

1 **SECTION 1768.** 50.034 (3) (e) of the statutes is created to read:

2 50.034 (3) (e) Post in a conspicuous location in the residential care apartment
3 complex a notice, provided by the board on aging and long-term care, of the name,
4 address, and telephone number of the Long-Term Care Ombudsman Program under
5 s. 16.009 (2) (b).

6 **SECTION 1769.** 50.034 (5m) of the statutes is amended to read:

7 50.034 (5m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), when a
8 residential care apartment complex shall, within the time period after inquiry by
9 first provides written material regarding the residential care apartment complex to
10 a prospective resident that is prescribed by the department by rule, inform, the
11 residential care apartment complex shall also provide the prospective resident of
12 information specified by the department concerning the services of a resource center
13 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
14 functional screening and a financial screen and cost-sharing screening to determine
15 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

16 **SECTION 1770.** 50.034 (5n) (intro.) of the statutes is amended to read:

17 50.034 (5n) REQUIRED REFERRAL. (intro.) Subject to sub. (5p), when a residential
18 care apartment complex shall, within the time period prescribed by the department
19 by rule, refer to a resource center under s. 46.283 a person who is seeking admission,
20 first provides written material regarding the residential care apartment complex to
21 a prospective resident who is at least 65 years of age or has developmental disability
22 or a physical disability and whose disability or condition is expected to last at least
23 90 days, the residential care apartment complex shall refer the prospective resident
24 to a resource center under s. 46.283, unless any of the following applies:

25 **SECTION 1771.** 50.034 (5n) (a) of the statutes is amended to read:

1 50.034 (5n) (a) ~~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 subsection need not include performance
4 of an additional functional screen screening under s. 46.283 (4) (g).

5 **SECTION 1772.** 50.034 (5n) (d) of the statutes is amended to read:

6 50.034 (5n) (d) For a person who seeks admission or is about to be admitted on
7 a private pay basis and who waives the requirement for a financial screen and
8 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
9 not include performance of a financial screen and cost-sharing screening under s.
10 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
11 within 6 months.

12 **SECTION 1773.** 50.035 (4m) of the statutes is amended to read:

13 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), when a
14 community-based residential facility shall, within the time period after inquiry by
15 first provides written material regarding the community-based residential facility
16 to a prospective resident that is prescribed by the department by rule, inform, the
17 community-based residential facility shall also provide the prospective resident of
18 information specified by the department concerning the services of a resource center
19 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
20 functional screening and a financial screen and cost-sharing screening to determine
21 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

22 **SECTION 1774.** 50.035 (4n) (intro.) of the statutes is amended to read:

23 50.035 (4n) REQUIRED REFERRAL. (intro.) ~~Subject to sub. (4p),~~ When a
24 community-based residential facility shall, within the time period prescribed by the
25 department by rule, refer to a resource center under s. 46.283 a person who is seeking

1 admission, first provides written information regarding the community-based
2 residential facility to a prospective resident who is at least 65 years of age or has
3 developmental disability or a physical disability and whose disability or condition is
4 expected to last at least 90 days, the community-based residential facility shall refer
5 the individual to a resource center under s. 46.283 or, if the secretary has not certified
6 under s. 46.281 (3) that a resource center is available in the area of the
7 community-based residential facility to serve individuals in an eligibility group to
8 which the prospective resident belongs, to the county department that administers
9 a program under ss. 46.27 or 46.277, unless any of the following applies:

10 **SECTION 1775.** 50.035 (4n) (a) of the statutes is amended to read:

11 50.035 (4n) (a) For a person ~~who has received a screen for whom a screening~~
12 for functional eligibility under s. 46.286 (1) (a) has been performed within the
13 previous 6 months, the referral under this subsection need not include performance
14 of an additional functional screen screening under s. 46.283 (4) (g).

15 **SECTION 1776.** 50.035 (4n) (d) of the statutes is amended to read:

16 50.035 (4n) (d) For a person who seeks admission or is about to be admitted on
17 a private pay basis and who waives the requirement for a financial screen and
18 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
19 not include performance of a financial screen and cost-sharing screening under s.
20 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
21 within 6 months.

22 **SECTION 1777.** 50.035 (4p) of the statutes is amended to read:

23 50.035 (4p) APPLICABILITY. Subsections Subsection (4m) and (4n) apply applies
24 only if the secretary has certified under s. 46.281 (3) that a resource center is
25 available for the community-based residential facility and for specified groups of

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1 eligible individuals that include those persons seeking admission to or the residents
2 of the community-based residential facility.

3 **SECTION 1778.** 50.035 (6) of the statutes is amended to read:

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

10 **SECTION 1779.** 50.035 (7) of the statutes is repealed.

11 **SECTION 1780.** 50.035 (9) of the statutes is repealed.

12 **SECTION 1781.** 50.037 (2) (a) of the statutes is amended to read:

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

18 **SECTION 1782.** 50.04 (2g) (a) of the statutes is amended to read:

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

25 **SECTION 1783.** 50.04 (2h) (a) 1. of the statutes is amended to read:

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 **SECTION 1784.** 50.04 (2h) (a) 4. of the statutes is amended to read:

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

12 **SECTION 1785.** 50.04 (4) (e) 1. of the statutes is amended to read:

13 50.04 (4) (e) 1. If a nursing home desires to contest any department action
14 under this subsection, it shall send a written request for a hearing under s. 227.44
15 to the division of hearings and appeals created under s. 15.103 (1) within 10 60 days
16 of receipt of notice of the contested action. Department action that is subject to a
17 hearing under this subsection includes service of a notice of a violation of this
18 subchapter or rules promulgated under this subchapter, a notation in the report
19 under sub. (3) (b), imposition of a plan of correction and rejection of a nursing home's
20 plan of correction, but does not include a correction order. Upon the request of the
21 nursing home, the division shall grant a stay of the hearing under this paragraph
22 until the department assesses a forfeiture, so that its hearing under this paragraph
23 is consolidated with the forfeiture appeal hearing held under sub. (5) (e). All agency
24 action under this subsection arising out of a violation, deficiency or rejection and
25 imposition of a plan of correction shall be the subject of a single hearing. Unless a

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

8 **SECTION 1786.** 50.04 (5) (e) of the statutes is amended to read:

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

21 **SECTION 1787.** 50.04 (5) (fr) of the statutes is repealed.

22 **SECTION 1788.** 50.05 (1) (dg) of the statutes is created to read:

23 50.05 (1) (dg) "Medicare" means 42 USC 1395 to 1395hhh.

24 **SECTION 1789.** 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 **SECTION 1790.** 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 **SECTION 1791.** 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 **SECTION 1792.** 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

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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 **SECTION 1793.** 50.065 (5d) (a) 4. of the statutes is amended to read:

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

7 **SECTION 1794.** 50.065 (5g) of the statutes is repealed.

8 **SECTION 1795.** 50.09 (title) of the statutes is amended to read:

9 **50.09 (title) Rights of residents in certain facilities and complexes.**

10 **SECTION 1796.** 50.09 (1) of the statutes is renumbered 50.09 (1m), and 50.09
11 (1m) (intro.), (b), (c), (e), (f) 1. and 3., (g), (j) (intro.) and 2. (intro.) and a. and (L), as
12 renumbered, are amended to read:

13 **50.09 (1m) RESIDENTS' RIGHTS.** (intro.) Every resident in a nursing home or
14 community-based residential facility or a complex shall, except as provided in sub.
15 (5), have the right to:

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

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

1 receive, upon written request by the resident or guardian, a written monthly account
2 of any financial transactions made by the facility or complex under such a delegation
3 of responsibility.

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

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

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

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

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

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

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

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

8 **SECTION 1797.** 50.09 (1g) of the statutes is created to read:

9 50.09 (1g) In this section, "complex" means a residential care apartment
10 complex.

11 **SECTION 1798.** 50.09 (2), (4) and (5) of the statutes are amended to read:

12 50.09 (2) The department, in establishing standards for ~~nursing homes and~~
13 ~~community-based residential~~ facilities and complexes may establish, by rule, rights
14 in addition to those specified in sub. (1) (1m) for residents in such the facilities or
15 complexes.

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

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

5 **SECTION 1799.** 50.09 (6) (a), (b) and (d) of the statutes are amended to read:

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

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

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

24 **SECTION 1800.** 50.14 (2) (intro.) of the statutes is amended to read:

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1 50.14 (2) (intro.) For the privilege of doing business in this state, there is
2 imposed on all licensed beds of a facility an assessment that may not exceed \$445 per
3 calendar month per licensed bed of an intermediate care facility for the mentally
4 retarded and an assessment that may not exceed \$75 in the following amount per
5 calendar month per licensed bed of a nursing home. the facility:

6 (2g) The assessment moneys collected under this section shall be deposited in
7 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
8 Medical Assistance trust fund. In determining the number of licensed beds, all of the
9 following apply:

10 SECTION 1801. 50.14 (2) (a) of the statutes is renumbered 50.14 (2r) and
11 amended to read:

12 50.14 (2r) If the amount For the purpose of determining the number of beds
13 subject to assessment under sub. (2), if a facility's number of the beds is other than
14 a whole number, the fractional part of the amount that number shall be disregarded
15 unless it equals 50% or more of a whole number, in which case the amount number
16 of beds shall be increased to the next whole number.

17 SECTION 1802. 50.14 (2) (am) of the statutes is created to read:

18 50.14 (2) (am) For nursing homes, an amount not to exceed \$127.

19 SECTION 1803. 50.14 (2) (b) of the statutes is repealed.

20 SECTION 1804. 50.14 (2) (bm) of the statutes is created to read:

21 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
22 amount calculated by multiplying the projected annual gross revenues of all
23 intermediate care facilities for the mentally retarded in this state by 0.055, dividing
24 the product by the number of licensed beds of intermediate care facilities in this state
25 and dividing the quotient by 12.

1 **SECTION 1805.** 50.14 (2m) of the statutes is created to read:

2 **50.14 (2m)** Prior to each state fiscal year, the department shall calculate the

3 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.

4 The department may reduce the assessment amount during a state fiscal year to

5 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.

6 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate

7 care facilities for the mentally retarded for the fiscal year.

8 **SECTION 1806.** 50.36 (2) (c) of the statutes is repealed.

9 **SECTION 1807.** 50.375 of the statutes is created to read:

10 **50.375 Assessment.** (1) Beginning in 2007, for the privilege of doing business

11 in this state, there is imposed on each hospital an annual assessment, based on the

12 hospital's gross revenue that each hospital shall pay before December 1. The

13 assessments shall be deposited into the health care quality fund.

14 (2) The department shall verify the amount of each hospital's gross revenue

15 and determine the amount of each hospital's assessment, based on claims

16 information that shall be provided to the department under s. 153.46 (5).

17 (3) Although the department may consider the revenue received by a hospital

18 for services or items provided as benefits under subch. IV of chapter 49, the

19 department's determination under sub. (2) shall be based on a rate not to exceed 1

20 percent of the hospital's gross revenue, as adjusted by the department.

21 (4) Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to

22 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under

23 subch. III of ch. 77, apply to the assessment under this section, except that the

24 amount of any assessment collected under sub. (1) shall be deposited in the health

25 care quality fund.

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

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

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

10 **SECTION 1808.** 50.38 of the statutes is repealed.

11 **SECTION 1809.** 50.49 (6m) (am) of the statutes is created to read:

12 50.49 (6m) (am) An entity with which a care management organization, as
13 defined in s. 46.2805 (1), contracts for care management services under s. 46.284 (4)
14 (d), for purposes of providing the contracted services.

15 **SECTION 1810.** 50.498 (1m) of the statutes is amended to read:

16 50.498 (1m) If an individual who applies for a certificate of approval, license
17 or provisional license under sub. (1) does not have a social security number, the
18 individual, as a condition of obtaining the certificate of approval, license or
19 provisional license, shall submit a statement made or subscribed under oath or
20 affirmation to the department that the applicant does not have a social security
21 number. The form of the statement shall be prescribed by the department of
22 ~~workforce development children and families~~. A certificate of approval, license or
23 provisional license issued in reliance upon a false statement submitted under this
24 subsection is invalid.

25 **SECTION 1811.** 51.032 (1m) of the statutes is amended to read:

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

8 **SECTION 1812.** 51.038 of the statutes is amended to read:

9 **51.038 Outpatient mental health clinic certification.** Except as provided
10 in s. 51.032, if a facility that provides mental health services on an outpatient basis
11 holds current accreditation from the council on accreditation of services for families
12 and children, the department may accept evidence of this accreditation as equivalent
13 to the standards established by the department, for the purpose of certifying the
14 facility for the receipt of funds for services provided as a benefit to a medical
15 assistance recipient under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k), a community aids
16 funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

17 **SECTION 1813.** 51.04 of the statutes is amended to read:

18 **51.04 Treatment facility certification.** Except as provided in s. 51.032, any
19 treatment facility may apply to the department for certification of the facility for the
20 receipt of funds for services provided as a benefit to a medical assistance recipient
21 under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k) or to a community aids funding recipient
22 under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The
23 department shall annually charge a fee for each certification.

24 **SECTION 1814.** 51.15 (9) of the statutes is amended to read:

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1 51.15 (9) NOTICE OF RIGHTS. At the time of detention the individual shall be
2 informed by the director of the facility or such person's designee, both orally and in
3 writing, of his or her right to contact an attorney and a member of his or her
4 immediate family, the right to have an attorney provided at public expense, as
5 provided under s. 967.06 and ch. 977, if the individual is a child or is indigent, 51.60,
6 and the right to remain silent and that the individual's statements may be used as
7 a basis for commitment. The individual shall also be provided with a copy of the
8 statement of emergency detention.

9 **SECTION 1815.** 51.20 (3) of the statutes is amended to read:

10 51.20 (3) LEGAL COUNSEL. At the time of the filing of the petition the court shall
11 assure that the subject individual is represented by adversary counsel. ~~If the~~
12 ~~individual claims or appears to be indigent, the court shall refer the person to the~~
13 ~~authority for indigency determinations specified under s. 977.07 (1). If the~~
14 ~~individual is a child, the court shall refer that child by referring the individual to the~~
15 state public defender, who shall appoint counsel for the ~~child~~ individual without a
16 determination of indigency, as provided in s. ~~48.23 (4)~~ 51.60.

17 **SECTION 1816.** 51.20 (18) (c) of the statutes is amended to read:

18 51.20 (18) (c) Expenses of the proceedings from the presentation of the
19 statement of emergency detention or petition for commitment to the conclusion of the
20 proceeding shall be allowed by the court and paid by the county from which the
21 subject individual is detained, committed, or released, in the manner that the
22 expenses of a criminal prosecution are paid, as provided in s. 59.64 (1). ~~Payment of~~
23 ~~attorney fees for appointed attorneys in the case of children and indigents shall be~~
24 ~~in accordance with ch. 977.~~

25 **SECTION 1817.** 51.30 (4) (b) 27. of the statutes is amended to read:

1 51.30 (4) (b) 27. For the purpose of entering information concerning the subject
2 individual into the statewide automated child welfare information system
3 established under s. ~~46.03~~ 48.47 (7g).

4 **SECTION 1818.** 51.35 (1) (e) 1. of the statutes is amended to read:

5 51.35 (1) (e) 1. Whenever any transfer between different treatment facilities
6 results in a greater restriction of personal freedom for the patient and whenever the
7 patient is transferred from outpatient to inpatient status, the department or the
8 county department specified under par. (a) shall inform the patient both orally and
9 in writing of his or her right to contact an attorney and a member of his or her
10 immediate family, the right to have counsel provided at public expense, as provided
11 under s. ~~967.06~~ and ch. ~~977~~, if the patient is a child or is indigent 51.60, and the right
12 to petition a court in the county in which the patient is located or the committing
13 court for a review of the transfer.

14 **SECTION 1819.** 51.35 (1) (e) 2. c. of the statutes is amended to read:

15 51.35 (1) (e) 2. c. The patient's right to have counsel provided at public expense,
16 as provided under s. ~~967.06~~ and ch. ~~977~~, if the patient is a child or is indigent 51.60.

17 **SECTION 1820.** 51.42 (3) (as) 1. of the statutes is amended to read:

18 51.42 (3) (as) 1. A county department of community programs shall authorize
19 all care of any patient in a state, local, or private facility under a contractual
20 agreement between the county department of community programs and the facility,
21 unless the county department of community programs governs the facility. The need
22 for inpatient care shall be determined by the program director or designee in
23 consultation with and upon the recommendation of a licensed physician trained in
24 psychiatry and employed by the county department of community programs or its
25 contract agency. In cases of emergency, a facility under contract with any county

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

19 **SECTION 1821.** 51.42 (3) (e) of the statutes is amended to read:

20 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
21 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)
22 (c) and 938.78 (2) (a), any subunit of a county department of community programs
23 or tribal agency acting under this section may exchange confidential information
24 about a client, without the informed consent of the client, with any other subunit of
25 the same county department of community programs or tribal agency, with a

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

10 **SECTION 1822.** 51.437 (4r) (b) of the statutes is amended to read:

11 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
12 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), any
13 subunit of a county department of developmental disabilities services or tribal
14 agency acting under this section may exchange confidential information about a
15 client, without the informed consent of the client, with any other subunit of the same
16 county department of developmental disabilities services or tribal agency, with a
17 resource center, a care management organization, or a family long-term care
18 district, or with any person providing services to the client under a purchase of
19 services contract with the county department of developmental disabilities services
20 or tribal agency or with a resource center, a care management organization, or a
21 family long-term care district, if necessary to enable an employee or service provider
22 to perform his or her duties, or to enable the county department of developmental
23 disabilities services or tribal agency to coordinate the delivery of services to the
24 client. Any agency releasing information under this paragraph shall document that
25 a request was received and what information was provided.

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1 **SECTION 1823.** 51.437 (4rm) (a) of the statutes is amended to read:

2 51.437 (4rm) (a) A county department of developmental disabilities services
3 shall authorize all care of any patient in a state, local, or private facility under a
4 contractual agreement between the county department of developmental disabilities
5 services and the facility, unless the county department of developmental disabilities
6 services governs the facility. The need for inpatient care shall be determined by the
7 program director or designee in consultation with and upon the recommendation of
8 a licensed physician trained in psychiatry and employed by the county department
9 of developmental disabilities services or its contract agency prior to the admission
10 of a patient to the facility except in the case of emergency services. In cases of
11 emergency, a facility under contract with any county department of developmental
12 disabilities services shall charge the county department of developmental
13 disabilities services having jurisdiction in the county where the individual receiving
14 care is found. The county department of developmental disabilities services shall
15 reimburse the facility, except as provided under par. (c), for the actual cost of all
16 authorized care and services less applicable collections under s. 46.036, unless the
17 department of health and family services determines that a charge is
18 administratively infeasible, or unless the department of health and family services,
19 after individual review, determines that the charge is not attributable to the cost of
20 basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to
21 direct and indirect costs which are attributable to care and treatment of the client.
22 County departments of developmental disabilities services may not reimburse any
23 state institution or receive credit for collections for care received therein in a state
24 institution by nonresidents of this state, interstate compact clients, transfers under
25 s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,

1 or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., children
2 placed in the guardianship of the department of health and family services children
3 and families under s. 48.427 or 48.43 or juveniles under the supervision of the
4 department of corrections under s. 938.183 or 938.355.

5 **SECTION 1824.** 51.437 (14) (i) of the statutes is created to read:

6 51.437 (14) (i) Ensure that the matching funds requirement for the state
7 developmental disabilities councils grant, as received from the federal department
8 of health and human services, is met by reporting to the federal department of health
9 and human services expenditures made for the provision of developmental
10 disabilities services under the basic county allocation distributed under s. 46.40 (2).

11 **SECTION 1825.** 51.44 (5) (c) of the statutes is repealed.

12 **SECTION 1826.** 51.45 (4) (p) of the statutes is repealed.

13 **SECTION 1827.** 51.45 (12) (b) (intro.), 1. and 3. of the statutes are consolidated,
14 renumbered 51.45 (12) (b) and amended to read:

15 51.45 (12) (b) The physician, spouse, guardian, or a relative of the person
16 sought to be committed, or any other responsible person, may petition a circuit court
17 commissioner or the circuit court of the county in which the person sought to be
18 committed resides or is present for commitment under this subsection. The petition
19 shall: ~~1. State state facts to support the need for emergency treatment;~~ ~~3. Be and~~
20 be supported by one or more affidavits which that aver with particularity the factual
21 basis for the allegations contained in the petition.

22 **SECTION 1828.** 51.45 (12) (b) 2. of the statutes is repealed.

23 **SECTION 1829.** 51.45 (12) (c) 2. of the statutes is amended to read:

24 51.45 (12) (c) 2. Assure that the person sought to be committed is represented
25 by counsel and, ~~if the person claims or appears to be indigent, refer the person to the~~

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1 authority for indigency determinations specified under s. 977.07 (1) or, if the person
2 is a child, refer that child by referring the person to the state public defender, who
3 shall appoint counsel for the child person without a determination of indigency, as
4 provided in s. 48.23 (4) 51.60.

5 **SECTION 1830.** 51.45 (13) (b) 2. of the statutes is amended to read:

6 51.45 (13) (b) 2. Assure that the person is represented by counsel and, if the
7 person claims or appears to be indigent, refer the person to the authority for
8 indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer
9 that child by referring the person to the state public defender, who shall appoint
10 counsel for the child person without a determination of indigency, as provided in s.
11 48.23 (4) 51.60. The person shall be represented by counsel at the preliminary
12 hearing under par. (d). The person may, with the approval of the court, waive his or
13 her right to representation by counsel at the full hearing under par. (f).

14 **SECTION 1831.** 51.45 (13) (d) of the statutes is amended to read:

15 51.45 (13) (d) Whenever it is desired to involuntarily commit a person, a
16 preliminary hearing shall be held under this paragraph. The purpose of the
17 preliminary hearing shall be to determine if there is probable cause for believing that
18 the allegations of the petition under par. (a) are true. The court shall assure that the
19 person shall be is represented by counsel at the preliminary hearing and, if the
20 person is a child or is indigent, by referring the person to the state public defender,
21 who shall appoint counsel shall timely be appointed at public expense, as provided
22 in s. 967.06 and ch. 977 for the person without a determination of indigency, as
23 provided in s. 51.60. Counsel shall have access to all reports and records, psychiatric
24 and otherwise, which have been made prior to the preliminary hearing. The person
25 shall be present at the preliminary hearing and shall be afforded a meaningful

1 opportunity to be heard. Upon failure to make a finding of probable cause under this
2 paragraph, the court shall dismiss the petition and discharge the person from the
3 custody of the county department.

4 **SECTION 1832.** 51.45 (13) (j) of the statutes is amended to read:

5 **51.45 (13) (j)** Upon the filing of a petition for recommitment under par. (h), the
6 court shall fix a date for a recommitment hearing within 10 days, and assure that the
7 person sought to be recommitted is represented by counsel and, if the person is
8 indigent, appoint by referring the person to the state public defender, who shall
9 appoint counsel for him or her, unless waived for the person without a determination
10 of indigency, as provided in s. 51.60. The provisions of par. (e) relating to notice and
11 to access to records, names of witnesses, and summaries of their testimony shall
12 apply to recommitment hearings under this paragraph. At the recommitment
13 hearing, the court shall proceed as provided under pars. (f) and (g).

14 **SECTION 1833.** 51.45 (16) (c) of the statutes is repealed.

15 **SECTION 1834.** 51.60 of the statutes is created to read:

16 **51.60 Appointment of counsel. (1) ADULTS.** (a) In any situation under this
17 chapter in which an adult individual has a right to be represented by counsel, the
18 individual shall be referred as soon as practicable to the state public defender, who
19 shall appoint counsel for the individual under s. 977.08 without a determination of
20 indigency.

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

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

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

4 **SECTION 1835.** 51.605 of the statutes is created to read:

5 **51.605 Reimbursement for counsel provided by the state. (1) INQUIRY.**
6 At or after the conclusion of a proceeding under this chapter in which the state public
7 defender has provided counsel for an adult individual, the court may inquire as to
8 the individual's ability to reimburse the state for all or part of the cost of
9 representation. If the court determines that the individual is able to make
10 reimbursement for all or part of the cost of representation, the court may order the
11 individual to reimburse the state an amount not to exceed the maximum amount
12 established by the public defender board under s. 977.075 (4). Upon the court's
13 request, the state public defender shall conduct a determination of indigency under
14 s. 977.07 and report the results of the determination to the court.

15 **(2) PAYMENT.** Reimbursement ordered under this section shall be made to the
16 clerk of courts of the county where the proceedings took place. The clerk of courts
17 shall transmit payments under this section to the county treasurer, who shall deposit
18 25 percent of the payment amount in the county treasury and transmit the
19 remainder to the secretary of administration. Payments transmitted to the
20 secretary of administration shall be deposited in the general fund and credited to the
21 appropriation account under s. 20.550 (1) (L).

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

1 **SECTION 1836.** 55.10 (4) (a) of the statutes is amended to read:

2 55.10 (4) (a) ~~Counsel; costs.~~ The individual sought to be protected has the right
3 to counsel whether or not the individual is present at the hearing on the petition.
4 The court shall require representation by full legal counsel whenever the petition
5 alleges that the individual is not competent to refuse psychotropic medication under
6 s. 55.14, the individual sought to be protected requested such representation at least
7 72 hours before the hearing, the guardian ad litem or any other person states that
8 the individual sought to be protected is opposed to the petition, or the court
9 determines that the interests of justice require it. If the individual sought to be
10 protected or any other person on his or her behalf requests but is unable to obtain
11 legal counsel, the court shall ~~appoint~~ refer the individual to the state public defender
12 as provided under s. 55.105 for appointment of legal counsel. ~~Counsel shall be~~
13 ~~provided at public expense, as provided under s. 967.06 and ch. 977, if the individual~~
14 ~~is indigent. If the individual sought to be protected is an adult who is indigent, and~~
15 ~~if counsel was not appointed under s. 977.08, the county in which the hearing is held~~
16 ~~is liable for any fees due the individual's legal counsel. If the individual sought to~~
17 ~~be protected is represented by counsel appointed under s. 977.08 in a proceeding for~~
18 ~~the appointment of a guardian under s. 880.33 ch. 54, the court shall order the~~
19 ~~counsel appointed under s. 977.08 to represent under this section the individual~~
20 ~~sought to be protected.~~

21 **SECTION 1837.** 55.105 of the statutes is created to read:

22 **55.105 Appointment of counsel.** (1) In any situation under this chapter in
23 which an adult individual has a right to be represented by legal counsel, the
24 individual shall be referred as soon as practicable to the state public defender, who

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1 shall appoint counsel for the individual under s. 977.08 without a determination of
2 indigency.

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

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

9 **SECTION 1838.** 55.107 of the statutes is created to read:

10 **55.107 Reimbursement of counsel provided by the state.** (1) At or after
11 the conclusion of a proceeding under this chapter in which the state public defender
12 has provided legal counsel for an adult individual, the court may inquire as to the
13 individual's ability to reimburse the state for all or part of the cost of representation.
14 If the court determines that the individual is able to make reimbursement for all or
15 part of the cost of representation, the court may order the individual to reimburse
16 the state an amount not to exceed the maximum amount established by the public
17 defender board under s. 977.075 (4). Upon the court's request, the state public
18 defender shall conduct a determination of indigency under s. 977.07 and report the
19 results of the determination to the court.

20 (2) Reimbursement ordered under this section shall be made to the clerk of
21 courts of the county where the proceedings took place. The clerk of courts shall
22 transmit payments under this section to the county treasurer, who shall deposit 25
23 percent of the payment amount in the county treasury and transmit the remainder
24 to the secretary of administration. Payments transmitted to the secretary of

1 administration shall be deposited in the general fund and credited to the
2 appropriation account under s. 20.550 (1) (L).

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

7 SECTION 1839. 55.135 (1) of the statutes is amended to read:

8 55.135 (1) If, upon a credible report to or, from personal observation of, or a
9 reliable report made by a person who identifies himself or herself to, a sheriff, police
10 officer, fire fighter, guardian, if any, or authorized representative of a county
11 department or an agency with which it contracts under s. 55.02 (2), it appears
12 probable that an individual is so totally incapable of providing for his or her own care
13 or custody as to create a substantial risk of serious physical harm to himself or herself
14 or others as a result of developmental disabilities, degenerative brain disorder,
15 serious and persistent mental illness, or other like incapacities if not immediately
16 placed, the individual under this paragraph who received the credible report or who
17 personally made the observation or to whom the report is made may take into custody
18 and transport the individual to an appropriate medical or protective placement
19 facility. The person making emergency protective placement shall prepare a
20 statement at the time of detention providing specific factual information concerning
21 the person's observations or reports made to the person and the basis for emergency
22 placement. The statement shall be filed with the director of the facility and with any
23 petition under s. 55.075. At the time of emergency protective placement the
24 individual shall be informed by the director of the facility or the director's designee,
25 orally and in writing, of his or her right to contact an attorney and a member of his

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1 or her immediate family and the right to have an attorney provided at public
2 expense, as provided under ~~s. 967.06 and ch. 977~~, if the individual is a minor or is
3 indigent s. 55.105. The director or designee shall also provide the individual with
4 a copy of the statement by the person making emergency protective placement.

5 **SECTION 1840.** 55.14 (7) of the statutes is amended to read:

6 55.14 (7) Upon the filing of a petition under this section, the court shall appoint
7 make a referral for appointment of legal counsel as provided under s. 55.105. A
8 petition under this section shall be heard under ~~s. 55.10 (4) (a) s. 55.06~~ within 30 days
9 after it is filed.

10 **SECTION 1841.** 55.15 (7) (cm) of the statutes is amended to read:

11 55.15 (7) (cm) The court shall ~~appoint counsel for~~ refer the individual under
12 protective placement for appointment of legal counsel as provided under s. 55.105 if
13 the individual, the individual's guardian ad litem, or anyone on the individual's
14 behalf requests that counsel be appointed for the individual,

15 **SECTION 1842.** 55.18 (3) (c) (intro.) of the statutes is amended to read:

16 55.18 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
17 and, if the individual appears to be indigent, ~~refer him or her to the authority for~~
18 indigency determinations under s. 977.07 (1) for appointment of legal counsel under
19 s. 55.105 if any of the following apply:

20 **SECTION 1843.** 55.19 (3) (c) (intro.) of the statutes is amended to read:

21 55.19 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
22 and, if the individual appears to be indigent, ~~refer him or her to the authority for~~
23 indigency determinations under s. 977.07 (1) for appointment of legal counsel under
24 s. 55.105 if any of the following apply:

25 **SECTION 1844.** 59.22 (2) (c) 2. of the statutes is amended to read:

1 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
2 rules of the department of ~~workforce development~~ children and families under s.
3 49.78 (4) to (7) relating to employees administering old-age assistance, aid to
4 families with dependent children, aid to the blind, or aid to totally and permanently
5 disabled persons or ss. 63.01 to 63.17.

6 **SECTION 1845.** 59.40 (2) (p) of the statutes is amended to read:

7 59.40 (2) (p) Cooperate with the department of ~~workforce development~~ children
8 and families with respect to the child and spousal support and establishment of
9 paternity and medical support liability program under ss. 49.22 and 59.53 (5), and
10 provide that department with any information from court records which it requires
11 to administer that program.

12 **SECTION 1846.** 59.52 (4) (a) 18. of the statutes is amended to read:

13 59.52 (4) (a) 18. Case records and other record material of all public assistance
14 that are kept as required under ch. 49, if no payments have been made for at least
15 3 years and if a face sheet or similar record of each case and a financial record of all
16 payments for each aid account are preserved in accordance with rules adopted by the
17 department of health and family services or by the department of ~~workforce~~
18 development children and families. If the department of health and family services
19 or the department of ~~workforce development~~ children and families has preserved
20 such case records and other record material on computer disc or tape or similar
21 device, a county may destroy the original records and record material under rules
22 adopted by the department that has preserved those case records or other record
23 material.

24 **SECTION 1847.** 59.53 (3) of the statutes is amended to read:

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1 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for
2 promoting and assisting any community action agency under s. 46.30 ~~49.265~~.

3 **SECTION 1848.** 59.53 (5) (a) of the statutes is amended to read:

4 59.53 (5) (a) The board shall contract with the department of ~~workforce~~
5 ~~development~~ children and families to implement and administer the child and
6 spousal support and establishment of paternity and the medical support liability
7 programs provided for by Title IV of the federal social security act. The board may
8 designate by board resolution any office, officer, board, department, or agency, except
9 the clerk of circuit court, as the county child support agency. The board or county
10 child support agency shall implement and administer the programs in accordance
11 with the contract with the department of ~~workforce development~~ children and
12 families. The attorneys responsible for support enforcement under sub. (6) (a),
13 circuit court commissioners, and all other county officials shall cooperate with the
14 county and the department of ~~workforce development~~ children and families as
15 necessary to provide the services required under the programs. The county shall
16 charge the fee established by the department of ~~workforce development~~ children and
17 families under s. 49.22 for services provided under this paragraph to persons not
18 receiving benefits under s. 49.148 or 49.155 or assistance under s. ~~46.261~~ 48.645,
19 49.19, or 49.47.

20 **SECTION 1849.** 59.53 (5) (a) of the statutes, as affected by 2007 Wisconsin Act
21 (this act), is amended to read:

22 59.53 (5) (a) The board shall contract with the department of children and
23 families to implement and administer the child and spousal support and
24 establishment of paternity and the medical support liability programs provided for
25 by Title IV of the federal social security act. The board may designate by board

1 resolution any office, officer, board, department or agency, except the clerk of circuit
2 court, as the county child support agency. The board or county child support agency
3 shall implement and administer the programs in accordance with the contract with
4 the department of children and families. The attorneys responsible for support
5 enforcement under sub. (6) (a), circuit court commissioners and all other county
6 officials shall cooperate with the county and the department of children and families
7 as necessary to provide the services required under the programs. The county shall
8 charge the fee established by the department of children and families under s. 49.22
9 for services provided under this paragraph to persons not receiving benefits under
10 s. 49.148 or 49.155 or assistance under s. 48.645, 49.19, or 49.46, 49.465, 49.47,
11 49.471, or 49.472.

12 **SECTION 1850.** 59.53 (5) (b) of the statutes is amended to read:

13 59.53 (5) (b) The county child support agency under par. (a) shall electronically
14 enter into the statewide data system related to child and spousal support payments
15 that is operated by the department of ~~workforce development~~ children and families
16 the terms of any order made or judgment granted in the circuit court of the county
17 requiring payments under s. 948.22 (7) or ch. 767 or 769 that are directed under s.
18 767.57 (1) to be paid to the department of ~~workforce development~~ children and
19 families or its designee. The county child support agency shall enter the terms of any
20 such order or judgment within the time required by federal law and shall enter
21 revisions ordered by the court to any order or judgment the terms of which are
22 maintained on the data system.

23 **SECTION 1851.** 59.605 (1) (a) of the statutes is amended to read:

24 59.605 (1) (a) "Debt levy" means the county purpose levy for debt service on
25 loans under subch. II of ch. 24, bonds issued under s. 67.05 and, promissory notes

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1 issued under s. 67.12 (12), and appropriation bonds issued under s. 59.85, less any
2 revenues that abate the levy.

3 **SECTION 1852.** 59.69 (15) (intro.) of the statutes is amended to read:

4 **59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS.** (intro.) For purposes
5 of this section, the location of a community living arrangement for adults, as defined
6 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
7 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
8 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any municipality,
9 shall be subject to the following criteria:

10 **SECTION 1853.** 59.69 (15) (c) of the statutes is amended to read:

11 **59.69 (15) (c)** ~~Where~~ If the community living arrangement has capacity for 8
12 or fewer persons being served by the program, meets the criteria listed in pars. (a)
13 and (b), and is licensed, operated, or permitted under the authority of the department
14 of health and family services or the department of children and families, that facility
15 is entitled to locate in any residential zone, without being required to obtain special
16 zoning permission except as provided in par. (i).

17 **SECTION 1854.** 59.69 (15) (d) of the statutes is amended to read:

18 **59.69 (15) (d)** ~~Where~~ If the community living arrangement has capacity for 9
19 to 15 persons being served by the program, meets the criteria listed in pars. (a) and
20 (b), and is licensed, or operated, or permitted under the authority of the department
21 of health and family services or the department of children and families, the facility
22 is entitled to locate in any residential area except areas zoned exclusively for
23 single-family or 2-family residences, except as provided in par. (i), but is entitled to
24 apply for special zoning permission to locate in those areas. The municipality may

1 grant special zoning permission at its discretion and shall make a procedure
2 available to enable such facilities to request such permission.

3 **SECTION 1855.** 59.69 (15) (e) of the statutes is amended to read:

4 **59.69 (15) (e)** ~~Where~~ If the community living arrangement has capacity for
5 serving 16 or more persons, meets the criteria listed in pars. (a) and (b), and is
6 licensed, operated, or permitted under the authority of the department of health and
7 family services or the department of children and families, that facility is entitled to
8 apply for special zoning permission to locate in areas zoned for residential use. The
9 municipality may grant special zoning permission at its discretion and shall make
10 a procedure available to enable such facilities to request such permission.

11 **SECTION 1856.** 59.69 (15) (f) of the statutes is amended to read:

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

20 **SECTION 1857.** 59.69 (15) (h) of the statutes is amended to read:

21 **59.69 (15) (h)** The attorney general shall take action, upon the request of the
22 department of health and family services or the department of children and families,
23 to enforce compliance with this subsection.

24 **SECTION 1858.** 59.85 of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

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

4 (b) Subject to pars. (c) and (d), a county may issue appropriation bonds under
5 this section to pay all or any part of the county's unfunded prior service liability with
6 respect to an employee retirement system of the county, or to fund or refund
7 outstanding appropriation bonds issued under this section. A county may use
8 proceeds of appropriation bonds to pay issuance or administrative expenses, to make
9 deposits to reserve funds, to pay accrued or funded interest, to pay the costs of credit
10 enhancement, to make payments under other agreements entered into under s.
11 59.86, or to make deposits to stabilization funds established under s. 59.87.

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

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

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

4 a. The county's progress in meeting the benchmarks in the strategic and
5 financial plan.

6 b. Any proposed modifications to the plan.

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

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

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

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

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

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

4 (e) All appropriation bonds owned or held by a fund of the county are
5 outstanding in all respects and the board or other governing body controlling the
6 fund shall have the same rights with respect to an appropriation bond as a private
7 party, but if any sinking fund acquires appropriation bonds that gave rise to such
8 fund, the appropriation bonds are considered paid for all purposes and no longer
9 outstanding and shall be canceled as provided in sub. (7) (d).

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

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

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

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

4 (b) Every appropriation bond shall be executed in the name of and for the
5 county by the chairperson of the board and county clerk, and shall be sealed with the
6 seal of the county, if any. Facsimile signatures of either officer may be imprinted in
7 lieu of manual signatures, but the signature of at least one such officer shall be
8 manual. An appropriation bond bearing the manual or facsimile signature of a
9 person in office at the same time the signature was signed or imprinted shall be fully
10 valid notwithstanding that before or after the delivery of such appropriation bond
11 the person ceased to hold such office.

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

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

19 (6) REFUNDING BONDS. (a) 1. A board may authorize the issuance of refunding
20 appropriation bonds. Refunding appropriation bonds may be issued, subject to any
21 contract rights vested in owners of the appropriation bonds being refunded, to refund
22 all or any part of one or more issues of appropriation bonds notwithstanding that the
23 appropriation bonds may have been issued at different times or issues of general
24 obligation promissory notes under s. 67.12 (12) were issued to pay unfunded prior
25 service liability with respect to an employee retirement system. The principal

1 amount of the refunding appropriation bonds may not exceed the sum of: the
2 principal amount of the appropriation bonds or general obligation promissory notes
3 being refunded; applicable redemption premiums; unpaid interest on the refunded
4 appropriation bonds or general obligation promissory notes to the date of delivery or
5 exchange of the refunding appropriation bonds; in the event the proceeds are to be
6 deposited in trust as provided in par. (c), interest to accrue on the appropriation
7 bonds or general obligation promissory notes to be refunded from the date of delivery
8 to the date of maturity or to the redemption date selected by the board, whichever
9 is earlier; and the expenses incurred in the issuance of the refunding appropriation
10 bonds and the payment of the refunded appropriation bonds or general obligation
11 promissory notes.

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

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

1 appropriation bonds, provide for notice of redemption to be given in the manner and
2 at the times required by the resolution authorizing the appropriation bonds to be
3 refunded.

4 (c) 1. The principal proceeds from the sale of any refunding appropriation bonds
5 shall be applied either to the immediate payment and retirement of the
6 appropriation bonds or general obligation promissory notes being refunded or, if the
7 bonds or general obligation promissory notes have not matured and are not presently
8 redeemable, to the creation of a trust for, and shall be pledged to the payment of, the
9 appropriation bonds or general obligation promissory notes being refunded.

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

1 refunded together with applicable redemption premiums and interest accrued and
2 to accrue to maturity or to the date of redemption. The income from the principal
3 proceeds of the securities shall be applied solely to the payment of the principal of
4 and interest and redemption premiums on the appropriation bonds or general
5 obligation promissory notes being refunded, but provision may be made for the
6 pledging and disposition of any surplus.

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

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

1 (b) The board may appoint one or more trustees or fiscal agents for each issue
2 of appropriation bonds. The county treasurer may be designated as the trustee and
3 the sole fiscal agent or as cofiscal agent for any issue of appropriation bonds. Every
4 other fiscal agent shall be an incorporated bank or trust company authorized by the
5 laws of the United States or of the state in which it is located to conduct banking or
6 trust company business. There may be deposited with a trustee, in a special account,
7 moneys to be used only for the purposes expressly provided in the resolution
8 authorizing the issuance of appropriation bonds or an agreement between the county
9 and the trustee. The board may make other provisions respecting trustees and fiscal
10 agents as the board considers necessary or desirable and may enter into contracts
11 with any trustee or fiscal agent containing such terms, including compensation, and
12 conditions in regard to the trustee or fiscal agent as the board considers necessary
13 or desirable.

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

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

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

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

6 (b) Banks and bankers, savings and loan associations, credit unions, trust
7 companies, savings banks and institutions, investment companies, insurance
8 companies, insurance associations, and other persons carrying on a banking or
9 insurance business.

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

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

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

24 **SECTION 1859.** 59.86 of the statutes is created to read:

1 **59.86 Agreements and ancillary arrangements for certain notes and**
2 **appropriation bonds.** At the time of issuance or in anticipation of the issuance of
3 appropriation bonds under s. 59.85, or general obligation promissory notes under s.
4 67.12 (12), to pay unfunded prior service liability with respect to an employee
5 retirement system, or at any time thereafter so long as the appropriation bonds or
6 general obligation promissory notes are outstanding, a county having a population
7 of 500,000 or more may enter into agreements or ancillary arrangements relating to
8 the appropriation bonds or general obligation promissory notes, including trust
9 indentures, liquidity facilities, remarketing or dealer agreements, letters of credit,
10 insurance policies, guaranty agreements, reimbursement agreements, indexing
11 agreements, and interest exchange agreements. Any payments made or amounts
12 received with respect to any such agreement or ancillary arrangement shall be made
13 from or deposited as provided in the agreement or ancillary arrangement.

14 **SECTION 1860.** 59.87 of the statutes is created to read:

15 **59.87 Employee retirement system liability financing in populous**
16 **counties; additional powers. (1) DEFINITIONS.** In this section:

- 17 (a) "Board" means the county board of supervisors in any county.
- 18 (b) "County" means any county having a population of 500,000 or more.
- 19 (c) "Pension funding plan" means a strategic and financial plan related to the
20 payment of all or part of a county's unfunded prior service liability with respect to
21 an employee retirement system.
- 22 (d) "Trust" means a common law trust organized under the laws of this state,
23 by the county, as settlor, pursuant to a formal, written, declaration of trust.

- 1 **(2) SPECIAL FINANCING ENTITIES, FUNDS, AND ACCOUNTS.** (a) To facilitate a pension
2 funding plan and in furtherance thereof, a board may create one or more of the
3 following:
- 4 1. A trust.
 - 5 2. A nonstock corporation under ch. 181.
 - 6 3. A limited liability company under ch. 183.
 - 7 4. A special fund or account of the county.
- 8 (b) An entity described under par. (a) has all of the powers provided to it under
9 applicable law and the documents pursuant to which it is created and established.
10 The powers shall be construed broadly in favor of effectuating the purposes for which
11 the entity is created. A county may appropriate funds to such entities and to such
12 funds and accounts, under terms and conditions established by the board, consistent
13 with the purposes for which they are created and established.
- 14 **(3) STABILIZATION FUNDS.** (a) To facilitate a pension funding plan a board may
15 establish a stabilization fund. Any such fund may be created as a trust, a special fund
16 or account of the county established by a separate resolution or ordinance, or a fund
17 or account created under an authorizing resolution or trust indenture in connection
18 with the authorization and issuance of appropriation bonds under s. 59.85 or general
19 obligation promissory notes under s. 67.12 (12). A county may appropriate funds for
20 deposit to a stabilization fund established under this subsection.
- 21 (b) Moneys in a stabilization fund established under this subsection may be
22 used, subject to annual appropriation by the board, solely to pay principal or interest
23 on appropriation bonds issued under s. 59.85 and general obligation promissory
24 notes under s. 67.12 (12) issued in connection with a pension funding plan, for the
25 redemption or repurchase of such appropriation bonds or general obligation

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1 promissory notes, or to make payments under any agreement or ancillary
2 arrangement entered into under s. 59.86 with respect to such appropriation bonds
3 or general obligation promissory notes. Moneys on deposit in a stabilization fund
4 may not be subject to any claims, demands, or actions by, or transfers or assignments
5 to, any creditor of the county, any beneficiary of the county's employee retirement
6 system, or any other person, on terms other than as may be established in the
7 resolution or ordinance creating the stabilization fund. Moneys on deposit in a
8 stabilization fund established under this subsection may be invested and reinvested
9 in the manner directed by the board or pursuant to delegation by the board as
10 provided under s. 66.0603 (5).

11 **SECTION 1861.** 60.63 (intro.) of the statutes is amended to read:

12 **60.63 Community and other living arrangements.** (intro.) For purposes
13 of s. 60.61, the location of a community living arrangement for adults, as defined in
14 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 town shall
17 be subject to the following criteria:

18 **SECTION 1862.** 60.63 (4) of the statutes is amended to read:

19 60.63 (4) If the community living arrangement has capacity for 8 or fewer
20 persons being served by the program, meets the criteria listed in subs. (1) and (2),
21 and is licensed, operated, or permitted under the authority of the department of
22 health and family services or the department of children and families, the
23 community living arrangement is entitled to locate in any residential zone, without
24 being required to obtain special zoning permission except as provided under sub.
25 (10).

1 **SECTION 1863.** 60.63 (5) of the statutes is amended to read:

2 **60.63 (5)** In all cases where the community living arrangement has capacity
3 for 9 to 15 persons being served by the program, meets the criteria listed in subs. (1)
4 and (2), and is licensed, operated, or permitted under the authority of the department
5 of health and family services or the department of children and families, that facility
6 is entitled to locate in any residential area except areas zoned exclusively for
7 single-family or 2-family residences except as provided in sub. (10), but is entitled
8 to apply for special zoning permission to locate in those areas. The town may grant
9 such special zoning permission at its discretion and shall make a procedure available
10 to enable such facilities to request such permission.

11 **SECTION 1864.** 60.63 (6) of the statutes is amended to read:

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

19 **SECTION 1865.** 60.63 (7) of the statutes is amended to read:

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

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1 records indicating the location and the capacity of each community living
2 arrangement for children, and such information shall be available to the public.

3 SECTION 1866. 60.63 (9) of the statutes is amended to read:

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

7 SECTION 1867. 62.13 (5) (i) of the statutes is amended to read:

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

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

11 **SECTION 1868.** 62.23 (7) (i) (intro.) of the 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 **SECTION 1869.** 62.23 (7) (i) 3. of the statutes is amended to read:

19 62.23 (7) (i) 3. In all cases where the community living arrangement has
20 capacity for 8 or fewer persons being served by the program, meets the criteria listed
21 in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the
22 department of health and family services or the department of children and families,
23 that facility is entitled to locate in any residential zone, without being required to
24 obtain special zoning permission except as provided in subd. 9.

25 **SECTION 1870.** 62.23 (7) (i) 4. of the statutes is amended to read:

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

10 **SECTION 1871.** 62.23 (7) (i) 5. of the statutes is amended to read:

11 62.23 (7) (i) 5. In all cases where the community living arrangement has
12 capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2.,
13 and is licensed, operated, or permitted under the authority of the department of
14 health and family services or the department of children and families, that facility
15 is entitled to apply for special zoning permission to locate in areas zoned for
16 residential use. The city may grant such special zoning permission at its discretion
17 and shall make a procedure available to enable such facilities to request such
18 permission.

19 **SECTION 1872.** 62.23 (7) (i) 6. of the statutes is amended to read:

20 62.23 (7) (i) 6. The department of health and family services shall designate
21 a single subunit within ~~the~~ that department to maintain appropriate records
22 indicating the location and number of persons served by each community living
23 arrangement for adults, and such information shall be available to the public. The
24 department of children and families shall designate a single subunit within that
25 department to maintain appropriate records indicating the location and number of