

"D" Cont.

1 **SECTION 1761.** 50.02 (2) (d) 1. of the statutes is created to read:

2 50.02 (2) (d) 1. The method by which community-based residential facilities
3 shall make referrals to resource centers or county departments under s. 50.035 (4n)
4 and the method by which residential care apartment complexes shall make referrals
5 to resource centers under s. 50.034 (5n).

6 **SECTION 1762.** 50.02 (2) (d) 2. of the statutes is created to read:

7 50.02 (2) (d) 2. The time period for nursing homes to provide information to
8 prospective residents under s. 50.04 (2g) (a) and the time period and method by which
9 nursing homes shall make referrals to resource centers under s. 50.04 (2h) (a).

10 **SECTION 1765.** 50.033 (2r) of the statutes is repealed.

11 **SECTION 1766.** 50.033 (2s) of the statutes is repealed.

12 **SECTION 1767.** 50.033 (2t) of the statutes is repealed.

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

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

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

24 50.034 (5n) REQUIRED REFERRAL. (intro.) Subject to sub. (5p), when a residential
25 care apartment complex shall, ~~within the time period prescribed by the department~~

1 by rule, refer to a resource center under s. 46.283 a person who is seeking admission,
2 first provides written material regarding the residential care apartment complex to
3 a prospective resident who is at least 65 years of age or has developmental disability
4 or a physical disability and whose disability or condition is expected to last at least
5 90 days, the residential care apartment complex shall refer the prospective resident
6 to a resource center under s. 46.283, unless any of the following applies:

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

8 50.034 (5n) (a) For a person who ~~has received a screen~~ for whom a screening
9 for functional eligibility under s. 46.286 (1) (a) has been performed within the
10 previous 6 months, the referral under this subsection need not include performance
11 of an additional functional ~~screen~~ screening under s. 46.283 (4) (g).

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

13 50.034 (5n) (d) For a person who seeks admission or is about to be admitted on
14 a private pay basis and who waives the requirement for a financial ~~screen~~ and
15 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
16 not include performance of a financial ~~screen~~ and cost-sharing screening under s.
17 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
18 within 6 months.

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

20 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), when a
21 community-based residential facility shall, within the time period after inquiry by
22 first provides written material regarding the community-based residential facility
23 to a prospective resident that is prescribed by the department by rule, inform, the
24 community-based residential facility shall also provide the prospective resident of
25 information specified by the department concerning the services of a resource center

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

5 50.035 (4n) REQUIRED REFERRAL. (intro.) ~~Subject to sub. (4p),~~ When a
6 community-based residential facility shall, within the time period prescribed by the
7 department by rule, refer to a resource center under s. 46.283 a person who is seeking
8 admission, first provides written information regarding the community-based
9 residential facility to a prospective resident who is at least 65 years of age or has
10 developmental disability or a physical disability and whose disability or condition is
11 expected to last at least 90 days, the community-based residential facility shall refer
12 the individual to a resource center under s. 46.283 or, if the secretary has not certified
13 under s. 46.281 (3) that a resource center is available in the area of the
14 community-based residential facility to serve individuals in an eligibility group to
15 which the prospective resident belongs, to the county department that administers
16 a program under ss. 46.27 or 46.277, unless any of the following applies:

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

18 50.035 (4n) (a) For a person who has received a screen for whom a screening
19 for functional eligibility under s. 46.286 (1) (a) has been performed within the
20 previous 6 months, the referral under this subsection need not include performance
21 of an additional functional ~~screen~~ screening under s. 46.283 (4) (g).

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

23 50.035 (4n) (d) For a person who seeks admission or is about to be admitted on
24 a private pay basis and who waives the requirement for a financial screen and
25 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may

1 not include performance of a financial ~~screen~~ and cost-sharing screening under s.
2 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
3 within 6 months.

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

5 50.035 (4p) APPLICABILITY. ~~Subsections Subsection (4m) and (4n) apply~~ applies
6 only if the secretary has certified under s. 46.281 (3) that a resource center is
7 available for the community-based residential facility and for specified groups of
8 eligible individuals that include those persons seeking admission to or the residents
9 of the community-based residential facility.

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

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

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

13 50.04 (2g) (a) Subject to sub. (2i), a nursing home shall, within the time period
14 after inquiry by a prospective resident that is prescribed by the department by rule,
15 inform the prospective resident of the services of a resource center under s. 46.283,
16 the family care benefit under s. 46.286, and the availability of a functional screening
17 and ~~a financial screen~~ and cost-sharing screening to determine the prospective
18 resident's eligibility for the family care benefit under s. 46.286 (1).

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

20 50.04 (2h) (a) 1. For a person ~~who has received a screen~~ for whom a screening
21 for functional eligibility under s. 46.286 (1) (a) has been performed within the
22 previous 6 months, the referral under this paragraph need not include performance
23 of an additional functional ~~screen~~ screening under s. 46.283 (4) (g).

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

1 50.04 (2h) (a) 4. For a person who seeks admission or is about to be admitted
2 on a private pay basis and who waives the requirement for a financial ~~screen~~ and
3 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
4 not include performance of a financial ~~screen~~ and cost-sharing screening under s.
5 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
6 within 6 months.

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

8 50.06 (7) An individual who consents to an admission under this section may
9 request that an assessment be conducted for the incapacitated individual under the
10 long-term support community options program under s. 46.27 (6) or, if the secretary
11 has certified under s. 46.281 (3) that a resource center is available for the individual,
12 a functional screening and a financial ~~screen~~ and cost-sharing screening to
13 determine eligibility for the family care benefit under s. 46.286 (1). If admission is
14 sought on behalf of the incapacitated individual or if the incapacitated individual is
15 about to be admitted on a private pay basis, the individual who consents to the
16 admission may waive the requirement for a financial ~~screen~~ and cost-sharing
17 screening under s. 46.283 (4) (g), unless the incapacitated individual is expected to
18 become eligible for medical assistance within 6 months.

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

20 50.135 (3) EXEMPTION. The inpatient health care facilities under ss. 45.50,
21 48.62, 51.05, 51.06, 233.40, 233.41, ~~233.42~~ and 252.10 are exempt from this section.

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

23 50.14 (2) (intro.) For the privilege of doing business in this state, there is
24 imposed on all licensed beds of a facility an assessment ~~that may not exceed \$445 per~~
25 ~~calendar month per licensed bed of an intermediate care facility for the mentally~~

1 ~~retarded and an assessment that may not exceed \$75 in the following amount per~~
2 ~~calendar month per licensed bed of a nursing home.~~ the facility:

3 **(2g)** The assessment moneys collected under this section shall be deposited in
4 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
5 Medical Assistance trust fund.

6 **(2r)** In determining the number of licensed beds, all of the following apply:

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

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

9 50.14 (2) (am) For nursing homes, an amount not to exceed \$127.

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

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

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

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

18 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
19 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.
20 The department may reduce the assessment amount during a state fiscal year to
21 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.
22 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate
23 care facilities for the mentally retarded for the fiscal year.

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

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

✓ quarterly

✓ an annual

1 **50.375 Assessment.** (1) Except as provided in subs. (2) and (7), for the
2 privilege of doing business in this state, there is imposed on each hospital a quarterly
3 assessment, based on the hospital's gross patient revenue that each hospital shall
4 pay before December 1, March 1, June 1, and September 1 of each year, beginning
5 with the payment due before December 1, 2007, and ending with the payment due
6 before September 1, 2009. The assessments shall be deposited into the hospital
7 assessment fund.

8 (2) At the discretion of the department, a hospital that is unable timely to make
9 a payment by a date specified under sub. (1) may be allowed to make a delayed
10 payment. A determination by the department that a hospital may not make a
11 delayed payment under this subsection is final and is not subject to review under ch.
12 227.

13 (3) The amount of each hospital's assessment shall be based on the ~~data~~
14 information that shall be provided to the department under s. 153.46 (5) or shall be
15 based on any other source that is approved in the state plan for services under 42
16 USC 1396.

17 (4) The department shall verify the amount of each hospital's gross patient
18 revenue and shall determine the amount of the assessment owed by each hospital
19 based on a uniform rate that is applicable to total gross revenue that the department
20 estimates will yield the amounts specified in the appropriation schedule under s.
21 20.005 (3) for the appropriation accounts under s. 20.435 (4) (xc) and (xd).

22 (5) The department shall levy, enforce, and collect the assessments under this
23 section and shall develop and distribute forms necessary for these purposes.

24 (6) If the department determines that any portion of the revenue needed to
25 provide Medical Assistance payment increases for inpatient and outpatient hospital

patient ✓

1 services as fee for service or through health maintenance organizations is not eligible
2 for federal financial participation, the department will refund that amount of
3 revenue to hospitals in proportion to each hospital's payment of the assessment.

4 (7) This section does not apply to a critical access hospital, as defined in s. 50.33
5 (1g), or to an institution for mental diseases, as defined in s. 46.011 (1m).

6 **SECTION 1808.** 50.38[✓] of the statutes is repealed.

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

8 50.49 (6m) (am) An entity with which a care management organization, as
9 defined in s. 46.2805 (1), contracts for care management services under s. 46.284 (4)
10 (d), for purposes of providing the contracted services.

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

12 50.498 (1m) If an individual who applies for a certificate of approval, license
13 or provisional license under sub. (1) does not have a social security number, the
14 individual, as a condition of obtaining the certificate of approval, license or
15 provisional license, shall submit a statement made or subscribed under oath or
16 affirmation to the department that the applicant does not have a social security
17 number. The form of the statement shall be prescribed by the department of
18 ~~workforce development~~ children and families. A certificate of approval, license or
19 provisional license issued in reliance upon a false statement submitted under this
20 subsection is invalid.

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

22 51.032 (1m) If an individual who applies for a certification or approval under
23 sub. (1) does not have a social security number, the individual, as a condition of
24 obtaining the certification or approval, shall submit a statement made or subscribed
25 under oath or affirmation to the department that the applicant does not have a social

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

2 50.14 (2m) Prior to each state fiscal year, the department shall calculate the
3 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.
4 The department may reduce the assessment amount during a state fiscal year to
5 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.
6 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate
7 care facilities for the mentally retarded for the fiscal year.

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

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

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

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

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

21 (B) 8 (4) Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
22 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under
23 subch. III of ch. 77, apply to the assessment under this section, except that the

24 amount of any assessment collected under sub. (1) shall be deposited in the health
25 care quality fund. hospital assessment ✓

(end ins)

1 security number. The form of the statement shall be prescribed by the department
2 of ~~workforce development~~ children and families. A certification or approval issued
3 in reliance upon a false statement submitted under this subsection is invalid.

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

5 **51.038 Outpatient mental health clinic certification.** Except as provided
6 in s. 51.032, if a facility that provides mental health services on an outpatient basis
7 holds current accreditation from the council on accreditation of services for families
8 and children, the department may accept evidence of this accreditation as equivalent
9 to the standards established by the department, for the purpose of certifying the
10 facility for the receipt of funds for services provided as a benefit to a medical
11 assistance recipient under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k), a community aids
12 funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

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

14 **51.04 Treatment facility certification.** Except as provided in s. 51.032, any
15 treatment facility may apply to the department for certification of the facility for the
16 receipt of funds for services provided as a benefit to a medical assistance recipient
17 under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k) or to a community aids funding recipient
18 under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The
19 department shall annually charge a fee for each certification.

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

21 51.15 (9) NOTICE OF RIGHTS. At the time of detention the individual shall be
22 informed by the director of the facility or such person's designee, both orally and in
23 writing, of his or her right to contact an attorney and a member of his or her
24 immediate family, the right to have an attorney provided at public expense, as
25 provided under s. 967.06 and ch. 977, ~~if the individual is a child or is indigent,~~ 51.60,

1 and the right to remain silent and that the individual's statements may be used as
2 a basis for commitment. The individual shall also be provided with a copy of the
3 statement of emergency detention.

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

5 51.20 (3) LEGAL COUNSEL. At the time of the filing of the petition the court shall
6 assure that the subject individual is represented by adversary counsel.—If the
7 individual claims or appears to be indigent, the court shall refer the person to the
8 authority for indigency determinations specified under s. 977.07 (1). If the
9 individual is a child, the court shall refer that child by referring the individual to the
10 state public defender, who shall appoint counsel for the child individual without a
11 determination of indigency, as provided in s. ~~48.23 (4)~~ 51.60.

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

13 51.20 (18) (c) Expenses of the proceedings from the presentation of the
14 statement of emergency detention or petition for commitment to the conclusion of the
15 proceeding shall be allowed by the court and paid by the county from which the
16 subject individual is detained, committed, or released, in the manner that the
17 expenses of a criminal prosecution are paid, as provided in s. 59.64 (1). ~~Payment of~~
18 ~~attorney fees for appointed attorneys in the case of children and indigents shall be~~
19 ~~in accordance with ch. 977.~~

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

21 51.30 (4) (b) 27. For the purpose of entering information concerning the subject
22 individual into the statewide automated child welfare information system
23 established under s. ~~46.03~~ 48.47 (7g).

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

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

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

11 51.35 (1) (e) 2. c. The patient's right to have counsel provided at public expense,
12 as provided under s. ~~967.06 and ch. 977, if the patient is a child or is indigent~~ 51.60.

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

14 51.42 (3) (as) 1. A county department of community programs shall authorize
15 all care of any patient in a state, local, or private facility under a contractual
16 agreement between the county department of community programs and the facility,
17 unless the county department of community programs governs the facility. The need
18 for inpatient care shall be determined by the program director or designee in
19 consultation with and upon the recommendation of a licensed physician trained in
20 psychiatry and employed by the county department of community programs or its
21 contract agency. In cases of emergency, a facility under contract with any county
22 department of community programs shall charge the county department of
23 community programs having jurisdiction in the county where the patient is found.
24 The county department of community programs shall reimburse the facility for the
25 actual cost of all authorized care and services less applicable collections under s.

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

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

16 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
17 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)
18 (c) and 938.78 (2) (a), any subunit of a county department of community programs
19 or tribal agency acting under this section may exchange confidential information
20 about a client, without the informed consent of the client, with any other subunit of
21 the same county department of community programs or tribal agency, with a
22 resource center, a care management organization, or a ~~family~~ long-term care
23 district, or with any person providing services to the client under a purchase of
24 services contract with the county department of community programs or tribal
25 agency or with a resource center, care management organization, or ~~family~~

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

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

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

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

1 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
2 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), any
3 subunit of a county department of developmental disabilities services or tribal
4 agency acting under this section may exchange confidential information about a
5 client, without the informed consent of the client, with any other subunit of the same
6 county department of developmental disabilities services or tribal agency, with a
7 resource center, a care management organization, or a family long-term care
8 district, or with any person providing services to the client under a purchase of
9 services contract with the county department of developmental disabilities services
10 or tribal agency or with a resource center, a care management organization, or a
11 family long-term care district, if necessary to enable an employee or service provider
12 to perform his or her duties, or to enable the county department of developmental
13 disabilities services or tribal agency to coordinate the delivery of services to the
14 client. Any agency releasing information under this paragraph shall document that
15 a request was received and what information was provided.

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

17 51.437 (4rm) (a) A county department of developmental disabilities services
18 shall authorize all care of any patient in a state, local, or private facility under a
19 contractual agreement between the county department of developmental disabilities
20 services and the facility, unless the county department of developmental disabilities
21 services governs the facility. The need for inpatient care shall be determined by the
22 program director or designee in consultation with and upon the recommendation of
23 a licensed physician trained in psychiatry and employed by the county department
24 of developmental disabilities services or its contract agency prior to the admission
25 of a patient to the facility except in the case of emergency services. In cases of

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

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

21 51.437 (14) (i) Ensure that the matching-funds requirement for the state
22 developmental disabilities councils grant, as received from the federal department
23 of health and human services, is met by reporting to the federal department of health
24 and human services expenditures made for the provision of developmental
25 disabilities services under the basic county allocation distributed under s. 46.40 (2). ✓

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

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

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

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

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

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

19 51.45 (13) (b) 2. Assure that the person is represented by counsel and, ~~if the~~
20 ~~person claims or appears to be indigent, refer the person to the authority for~~
21 ~~indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer~~
22 ~~that child~~ by referring the person to the state public defender, who shall appoint
23 counsel for the ~~child~~ person without a determination of indigency, as provided in s.
24 ~~48.23 (4)~~ 51.60. The person shall be represented by counsel at the preliminary

1 hearing under par. (d). The person may, with the approval of the court, waive his or
2 her right to representation by counsel at the full hearing under par. (f).

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

4 51.45 (13) (d) Whenever it is desired to involuntarily commit a person, a
5 preliminary hearing shall be held under this paragraph. The purpose of the
6 preliminary hearing shall be to determine if there is probable cause for believing that
7 the allegations of the petition under par. (a) are true. The court shall assure that the
8 person shall be is represented by counsel at the preliminary hearing and, if the
9 person is a child or is indigent, by referring the person to the state public defender,
10 who shall appoint counsel shall timely be appointed at public expense, as provided
11 in s. 967.06 and ch. 977 for the person without a determination of indigency, as
12 provided in s. 51.60. Counsel shall have access to all reports and records, psychiatric
13 and otherwise, which have been made prior to the preliminary hearing. The person
14 shall be present at the preliminary hearing and shall be afforded a meaningful
15 opportunity to be heard. Upon failure to make a finding of probable cause under this
16 paragraph, the court shall dismiss the petition and discharge the person from the
17 custody of the county department.

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

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

1 apply to recommitment hearings under this paragraph. At the recommitment
2 hearing, the court shall proceed as provided under pars. (f) and (g).

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

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

5 **51.60 Appointment of counsel. (1) ADULTS.** (a) In any situation under this
6 chapter in which an adult individual has a right to be represented by counsel, the
7 individual shall be referred as soon as practicable to the state public defender, who
8 shall appoint counsel for the individual under s. 977.08 without a determination of
9 indigency.

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

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

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

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

19 **51.605 Reimbursement for counsel provided by the state. (1) INQUIRY.**
20 At or after the conclusion of a proceeding under this chapter in which the state public
21 defender has provided counsel for an adult individual, the court may inquire as to
22 the individual's ability to reimburse the state for the costs of representation. If the
23 court determines that the individual is able to make reimbursement for all or part
24 of the costs of representation, the court may order the individual to reimburse the
25 state an amount not to exceed the maximum amount established by the public

1 defender board under s. 977.075 (4). Upon the court's request, the state public
2 defender shall conduct a determination of indigency under s. 977.07 and report the
3 results of the determination to the court.

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

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

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

16 51.62 (3m) FUNDING. From the appropriation under s. 20.435 (7) (md), the
17 department ~~may not~~ shall distribute ~~more than~~ \$75,000 in each fiscal year to the
18 protection and advocacy agency for performance of community mental health
19 protection and advocacy services.

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

21 55.10 (4) (a) *Counsel; costs.* The individual sought to be protected has the right
22 to counsel whether or not the individual is present at the hearing on the petition.
23 The court shall require representation by full legal counsel whenever the petition
24 alleges that the individual is not competent to refuse psychotropic medication under
25 s. 55.14, the individual sought to be protected requested such representation at least

1 72 hours before the hearing, the guardian ad litem or any other person states that
2 the individual sought to be protected is opposed to the petition, or the court
3 determines that the interests of justice require it. If the individual sought to be
4 protected or any other person on his or her behalf requests but is unable to obtain
5 legal counsel, the court shall ~~appoint~~ refer the individual to the state public defender
6 as provided under s. 55.105 for appointment of legal counsel. ~~Counsel shall be~~
7 ~~provided at public expense, as provided under s. 967.06 and ch. 977, if the individual~~
8 ~~is indigent. If the individual sought to be protected is an adult who is indigent, and~~
9 ~~if counsel was not appointed under s. 977.08, the county in which the hearing is held~~
10 ~~is liable for any fees due the individual's legal counsel.~~ If the individual sought to
11 be protected is represented by counsel appointed under s. 977.08 in a proceeding for
12 the appointment of a guardian under s. ~~880.33~~ ch. 54, the court shall order the
13 counsel appointed under s. 977.08 to represent under this section the individual
14 sought to be protected.

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

16 **55.105 Appointment of counsel.** (1) In any situation under this chapter in
17 which an adult individual has a right to be represented by legal counsel, the
18 individual shall be referred as soon as practicable to the state public defender, who
19 shall appoint counsel for the individual under s. 977.08 without a determination of
20 indigency.

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

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

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

5 **55.107 Reimbursement of counsel provided by the state.** (1) At or after
6 the conclusion of a proceeding under this chapter in which the state public defender
7 has provided legal counsel for an adult individual, the court may inquire as to the
8 individual's ability to reimburse the state for the costs of representation. If the court
9 determines that the individual is able to make reimbursement for all or part of the
10 costs of representation, the court may order the individual to reimburse the state an
11 amount not to exceed the maximum amount established by the public defender board
12 under s. 977.075 (4). Upon the court's request, the state public defender shall
13 conduct a determination of indigency under s. 977.07 and report the results of the
14 determination to the court.

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

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

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

2 55.135 (1) If, ~~upon a credible report to or~~, from personal observation of, or a
3 reliable report made by a person who identifies himself or herself to, a sheriff, police
4 officer, fire fighter, guardian, if any, or authorized representative of a county
5 department or an agency with which it contracts under s. 55.02 (2), it appears
6 probable that an individual is so totally incapable of providing for his or her own care
7 or custody as to create a substantial risk of serious physical harm to himself or herself
8 or others as a result of developmental disabilities, degenerative brain disorder,
9 serious and persistent mental illness, or other like incapacities if not immediately
10 placed, the individual ~~under this paragraph who received the credible report or who~~
11 personally made the observation or to whom the report is made may take into custody
12 and transport the individual to an appropriate medical or protective placement
13 facility. The person making emergency protective placement shall prepare a
14 statement at the time of detention providing specific factual information concerning
15 the person's observations or reports made to the person and the basis for emergency
16 placement. The statement shall be filed with the director of the facility and with any
17 petition under s. 55.075. At the time of emergency protective placement the
18 individual shall be informed by the director of the facility or the director's designee,
19 orally and in writing, of his or her right to contact an attorney and a member of his
20 or her immediate family and the right to have an attorney provided at public
21 expense, as provided under ~~s. 967.06 and ch. 977~~, if the individual is a minor or is
22 indigent ~~s. 55.105~~. The director or designee shall also provide the individual with
23 a copy of the statement by the person making emergency protective placement.

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

1 55.14 (7) Upon the filing of a petition under this section, the court shall ~~appoint~~
2 make a referral for appointment of legal counsel as provided under s. 55.105. A
3 petition under this section shall be heard ~~under s. 55.10 (4) (a) s. 55.06~~ within 30 days
4 after it is filed.

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

6 55.15 (7) (cm) The court shall ~~appoint counsel for~~ refer the individual under
7 protective placement for appointment of legal counsel as provided under s. 55.105 if
8 the individual, the individual's guardian ad litem, or anyone on the individual's
9 behalf requests that counsel be appointed for the individual.

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

11 55.18 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
12 ~~and, if the individual appears to be indigent, refer him or her to the authority for~~
13 ~~indigency determinations under s. 977.07 (1) for~~ appointment of legal counsel under
14 s. 55.105 if any of the following apply:

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

16 55.19 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
17 ~~and, if the individual appears to be indigent, refer him or her to the authority for~~
18 ~~indigency determinations under s. 977.07 (1) for~~ appointment of legal counsel under
19 s. 55.105 if any of the following apply:

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

21 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
22 rules of the department of ~~workforce development~~ children and families under s.
23 49.78 (4) to (7) relating to employees administering old-age assistance, aid to
24 families with dependent children, aid to the blind, or aid to totally and permanently
25 disabled persons or ss. 63.01 to 63.17.

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

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

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

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

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

20 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for
21 promoting and assisting any community action agency under s. 46.30 ~~49.265~~.

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

23 59.53 (5) (a) The board shall contract with the department of ~~workforce~~
24 ~~development~~ children and families to implement and administer the child and
25 spousal support and establishment of paternity and the medical support liability

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

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

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

1 as necessary to provide the services required under the programs. The county shall
2 charge the fee established by the department of children and families under s. 49.22
3 for services provided under this paragraph to persons not receiving benefits under
4 s. 49.148 or 49.155 or assistance under s. 48.645, 49.19, ~~or 49.46, 49.465, 49.47,~~
5 49.471, or 49.472.

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

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

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

18 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
19 of this section, the location of a community living arrangement for adults, as defined
20 in 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 municipality,
23 shall be subject to the following criteria:

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

1 59.69 (15) (c) ~~Where~~ If the community living arrangement has capacity for 8
2 or fewer persons being served by the program, meets the criteria listed in pars. (a)
3 and (b), and is licensed, operated, or permitted under the authority of the department
4 of health and family services or the department of children and families, that facility
5 is entitled to locate in any residential zone, without being required to obtain special
6 zoning permission except as provided in par. (i).

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

8 59.69 (15) (d) ~~Where~~ If the community living arrangement has capacity for 9
9 to 15 persons being served by the program, meets the criteria listed in pars. (a) and
10 (b), and is licensed, or operated, or permitted under the authority of the department
11 of health and family services or the department of children and families, the facility
12 is entitled to locate in any residential area except areas zoned exclusively for
13 single-family or 2-family residences, except as provided in par. (i), but is entitled to
14 apply for special zoning permission to locate in those areas. The municipality may
15 grant special zoning permission at its discretion and shall make a procedure
16 available to enable such facilities to request such permission.

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

18 59.69 (15) (e) ~~Where~~ If the community living arrangement has capacity for
19 serving 16 or more persons, meets the criteria listed in pars. (a) and (b), and is
20 licensed, operated, or permitted under the authority of the department of health and
21 family services or the department of children and families, that facility is entitled to
22 apply for special zoning permission to locate in areas zoned for residential use. The
23 municipality may grant special zoning permission at its discretion and shall make
24 a procedure available to enable such facilities to request such permission.

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

1 59.69 (15) (f) The department of health and family services shall designate a
2 single subunit within ~~the~~ that department to maintain appropriate records
3 indicating the location and the capacity of each community living arrangement for
4 adults, and the information shall be available to the public. The department of
5 children and families shall designate a single subunit within that department to
6 maintain appropriate records indicating the location and the capacity of each
7 community living arrangement for children, and the information shall be available
8 to the public.

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

10 59.69 (15) (h) The attorney general shall take action, upon the request of the
11 department of health and family services or the department of children and families,
12 to enforce compliance with this subsection.

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

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

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

2 **60.63 Community and other living arrangements.** (intro.) For purposes
3 of s. 60.61, the location of a community living arrangement for adults, as defined in
4 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
5 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
6 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any town shall
7 be subject to the following criteria:

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

9 **60.63 (4)** If the community living arrangement has capacity for 8 or fewer
10 persons being served by the program, meets the criteria listed in subs. (1) and (2),
11 and is licensed, operated, or permitted under the authority of the department of
12 health and family services or the department of children and families, the
13 community living arrangement is entitled to locate in any residential zone, without
14 being required to obtain special zoning permission except as provided under sub.
15 (10).

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

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

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

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

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

10 60.63 (7) The department of health and family services shall designate a single
11 subunit within ~~the~~ that department to maintain appropriate records indicating the
12 location and the capacity of each community living arrangement for adults, and such
13 information shall be available to the public. The department of children and families
14 shall designate a single subunit within that department to maintain appropriate
15 records indicating the location and the capacity of each community living
16 arrangement for children, and such information shall be available to the public.

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

18 60.63 (9) The attorney general shall take all necessary action, upon the request
19 of the department of health and family services or the department of children and
20 families, to enforce compliance with this section.

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

22 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
23 of this section, the location of a community living arrangement for adults, as defined
24 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
25 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in

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

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

4 62.23 (7) (i) 3. In all cases where the community living arrangement has
5 capacity for 8 or fewer persons being served by the program, meets the criteria listed
6 in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the
7 department of health and family services or the department of children and families,
8 that facility is entitled to locate in any residential zone, without being required to
9 obtain special zoning permission except as provided in subd. 9.

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

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

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

21 62.23 (7) (i) 5. In all cases where the community living arrangement has
22 capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2.,
23 and is licensed, operated, or permitted under the authority of the department of
24 health and family services or the department of children and families, that facility
25 is entitled to apply for special zoning permission to locate in areas zoned for

1 residential use. The city may grant such special zoning permission at its discretion
2 and shall make a procedure available to enable such facilities to request such
3 permission.

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

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

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

14 62.23 (7) (i) 8. The attorney general shall take all necessary action, upon the
15 request of the department of health and family services or the department of children
16 and families, to enforce compliance with this paragraph.

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

18 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any city, village,
19 town, or county may purchase health or dental insurance for unemployed persons
20 residing in the city, village, town, or county who are not eligible for medical
21 assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471 (4) (a) or (b).

22 **SECTION 1874c.** 66.0137 (4) of the statutes is amended to read:

23 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
24 a village provides health care benefits under its home rule power, or if a town
25 provides health care benefits, to its officers and employees on a self-insured basis,

1 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
2 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5),
3 and (6), 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.513 (4).

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

5 66.0203 (11) TOWN OF LEDGEVIEW IN BROWN COUNTY MAY BECOME A VILLAGE. (a)
6 The town of Ledgeview, in Brown County, may become a village if the town holds, and
7 approves, an incorporation referendum as described in s. 66.0211 (3). None of the
8 other procedures contained in ss. 66.0201 to 66.0213 need to be fulfilled, and no
9 approval by the department's incorporation review board under s. 66.0207 is
10 necessary for the town to become a village.

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

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

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

17 66.0229 (1) (title) GENERAL PROCEDURES.

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

19 66.0229 (2) TOWN OF ROCHESTER IN RACINE COUNTY AND THE VILLAGE OF
20 ROCHESTER MAY CONSOLIDATE. The town of Rochester, in Racine County, and the
21 village of Rochester may consolidate if all of the procedures contained sub. (1) are
22 fulfilled, except that the consolidation ordinance need not be submitted to the circuit
23 court for a determination and the department of administration for a public interest
24 finding, as otherwise required, and the consolidation may be completed without any
25 circuit court determination or department of administration findings.

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

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

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

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

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

21 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family
22 long-term care district under s. 46.2895 or agency or subdivision of a city, village or
23 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic
24 or other medical facility for the performance of an abortion except those permitted
25 under and which are performed in accordance with s. 20.927.

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

2 66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,
3 village, town, family long-term care district under s. 46.2895 or agency or
4 subdivision of a city, village or town may authorize payment of funds for a grant,
5 subsidy or other funding involving a pregnancy program, project or service if s.
6 20.9275 (2) applies to the pregnancy program, project or service.

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

8 66.0602 (1) (am) "Joint fire department" means a joint fire department
9 organized under s. 61.65 (2) (a) 3. or 62.13 (2m), or a joint fire department organized
10 by any combination of 2 or more cities, villages, or towns under s. 66.0301 (2).

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

12 66.0602 (1) (b) "Penalized excess" means the levy, in an amount that is at least
13 \$500 over the limit under sub. (2) for the political subdivision, not including any
14 amount that is excepted from the limit under subs. (3), (4), and (5).

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

16 66.0602 (1) (d) "Valuation factor" means a percentage equal to the greater of
17 either 4 percent or the percentage change in the political subdivision's January 1
18 equalized value due to new construction less improvements removed between the
19 previous year and the current year, but not less than 2. ~~Except as provided in subs.~~
20 ~~(3), (4), and (5), no political subdivision may increase its levy in any year by a~~
21 ~~percentage that exceeds the political subdivision's valuation factor. In determining~~
22 ~~its levy in any year, a city, village, or town shall subtract any tax increment that is~~
23 ~~calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

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

1 66.0602 (2) LEVY LIMIT. Except as provided in subs. (3), (4), and (5), no political
2 subdivision may increase its levy in 2007 or 2008 by a percentage that exceeds the
3 political subdivision's valuation factor. The base amount in any year, to which the
4 limit under this section applies, shall be the maximum allowable levy for the
5 immediately preceding year. In determining its levy in any year, a city, village, town,
6 or county shall subtract any tax increment that is calculated under s. 59.57 (3) (a),
7 60.85 (1) (L), or 66.1105 (2) (i).

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

10 66.0602 (3) (e) (intro.) The limit otherwise applicable under this section does
11 not apply to ~~the amount that a county levies in that year for a county children with~~
12 ~~disabilities education board.~~ any of the following:

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

14 66.0602 (3) (e) 1. The amount that a county levies in that year for a county
15 children with disabilities education board.

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

17 66.0602 (3) (e) 2. The amount that a 1st class city levies in that year for school
18 purposes.

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

20 66.0602 (3) (e) 3. The amount that a county levies in that year under s. 82.08
21 (2) for bridge and culvert construction and repair.

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

23 66.0602 (3) (e) 4. The amount that a county levies in that year to make
24 payments to public libraries under s. 43.12.

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

1 66.0602 (3) (e) 5. The amount that a political subdivision levies in that year to
2 make up any revenue shortfall for the debt service on a revenue bond issued under
3 s. 66.0621.

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

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

6 66.0602 (3) (h) 1. Subject to subd. 2., the limit otherwise applicable under this
7 section does not apply to the amount that a city, village, or town levies in that year
8 to pay for charges assessed by a joint fire department ~~organized under s. 61.65 (2)~~
9 ~~(a) 3. or 62.13 (2m)~~, but only to the extent that the amount levied to pay for such
10 charges would cause the city, village, or town to exceed the limit that is otherwise
11 applicable under this section.

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

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

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

1 66.0602 (4) (d) Within 14 days after the referendum, the clerk of the political
2 subdivision shall certify the results of the referendum to the department of revenue.
3 The levy increase limit otherwise applicable to the political subdivision under this
4 section is increased in the next fiscal year by the percentage approved by a majority
5 of those voting on the question. If the resolution specifies that the increase is for one
6 year only, the amount of the increase shall be subtracted from the base used to
7 calculate the limit for the 2nd succeeding fiscal year.

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

9 66.0602 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than
10 2,000 may exceed the levy increase limit otherwise applicable under this section to
11 the town if the town board adopts a resolution supporting an increase and places the
12 question on the agenda of an annual town meeting or a special town meeting and if
13 the annual or special town meeting adopts a resolution endorsing the town board's
14 resolution. The limit otherwise applicable to the town under this section is increased
15 in the next fiscal year by the percentage approved by a majority of those voting on
16 the question. Within 14 days after the adoption of the resolution, the town clerk shall
17 certify the results of the vote to the department of revenue.

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

19 66.0602 (6) PENALTIES. (intro.) If Except as provided in sub. (6m), if the
20 department of revenue determines that a political subdivision has a penalized excess
21 in any year, the department of revenue shall do all of the following:

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

23 66.0602 (6) (c) Ensure that the amount of the penalized excess is not included
24 in determining the limit described under sub. (2) for the political subdivision for the
25 following year.

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

2 66.0602 **(6)** (d) Ensure that, if a political subdivision's penalized excess exceeds
3 the amount of aid payment that may be reduced under par. (a), the excess amount
4 is subtracted from the aid payments under par. (a) in the following years until the
5 total amount of penalized excess is subtracted from the aid payments.

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

7 66.0602 **(6m)** MISTAKES IN LEVIES. The department of revenue may issue a
8 finding that a political subdivision is not liable for a penalty that would otherwise
9 be imposed under sub. (6) if the department determines that the political
10 subdivision's penalized excess is caused by one of the following clerical errors:

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

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

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

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

20 66.0615 **(1m)** (e) 3. A district adopting a resolution to impose the taxes under
21 subd. 1. or 2. shall deliver a certified copy of the resolution to the secretary of revenue
22 at least 120 days before its effective date.

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

24 66.0615 **(1m)** (f) 2. Sections 77.51 (12m), (14) ~~(e), (f) and (j)~~ and, (14g), (15a),
25 and (15b), 77.52 (3), (4), ~~(6)~~ and (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m),

1 and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), and (12) to ~~(14)~~ (15), and
2 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax described
3 under subd. 1.

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

5 66.1017 (1) (a) "Family day care home" means a dwelling licensed as a day care
6 center by the department of health and family services children and families under
7 s. 48.65 where care is provided for not more than 8 children.

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

9 69.14 (1) (cm) *Information concerning paternity.* For a birth which occurs en
10 route to or at a hospital, the filing party shall give the mother a copy of the pamphlet
11 under s. 69.03 (14). If the child's parents are not married at the time of the child's
12 birth, the filing party shall give the mother a copy of the form prescribed by the state
13 registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained,
14 designated hospital staff provide to the child's available parents oral information or
15 an audio or video presentation and written information about the form and the
16 significance and benefits of, and alternatives to, establishing paternity, before the
17 parents sign the form. The filing party shall also provide an opportunity to complete
18 the form and have the form notarized in the hospital. If the mother provides a
19 completed form to the filing party while she is a patient in the hospital and within
20 5 days after the birth, the filing party shall send the form directly to the state
21 registrar. The department of ~~workforce development~~ children and families shall pay
22 the filing party a financial incentive for correctly filing a form within 60 days after
23 the child's birth.

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

1 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
2 a statement acknowledging paternity on a form prescribed by the state registrar and
3 signed by both parents, and by a parent or legal guardian of any parent who is under
4 the age of 18 years, along with the fee under s. 69.22, the state registrar shall insert
5 the name of the father under subd. 1. The state registrar shall mark the certificate
6 to show that the form is on file. The form shall be available to the department of
7 ~~workforce development~~ children and families or a county child support agency under
8 s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other
9 person with a direct and tangible interest in the record. The state registrar shall
10 include on the form for the acknowledgment the information in s. 767.805 and the
11 items in s. 767.813 (5g).

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

13 69.20 (3) (f) The state or a local registrar may disclose a social security number
14 on a vital record to the department of ~~workforce development~~ children and families
15 or a county child support agency under s. 59.53 (5) in response to a request under s.
16 49.22 (2m).

17 **SECTION 1918g.** 69.22 (1) (a) of the statutes is amended to read:

18 69.22 (1) (a) Except as provided under par. (c), \$7 ~~\$20~~ for issuing one certified
19 copy of a vital record and \$3 for any additional certified copy of the same vital record
20 issued at the same time.

21 **SECTION 1918h.** 69.22 (1) (a) of the statutes, as affected by 2007 Wisconsin Act
22 (this act), is amended to read:

23 69.22 (1) (a) Except as provided under par. (c), ~~\$20~~ \$7 for issuing one certified
24 copy of a vital record and \$3 for any additional certified copy of the same vital record
25 issued at the same time.