

1 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
2 functional screening and a financial screen and cost-sharing screening to determine
3 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

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

5 50.034 (5n) **REQUIRED REFERRAL.** (intro.) Subject to sub. (5p), when a residential
6 care apartment complex shall, within the time period prescribed by the department
7 by rule, refer to a resource center under s. 46.283 a person who is seeking admission,
8 first provides written material regarding the residential care apartment complex to
9 a prospective resident who is at least 65 years of age or has developmental disability
10 or a physical disability and whose disability or condition is expected to last at least
11 90 days, the residential care apartment complex shall refer the prospective resident
12 to a resource center under s. 46.283, unless any of the following applies:

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

14 50.034 (5n) (a) For a person who has received a screen for whom a screening
15 for functional eligibility under s. 46.286 (1) (a) has been performed within the
16 previous 6 months, the referral under this subsection need not include performance
17 of an additional functional screen screening under s. 46.283 (4) (g).

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

19 50.034 (5n) (d) For a person who seeks admission or is about to be admitted on
20 a private pay basis and who waives the requirement for a financial screen and
21 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
22 not include performance of a financial screen and cost-sharing screening under s.
23 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
24 within 6 months.

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



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

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

11 50.035 (4n) REQUIRED REFERRAL. (intro.) Subject to sub. (4p), When a
12 community-based residential facility shall, within the time period prescribed by the
13 department by rule, refer to a resource center under s. 46.283 a person who is seeking
14 admission, first provides written information regarding the community-based
15 residential facility to a prospective resident who is at least 65 years of age or has
16 developmental disability or a physical disability and whose disability or condition is
17 expected to last at least 90 days, the community-based residential facility shall refer
18 the individual to a resource center under s. 46.283 or, if the secretary has not certified
19 under s. 46.281 (3) that a resource center is available in the area of the
20 community-based residential facility to serve individuals in an eligibility group to
21 which the prospective resident belongs, to the county department that administers
22 a program under ss. 46.27 or 46.277, unless any of the following applies:

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

24 50.035 (4n) (a) For a person who has received a screen for whom a screening
25 for functional eligibility under s. 46.286 (1) (a) has been performed within the

1 previous 6 months, the referral under this subsection need not include performance
2 of an additional functional screen screening under s. 46.283 (4) (g).

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

4 50.035 (4n) (d) For a person who seeks admission or is about to be admitted on
5 a private pay basis and who waives the requirement for a financial screen and
6 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
7 not include performance of a financial screen and cost-sharing screening under s.
8 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
9 within 6 months.

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

11 50.035 (4p) APPLICABILITY. Subsections Subsection (4m) and (4n) apply applies
12 only if the secretary has certified under s. 46.281 (3) that a resource center is
13 available for the community-based residential facility and for specified groups of
14 eligible individuals that include those persons seeking admission to or the residents
15 of the community-based residential facility.

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

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

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 1792.** 50.06 (7) of the statutes is amended to read:

13 50.06 (7) An individual who consents to an admission under this section may
14 request that an assessment be conducted for the incapacitated individual under the
15 long-term support community options program under s. 46.27 (6) or, if the secretary
16 has certified under s. 46.281 (3) that a resource center is available for the individual,
17 a functional screening and a financial screen and cost-sharing screening to
18 determine eligibility for the family care benefit under s. 46.286 (1). If admission is
19 sought on behalf of the incapacitated individual or if the incapacitated individual is
20 about to be admitted on a private pay basis, the individual who consents to the
21 admission may waive the requirement for a financial screen and cost-sharing
22 screening under s. 46.283 (4) (g), unless the incapacitated individual is expected to
23 become eligible for medical assistance within 6 months.

24 **SECTION 1799m.** 50.135 (3) of the statutes is amended to read:

1 50.135 (3) EXEMPTION. The inpatient health care facilities under ss. 45.50,
2 48.62, 51.05, 51.06, 233.40, 233.41, 233.42 and 252.10 are exempt from this section.

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

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

9 **(2g)** The assessment moneys collected under this section shall be deposited in
10 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
11 Medical Assistance trust fund.

12 **(2r)** In determining the number of licensed beds, all of the following apply:

13 **SECTION 1801g.** 50.14 (2) (a) of the statutes is renumbered 50.14 (2r) (a).

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

15 50.14 (2) (am) For nursing homes, an amount not to exceed \$127.

16 **SECTION 1803m.** 50.14 (2) (b) of the statutes is renumbered 50.14 (2r) (b).

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

18 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
19 amount calculated by multiplying the projected annual gross revenues of all
20 intermediate care facilities for the mentally retarded in this state by 0.055, dividing
21 the product by the number of licensed beds of intermediate care facilities in this state
22 and dividing the quotient by 12.

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

24 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
25 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.

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

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

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

7 **50.375 Assessment.** (1) Beginning in 2007, for the privilege of doing business
8 in this state, there is imposed on each hospital an annual assessment, based on the
9 hospital's gross revenue that each hospital shall pay before December 1. The
10 assessments shall be deposited into the health care quality fund.

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

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

18 (4) Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
19 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under
20 subch. III of ch. 77, apply to the assessment under this section, except that the
21 amount of any assessment collected under sub. (1) shall be deposited in the health
22 care quality fund.

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

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

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

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

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

10 50.49 **(6m)** (am) An entity with which a care management organization, as
11 defined in s. 46.2805 (1), contracts for care management services under s. 46.284 (4)
12 (d), for purposes of providing the contracted services.

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

14 50.498 **(1m)** If an individual who applies for a certificate of approval, license
15 or provisional license under sub. (1) does not have a social security number, the
16 individual, as a condition of obtaining the certificate of approval, license or
17 provisional license, shall submit a statement made or subscribed under oath or
18 affirmation to the department that the applicant does not have a social security
19 number. The form of the statement shall be prescribed by the department of
20 workforce development children and families. A certificate of approval, license or
21 provisional license issued in reliance upon a false statement submitted under this
22 subsection is invalid.

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

24 51.032 **(1m)** If an individual who applies for a certification or approval under
25 sub. (1) does not have a social security number, the individual, as a condition of

1 obtaining the certification or approval, shall submit a statement made or subscribed
2 under oath or affirmation to the department that the applicant does not have a social
3 security number. The form of the statement shall be prescribed by the department
4 of workforce development children and families. A certification or approval issued
5 in reliance upon a false statement submitted under this subsection is invalid.

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

7 **51.038 Outpatient mental health clinic certification.** Except as provided
8 in s. 51.032, if a facility that provides mental health services on an outpatient basis
9 holds current accreditation from the council on accreditation of services for families
10 and children, the department may accept evidence of this accreditation as equivalent
11 to the standards established by the department, for the purpose of certifying the
12 facility for the receipt of funds for services provided as a benefit to a medical
13 assistance recipient under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k), a community aids
14 funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

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

16 **51.04 Treatment facility certification.** Except as provided in s. 51.032, any
17 treatment facility may apply to the department for certification of the facility for the
18 receipt of funds for services provided as a benefit to a medical assistance recipient
19 under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k) or to a community aids funding recipient
20 under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The
21 department shall annually charge a fee for each certification.

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

23 **51.15 (9) NOTICE OF RIGHTS.** At the time of detention the individual shall be
24 informed by the director of the facility or such person's designee, both orally and in
25 writing, of his or her right to contact an attorney and a member of his or her

1 immediate family, the right to have an attorney provided at public expense, as
2 provided under s. 967.06 and ch. 977, if the individual is a child or is indigent, 51.60,
3 and the right to remain silent and that the individual's statements may be used as
4 a basis for commitment. The individual shall also be provided with a copy of the
5 statement of emergency detention.

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

7 **51.20 (3) LEGAL COUNSEL.** At the time of the filing of the petition the court shall
8 assure that the subject individual is represented by adversary counsel. ~~If the~~
9 ~~individual claims or appears to be indigent, the court shall refer the person to the~~
10 ~~authority for indigency determinations specified under s. 977.07 (1).~~ If the
11 individual is a child, the court shall refer that child by referring the individual to the
12 state public defender, who shall appoint counsel for the child individual without a
13 determination of indigency, as provided in s. 48.23 (4) 51.60.

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

15 **51.20 (18) (c)** Expenses of the proceedings from the presentation of the
16 statement of emergency detention or petition for commitment to the conclusion of the
17 proceeding shall be allowed by the court and paid by the county from which the
18 subject individual is detained, committed, or released, in the manner that the
19 expenses of a criminal prosecution are paid, as provided in s. 59.64 (1). ~~Payment of~~
20 ~~attorney fees for appointed attorneys in the case of children and indigents shall be~~
21 ~~in accordance with ch. 977.~~

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

23 **51.30 (4) (b) 27.** For the purpose of entering information concerning the subject
24 individual into the statewide automated child welfare information system
25 established under s. ~~46.03~~ 48.47 (7g).

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

2 51.35 (1) (e) 1. Whenever any transfer between different treatment facilities
3 results in a greater restriction of personal freedom for the patient and whenever the
4 patient is transferred from outpatient to inpatient status, the department or the
5 county department specified under par. (a) shall inform the patient both orally and
6 in writing of his or her right to contact an attorney and a member of his or her
7 immediate family, the right to have counsel provided at public expense, as provided
8 under s. 967.06 and ch. 977, if the patient is a child or is indigent 51.60, and the right
9 to petition a court in the county in which the patient is located or the committing
10 court for a review of the transfer.

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

12 51.35 (1) (e) 2. c. The patient's right to have counsel provided at public expense,
13 as provided under s. 967.06 and ch. 977, if the patient is a child or is indigent 51.60.

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

15 51.42 (3) (as) 1. A county department of community programs shall authorize
16 all care of any patient in a state, local, or private facility under a contractual
17 agreement between the county department of community programs and the facility,
18 unless the county department of community programs governs the facility. The need
19 for inpatient care shall be determined by the program director or designee in
20 consultation with and upon the recommendation of a licensed physician trained in
21 psychiatry and employed by the county department of community programs or its
22 contract agency. In cases of emergency, a facility under contract with any county
23 department of community programs shall charge the county department of
24 community programs having jurisdiction in the county where the patient is found.
25 The county department of community programs shall reimburse the facility for the

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

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

17 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
18 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)
19 (c) and 938.78 (2) (a), any subunit of a county department of community programs
20 or tribal agency acting under this section may exchange confidential information
21 about a client, without the informed consent of the client, with any other subunit of
22 the same county department of community programs or tribal agency, with a
23 resource center, a care management organization, or a family long-term care
24 district, or with any person providing services to the client under a purchase of
25 services contract with the county department of community programs or tribal

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

7 **SECTION 1821m.** 51.423 (2) of the statutes is amended to read:

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

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

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

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

18 51.437 (4rm) (a) A county department of developmental disabilities services
19 shall authorize all care of any patient in a state, local, or private facility under a
20 contractual agreement between the county department of developmental disabilities
21 services and the facility, unless the county department of developmental disabilities
22 services governs the facility. The need for inpatient care shall be determined by the
23 program director or designee in consultation with and upon the recommendation of
24 a licensed physician trained in psychiatry and employed by the county department
25 of developmental disabilities services or its contract agency prior to the admission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **51.605 Reimbursement for counsel provided by the state. (1) INQUIRY.**

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

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

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

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

9 SECTION 1835c. 51.62 (3m) of the statutes is amended to read:

10 51.62 (3m) FUNDING. From the appropriation under s. 20.435 (7) (md), the
11 department may not shall distribute more than \$75,000 in each fiscal year to the
12 protection and advocacy agency for performance of community mental health
13 protection and advocacy services.

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

15 55.10 (4) (a) *Counsel; costs*. The individual sought to be protected has the right
16 to counsel whether or not the individual is present at the hearing on the petition.
17 The court shall require representation by full legal counsel whenever the petition
18 alleges that the individual is not competent to refuse psychotropic medication under
19 s. 55.14, the individual sought to be protected requested such representation at least
20 72 hours before the hearing, the guardian ad litem or any other person states that
21 the individual sought to be protected is opposed to the petition, or the court
22 determines that the interests of justice require it. If the individual sought to be
23 protected or any other person on his or her behalf requests but is unable to obtain
24 legal counsel, the court shall appoint refer the individual to the state public defender
25 as provided under s. 55.105 for appointment of legal counsel. Counsel shall be

1 provided at public expense, as provided under s. 967.06 and ch. 977, if the individual
2 is indigent. If the individual sought to be protected is an adult who is indigent, and
3 if counsel was not appointed under s. 977.08, the county in which the hearing is held
4 is liable for any fees due the individual's legal counsel. If the individual sought to
5 be protected is represented by counsel appointed under s. 977.08 in a proceeding for
6 the appointment of a guardian under s. 880.33 ch. 54, the court shall order the
7 counsel appointed under s. 977.08 to represent under this section the individual
8 sought to be protected.

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

10 **55.105 Appointment of counsel.** (1) In any situation under this chapter in
11 which an adult individual has a right to be represented by legal counsel, the
12 individual shall be referred as soon as practicable to the state public defender, who
13 shall appoint counsel for the individual under s. 977.08 without a determination of
14 indigency.

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

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

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

22 **55.107 Reimbursement of counsel provided by the state.** (1) At or after
23 the conclusion of a proceeding under this chapter in which the state public defender
24 has provided legal counsel for an adult individual, the court may inquire as to the
25 individual's ability to reimburse the state for the costs of representation. If the court

1 determines that the individual is able to make reimbursement for all or part of the
2 costs of representation, the court may order the individual to reimburse the state an
3 amount not to exceed the maximum amount established by the public defender board
4 under s. 977.075 (4). Upon the court's request, the state public defender shall
5 conduct a determination of indigency under s. 977.07 and report the results of the
6 determination to the court.

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

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

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

19 55.135 (1) If, upon a credible report to or, from personal observation of, or a
20 reliable report made by a person who identifies himself or herself to, a sheriff, police
21 officer, fire fighter, guardian, if any, or authorized representative of a county
22 department or an agency with which it contracts under s. 55.02 (2), it appears
23 probable that an individual is so totally incapable of providing for his or her own care
24 or custody as to create a substantial risk of serious physical harm to himself or herself
25 or others as a result of developmental disabilities, degenerative brain disorder,

1 serious and persistent mental illness, or other like incapacities if not immediately
2 placed, the individual under this paragraph who received the credible report or who
3 personally made the observation or to whom the report is made may take into custody
4 and transport the individual to an appropriate medical or protective placement
5 facility. The person making emergency protective placement shall prepare a
6 statement at the time of detention providing specific factual information concerning
7 the person's observations or reports made to the person and the basis for emergency
8 placement. The statement shall be filed with the director of the facility and with any
9 petition under s. 55.075. At the time of emergency protective placement the
10 individual shall be informed by the director of the facility or the director's designee,
11 orally and in writing, of his or her right to contact an attorney and a member of his
12 or her immediate family and the right to have an attorney provided at public
13 expense, as provided under s. 967.06 and ch. 977, if the individual is a minor or is
14 indigent s. 55.105. The director or designee shall also provide the individual with
15 a copy of the statement by the person making emergency protective placement.

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

17 55.14 (7) Upon the filing of a petition under this section, the court shall appoint
18 make a referral for appointment of legal counsel as provided under s. 55.105. A
19 petition under this section shall be heard under s. 55.10 (4) (a) s. 55.06 within 30 days
20 after it is filed.

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

22 55.15 (7) (cm) The court shall appoint counsel for refer the individual under
23 protective placement for appointment of legal counsel as provided under s. 55.105 if
24 the individual, the individual's guardian ad litem, or anyone on the individual's
25 behalf requests that counsel be appointed for the individual.

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

2 55.18 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
3 and, if the individual appears to be indigent, ~~refer him or her to the authority for~~
4 indigency determinations under s. 977.07 (1) for appointment of legal counsel under
5 s. 55.105 if any of the following apply:

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

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

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

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

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

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

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

24 59.52 (4) (a) 18. Case records and other record material of all public assistance
25 that are kept as required under ch. 49, if no payments have been made for at least

1 3 years and if a face sheet or similar record of each case and a financial record of all
2 payments for each aid account are preserved in accordance with rules adopted by the
3 department of health and family services or by the department of workforce
4 development children and families. If the department of health and family services
5 or the department of workforce development children and families has preserved
6 such case records and other record material on computer disc or tape or similar
7 device, a county may destroy the original records and record material under rules
8 adopted by the department that has preserved those case records or other record
9 material.

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

11 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for
12 promoting and assisting any community action agency under s. 46.30 49.265.

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

14 59.53 (5) (a) The board shall contract with the department of workforce
15 development children and families to implement and administer the child and
16 spousal support and establishment of paternity and the medical support liability
17 programs provided for by Title IV of the federal social security act. The board may
18 designate by board resolution any office, officer, board, department, or agency, except
19 the clerk of circuit court, as the county child support agency. The board or county
20 child support agency shall implement and administer the programs in accordance
21 with the contract with the department of workforce development children and
22 families. The attorneys responsible for support enforcement under sub. (6) (a),
23 circuit court commissioners, and all other county officials shall cooperate with the
24 county and the department of workforce development children and families as
25 necessary to provide the services required under the programs. The county shall

1 charge the fee established by the department of ~~workforce development~~ children and
2 families under s. 49.22 for services provided under this paragraph to persons not
3 receiving benefits under s. 49.148 or 49.155 or assistance under s. ~~46.261~~ 48.645,
4 49.19, or 49.47.

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

7 59.53 (5) (a) The board shall contract with the department of children and
8 families to implement and administer the child and spousal support and
9 establishment of paternity and the medical support liability programs provided for
10 by Title IV of the federal social security act. The board may designate by board
11 resolution any office, officer, board, department or agency, except the clerk of circuit
12 court, as the county child support agency. The board or county child support agency
13 shall implement and administer the programs in accordance with the contract with
14 the department of children and families. The attorneys responsible for support
15 enforcement under sub. (6) (a), circuit court commissioners and all other county
16 officials shall cooperate with the county and the department of children and families
17 as necessary to provide the services required under the programs. The county shall
18 charge the fee established by the department of children and families under s. 49.22
19 for services provided under this paragraph to persons not receiving benefits under
20 s. 49.148 or 49.155 or assistance under s. ~~48.645, 49.19, or 49.46, 49.465, 49.47,~~
21 49.471, or 49.472.

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

23 59.53 (5) (b) The county child support agency under par. (a) shall electronically
24 enter into the statewide data system related to child and spousal support payments
25 that is operated by the department of ~~workforce development~~ children and families

1 the terms of any order made or judgment granted in the circuit court of the county
2 requiring payments under s. 948.22 (7) or ch. 767 or 769 that are directed under s.
3 767.57 (1) to be paid to the department of ~~workforce development~~ children and
4 families or its designee. The county child support agency shall enter the terms of any
5 such order or judgment within the time required by federal law and shall enter
6 revisions ordered by the court to any order or judgment the terms of which are
7 maintained on the data system.

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

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

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

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

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

23 59.69 (15) (d) ~~Where~~ If the community living arrangement has capacity for 9
24 to 15 persons being served by the program, meets the criteria listed in pars. (a) and
25 (b), and is licensed, or operated, or permitted under the authority of the department

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

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

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

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

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

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

1 59.69 (15) (h) The attorney general shall take action, upon the request of the
2 department of health and family services or the department of children and families,
3 to enforce compliance with this subsection.

4 **SECTION 1860m.** 60.37 (4) (a) of the statutes is amended to read:

5 60.37 (4) (a) An elected town officer, other than a town clerk, a town treasurer,
6 or an officer serving in a combined office of town clerk and town treasurer, who also
7 serves as a town employee may be paid an hourly wage for serving as a town
8 employee, not exceeding a total of \$5,000 each year. An elected town officer, who is
9 a town clerk, a town treasurer, or an officer serving in a combined office of town clerk
10 and town treasurer, who also serves as a town employee may be paid an hourly wage
11 for serving as a town employee, not exceeding a total of \$15,000 each year. Amounts
12 that are paid under this paragraph may be paid in addition to any amount that an
13 individual receives under s. 60.32 or as a volunteer fire fighter, emergency medical
14 technician, or first responder under s. 66.0501 (4). The \$5,000 maximum in this
15 paragraph includes amounts paid to a town board supervisor who is acting as
16 superintendent of highways under s. 82.03 (1).

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

18 **60.63 Community and other living arrangements.** (intro.) For purposes
19 of s. 60.61, the location of a community living arrangement for adults, as defined in
20 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
21 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
22 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any town shall
23 be subject to the following criteria:

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

1 60.63 (4) If the community living arrangement has capacity for 8 or fewer
2 persons being served by the program, meets the criteria listed in subs. (1) and (2),
3 and is licensed, operated, or permitted under the authority of the department of
4 health and family services or the department of children and families, the
5 community living arrangement is entitled to locate in any residential zone, without
6 being required to obtain special zoning permission except as provided under sub.
7 (10).

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

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

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

19 60.63 (6) In all cases where the community living arrangement has capacity
20 for serving 16 or more persons, meets the criteria listed in subs. (1) and (2), and is
21 licensed, operated, or permitted under the authority of the department of health and
22 family services or the department of children and families, that facility is entitled to
23 apply for special zoning permission to locate in areas zoned for residential use. The
24 town may grant such special zoning permission at its discretion and shall make a
25 procedure available to enable such facilities to request such permission.

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

2 60.63 (7) The department of health and family services shall designate a single
3 subunit within the that department to maintain appropriate records indicating the
4 location and the capacity of each community living arrangement for adults, and such
5 information shall be available to the public. The department of children and families
6 shall designate a single subunit within that department to maintain appropriate
7 records indicating the location and the capacity of each community living
8 arrangement for children, and such information shall be available to the public.

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

10 60.63 (9) The attorney general shall take all necessary action, upon the request
11 of the department of health and family services or the department of children and
12 families, to enforce compliance with this section.

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

14 62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or
15 removed by the board may appeal from the order of the board to the circuit court by
16 serving written notice of the appeal on the secretary of the board within 10 days after
17 the order is filed. Within 5 days after receiving written notice of the appeal, the board
18 shall certify to the clerk of the circuit court the record of the proceedings, including
19 all documents, testimony and minutes. The action shall then be at issue and shall
20 have precedence over any other cause of a different nature pending in the court,
21 which shall always be open to the trial thereof. The court shall upon application of
22 the accused or of the board fix a date of trial, which shall not be later than 15 days
23 after such application except by agreement. The trial shall be by the court and upon
24 the return of the board, except that the court may require further return or the taking
25 and return of further evidence by the board. The question to be determined by the

1 court shall be: Upon the evidence is there just cause, as described under par. (em),
2 to sustain the charges against the accused? No costs shall be allowed either party
3 and the clerk's fees shall be paid by the city. If the order of the board is reversed, the
4 accused shall be forthwith reinstated and entitled to pay as though in continuous
5 service. If the order of the board is sustained it shall be final and conclusive. This
6 paragraph does not apply to any fire fighter who is suspended, reduced, suspended
7 and reduced, or removed by the board, and who is subject to the terms of a collective
8 bargaining agreement entered into under subch. IV of ch. 111 that provides an
9 alternative to the appeals procedure specified in this paragraph, unless the fire
10 fighter chooses to appeal the order to circuit court. If the alternative to the appeals
11 procedure includes a hearing, the hearing shall be open to the public with reasonable
12 advance notice given by the employer. An accused fire fighter who chooses to appeal
13 the decision of the board through a collectively bargained alternative to the appeals
14 procedure specified in this paragraph is considered to have waived his or her right
15 to circuit court review of the board decision.

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

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

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

24 62.23 (7) (i) 3. In all cases where the community living arrangement has
25 capacity for 8 or fewer persons being served by the program, meets the criteria listed

1 in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the
2 department of health and family services or the department of children and families,
3 that facility is entitled to locate in any residential zone, without being required to
4 obtain special zoning permission except as provided in subd. 9.

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

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

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

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

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

1 62.23 (7) (i) 6. The department of health and family services shall designate
2 a single subunit within the that department to maintain appropriate records
3 indicating the location and number of persons served by each community living
4 arrangement for adults, and such information shall be available to the public. The
5 department of children and families shall designate a single subunit within that
6 department to maintain appropriate records indicating the location and number of
7 persons served by each community living arrangement for children, and such
8 information shall be available to the public.

9 **SECTION 1873.** 62.23 (7) (i) 8. of the statutes is amended to read:

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

13 **SECTION 1874.** 66.0137 (3) of the statutes is amended to read:

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

18 **SECTION 1875m.** 66.0203 (11) of the statutes is created to read:

19 66.0203 (11) TOWN OF LEDGEVIEW IN BROWN COUNTY MAY BECOME A VILLAGE. (a)
20 The town of Ledgeview, in Brown County, may become a village if the town holds, and
21 approves, an incorporation referendum as described in s. 66.0211 (3). None of the
22 other procedures contained in ss. 66.0201 to 66.0213 need to be fulfilled, and no
23 approval by the department's incorporation review board under s. 66.0207 is
24 necessary for the town to become a village.

1 (b) The town of Ledgeview, in Brown County, shall enter into a boundary
2 agreement with the city of De Pere, under s. 66.0307, except that the agreement need
3 not be completed before the town holds a referendum on incorporation, as described
4 in s. 66.0211 (3).

5 **SECTION 1875p.** 66.0229 of the statutes is renumbered 66.0229 (1).

6 **SECTION 1875r.** 66.0229 (1) (title) of the statutes is created to read:

7 66.0229 (1) (title) GENERAL PROCEDURES.

8 **SECTION 1875s.** 66.0229 (2) of the statutes is created to read:

9 66.0229 (2) TOWN OF ROCHESTER IN RACINE COUNTY AND THE VILLAGE OF
10 ROCHESTER MAY CONSOLIDATE. The town of Rochester, in Racine County, and the
11 village of Rochester may consolidate if all of the procedures contained sub. (1) are
12 fulfilled, except that the consolidation ordinance need not be submitted to the circuit
13 court for a determination and the department of administration for a public interest
14 finding, as otherwise required, and the consolidation may be completed without any
15 circuit court determination or department of administration findings.

16 **SECTION 1875t.** 66.0230 (1) (a) of the statutes is amended to read:

17 66.0230 (1) (a) In addition to the method described in s. 66.0229 (1) and subject
18 to subs. (2), (3), and (4) and to s. 66.0307 (7), all or part of a town may consolidate with
19 a contiguous city or village by ordinance passed by a two-thirds vote of all of the
20 members of each board or council and ratified by the electors at a referendum held
21 in each municipality.

22 **SECTION 1876.** 66.0301 (1) (a) of the statutes is amended to read:

23 66.0301 (1) (a) In this section "municipality" means the state or any
24 department or agency thereof, or any city, village, town, county, school district, public
25 library system, public inland lake protection and rehabilitation district, sanitary

1 district, farm drainage district, metropolitan sewerage district, sewer utility district,
2 solid waste management system created under s. 59.70 (2), local exposition district
3 created under subch. II of ch. 229, local professional baseball park district created
4 under subch. III of ch. 229, local professional football stadium district created under
5 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
6 family long-term care district under s. 46.2895, water utility district, mosquito
7 control district, municipal electric company, county or city transit commission,
8 commission created by contract under this section, taxation district, regional
9 planning commission, or city-county health department.

10 **SECTION 1877.** 66.0601 (1) (b) of the statutes is amended to read:

11 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family
12 long-term care district under s. 46.2895 or agency or subdivision of a city, village or
13 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic
14 or other medical facility for the performance of an abortion except those permitted
15 under and which are performed in accordance with s. 20.927.

16 **SECTION 1878.** 66.0601 (1) (c) of the statutes is amended to read:

17 66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,
18 village, town, family long-term care district under s. 46.2895 or agency or
19 subdivision of a city, village or town may authorize payment of funds for a grant,
20 subsidy or other funding involving a pregnancy program, project or service if s.
21 20.9275 (2) applies to the pregnancy program, project or service.

22 **SECTION 1879.** 66.0602 (1) (am) of the statutes is created to read:

23 66.0602 (1) (am) “Joint fire department” means a joint fire department
24 organized under s. 61.65 (2) (a) 3. or 62.13 (2m), or a joint fire department organized
25 by any combination of 2 or more cities, villages, or towns under s. 66.0301 (2).

1 **SECTION 1880.** 66.0602 (1) (b) of the statutes is amended to read:

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

5 **SECTION 1881.** 66.0602 (1) (d) of the statutes is amended to read:

6 66.0602 (1) (d) "Valuation factor" means a percentage equal to the greater of
7 either 4 percent or the percentage change in the political subdivision's January 1
8 equalized value due to new construction less improvements removed between the
9 previous year and the current year, but not less than 2. ~~Except as provided in subs.~~
10 ~~(3), (4), and (5), no political subdivision may increase its levy in any year by a~~
11 ~~percentage that exceeds the political subdivision's valuation factor. In determining~~
12 ~~its levy in any year, a city, village, or town shall subtract any tax increment that is~~
13 ~~calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

14 **SECTION 1882.** 66.0602 (2) of the statutes is created to read:

15 66.0602 (2) LEVY LIMIT. Except as provided in subs. (3), (4), and (5), no political
16 subdivision may increase its levy in 2007 or 2008 by a percentage that exceeds the
17 political subdivision's valuation factor. The base amount in any year, to which the
18 limit under this section applies, shall be the maximum allowable levy for the
19 immediately preceding year. In determining its levy in any year, a city, village, town,
20 or county shall subtract any tax increment that is calculated under s. 59.57 (3) (a),
21 60.85 (1) (L), or 66.1105 (2) (i).

22 **SECTION 1884.** 66.0602 (3) (e) of the statutes is renumbered 66.0602 (3) (e)
23 (intro.) and amended to read:

1 66.0602 (3) (e) (intro.) The limit otherwise applicable under this section does
2 not apply to the amount that a county levies in that year for a county children with
3 disabilities education board. any of the following:

4 **SECTION 1885.** 66.0602 (3) (e) 1. of the statutes is created to read:

5 66.0602 (3) (e) 1. The amount that a county levies in that year for a county
6 children with disabilities education board.

7 **SECTION 1886.** 66.0602 (3) (e) 2. of the statutes is created to read:

8 66.0602 (3) (e) 2. The amount that a 1st class city levies in that year for school
9 purposes.

10 **SECTION 1887.** 66.0602 (3) (e) 3. of the statutes is created to read:

11 66.0602 (3) (e) 3. The amount that a county levies in that year under s. 82.08
12 (2) for bridge and culvert construction and repair.

13 **SECTION 1888.** 66.0602 (3) (e) 4. of the statutes is created to read:

14 66.0602 (3) (e) 4. The amount that a county levies in that year to make
15 payments to public libraries under s. 43.12.

16 **SECTION 1889.** 66.0602 (3) (e) 5. of the statutes is created to read:

17 66.0602 (3) (e) 5. The amount that a political subdivision levies in that year to
18 make up any revenue shortfall for the debt service on a revenue bond issued under
19 s. 66.0621.

20 **SECTION 1890.** 66.0602 (3) (f) of the statutes is repealed.

21 **SECTION 1891.** 66.0602 (3) (h) 1. of the statutes is amended to read:

22 66.0602 (3) (h) 1. Subject to subd. 2., the limit otherwise applicable under this
23 section does not apply to the amount that a city, village, or town levies in that year
24 to pay for charges assessed by a joint fire department organized under s. 61.65 (2)
25 (a) 3. or 62.13 (2m), but only to the extent that the amount levied to pay for such

1 charges would cause the city, village, or town to exceed the limit that is otherwise
2 applicable under this section.

3 **SECTION 1892.** 66.0602 (4) (a) of the statutes is amended to read:

4 66.0602 (4) (a) A political subdivision may exceed the levy increase limit under
5 sub. (2) if its governing body adopts a resolution to that effect and if the resolution
6 is approved in a referendum. The resolution shall specify the proposed amount of
7 increase in the levy beyond the amount that is allowed under sub. (2), and shall
8 specify whether the proposed amount of increase is for the next fiscal year only or if
9 it will apply on an ongoing basis. With regard to a referendum relating to the 2005
10 levy, or any levy in an odd-numbered year thereafter, the political subdivision may
11 call a special referendum for the purpose of submitting the resolution to the electors
12 of the political subdivision for approval or rejection. With regard to a referendum
13 relating to the 2006 levy, or any levy in an even-numbered year thereafter, the
14 referendum shall be held at the next succeeding spring primary or election or
15 September primary or general election.

16 **SECTION 1893.** 66.0602 (4) (d) of the statutes is amended to read:

17 66.0602 (4) (d) Within 14 days after the referendum, the clerk of the political
18 subdivision shall certify the results of the referendum to the department of revenue.
19 The levy increase limit otherwise applicable to the political subdivision under this
20 section is increased in the next fiscal year by the percentage approved by a majority
21 of those voting on the question. If the resolution specifies that the increase is for one
22 year only, the amount of the increase shall be subtracted from the base used to
23 calculate the limit for the 2nd succeeding fiscal year.

24 **SECTION 1894.** 66.0602 (5) of the statutes is amended to read:

1 66.0602 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than
2 2,000 may exceed the levy increase limit otherwise applicable under this section to
3 the town if the town board adopts a resolution supporting an increase and places the
4 question on the agenda of an annual town meeting or a special town meeting and if
5 the annual or special town meeting adopts a resolution endorsing the town board's
6 resolution. The limit otherwise applicable to the town under this section is increased
7 in the next fiscal year by the percentage approved by a majority of those voting on
8 the question. Within 14 days after the adoption of the resolution, the town clerk shall
9 certify the results of the vote to the department of revenue.

10 **SECTION 1895.** 66.0602 (6) (intro.) of the statutes is amended to read:

11 66.0602 (6) PENALTIES. (intro.) If Except as provided in sub. (6m), if the
12 department of revenue determines that a political subdivision has a penalized excess
13 in any year, the department of revenue shall do all of the following:

14 **SECTION 1896.** 66.0602 (6) (c) of the statutes is amended to read:

15 66.0602 (6) (c) Ensure that the amount of the penalized excess is not included
16 in determining the limit described under sub. (2) for the political subdivision for the
17 following year.

18 **SECTION 1897.** 66.0602 (6) (d) of the statutes is created to read:

19 66.0602 (6) (d) Ensure that, if a political subdivision's penalized excess exceeds
20 the amount of aid payment that may be reduced under par. (a), the excess amount
21 is subtracted from the aid payments under par. (a) in the following years until the
22 total amount of penalized excess is subtracted from the aid payments.

23 **SECTION 1898.** 66.0602 (6m) of the statutes is created to read:

24 66.0602 (6m) MISTAKES IN LEVIES. The department of revenue may issue a
25 finding that a political subdivision is not liable for a penalty that would otherwise

1 be imposed under sub. (6) if the department determines that the political
2 subdivision's penalized excess is caused by one of the following clerical errors:

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

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

10 **SECTION 1899.** 66.0602 (7) of the statutes is repealed.

11 **SECTION 1901m.** 66.0615 (1m) (e) 3. of the statutes is created to read:

12 66.0615 (1m) (e) 3. A district adopting a resolution to impose the taxes under
13 subd. 1. or 2. shall deliver a certified copy of the resolution to the secretary of revenue
14 at least 120 days before its effective date.

15 **SECTION 1902.** 66.0615 (1m) (f) 2. of the statutes is amended to read:

16 66.0615 (1m) (f) 2. Sections 77.51 (12m), (14) (e), (f) and (j) and, (14g), (15a),
17 and (15b), 77.52 (3), (4), (6) and (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m),
18 and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), and (12) to (14) (15), and
19 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax described
20 under subd. 1.

21 **SECTION 1904.** 66.1017 (1) (a) of the statutes is amended to read:

22 66.1017 (1) (a) "Family day care home" means a dwelling licensed as a day care
23 center by the department of health and family services children and families under
24 s. 48.65 where care is provided for not more than 8 children.

25 **SECTION 1915.** 69.14 (1) (cm) of the statutes is amended to read:

1 69.14 (1) (cm) *Information concerning paternity.* For a birth which occurs en
2 route to or at a hospital, the filing party shall give the mother a copy of the pamphlet
3 under s. 69.03 (14). If the child's parents are not married at the time of the child's
4 birth, the filing party shall give the mother a copy of the form prescribed by the state
5 registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained,
6 designated hospital staff provide to the child's available parents oral information or
7 an audio or video presentation and written information about the form and the
8 significance and benefits of, and alternatives to, establishing paternity, before the
9 parents sign the form. The filing party shall also provide an opportunity to complete
10 the form and have the form notarized in the hospital. If the mother provides a
11 completed form to the filing party while she is a patient in the hospital and within
12 5 days after the birth, the filing party shall send the form directly to the state
13 registrar. The department of workforce development children and families shall pay
14 the filing party a financial incentive for correctly filing a form within 60 days after
15 the child's birth.

16 **SECTION 1917.** 69.15 (3) (b) 3. of the statutes is amended to read:

17 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
18 a statement acknowledging paternity on a form prescribed by the state registrar and
19 signed by both parents, and by a parent or legal guardian of any parent who is under
20 the age of 18 years, along with the fee under s. 69.22, the state registrar shall insert
21 the name of the father under subd. 1. The state registrar shall mark the certificate
22 to show that the form is on file. The form shall be available to the department of
23 workforce development children and families or a county child support agency under
24 s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other
25 person with a direct and tangible interest in the record. The state registrar shall

1 include on the form for the acknowledgment the information in s. 767.805 and the
2 items in s. 767.813 (5g).

3 **SECTION 1918.** 69.20 (3) (f) of the statutes is amended to read:

4 69.20 (3) (f) The state or a local registrar may disclose a social security number
5 on a vital record to the department of workforce development children and families
6 or a county child support agency under s. 59.53 (5) in response to a request under s.
7 49.22 (2m).

8 **SECTION 1930.** 69.30 (1) (am) of the statutes is renumbered 69.30 (1) (bd) and
9 amended to read:

10 69.30 (1) (bd) "Family Long-term care district" has the meaning given in s.
11 46.2805 (5) (7r).

12 **SECTION 1931.** 69.30 (2) of the statutes is amended to read:

13 69.30 (2) A financial institution, state agency, county department, Wisconsin
14 works agency, service office or family long-term care district or an employee of a
15 financial institution, state agency, county department, Wisconsin works agency,
16 service office or family long-term care district is not subject to s. 69.24 (1) (a) for
17 copying a certified copy of a vital record for use by the financial institution, state
18 agency, county department, Wisconsin works agency, service office or family
19 long-term care district, including use under s. 45.04 (5), if the copy is marked "FOR
20 ADMINISTRATIVE USE".

21 **SECTION 1931m.** 70.11 (intro.) of the statutes is amended to read:

22 **70.11 Property exempted from taxation.** (intro.) The property described
23 in this section is exempted from general property taxes if the property is exempt
24 under sub. (1), (2), (18), (21), (27) or (30); if it was exempt for the previous year and
25 its use, occupancy or ownership did not change in a way that makes it taxable; if the

1 property was taxable for the previous year, the use, occupancy or ownership of the
2 property changed in a way that makes it exempt and its owner, on or before March 1,
3 files with the assessor of the taxation district where the property is located a form
4 that the department of revenue prescribes or if the property did not exist in the
5 previous year and its owner, on or before March 1, files with the assessor of the
6 taxation district where the property is located a form that the department of revenue
7 prescribes. Leasing a part of the property described in this section does not render
8 it taxable if the leased property is operated as low-income residential housing as
9 provided in sections 3.01 and 3.02 of Internal Revenue Service Revenue Procedure
10 96-32; or if the lessor uses all of the leasehold income for maintenance of the leased
11 property or construction debt retirement of the leased property, or both, and, except
12 for residential housing, if the lessee would be exempt from taxation under this
13 chapter if it owned the property. Any Except for a lessor who leases property that
14 meets the requirements set forth in sections 3.01 and 3.02 of Internal Revenue
15 Service Revenue Procedure 96-32, any lessor who claims that leased property is
16 exempt from taxation under this chapter shall, upon request by the tax assessor,
17 provide records relating to the lessor's use of the income from the leased property.
18 Property exempted from general property taxes is:

19 **SECTION 1932.** 70.11 (2) of the statutes is amended to read:

20 **70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.**

21 Property owned by any county, city, village, town, school district, technical college
22 district, public inland lake protection and rehabilitation district, metropolitan
23 sewerage district, municipal water district created under s. 198.22, joint local water
24 authority created under s. 66.0823, family long-term care district under s. 46.2895
25 or town sanitary district; lands belonging to cities of any other state used for public

1 parks; land tax-deeded to any county or city before January 2; but any residence
2 located upon property owned by the county for park purposes that is rented out by
3 the county for a nonpark purpose shall not be exempt from taxation. Except as to
4 land acquired under s. 59.84 (2) (d), this exemption shall not apply to land conveyed
5 after August 17, 1961, to any such governmental unit or for its benefit while the
6 grantor or others for his or her benefit are permitted to occupy the land or part thereof
7 in consideration for the conveyance. Leasing the property exempt under this
8 subsection, regardless of the lessee and the use of the leasehold income, does not
9 render that property taxable.

10 **SECTION 1932m.** 70.11 (4) of the statutes is amended to read:

11 70.11 (4) EDUCATIONAL, RELIGIOUS AND BENEVOLENT INSTITUTIONS; WOMEN'S CLUBS;
12 HISTORICAL SOCIETIES; FRATERNITIES; LIBRARIES. Property owned and used exclusively
13 by educational institutions offering regular courses 6 months in the year; or by
14 churches or religious, educational or benevolent associations organizations,
15 including organizations that own low-income residential housing as provided in
16 sections 3.01 and 3.02 of Internal Revenue Service Revenue Procedure 96-32 and
17 benevolent nursing homes and retirement homes for the aged but not including an
18 organization that is organized under s. 185.981 or ch. 611, 613 or 614 and that offers
19 a health maintenance organization as defined in s. 609.01 (2) or a limited service
20 health organization as defined in s. 609.01 (3) or an organization that is issued a
21 certificate of authority under ch. 618 and that offers a health maintenance
22 organization or a limited service health organization and not including property
23 owned by any nonstock, nonprofit corporation which services guaranteed student
24 loans for others or on its own account, and also including property owned and used
25 for housing for pastors and their ordained assistants, members of religious orders

1 and communities, and ordained teachers, whether or not contiguous to and a part of
2 other property owned and used by such associations or churches; or by women's
3 clubs; or by domestic, incorporated historical societies; or by domestic, incorporated,
4 free public library associations; or by fraternal societies operating under the lodge
5 system (except university, college and high school fraternities and sororities), but not
6 exceeding 10 acres of land necessary for location and convenience of buildings while
7 such property is not used for profit. Property owned by churches or benevolent or
8 religious associations organizations necessary for location and convenience of
9 buildings, used for educational purposes, or operated as low-income residential
10 housing and not for profit, shall not be subject to the 10-acre limitation but shall be
11 subject to a 30-acre limitation. Property that is exempt from taxation under this
12 subsection and is leased remains exempt from taxation only if, in addition to the
13 requirements specified in the introductory phrase of this section, the lessee does not
14 discriminate on the basis of race.

15 **SECTION 1934f.** 70.11 (44) of the statutes is created to read:

16 **70.11 (44) OLYMPIC ICE TRAINING CENTER.** Beginning with the first assessment
17 year in which the property would not otherwise be exempt from taxation under sub.
18 (1), property owned by a nonprofit corporation that operates an Olympic Ice Training
19 Center on land purchased from the state, if the property is located or primarily used
20 at the center. Property that is exempt under this subsection includes property leased
21 to a nonprofit entity, regardless of the use of the leasehold income, and up to 6,000
22 square feet of property leased to a for-profit entity, regardless of the use of the
23 leasehold income.

24 **SECTION 1935.** 70.111 (23) of the statutes is amended to read:

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

7 **SECTION 1936.** 71.01 (6) (L) of the statutes is repealed.

8 **SECTION 1937.** 71.01 (6) (m) of the statutes is repealed.

9 **SECTION 1938.** 71.01 (6) (n) of the statutes is amended to read:

10 **71.01 (6) (n)** For taxable years that begin after December 31, 1998, and before
11 January 1, 2000, for natural persons and fiduciaries, except fiduciaries of nuclear
12 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
13 Internal Revenue Code as amended to December 31, 1998, excluding sections 103,
14 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
15 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
16 104-188, and as amended by P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,
17 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431
18 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406
19 of P.L. 107-147, P.L. 107-181, P.L. 107-276, P.L. 108-121, excluding section 109 of
20 P.L. 108-121, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
21 of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336,
22 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-135, excluding
23 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
24 (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L.
25 109-280, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.

1 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L.
2 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.
3 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),
4 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.
5 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),
6 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.
7 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.
8 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16,
9 excluding section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections
10 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-276, P.L. 108-121,
11 excluding section 109 of P.L. 108-121, P.L. 108-311, excluding sections 306, 307, 308,
12 316, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201,
13 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L.
14 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
15 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections
16 811 and 844 of P.L. 109-280. The Internal Revenue Code applies for Wisconsin
17 purposes at the same time as for federal purposes. Amendments to the federal
18 Internal Revenue Code enacted after December 31, 1998, do not apply to this
19 paragraph with respect to taxable years beginning after December 31, 1998, and
20 before January 1, 2000, except that changes to the Internal Revenue Code made by
21 P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and
22 165 of P.L. 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134,
23 P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181,
24 P.L. 107-276, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-311,
25 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, and P.L.

1 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
2 of P.L. 108-357, P.L. 109-7, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
3 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and
4 P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, and changes that
5 indirectly affect the provisions applicable to this subchapter made by P.L. 106-36,
6 P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L.
7 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134, P.L.
8 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L.
9 107-276, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-311,
10 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, and P.L.
11 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
12 of P.L. 108-357, P.L. 109-7, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
13 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and
14 P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, apply for Wisconsin
15 purposes at the same time as for federal purposes.

16 **SECTION 1939.** 71.01 (6) (o) of the statutes is amended to read:

17 71.01 (6) (o) For taxable years that begin after December 31, 1999, and before
18 January 1, 2003, for natural persons and fiduciaries, except fiduciaries of nuclear
19 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
20 Internal Revenue Code as amended to December 31, 1999, excluding sections 103,
21 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
22 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
23 104-188, and as amended by P.L. 106-230, P.L. 106-554, excluding sections 162 and
24 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16,
25 P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301

1 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358,
2 P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121,
3 excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections
4 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, and P.L. 108-357, excluding
5 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L.
6 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
7 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections
8 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
9 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280
10 and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73,
11 P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90,
12 P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.
13 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
14 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L.
15 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
16 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.
17 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.
18 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
19 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
20 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L.
21 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
22 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218,
23 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, and
24 P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
25 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,

1 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L.
2 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
3 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections
4 811 and 844 of P.L. 109-280. The Internal Revenue Code applies for Wisconsin
5 purposes at the same time as for federal purposes. Amendments to the federal
6 Internal Revenue Code enacted after December 31, 1999, do not apply to this
7 paragraph with respect to taxable years beginning after December 31, 1999, and
8 before January 1, 2003, except that changes to the Internal Revenue Code made by
9 P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L.
10 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116,
11 P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147,
12 P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding
13 sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L.
14 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and
15 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 211, 242, 244,
16 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding
17 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
18 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to
19 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L.
20 109-280, excluding sections 811 and 844 of P.L. 109-280, and changes that indirectly
21 affect the provisions applicable to this subchapter made by P.L. 106-230, P.L.
22 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
23 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
24 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L.
25 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and

1 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218,
2 P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311,
3 and P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
4 and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308,
5 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L.
6 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
7 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections
8 811 and 844 of P.L. 109-280, apply for Wisconsin purposes at the same time as for
9 federal purposes.

10 **SECTION 1940.** 71.01 (6) (p) of the statutes is amended to read:

11 71.01 (6) (p) For taxable years that begin after December 31, 2002, and before
12 January 1, 2004, for natural persons and fiduciaries, except fiduciaries of nuclear
13 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal
14 Internal Revenue Code as amended to December 31, 2002, excluding sections 103,
15 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
16 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
17 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
18 431 of P.L. 107-16, and section sections 101 and 301 (a) of P.L. 107-147, and as
19 amended by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.
20 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201
21 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,
22 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101,
23 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, and P.L. 108-375,
24 P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
25 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections