0459/2.21* SECTION 1838.** 55.14 (7) of the statutes is amended to read:

13 55.14 (7) Upon the filing of a petition under this section, the court shall appoint
14 make a referral for appointment of legal counsel as provided under s. 55.105. A
15 petition under this section shall be heard under s. 55.10 (4) (a) s. 55.06 within 30 days
16 after it is filed.

17 ***-0459/2.22* SECTION 1839.** 55.15 (7) (cm) of the statutes is amended to read:

18 55.15 (7) (cm) The court shall ~~appoint counsel for~~ refer the individual under
19 protective placement ~~for appointment of legal counsel as provided under s. 55.105~~ if
20 the individual, the individual's guardian ad litem, or anyone on the individual's
21 behalf requests that counsel be appointed for the individual.

22 ***-0459/2.23* SECTION 1840.** 55.18 (3) (c) (intro.) of the statutes is amended to
23 read:

24 55.18 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
25 ~~and, if the individual appears to be indigent, refer him or her to the authority for~~

1 ~~indigency determinations under s. 977.07 (1) for appointment of legal counsel under~~
2 ~~s. 55.105 if any of the following apply:~~

3 ***-0459/2.24* SECTION 1841.** 55.19 (3) (c) (intro.) of the statutes is amended to
4 read:

5 55.19 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
6 and, if the individual appears to be indigent, refer him or her to the authority for
7 ~~indigency determinations under s. 977.07 (1) for appointment of legal counsel under~~
8 ~~s. 55.105 if any of the following apply:~~

9 ***-1261/5.670* *-1267/P1.207* SECTION 1842.** 59.22 (2) (c) 2. of the statutes
10 is amended to read:

11 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
12 rules of the department of ~~workforce development~~ children and families under s.
13 49.78 (4) to (7) relating to employees administering old-age assistance, aid to
14 families with dependent children, aid to the blind, or aid to totally and permanently
15 disabled persons or ss. 63.01 to 63.17.

16 ***-1261/5.671* *-1267/P1.208* SECTION 1843.** 59.40 (2) (p) of the statutes is
17 amended to read:

18 59.40 (2) (p) Cooperate with the department of ~~workforce development~~ children
19 and families with respect to the child and spousal support and establishment of
20 paternity and medical support liability program under ss. 49.22 and 59.53 (5), and
21 provide that department with any information from court records which it requires
22 to administer that program.

23 ***-1261/5.672* *-1267/P1.209* SECTION 1844.** 59.52 (4) (a) 18. of the statutes
24 is amended to read:

1 59.52 (4) (a) 18. Case records and other record material of all public assistance
2 that are kept as required under ch. 49, if no payments have been made for at least
3 3 years and if a face sheet or similar record of each case and a financial record of all
4 payments for each aid account are preserved in accordance with rules adopted by the
5 department of health and family services or by the department of ~~workforce~~
6 development children and families. If the department of health and family services
7 or the department of ~~workforce development~~ children and families has preserved
8 such case records and other record material on computer disc or tape or similar
9 device, a county may destroy the original records and record material under rules
10 adopted by the department that has preserved those case records or other record
11 material.

12 *-1261/5.673* *-1261/P3.503* SECTION 1845. 59.53 (3) of the statutes is
13 amended to read:

14 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for
15 promoting and assisting any community action agency under s. 46.30 49.265.

16 *-1261/5.674* *-1261/P3.504* SECTION 1846. 59.53 (5) (a) of the statutes is
17 amended to read:

18 59.53 (5) (a) The board shall contract with the department of ~~workforce~~
19 development children and families to implement and administer the child and
20 spousal support and establishment of paternity and the medical support liability
21 programs provided for by Title IV of the federal social security act. The board may
22 designate by board resolution any office, officer, board, department, or agency, except
23 the clerk of circuit court, as the county child support agency. The board or county
24 child support agency shall implement and administer the programs in accordance
25 with the contract with the department of ~~workforce development~~ children and

1 families. The attorneys responsible for support enforcement under sub. (6) (a),
2 circuit court commissioners, and all other county officials shall cooperate with the
3 county and the department of ~~workforce development~~ children and families as
4 necessary to provide the services required under the programs. The county shall
5 charge the fee established by the department of ~~workforce development~~ children and
6 families under s. 49.22 for services provided under this paragraph to persons not
7 receiving benefits under s. 49.148 or 49.155 or assistance under s. ~~46.261~~ 48.645,
8 49.19, or 49.47.

9 ***-0905/3.78*** SECTION 1847. 59.53 (5) (a) of the statutes, as affected by 2007
10 Wisconsin Act (this act), is amended to read:

11 59.53 (5) (a) The board shall contract with the department of children and
12 families to implement and administer the child and spousal support and
13 establishment of paternity and the medical support liability programs provided for
14 by Title IV of the federal social security act. The board may designate by board
15 resolution any office, officer, board, department or agency, except the clerk of circuit
16 court, as the county child support agency. The board or county child support agency
17 shall implement and administer the programs in accordance with the contract with
18 the department of children and families. The attorneys responsible for support
19 enforcement under sub. (6) (a), circuit court commissioners and all other county
20 officials shall cooperate with the county and the department of children and families
21 as necessary to provide the services required under the programs. The county shall
22 charge the fee established by the department of children and families under s. 49.22
23 for services provided under this paragraph to persons not receiving benefits under
24 s. 49.148 or 49.155 or assistance under s. 48.645, 49.19, or 49.46, 49.465, 49.47,
25 49.471, or 49.472.

****NOTE: This is reconciled s. 59.53 (5) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0905 and LRB-1261.

1 ***-1261/5.675* *-1267/P1.211* SECTION 1848.** 59.53 (5) (b) of the statutes is
2 amended to read:

3 **59.53 (5) (b)** The county child support agency under par. (a) shall electronically
4 enter into the statewide data system related to child and spousal support payments
5 that is operated by the department of ~~workforce development~~ children and families
6 the terms of any order made or judgment granted in the circuit court of the county
7 requiring payments under s. 948.22 (7) or ch. 767 or 769 that are directed under s.
8 767.57 (1) to be paid to the department of ~~workforce development~~ children and
9 families or its designee. The county child support agency shall enter the terms of any
10 such order or judgment within the time required by federal law and shall enter
11 revisions ordered by the court to any order or judgment the terms of which are
12 maintained on the data system.

13 ***-1169/P2.1* SECTION 1849.** 59.605 (1) (a) of the statutes is amended to read:
14 **59.605 (1) (a)** "Debt levy" means the county purpose levy for debt service on
15 loans under subch. II of ch. 24, bonds issued under s. 67.05 and, promissory notes
16 issued under s. 67.12 (12), and appropriation bonds issued under s. 59.85, less any
17 revenues that abate the levy.

18 ***-1261/5.676* *-1261/P3.505* SECTION 1850.** 59.69 (15) (intro.) of the
19 statutes is amended to read:

20 **59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS.** (intro.) For purposes
21 of this section, the location of a community living arrangement for adults, as defined
22 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
23 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in

1 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any municipality,
2 shall be subject to the following criteria:

3 ***-1261/5.677* *-1261/P3.506* SECTION 1851.** 59.69 (15) (c) of the statutes is
4 amended to read:

5 59.69 (15) (c) ~~Where~~ If the community living arrangement has capacity for 8
6 or fewer persons being served by the program, meets the criteria listed in pars. (a)
7 and (b), and is licensed, operated, or permitted under the authority of the department
8 of health and family services or the department of children and families, that facility
9 is entitled to locate in any residential zone, without being required to obtain special
10 zoning permission except as provided in par. (i).

11 ***-1261/5.678* *-1261/P3.507* SECTION 1852.** 59.69 (15) (d) of the statutes is
12 amended to read:

13 59.69 (15) (d) ~~Where~~ If the community living arrangement has capacity for 9
14 to 15 persons being served by the program, meets the criteria listed in pars. (a) and
15 (b), and is licensed, or operated, or permitted under the authority of the department
16 of health and family services or the department of children and families, the facility
17 is entitled to locate in any residential area except areas zoned exclusively for
18 single-family or 2-family residences, except as provided in par. (i), but is entitled to
19 apply for special zoning permission to locate in those areas. The municipality may
20 grant special zoning permission at its discretion and shall make a procedure
21 available to enable such facilities to request such permission.

22 ***-1261/5.679* *-1261/P3.508* SECTION 1853.** 59.69 (15) (e) of the statutes is
23 amended to read:

24 59.69 (15) (e) ~~Where~~ If the community living arrangement has capacity for
25 serving 16 or more persons, meets the criteria listed in pars. (a) and (b), and is

1 licensed, operated, or permitted under the authority of the department of health and
2 family services or the department of children and families, that facility is entitled to
3 apply for special zoning permission to locate in areas zoned for residential use. The
4 municipality may grant special zoning permission at its discretion and shall make
5 a procedure available to enable such facilities to request such permission.

6 ***-1261/5.680* *-1261/P3.509* SECTION 1854.** 59.69 (15) (f) of the statutes is
7 amended to read:

8 59.69 (15) (f) The department of health and family services shall designate a
9 single subunit within ~~the~~ that department to maintain appropriate records
10 indicating the location and the capacity of each community living arrangement for
11 adults, and the information shall be available to the public. The department of
12 children and families shall designate a single subunit within that department to
13 maintain appropriate records indicating the location and the capacity of each
14 community living arrangement for children, and the information shall be available
15 to the public.

16 ***-1261/5.681* *-1261/P3.510* SECTION 1855.** 59.69 (15) (h) of the statutes is
17 amended to read:

18 59.69 (15) (h) The attorney general shall take action, upon the request of the
19 department of health and family services or the department of children and families,
20 to enforce compliance with this subsection.

21 ***-1169/P2.2* SECTION 1856.** 59.85 of the statutes is created to read:

22 **59.85 Appropriation bonds for payment of employee retirement**
23 **system liability in populous counties. (1) DEFINITIONS.** In this section:

1 (a) "Appropriation bond" means a bond issued by a county to evidence its
2 obligation to repay a certain amount of borrowed money that is payable from all of
3 the following:

4 1. Moneys annually appropriated by law for debt service due with respect to
5 such appropriation bond in that year.

6 2. Proceeds of the sale of such appropriation bonds.

7 3. Payments received for that purpose under agreements and ancillary
8 arrangements described in s. 59.86.

9 4. Investment earnings on amounts in subds. 1. to 3.

10 (b) "Board" means the county board of supervisors in any county.

11 (c) "Bond" means any bond, note, or other obligation of a county issued under
12 this section.

13 (d) "County" means any county having a population of 500,000 or more.

14 (e) "Refunding bond" means an appropriation bond issued to fund or refund all
15 or any part of one or more outstanding appropriation bonds.

16 **(1m) LEGISLATIVE FINDING AND DETERMINATION.** Recognizing that a county, by
17 prepaying part or all of the county's unfunded prior service liability with respect to
18 an employee retirement system of the county, may reduce its costs and better ensure
19 the timely and full payment of retirement benefits to participants and their
20 beneficiaries under the employee retirement system, the legislature finds and
21 determines that it is in the public interest for the county to issue appropriation bonds
22 to obtain proceeds to pay its unfunded prior service liability.

23 **(2) AUTHORIZATION OF APPROPRIATION BONDS.** (a) A board shall have all powers
24 necessary and convenient to carry out its duties, and to exercise its authority, under
25 this section.

1 (b) Subject to pars. (c) and (d), a county may issue appropriation bonds under
2 this section to pay all or any part of the county's unfunded prior service liability with
3 respect to an employee retirement system of the county, or to fund or refund
4 outstanding appropriation bonds issued under this section. A county may use
5 proceeds of appropriation bonds to pay issuance or administrative expenses, to make
6 deposits to reserve funds, to pay accrued or funded interest, to pay the costs of credit
7 enhancement, to make payments under other agreements entered into under s.
8 59.86, or to make deposits to stabilization funds established under s. 59.87.

9 (c) Other than refunding bonds issued under sub. (6), all bonds must be issued
10 simultaneously.

11 (d) 1. Before a county may issue appropriation bonds under par. (b), its board
12 shall enact an ordinance that establishes a 5-year strategic and financial plan
13 related to the payment of all or any part of the county's unfunded prior service
14 liability with respect to an employee retirement system of the county. The strategic
15 and financial plan shall provide that future annual pension liabilities are funded on
16 a current basis. The strategic and financial plan shall contain quantifiable
17 benchmarks to measure compliance with the plan. The board shall make a
18 determination that the ordinance meets the requirements of this subdivision and,
19 absent manifest error, the board's determination shall be conclusive. The board shall
20 submit to the governor and to the chief clerk of each house of the legislature, for
21 distribution to the legislature under s. 13.172 (2), a copy of the strategic and financial
22 plan.

23 2. Annually, the county shall submit to the governor and to the chief clerk of
24 each house of the legislature, for distribution to the legislature under s. 13.172 (2),
25 a report that includes all of the following:

1 a. The county's progress in meeting the benchmarks in the strategic and
2 financial plan.

3 b. Any proposed modifications to the plan.

4 c. The status of any stabilization fund that is established under s. 59.87 (3).

5 d. The most current actuarial report related to the county's employee
6 retirement system.

7 **(3) TERMS.** (a) A county may borrow moneys and issue appropriation bonds in
8 evidence of the borrowing pursuant to one or more written authorizing resolutions
9 under sub. (4). Unless otherwise provided in an authorizing resolution, the county
10 may issue appropriation bonds at any time, in any specific amounts, at any rates of
11 interest, for any term, payable at any intervals, at any place, in any manner, and
12 having any other terms or conditions that the board considers necessary or desirable.
13 Appropriation bonds may bear interest at variable or fixed rates, bear no interest,
14 or bear interest payable only at maturity or upon redemption prior to maturity.

15 (b) The board may authorize appropriation bonds having any provisions for
16 prepayment the board considers necessary or desirable, including the payment of
17 any premium.

18 (c) Interest shall cease to accrue on an appropriation bond on the date that the
19 appropriation bond becomes due for payment if payment is made or duly provided
20 for.

21 (d) All moneys borrowed by a county that is evidenced by appropriation bonds
22 issued under this section shall be lawful money of the United States, and all
23 appropriation bonds shall be payable in such money.

24 (e) All appropriation bonds owned or held by a fund of the county are
25 outstanding in all respects and the board or other governing body controlling the

1 fund shall have the same rights with respect to an appropriation bond as a private
2 party, but if any sinking fund acquires appropriation bonds that gave rise to such
3 fund, the appropriation bonds are considered paid for all purposes and no longer
4 outstanding and shall be canceled as provided in sub. (7) (d).

5 (f) A county shall not be generally liable on appropriation bonds, and
6 appropriation bonds shall not be a debt of the county for any purpose whatsoever.
7 Appropriation bonds, including the principal thereof and interest thereon, shall be
8 payable only from amounts that the board may, from year to year, appropriate for the
9 payment thereof.

10 (4) PROCEDURES. (a) No appropriation bonds may be issued by a county unless
11 the issuance is pursuant to a written authorizing resolution adopted by a majority
12 of a quorum of the board. The resolution may be in the form of a resolution or trust
13 indenture, and shall set forth the aggregate principal amount of appropriation bonds
14 authorized thereby, the manner of their sale, and the form and terms thereof. The
15 resolution or trust indenture may establish such funds and accounts, including a
16 reserve fund, as the board determines.

17 (b) Appropriation bonds may be sold at either public or private sale and may
18 be sold at any price or percentage of par value. All appropriation bonds sold at public
19 sale shall be noticed as provided in the authorizing resolution. Any bid received at
20 public sale may be rejected.

21 (5) FORM. (a) As determined by the board, appropriation bonds may be issued
22 in book-entry form or in certificated form. Notwithstanding s. 403.104 (1), every
23 evidence of appropriation bond is a negotiable instrument.

24 (b) Every appropriation bond shall be executed in the name of and for the
25 county by the chairperson of the board and county clerk, and shall be sealed with the

1 seal of the county, if any. Facsimile signatures of either officer may be imprinted in
2 lieu of manual signatures, but the signature of at least one such officer shall be
3 manual. An appropriation bond bearing the manual or facsimile signature of a
4 person in office at the same time the signature was signed or imprinted shall be fully
5 valid notwithstanding that before or after the delivery of such appropriation bond
6 the person ceased to hold such office.

7 (c) Every appropriation bond shall be dated not later than the date it is issued,
8 shall contain a reference by date to the appropriate authorizing resolution, shall
9 state the limitation established in sub. (3) (f), and shall be in accordance with the
10 appropriate authorizing resolution in all respects.

11 (d) An appropriation bond shall be substantially in such form and contain such
12 statements or terms as determined by the board, and may not conflict with law or
13 with the appropriate authorizing resolution.

14 (6) REFUNDING BONDS. (a) 1. A board may authorize the issuance of refunding
15 appropriation bonds. Refunding appropriation bonds may be issued, subject to any
16 contract rights vested in owners of the appropriation bonds being refunded, to refund
17 all or any part of one or more issues of appropriation bonds notwithstanding that the
18 appropriation bonds may have been issued at different times or issues of general
19 obligation promissory notes under s. 67.12 (12) were issued to pay unfunded prior
20 service liability with respect to an employee retirement system. The principal
21 amount of the refunding appropriation bonds may not exceed the sum of: the
22 principal amount of the appropriation bonds or general obligation promissory notes
23 being refunded; applicable redemption premiums; unpaid interest on the refunded
24 appropriation bonds or general obligation promissory notes to the date of delivery or
25 exchange of the refunding appropriation bonds; in the event the proceeds are to be

1 deposited in trust as provided in par. (c), interest to accrue on the appropriation
2 bonds or general obligation promissory notes to be refunded from the date of delivery
3 to the date of maturity or to the redemption date selected by the board, whichever
4 is earlier; and the expenses incurred in the issuance of the refunding appropriation
5 bonds and the payment of the refunded appropriation bonds or general obligation
6 promissory notes.

7 2. A board may authorize the issuance of general obligation promissory notes
8 under s. 67.12 (12) (a) to refund appropriation bonds, notwithstanding s. 67.01 (9)
9 (intro.).

10 (b) If a board determines to exchange refunding appropriation bonds, they may
11 be exchanged privately for, and in payment and discharge of, any of the outstanding
12 appropriation bonds being refunded. Refunding appropriation bonds may be
13 exchanged for such principal amount of the appropriation bonds being exchanged
14 therefor as may be determined by the board to be necessary or desirable. The owners
15 of the appropriation bonds being refunded who elect to exchange need not pay
16 accrued interest on the refunding appropriation bonds if and to the extent that
17 interest is accrued and unpaid on the appropriation bonds being refunded and to be
18 surrendered. If any of the appropriation bonds to be refunded are to be called for
19 redemption, the board shall determine which redemption dates are to be used, if
20 more than one date is applicable and shall, prior to the issuance of the refunding
21 appropriation bonds, provide for notice of redemption to be given in the manner and
22 at the times required by the resolution authorizing the appropriation bonds to be
23 refunded.

24 (c) 1. The principal proceeds from the sale of any refunding appropriation bonds
25 shall be applied either to the immediate payment and retirement of the

SECTION 1856

1 appropriation bonds or general obligation promissory notes being refunded or, if the
2 bonds or general obligation promissory notes have not matured and are not presently
3 redeemable, to the creation of a trust for, and shall be pledged to the payment of, the
4 appropriation bonds or general obligation promissory notes being refunded.

5 2. If a trust is created, a separate deposit shall be made for each issue of
6 appropriation bonds or general obligation promissory notes being refunded. Each
7 deposit shall be with a bank or trust company authorized by the laws of the United
8 States or of a state in which it is located to conduct banking or trust company
9 business. If the total amount of any deposit, including moneys other than sale
10 proceeds but legally available for such purpose, is less than the principal amount of
11 the appropriation bonds or general obligation promissory notes being refunded and
12 for the payment of which the deposit has been created and pledged, together with
13 applicable redemption premiums and interest accrued and to accrue to maturity or
14 to the date of redemption, then the application of the sale proceeds shall be legally
15 sufficient only if the moneys deposited are invested in securities issued by the United
16 States or one of its agencies, or securities fully guaranteed by the United States, and
17 only if the principal amount of the securities at maturity and the income therefrom
18 to maturity will be sufficient and available, without the need for any further
19 investment or reinvestment, to pay at maturity or upon redemption the principal
20 amount of the appropriation bonds or general obligation promissory notes being
21 refunded together with applicable redemption premiums and interest accrued and
22 to accrue to maturity or to the date of redemption. The income from the principal
23 proceeds of the securities shall be applied solely to the payment of the principal of
24 and interest and redemption premiums on the appropriation bonds or general

1 obligation promissory notes being refunded, but provision may be made for the
2 pledging and disposition of any surplus.

3 3. Nothing in this paragraph may be construed as a limitation on the duration
4 of any deposit in trust for the retirement of appropriation bonds or general obligation
5 promissory notes being refunded that have not matured and that are not presently
6 redeemable. Nothing in this paragraph may be constructed to prohibit reinvestment
7 of the income of a trust if the reinvestments will mature at such times that sufficient
8 moneys will be available to pay interest, applicable premiums, and principal on the
9 appropriation bonds or general obligation promissory notes being refunded.

10 (7) FISCAL REGULATIONS. (a) All appropriation bonds shall be registered by the
11 county clerk or county treasurer of the county issuing the appropriation bonds, or
12 such other officers or agents, including fiscal agents, as the board may determine.
13 After registration, no transfer of an appropriation bond is valid unless made by the
14 registered owner's duly authorized attorney, on the records of the county and
15 similarly noted on the appropriation bond. The county may treat the registered
16 owner as the owner of the appropriation bond for all purposes. Payments of principal
17 and interest shall be by electronic funds transfer, check, share draft, or other draft
18 to the registered owner at the owner's address as it appears on the register, unless
19 the board has otherwise provided. Information in the register is not available for
20 inspection and copying under s. 19.35 (1). The board may make any other provision
21 respecting registration as it considers necessary or desirable.

22 (b) The board may appoint one or more trustees or fiscal agents for each issue
23 of appropriation bonds. The county treasurer may be designated as the trustee and
24 the sole fiscal agent or as cofiscal agent for any issue of appropriation bonds. Every
25 other fiscal agent shall be an incorporated bank or trust company authorized by the

1 laws of the United States or of the state in which it is located to conduct banking or
2 trust company business. There may be deposited with a trustee, in a special account,
3 moneys to be used only for the purposes expressly provided in the resolution
4 authorizing the issuance of appropriation bonds or an agreement between the county
5 and the trustee. The board may make other provisions respecting trustees and fiscal
6 agents as the board considers necessary or desirable and may enter into contracts
7 with any trustee or fiscal agent containing such terms, including compensation, and
8 conditions in regard to the trustee or fiscal agent as the board considers necessary
9 or desirable.

10 (c) If any appropriation bond is destroyed, lost, or stolen, the county shall
11 execute and deliver a new appropriation bond, upon filing with the board evidence
12 satisfactory to the board that the appropriation bond has been destroyed, lost, or
13 stolen, upon providing proof of ownership thereof, and upon furnishing the board
14 with indemnity satisfactory to it and complying with such other rules of the county
15 and paying any expenses that the county may incur. The board shall cancel the
16 appropriation bond surrendered to the county.

17 (d) Unless otherwise directed by the board, every appropriation bond paid or
18 otherwise retired shall be marked "canceled" and delivered to the county treasurer,
19 or to such other fiscal agent as applicable with respect to the appropriation bond, who
20 shall destroy them and deliver a certificate to that effect to the county clerk.

21 (8) APPROPRIATION BONDS AS LEGAL INVESTMENTS. Any of the following may
22 legally invest any sinking funds, moneys, or other funds belonging to them or under
23 their control in any appropriation bonds issued under this section:

24 (a) The state, the investment board, public officers, municipal corporations,
25 political subdivisions, and public bodies.

1 (b) Banks and bankers, savings and loan associations, credit unions, trust
2 companies, savings banks and institutions, investment companies, insurance
3 companies, insurance associations, and other persons carrying on a banking or
4 insurance business.

5 (c) Personal representatives, guardians, trustees, and other fiduciaries.

6 (9) MORAL OBLIGATION PLEDGE. If the board considers it necessary or desirable
7 to do so, it may express in a resolution authorizing appropriation bonds its
8 expectation and aspiration to make timely appropriations sufficient to pay the
9 principal and interest due with respect to such appropriation bonds, to make
10 deposits into a reserve fund created under sub. (4) (a) with respect to such
11 appropriation bonds, to make payments under any agreement or ancillary
12 arrangement entered into under s. 59.86 with respect to such appropriation bonds,
13 to make deposits into any stabilization fund established or continued under s. 59.87
14 with respect to such appropriation bonds, or to pay related issuance or
15 administrative expenses.

16 (10) PENSION STUDY COMMITTEE. The 2 public members of the pension study
17 committee, created by chapter 405, laws of 1965, shall have at least 10 years of
18 financial experience.

19 *-1169/P2.3* SECTION 1857. 59.86 of the statutes is created to read:

20 **59.86 Agreements and ancillary arrangements for certain notes and**
21 **appropriation bonds.** At the time of issuance or in anticipation of the issuance of
22 appropriation bonds under s. 59.85, or general obligation promissory notes under s.
23 67.12 (12), to pay unfunded prior service liability with respect to an employee
24 retirement system, or at any time thereafter so long as the appropriation bonds or
25 general obligation promissory notes are outstanding, a county having a population

1 of 500,000 or more may enter into agreements or ancillary arrangements relating to
2 the appropriation bonds or general obligation promissory notes, including trust
3 indentures, liquidity facilities, remarketing or dealer agreements, letters of credit,
4 insurance policies, guaranty agreements, reimbursement agreements, indexing
5 agreements, and interest exchange agreements. Any payments made or amounts
6 received with respect to any such agreement or ancillary arrangement shall be made
7 from or deposited as provided in the agreement or ancillary arrangement.

8 ***-1169/P2.4* SECTION 1858.** 59.87 of the statutes is created to read:

9 **59.87 Employee retirement system liability financing in populous**
10 **counties; additional powers. (1) DEFINITIONS.** In this section:

11 (a) "Board" means the county board of supervisors in any county.

12 (b) "County" means any county having a population of 500,000 or more.

13 (c) "Pension funding plan" means a strategic and financial plan related to the
14 payment of all or part of a county's unfunded prior service liability with respect to
15 an employee retirement system.

16 (d) "Trust" means a common law trust organized under the laws of this state,
17 by the county, as settlor, pursuant to a formal, written, declaration of trust.

18 **(2) SPECIAL FINANCING ENTITIES, FUNDS, AND ACCOUNTS.** (a) To facilitate a pension
19 funding plan and in furtherance thereof, a board may create one or more of the
20 following:

21 1. A trust.

22 2. A nonstock corporation under ch. 181.

23 3. A limited liability company under ch. 183.

24 4. A special fund or account of the county.

1 (b) An entity described under par. (a) has all of the powers provided to it under
2 applicable law and the documents pursuant to which it is created and established.
3 The powers shall be construed broadly in favor of effectuating the purposes for which
4 the entity is created. A county may appropriate funds to such entities and to such
5 funds and accounts, under terms and conditions established by the board, consistent
6 with the purposes for which they are created and established.

7 (3) STABILIZATION FUNDS. (a) To facilitate a pension funding plan a board may
8 establish a stabilization fund. Any such fund may be created as a trust, a special fund
9 or account of the county established by a separate resolution or ordinance, or a fund
10 or account created under an authorizing resolution or trust indenture in connection
11 with the authorization and issuance of appropriation bonds under s. 59.85 or general
12 obligation promissory notes under s. 67.12 (12). A county may appropriate funds for
13 deposit to a stabilization fund established under this subsection.

14 (b) Moneys in a stabilization fund established under this subsection may be
15 used, subject to annual appropriation by the board, solely to pay principal or interest
16 on appropriation bonds issued under s. 59.85 and general obligation promissory
17 notes under s. 67.12 (12) issued in connection with a pension funding plan, for the
18 redemption or repurchase of such appropriation bonds or general obligation
19 promissory notes, or to make payments under any agreement or ancillary
20 arrangement entered into under s. 59.86 with respect to such appropriation bonds
21 or general obligation promissory notes. Moneys on deposit in a stabilization fund
22 may not be subject to any claims, demands, or actions by, or transfers or assignments
23 to, any creditor of the county, any beneficiary of the county's employee retirement
24 system, or any other person, on terms other than as may be established in the
25 resolution or ordinance creating the stabilization fund. Moneys on deposit in a

SECTION 1858

1 stabilization fund established under this subsection may be invested and reinvested
2 in the manner directed by the board or pursuant to delegation by the board as
3 provided under s. 66.0603 (5).

4 *-1261/5.682* *-1261/P3.511* SECTION 1859. 60.63 (intro.) of the statutes is
5 amended to read:

6 **60.63 Community and other living arrangements.** (intro.) For purposes
7 of s. 60.61, the location of a community living arrangement for adults, as defined in
8 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
9 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
10 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any town shall
11 be subject to the following criteria:

12 *-1261/5.683* *-1261/P3.512* SECTION 1860. 60.63 (4) of the statutes is
13 amended to read:

14 60.63 (4) If the community living arrangement has capacity for 8 or fewer
15 persons being served by the program, meets the criteria listed in subs. (1) and (2),
16 and is licensed, operated, or permitted under the authority of the department of
17 health and family services or the department of children and families, the
18 community living arrangement is entitled to locate in any residential zone, without
19 being required to obtain special zoning permission except as provided under sub.
20 (10).

21 *-1261/5.684* *-1261/P3.513* SECTION 1861. 60.63 (5) of the statutes is
22 amended to read:

23 60.63 (5) In all cases where the community living arrangement has capacity
24 for 9 to 15 persons being served by the program, meets the criteria listed in subs. (1)
25 and (2), and is licensed, operated, or permitted under the authority of the department

1 of health and family services or the department of children and families, that facility
2 is entitled to locate in any residential area except areas zoned exclusively for
3 single-family or 2-family residences except as provided in sub. (10), but is entitled
4 to apply for special zoning permission to locate in those areas. The town may grant
5 such special zoning permission at its discretion and shall make a procedure available
6 to enable such facilities to request such permission.

7 ***-1261/5.685* *-1261/P3.514* SECTION 1862.** 60.63 (6) of the statutes is
8 amended to read:

9 60.63 (6) In all cases where the community living arrangement has capacity
10 for serving 16 or more persons, meets the criteria listed in subs. (1) and (2), and is
11 licensed, operated, or permitted under the authority of the department of health and
12 family services or the department of children and families, that facility is entitled to
13 apply for special zoning permission to locate in areas zoned for residential use. The
14 town may grant such special zoning permission at its discretion and shall make a
15 procedure available to enable such facilities to request such permission.

16 ***-1261/5.686* *-1261/P3.515* SECTION 1863.** 60.63 (7) of the statutes is
17 amended to read:

18 60.63 (7) The department of health and family services shall designate a single
19 subunit within the that department to maintain appropriate records indicating the
20 location and the capacity of each community living arrangement for adults, and such
21 information shall be available to the public. The department of children and families
22 shall designate a single subunit within that department to maintain appropriate
23 records indicating the location and the capacity of each community living
24 arrangement for children, and such information shall be available to the public.

SECTION 1864

1 *-1261/5.687* *-1261/P3.516* SECTION 1864. 60.63 (9) of the statutes is
2 amended to read:

3 60.63 (9) The attorney general shall take all necessary action, upon the request
4 of the department of health and family services or the department of children and
5 families, to enforce compliance with this section.

6 *-1669/2.1* SECTION 1865. 62.13 (5) (i) of the statutes is amended to read:

7 62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or
8 removed by the board may appeal from the order of the board to the circuit court by
9 serving written notice of the appeal on the secretary of the board within 10 days after
10 the order is filed. Within 5 days after receiving written notice of the appeal, the board
11 shall certify to the clerk of the circuit court the record of the proceedings, including
12 all documents, testimony and minutes. The action shall then be at issue and shall
13 have precedence over any other cause of a different nature pending in the court,
14 which shall always be open to the trial thereof. The court shall upon application of
15 the accused or of the board fix a date of trial, which shall not be later than 15 days
16 after such application except by agreement. The trial shall be by the court and upon
17 the return of the board, except that the court may require further return or the taking
18 and return of further evidence by the board. The question to be determined by the
19 court shall be: Upon the evidence is there just cause, as described under par. (em),
20 to sustain the charges against the accused? No costs shall be allowed either party
21 and the clerk's fees shall be paid by the city. If the order of the board is reversed, the
22 accused shall be forthwith reinstated and entitled to pay as though in continuous
23 service. If the order of the board is sustained it shall be final and conclusive. This
24 paragraph does not apply to any person who is suspended, reduced, suspended and
25 reduced, or removed by the board or by a committee or person acting under this

1 subsection in place of a board, and who is subject to the terms of a collective
2 bargaining agreement entered into under subch. IV of ch. 111 that provides an
3 alternative to the appeals procedure specified in this paragraph, unless the person
4 chooses to appeal the order to circuit court. If the alternative to the appeals
5 procedure includes a hearing, the hearing shall be open to the public with reasonable
6 advance notice given by the employer. An accused person who chooses to appeal the
7 decision of the board through a collectively bargained alternative to the appeals
8 procedure specified in this paragraph is considered to have waived his or her right
9 to circuit court review of the board decision.

10 ***-1261/5.688*** ***-1261/P3.517*** SECTION 1866. 62.23 (7) (i) (intro.) of the
11 statutes is amended to read:

12 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
13 of this section, the location of a community living arrangement for adults, as defined
14 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
15 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
16 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any city shall be
17 subject to the following criteria:

18 ***-1261/5.689*** ***-1261/P3.518*** SECTION 1867. 62.23 (7) (i) 3. of the statutes is
19 amended to read:

20 62.23 (7) (i) 3. In all cases where the community living arrangement has
21 capacity for 8 or fewer persons being served by the program, meets the criteria listed
22 in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the
23 department of health and family services or the department of children and families,
24 that facility is entitled to locate in any residential zone, without being required to
25 obtain special zoning permission except as provided in subd. 9.

SECTION 1868

1 *-1261/5.690* *-1261/P3.519* SECTION 1868. 62.23 (7) (i) 4. of the statutes is
2 amended to read:

3 62.23 (7) (i) 4. In all cases where the community living arrangement has
4 capacity for 9 to 15 persons being served by the program, meets the criteria listed in
5 subds. 1. and 2., and is licensed, operated, or permitted under the authority of the
6 department of health and family services or the department of children and families,
7 that facility is entitled to locate in any residential area except areas zoned exclusively
8 for single-family or 2-family residences except as provided in subd. 9., but is entitled
9 to apply for special zoning permission to locate in those areas. The city may grant
10 such special zoning permission at its discretion and shall make a procedure available
11 to enable such facilities to request such permission.

12 *-1261/5.691* *-1261/P3.520* SECTION 1869. 62.23 (7) (i) 5. of the statutes is
13 amended to read:

14 62.23 (7) (i) 5. In all cases where the community living arrangement has
15 capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2.,
16 and is licensed, operated, or permitted under the authority of the department of
17 health and family services or the department of children and families, that facility
18 is entitled to apply for special zoning permission to locate in areas zoned for
19 residential use. The city may grant such special zoning permission at its discretion
20 and shall make a procedure available to enable such facilities to request such
21 permission.

22 *-1261/5.692* *-1261/P3.521* SECTION 1870. 62.23 (7) (i) 6. of the statutes is
23 amended to read:

24 62.23 (7) (i) 6. The department of health and family services shall designate
25 a single subunit within the that department to maintain appropriate records

1 indicating the location and number of persons served by each community living
2 arrangement for adults, and such information shall be available to the public. The
3 department of children and families shall designate a single subunit within that
4 department to maintain appropriate records indicating the location and number of
5 persons served by each community living arrangement for children, and such
6 information shall be available to the public.

7 ***-1261/5.693* *-1261/P3.522* SECTION 1871.** 62.23 (7) (i) 8. of the statutes is
8 amended to read:

9 62.23 (7) (i) 8. The attorney general shall take all necessary action, upon the
10 request of the department of health and family services or the department of children
11 and families, to enforce compliance with this paragraph.

12 ***-0905/3.79* SECTION 1872.** 66.0137 (3) of the statutes is amended to read:

13 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any city, village,
14 town, or county may purchase health or dental insurance for unemployed persons
15 residing in the city, village, town, or county who are not eligible for medical
16 assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471 (4) (a) or (b).

17 ***-1553/P2.3* SECTION 1873.** 66.0137 (4) of the statutes is amended to read:

18 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
19 a village provides health care benefits under its home rule power, or if a town
20 provides health care benefits, to its officers and employees on a self-insured basis,
21 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
22 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5),
23 and (6), 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.513 (4).

24 ***-1524/P3.82* SECTION 1874.** 66.0301 (1) (a) of the statutes is amended to
25 read:

SECTION 1874

1 66.0301 (1) (a) In this section "municipality" means the state or any
2 department or agency thereof, or any city, village, town, county, school district, public
3 library system, public inland lake protection and rehabilitation district, sanitary
4 district, farm drainage district, metropolitan sewerage district, sewer utility district,
5 solid waste management system created under s. 59.70 (2), local exposition district
6 created under subch. II of ch. 229, local professional baseball park district created
7 under subch. III of ch. 229, local professional football stadium district created under
8 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
9 family long-term care district under s. 46.2895, water utility district, mosquito
10 control district, municipal electric company, county or city transit commission,
11 commission created by contract under this section, taxation district, regional
12 planning commission, or city-county health department.

13 ***-1524/P3.83* SECTION 1875.** 66.0601 (1) (b) of the statutes is amended to
14 read:

15 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family
16 long-term care district under s. 46.2895 or agency or subdivision of a city, village or
17 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic
18 or other medical facility for the performance of an abortion except those permitted
19 under and which are performed in accordance with s. 20.927.

20 ***-1524/P3.84* SECTION 1876.** 66.0601 (1) (c) of the statutes is amended to
21 read:

22 66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,
23 village, town, family long-term care district under s. 46.2895 or agency or
24 subdivision of a city, village or town may authorize payment of funds for a grant,

1 subsidy or other funding involving a pregnancy program, project or service if s.
2 20.9275 (2) applies to the pregnancy program, project or service.

3 ***-1170/5.1* SECTION 1877.** 66.0602 (1) (am) of the statutes is created to read:

4 66.0602 (1) (am) "Joint fire department" means a joint fire department
5 organized under s. 61.65 (2) (a) 3. or 62.13 (2m), or a joint fire department organized
6 by any combination of 2 or more cities, villages, or towns under s. 66.0301 (2).

7 ***-1170/5.2* SECTION 1878.** 66.0602 (1) (b) of the statutes is amended to read:

8 66.0602 (1) (b) "Penalized excess" means the levy, in an amount that is at least
9 \$500 over the limit under sub. (2) for the political subdivision, not including any
10 amount that is excepted from the limit under subs. (3), (4), and (5).

11 ***-1170/5.3* SECTION 1879.** 66.0602 (1) (d) of the statutes is amended to read:

12 66.0602 (1) (d) "Valuation factor" means a percentage equal to the greater of
13 either 4 percent or the percentage change in the political subdivision's January 1
14 equalized value due to new construction less improvements removed between the
15 previous year and the current year, but not less than 2. ~~Except as provided in subs.~~
16 ~~(3), (4), and (5), no political subdivision may increase its levy in any year by a~~
17 ~~percentage that exceeds the political subdivision's valuation factor. In determining~~
18 ~~its levy in any year, a city, village, or town shall subtract any tax increment that is~~
19 ~~calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

20 ***-1170/5.4* SECTION 1880.** 66.0602 (2) of the statutes is created to read:

21 66.0602 (2) LEVY LIMIT. Except as provided in subs. (3), (4), and (5), no political
22 subdivision may increase its levy in 2007 or 2008 by a percentage that exceeds the
23 political subdivision's valuation factor. The base amount in any year, to which the
24 limit under this section applies, shall be the maximum allowable levy for the
25 immediately preceding year. In determining its levy in any year, a city, village, or

SECTION 1880

1 town shall subtract any tax increment that is calculated under s. 60.85 (1) (L) or
2 66.1105 (2) (i).

3 ***-1169/P2.5* SECTION 1881.** 66.0602 (3) (d) 3. of the statutes is created to read:

4 66.0602 (3) (d) 3. The limit otherwise applicable under this section does not
5 apply to amounts levied by a county having a population of 500,000 or more for the
6 payment of debt service on appropriation bonds issued under s. 59.85, including debt
7 service on appropriation bonds issued to fund or refund outstanding appropriation
8 bonds of the county, to pay related issuance costs or redemption premiums, or to
9 make payments with respect to agreements or ancillary arrangements authorized
10 under s. 59.86.

11 ***-1170/5.5* SECTION 1882.** 66.0602 (3) (e) of the statutes is renumbered
12 66.0602 (3) (e) (intro.) and amended to read:

13 66.0602 (3) (e) (intro.) The limit otherwise applicable under this section does
14 not apply to the amount that a county levies in that year for a county children with
15 disabilities education board. any of the following:

16 ***-1170/5.6* SECTION 1883.** 66.0602 (3) (e) 1. of the statutes is created to read:

17 66.0602 (3) (e) 1. The amount that a county levies in that year for a county
18 children with disabilities education board.

19 ***-1170/5.7* SECTION 1884.** 66.0602 (3) (e) 2. of the statutes is created to read:

20 66.0602 (3) (e) 2. The amount that a 1st class city levies in that year for school
21 purposes.

22 ***-1170/5.8* SECTION 1885.** 66.0602 (3) (e) 3. of the statutes is created to read:

23 66.0602 (3) (e) 3. The amount that a county levies in that year under s. 82.08
24 (2) for bridge and culvert construction and repair.

25 ***-1170/5.9* SECTION 1886.** 66.0602 (3) (e) 4. of the statutes is created to read:

1 66.0602 (3) (e) 4. The amount that a county levies in that year to make
2 payments to an adjacent county, under s. 43.12 (1), for library services.

3 *-1170/5.10* SECTION 1887. 66.0602 (3) (e) 5. of the statutes is created to read:
4 66.0602 (3) (e) 5. The amount that a political subdivision levies in that year to
5 make up any revenue shortfall for the debt service on a revenue bond issued under
6 s. 66.0621.

7 *-1170/5.11* SECTION 1888. 66.0602 (3) (f) of the statutes is repealed.

8 *-1170/5.12* SECTION 1889. 66.0602 (3) (h) 1. of the statutes is amended to
9 read:

10 66.0602 (3) (h) 1. Subject to subd. 2., the limit otherwise applicable under this
11 section does not apply to the amount that a city, village, or town levies in that year
12 to pay for charges assessed by a joint fire department organized under s. 61.65 (2)
13 (a) 3. or 62.13 (2m), but only to the extent that the amount levied to pay for such
14 charges would cause the city, village, or town to exceed the limit that is otherwise
15 applicable under this section.

16 *-1170/5.13* SECTION 1890. 66.0602 (4) (a) of the statutes is amended to read:
17 66.0602 (4) (a) A political subdivision may exceed the levy increase limit under
18 sub. (2) if its governing body adopts a resolution to that effect and if the resolution
19 is approved in a referendum. The resolution shall specify the proposed amount of
20 increase in the levy beyond the amount that is allowed under sub. (2), and shall
21 specify whether the proposed amount of increase is for the next fiscal year only or if
22 it will apply on an ongoing basis. With regard to a referendum relating to the 2005
23 levy, or any levy in an odd-numbered year thereafter, the political subdivision may
24 call a special referendum for the purpose of submitting the resolution to the electors
25 of the political subdivision for approval or rejection. With regard to a referendum

1 relating to the 2006 levy, or any levy in an even-numbered year thereafter, the
2 referendum shall be held at the next succeeding spring primary or election or
3 September primary or general election.

4 ***-1170/5.14* SECTION 1891.** 66.0602 (4) (d) of the statutes is amended to read:

5 66.0602 (4) (d) Within 14 days after the referendum, the clerk of the political
6 subdivision shall certify the results of the referendum to the department of revenue.
7 The levy increase limit otherwise applicable to the political subdivision under this
8 section is increased in the next fiscal year by the percentage approved by a majority
9 of those voting on the question. If the resolution specifies that the increase is for one
10 year only, the amount of the increase shall be subtracted from the base used to
11 calculate the limit for the 2nd succeeding fiscal year.

12 ***-1170/5.15* SECTION 1892.** 66.0602 (5) of the statutes is amended to read:

13 66.0602 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than
14 2,000 may exceed the levy increase limit otherwise applicable under this section to
15 the town if the town board adopts a resolution supporting an increase and places the
16 question on the agenda of an annual town meeting or a special town meeting and if
17 the annual or special town meeting adopts a resolution endorsing the town board's
18 resolution. The limit otherwise applicable to the town under this section is increased
19 in the next fiscal year by the percentage approved by a majority of those voting on
20 the question. Within 14 days after the adoption of the resolution, the town clerk shall
21 certify the results of the vote to the department of revenue.

22 ***-1170/5.16* SECTION 1893.** 66.0602 (6) (intro.) of the statutes is amended to
23 read:

1 66.0602 (6) PENALTIES. (intro.) If Except as provided in sub. (6m), if the
2 department of revenue determines that a political subdivision has a penalized excess
3 in any year, the department of revenue shall do all of the following:

4 *-1170/5.17* SECTION 1894. 66.0602 (6) (c) of the statutes is amended to read:

5 66.0602 (6) (c) Ensure that the amount of the penalized excess is not included
6 in determining the limit described under sub. (2) for the political subdivision for the
7 following year.

8 *-1170/5.18* SECTION 1895. 66.0602 (6) (d) of the statutes is created to read:

9 66.0602 (6) (d) Ensure that, if a political subdivision's penalized excess exceeds
10 the amount of aid payment that may be reduced under par. (a), the excess amount
11 is subtracted from the aid payments under par. (a) in the following years until the
12 total amount of penalized excess is subtracted from the aid payments.

13 *-1170/5.19* SECTION 1896. 66.0602 (6m) of the statutes is created to read:

14 66.0602 (6m) MISTAKES IN LEVIES. The department of revenue may issue a
15 finding that a political subdivision is not liable for a penalty that would otherwise
16 be imposed under sub. (6) if the department determines that the political
17 subdivision's penalized excess is caused by one of the following clerical errors:

18 (a) The department, through mistake or inadvertence, has assessed to any
19 county or taxation district, in the current year or in the previous year, a greater or
20 less valuation for any year than should have been assessed, causing the political
21 subdivision's levy to be erroneous in a way that directly causes a penalized excess.

22 (b) A taxation district clerk or a county clerk, through mistake or inadvertence
23 in preparing or delivering the tax roll, causes a political subdivision's levy to be
24 erroneous in a way that directly causes a penalized excess.

25 *-1170/5.20* SECTION 1897. 66.0602 (7) of the statutes is repealed.