



1 **SECTION 1739.** 49.857 (3) (bm) of the statutes is amended to read:
2 49.857 (3) (bm) If an individual, after receiving notice under par. (b), does not
3 satisfy the requirements under the subpoena or warrant, the department of
4 workforce development shall place the individual's name on a certification list.

5 **SECTION 1740.** 49.857 (3) (c) (intro.) of the statutes is amended to read:
6 49.857 (3) (c) (intro.) If the department of ~~workforce development~~ children and
7 families provides a certification list to a licensing authority, a licensing agency or,
8 with respect to a credential granted by a credentialing board, the department of
9 regulation and licensing, upon receipt of the list the licensing authority if the
10 licensing authority agrees, the licensing agency or, with respect to a credential
11 granted by a credentialing board, the department of regulation and licensing shall
12 do all of the following:

13 **SECTION 1741.** 49.857 (3) (d) 1. of the statutes is amended to read:
14 49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of
15 delinquent support, is denied a license or whose license, on the basis of delinquent
16 support, is restricted, limited, suspended, or refused renewal or revalidation under
17 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent
18 amount of support in full or makes satisfactory alternative payment arrangements,
19 the department of ~~workforce development~~ children and families shall immediately
20 notify the licensing authority or licensing agency to issue or reinstate the individual's
21 license as provided in the memorandum of understanding. If the individual held or
22 applied for a credential granted by a credentialing board, the department of
23 regulation and licensing shall, upon notice by the department of ~~workforce~~
24 development children and families, notify the credentialing board to grant or
25 reinstate the individual's credential.

1 **SECTION 1742.** 49.857 (3) (d) 2. of the statutes is amended to read:

2 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
3 failure to comply with a subpoena or warrant, is denied a license or whose license,
4 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
5 suspended, or refused renewal or revalidation under a memorandum of
6 understanding entered into under sub. (2) (b) satisfies the requirements under the
7 subpoena or warrant, the department of ~~workforce development~~ children and
8 families shall immediately notify the licensing authority or licensing agency to issue
9 or reinstate the individual's license as provided in the memorandum of
10 understanding. If the individual held or applied for a credential granted by a
11 credentialing board, the department of regulation and licensing shall, upon notice
12 by the department of ~~workforce development~~ children and families, notify the
13 credentialing board to grant or reinstate the individual's credential.

14 **SECTION 1743.** 49.857 (4) of the statutes is amended to read:

15 49.857 (4) Each licensing agency shall enter into a memorandum of
16 understanding with the department of ~~workforce development~~ children and families
17 under sub. (2) (b) and shall cooperate with the department of ~~workforce development~~
18 children and families in its administration of s. 49.22. The department of regulation
19 and licensing shall enter into a memorandum of understanding with the department
20 of ~~workforce development~~ children and families on behalf of a credentialing board
21 with respect to a credential granted by the credentialing board.

22 **SECTION 1744.** 49.858 (1) of the statutes is renumbered 49.858 (1) (intro.) and
23 amended to read:

24 49.858 (1) (intro.) In this section, "support":

25 (b) "Support" has the meaning given in s. 49.857 (1) (g).

1 **SECTION 1745.** 49.858 (1) (a) of the statutes is created to read:

2 49.858 (1) (a) "Department" means the department of children and families.

3 **SECTION 1746.** 49.858 (2) (intro.) of the statutes is amended to read:

4 49.858 (2) RULES. (intro.) For the procedures under this subchapter for the
5 administrative enforcement of support obligations, the department of ~~workforce~~
6 development shall promulgate rules related to all of the following:

7 **SECTION 1747.** 49.858 (3) of the statutes is amended to read:

8 49.858 (3) REVIEW OF CIRCUIT COURT COMMISSIONER DECISIONS. If a circuit court
9 commissioner conducts a hearing in any administrative support enforcement
10 proceeding under s. 49.852, 49.856 or 49.857, the department of ~~workforce~~
11 development or the obligor may, within 15 business days after the date that the
12 circuit court commissioner makes his or her decision, request review of the decision
13 by the court with jurisdiction over the matter.

14 **SECTION 1748.** 49.86 of the statutes is renumbered 49.86 (2) and amended to
15 read:

16 49.86 (2) Withdrawal or disbursement of moneys deposited in a public
17 depository, as defined in s. 34.01 (5), to the credit of the department of ~~workforce~~
18 development or any of its divisions or agencies shall be by check, share draft, or other
19 draft signed by the secretary of ~~workforce development~~ or by one or more persons in
20 the department of ~~workforce development~~ designated by written authorization of the
21 secretary of ~~workforce development~~. Such checks, share drafts, and other drafts
22 shall be signed personally or by use of a mechanical device adopted by the secretary
23 of ~~workforce development~~ or his or her designees for affixing a facsimile signature.
24 Any public depository shall be fully warranted and protected in making payment on
25 any check, share draft, or other draft bearing such facsimile signature

1 notwithstanding that the facsimile may have been placed thereon without the
2 authority of the secretary of ~~workforce development~~ or his or her designees.

3 **SECTION 1749.** 49.86 (1) of the statutes is created to read:

4 49.86 (1) In this section:

5 (a) "Department" means the department of children and families.

6 (b) "Secretary" means the secretary of children and families.

7 **SECTION 1750.** 49.89 (2) of the statutes is amended to read:

8 49.89 (2) SUBROGATION. The department of health and family services, the
9 department of ~~workforce development~~ children and families, a county, or an elected
10 tribal governing body that provides any public assistance under this chapter or
11 under s. 253.05 as a result of the occurrence of an injury, sickness, or death that
12 creates a claim or cause of action, whether in tort or contract, on the part of a public
13 assistance recipient or beneficiary or the estate of a recipient or beneficiary against
14 a 3rd party, including an insurer, is subrogated to the rights of the recipient,
15 beneficiary or estate and may make a claim or maintain an action or intervene in a
16 claim or action by the recipient, beneficiary, or estate against the 3rd party.
17 Subrogation under this subsection because of the provision of medical assistance
18 under subch. IV constitutes a lien, equal to the amount of the medical assistance
19 provided as a result of the injury, sickness, or death that gave rise to the claim. The
20 lien is on any payment resulting from a judgment or settlement that may be due the
21 obligor. A lien under this subsection continues until it is released and discharged by
22 the department of health and family services.

23 **SECTION 1751.** 49.89 (6) of the statutes is amended to read:

24 49.89 (6) DEPARTMENTS' DUTIES AND POWERS. The department of health and
25 family services and the department of ~~workforce development~~ children and families

1 shall enforce their rights under this section and may contract for the recovery of any
2 claim or right of indemnity arising under this section.

3 **SECTION 1752.** 49.89 (7) (b) of the statutes is amended to read:

4 49.89 (7) (b) The incentive payment shall be an amount equal to 15% of the
5 amount recovered because of benefits paid under s. 49.46, 49.465, 49.468 or, 49.47,
6 or 49.471. The incentive payment shall be taken from the federal share of the sum
7 recovered as provided under 42 CFR 433.153 and 433.154.

8 **SECTION 1753.** 49.89 (7) (d) 2. of the statutes is amended to read:

9 49.89 (7) (d) 2. Any county or elected tribal governing body that has made a
10 recovery under this section for which it is eligible to receive an incentive payment
11 under par. (c) shall report such recovery to the department of workforce development
12 children and families within 30 days after the end of the month in which the recovery
13 is made in a manner specified by the department of workforce development children
14 and families.

15 **SECTION 1756.** 49.90 (2) of the statutes is amended to read:

16 49.90 (2) Upon failure of these relatives to provide maintenance the authorities
17 or board shall submit to the corporation counsel a report of its findings. Upon receipt
18 of the report the corporation counsel shall, within 60 days, apply to the circuit court
19 for the county in which the dependent person under sub. (1) (a) 1. or the child of a
20 dependent person under sub. (1) (a) 2. resides for an order to compel the
21 maintenance. Upon such an application the corporation counsel shall make a
22 written report to the county department under s. 46.215, 46.22, or 46.23, with a copy
23 to the chairperson of the county board of supervisors in a county with a single-county
24 department or the county boards of supervisors in counties with a multicounty

1 department, and to the department of health and family services or the department
2 of workforce development children and families, whichever is appropriate.

3 **SECTION 1757.** 49.90 (2g) of the statutes is amended to read:

4 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a
5 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who
6 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a
7 dependent minor or the child's parent may apply to the circuit court for the county
8 in which the child resides for an order to compel the provision of maintenance. A
9 county department under s. 46.215, 46.22, or 46.23, a county child support agency
10 under s. 59.53 (5), or the department of workforce development children and families
11 may initiate an action to obtain maintenance of the child by the child's grandparent
12 under sub. (1) (a) 2., regardless of whether the child receives public assistance.

13 **SECTION 1758.** 49.90 (4) of the statutes is amended to read:

14 49.90 (4) The circuit court shall in a summary way hear the allegations and
15 proofs of the parties and by order require maintenance from these relatives, if they
16 have sufficient ability, considering their own future maintenance and making
17 reasonable allowance for the protection of the property and investments from which
18 they derive their living and their care and protection in old age, in the following
19 order: First the husband or wife; then the father and the mother; and then the
20 grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify
21 a sum which will be sufficient for the support of the dependent person under sub. (1)
22 (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be
23 paid weekly or monthly, during a period fixed by the order or until the further order
24 of the court. If the court is satisfied that any such relative is unable wholly to
25 maintain the dependent person or the child, but is able to contribute to the person's

1 support or the child's maintenance, the court may direct 2 or more of the relatives
2 to maintain the person or the child and prescribe the proportion each shall
3 contribute. If the court is satisfied that these relatives are unable together wholly
4 to maintain the dependent person or the child, but are able to contribute to the
5 person's support or the child's maintenance, the court shall direct a sum to be paid
6 weekly or monthly by each relative in proportion to ability. Contributions directed
7 by court order, if for less than full support, shall be paid to the department of health
8 and family services or the department of children and families, whichever is
9 appropriate, and distributed as required by state and federal law. An order under
10 this subsection that relates to maintenance required under sub. (1) (a) 2. shall
11 specifically assign responsibility for and direct the manner of payment of the child's
12 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon
13 application of any party affected by the order and upon like notice and procedure, the
14 court may modify such an order. Obedience to such an order may be enforced by
15 proceedings for contempt.

16 **SECTION 1759.** 50.01 (1g) (b) of the statutes is amended to read:

17 50.01 (1g) (b) A facility or private home that provides care, treatment, and
18 services only for victims of domestic abuse, as defined in s. 46.95 49.165 (1) (a), and
19 their children.

20 **SECTION 1760.** 50.02 (2) (d) of the statutes is renumbered 50.02 (2) (d) (intro.)
21 and amended to read:

22 50.02 (2) (d) (intro.) The department shall promulgate rules that prescribe the
23 ~~time periods and the methods of providing information specified in ss. 50.033 (2r) and~~
24 ~~(2s), 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a).~~ all of
25 the following:

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 ~~will be~~ ~~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:

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 an annual
3 assessment, based on the hospital's gross patient revenue that each hospital shall
4 pay quarterly before December 1, March 1, June 1, and September 1 of each year,
5 beginning with the payment due before December 1, 2007, and ending with the
6 payment due before September 1, 2009. The assessments shall be deposited into the
7 hospital 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 information
14 that shall be provided to the department under s. 153.46 (5) or shall be based on any
15 other source that is approved in the state plan for services under 42 USC 1396.

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

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

23 (6) If the department determines that any portion of the revenue needed to
24 provide Medical Assistance payment increases for inpatient and outpatient hospital
25 services as fee for service or through health maintenance organizations is not eligible

1 for federal financial participation, the department will refund that amount of
2 revenue to hospitals in proportion to each hospital's payment of the assessment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 funds distributed for this period, the decrease in the amount of state and federal
2 funds equals the difference between the required and the actual amount of county
3 matching funds.

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

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

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

21 51.437 (4rm) (a) A county department of developmental disabilities services
22 shall authorize all care of any patient in a state, local, or private facility under a
23 contractual agreement between the county department of developmental disabilities
24 services and the facility, unless the county department of developmental disabilities
25 services governs the facility. The need for inpatient care shall be determined by the

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

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

1 51.437 (14) (i) Ensure that the matching-funds requirement for the state
2 developmental disabilities councils grant, as received from the federal department
3 of health and human services, is met by reporting to the federal department of health
4 and human services expenditures made for the provision of developmental
5 disabilities services under the basic county allocation distributed under s. 46.40 (2).

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

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

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

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

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

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

24 51.45 (13) (b) 2. Assure that the person is represented by counsel and, ~~if the~~
25 ~~person claims or appears to be indigent, refer the person to the authority for~~

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1 indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer
2 ~~that child by referring the person~~ to the state public defender, who shall appoint
3 counsel for the ~~child~~ person without a determination of indigency, as provided in s.
4 ~~48.23 (4)~~ 51.60. The person shall be represented by counsel at the preliminary
5 hearing under par. (d). The person may, with the approval of the court, waive his or
6 her right to representation by counsel at the full hearing under par. (f).

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

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

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

23 51.45 (13) (j) Upon the filing of a petition for recommitment under par. (h), the
24 court shall fix a date for a recommitment hearing within 10 days, and assure that the
25 person sought to be recommitted is represented by counsel and, if the person is

1 ~~indigent, appoint by referring the person to the state public defender, who shall~~
2 ~~appoint counsel for him or her, unless waived for the person without a determination~~
3 ~~of indigency, as provided in s. 51.60.~~ The provisions of par. (e) relating to notice and
4 to access to records, names of witnesses, and summaries of their testimony shall
5 apply to recommitment hearings under this paragraph. At the recommitment
6 hearing, the court shall proceed as provided under pars. (f) and (g).

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

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

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

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

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

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

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

23 **51.605 Reimbursement for counsel provided by the state. (1) INQUIRY.**
24 At or after the conclusion of a proceeding under this chapter in which the state public
25 defender has provided counsel for an adult individual, the court may inquire as to

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

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

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

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

20 51.62 (3m) FUNDING. From the appropriation under s. 20.435 (7) (md), the
21 department ~~may not~~ shall distribute ~~more than~~ \$75,000 in each fiscal year to the
22 protection and advocacy agency for performance of community mental health
23 protection and advocacy services.

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

1 55.10 (4) (a) ~~Counsel; costs.~~ The individual sought to be protected has the right
2 to counsel whether or not the individual is present at the hearing on the petition.
3 The court shall require representation by full legal counsel whenever the petition
4 alleges that the individual is not competent to refuse psychotropic medication under
5 s. 55.14, the individual sought to be protected requested such representation at least
6 72 hours before the hearing, the guardian ad litem or any other person states that
7 the individual sought to be protected is opposed to the petition, or the court
8 determines that the interests of justice require it. If the individual sought to be
9 protected or any other person on his or her behalf requests but is unable to obtain
10 legal counsel, the court shall ~~appoint~~ refer the individual to the state public defender
11 as provided under s. 55.105 for appointment of legal counsel. ~~Counsel shall be~~
12 ~~provided at public expense, as provided under s. 967.06 and ch. 977, if the individual~~
13 ~~is indigent. If the individual sought to be protected is an adult who is indigent, and~~
14 ~~if counsel was not appointed under s. 977.08, the county in which the hearing is held~~
15 ~~is liable for any fees due the individual's legal counsel.~~ If the individual sought to
16 be protected is represented by counsel appointed under s. 977.08 in a proceeding for
17 the appointment of a guardian under s. ~~880.33~~ ch. 54, the court shall order the
18 counsel appointed under s. 977.08 to represent under this section the individual
19 sought to be protected.

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

21 **55.105 Appointment of counsel. (1)** In any situation under this chapter in
22 which an adult individual has a right to be represented by legal counsel, the
23 individual shall be referred as soon as practicable to the state public defender, who
24 shall appoint counsel for the individual under s. 977.08 without a determination of
25 indigency.

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

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

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

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

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

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

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

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

1 indigent s. 55.105. The director or designee shall also provide the individual with
2 a copy of the statement by the person making emergency protective placement.

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

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

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

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

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

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

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

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

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

24 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
25 rules of the department of ~~workforce development~~ children and families under s.

1 49.78 (4) to (7) relating to employees administering old-age assistance, aid to
2 families with dependent children, aid to the blind, or aid to totally and permanently
3 disabled persons or ss. 63.01 to 63.17.

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

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

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

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

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

23 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for
24 promoting and assisting any community action agency under s. 46-30 49.265.

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

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1 59.53 (5) (a) The board shall contract with the department of workforce
2 ~~development~~ children and families to implement and administer the child and
3 spousal support and establishment of paternity and the medical support liability
4 programs provided for by Title IV of the federal social security act. The board may
5 designate by board resolution any office, officer, board, department, or agency, except
6 the clerk of circuit court, as the county child support agency. The board or county
7 child support agency shall implement and administer the programs in accordance
8 with the contract with the department of ~~workforce development~~ children and
9 families. The attorneys responsible for support enforcement under sub. (6) (a),
10 circuit court commissioners, and all other county officials shall cooperate with the
11 county and the department of ~~workforce development~~ children and families as
12 necessary to provide the services required under the programs. The county shall
13 charge the fee established by the department of ~~workforce development~~ children and
14 families under s. 49.22 for services provided under this paragraph to persons not
15 receiving benefits under s. 49.148 or 49.155 or assistance under s. ~~46.261~~ 48.645,
16 ~~49.19~~, or 49.47.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 59.69 (15) (e) ~~Where~~ If the community living arrangement has capacity for
22 serving 16 or more persons, meets the criteria listed in pars. (a) and (b), and is
23 licensed, operated, or permitted under the authority of the department of health and
24 family services or the department of children and families, that facility is entitled to
25 apply for special zoning permission to locate in areas zoned for residential use. The

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

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

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

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

13 59.69 (15) (h) The attorney general shall take action, upon the request of the
14 department of health and family services or the department of children and families,
15 to enforce compliance with this subsection.

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

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

1 technician, or first responder under s. 66.0501 (4). The \$5,000 maximum in this
2 paragraph includes amounts paid to a town board supervisor who is acting as
3 superintendent of highways under s. 82.03 (1).

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

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

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

12 60.63 (4) If the community living arrangement has capacity for 8 or fewer
13 persons being served by the program, meets the criteria listed in subs. (1) and (2),
14 and is licensed, operated, or permitted under the authority of the department of
15 health and family services or the department of children and families, the
16 community living arrangement is entitled to locate in any residential zone, without
17 being required to obtain special zoning permission except as provided under sub.
18 (10).

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

20 60.63 (5) In all cases where the community living arrangement has capacity
21 for 9 to 15 persons being served by the program, meets the criteria listed in subs. (1)
22 and (2), and is licensed, operated, or permitted under the authority of the department
23 of health and family services or the department of children and families, that facility
24 is entitled to locate in any residential area except areas zoned exclusively for
25 single-family or 2-family residences except as provided in sub. (10), but is entitled

1 to apply for special zoning permission to locate in those areas. The town may grant
2 such special zoning permission at its discretion and shall make a procedure available
3 to enable such facilities to request such permission.

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

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

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

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

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

21 60.63 (9) The attorney general shall take all necessary action, upon the request
22 of the department of health and family services or the department of children and
23 families, to enforce compliance with this section.

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

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

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

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

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

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

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

1 62.23 (7) (i) 5. In all cases where the community living arrangement has
2 capacity for serving 16 or more persons, meets the criteria listed in subds. 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, that facility
5 is entitled to apply for special zoning permission to locate in areas zoned for
6 residential use. The city may grant such special zoning permission at its discretion
7 and shall make a procedure available to enable such facilities to request such
8 permission.

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

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

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

19 62.23 (7) (i) 8. The attorney general shall take all necessary action, upon the
20 request of the department of health and family services or the department of children
21 and families, to enforce compliance with this paragraph.

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

23 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any city, village,
24 town, or county may purchase health or dental insurance for unemployed persons

1 residing in the city, village, town, or county who are not eligible for medical
2 assistance under s. 49.46, 49.468 or, 49.47, or 49.471 (4) (a) or (b).

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

4 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
5 a village provides health care benefits under its home rule power, or if a town
6 provides health care benefits, to its officers and employees on a self-insured basis,
7 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
8 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5),
9 and (6), 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.513 (4).

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

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

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

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

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

23 66.0229 (1) (title) GENERAL PROCEDURES.

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

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

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

9 66.0230 (1) (a) In addition to the method described in s. 66.0229 (1) and subject
10 to subs. (2), (3), and (4) and to s. 66.0307 (7), all or part of a town may consolidate with
11 a contiguous city or village by ordinance passed by a two-thirds vote of all of the
12 members of each board or council and ratified by the electors at a referendum held
13 in each municipality.

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

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

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1 commission created by contract under this section, taxation district, regional
2 planning commission, or city-county health department.

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

4 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family
5 long-term care district under s. 46.2895 or agency or subdivision of a city, village or
6 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic
7 or other medical facility for the performance of an abortion except those permitted
8 under and which are performed in accordance with s. 20.927.

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

10 66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,
11 village, town, family long-term care district under s. 46.2895 or agency or
12 subdivision of a city, village or town may authorize payment of funds for a grant,
13 subsidy or other funding involving a pregnancy program, project or service if s.
14 20.9275 (2) applies to the pregnancy program, project or service.

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

16 66.0602 (1) (am) "Joint fire department" means a joint fire department
17 organized under s. 61.65 (2) (a) 3. or 62.13 (2m), or a joint fire department organized
18 by any combination of 2 or more cities, villages, or towns under s. 66.0301 (2).

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

20 66.0602 (1) (b) "Penalized excess" means the levy, in an amount that is at least
21 \$500 over the limit under sub. (2) for the political subdivision, not including any
22 amount that is excepted from the limit under subs. (3), (4), and (5).

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

24 66.0602 (1) (d) "Valuation factor" means a percentage equal to the greater of
25 either 4 percent or the percentage change in the political subdivision's January 1

1 equalized value due to new construction less improvements removed between the
2 previous year and the current year, but not less than 2. Except as provided in subs.
3 (3), (4), and (5), no political subdivision may increase its levy in any year by a
4 percentage that exceeds the political subdivision's valuation factor. In determining
5 its levy in any year, a city, village, or town shall subtract any tax increment that is
6 calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).

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

8 **66.0602 (2) LEVY LIMIT.** Except as provided in subs. (3), (4), and (5), no political
9 subdivision may increase its levy in 2007 or 2008 by a percentage that exceeds the
10 political subdivision's valuation factor. The base amount in any year, to which the
11 limit under this section applies, shall be the maximum allowable levy for the
12 immediately preceding year. In determining its levy in any year, a city, village, town,
13 or county shall subtract any tax increment that is calculated under s. 59.57 (3) (a),
14 60.85 (1) (L), or 66.1105 (2) (i).

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

17 **66.0602 (3) (e) (intro.)** The limit otherwise applicable under this section does
18 not apply to the amount that a county levies in that year for a county children with
19 disabilities education board. any of the following:

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

21 **66.0602 (3) (e) 1.** The amount that a county levies in that year for a county
22 children with disabilities education board.

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

24 **66.0602 (3) (e) 2.** The amount that a 1st class city levies in that year for school
25 purposes.

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

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

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

5 66.0602 (3) (e) 4. The amount that a county levies in that year to make
6 payments to public libraries under s. 43.12.

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

8 66.0602 (3) (e) 5. The amount that a political subdivision levies in that year to
9 make up any revenue shortfall for the debt service on a revenue bond issued under
10 s. 66.0621.

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

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

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

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

20 66.0602 (4) (a) A political subdivision may exceed the levy increase limit under
21 sub. (2) if its governing body adopts a resolution to that effect and if the resolution
22 is approved in a referendum. The resolution shall specify the proposed amount of
23 increase in the levy beyond the amount that is allowed under sub. (2), and shall
24 specify whether the proposed amount of increase is for the next fiscal year only or if
25 it will apply on an ongoing basis. With regard to a referendum relating to the 2005

1 ~~levy, or any levy in an odd-numbered year thereafter,~~ the political subdivision may
2 call a special referendum for the purpose of submitting the resolution to the electors
3 of the political subdivision for approval or rejection. With regard to a referendum
4 relating to the 2006 levy, or any levy in an even-numbered year thereafter, the
5 referendum shall be held at the next succeeding spring primary or election or
6 September primary or general election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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