

1 department of ~~regulation and licensing~~ safety and professional services shall notify  
2 funeral directors licensed under ch. 445, cemetery associations, as defined in s.  
3 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of  
4 the waiver required to be requested under this subdivision. If the waiver is approved  
5 by the secretary of the federal department of health and human services and if the  
6 waiver remains in effect, subd. 2. shall apply.

7 **SECTION 1459bn.** 49.47 (4) (k) of the statutes is created to read:

8 49.47 (4) (k) Notwithstanding par. (b) 3. and s. 445.125 (1) (a), no later than 60  
9 days after the effective date of this paragraph .... [LRB inserts date], the department  
10 shall seek approval from the federal Centers for Medicare and Medicaid Services to  
11 permit friends and family members of any individual receiving medical assistance  
12 under this section to contribute funds to an irrevocable burial trust for the  
13 individual, up to a total irrevocable trust amount of \$4,500, without the individual  
14 losing eligibility for medical assistance under this section. If the federal Centers for  
15 Medicare and Medicaid Services approves the request, the department shall  
16 implement the change under this section within 60 days after receiving approval.

17 **SECTION 1459e.** 49.47 (5) (intro.) of the statutes, as affected by 2011 Wisconsin  
18 Act 10, is repealed and recreated to read:

19 49.47 (5) INVESTIGATION BY DEPARTMENT. (intro.) The department may make  
20 additional investigation of eligibility at any of the following times:

21 **SECTION 1459g.** 49.47 (5) (a) of the statutes, as affected by 2011 Wisconsin Act  
22 10, is repealed and recreated to read:

23 49.47 (5) (a) When there is reasonable ground for belief that an applicant may  
24 not be eligible or that the beneficiary may have received benefits to which the  
25 beneficiary is not entitled.

1           **SECTION 1459i.** 49.47 (5) (c) of the statutes, as affected by 2011 Wisconsin Act  
2 10, is repealed and recreated to read:

3           49.47 (5) (c) Any time determined by the department by a policy created under  
4 s. 49.45 (2m) (c) to determine eligibility or to reevaluate continuing eligibility, except  
5 that if federal law allows a reevaluation of eligibility more frequently than every 12  
6 months and if there is no conflicting provision of state law, the department is not  
7 required to create a policy to reevaluate eligibility under this section.

8           **SECTION 1459j.** 49.47 (5) (c) of the statutes, as created by 2011 Wisconsin Act  
9 .... (this act), is repealed.

10           **SECTION 1459n.** 49.47 (6) (a) (intro.) of the statutes, as affected by 2011  
11 Wisconsin Act 10, is repealed and recreated to read:

12           49.47 (6) (a) (intro.) Unless otherwise provided by the department by a policy  
13 created under s. 49.45 (2m) (c), the department shall audit and pay charges to  
14 certified providers for medical assistance on behalf of the following:

15           **SECTION 1459o.** 49.47 (6) (a) (intro.) of the statutes, as affected by 2011  
16 Wisconsin Act .... (this act), is amended to read:

17           49.47 (6) (a) (intro.) ~~Unless otherwise provided by the department by a policy~~  
18 ~~created under s. 49.45 (2m) (c), the~~ The department shall audit and pay charges to  
19 certified providers for medical assistance on behalf of the following:

20           **SECTION 1459p.** 49.47 (6) (a) 6. b. of the statutes is amended to read:

21           49.47 (6) (a) 6. b. An individual who is entitled to coverage under ~~part~~ Part A  
22 of ~~medicare~~ Medicare, entitled to coverage under ~~part~~ Part B of ~~medicare~~ Medicare,  
23 meets the eligibility criteria under sub. (4) (a), and meets the income limitation, the  
24 deductible and coinsurance portions of ~~medicare~~ Medicare services under 42 USC  
25 1395 to 1395zz ~~which that~~ are not paid under 42 USC 1395 to 1395zz, including those

1 ~~medicare~~ Medicare services that are not included in the approved state plan for  
2 services under 42 USC 1396; the monthly premiums payable under 42 USC 1395v;  
3 the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late  
4 enrollment penalty, if applicable, for premiums under ~~part~~ Part A of ~~medicare~~  
5 Medicare. Payment of coinsurance for a service under ~~part~~ Part B of ~~medicare~~  
6 Medicare under 42 USC 1395j to 1395w, ~~other than payment of coinsurance for~~  
7 ~~outpatient hospital services, and payment of deductibles and coinsurance for~~  
8 inpatient hospital services under Part A of Medicare may not exceed the allowable  
9 charge for the service under ~~medical assistance~~ Medical Assistance minus the  
10 ~~medicare~~ Medicare payment.

11 **SECTION 1459q.** 49.47 (6) (a) 6. c. of the statutes is amended to read:

12 49.47 (6) (a) 6. c. An individual who is only entitled to coverage under ~~part~~ Part  
13 A of ~~medicare~~ Medicare, meets the eligibility criteria under sub. (4) (a), and meets  
14 the income limitation, the deductible and coinsurance portions of ~~medicare~~ Medicare  
15 services under 42 USC 1395 to 1395i ~~which that~~ are not paid under 42 USC 1395 to  
16 1395i, including those ~~medicare~~ Medicare services that are not included in the  
17 approved state plan for services under 42 USC 1396; the monthly premiums, if  
18 applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable,  
19 for premiums under ~~part~~ Part A of ~~medicare~~ Medicare. Payment of deductibles and  
20 coinsurance for inpatient hospital services under Part A of Medicare may not exceed  
21 the allowable charge for the service under Medical Assistance minus the Medicare  
22 payment.

23 **SECTION 1459r.** 49.47 (6) (a) 6. d. of the statutes is amended to read:

24 49.47 (6) (a) 6. d. An individual who is entitled to coverage under ~~part~~ Part A  
25 of ~~medicare~~ Medicare, entitled to coverage under ~~part~~ Part B of ~~medicare~~ Medicare,

1 and meets the eligibility criteria for ~~medical assistance~~ Medical Assistance under  
2 sub. (4) (a), but does not meet the income limitation, the deductible and coinsurance  
3 portions of ~~medicare~~ Medicare services under 42 USC 1395 to 1395zz ~~which that~~ are  
4 not paid under 42 USC 1395 to 1395zz, including those ~~medicare~~ Medicare services  
5 that are not included in the approved state plan for services under 42 USC 1396.  
6 Payment of coinsurance for a service under ~~part~~ Part B of ~~medicare~~ Medicare under  
7 42 USC 1395j to 1395w, ~~other than payment of coinsurance for outpatient hospital~~  
8 ~~services, and payment of deductibles and coinsurance for inpatient hospital services~~  
9 under Part A of Medicare may not exceed the allowable charge for the service under  
10 ~~medical assistance~~ Medical Assistance minus the ~~medicare~~ Medicare payment.

11 **SECTION 1459s.** 49.47 (6) (a) 6. e. of the statutes is amended to read:

12 49.47 (6) (a) 6. e. An individual who is only entitled to coverage under ~~part~~ Part  
13 A of ~~medicare~~ Medicare and meets the eligibility criteria for ~~medical assistance~~  
14 Medical Assistance under sub. (4) (a), but does not meet the income limitation, the  
15 deductible and coinsurance portions of ~~medicare~~ Medicare services under 42 USC  
16 1395 to 1395i, including those services that are not included in the approved state  
17 plan for services under 42 USC 1396. Payment of deductibles and coinsurance for  
18 inpatient hospital services under Part A of Medicare may not exceed the allowable  
19 charge for the service under Medical Assistance minus the Medicare payment.

20 **SECTION 1459t.** 49.47 (6) (a) 6. f. of the statutes is amended to read:

21 49.47 (6) (a) 6. f. For an individual who is only entitled to coverage under ~~part~~  
22 Part B of ~~medicare~~ Medicare and meets the eligibility criteria under sub. (4), but does  
23 not meet the income limitation, ~~medical assistance~~ Medical Assistance shall include  
24 payment of the deductible and coinsurance portions of ~~medicare~~ Medicare services  
25 under 42 USC 1395j to 1395w, including those ~~medicare~~ Medicare services that are

1 not included in the approved state plan for services under 42 USC 1396. Payment  
2 of coinsurance for a service under ~~part Part B of medicare, other than payment of~~  
3 ~~coinsurance for outpatient hospital services, Medicare~~ may not exceed the allowable  
4 charge for the service under ~~medical assistance~~ Medical Assistance minus the  
5 ~~medicare~~ Medicare payment.

6 **SECTION 1461g.** 49.471 (13) of the statutes, as created by 2011 Wisconsin Act  
7 10, is repealed and recreated to read:

8 49.471 (13) APPLICABILITY. If the department creates a policy under s. 49.45  
9 (2m) (c), subs. (4), (5), (6), (7), (8), (10), and (11) do not apply to the extent that those  
10 subsections conflict with the policy.

11 **SECTION 1461h.** 49.471 (13) of the statutes, as created by 2011 Wisconsin Act  
12 .... (this act), is repealed.

13 **SECTION 1461p.** 49.472 (3) (intro.) of the statutes, as affected by 2011  
14 Wisconsin Act 10, is repealed and recreated to read:

15 49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) and unless  
16 otherwise provided by the department by a policy created under s. 49.45 (2m) (c), an  
17 individual is eligible for and shall receive medical assistance under this section if all  
18 of the following conditions are met:

19 **SECTION 1461q.** 49.472 (3) (intro.) of the statutes, as affected by 2011 Wisconsin  
20 Act .... (this act), is amended to read:

21 49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) ~~and unless~~  
22 ~~otherwise provided by the department by a policy created under s. 49.45 (2m) (c),~~ an  
23 individual is eligible for and shall receive medical assistance under this section if all  
24 of the following conditions are met:

1           **SECTION 1462g.** 49.472 (4) (b) (intro.) of the statutes, as affected by 2011  
2 Wisconsin Act 10, is repealed and recreated to read:

3           49.472 (4) (b) (intro.) The department may waive monthly premiums that are  
4 calculated to be below \$10 per month. Unless otherwise provided by the department  
5 by a policy created under s. 49.45 (2m) (c), the department may not assess a monthly  
6 premium for any individual whose income level, after adding the individual's earned  
7 income and unearned income, is below 150% of the poverty line.

8           **SECTION 1462h.** 49.472 (4) (b) (intro.) of the statutes, as affected by 2011  
9 Wisconsin Act .... (this act), is amended to read:

10           49.472 (4) (b) (intro.) The department may waive monthly premiums that are  
11 calculated to be below \$10 per month. ~~Unless otherwise provided by the department~~  
12 ~~by a policy created under s. 49.45 (2m) (c), the~~ The department may not assess a  
13 monthly premium for any individual whose income level, after adding the  
14 individual's earned income and unearned income, is below 150% of the poverty line.

15           **SECTION 1463.** 49.472 (6) (a) of the statutes is amended to read:

16           49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation ~~account~~  
17 ~~accounts~~ under s. 20.435 (4) (b), (gm), or (w), the department shall, on the part of an  
18 individual who is eligible for medical assistance under sub. (3), pay premiums for or  
19 purchase individual coverage offered by the individual's employer if the department  
20 determines that paying the premiums for or purchasing the coverage will not be more  
21 costly than providing medical assistance.

22           **SECTION 1464.** 49.472 (6) (b) of the statutes is amended to read:

23           49.472 (6) (b) If federal financial participation is available, from the  
24 appropriation ~~account~~ accounts under s. 20.435 (4) (b), (gm), or (w), the department

1 may pay medicare Part A and Part B premiums for individuals who are eligible for  
2 medicare and for medical assistance under sub. (3).

3 **SECTION 1465n.** 49.473 (2) (intro.) of the statutes, as affected by 2011  
4 Wisconsin Act 10, is repealed and recreated to read:

5 49.473 (2) (intro.) Unless otherwise provided by the department by a policy  
6 created under s. 49.45 (2m) (c), a woman is eligible for medical assistance as provided  
7 under sub. (5) if, after applying to the department or a county department, the  
8 department or a county department determines that she meets all of the following  
9 requirements:

10 **SECTION 1465p.** 49.473 (2) (intro.) of the statutes, as affected by 2011  
11 Wisconsin Act .... (this act), is amended to read:

12 49.473 (2) (intro.) ~~Unless otherwise provided by the department by a policy~~  
13 ~~created under s. 49.45 (2m) (c), a~~ A woman is eligible for medical assistance as  
14 provided under sub. (5) if, after applying to the department or a county department,  
15 the department or a county department determines that she meets all of the  
16 following requirements:

17 **SECTION 1469y.** 49.473 (5) of the statutes, as affected by 2011 Wisconsin Act  
18 10, is repealed and recreated to read:

19 49.473 (5) The department shall audit and pay, from the appropriation  
20 accounts under s. 20.435 (4) (b), (gm), and (o), allowable charges to a provider who  
21 is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who  
22 meets the requirements under sub. (2) for all benefits and services specified under  
23 s. 49.46 (2), unless otherwise provided by the department by a policy created under  
24 s. 49.45 (2m) (c).

1           **SECTION 1470b.** 49.473 (5) of the statutes, as affected by 2011 Wisconsin Act  
2 .... (this act), is amended to read:

3           49.473 (5) The department shall audit and pay, from the appropriation  
4 accounts under s. 20.435 (4) (b), (gm), and (o), allowable charges to a provider who  
5 is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who  
6 meets the requirements under sub. (2) for all benefits and services specified under  
7 s. 49.46 (2), ~~unless otherwise provided by the department by a policy created under~~  
8 ~~s. 49.45 (2m) (c).~~

9           **SECTION 1477r.** 49.67 (3) (am) 2. b. of the statutes is amended to read:

10           49.67 (3) (am) 2. b. If the applicant is under ~~27~~ 26 years of age, notice that he  
11 or she may be eligible for coverage as a dependent under his or her parent's health  
12 care plan in accordance with s. 632.885, and that his or her parent's plan must  
13 include coverage for services that are not covered under the plan under this section.

14           **SECTION 1478.** 49.68 (3) (b) of the statutes is amended to read:

15           49.68 (3) (b) From the appropriation accounts under ss. 20.435 (4) (e) and (je),  
16 the state shall pay ~~the cost of, at a rate determined by the department under par. (e),~~  
17 for medical treatment that is required as a direct result of chronic renal disease of  
18 certified patients from the date of certification, including ~~the cost of~~ administering  
19 recombinant human erythropoietin to appropriate patients, whether the treatment  
20 is rendered in an approved facility in the state or in a dialysis or transplantation  
21 center ~~which~~ that is approved as such by a contiguous state, subject to the conditions  
22 specified under par. (d). Approved facilities may include a hospital in-center dialysis  
23 unit or a nonhospital dialysis center ~~which~~ that is closely affiliated with a home  
24 dialysis program supervised by an approved facility. Aid shall also be provided for  
25 all reasonable expenses incurred by a potential living-related donor, including



1 evaluation, hospitalization, surgical costs, and postoperative follow-up to the extent  
2 that these costs are not reimbursable under the federal medicare program or other  
3 insurance. In addition, all expenses incurred in the procurement, transportation,  
4 and preservation of cadaveric donor kidneys shall be covered to the extent that these  
5 costs are not otherwise reimbursable. All donor-related costs are chargeable to the  
6 recipient and reimbursable under this subsection.

7 **SECTION 1479.** 49.68 (3) (e) of the statutes is amended to read:

8 49.68 (3) (e) State aids Payment for services provided under this section shall  
9 be equal to at a rate determined by the department that does not exceed the allowable  
10 charges under the federal Medicare program. In no case shall state rates for  
11 individual service elements exceed the federally defined allowable costs. The rate  
12 of charges for services not covered by public and private insurance shall not exceed  
13 the reasonable charges as established by medicare Medicare fee determination  
14 procedures. A person that provides to a patient a service for which aid is provided  
15 under this section shall accept the amount paid under this section for the service as  
16 payment in full and may not bill the patient for any amount by which the charge for  
17 the service exceeds the amount paid for the service under this section. The state may  
18 not pay for the cost of travel, lodging, or meals for persons who must travel to receive  
19 inpatient and outpatient dialysis treatment for kidney disease. This paragraph shall  
20 not apply to donor related costs as defined in par. (b).

21 **SECTION 1486m.** 49.78 (1) (br) of the statutes is created to read:

22 49.78 (1) (br) "Multicounty consortium" means a group of counties that is  
23 approved by the department under sub. (1m) to administer income maintenance  
24 programs.

25 **SECTION 1487m.** 49.78 (1m) of the statutes is created to read:

1           49.78 **(1m)** MULTICOUNTY CONSORTIA. (a) Except as provided in par. (c), each  
2 county with a population of less than 750,000 shall participate in a multicounty  
3 consortium that is approved by the department under par. (b).

4           (b) By October 31, 2011, the department shall approve multicounty consortia.  
5 The department may not approve more than 10 multicounty consortia.

6           (c) If a county with a population of less than 750,000 does not participate in a  
7 multicounty consortium or the department determines that a multicounty  
8 consortium does not satisfy the department's performance requirements, the  
9 department shall assume responsibility for administering income maintenance  
10 programs in that county or in the geographical area of the multicounty consortium.  
11 The department may provide income maintenance program administration under  
12 this paragraph by contracting with another multicounty consortium or by providing  
13 the administrative services with state resources and employees.

14           (d) If the department assumes responsibility for administering income  
15 maintenance programs in a county or in the geographical area of the multicounty  
16 consortium under par. (c), any county for which the department administers income  
17 maintenance programs shall pay to the department the amount that the county  
18 expended for the administration of income maintenance programs in calendar year  
19 2009. For the purposes of this paragraph, Kenosha County expended \$673,000 for  
20 the administration of income maintenance programs in calendar year 2009.

21           **SECTION 1488m.** 49.78 (1r) of the statutes is created to read:

22           49.78 **(1r)** SINGLE COUNTY CONSORTIA. The department shall administer income  
23 maintenance programs in a county with a population of 750,000 or more as a  
24 single-county consortium, including the administrative functions specified in sub.

25           (2) (b) 1.

1           **SECTION 1489m.** 49.78 (2) (title) of the statutes is amended to read:

2           49.78 (2) (title) CONTRACTS WITH MULTICOUNTY CONSORTIA.

3           **SECTION 1490m.** 49.78 (2) of the statutes is renumbered 49.78 (2) (a) and  
4 amended to read:

5           49.78 (2) (a) Annually, ~~for the income maintenance program functions, if any,~~  
6 ~~that the department delegates to a county or tribal governing body~~ beginning with  
7 contracts for 2012, the department and county department under s. 46.215, 46.22,  
8 ~~or 46.23 shall enter into a contract, and the department and tribal governing body~~  
9 ~~may enter into a contract, for reimbursement of the county department or tribal~~  
10 ~~governing body for the reasonable cost of administering~~ with each multicounty  
11 consortium to administer income maintenance programs in the multicounty  
12 consortium's geographical area.

13           **SECTION 1491m.** 49.78 (2) (b) of the statutes is created to read:

14           49.78 (2) (b) A contract under par. (a) shall provide all of the following:

15           1. That the multicounty consortia shall be responsible for all of the following  
16 administrative functions related to income maintenance programs:

- 17           a. Operating and maintaining a call center.  
18           b. Conducting application processing and eligibility determinations.  
19           c. Conducting ongoing case management.  
20           d. Providing lobby services.

21           2. That the department and multicounty consortia shall cooperate to provide  
22 the following administrative functions related to the income maintenance programs:

- 23           a. Conducting subrogation and benefit recovery efforts.  
24           b. Participating in fair hearings.  
25           c. Conducting fraud prevention and identification activities.

1           3. That the department will reimburse a multicounty consortium for services  
2 provided under the contract on a risk-adjusted case load basis.

3           **SECTION 1492m.** 49.78 (2m) of the statutes is created to read:

4           **49.78 (2m) ADMINISTRATION BY A TRIBAL GOVERNING BODY.** (a) A tribal governing  
5 body may administer income maintenance programs by electing to have the  
6 department administer the tribe's income maintenance programs or by providing the  
7 required administrative services and entering into a contract with the department  
8 for reimbursement under par. (b).

9           (b) Annually, for the income maintenance administrative program functions,  
10 if any, that the department delegates to a tribal governing body, the department and  
11 tribal governing body may enter into a contract, for reimbursement of the tribal  
12 governing body for the reasonable cost of administering income maintenance  
13 programs.

14           (c) The amount of each reimbursement paid under a contract entered into par.  
15 (b) shall be calculated using a formula based on workload within the limits of state  
16 and federal funds. The department may adjust reimbursement amounts determined  
17 under the contract for workload changes and computer network activities performed  
18 by a tribal governing body.

19           **SECTION 1493m.** 49.78 (2r) of the statutes is created to read:

20           **49.78 (2r) DEPARTMENTAL ADMINISTRATIVE FUNCTIONS.** The department shall  
21 perform all of the following administrative functions related to income maintenance  
22 programs:

23           (a) Providing income maintenance worker training.

24           (b) Performing 2nd-party reviews.

25           (c) Administering the funeral expenses program under s. 49.785.

1 (d) Providing information technology and licenses for call centers that are  
2 operated by multicounty consortia.

3 (e) Maintaining the client assistance reemployment and economic support  
4 system.

5 (f) Contracting with multicounty consortia under sub. (2), including  
6 establishing performance requirements.

7 (g) Contracting with tribal governing bodies under sub. (2m), including  
8 establishing performance requirements.

9 (h) Monitoring contracts with multicounty consortia and tribal governing  
10 bodies, including compliance with performance standards and federal and other  
11 reporting requirements.

12 (i) Operating a centralized document processing unit.

13 **SECTION 1494m.** 49.78 (8) (a) of the statutes is amended to read:

14 49.78 (8) (a) From the ~~appropriation accounts~~ appropriations under s. 20.435  
15 (4) (bn) and (nn) and subject to par. (b), the department shall provide funding to  
16 reimburse each county multicounty consortium that contracts with the department  
17 under sub. (2) and each tribal governing body that contracts with the department  
18 under sub. (2) (2m) for reasonable the costs of administering the income maintenance  
19 programs, including conducting fraud prevention activities. ~~The amount of each~~  
20 ~~reimbursement paid under this paragraph shall be calculated using a formula based~~  
21 ~~on workload within the limits of available state and federal funds under s. 20.435 (4)~~  
22 ~~(bn) and (nn) by contract under sub. (2), in accordance with the terms of the~~  
23 applicable contract. The amount of reimbursement calculated under this paragraph  
24 and par. (b) is in addition to any reimbursement provided to a county, multicounty

1 consortium, or tribal governing body for fraud and error reduction under s. 49.197  
2 or 49.845.

3 **SECTION 1495m.** 49.78 (8) (b) of the statutes is amended to read:

4 49.78 (8) (b) The department ~~may adjust the amounts determined under par.~~  
5 ~~(a) for workload changes and computer network activities performed by a county or~~  
6 ~~tribal governing body and~~ may reduce the amount of any reimbursement if federal  
7 reimbursement is withheld due to audits, quality control samples, or program  
8 reviews.

9 **SECTION 1496m.** 49.78 (10) (title) of the statutes is amended to read:

10 49.78 (10) (title) COUNTY REIMBURSEMENT CERTIFICATION.

11 **SECTION 1497m.** 49.78 (10) (a) of the statutes is amended to read:

12 49.78 (10) (a) ~~Each county treasurer and director of a county department under~~  
13 ~~s. 46.215, 46.22, or 46.23~~ An authorized representative from each multicounty  
14 consortium that contracts with the department under sub. (2) and each tribal  
15 governing body that contracts with the department under sub. ~~(2)~~ (2m) shall certify  
16 monthly under oath to the department in such manner as the department prescribes  
17 the claim of the ~~county~~ multicounty consortium or tribal governing body for state  
18 reimbursement under sub. (8) (a). The department shall review each claim of  
19 reimbursement and, if the department approves the claim, the department shall  
20 certify to the department of administration for reimbursement to the ~~county~~  
21 multicounty consortium or tribal governing body for amounts due under sub. (8) (a)  
22 and payment claimed to be made to the ~~counties~~ multicounty consortia or tribal  
23 governing bodies monthly. The department may make advance payments prior to  
24 the beginning of each month equal to one-twelfth of the contracted amount.

25 **SECTION 1498m.** 49.78 (10) (b) of the statutes is amended to read:

1           49.78 (10) (b) To facilitate prompt reimbursement the certificate of the  
2 department may be based on the certified statements of the ~~county officers~~  
3 authorized representatives of multicounty consortia or tribal governing body  
4 executives filed under par. (a). Funds recovered from audit adjustments from a prior  
5 fiscal year may be included in subsequent certifications only to pay counties or  
6 multicounty consortia owed funds as a result of any audit adjustment. By September  
7 30 annually, the department shall submit a report to the appropriate standing  
8 committees under s. 13.172 (3) on funds recovered and paid out during the previous  
9 calendar year as a result of audit adjustments.

10           **SECTION 1499m.** 49.78 (11) (a) of the statutes is amended to read:

11           49.78 (11) (a) 1. The department, a county department under s. 46.215, 46.22,  
12 or 46.23, a multicounty consortium, or a tribal governing body may request from any  
13 person in this state information it determines appropriate and necessary for  
14 determining or verifying eligibility or benefits for a recipient under any income  
15 maintenance program. Unless access to the information is prohibited or restricted  
16 by law, or unless the person has good cause, as determined by the department in  
17 accordance with federal law and regulations, for refusing to cooperate, the person  
18 shall make a good faith effort to provide the information within 7 days after receiving  
19 a request under this paragraph. The department, county department, multicounty  
20 consortium, or tribal governing body, or employees of any of them, may not disclose  
21 information obtained under this subdivision for any purpose not connected with the  
22 administration of the income maintenance program for which the information was  
23 requested.

24           2. In conjunction with any request for information under subd. 1., including a  
25 request made by subpoena under par. (b), the department, county department,

1 multicounty consortium, or tribal governing body shall advise the person of the time  
2 by which the information must be provided.

3 **SECTION 1500m.** 49.78 (11) (b) of the statutes is amended to read:

4 49.78 (11) (b) The department, a county department, a multicounty  
5 consortium, or a tribal governing body may issue a subpoena, in substantially the  
6 form authorized under s. 885.02, to compel the production of financial information  
7 or other documentary evidence for determining or verifying eligibility or benefits for  
8 a recipient under any income maintenance program.

9 **SECTION 1501m.** 49.78 (11) (c) 1. of the statutes is amended to read:

10 49.78 (11) (c) 1. Allowing access to financial or other records by the department,  
11 a county department, a multicounty consortium, or a tribal governing body in  
12 response to a request under par. (a) or a subpoena described in par. (b).

13 **SECTION 1502m.** 49.78 (11) (c) 2. of the statutes is amended to read:

14 49.78 (11) (c) 2. Disclosing information from financial or other records to the  
15 department, a county department, a multicounty consortium, or a tribal governing  
16 body in response to a request under par. (a) or a subpoena described in par. (b).

17 **SECTION 1503m.** 49.78 (11) (c) 3. of the statutes is amended to read:

18 49.78 (11) (c) 3. Any other action taken in good faith to comply with this  
19 subsection or a subpoena described in par. (b) or to comply with a request for  
20 information or access to records from the department, a county department, a  
21 multicounty consortium, or a tribal governing body for determining or verifying  
22 eligibility or benefits for a recipient under any income maintenance program.

23 **SECTION 1504m.** 49.785 (2) of the statutes is amended to read:

24 49.785 (2) From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department  
25 shall reimburse a county or applicable tribal governing body or organization for any



1 amount that the county or applicable tribal governing body or organization is  
2 required to pay under sub. (1) if the county or applicable tribal governing body or  
3 organization complies with sub. (3). From the appropriation under s. 20.435 (4) ~~(bn)~~  
4 (br), the department shall reimburse a county or applicable tribal governing body or  
5 organization for cemetery expenses or for funeral and burial expenses for a person  
6 described under sub. (1) that the county or applicable tribal governing body or  
7 organization is not required to pay under subs. (1) and (1m) only if the department  
8 approves the reimbursement due to unusual circumstances and if the county or  
9 applicable tribal governing body or organization complies with sub. (3).

10 **SECTION 1505m.** 49.79 (1) (e) of the statutes is created to read:

11 49.79 (1) (e) "Multicounty consortium" has the meaning given in s. 49.78 (1)  
12 (br).

13 **SECTION 1506m.** 49.79 (3) of the statutes is amended to read:

14 49.79 (3) LIABILITY FOR LOST FOOD COUPONS. (a) A county, multicounty  
15 consortium, or federally recognized American Indian tribe is liable for all food stamp  
16 coupons lost, misappropriated, or destroyed while under the county's, consortium's,  
17 or tribe's direct control, except as provided in par. (b).

18 (b) A county, multicounty consortium, or federally recognized American Indian  
19 tribe is not liable for food stamp coupons lost in natural disasters if it provides  
20 evidence acceptable to the department that the coupons were destroyed and not  
21 redeemed.

22 (c) A county, multicounty consortium, or federally recognized American Indian  
23 tribe is liable for food stamp coupons mailed to residents of the county or counties  
24 that are in the multicounty consortium or members of the tribe and lost in the mail  
25 due to incorrect information submitted to the department by the county or tribe.

1           **SECTION 1507m.** 49.79 (4) of the statutes is amended to read:

2           **49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS.** The  
3 department shall withhold the value of food stamp losses for which a county,  
4 multicounty consortium, or federally recognized American Indian tribe is liable  
5 under sub. (3) from the payment to the county, multicounty consortium, or tribe  
6 under income maintenance contracts under s. 49.78 and reimburse the federal  
7 government from the funds withheld.

8           **SECTION 1534.** 49.79 (8) of the statutes is amended to read:

9           **49.79 (8) BENEFITS FOR QUALIFIED ALIENS.** The department shall not provide  
10 benefits under this section to a qualified alien ~~who is ineligible for benefits under this~~  
11 ~~section solely because of the application of 9 USC 1612 or 1613 according to a plan~~  
12 ~~approved by the federal department of agriculture. This subsection does not apply,~~  
13 except to the extent that federal food stamp benefits for qualified aliens are ~~restored~~  
14 required by the federal government.

15           **SECTION 1535m.** 49.79 (9) (a) 1. of the statutes is amended to read:

16           **49.79 (9) (a) 1.** The department shall administer an employment and training  
17 program for recipients under the food stamp program and may contract ~~under s.~~  
18 ~~49.78~~ with county departments under ss. 46.215, 46.22, and 46.23, multicounty  
19 consortia, and with tribal governing bodies to carry out the administrative functions.  
20 The department may contract, or a county department, multicounty consortium, or  
21 tribal governing body may subcontract, with a Wisconsin Works agency or another  
22 provider to administer the employment and training program under this subsection.  
23 Except as provided in subds. 2. and 3., the department may require able individuals  
24 who are 18 to 60 years of age who are not participants in a Wisconsin Works

1 employment position to participate in the employment and training program under  
2 this subsection.

3 **SECTION 1536g.** 49.793 (1) of the statutes is amended to read:

4 49.793 (1) The department or a county ~~or~~, a multicounty consortium, as defined  
5 in s. 49.78 (1) (br), or an elected governing body of a federally recognized American  
6 Indian tribe or band acting on behalf of the department, may recover overpayments  
7 that arise from an overissuance of food coupons under the food stamp program  
8 administered under s. 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall be made in  
9 accordance with 7 USC 2022.

10 **SECTION 1536m.** 49.793 (2) (a) of the statutes is amended to read:

11 49.793 (2) (a) Except as provided in par. (b), a county, multicounty consortium,  
12 as defined in s. 49.78 (1) (br), or governing body of a federally recognized American  
13 Indian tribe may retain a portion of the amount of an overpayment the state is  
14 authorized to retain under 7 USC 2025 that is recovered under sub. (1) due to the  
15 efforts of an employee or officer of the county, multicounty consortium, or tribe. The  
16 department shall promulgate a rule establishing the portion of the amount of the  
17 overpayment that the county, multicounty consortium, or governing body may  
18 retain. This paragraph does not apply to recovery of an overpayment that was made  
19 as a result of state, county, multicounty consortium, or tribal governing body error.

20 **SECTION 1537m.** 49.795 (1) (cm) of the statutes is created to read:

21 49.795 (1) (cm) "Multicounty consortium" has the meaning given in s. 49.78 (1)  
22 (br).

23 **SECTION 1538m.** 49.795 (1) (e) 1. of the statutes is amended to read:

1           49.795 (1) (e) 1. An employee or officer of the federal government, the state, a  
2 county, a multicounty consortium, or a federally recognized American Indian tribe  
3 acting in the course of official duties in connection with the food stamp program.

4           **SECTION 1539m.** 49.795 (1) (e) 2. of the statutes is amended to read:

5           49.795 (1) (e) 2. A person acting in the course of duties under a contract with  
6 the federal government, the state, a county, a multicounty consortium, or a federally  
7 recognized American Indian tribe in connection with the food stamp program.

8           **SECTION 1540m.** 49.795 (8) (d) 2. of the statutes is amended to read:

9           49.795 (8) (d) 2. The person may apply to the ~~county department under s.~~  
10 ~~46.215, 46.22 or 46.23~~ multicounty consortium or the federally recognized American  
11 Indian tribal governing body or, if the person is a supplier, to the federal department  
12 of agriculture for reinstatement following the period of suspension, if the suspension  
13 is not permanent.

14           **SECTION 1541m.** 49.797 (8) of the statutes is amended to read:

15           49.797 (8) COUNTY PARTICIPATION; EXCEPTION. The department may not require  
16 a ~~county~~ multicounty consortium, as defined in s. 49.78 (1) (br), or tribal governing  
17 body to participate in an electronic benefit transfer system under this section if the  
18 costs to the ~~county~~ multicounty consortium or tribal governing body would be greater  
19 than the costs that the ~~county~~ multicounty consortium or tribal governing body  
20 would incur in delivering the benefits through a system that is not an electronic  
21 benefit transfer system.

22           **SECTION 1544m.** 49.825 (2) (d) 1. of the statutes is renumbered 49.825 (2) (d)  
23 and amended to read:

24           49.825 (2) (d) The department shall reimburse the county for all approved,  
25 allowable costs ~~that exceed the amounts specified in subd. 2. and that are incurred~~

1 by the county under a contract with the department for the operation of the public  
2 assistance programs under par. (a) in the county.

3 **SECTION 1545m.** 49.825 (2) (d) 2. of the statutes is repealed.

4 **SECTION 1545n.** 49.825 (3) (a) of the statutes is amended to read:

5 49.825 (3) (a) Supervisory personnel in the unit shall be state employees.  
6 Nonsupervisory staff performing services under this section for the unit may be a  
7 combination of state employees and employees of Milwaukee County. ~~For the~~  
8 ~~performance of services under this section for the unit, the county shall maintain no~~  
9 ~~fewer represented authorized full-time employee positions than the number of~~  
10 ~~represented full-time employee positions that were authorized on February 1, 2009,~~  
11 ~~for performance of the same types of services.~~

12 **SECTION 1545p.** 49.825 (4) (intro.) of the statutes is amended to read:

13 49.825 (4) TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO STATE  
14 EMPLOYEE POSITIONS IN THE UNIT BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (TITLE)  
15 ... [LRB INSERTS DATE]. (intro.) All of the following shall apply to an employee who  
16 is appointed to a state employee position in the unit after May 29, 2009, and before  
17 the effective date of this subsection ... [LRB inserts date], and who, immediately  
18 prior to his or her appointment, was a county employee:

19 **SECTION 1545r.** 49.825 (4) (e) of the statutes is created to read:

20 49.825 (4) (e) Notwithstanding par. (c), beginning on the effective date of this  
21 paragraph .... [LRB inserts date], an employee who has opted under par. (c) to remain  
22 a participating employee in the retirement system established under chapter 201,  
23 laws of 1937, shall remain a participating employee in the retirement system until  
24 the employee has vested in all retirement contributions paid by, or on behalf of, the  
25 employee. When the employee becomes vested in all of the contributions paid by, or

1 on behalf of, the employee in the retirement system established under chapter 201,  
2 laws of 1937, the employee may no longer be a participating employee in that  
3 retirement system and shall immediately become a participating employee in the  
4 Wisconsin retirement system.

5 **SECTION 1545t.** 49.825 (5) of the statutes is created to read:

6 **49.825 (5) TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO STATE**  
7 **EMPLOYEE POSITIONS IN THE UNIT ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION**  
8 **(TITLE) ... [LRB INSERTS DATE]. (intro.) All of the following shall apply to an employee**  
9 **who is appointed to a state employee position in the unit on or after the effective date**  
10 **of this subsection ... [LRB inserts date], and who, immediately prior to his or her**  
11 **appointment, was a county employee performing services for the unit:**

12 (a) The employee shall serve any applicable probationary period under s.  
13 230.28, but shall have his or her seniority with the state computed by treating the  
14 employee's total service with the county as state service.

15 (b) Annual leave for the employee shall accrue at the rate provided in s. 230.35  
16 using the employee's state service computed under par. (a).

17 (c) 1. The employee shall remain a participating employee in the retirement  
18 system established under chapter 201, laws of 1937, until the employee becomes  
19 vested in all of the contributions paid by, or on behalf of, the employee in the  
20 retirement system. When the employee becomes vested in all of the contributions  
21 paid by, or on behalf of, the employee in the retirement system established under  
22 chapter 201, laws of 1937, the employee may no longer be a participating employee  
23 in that retirement system and shall immediately become a participating employee  
24 in the Wisconsin retirement system.

1           2. The secretary shall pay, on behalf of the employee, all required employer  
2 contributions under the retirement system established under chapter 201, laws of  
3 1937.

4           (d) The employee shall have his or her sick leave accrued with the state  
5 computed by treating the employee's unused balance of sick leave accrued with the  
6 county as sick leave accrued in state service, but not to exceed the amount of sick  
7 leave the employee would have accrued in state service for the same period, if the  
8 employee is able to provide adequate documentation in accounting for sick leave used  
9 during the accrual period with the county. Sick leave that transfers under this  
10 paragraph is not subject to a right of conversion, under s. 40.05 (4) or otherwise, upon  
11 death or termination of creditable service for payment of health insurance benefits  
12 on behalf of the employee or the employee's dependents.

13           (e) The employee shall not be subject to s. 40.23 (2m) (er) and (3) (b).

14           **SECTION 1555m.** 49.847 (1) of the statutes is amended to read:

15           49.847 (1) Subject to ss. 49.497 (1) and 49.793 (1), the department of health  
16 services, or a county, multicounty consortium, as defined in s. 49.78 (1) (br), or elected  
17 governing body of a federally recognized American Indian tribe or band acting on  
18 behalf of the department, may recover benefits incorrectly paid under any of the  
19 programs administered by the department under this chapter.

20           **SECTION 1556m.** 49.847 (2) of the statutes is amended to read:

21           49.847 (2) The department, county, multicounty consortium, as defined in s.  
22 49.78 (1) (br), or elected governing body may recover an overpayment from a family  
23 or individual who continues to receive benefits under any program administered by  
24 the department under this chapter by reducing the family's or individual's benefit

1 amount. Subject to s. 49.793 (1), the department may by rule specify other methods  
2 for recovering incorrectly paid benefits.

3 **SECTION 1628.** 49.857 (1) (c) of the statutes is amended to read:

4 49.857 (1) (c) "Credentialing board" means a board, examining board or  
5 affiliated credentialing board in the department of ~~regulation and licensing~~ safety  
6 and professional services that grants a credential.

7 **SECTION 1629.** 49.857 (2) (b) 1. of the statutes is amended to read:

8 49.857 (2) (b) 1. The circumstances under which the licensing authority or the  
9 licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or  
10 issue or refuse to renew or revalidate a license and guidelines for determining the  
11 appropriate action to take. The memorandum of understanding with the  
12 department of ~~regulation and licensing~~ safety and professional services shall include  
13 the circumstances under which the department of ~~regulation and licensing~~ safety  
14 and professional services shall direct a credentialing board to restrict, limit,  
15 suspend, withhold, deny or refuse to grant a credential and guidelines for  
16 determining the appropriate action to take. The guidelines under this subdivision  
17 for determining the appropriate action to take shall require the consideration of  
18 whether the action is likely to have an adverse effect on public health, safety or  
19 welfare or on the environment, and of whether the action is likely to adversely affect  
20 individuals other than the individual holding or applying for the license, such as  
21 employees of that individual.

22 **SECTION 1630.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

23 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a  
24 delinquency in support or a failure to comply with a subpoena or warrant. The  
25 memorandum of understanding with the department of ~~regulation and licensing~~



1 ~~regulation and licensing~~ safety and professional services shall include procedures for the department of  
2 ~~regulation and licensing~~ safety and professional services to notify a credentialing  
3 board that a certification of delinquency in support or failure to comply with a  
4 subpoena or warrant has been made by the department of children and families with  
5 respect to an individual who holds or applied for a credential granted by the  
6 credentialing board.

7 **SECTION 1631.** 49.857 (2) (b) 2. c. of the statutes is amended to read:

8 49.857 (2) (b) 2. c. Notifying the licensing authority or licensing agency that an  
9 individual has paid delinquent support or made satisfactory alternative payment  
10 arrangements or satisfied the requirements under a subpoena or warrant. The  
11 memorandum of understanding with the department of ~~regulation and licensing~~  
12 safety and professional services shall include procedures for the department of  
13 ~~regulation and licensing~~ safety and professional services to notify a credentialing  
14 board that an individual who holds or applied for a credential granted by the  
15 credentialing board has paid delinquent support or made satisfactory alternative  
16 payment arrangements or satisfied the requirements under a subpoena or warrant.

17 **SECTION 1632.** 49.857 (2) (b) 3. a. of the statutes is amended to read:

18 49.857 (2) (b) 3. a. Restricting, limiting, suspending, withholding, denying,  
19 refusing to grant or issue or refusing to renew or revalidate a license. The  
20 memorandum of understanding with the department of ~~regulation and licensing~~  
21 safety and professional services shall include procedures for the department of  
22 ~~regulation and licensing~~ safety and professional services to direct a credentialing  
23 board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.

24 **SECTION 1633.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

1           49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of children  
2 and families notifies the licensing authority or licensing agency that an individual  
3 who was delinquent in making court-ordered payments of support has paid the  
4 delinquent support or made satisfactory alternative payment arrangements or that  
5 an individual who failed to comply with a subpoena or warrant has satisfied the  
6 requirements under the subpoena or warrant. The memorandum of understanding  
7 with the department of ~~regulation and licensing~~ safety and professional services  
8 shall include procedures for the department of ~~regulation and licensing~~ safety and  
9 professional services to direct a credentialing board to grant or reinstate a credential  
10 if the department of children and families notifies the department of ~~regulation and~~  
11 ~~licensing~~ safety and professional services that an individual who holds or applied for  
12 a credential granted by the credentialing board has paid the delinquent support or  
13 made satisfactory alternative payment arrangements or that an individual who  
14 failed to comply with a subpoena or warrant has satisfied the requirements under  
15 the subpoena or warrant.

16           **SECTION 1634.** 49.857 (3) (a) 1. of the statutes is amended to read:

17           49.857 (3) (a) 1. That a certification of delinquency in paying support will be  
18 made to a licensing authority, a licensing agency or, with respect to a credential  
19 granted by a credentialing board, the department of ~~regulation and licensing~~ safety  
20 and professional services.

21           **SECTION 1635.** 49.857 (3) (am) 1. of the statutes is amended to read:

22           49.857 (3) (am) 1. That the individual's name has been placed on a certification  
23 list, which will be provided to a licensing authority, a licensing agency or, with respect  
24 to a credential granted by a credentialing board, the department of ~~regulation and~~  
25 ~~licensing~~ safety and professional services.

1           **SECTION 1636.** 49.857 (3) (b) 1. of the statutes is amended to read:

2           49.857 (3) (b) 1. That a certification of the failure to comply with a subpoena  
3 or warrant will be made to a licensing authority, a licensing agency or, with respect  
4 to a credential granted by a credentialing board, the department of ~~regulation and~~  
5 licensing safety and professional services.

6           **SECTION 1637.** 49.857 (3) (c) (intro.) of the statutes is amended to read:

7           49.857 (3) (c) (intro.) If the department of children and families provides a  
8 certification list to a licensing authority, a licensing agency or, with respect to a  
9 credential granted by a credentialing board, the department of ~~regulation and~~  
10 licensing safety and professional services, upon receipt of the list the licensing  
11 authority if the licensing authority agrees, the licensing agency or, with respect to  
12 a credential granted by a credentialing board, the department of ~~regulation and~~  
13 licensing safety and professional services shall do all of the following:

14           **SECTION 1638.** 49.857 (3) (d) 1. of the statutes is amended to read:

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

1 children and families, notify the credentialing board to grant or reinstate the  
2 individual's credential.

3 **SECTION 1639.** 49.857 (3) (d) 2. of the statutes is amended to read:

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

16 **SECTION 1640.** 49.857 (4) of the statutes is amended to read:

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

24 **SECTION 1647.** 50.01 (1) (c) of the statutes is repealed.

25 **SECTION 1648.** 50.01 (1g) (c) of the statutes is amended to read:

1           50.01 (1g) (c) A shelter facility as defined under s. ~~560.9808~~ 16.308 (1) (d).

2           **SECTION 1649.** 50.02 (1) of the statutes is amended to read:

3           50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,  
4           statewide licensing, inspection, and regulation of community-based residential  
5           facilities and nursing homes as provided in this subchapter. The department shall  
6           certify, inspect, and otherwise regulate adult family homes, as specified under ~~ss.~~  
7           ~~50.031 and s.~~ 50.032 and shall license adult family homes, as specified under s.  
8           50.033. Nothing in this subchapter may be construed to limit the authority of the  
9           department of ~~commerce~~ safety and professional services or of municipalities to set  
10          standards of building safety and hygiene, but any local orders of municipalities shall  
11          be consistent with uniform, statewide regulation of community-based residential  
12          facilities. The department may not prohibit any nursing home from distributing  
13          over-the-counter drugs from bulk supply. The department may consult with  
14          nursing homes as needed and may provide specialized consultations when requested  
15          by any nursing home, separate from its inspection process, to scrutinize any  
16          particular questions the nursing home raises. The department shall, by rule, define  
17          “specialized consultation”.

18          **SECTION 1650.** 50.02 (2) (a) of the statutes is amended to read:

19          50.02 (2) (a) The department, by rule, shall develop, establish and enforce  
20          regulations and standards for the care, treatment, health, safety, rights, welfare and  
21          comfort of residents in community-based residential facilities and nursing homes  
22          and for the construction, general hygiene, maintenance and operation of those  
23          facilities which, in the light of advancing knowledge, will promote safe and adequate  
24          accommodation, care and treatment of residents in those facilities; and promulgate  
25          and enforce rules consistent with this section. Such standards and rules shall

1 provide that intermediate care facilities, which have 16 or fewer beds may, if  
2 exempted from meeting certain physical plant, staffing and other requirements of  
3 the federal regulations, be exempted from meeting the corresponding provisions of  
4 the department's standards and rules. The department shall consult with the  
5 department of ~~eommerce~~ safety and professional services when developing  
6 exemptions relating to physical plant requirements.

7 **SECTION 1652.** 50.031 of the statutes is repealed.

8 **SECTION 1653.** 50.035 (2) (a) 3. of the statutes is amended to read:

9 50.035 (2) (a) 3. The department or the department of ~~eommerce~~ safety and  
10 professional services may waive the requirement under subd. 1. or 2. for a  
11 community-based residential facility that has a smoke detection or sprinkler system  
12 in place that is at least as effective for fire protection as the type of system required  
13 under the relevant subdivision.

14 **SECTION 1654.** 50.035 (2) (b) (intro.) of the statutes is amended to read:

15 50.035 (2) (b) (intro.) No facility may install a smoke detection system that fails  
16 to receive the approval of the department or of the department of ~~eommerce~~ safety  
17 and professional services. At least one smoke detector shall be located at each of the  
18 following locations:

19 **SECTION 1656.** 50.065 (2) (am) 3. of the statutes is amended to read:

20 50.065 (2) (am) 3. Information maintained by the department of ~~regulation and~~  
21 ~~licensing~~ safety and professional services regarding the status of the person's  
22 credentials, if applicable.

23 **SECTION 1657.** 50.065 (2) (b) 3. of the statutes is amended to read:

1           50.065 (2) (b) 3. Information maintained by the department of ~~regulation and~~  
2 licensing safety and professional services regarding the status of the person's  
3 credentials, if applicable.

4           **SECTION 1658.** 50.065 (4m) (a) 5. of the statutes is amended to read:

5           50.065 (4m) (a) 5. That, in the case of a position for which the person must be  
6 credentialed by the department of ~~regulation and licensing safety and professional~~  
7 services, the person's credential is not current or is limited so as to restrict the person  
8 from providing adequate care to a client.

9           **SECTION 1659.** 50.065 (4m) (b) 5. of the statutes is amended to read:

10          50.065 (4m) (b) 5. That, in the case of a position for which the person must be  
11 credentialed by the department of ~~regulation and licensing safety and professional~~  
12 services, the person's credential is not current or is limited so as to restrict the person  
13 from providing adequate care to a client.

14          **SECTION 1660.** 50.36 (1) of the statutes is amended to read:

15          50.36 (1) The department shall promulgate, adopt, amend and enforce such  
16 rules and standards for hospitals for the construction, maintenance and operation  
17 of the hospitals deemed necessary to provide safe and adequate care and treatment  
18 of the patients in the hospitals and to protect the health and safety of the patients  
19 and employees; and nothing contained herein shall pertain to a person licensed to  
20 practice medicine and surgery or dentistry. The building codes and construction  
21 standards of the department of ~~commerce~~ safety and professional services shall  
22 apply to all hospitals and the department may adopt additional construction codes  
23 and standards for hospitals, provided they are not lower than the requirements of  
24 the department of ~~commerce~~ safety and professional services. Except for the  
25 construction codes and standards of the department of ~~commerce~~ safety and

1 professional services and except as provided in s. 50.39 (3), the department shall be  
2 the sole agency to adopt and enforce rules and standards pertaining to hospitals.

3 **SECTION 1661.** 50.36 (6) of the statutes is amended to read:

4 50.36 (6) If the department receives a credible complaint that a pharmacy  
5 located in a hospital has violated its duty to dispense contraceptive drugs and devices  
6 under s. 450.095 (2), the department shall refer the complaint to the department of  
7 ~~regulation and licensing~~ safety and professional services.

8 **SECTION 1663.** 51.03 (6) of the statutes is repealed.

9 **SECTION 1664.** 51.35 (5) of the statutes is amended to read:

10 51.35 (5) RESIDENTIAL LIVING ARRANGEMENTS; TRANSITIONARY SERVICES. The  
11 department and any person, director, or board authorized to discharge or transfer  
12 patients under this section shall ensure that a proper residential living arrangement  
13 and the necessary transitionary services are available and provided for the patient  
14 being discharged or transferred. Under this subsection, a proper residential living  
15 arrangement may not include a shelter facility, as defined under s. ~~560.9808~~ 16.308  
16 (1) (d), unless the discharge or transfer to the shelter facility is made on an  
17 emergency basis for a period not to exceed 10 days.

18 **SECTION 1665.** 51.42 (3) (a) of the statutes is amended to read:

19 51.42 (3) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county  
20 board of supervisors of any county, or the county boards of supervisors of 2 or more  
21 ~~contiguous~~ counties, shall establish a county department of community programs on  
22 a single-county or multicounty basis to administer a community mental health,  
23 developmental disabilities, alcoholism and drug abuse program, make  
24 appropriations to operate the program and authorize the county department of  
25 community programs to apply for grants-in-aid under s. 51.423. The county



1 department of community programs shall consist of a county community programs  
2 board, a county community programs director and necessary personnel.

3 **SECTION 1666.** 51.42 (7) (a) 7. of the statutes is amended to read:

4 51.42 (7) (a) 7. Develop a program in consultation with the department of  
5 ~~regulation and licensing~~ safety and professional services to use voluntary,  
6 uncompensated services of licensed or certified professionals to assist the  
7 department of health services in evaluating community mental health programs in  
8 exchange for continuing education credits for the professionals under ss. 448.40 (2)  
9 (e) and 455.065 (5).

10 **SECTION 1667.** 51.437 (4g) (a) of the statutes is amended to read:

11 51.437 (4g) (a) Except as provided under par. (b) and ss. 46.21 (2m) (b) and  
12 46.23 (3) (b), every county board of supervisors shall establish a county department  
13 of developmental disabilities services on a single-county or multicounty basis to  
14 furnish services within its county. ~~Adjacent counties,~~ Counties lacking the financial  
15 resources and professional personnel needed to provide or secure such services on a  
16 single-county basis, ~~may and shall be encouraged to~~ combine their energies and  
17 financial resources to provide these joint services and facilities with the approval of  
18 the department of health services. The county department of developmental  
19 disabilities services shall consist of a county developmental disabilities services  
20 board, a county developmental disabilities services director and necessary  
21 personnel.

22 **SECTION 1667g.** 51.61 (1) (o) of the statutes is amended to read:

23 51.61 (1) (o) Except as otherwise provided, have a right not to be filmed or  
24 taped, unless the patient signs an informed and voluntary consent that specifically  
25 authorizes a named individual or group to film or tape the patient for a particular

1 purpose or project during a specified time period. The patient may specify in the  
2 consent periods during which, or situations in which, the patient may not be filmed  
3 or taped. If a patient is adjudicated incompetent, the consent shall be granted on  
4 behalf of the patient by the patient's guardian. A patient in Goodland Hall at the  
5 Mendota Mental Health Institute, ~~or a patient detained or committed under ch. 980~~  
6 ~~and placed in a facility specified under s. 980.065, or a patient who is in the legal~~  
7 ~~custody of or under the supervision of the department of corrections,~~ may be subject  
8 to video surveillance or filmed or taped for security purposes without the patient's  
9 consent, except that such a patient may not be filmed in patient bedrooms or  
10 bathrooms without the patient's consent unless the patient is engaged in dangerous  
11 or disruptive behavior. A treatment activity involving a patient committed or  
12 detained under ch. 980 may be filmed or taped if the purpose of the recording is to  
13 assess the quality of the treatment activity or to facilitate clinical supervision of the  
14 staff involved in the treatment activity.

15 **SECTION 1668.** 55.043 (4) (b) 5. of the statutes is amended to read:

16 55.043 (4) (b) 5. Refer the case to the department of ~~regulation and licensing~~  
17 safety and professional services if the financial exploitation, neglect, self-neglect, or  
18 abuse involves an individual who is required to hold a credential, as defined in s.  
19 440.01 (2) (a), under chs. 440 to 460.

20 **SECTION 1670.** 59.27 (10) of the statutes is amended to read:

21 59.27 (10) To enforce in the county all general orders of the department of  
22 ~~commerce~~ safety and professional services relating to the sale, transportation and  
23 storage of explosives.

24 **SECTION 1675n.** 59.52 (30) of the statutes is created to read:

1           **59.52 (30)** LIMITATION ON PERFORMANCE OF HIGHWAY WORK. Notwithstanding ss.  
2           66.0131, 66.0301, and 83.035, a county may not use its own workforce to perform a  
3           highway improvement project on a highway under the jurisdiction of another county  
4           or a municipality that is located in a different county unless one of the following  
5           applies:

6           (a) A portion of the project lies within the county performing the work and no  
7           portion of the project extends beyond an adjoining county.

8           (b) The project lies, wholly or in part, within a municipality that lies partially  
9           within the county performing the work.

10          **SECTION 1677.** 59.57 (1) (a) of the statutes is amended to read:

11          59.57 (1) (a) Subject to par. (b), the board may appropriate money for and create  
12          a county industrial development agency or to any nonprofit agency organized to  
13          engage or engaging in activities described in this paragraph, appoint an executive  
14          officer and provide a staff and facilities to promote and develop the resources of the  
15          county and of its component municipalities. To this end the agency may, without  
16          limitation because of enumeration, develop data regarding the industrial needs,  
17          advantages and sites in the county, acquaint the purchaser with the products of the  
18          county by promotional activities, coordinate its work with that of the county  
19          planning commission, the ~~department of commerce~~ Wisconsin Economic  
20          Development Corporation, and private credit development corporations, and do all  
21          things necessary to provide for the continued improvement of the industrial climate  
22          of the county.

23          **SECTION 1678.** 59.57 (1) (b) of the statutes is amended to read:

24          59.57 (1) (b) If a county with a population of 500,000 or more appropriates  
25          money under par. (a) to fund nonprofit agencies, the county shall have a goal of

1 expending 20% of the money appropriated for this purpose to fund a nonprofit agency  
2 that is actively managed by minority group members, as defined in s. ~~560.036~~ 16.287  
3 (1) (f), and that principally serves minority group members.

4 **SECTION 1679d.** 59.58 (6) of the statutes is repealed.

5 **SECTION 1679h.** 59.58 (7) of the statutes, as affected by 2011 Wisconsin Act ...  
6 (this act), is repealed.

7 **SECTION 1679p.** 59.58 (7) (e) (intro.) of the statutes is amended to read:

8 59.58 (7) (e) (intro.) The Subject to s. 77.9973 (2), the authority may impose the  
9 fees under subch. XIII of ch. 77. From the fees, the authority may do all of the  
10 following:

11 **SECTION 1679t.** 59.58 (7) (i) and (j) of the statutes are repealed.

12 **SECTION 1680m.** 59.605 (6) of the statutes is created to read:

13 59.605 (6) TEMPORARY SUSPENSION OF THE LIMIT. This section does not apply to  
14 a county's levy that is imposed in December 2011 or December 2012.

15 **SECTION 1681.** 59.69 (4c) of the statutes is amended to read:

16 59.69 (4c) CONSTRUCTION SITE ORDINANCE LIMITS. Except as provided in s. ~~281.33~~  
17 ~~(3m)~~ ~~(f)~~ 101.1206 (5m), an ordinance that is enacted under sub. (4) may only include  
18 provisions that are related to construction site erosion control if those provisions are  
19 limited to sites where the construction activities do not include the construction of  
20 a building.

21 **SECTION 1682.** 59.69 (15) (intro.) of the statutes is amended to read:

22 59.69 (15) 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

1 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in  
2 s. 50.01 (1) ~~(a) or (b)~~, in any municipality, shall be subject to the following criteria:

3 **SECTION 1683.** 59.691 (2) (b) 1. of the statutes is amended to read:

4 59.691 (2) (b) 1. A county is not required to give the notice under par. (a) at the  
5 time that it issues a building permit if the county issues the building permit on a  
6 standard building permit form prescribed by the department of ~~commerce~~ safety and  
7 professional services.

8 **SECTION 1684p.** 59.875 of the statutes, as created by 2011 Wisconsin Act 10,  
9 is repealed and recreated to read:

10 **59.875 Payment of contributions in an employee retirement system of**  
11 **populous counties.** (1) In this section, “county” means any county having a  
12 population of 500,000 or more.

13 (2) (a) Beginning on the effective date of this subsection .... [LRB inserts date],  
14 in any employee retirement system of a county, except as otherwise provided in a  
15 collective bargaining agreement entered into under subch. IV of ch. 111 and except  
16 as provided in par. (b), employees shall pay half of all actuarially required  
17 contributions for funding benefits under the retirement system. The employer may  
18 not pay on behalf of an employee any of the employee’s share of the actuarially  
19 required contributions.

20 (b) 1. An employer shall pay, on behalf of a nonrepresented law enforcement or  
21 fire fighting managerial employee, who was initially employed by the employer  
22 before the effective date of this subdivision .... [LRB inserts date], the same  
23 contributions required by par. (a) that are paid by the employer for represented law  
24 enforcement or fire fighting personnel who were initially employed by the employer  
25 before the effective date of this subdivision .... [LRB inserts date].

1           2. An employer shall pay, on behalf of a represented law enforcement or fire  
2 fighting employee, who was initially employed by the employer before the effective  
3 date of this subdivision .... [LRB inserts date], and who on or after the effective date  
4 of this subdivision .... [LRB inserts date], became employed in a nonrepresented law  
5 enforcement or fire fighting managerial position with the employer, or a successor  
6 employer in the event of a combined department that is created on or after the  
7 effective date of this subdivision .... [LRB inserts date], the same contributions  
8 required by par. (a) that are paid by the employer for represented law enforcement  
9 or fire fighting personnel who were initially employed by the employer before the  
10 effective date of this subdivision .... [LRB inserts date].

11           **SECTION 1685.** 60.23 (4) (c) of the statutes is amended to read:

12           60.23 (4) (c) Coordinate its activities with the county planning commission, the  
13 ~~department of commerce~~ Wisconsin Economic Development Corporation, and  
14 private credit development organizations.

15           **SECTION 1686.** 60.55 (1) (a) 5. of the statutes is created to read:

16           60.55 (1) (a) 5. Creating a combined protective services department under s.  
17 60.553.

18           **SECTION 1687.** 60.553 of the statutes is created to read:

19           **60.553 Combined protective services. (1)** Any town may provide police and  
20 fire protection services by any of the following:

21           (a) A combined protective services department which is neither a police  
22 department under s. 60.56 (1) (a) nor a fire department under s. 60.55 (1) (a), and in  
23 which the same person may be required to perform police protection and fire  
24 protection duties without being required to perform police protection duties for more

1 than 8 hours in each 24 hours except in emergency situations, as described under s.  
2 62.13 (7n).

3 (b) Persons in a police department or fire department who, alone or in  
4 combination with persons designated as police officers or fire fighters, may be  
5 required to perform police protection and fire protection duties without being  
6 required to perform police protection duties for more than 8 hours in each 24 hours  
7 except in emergency situations, as described under s. 62.13 (7n).

8 (2) The governing body of a town acting under sub. (1) may designate any  
9 person required to perform police protection and fire protection duties under sub. (1)  
10 as primarily a police officer or fire fighter for purposes described in ss. 62.13 (7m),  
11 (7n), (10m), and (11) 891.45, 891.453, and 891.455.

12 **SECTION 1688.** 60.56 (1) (a) 4. of the statutes is created to read:

13 60.56 (1) (a) 4. Creating a combined protective services department under s.  
14 60.553.

15 **SECTION 1689.** 60.56 (1) (am) (intro.) of the statutes is amended to read:

16 60.56 (1) (am) (intro.) If a town board establishes a town police department  
17 under par. (a) 1. or 2. and does not create a board of police commissioners singly or  
18 in combination with another town, village or city, or if a town board establishes a  
19 combined protective services department under s. 60.553 and does not create a board  
20 of police and fire commissioners, the town may not suspend, reduce, suspend and  
21 reduce, or remove any police chief, chief of a combined protective services  
22 department, or other law enforcement officer who is not probationary, and for whom  
23 there is no valid and enforceable contract of employment or collective bargaining  
24 agreement which provides for a fair review prior to that suspension, reduction,

1 suspension and reduction or removal, unless the town board does one of the  
2 following:

3 **SECTION 1690.** 60.57 (1) (c) of the statutes is amended to read:

4 60.57 (1) (c) If the town has both a police and fire department, or a combined  
5 protective services department, establish a board of police and fire commissioners.

6 **SECTION 1691.** 60.625 (2) (b) 1. of the statutes is amended to read:

7 60.625 (2) (b) 1. A town is not required to give the notice under par. (a) at the  
8 time that it issues a building permit if the town issues the building permit on a  
9 standard building permit form prescribed by the department of ~~commerce~~ safety and  
10 professional services.

11 **SECTION 1692.** 60.63 (intro.) of the statutes is amended to read:

12 **60.63 Community and other living arrangements.** (intro.) For purposes  
13 of s. 60.61, the location of a community living arrangement for adults, as defined in  
14 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743  
15 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in  
16 s. 50.01 (1) ~~(a) or (b)~~, in any town shall be subject to the following criteria:

17 **SECTION 1693.** 60.71 (4) (b) of the statutes is amended to read:

18 60.71 (4) (b) The town board shall publish a class 2 notice, under ch. 985, of the  
19 hearing. The notice shall contain an announcement of the hearing and a description  
20 of the boundaries of the proposed town sanitary district. The town board shall mail  
21 the notice to the department of ~~commerce~~ safety and professional services and the  
22 department of natural resources at least 10 days prior to the hearing.

23 **SECTION 1694.** 60.71 (4) (c) of the statutes is amended to read:

24 60.71 (4) (c) Any person may file written comments on the formation of the  
25 district with the town clerk. Any owner of property within the boundary of the



1 proposed district may appear at the hearing and offer objections, criticisms or  
2 suggestions as to the necessity of the proposed district and the question of whether  
3 his or her property will be benefited by the establishment of the district. A  
4 representative of the department of ~~commerce~~ safety and professional services and  
5 of the department of natural resources may attend the hearing and advise the town  
6 board.

7 **SECTION 1695.** 60.85 (14) of the statutes is repealed.

8 **SECTION 1696.** 61.352 (2) (b) 1. of the statutes is amended to read:

9 61.352 (2) (b) 1. A village is not required to give the notice under par. (a) at the  
10 time that it issues a building permit if the village issues the building permit on a  
11 standard building permit form prescribed by the department of ~~commerce~~ safety and  
12 professional services.

13 **SECTION 1696m.** 61.54 of the statutes is amended to read:

14 **61.54 Public works.** All contracts for public construction shall be let by a  
15 village board in accordance with s. 62.15. The village board, or a person or body  
16 designated by the village board, shall exercise the powers and duties of the board of  
17 public works under s. 62.15. Section 62.15 applies to a village in the same manner  
18 as to a city.

19 **SECTION 1697.** 61.65 (1) (am) (intro.) of the statutes is amended to read:

20 61.65 (1) (am) (intro.) If a village establishes a police department and does not  
21 create a board of police commissioners singly or in combination with another  
22 municipality, or if a village board establishes a combined protective services  
23 department under s. 61.66 and does not create a board of police and fire  
24 commissioners, the village may not suspend, reduce, suspend and reduce, or remove  
25 any police chief, chief of a combined protective services department, or other law

1 enforcement officer who is not probationary, and for whom there is no valid and  
2 enforceable contract of employment or collective bargaining agreement which  
3 provides for a fair review prior to that suspension, reduction, suspension and  
4 reduction or removal, unless the village does one of the following:

5 **SECTION 1698.** 61.66 (1) (a) and (b) and (2) of the statutes are amended to read:

6 61.66 (1) (a) A combined protective services department which is neither a  
7 police department under s. 61.65 (1) (a) nor a fire department under s. 61.65 (2) (a),  
8 ~~which was created prior to January 1, 1987,~~ and in which the same person may be  
9 required to perform police protection and fire protection duties without being  
10 required to perform police protection duties for more than 8 hours in each 24 hours  
11 except in emergency situations, as ~~specified~~ described under s. 62.13 (7n).

12 (b) Persons in a police department or fire department who, alone or in  
13 combination with persons designated as police officers or fire fighters, may be  
14 required to perform police protection and fire protection duties without being  
15 required to perform police protection duties for more than 8 hours in each 24 hours  
16 except in emergency situations, as ~~specified~~ described under s. 62.13 (7n), ~~if those~~  
17 ~~persons were required to perform those duties prior to January 1, 1987.~~

18 (2) The governing body of a village acting under sub. (1) may designate any  
19 person required to perform police protection and fire protection duties under sub. (1)  
20 as primarily a police officer or fire fighter for purposes of ~~s. 62.13~~ described in ss. 62.13  
21 (7m), (7n), (10m), and (11), 891.45, 891.453, or and 891.455.

22 **SECTION 1699.** 62.09 (1) (a) of the statutes is amended to read:

23 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,  
24 attorney, engineer, one or more assessors unless the city is assessed by a county  
25 assessor under s. 70.99, one or more constables as determined by the common

1 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as  
2 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners  
3 except in cities where not applicable, chief of police except in a city ~~that has~~  
4 ~~contracted for all of its police protective services under s. 62.13 (2g) or has abolished~~  
5 ~~its police department under s. 62.13 (2s) where it is not applicable~~, chief of the fire  
6 department except in a city ~~that contracted for all of its fire protective services under~~  
7 ~~s. 62.13 (8) (b) where it is not applicable~~, chief of a combined protective services  
8 department except in a city where it is not applicable, board of public works, 2  
9 alderpersons from each aldermanic district, and such other officers or boards as are  
10 created by law or by the council. If one alderperson from each aldermanic district  
11 is provided under s. 66.0211 (1), the council may, by ordinance adopted by a  
12 two-thirds vote of all its members and approved by the electors at a general or special  
13 election, provide that there shall be 2 alderpersons from each aldermanic district.  
14 If a city creates a combined protective services department under s. 62.13 (2e) (a) 1.,  
15 it shall create the office of chief of such a department and shall abolish the offices of  
16 chief of police and chief of the fire department.

17 **SECTION 1700.** 62.09 (13) (a) of the statutes is amended to read:

18 62.09 (13) (a) The chief of police shall have command of the police force of the  
19 city, or the chief of a combined protective services department created under s. 62.13  
20 (2e) (a) 1. shall have command of the combined protective services force, under the  
21 direction of the mayor. The chief shall obey all lawful written orders of the mayor  
22 or common council. The chief and each police officer or combined protective services  
23 officer shall possess the powers, enjoy the privileges and be subject to the liabilities  
24 conferred and imposed by law upon constables, and be taken as included in all writs  
25 and papers addressed to constables; shall arrest with or without process and with

1 reasonable diligence take before the municipal judge or other proper court every  
2 person found in the city engaged in any disturbance of the peace or violating any law  
3 of the state or ordinance of the city and may command all persons present in that case  
4 to assist, and if any person, being so commanded, refuses or neglects to render  
5 assistance the person shall forfeit not exceeding \$10. They shall collect the same fees  
6 prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is  
7 applicable under s. 814.705 (1) (b).

8 **SECTION 1701.** 62.09 (13) (b) of the statutes is amended to read:

9 62.09 (13) (b) The chief of police, or the chief of a combined protective services  
10 department created under s. 62.13 (2e) (a) 1., shall have charge of all city jails,  
11 including that portion of any jail which is used by the city in a joint city-county  
12 building.

13 **SECTION 1702.** 62.13 (2e) of the statutes is created to read:

14 62.13 (2e) COMBINED PROTECTIVE SERVICES. (a) A city may provide police and  
15 fire protection services by any of the following:

16 1. A combined protective services department which is neither a police  
17 department as otherwise constituted under this section nor a fire department as  
18 otherwise constituted under this section, in which the same person may be required  
19 to perform police protection and fire protection duties without being required to  
20 perform police protection duties for more than 8 hours in each 24 hours except in  
21 emergency situations, as described under sub. (7n).

22 2. Persons in a police department or fire department who, alone or in  
23 combination with persons designated as police officers or fire fighters, may be  
24 required to perform police protection and fire protection duties without being

1 required to perform police protection duties for more than 8 hours in each 24 hours  
2 except in emergency situations, as described under sub. (7n).

3 (b) The governing body of a city acting under par. (a) may designate any person  
4 required to perform police protection and fire protection duties under par. (a) as  
5 primarily a police officer or fire fighter for purposes described in subs. (7m), (7n),  
6 (10m), and (11) and ss. 891.45, 891.453, and 891.455.

7 **SECTION 1703.** 62.13 (2s) (a) of the statutes is amended to read:

8 62.13 (2s) (a) Subject to pars. (b) to (d), a city may abolish its police department  
9 or combined protective services department if it enters into a contract with a county  
10 under s. 59.03 (2) (e) for the county sheriff to provide law enforcement services in all  
11 parts of the city. If the city is located in more than one county, it may not abolish its  
12 police department or combined protective services department under this paragraph  
13 unless the city enters into a contract under this paragraph with the county in which  
14 the greatest amount of the city's equalized value, population or territory is located.  
15 If a city that is located in more than one county enters into a contract with a county  
16 under this paragraph, the jurisdiction of the contracting county's sheriff and  
17 deputies includes the entire territory of the city.

18 **SECTION 1704.** 62.13 (3) of the statutes is amended to read:

19 62.13 (3) CHIEFS. The board shall appoint the chief of police and the chief of the  
20 fire department or, if applicable, the chief of a combined protective services  
21 department, who shall hold their offices during good behavior, subject to suspension  
22 or removal by the board for cause.

23 **SECTION 1705.** 62.13 (6) (a) 1. of the statutes is amended to read:

1           62.13 (6) (a) 1. To organize and supervise the fire and police, or combined  
2 protective services, departments and to prescribe rules and regulations for their  
3 control and management.

4           **SECTION 1706.** 62.13 (6) (a) 2. of the statutes is amended to read:

5           62.13 (6) (a) 2. To contract for and purchase all necessary apparatus and  
6 supplies for the use of the departments under their supervision, exclusive of the  
7 erection and control of the police ~~and station~~, fire station, and combined protective  
8 services station buildings.

9           **SECTION 1707.** 62.13 (6) (a) 3. of the statutes is amended to read:

10           62.13 (6) (a) 3. To audit all bills, claims and expenses of the fire ~~and~~, police, and  
11 combined protective services departments before the same are paid by the city  
12 treasurer.

13           **SECTION 1708.** 62.13 (6m) (intro.) of the statutes is amended to read:

14           62.13 (6m) (intro.) If a city of less than 4,000 population has not by ordinance  
15 applied subs. (1) to (6) to the city, the city may not suspend, reduce, suspend and  
16 reduce, or remove any police chief, combined protective services chief, or other law  
17 enforcement officer who is not probationary, and for whom there is no valid and  
18 enforceable contract of employment or collective bargaining agreement which  
19 provides for a fair review prior to that suspension, reduction, suspension and  
20 reduction or removal, unless the city does one of the following:

21           **SECTION 1709.** 62.13 (7m) of the statutes is amended to read:

22           62.13 (7m) REST DAY. (a) The council of every city of the fourth class shall  
23 provide for, and the chief of the police or fire department, or the chief of the combined  
24 protective services department, shall assign to, each subordinate police officer, or  
25 each subordinate designated as primarily a police officer under sub. (2e) (b), in the

1 service of such city one full rest day of 24 consecutive hours during each 192 hours,  
2 except in cases of positive necessity by some sudden and serious emergency, which,  
3 in the judgment of the chief of police, the fire chief, or the chief of the combined  
4 protective services department, demands that such day of rest not be given at such  
5 time. Arrangements shall be made so that each full rest day may be had at such time  
6 or times as will not impair the efficiency of the department.

7 (b) The council of every city of the second or third class shall provide for, and  
8 the chief of the police or fire department, or the chief of the combined protective  
9 services department, shall assign to, each subordinate police officer, or each  
10 subordinate designated as primarily a police officer under sub. (2e) (b), in the service  
11 of such city 2 full rest days of 24 consecutive hours each during each 192 hours, except  
12 in cases of positive necessity by some sudden and serious emergency, which, in the  
13 judgment of the chief of police, the fire chief, or the chief of the combined protective  
14 services department, demands that any such day of rest not be given at such time.  
15 Arrangements shall be made so that each full rest day may be had at such time or  
16 times as will not impair the efficiency of the department. This section shall not apply  
17 to villages to which s. 61.65 is applicable.

18 **SECTION 1710.** 62.13 (7n) of the statutes is amended to read:

19 62.13 (7n) HOURS OF LABOR. Except when a labor agreement under subch. IV  
20 of ch. 111 that governs hours of employment exists, the council of every 2nd, 3rd or  
21 4th class city shall provide for a working day of not more than 8 hours in each 24  
22 except in cases of positive necessity by some sudden and serious emergency, which,  
23 in the judgment of the chief of police, the fire chief, or the chief of the combined  
24 protective services department, demands that such workday shall be extended  
25 beyond the 8-hour period at such time; and, when such emergency ceases to exist,

1 all overtime given during such emergency shall be placed to the credit of such  
2 subordinate police officer, or each subordinate designated as primarily a police  
3 officer under sub. (2e) (b), and compensatory time under s. 103.025 given therefor.

4 **SECTION 1711.** 62.13 (10m) of the statutes is amended to read:

5 62.13 (10m) RULES GOVERNING LEAVING CITY. Subject to approval of the common  
6 council the fire chief, police chief, or the chief of the combined protective services  
7 department, may establish rules requiring subordinate fire fighters, or each  
8 subordinate designated as primarily a fire fighter under sub. (2e) (b), to obtain  
9 permission before leaving the city.

10 **SECTION 1712.** 62.13 (11) of the statutes is amended to read:

11 62.13 (11) FIRE FIGHTERS, REST DAY. The common council of every 4th class city,  
12 having a population of 5,000 or more and a fire department, or a combined protective  
13 services department, shall provide for, and the chief of the fire department, police  
14 department, or combined protective services department shall assign to each full  
15 paid subordinate member thereof of the fire department or subordinate designated  
16 as primarily a fire fighter under sub. (2e) (b), a period of 24 consecutive hours off duty  
17 during each 72 hours, except in cases of positive necessity by some sudden and  
18 serious fire, accident or other peril, which, in the judgment of the chief engineer or  
19 other officer in charge demands that the day of rest not be given at that time. The  
20 provisions of this section shall not apply to cities having a 2-platoon or double shift  
21 system. The provisions of this subsection apply to a person designated as primarily  
22 a fire fighter who is employed by a police department, as described in sub. (2e).

23 **SECTION 1713.** 62.13 (12) of the statutes is amended to read:

24 62.13 (12) LEGISLATIVE INTENT. Section 62.13 and chapter 589, laws of 1921,  
25 chapter 423, laws of 1923, and chapter 586, laws of 1911, shall be construed as an



1 enactment of statewide concern for the purpose of providing a uniform regulation of  
2 police ~~and, fire, and combined protective services~~ departments.

3 **SECTION 1713m.** 62.15 (1d) of the statutes is created to read:

4 62.15 (1d) LIMITATION ON HIGHWAY WORK PERFORMED BY A COUNTY.  
5 Notwithstanding ss. 66.0131, 66.0301, and 83.035, a city having a population of  
6 5,000 or more may not have a highway improvement project performed by a county  
7 workforce except as provided under s. 86.31 (2) (b).

8 **SECTION 1714.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

9 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes  
10 of this section, the location of a community living arrangement for adults, as defined  
11 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743  
12 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in  
13 s. 50.01 (1) ~~(a) or (b)~~, in any city shall be subject to the following criteria:

14 **SECTION 1715.** 62.232 (2) (b) 1. of the statutes is amended to read:

15 62.232 (2) (b) 1. A city is not required to give the notice under par. (a) at the time  
16 that it issues a building permit if the city issues the building permit on a standard  
17 building permit form prescribed by the department of ~~eommeree~~ safety and  
18 professional services.

19 **SECTION 1715h.** 62.50 (18) of the statutes is renumbered 62.50 (18) (a) and  
20 amended to read:

21 62.50 (18) (a) No chief officer of either department or member of the fire  
22 department may be deprived of any salary or wages for the period of time suspended  
23 preceding an investigation or trial, unless the charge is sustained. ~~No~~ Except as  
24 provided in par. (b), no member of the police force may be discharged or suspended  
25 under sub. (11) or (13) without pay or benefits until the matter that is the subject of

1 the discharge or suspension is disposed of by the board or the time for appeal under  
2 sub. (13) passes without an appeal being made.

3 **SECTION 1715k.** 62.50 (18) (b) of the statutes is created to read:

4 62.50 (18) (b) Following a discharge or suspension under sub. (11) or (13), no  
5 member of the police force is entitled to any salary or wages from the department  
6 pending an appeal of the discharge or suspension to the board of fire and police  
7 commissioners if charges relating to an offense are also pending against the member  
8 and such charges arose out of the same conduct or incident that serves as the basis  
9 for the discharge or suspension. If the charges against the officer are dismissed, or  
10 if the officer is found not guilty of the charges, the officer shall be reinstated and  
11 entitled to pay as described in sub. (22).

12 **SECTION 1715p.** 62.623 of the statutes, as created by 2011 Wisconsin Act 10,  
13 is repealed and recreated to read:

14 **62.623 Payment of contributions in an employee retirement system of**  
15 **a 1st class city. (1)** Beginning on the effective date of this section .... [LRB inserts  
16 date], in any employee retirement system of a 1st class city, except as otherwise  
17 provided in a collective bargaining agreement entered into under subch. IV of ch. 111  
18 and except as provided in sub. (2), employees shall pay all employee required  
19 contributions for funding benefits under the retirement system. The employer may  
20 not pay on behalf of an employee any of the employee's share of the required  
21 contributions.

22 (2) (a) An employer shall pay, on behalf of a nonrepresented law enforcement  
23 or fire fighting managerial employee, who was initially employed by the employer  
24 before the effective date of this paragraph .... [LRB inserts date], the same  
25 contributions required by sub. (1) that are paid by the employer for represented law