

1           **\*b1639/2.9\* 1523.** Page 1402, line 23: after that line insert:

2           **\*b1639/2.9\* "SECTION 3026h.** 569.01 (4) of the statutes is created to read:

3           569.01 (4) "Net win" means the amount wagered at an Indian gaming facility,  
4           less the amount paid out in winnings at the Indian gaming facility.

5           **\*b1639/2.9\* SECTION 3026p.** 569.02 (5) of the statutes is created to read:

6           569.02 (5) On March 1 annually, for each payment of Indian gaming receipts,  
7           as described under s. 569.01 (1m) (d), received by the state from an Indian tribe in  
8           the prior calendar year, determine the amount to be transferred under s. 20.505 (8)  
9           (hm) to the appropriation account under s. 20.835 (2) (ka) by doing all of the  
10          following:

11           (a) Dividing the net win in the prior calendar year at all of the Indian tribe's  
12          Indian gaming facilities at which pari-mutuel racing is conducted and at which  
13          pari-mutuel racing under ch. 562 was conducted on the effective date of this  
14          paragraph .... [revisor inserts date], by the net win in the prior calendar year at all  
15          of the Indian tribe's Indian gaming facilities.

16           (b) Multiplying the number calculated under par. (a) by the amount of Indian  
17          gaming receipts, as described under s. 569.01 (1m) (d), received by the state from the  
18          Indian tribe in the prior calendar year."

19           **\*b0828/2.19\* 1524.** Page 1404, line 15: after that line insert:

20           **\*b0828/2.19\* "SECTION 3035m.** 610.70 (1) (e) of the statutes, as created by  
21          1997 Wisconsin Act 231, is amended to read:

22           610.70 (1) (e) "Medical care institution" means a facility, as defined in s. 647.01  
23          (4), or any hospital, nursing home, community-based residential facility, county  
24          home, county infirmary, county hospital, county mental health center, tuberculosis

1 ~~sanatorium~~, adult family home, assisted living facility, rural medical center, hospice  
2 or other place licensed, certified or approved by the department of health and family  
3 services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35,  
4 50.52, 50.90, 51.04, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a facility under s.  
5 45.365, 51.05, 51.06 or 252.10 or under ch. 233 or licensed or certified by a county  
6 department under s. 50.032 or 50.033.”.

7 \*b1839/3.41\* **1525.** Page 1404, line 15: after that line insert:

8 \*b1839/3.41\* “SECTION 3037c. 628.095 (1) of the statutes is amended to read:

9 628.095 (1) REQUIRED ON APPLICATIONS. An application for a license issued  
10 under this subchapter shall contain the applicant’s social security number, if the  
11 applicant is a natural person unless the applicant does not have a social security  
12 number, or the applicant’s federal employer identification number, if the applicant  
13 is not a natural person.

14 \*b1839/3.41\* SECTION 3037d. 628.095 (2) of the statutes is amended to read:

15 628.095 (2) REFUSAL TO ISSUE LICENSE. The commissioner may not issue a  
16 license, including a temporary license, under this subchapter unless the applicant  
17 provides his or her social security number, if the applicant is a natural person unless  
18 the applicant does not have a social security number, or provides the applicant’s  
19 federal tax identification number, if the applicant is not a natural person.

20 \*b1839/3.41\* SECTION 3037e. 628.095 (3) of the statutes is amended to read:

21 628.095 (3) REQUIRED WHEN ANNUAL FEE PAID. At the time that the annual fee  
22 is paid under s. 601.31 (1) (m), an intermediary who is a natural person shall provide  
23 his or her social security number unless the intermediary does not have a social  
24 security number, and an intermediary that is not a natural person shall provide its

1 federal employer identification number, if the social security number or federal  
2 employer identification number was not provided on the application for the license  
3 or previously when the annual fee was paid.

4 **\*b1839/3.41\* SECTION 3037g.** 628.095 (5) of the statutes is created to read:

5 628.095 (5) IF APPLICANT OR INTERMEDIARY HAS NO SOCIAL SECURITY NUMBER. If an  
6 applicant who is a natural person does not have a social security number, the  
7 applicant shall provide to the commissioner, along with the application for a license  
8 and on a form prescribed by the department of workforce development, a statement  
9 made or subscribed under oath or affirmation that the applicant does not have a  
10 social security number. If an intermediary who is a natural person does not have a  
11 social security number, the intermediary shall provide to the commissioner, each  
12 time that the annual fee is paid under s. 601.31 (1) (m) and on a form prescribed by  
13 the department of workforce development, a statement made or subscribed under  
14 oath or affirmation that the applicant does not have a social security number.

15 **\*b1839/3.41\* SECTION 3037j.** 628.10 (2) (cr) of the statutes is created to read:

16 628.10 (2) (cr) *For providing false information in statement.* The commissioner  
17 shall revoke the license of an intermediary, including a temporary license under s.  
18 628.09, if the commissioner determines, after a hearing, that the intermediary  
19 provided false information in a statement provided under s. 628.095 (5) with the  
20 intermediary's application or at the time that the annual fee was paid under s. 601.31  
21 (1) (m).

22 **\*b1839/3.41\* SECTION 3037k.** 628.10 (2) (d) of the statutes is amended to read:

23 628.10 (2) (d) *For failure to provide social security ~~or number~~, federal employer*  
24 *identification number or statement.* If an intermediary fails to provide a social  
25 security number or federal employer identification number as required under s.

1 628.095 (3) or a statement as required under s. 628.095 (5), the commissioner shall  
2 suspend or limit the license of the intermediary, effective the day following the last  
3 day on which the annual fee under s. 601.31 (1) (m) may be paid, if the commissioner  
4 has given the intermediary reasonable notice of when the fee must be paid to avoid  
5 suspension or limitation. If the intermediary provides the social security number ~~or~~,  
6 federal employer identification number or statement within 60 days from the  
7 effective date of the suspension, the commissioner shall reinstate the intermediary's  
8 license effective as of the date of suspension.”.

9 \*b1869/2.3\* **1526.** Page 1404, line 15: after that line insert:

10 \*b1869/2.3\* “SECTION 3036c. 609.10 (title) of the statutes is amended to read:

11 **609.10 (title) Standard plan and point-of-service option plan required.**

12 \*b1869/2.3\* SECTION 3036d. 609.10 (1) (a) of the statutes is renumbered  
13 609.10 (1) (am) and amended to read:

14 609.10 (1) (am) Except as provided in subs. (2) to (4), an employer that offers  
15 any of its employes a health maintenance organization or a preferred provider plan  
16 that provides comprehensive health care services shall also offer the employes a  
17 standard plan, ~~as provided in pars. (b) and (e)~~, that provides at least substantially  
18 equivalent coverage of health care expenses and a point-of-service option plan, as  
19 provided in pars. (b) and (c).

20 \*b1869/2.3\* SECTION 3036e. 609.10 (1) (ac) of the statutes is created to read:

21 609.10 (1) (ac) In this section, “point-of-service option plan” means a health  
22 maintenance organization or preferred provider plan that permits an enrollee to  
23 obtain covered health care services from a provider that is not a participating

1 provider of the health maintenance organization or preferred provider plan under all  
2 of the following conditions:

3 1. The nonparticipating provider holds a license or certificate that authorizes  
4 or qualifies the provider to provide the health care services.

5 2. The health maintenance organization or preferred provider plan is required  
6 to pay the nonparticipating provider only the amount that the health maintenance  
7 organization or preferred provider plan would pay a participating provider for those  
8 health care services.

9 3. The enrollee is responsible for any additional costs or charges related to the  
10 coverage.

11 **\*b1869/2.3\* SECTION 3036f.** 609.10 (1) (b) of the statutes is amended to read:

12 609.10 (1) (b) At least once annually, the employer shall provide the employees  
13 the opportunity to enroll in the health care plans under par. ~~(a)~~ (am).

14 **\*b1869/2.3\* SECTION 3036g.** 609.10 (1) (c) of the statutes is amended to read:

15 609.10 (1) (c) The employer shall provide the employees adequate notice of the  
16 opportunity to enroll in the health care plans under par. ~~(a)~~ (am) and shall provide  
17 the employees complete and understandable information concerning the differences  
18 ~~between~~ among the health maintenance organization or preferred provider plan ~~and~~,  
19 the standard plan and the point-of-service option plan.

20 **\*b1869/2.3\* SECTION 3036h.** 609.10 (2) of the statutes is amended to read:

21 609.10 (2) If, after providing an opportunity to enroll under sub. (1) (b) and the  
22 notice and information under sub. (1) (c), fewer than 25 employees indicate that they  
23 wish to enroll in either the standard plan or the point-of-service option plan under  
24 sub. (1) ~~(a)~~ (am), the employer need not offer ~~the standard~~ that plan on that occasion.

1           **\*b1869/2.3\* SECTION 3036i.** 609.10 (3) of the statutes is renumbered 609.10  
2 (3) (intro.) and amended to read:

3           609.10 (3) (intro.) Subsection (1) does not apply to an employer that employs  
4 does any of the following:

5           (a) Employs fewer than 25 full-time employees.

6           **\*b1869/2.3\* SECTION 3036j.** 609.10 (3) (b) of the statutes is created to read:  
7           609.10 (3) (b) Offers its employees a health maintenance organization or a  
8 preferred provider plan only through an insurer that is a cooperative association  
9 organized under ss. 185.981 to 185.985 or only through an insurer that is restricted  
10 under s. 609.03 (3).

11           **\*b1869/2.3\* SECTION 3036k.** 609.10 (6) of the statutes is created to read:  
12           609.10 (6) The commissioner shall promulgate rules necessary for the  
13 administration of the requirement to offer point-of-service option plans under sub.  
14 (1) (am).

15           **\*b1869/2.3\* SECTION 3036n.** 609.20 (3) of the statutes is amended to read:  
16           609.20 (3) To define substantially equivalent coverage of health care expenses  
17 for purposes of s. 609.10 (1) (a) (am).

18           **\*b1869/2.3\* SECTION 3036p.** 609.20 (4) of the statutes is amended to read:  
19           609.20 (4) To ensure that employees offered a health maintenance organization  
20 or a preferred provider plan that provides comprehensive services under s. 609.10  
21 (1) (a) (am) are given adequate notice of the opportunity to enroll, as well as complete  
22 and understandable information under s. 609.10 (1) (c) concerning the differences  
23 between among the health maintenance organization or preferred provider plan and,  
24 the standard plan and the point-of-service option plan, as defined in s. 609.10 (1)  
25 (ac), including differences between among providers available and differences

1 resulting from special limitations or requirements imposed by an institutional  
2 provider because of its affiliation with a religious organization.”.

3 \*b1887/1.1\* **1527.** Page 1404, line 15: after that line insert:

4 \*b1887/1.1\* “SECTION 3035c. 609.05 (2) of the statutes is amended to read:

5 609.05 (2) Subject to s. 609.22 (4) and (4m), a limited service health  
6 organization, preferred provider plan or managed care plan may require an enrollee  
7 to designate a primary provider and to obtain health care services from the primary  
8 provider when reasonably possible.

9 \*b1887/1.1\* SECTION 3035f. 609.05 (3) of the statutes is amended to read:

10 609.05 (3) Except as provided in ss. 609.22 (4m), 609.65 and 609.655, a limited  
11 service health organization, preferred provider plan or managed care plan may  
12 require an enrollee to obtain a referral from the primary provider designated under  
13 sub. (2) to another participating provider prior to obtaining health care services from  
14 that participating provider.

15 \*b1887/1.1\* SECTION 3036r. 609.22 (4m) of the statutes is created to read:

16 609.22 (4m) OBSTETRIC AND GYNECOLOGIC SERVICES. (a) A managed care plan  
17 that provides coverage of obstetric or gynecologic services may not require a female  
18 enrollee of the managed care plan to obtain a referral for covered obstetric or  
19 gynecologic benefits provided by a participating provider who is a physician licensed  
20 under ch. 448 and who specializes in obstetrics and gynecology, regardless of whether  
21 the participating provider is the enrollee’s primary provider. Notwithstanding sub.  
22 (4), the managed care plan may not require the enrollee to obtain a standing referral  
23 under the procedure established under sub. (4) (a) for covered obstetric or gynecologic  
24 benefits.

1 (b) A managed care plan under par. (a) may not do any of the following:

2 1. Penalize or restrict the coverage of a female enrollee on account of her having  
3 obtained obstetric or gynecologic services in the manner provided under par. (a).

4 2. Penalize or restrict the contract of a participating provider on account of his  
5 or her having provided obstetric or gynecologic services in the manner provided  
6 under par. (a).

7 (c) A managed care plan under par. (a) shall provide written notice of the  
8 requirement under par. (a) in every policy or group certificate issued by the managed  
9 care plan and during each open enrollment period.”.

10 \*b1839/3.42\* **1528.** Page 1405, line 22: after that line insert:

11 \*b1839/3.42\* “SECTION 3043c. 632.68 (2) (b) (intro.) of the statutes is amended  
12 to read:

13 632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical  
14 settlement provider license on a form prescribed by the commissioner for that  
15 purpose. The application form shall require the applicant to provide the applicant’s  
16 social security number, if the applicant is a natural person unless the applicant does  
17 not have a social security number, or the applicant’s federal employer identification  
18 number, if the applicant is not a natural person. The fee specified in s. 601.31 (1)  
19 (mm) shall accompany the application. After any investigation of the applicant that  
20 the commissioner determines is sufficient, the commissioner shall issue a viatical  
21 settlement provider license to an applicant that satisfies all of the following:

22 \*b1839/3.42\* SECTION 3043d. 632.68 (2) (b) 2. of the statutes is amended to  
23 read:



1           632.68 (2) (b) 2. Provides complete information on the application, including  
2 the applicant's social security number, unless the applicant does not have a social  
3 security number, or federal employer identification number.

4           **\*b1839/3.42\* SECTION 3043e.** 632.68 (2) (b) 3m. of the statutes is created to  
5 read:

6           632.68 (2) (b) 3m. If a natural person who does not have a social security  
7 number, provides on a form prescribed by the department of workforce development  
8 a statement made or subscribed under oath or affirmation that the applicant does  
9 not have a social security number.

10           **\*b1839/3.42\* SECTION 3043f.** 632.68 (2) (e) of the statutes is amended to read:

11           632.68 (2) (e) Except as provided in sub. (3), a license issued under this  
12 subsection shall be renewed annually on the anniversary date upon payment of the  
13 fee specified in s. 601.31 (1) (mp) and upon providing the licensee's social security  
14 number, unless the licensee does not have a social security number, or federal  
15 employer identification number, as applicable, if not previously provided on the  
16 application for the license or at a previous renewal of the license. If the licensee is  
17 a natural person who does not have a social security number, the license shall be  
18 renewed annually on the anniversary date upon payment of the fee specified in s.  
19 601.31 (1) (mp) and upon providing to the commissioner a statement made or  
20 subscribed under oath or affirmation, on a form prescribed by the department of  
21 workforce development, that the licensee does not have a social security number.

22           **\*b1839/3.42\* SECTION 3043g.** 632.68 (3) (b) 3. of the statutes is created to read:

23           632.68 (3) (b) 3. The commissioner shall revoke a viatical settlement provider  
24 license if the commissioner determines, after a hearing, that the licensee provided  
25 false information in a statement provided under sub. (2) (b) 3m. or (e).

1           **\*b1839/3.42\* SECTION 3043h.** 632.68 (4) (b) of the statutes is amended to read:

2           632.68 (4) (b) A person may apply to the commissioner for a viatical settlement  
3 broker license on a form prescribed by the commissioner for that purpose. The  
4 application form shall require the applicant to provide the applicant's social security  
5 number, if the applicant is a natural person unless the applicant does not have a  
6 social security number, or the applicant's federal employer identification number, if  
7 the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) shall  
8 accompany the application. The commissioner may not issue a license under this  
9 subsection unless the applicant provides his or her social security number, unless the  
10 applicant does not have a social security number, or its federal employer  
11 identification number, whichever is applicable. If the applicant is a natural person  
12 who does not have a social security number, the commissioner may not issue a license  
13 under this subsection unless the applicant provides, on a form prescribed by the  
14 department of workforce development, a statement made or subscribed under oath  
15 or affirmation that the applicant does not have a social security number.

16           **\*b1839/3.42\* SECTION 3043i.** 632.68 (4) (c) of the statutes is amended to read:

17           632.68 (4) (c) Except as provided in sub. (5), a license issued under this  
18 subsection shall be renewed annually on the anniversary date upon payment of the  
19 fee specified in s. 601.31 (1) (ms) and upon providing the licensee's social security  
20 number, unless the licensee does not have a social security number, or federal  
21 employer identification number, as applicable, if not previously provided on the  
22 application for the license or at a previous renewal of the license. If the licensee is  
23 a natural person who does not have a social security number, the license shall be  
24 renewed annually, except as provided in sub. (5), on the anniversary date upon  
25 payment of the fee specified in s. 601.31 (1) (ms) and upon providing to the

1 commissioner a statement made or subscribed under oath or affirmation, on a form  
2 prescribed by the department of workforce development, that the licensee does not  
3 have a social security number.

4 \*b1839/3.42\* SECTION 3043j. 632.68 (5) (b) 3. of the statutes is created to read:

5 632.68 (5) (b) 3. The commissioner shall revoke a viatical settlement broker  
6 license if the commissioner determines, after a hearing, that the licensee provided  
7 false information in a statement submitted under sub. (4) (b) or (c).”

8 \*b0704/1.1\* 1529. Page 1405, line 24: after that line insert:

9 \*b0704/1.1\* SECTION 3044b. 632.89 (2) (a) 2. of the statutes is amended to  
10 read:

11 632.89 (2) (a) 2. Except as provided in pars. (b) to (e), coverage of conditions  
12 under subd. 1. by a policy may be subject to exclusions or limitations, including  
13 deductibles and copayments, that are generally applicable to other conditions  
14 covered under the policy.

15 \*b0704/1.1\* SECTION 3044c. 632.89 (2) (b) 1. of the statutes is amended to read:

16 632.89 (2) (b) 1. Except as provided in subd. 2., if a group or blanket disability  
17 insurance policy issued by an insurer provides coverage of inpatient hospital  
18 treatment or outpatient treatment or both, the policy shall provide coverage in every  
19 policy year as provided in pars. (c) to (dm), as appropriate, except that the total  
20 coverage under the policy for a policy year need not exceed \$7,000 or, ~~if the coverage~~  
21 ~~is provided by a health maintenance organization, as defined in s. 609.01 (2), the~~  
22 equivalent benefits measured in services rendered.

23 \*b0704/1.1\* SECTION 3044e. 632.89 (2) (c) 2. b. of the statutes is amended to

24 read:

1           632.89 (2) (c) 2. b. Seven thousand dollars minus a copayment of up to 10% any  
2           applicable cost sharing at the level charged under the policy for inpatient hospital  
3           services ~~or, if the coverage is provided by a health maintenance organization, as~~  
4           defined in s. 609.01 (2), \$6,300 or the equivalent benefits measured in services  
5           rendered ~~or, if the policy does not use cost sharing, \$6,300 in equivalent benefits~~  
6           measured in services rendered.

7           **\*b0704/1.1\* SECTION 3044ht.** 632.89 (2) (d) 2. of the statutes is amended to  
8           read:

9           632.89 (2) (d) 2. Except as provided in par. (b), a policy under subd. 1. shall  
10          provide coverage in every policy year for not less than \$2,000 minus a copayment of  
11          up to 10% any applicable cost sharing at the level charged under the policy for  
12          outpatient services ~~or, if the coverage is provided by a health maintenance~~  
13          ~~organization, as defined in s. 609.01 (2), \$1,800~~ or the equivalent benefits measured  
14          in services rendered ~~or, if the policy does not use cost sharing, \$1,800 in equivalent~~  
15          benefits measured in services rendered.

16          **\*b0704/1.1\* SECTION 3044i.** 632.89 (2) (dm) 2. of the statutes is amended to  
17          read:

18          632.89 (2) (dm) 2. Except as provided in par. (b), a policy under subd. 1. shall  
19          provide coverage in every policy year for not less than \$3,000 minus a copayment of  
20          up to 10% any applicable cost sharing at the level charged under the policy for  
21          transitional treatment arrangements ~~or, if the coverage is provided by a health~~  
22          ~~maintenance organization, as defined in s. 609.01 (2), \$2,700~~ or the equivalent  
23          benefits measured in services rendered ~~or, if the policy does not use cost sharing,~~  
24          \$2,700 in equivalent benefits measured in services rendered.”.

1           **\*b1839/3.43\* 1530.** Page 1406, line 3: after that line insert:

2           **\*b1839/3.43\* \*SECTION 3044j.** 633.14 (1) (d) of the statutes is amended to read:

3           633.14 (1) (d) Provides his or her social security number, unless the individual  
4           does not have a social security number.

5           **\*b1839/3.43\* SECTION 3044k.** 633.14 (1) (e) of the statutes is created to read:

6           633.14 (1) (e) If an individual who does not have a social security number,  
7           provides on a form prescribed by the department of workforce development a  
8           statement made or subscribed under oath or affirmation that he or she does not have  
9           a social security number.

10          **\*b1839/3.43\* SECTION 3044L.** 633.15 (1m) of the statutes is amended to read:

11          633.15 (1m) ~~SOCIAL SECURITY OR~~ NUMBER, FEDERAL EMPLOYER IDENTIFICATION  
12          NUMBER OR STATEMENT. At an annual renewal, an administrator shall provide his or  
13          her social security number, if the administrator is an individual unless he or she does  
14          not have a social security number, or its federal employer identification number, if  
15          the administrator is a corporation, limited liability company or partnership, if the  
16          social security number or federal employer identification number was not previously  
17          provided on the application for the license or at a previous renewal of the license. If  
18          an administrator who is an individual does not have a social security number, the  
19          individual shall provide to the commissioner, at each annual renewal and on a form  
20          prescribed by the department of workforce development, a statement made or  
21          subscribed under oath or affirmation that the administrator does not have a social  
22          security number.

23          **\*b1839/3.43\* SECTION 3044m.** 633.15 (2) (a) 1. of the statutes is amended to

24          read:

1           633.15 (2) (a) 1. If an administrator fails to pay the annual renewal fee as  
2 provided under sub. (1) or fails to provide a social security number ~~or~~, federal  
3 employer identification number or statement made or subscribed under oath or  
4 affirmation as required under sub. (1m), the commissioner shall suspend the  
5 administrator's license effective the day following the last day when the annual  
6 renewal fee may be paid, if the commissioner has given the administrator reasonable  
7 notice of when the fee must be paid to avoid suspension.

8           **\*b1839/3.43\* SECTION 3044n.** 633.15 (2) (a) 2. of the statutes is amended to  
9 read:

10           633.15 (2) (a) 2. If, within 60 days from the effective date of suspension under  
11 subd. 1., an administrator pays the annual renewal fee or provides the social security  
12 number ~~or~~, federal employer identification number or statement made or subscribed  
13 under oath or affirmation, or both if the suspension was based upon a failure to do  
14 both, the commissioner shall reinstate the administrator's license effective as of the  
15 date of suspension.

16           **\*b1839/3.43\* SECTION 3044no.** 633.15 (2) (a) 3. of the statutes is amended to  
17 read:

18           633.15 (2) (a) 3. If payment is not made or the social security number ~~or~~, federal  
19 employer identification number or statement made or subscribed under oath or  
20 affirmation is not provided within 60 days from the effective date of suspension  
21 under subd. 1., the commissioner shall revoke the administrator's license.

22           **\*b1839/3.43\* SECTION 3044p.** 633.15 (2) (b) 1. (intro.) of the statutes is  
23 amended to read:

1           633.15 (2) (b) 1. (intro.) Except as provided in pars. (c) ~~and (d)~~ to (e), the  
2 commissioner may revoke, suspend or limit the license of an administrator after a  
3 hearing if the commissioner makes any of the following findings:

4           **\*b1839/3.43\* SECTION 3044q.** 633.15 (2) (e) of the statutes is created to read:

5           633.15 (2) (e) *For providing false information in statement.* The commissioner  
6 shall revoke a license issued under s. 633.14 (1) if the commissioner determines, after  
7 a hearing, that the licensee provided false information in a statement provided under  
8 sub. (1m) or s. 633.14 (1) (e).”.

9           **\*b1938/1.6\* 1531.** Page 1406, line 3: after that line insert:

10           **\*b1938/1.6\* “SECTION 3044L.** 632.897 (10) (a) 3. of the statutes is amended to  
11 read:

12           632.897 (10) (a) 3. The fact that the group member or insured does not claim  
13 the child as an exemption for federal income tax purposes under 26 USC 151 (c) (1)  
14 (B), or as an exemption for state income tax purposes under s. 71.07 (8) (b) or under  
15 the laws of another state, if a court order under s. ~~767.25 (4m), 767.51 (3m) or 767.62~~  
16 ~~(4) (b)~~ or the laws of another state assigns responsibility for the child’s health care  
17 expenses to the group member or insured.”.

18           **\*b0748/3.2\* 1532.** Page 1407, line 18: after that line insert:

19           **\*b0748/3.2\* “SECTION 3049m.** 753.06 (8) (g) of the statutes is amended to read:

20           753.06 (8) (g) Waupaca County. The circuit has 2 branches. Commencing  
21 August 1, 2000, the circuit has 3 branches.”.

22           **\*b1157/2.3\* 1533.** Page 1407, line 18: after that line insert:

23           **\*b1157/2.3\* “SECTION 3049m.** 707.46 (3) of the statutes is created to read:

1           707.46 (3) RECORDING. A contract for the purchase of a time-share and any  
2 other instrument that is evidence of a purchase of a time-share is valid only if it is  
3 recorded.”.

4           **\*b1839/3.44\* 1534.** Page 1407, line 18: after that line insert:

5           **\*b1839/3.44\* “SECTION 3049p.** 751.15 (2) of the statutes is amended to read:

6           751.15 (2) The supreme court is requested to promulgate rules that require  
7 each person who has a social security number, as a condition of membership in the  
8 state bar, to provide the board of bar examiners with his or her social security  
9 number, that require each person who does not have a social security number, as a  
10 condition of membership in the state bar, to provide the board of bar examiners with  
11 a statement made or subscribed under oath or affirmation on a form prescribed by  
12 the department of workforce development that the person does not have a social  
13 security number, and that prohibit the disclosure of that number to any person  
14 except the department of workforce development for the purpose of administering s.  
15 49.22.

16           **\*b1839/3.44\* SECTION 3049r.** 751.15 (3) of the statutes is amended to read:

17           751.15 (3) The supreme court is requested to promulgate rules that deny,  
18 suspend, restrict or refuse to renew a license to practice law if the applicant or  
19 licensee fails to provide the information required under rules promulgated under  
20 sub. (2) or fails to comply, after appropriate notice, with a subpoena or warrant issued  
21 by the department of workforce development or a county child support agency under  
22 s. 59.53 (5) and related to paternity or child support proceedings or if the department  
23 of workforce development certifies that the applicant or licensee has failed to pay  
24 court-ordered payments of child or family support, maintenance, birth expenses,



1 medical expenses or other expenses related to the support of a child or former spouse.  
2 The supreme court is also requested to promulgate rules that invalidate a license to  
3 practice law if issued in reliance upon a statement made or subscribed under oath  
4 or affirmation under rules promulgated under sub. (2) that is false.”.

5 \*b1903/3.2\* **1535.** Page 1409, line 4: after that line insert:

6 \*b1903/3.2\* “SECTION 3051m. 758.19 (5) (b) (intro.) of the statutes is amended  
7 to read:

8 758.19 (5) (b) (intro.) From the appropriation under s. 20.625 (1) (d), the  
9 director of state courts shall make payments to counties totaling \$3,443,950 on July  
10 ~~29, 1995, totaling \$8,294,050 on January 1, 1996, and totaling \$8,244,800~~ \$9,369,800  
11 within 30 days after the effective date of this paragraph .... [revisor inserts date], and  
12 on every July 1 and January 1 thereafter, which the director of state courts shall  
13 distribute as follows:

14 \*b1903/3.2\* SECTION 3051p. 758.19 (5) (b) 1. of the statutes is amended to  
15 read:

16 758.19 (5) (b) 1. For each circuit court branch in the county, ~~\$32,900~~ \$42,275.”.

17 \*b1938/1.7\* **1536.** Page 1409, line 4: after that line insert:

18 \*b1938/1.7\* “SECTION 3051n. 767.045 (1) (a) 2. of the statutes is amended to  
19 read:

20 767.045 (1) (a) 2. The Except as provided in par. (am), the legal custody or  
21 physical placement of the child is contested.

22 \*b1938/1.7\* SECTION 3051no. 767.045 (1) (am) of the statutes is created to  
23 read:

1           767.045 (1) (am) The court is not required to appoint a guardian ad litem under  
2 par. (a) 2. if all of the following apply:

3           1. Legal custody or physical placement is contested in an action to modify legal  
4 custody or physical placement under s. 767.325 or 767.327.

5           2. The modification sought would not substantially alter the amount of time  
6 that a parent may spend with his or her child.

7           3. The court determines any of the following:

8           a. That the appointment of a guardian ad litem will not assist the court in the  
9 determination regarding legal custody or physical placement because the facts or  
10 circumstances of the case make the likely determination clear.

11           b. That a party seeks the appointment of a guardian ad litem solely for a tactical  
12 purpose, or for the sole purpose of delay, and not for a purpose that is in the best  
13 interest of the child.

14           **\*b1938/1.7\* SECTION 3051p.** 767.045 (1) (e) of the statutes is created to read:

15           767.045 (1) (e) Nothing in this subsection prohibits the court from making a  
16 temporary order under s. 767.23 that concerns the child before a guardian ad litem  
17 is appointed or before the guardian ad litem has made a recommendation to the  
18 court, if the court determines that the temporary order is in the best interest of the  
19 child.

20           **\*b1938/1.7\* SECTION 3051q.** 767.045 (4m) of the statutes is created to read:

21           767.045 (4m) STATUS HEARING. (a) Subject to par. (b), at any time after 120 days  
22 after a guardian ad litem is appointed under this section, a party may request that  
23 the court schedule a status hearing related to the actions taken and work performed  
24 by the guardian ad litem in the matter.

1 (b) A party may, not sooner than 120 days after a status hearing under this  
2 subsection is held, request that the court schedule another status hearing on the  
3 actions taken and work performed by the guardian ad litem in the matter.

4 \*b1938/1.7\* SECTION 3051r. 767.078 (1) (a) 1. of the statutes is amended to  
5 read:

6 767.078 (1) (a) 1. Is an action for modification of a child support order under  
7 s. 767.32 or an action in which an order for child support is required under s. 767.25  
8 (1), 767.51 (3) or 767.62 (4) (a).”.

9 \*b1237/1.5\* **1537.** Page 1409, line 12: after that line insert:

10 \*b1237/1.5\* “SECTION 3054m. 767.245 (1) of the statutes is amended to read:

11 767.245 (1) Except as provided in ~~sub.~~ subs. (1m) and (2m), upon petition by  
12 a grandparent, greatgrandparent, stepparent or person who has maintained a  
13 relationship similar to a parent–child relationship with the child, the court may  
14 grant reasonable visitation rights to that person if the parents have notice of the  
15 hearing and if the court determines that visitation is in the best interest of the child.

16 \*b1237/1.5\* SECTION 3054p. 767.245 (1m) of the statutes is created to read:

17 767.245 (1m) (a) Except as provided in par. (b), the court may not grant  
18 visitation rights under sub. (1) to a person who has been convicted under s. 940.01  
19 of the first–degree intentional homicide, or under s. 940.05 of the 2nd–degree  
20 intentional homicide, of a parent of the child, and the conviction has not been  
21 reversed, set aside or vacated.

22 (b) Paragraph (a) does not apply if the court determines by clear and convincing  
23 evidence that the visitation would be in the best interests of the child. The court shall  
24 consider the wishes of the child in making the determination.

1           **\*b1237/1.5\* SECTION 3054r.** 767.245 (6) of the statutes is created to read:

2           767.245 (6) (a) If a person granted visitation rights with a child under this  
3 section is convicted under s. 940.01 of the first-degree intentional homicide, or under  
4 s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the  
5 conviction has not been reversed, set aside or vacated, the court shall modify the  
6 visitation order by denying visitation with the child upon petition, motion or order  
7 to show cause by a parent or guardian of the child, or upon the court's own motion,  
8 and upon notice to the person granted visitation rights.

9           (b) Paragraph (a) does not apply if the court determines by clear and convincing  
10 evidence that the visitation would be in the best interests of the child. The court shall  
11 consider the wishes of the child in making that determination.

12           **\*b1237/1.5\* SECTION 3054t.** 767.247 of the statutes is created to read:

13           **767.247 Prohibiting visitation or physical placement if a parent kills**  
14 **other parent.** (1) Notwithstanding ss. 767.23 (1) (am), 767.24 (1), (4) and (5),  
15 767.51 (3) and 767.62 (4) (a) and except as provided in sub. (2), in an action under this  
16 chapter that affects a minor child, a court or family court commissioner may not  
17 grant to the child's parent visitation or physical placement rights with the child if the  
18 parent has been convicted under s. 940.01 of the first-degree intentional homicide,  
19 or under s. 940.05 of the 2nd-degree intentional homicide, of the child's other parent,  
20 and the conviction has not been reversed, set aside or vacated.

21           (2) Subsection (1) does not apply if the court or family court commissioner  
22 determines by clear and convincing evidence that the visitation or periods of physical  
23 placement would be in the best interests of the child. The court or family court  
24 commissioner shall consider the wishes of the child in making the determination.”.

1           **\*b1938/1.8\* 1538.** Page 1409, line 12: after that line insert:

2           **\*b1938/1.8\* SECTION 3054c.** 767.078 (2) of the statutes is amended to read:

3           767.078 (2) Subsection (1) does not limit the authority of a court to issue an  
4 order, other than an order under sub. (1), regarding employment of a parent in an  
5 action for modification of a child support order under s. 767.32 or an action in which  
6 an order for child support is required under s. 767.25 (1), 767.51 (3) or 767.62 (4) (a).

7           **\*b1938/1.8\* SECTION 3054cd.** 767.11 (12) (b) of the statutes is amended to  
8 read:

9           767.11 (12) (b) If after mediation under this section the parties do not reach  
10 agreement on legal custody or periods of physical placement, the parties or the  
11 mediator shall so notify the court. ~~The Except as provided in s. 767.045 (1) (am), the~~  
12 ~~court shall promptly appoint a guardian ad litem under s. 767.045. After the~~  
13 ~~appointment Regardless of whether the court appoints a guardian ad litem, the court~~  
14 shall, if appropriate, refer the matter for a legal custody or physical placement study  
15 under sub. (14). If the parties come to agreement on legal custody or physical  
16 placement after the matter has been referred for a study, the study shall be  
17 terminated. The parties may return to mediation at any time before any trial of or  
18 final hearing on legal custody or periods of physical placement. If the parties return  
19 to mediation, the county shall collect any applicable fee under s. 814.615.

20           **\*b1938/1.8\* SECTION 3054ce.** 767.115 (title) of the statutes is amended to read:

21           **767.115 (title) Educational program in action programs and classes in**  
22 **actions affecting the family.**

23           **\*b1938/1.8\* SECTION 3054cf.** 767.115 (4) of the statutes is created to read:

1           767.115 (4) (a) At any time during the pendency of a divorce or paternity action,  
2 the court or family court commissioner may order the parties to attend a class that  
3 is approved by the court or family court commissioner and that addresses such issues  
4 as child development, family dynamics, how parental separation affects a child's  
5 development and what parents can do to make raising a child in a separated  
6 situation less stressful for the child.

7           (b) The court or family court commissioner may not require the parties to  
8 attend a class under this subsection as a condition to the granting of the final  
9 judgment or order in the divorce or paternity action, however, the court or family  
10 court commissioner may refuse to hear a custody or physical placement motion of a  
11 party who refuses to attend a class ordered under this subsection.

12           (c) 1. Except as provided in subd. 2., the parties shall be responsible for any cost  
13 of attending the class.

14           2. If the court or family court commissioner finds that a party is indigent, any  
15 costs that would be the responsibility of that party shall be paid by the county.

16           **\*b1938/1.8\* SECTION 3054cg.** 767.23 (1) (a) of the statutes is amended to read:

17           767.23 (1) (a) ~~Upon~~ Subject to s. 767.477, upon request of one party, granting  
18 legal custody of the minor children to the parties jointly, to one party solely or to a  
19 relative or agency specified under s. 767.24 (3). ~~The, in a manner consistent with s.~~  
20 767.24, except that the court or family court commissioner may order joint sole legal  
21 custody without the agreement of the other party and without the findings required  
22 under s. 767.24 (2) (b) 2. This order may not have a binding effect on a final custody  
23 determination.

24           **\*b1938/1.8\* SECTION 3054ch.** 767.23 (1) (am) of the statutes is amended to  
25 read:

1           767.23 (1) (am) ~~Upon~~ Subject to s. 767.477, upon the request of a party,  
2 granting periods of physical placement to a party in a manner consistent with s.  
3 767.24. The court or family court commissioner shall make a determination under  
4 this paragraph within 30 days after the request for a temporary order regarding  
5 periods of physical placement is filed.

6           **\*b1938/1.8\* SECTION 3054ci.** 767.23 (1) (c) of the statutes is amended to read:

7           767.23 (1) (c) ~~Requiring~~ Subject to s. 767.477, requiring either party or both  
8 parties to make payments for the support of minor children, which payment amounts  
9 may be expressed as a percentage of parental income or as a fixed sum, or as a  
10 combination of both in the alternative by requiring payment of the greater or lesser  
11 of either a percentage of parental income or a fixed sum.

12           **\*b1938/1.8\* SECTION 3054cj.** 767.23 (1) (k) of the statutes is amended to read:

13           767.23 (1) (k) ~~Requiring~~ Subject to s. 767.477, requiring either party or both  
14 parties to maintain minor children as beneficiaries on a health insurance policy or  
15 plan.

16           **\*b1938/1.8\* SECTION 3054ck.** 767.23 (1n) of the statutes is amended to read:

17           767.23 (1n) Before making any temporary order under sub. (1), the court or  
18 family court commissioner shall consider those factors ~~which~~ that the court is  
19 required by this chapter to consider before entering a final judgment on the same  
20 subject matter. In making a determination under sub. (1) (a) or (am), the court or  
21 family court commissioner shall consider the factors under s. 767.24 (5). If the court  
22 or family court commissioner makes a temporary child support order that deviates  
23 from the amount of support that would be required by using the percentage standard  
24 established by the department under s. 49.22 (9), the court or family court  
25 commissioner shall comply with the requirements of s. 767.25 (1n). A temporary

1 order under sub. (1) may be based upon the written stipulation of the parties, subject  
2 to the approval of the court or the family court commissioner. Temporary orders  
3 made by the family court commissioner may be reviewed by the court as provided in  
4 s. 767.13 (6).

5 **\*b1938/1.8\* SECTION 3054cL.** 767.24 (1) of the statutes is amended to read:

6 767.24 (1) GENERAL PROVISIONS. In rendering a judgment of annulment, divorce  
7 or, legal separation or paternity, or in rendering a judgment in an action under s.  
8 767.02 (1) (e) or 767.62 (3), the court shall make such provisions as it deems just and  
9 reasonable concerning the legal custody and physical placement of any minor child  
10 of the parties, as provided in this section.

11 **\*b1938/1.8\* SECTION 3054cm.** 767.24 (1m) of the statutes is created to read:

12 767.24 (1m) PARENTING PLAN. In an action for annulment, divorce or legal  
13 separation, an action to determine paternity or an action under s. 767.02 (1) (e) or  
14 767.62 (3) in which legal custody or physical placement is contested, a party seeking  
15 sole or joint legal custody or periods of physical placement shall file a parenting plan  
16 with the court before any pretrial conference. Except for cause shown, a party  
17 required to file a parenting plan under this subsection who does not timely file a  
18 parenting plan waives the right to object to the other party's parenting plan. A  
19 parenting plan shall provide information about the following questions:

20 (a) What legal custody or physical placement the parent is seeking.

21 (b) Where the parent lives currently and where the parent intends to live  
22 during the next 2 years. If there is evidence that the other parent engaged in  
23 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,  
24 as defined in s. 813.12 (1) (a), with respect to the parent providing the parenting plan,  
25 the parent providing the parenting plan is not required to disclose the specific



1 address but only a general description of where he or she currently lives and intends  
2 to live during the next 2 years.

3 (c) Where the parent works and the hours of employment. If there is evidence  
4 that the other parent engaged in interspousal battery, as described under s. 940.19  
5 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (a), with respect to the  
6 parent providing the parenting plan, the parent providing the parenting plan is not  
7 required to disclose the specific address but only a general description of where he  
8 or she works.

9 (d) Who will provide any necessary child care when the parent cannot and who  
10 will pay for the child care.

11 (e) Where the child will go to school.

12 (f) What doctor or health care facility will provide medical care for the child.

13 (g) How the child's medical expenses will be paid.

14 (h) What the child's religious commitment will be, if any.

15 (i) Who will make decisions about the child's education, medical care, choice of  
16 child care providers and extracurricular activities.

17 (j) How the holidays will be divided.

18 (k) What the child's summer schedule will be.

19 (L) Whether and how the child will be able to contact the other parent when  
20 the child has physical placement with the parent providing the parenting plan.

21 (m) How the parent proposes to resolve disagreements related to matters over  
22 which the court orders joint decision making.

23 (n) What child support, family support, maintenance or other income transfer  
24 there will be.

1 (o) If there is evidence that either party engaged in interspousal battery, as  
2 described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12  
3 (1) (a), with respect to the other party, how the child will be transferred between the  
4 parties for the exercise of physical placement to ensure the safety of the child and the  
5 parties.

6 **\*b1938/1.8\* SECTION 3054cn.** 767.24 (2) (a) of the statutes is amended to read:

7 767.24 (2) (a) Subject to ~~par. (b)~~ pars. (am), (b) and (c), based on the best interest  
8 of the child and after considering the factors under sub. (5), the court may give joint  
9 legal custody or sole legal custody of a minor child.

10 **\*b1938/1.8\* SECTION 3054co.** 767.24 (2) (am) of the statutes is created to read:

11 767.24 (2) (am) The court shall presume that joint legal custody is in the best  
12 interest of the child.

13 **\*b1938/1.8\* SECTION 3054cp.** 767.24 (2) (b) of the statutes is amended to read:

14 767.24 (2) (b) The court may give joint sole legal custody only if it finds that  
15 doing so is in the child's best interest and that either of the following applies:

16 1. Both parties agree to joint sole legal custody with the same party.

17 2. The parties do not agree to joint sole legal custody with the same party, but  
18 at least one party requests joint sole legal custody and the court specifically finds all  
19 any of the following:

20 a. ~~Both parties are~~ One party is not capable of performing parental duties and  
21 responsibilities and or does not wish to have an active role in raising the child.

22 b. ~~No~~ One or more conditions exist at that time ~~which~~ that would substantially  
23 interfere with the exercise of joint legal custody.

24 c. The parties will not be able to cooperate in the future decision making  
25 required under an award of joint legal custody. In making this finding the court shall

1 consider, along with any other pertinent items, any reasons offered by a party  
2 objecting to joint legal custody. Evidence that either party engaged in abuse, as  
3 defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of  
4 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,  
5 as defined in s. 813.12 (1) (a), creates a rebuttable presumption that the parties will  
6 not be able to cooperate in the future decision making required. ~~This presumption  
7 may be rebutted by clear and convincing evidence that the abuse will not interfere  
8 with the parties' ability to cooperate in the future decision making required.~~

9 **\*b1938/1.8\* SECTION 3054cq.** 767.24 (2) (c) of the statutes is created to read:

10 767.24 (2) (c) The court may not give sole legal custody to a parent who refuses  
11 to cooperate with the other parent if the court finds that the refusal to cooperate is  
12 unreasonable.

13 **\*b1938/1.8\* SECTION 3054cr.** 767.24 (4) (a) of the statutes is renumbered  
14 767.24 (4) (a) 1. and amended to read:

15 767.24 (4) (a) 1. Except as provided under par. (b), if the court orders sole or  
16 joint legal custody under sub. (2), the court shall allocate periods of physical  
17 placement between the parties in accordance with this subsection.

18 2. In determining the allocation of periods of physical placement, the court  
19 shall consider each case on the basis of the factors in sub. (5). The court shall set a  
20 placement schedule that allows the child to have regularly occurring, meaningful  
21 periods of physical placement with each parent and that maximizes the amount of  
22 time the child may spend with each parent, taking into account geographic  
23 separation and accommodations for different households.

24 **\*b1938/1.8\* SECTION 3054cs.** 767.24 (4) (a) 3. of the statutes is created to read:

1           767.24 (4) (a) 3. Notwithstanding subd. 2. and sub. (5), the court shall presume  
2 that any proposal submitted to the court with respect to periods of physical  
3 placement that has been voluntarily agreed to by the parties is in the child's best  
4 interest.

5           **\*b1938/1.8\* SECTION 3054ct.** 767.24 (4) (c) of the statutes is amended to read:

6           767.24 (4) (c) No court may deny periods of physical placement for failure to  
7 meet, or grant periods of physical placement for meeting, any financial obligation to  
8 the child or, if the parties were married, to the former spouse.

9           **\*b1938/1.8\* SECTION 3054cu.** 767.24 (5) (intro.) of the statutes is amended to  
10 read:

11           767.24 (5) FACTORS IN CUSTODY AND PHYSICAL PLACEMENT DETERMINATIONS.  
12 (intro.) In determining legal custody and periods of physical placement, the court  
13 shall consider all facts relevant to the best interest of the child. The court may not  
14 prefer one parent or potential custodian over the other on the basis of the sex or race  
15 of the parent or potential custodian. ~~The court shall consider reports of appropriate~~  
16 ~~professionals if admitted into evidence when legal custody or physical placement is~~  
17 ~~contested.~~ The court shall consider the following factors in making its  
18 determination:

19           **\*b1938/1.8\* SECTION 3054cv.** 767.24 (5) (a) of the statutes is amended to read:

20           767.24 (5) (a) The wishes of the child's parent or parents, as shown by any  
21 stipulation between the parties, any proposed parenting plan or any legal custody  
22 or physical placement proposal submitted to the court at trial.

23           **\*b1938/1.8\* SECTION 3054cw.** 767.24 (5) (bm) of the statutes is created to read:

24           767.24 (5) (bm) The right of the child to spend the same amount of time or  
25 substantial periods of time with each parent.

1           **\*b1938/1.8\* SECTION 3054cx.** 767.24 (5) (cm) of the statutes is created to read:

2           767.24 (5) (cm) The amount and quality of time that each parent roles has spent  
3 with the child in the past, any necessary changes to the parents' custodial roles and  
4 any reasonable life-style changes that a parent proposes to make to be able to spend  
5 time with the child in the future.

6           **\*b1938/1.8\* SECTION 3054cy.** 767.24 (5) (dm) of the statutes is created to read:

7           767.24 (5) (dm) The age of the child and the child's developmental and  
8 educational needs at different ages.

9           **\*b1938/1.8\* SECTION 3054cz.** 767.24 (5) (em) of the statutes is created to read:

10          767.24 (5) (em) The need for regularly occurring and meaningful periods of  
11 physical placement to provide predictability and stability for the child.

12          **\*b1938/1.8\* SECTION 3054d.** 767.24 (5) (fm) of the statutes is created to read:

13          767.24 (5) (fm) The cooperation and communication between the parties and  
14 whether either party unreasonably refuses to cooperate or communicate with the  
15 other party.

16          **\*b1938/1.8\* SECTION 3054dc.** 767.24 (5) (g) of the statutes is amended to read:

17          767.24 (5) (g) Whether each party can support the other party's relationship  
18 with the child, including encouraging and facilitating frequent and continuing  
19 contact with the child, or whether one party is likely to unreasonably interfere with  
20 the child's continuing relationship with the other party.

21          **\*b1938/1.8\* SECTION 3054dd.** 767.24 (5) (jm) of the statutes is created to read:

22          767.24 (5) (jm) The reports of appropriate professionals if admitted into  
23 evidence.

24          **\*b1938/1.8\* SECTION 3054de.** 767.242 of the statutes is created to read:

1           **767.242 Enforcement of physical placement orders.** (1) DEFINITIONS. In  
2 this section:

3           (a) “Petitioner” means the parent filing a petition under this section, regardless  
4 of whether that parent was the petitioner in the action in which periods of physical  
5 placement were awarded under s. 767.24.

6           (b) “Respondent” means the parent upon whom a petition under this section is  
7 served, regardless of whether that parent was the respondent in the action in which  
8 periods of physical placement were awarded under s. 767.24.

9           (2) WHO MAY FILE. A parent who has been awarded periods of physical  
10 placement under s. 767.24 may file a petition under sub. (3) if any of the following  
11 applies:

12           (a) The parent has had one or more periods of physical placement denied by the  
13 other parent.

14           (b) The parent has had one or more periods of physical placement substantially  
15 interfered with by the other parent.

16           (c) The parent has incurred a financial loss or expenses as a result of the other  
17 parent’s intentional failure to exercise one or more periods of physical placement  
18 under an order allocating specific times for the exercise of periods of physical  
19 placement.

20           (3) PETITION. (a) The petition shall allege facts sufficient to show the following:

21           1. The name of the petitioner and that the petitioner has been awarded periods  
22 of physical placement.

23           2. The name of the respondent.

24           3. That the criteria in sub. (2) apply.

1 (b) The petition shall request the imposition of a remedy or any combination  
2 of remedies under sub. (5) (b) and (c). This paragraph does not prohibit a judge or  
3 family court commissioner from imposing a remedy under sub. (5) (b) or (c) if the  
4 remedy was not requested in the petition.

5 (c) A judge or family court commissioner shall accept any legible petition for  
6 an order under this section.

7 (d) The petition shall be filed under the principal action under which the  
8 periods of physical placement were awarded.

9 (e) A petition under this section is a motion for remedial sanction for purposes  
10 of s. 785.03 (1) (a).

11 **(4) SERVICE ON RESPONDENT; RESPONSE.** Upon the filing of a petition under sub.  
12 (3), the petitioner shall serve a copy of the petition upon the respondent by personal  
13 service in the same manner as a summons is served under s. 801.11. The respondent  
14 may respond to the petition either in writing before or at the hearing under sub. (5)  
15 (a) or orally at that hearing.

16 **(5) HEARING; REMEDIES.** (a) A judge or family court commissioner shall hold a  
17 hearing on the petition no later than 30 days after the petition has been served,  
18 unless the time is extended by mutual agreement of the parties or upon the motion  
19 of a guardian ad litem and the approval of the judge or family court commissioner.  
20 The judge or family court commissioner may, on his or her own motion or the motion  
21 of any party, order that a guardian ad litem be appointed for the child prior to the  
22 hearing.

23 (b) If, at the conclusion of the hearing, the judge or family court commissioner  
24 finds that the respondent has intentionally and unreasonably denied the petitioner  
25 one or more periods of physical placement or that the respondent has intentionally

1 and unreasonably interfered with one or more of the petitioner's periods of physical  
2 placement, the court or family court commissioner:

3 1. Shall do all of the following:

4 a. Issue an order granting additional periods of physical placement to replace  
5 those denied or interfered with.

6 b. Award the petitioner a reasonable amount for the cost of maintaining an  
7 action under this section and for attorney fees.

8 2. May do one or more of the following:

9 a. If the underlying order or judgment relating to periods of physical placement  
10 does not provide for specific times for the exercise of periods of physical placement,  
11 issue an order specifying the times for the exercise of periods of physical placement.

12 b. Find the respondent in contempt of court under ch. 785.

13 c. Grant an injunction ordering the respondent to strictly comply with the  
14 judgment or order relating to the award of physical placement. In determining  
15 whether to issue an injunction, the judge or family court commissioner shall consider  
16 whether alternative remedies requested by the petitioner would be as effective in  
17 obtaining compliance with the order or judgment relating to physical placement.

18 (c) If, at the conclusion of the hearing, the judge or family court commissioner  
19 finds that the petitioner has incurred a financial loss or expenses as a result of the  
20 respondent's failure, intentionally and unreasonably and without adequate notice to  
21 the petitioner, to exercise one or more periods of physical placement under an order  
22 allocating specific times for the exercise of periods of physical placement, the judge  
23 or family court commissioner may issue an order requiring the respondent to pay to  
24 the petitioner a sum of money sufficient to compensate the petitioner for the financial  
25 loss or expenses.



1 (d) Except as provided in par. (b) 1. a. and 2. a., the judge or family court  
2 commissioner may not modify an order of legal custody or physical placement in an  
3 action under this section.

4 (e) An injunction issued under par. (b) 2. c. is effective according to its terms,  
5 for the period of time that the petitioner requests, but not more than 2 years.

6 (6) ENFORCEMENT ASSISTANCE. (a) If an injunction is issued under sub. (5) (b)  
7 2. c., upon request by the petitioner the judge or family court commissioner shall  
8 order the sheriff to assist the petitioner in executing or serving the injunction.

9 (b) Within 24 hours after a request by the petitioner, the clerk of the circuit  
10 court shall send a copy of an injunction issued under sub. (5) (b) 2. c. to the sheriff  
11 or to any other local law enforcement agency that is the central repository for orders  
12 and that has jurisdiction over the respondent's residence. If the respondent does not  
13 reside in this state, the clerk shall send a copy of the injunction to the sheriff of the  
14 county in which the circuit court is located.

15 (c) The sheriff or other appropriate local law enforcement agency under par. (b)  
16 shall make available to other law enforcement agencies, through a verification  
17 system, information on the existence and status of any injunction issued under sub.  
18 (5) (b) 2. c. The information need not be maintained after the injunction is no longer  
19 in effect.

20 (7) ARREST. A law enforcement officer may arrest and take a person into custody  
21 if all of the following apply:

22 (a) A petitioner under this section presents the law enforcement officer with a  
23 copy of an injunction issued under sub. (5) (b) 2. c. or the law enforcement officer  
24 determines that such an injunction exists through communication with appropriate  
25 authorities.

1 (b) The law enforcement officer has probable cause to believe that the person  
2 has violated the injunction issued under sub. (5) (b) 2. c.

3 (8) PENALTY. Whoever intentionally violates an injunction issued under sub.  
4 (5) (b) 2. c. may be fined not more than \$10,000 or imprisoned for not more than 2  
5 years or both.

6 **\*b1938/1.8\* SECTION 3054df.** 767.25 (1) (intro.) of the statutes is amended to  
7 read:

8 767.25 (1) (intro.) Whenever the court approves a stipulation for child support  
9 under s. 767.10, enters a judgment of annulment, divorce or legal separation, or  
10 enters an order or a judgment in a paternity action or in an action under s. 767.02  
11 (1) (f) or (j) ~~or~~, 767.08 or 767.62 (3), the court shall do all of the following:

12 **\*b1938/1.8\* SECTION 3054dg.** 767.25 (1m) (b) of the statutes is amended to  
13 read:

14 767.25 (1m) (b) The financial resources of both parents ~~as determined under~~  
15 ~~s. 767.255.~~

16 **\*b1938/1.8\* SECTION 3054dh.** 767.25 (1m) (c) of the statutes is amended to  
17 read:

18 767.25 (1m) (c) ~~The~~ If the parties were married, the standard of living the child  
19 would have enjoyed had the marriage not ended in annulment, divorce or legal  
20 separation.

21 **\*b1938/1.8\* SECTION 3054di.** 767.25 (4m) (b) of the statutes is amended to  
22 read:

23 767.25 (4m) (b) In addition to ordering child support for a child under sub. (1),  
24 the court shall specifically assign responsibility for and direct the manner of  
25 payment of the child's health care expenses. In assigning responsibility for a child's

1 health care expenses, the court shall consider whether a child is covered under a  
2 parent's health insurance policy or plan at the time the court approves a stipulation  
3 for child support under s. 767.10, enters a judgment of annulment, divorce or legal  
4 separation, or enters an order or a judgment in a paternity action or in an action  
5 under s. 767.02 (1) (f) or (j) or, 767.08 or 767.62 (3), the availability of health  
6 insurance to each parent through an employer or other organization, the extent of  
7 coverage available to a child and the costs to the parent for the coverage of the child.  
8 A parent may be required to initiate or continue health care insurance coverage for  
9 a child under this subsection. If a parent is required to do so, he or she shall provide  
10 copies of necessary program or policy identification to the custodial parent and is  
11 liable for any health care costs for which he or she receives direct payment from an  
12 insurer. This subsection shall not be construed to limit the authority of the court to  
13 enter or modify support orders containing provisions for payment of medical  
14 expenses, medical costs, or insurance premiums which are in addition to and not  
15 inconsistent with this subsection.

16 **\*b1938/1.8\* SECTION 3054dj.** 767.25 (5) of the statutes is amended to read:

17 767.25 (5) Liability Subject to ss. 767.51 (4) and 767.62 (4m), liability for past  
18 support shall be limited to the period after the birth of the child.

19 **\*b1938/1.8\* SECTION 3054dk.** 767.25 (6) (intro.) of the statutes, as affected by  
20 1997 Wisconsin Act 191, section 398, is amended to read:

21 767.25 (6) (intro.) A party ordered to pay child support under this section shall  
22 pay simple interest at the rate of ~~1.5%~~ 1% per month on any amount in arrears that  
23 is equal to or greater than the amount of child support due in one month. If the party  
24 no longer has a current obligation to pay child support, interest at the rate of ~~1.5%~~  
25 1% per month shall accrue on the total amount of child support in arrears, if any.

1 Interest under this subsection is in lieu of interest computed under s. 807.01 (4),  
2 814.04 (4) or 815.05 (8) and is paid to the department or its designee under s. 767.29.  
3 Except as provided in s. 767.29 (1m), the department or its designee, whichever is  
4 appropriate, shall apply all payments received for child support as follows:

5 **\*b1938/1.8\* SECTION 3054dL.** 767.253 of the statutes is amended to read:

6 **767.253 Seek-work orders.** In an action for modification of a child support  
7 order under s. 767.32 or an action in which an order for child support is required  
8 under s. 767.25 (1), 767.51 (3) or 767.62 (4) (~~a~~), the court may order either or both  
9 parents of the child to seek employment or participate in an employment or training  
10 program.

11 **\*b1938/1.8\* SECTION 3054dm.** 767.254 (2) (intro.) of the statutes is amended  
12 to read:

13 **767.254 (2) (intro.)** In an action for revision of a judgment or order providing  
14 for child support under s. 767.32 or an action in which an order for child support is  
15 required under s. 767.25 (1), 767.51 (3) or 767.62 (4) (~~a~~), the court shall order an  
16 unemployed teenage parent to do one or more of the following:

17 **\*b1938/1.8\* SECTION 3054dn.** 767.261 (intro.) of the statutes, as affected by  
18 1997 Wisconsin Act 191, section 403, is amended to read:

19 **767.261 Family support.** (intro.) The court may make a financial order  
20 designated “family support” as a substitute for child support orders under s. 767.25  
21 and maintenance payment orders under s. 767.26. A party ordered to pay family  
22 support under this section shall pay simple interest at the rate of ~~1.5%~~ 1% per month  
23 on any amount in arrears that is equal to or greater than the amount of child support  
24 due in one month. If the party no longer has a current obligation to pay child support,  
25 interest at the rate of ~~1.5%~~ 1% per month shall accrue on the total amount of child

1 support in arrears, if any. Interest under this section is in lieu of interest computed  
2 under s. 807.01 (4), 814.04 (4) or 815.05 (8) and is paid to the department or its  
3 designee under s. 767.29. Except as provided in s. 767.29 (1m), the department or  
4 its designee, whichever is appropriate, shall apply all payments received for family  
5 support as follows:".

6 **\*b1938/1.9\* 1539.** Page 1410, line 5: after that line insert:

7 **\*b1938/1.9\*** "SECTION 3055c. 767.265 (1) of the statutes, as affected by 1997  
8 Wisconsin Act 191, section 411, is amended to read:

9 767.265 (1) Each order for child support under this chapter, for maintenance  
10 payments under s. 767.23 or 767.26, for family support under this chapter, for costs  
11 ordered under s. 767.51 (3) or 767.62 (4) (~~a~~), for support by a spouse under s. 767.02  
12 (1) (f), for maintenance payments under s. 767.02 (1) (g) or for the annual receiving  
13 and disbursing fee under s. 767.29 (1) (d), each order for a revision in a judgment or  
14 order with respect to child support, maintenance or family support payments under  
15 s. 767.32, each stipulation approved by the court or the family court commissioner  
16 for child support under this chapter and each order for child or spousal support  
17 entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings,  
18 salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery prizes that  
19 are payable in instalments and other money due or to be due in the future to the  
20 department or its designee. The assignment shall be for an amount sufficient to  
21 ensure payment under the order or stipulation and to pay any arrearages due at a  
22 periodic rate not to exceed 50% of the amount of support due under the order or  
23 stipulation so long as the addition of the amount toward arrearages does not leave  
24 the party at an income below the poverty line established under 42 USC 9902 (2).".

1           **\*b1938/1.10\* 1540.** Page 1413, line 24: after that line insert:

2           **\*b1938/1.10\*** "SECTION 3061c. 767.265 (3h) of the statutes, as affected by 1997  
3 Wisconsin Act 191, section 415, is amended to read:

4           767.265 (3h) A person who receives notice of assignment under this section or  
5 s. 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ or similar laws  
6 of another state shall withhold the amount specified in the notice from any money  
7 that person pays to the payer later than one week after receipt of notice of  
8 assignment. Within 5 days after the day the person pays money to the payer, the  
9 person shall send the amount withheld to the department or its designee, whichever  
10 is appropriate, or, in the case of an amount ordered withheld for health care  
11 expenses, to the appropriate health care insurer, provider or plan. With each  
12 payment sent to the department or its designee, the person from whom the payer  
13 receives money shall report to the department or its designee the payer's gross  
14 income or other gross amount from which the payment was withheld. Except as  
15 provided in sub. (3m), for each payment sent to the department or its designee, the  
16 person from whom the payer receives money shall receive an amount equal to the  
17 person's necessary disbursements, not to exceed \$3, which shall be deducted from the  
18 money to be paid to the payer. Section 241.09 does not apply to assignments under  
19 this section.

20           **\*b1938/1.10\* SECTION 3061cd.** 767.265 (4) of the statutes is amended to read:

21           767.265 (4) A withholding assignment or order under this section or s. 767.23  
22 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ has priority over any other  
23 assignment, garnishment or similar legal process under state law.

1           **\*b1938/1.10\* SECTION 3061ce.** 767.265 (6) (a) of the statutes, as affected by  
2 1997 Wisconsin Act 191, section 420, is amended to read:

3           767.265 (6) (a) Except as provided in sub. (3m), if after receipt of notice of  
4 assignment the person from whom the payer receives money fails to withhold the  
5 money or send the money to the department or its designee or the appropriate health  
6 care insurer, provider or plan as provided in this section or s. 767.23 (1) (L), or 767.25  
7 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~, the person may be proceeded against  
8 under the principal action under ch. 785 for contempt of court or may be proceeded  
9 against under ch. 778 and be required to forfeit not less than \$50 nor more than an  
10 amount, if the amount exceeds \$50, that is equal to 1% of the amount not withheld  
11 or sent.

12           **\*b1938/1.10\* SECTION 3061cf.** 767.265 (6) (b) of the statutes, as affected by  
13 1997 Wisconsin Act 191, section 422, is amended to read:

14           767.265 (6) (b) If an employer who receives an assignment under this section  
15 or s. 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ fails to notify  
16 the department or its designee, whichever is appropriate, within 10 days after an  
17 employe is terminated or otherwise temporarily or permanently leaves employment,  
18 the employer may be proceeded against under the principal action under ch. 785 for  
19 contempt of court.

20           **\*b1938/1.10\* SECTION 3061cg.** 767.265 (6) (c) of the statutes is amended to  
21 read:

22           767.265 (6) (c) No employer may use an assignment under this section or s.  
23 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ as a basis for the  
24 denial of employment to a person, the discharge of an employe or any disciplinary  
25 action against an employe. An employer who denies employment or discharges or

1 disciplines an employe in violation of this paragraph may be fined not more than  
2 \$500 and may be required to make full restitution to the aggrieved person, including  
3 reinstatement and back pay. Except as provided in this paragraph, restitution shall  
4 be in accordance with s. 973.20. An aggrieved person may apply to the district  
5 attorney or to the department for enforcement of this paragraph.

6 **\*b1938/1.10\* SECTION 3061ch. 767.267 (1)** of the statutes, as affected by 1997  
7 Wisconsin Act 27, is amended to read:

8 767.267 (1) If the court or the family court commissioner determines that  
9 income withholding under s. 767.265 is inapplicable, ineffective or insufficient to  
10 ensure payment under an order or stipulation specified in s. 767.265 (1), or that  
11 income withholding under s. 767.25 (4m) (c) ~~or 767.51 (3m) (e)~~ is inapplicable,  
12 ineffective or insufficient to ensure payment of a child's health care expenses,  
13 including payment of health insurance premiums, ordered under s. 767.25 (4m) or  
14 767.51 (3m), the court or family court commissioner may require the payer to identify  
15 or establish a deposit account, owned in whole or in part by the payer, that allows for  
16 periodic transfers of funds and to file with the financial institution at which the  
17 account is located an authorization for transfer from the account to the department  
18 or its designee, whichever is appropriate. The authorization shall be provided on a  
19 standard form approved by the court and shall specify the frequency and the amount  
20 of transfer, sufficient to meet the payer's obligation under the order or stipulation,  
21 as required by the court or family court commissioner. The authorization shall  
22 include the payer's consent for the financial institution or an officer, employe or agent  
23 of the financial institution to disclose information to the court, family court  
24 commissioner, county child support agency under s. 59.53 (5), department or



1 department's designee regarding the account for which the payer has executed the  
2 authorization for transfer.”.

3 \*b1237/1.6\* **1541.** Page 1415, line 19: after that line insert:

4 \*b1237/1.6\* “SECTION 3064m. 767.325 (4m) of the statutes is created to read:

5 767.325 (4m) DENIAL OF PHYSICAL PLACEMENT FOR KILLING OTHER PARENT. (a)

6 Notwithstanding subs. (1) to (4), upon petition, motion or order to show cause by a  
7 party or on its own motion, a court shall modify a physical placement order by  
8 denying a parent physical placement with a child if the parent has been convicted  
9 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the  
10 2nd-degree intentional homicide, of the child's other parent, and the conviction has  
11 not been reversed, set aside or vacated.

12 (b) Paragraph (a) does not apply if the court determines by clear and convincing  
13 evidence that physical placement with the parent would be in the best interests of  
14 the child. The court shall consider the wishes of the child in making the  
15 determination.”.

16 \*b1938/1.11\* **1542.** Page 1415, line 19: after that line insert:

17 \*b1938/1.11\* “SECTION 3065c. 767.29 (1m) (intro.) of the statutes, as affected  
18 by 1997 Wisconsin Act 191, section 427, is amended to read:

19 767.29 (1m) (intro.) Notwithstanding ss. 767.25 (6), and 767.261, 767.51 (5p)  
20 and 767.62 (4) (g), if the department or its designee receives support or maintenance  
21 money that exceeds the amount due in the month in which it is received and that the  
22 department or its designee determines is for support or maintenance due in a  
23 succeeding month, the department or its designee may hold the amount of

1 overpayment that does not exceed the amount due in the next month for  
2 disbursement in the next month if any of the following applies:

3 **\*b1938/1.11\* SECTION 3065cd.** 767.295 (2) (a) (intro.) of the statutes is  
4 amended to read:

5 767.295 (2) (a) (intro.) In an action for modification of a child support order  
6 under s. 767.32, an action in which an order for child support is required under s.  
7 767.25 (1), 767.51 (3) or 767.62 (4) ~~(a)~~ or a contempt of court proceeding to enforce a  
8 child support or family support order in a county that contracts under s. 49.36 (2),  
9 the court may order a parent who is not a custodial parent to register for a work  
10 experience and job training program under s. 49.36 if all of the following conditions  
11 are met:

12 **\*b1938/1.11\* SECTION 3065ce.** 767.295 (2) (c) of the statutes is amended to  
13 read:

14 767.295 (2) (c) If the court enters an order under par. (a), it shall order the  
15 parent to pay child support equal to the amount determined by applying the  
16 percentage standard established under s. 49.22 (9) to the income a person would earn  
17 by working 40 hours per week for the federal minimum hourly wage under 29 USC  
18 206 (a) (1) or equal to the amount of child support that the parent was ordered to pay  
19 in the most recent determination of support under this chapter. The child support  
20 obligation ordered under this paragraph continues until the parent makes timely  
21 payment in full for 3 consecutive months or until the person participates in the  
22 program under s. 49.36 for 16 weeks, whichever comes first. The court shall provide  
23 in its order that the parent must make child support payments calculated under s.  
24 767.25 (1j) or (1m), ~~767.51 (4m) or (5) or 767.62 (4) (d) 1. or (e)~~ after the obligation to  
25 make payments ordered under this paragraph ceases.

1           **\*b1938/1.11\* SECTION 3065cf.** 767.303 (1) of the statutes is amended to read:

2           767.303 (1) If a person fails to pay a payment ordered for support under s.  
3 767.077, support under s. 767.08, child support or family support under s. 767.23,  
4 child support under s. 767.25, family support under s. 767.261, revised child or  
5 family support under s. 767.32, child support under s. 767.458 (3), child support  
6 under s. 767.458 (3), child support under s. 767.51, child support under s. 767.62 (4)  
7 (a), child support under ch. 769 or child support under s. 948.22 (7), the payment is  
8 90 or more days past due and the court finds that the person has the ability to pay  
9 the amount ordered, the court may suspend the person's operating privilege, as  
10 defined in s. 340.01 (40), until the person pays all arrearages in full or makes  
11 payment arrangements that are satisfactory to the court, except that the suspension  
12 period may not exceed 5 years. If otherwise eligible, the person is eligible for an  
13 occupational license under s. 343.10 at any time.

14           **\*b1938/1.11\* SECTION 3065cg.** 767.303 (1) of the statutes, as affected by 1997  
15 Wisconsin Act 84, is amended to read:

16           767.303 (1) If a person fails to pay a payment ordered for support under s.  
17 767.077, support under s. 767.08, child support or family support under s. 767.23,  
18 child support under s. 767.25, family support under s. 767.261, revised child or  
19 family support under s. 767.32, child support under s. 767.458 (3), child support  
20 under s. 767.477, child support under s. 767.51, child support under s. 767.62 (4) (a),  
21 child support under ch. 769 or child support under s. 948.22 (7), the payment is 90  
22 or more days past due and the court finds that the person has the ability to pay the  
23 amount ordered, the court may suspend the person's operating privilege, as defined  
24 in s. 340.01 (40), until the person pays all arrearages in full or makes payment  
25 arrangements that are satisfactory to the court, except that the suspension period

1 may not exceed 2 years. If otherwise eligible, the person is eligible for an  
2 occupational license under s. 343.10 at any time.

3 **\*b1938/1.11\* SECTION 3065ch.** 767.32 (1) (b) 4. of the statutes is amended to  
4 read:

5 767.32 (1) (b) 4. A difference between the amount of child support ordered by  
6 the court to be paid by the payer and the amount that the payer would have been  
7 required to pay based on the percentage standard established by the department  
8 under s. 49.22 (9) if the court did not use the percentage standard in determining the  
9 child support payments and did not provide the information required under s. 46.10  
10 (14) (d), 301.12 (14) (d), or 767.25 (1n), ~~767.51 (5d) or 767.62 (4) (f)~~, whichever is  
11 appropriate.

12 **\*b1938/1.11\* SECTION 3065ci.** 767.32 (2m) of the statutes is amended to read:

13 767.32 (2m) Upon request by a party, the court may modify the amount of  
14 revised child support payments determined under sub. (2) if, after considering the  
15 factors listed in s. 767.25 (1m), ~~767.51 (5) or 767.62 (4) (e)~~, as appropriate, the court  
16 finds, by the greater weight of the credible evidence, that the use of the percentage  
17 standard is unfair to the child or to any of the parties.

18 **\*b1938/1.11\* SECTION 3065cj.** 767.325 (2m) of the statutes is created to read:

19 767.325 (2m) MODIFICATION OF PERIODS OF PHYSICAL PLACEMENT FOR FAILURE TO  
20 EXERCISE PHYSICAL PLACEMENT. Notwithstanding subs. (1) and (2), upon petition,  
21 motion or order to show cause by a party, a court may modify an order of physical  
22 placement at any time with respect to periods of physical placement if it finds that  
23 a parent has repeatedly and unreasonably failed to exercise periods of physical  
24 placement awarded under an order of physical placement that allocates specific  
25 times for the exercise of periods of physical placement.

1           **\*b1938/1.11\* SECTION 3065ck.** 767.325 (5m) of the statutes is created to read:  
2           767.325 (5m) FACTORS TO CONSIDER. In all actions to modify legal custody or  
3 physical placement orders, the court shall consider the factors under s. 767.24 (5) and  
4 shall make its determination in a manner consistent with s. 767.24.

5           **\*b1938/1.11\* SECTION 3065cL.** 767.325 (6m) of the statutes is created to read:  
6           767.325 (6m) PARENTING PLAN. In any action to modify a legal custody or  
7 physical placement order under sub. (1), the court may require the party seeking the  
8 modification to file with the court a parenting plan under s. 767.24 (1m) before any  
9 hearing is held.

10          **\*b1938/1.11\* SECTION 3065cm.** 767.327 (4) of the statutes is amended to read:  
11          767.327 (4) GUARDIAN AD LITEM; PROMPT HEARING. After a petition, motion or  
12 order to show cause is filed under sub. (3), the court shall appoint a guardian ad litem,  
13 unless s. 767.045 (1) (am) applies, and shall hold a hearing as soon as possible.

14          **\*b1938/1.11\* SECTION 3065cn.** 767.327 (5m) of the statutes is created to read:  
15          767.327 (5m) DISCRETIONARY FACTORS TO CONSIDER. In making a determination  
16 under sub. (3), the court may consider the child's adjustment to the home, school,  
17 religion and community.

18          **\*b1938/1.11\* SECTION 3065co.** 767.45 (7) of the statutes is amended to read:  
19          767.45 (7) The clerk of court shall provide without charge, to each person  
20 bringing an action under this section, except to the state under sub. (1) (g) or (6m),  
21 a document setting forth the percentage standard established by the department  
22 under s. 49.22 (9) and listing the factors which a court may consider under s. ~~767.51~~  
23 ~~(5)~~ 767.25 (1m).

24          **\*b1938/1.11\* SECTION 3065cp.** 767.455 (6) of the statutes is amended to read:

1           767.455 (6) DOCUMENT. The summons served on the respondent shall be  
2 accompanied by a document, provided without charge by the clerk of court, setting  
3 forth the percentage standard established by the department under s. 49.22 (9) and  
4 listing the factors which a court may consider under s. ~~767.51 (5)~~ 767.25 (1m).

5           **\*b1938/1.11\* SECTION 3065cpm.** 767.475 (2m) of the statutes is created to  
6 read:

7           767.475 (2m) If there is no presumption of paternity under s. 891.41 (1), the  
8 mother shall have sole legal custody of the child until the court orders otherwise.

9           **\*b1938/1.11\* SECTION 3065cq.** 767.477 (1) of the statutes is amended to read:

10          767.477 (1) At any time during the pendency of an action to establish the  
11 paternity of a child, if genetic tests show that the alleged father is not excluded and  
12 that the statistical probability of the alleged father's parentage is 99.0% or higher,  
13 on the motion of a party, the court shall make ~~an appropriate temporary order~~ orders  
14 for the payment of child support ~~and may make a temporary order~~, assigning  
15 responsibility for and directing the manner of payment of the child's health care  
16 expenses and for the custody and physical placement of the child.

17          **\*b1938/1.11\* SECTION 3065cr.** 767.477 (2) of the statutes is amended to read:

18          767.477 (2) Before making any temporary order under sub. (1), the court shall  
19 consider those factors that the court is required ~~under s. 767.51~~ to consider when  
20 granting a final judgment on the same subject matter. If the court makes a  
21 temporary child support order that deviates from the amount of support that would  
22 be required by using the percentage standard established by the department under  
23 s. 49.22 (9), the court shall comply with the requirements of s. ~~767.51 (5d)~~ 767.25 (1n).

24          **\*b1938/1.11\* SECTION 3065cs.** 767.51 (3) of the statutes is repealed and  
25 recreated to read:

1           767.51 (3) A judgment or order determining paternity shall contain all of the  
2 following provisions:

3           (a) An adjudication of the paternity of the child.

4           (b) Orders for the legal custody of and periods of physical placement with the  
5 child, determined in accordance with s. 767.24.

6           (c) An order requiring either or both of the parents to contribute to the support  
7 of any child of the parties who is less than 18 years old, or any child of the parties who  
8 is less than 19 years old if the child is pursuing an accredited course of instruction  
9 leading to the acquisition of a high school diploma or its equivalent, determined in  
10 accordance with s. 767.25.

11           (d) A determination as to which parent, if eligible, shall have the right to claim  
12 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or  
13 as an exemption for state tax purposes under s. 71.07 (8) (b).

14           (e) An order requiring the father to pay or contribute to the reasonable expenses  
15 of the mother's pregnancy and the child's birth, based on the father's ability to pay  
16 or contribute to those expenses.

17           (f) An order requiring either or both parties to pay or contribute to the costs of  
18 the guardian ad litem fees, genetic tests as provided in s. 767.48 (5) and other costs.

19           (g) An order requiring either party to pay or contribute to the attorney fees of  
20 the other party.

21           **\*b1938/1.11\* SECTION 3065ct.** 767.51 (3m) of the statutes, as affected by 1997  
22 Wisconsin Act 27, is repealed.

23           **\*b1938/1.11\* SECTION 3065cu.** 767.51 (3r) of the statutes is repealed.

24           **\*b1938/1.11\* SECTION 3065cv.** 767.51 (4) of the statutes is repealed and  
25 recreated to read:

1           767.51 (4) (a) Subject to par. (b), liability for past support of the child shall be  
2 limited to support for the period after the day on which the petition in the action  
3 under s. 767.45 is filed, unless a party shows, to the satisfaction of the court, all of  
4 the following:

5           1. That he or she was induced to delay commencing the action by any of the  
6 following:

7           a. Duress or threats.

8           b. Actions, promises or representations by the other party upon which the party  
9 relied.

10          c. Actions taken by the other party to evade paternity proceedings.

11          2. That, after the inducement ceased to operate, he or she did not unreasonably  
12 delay in commencing the action.

13          (b) In no event may liability for past support of the child be imposed for any  
14 period before the birth of the child.

15          **\*b1938/1.11\* SECTION 3065cw.** 767.51 (4g) of the statutes is repealed.

16          **\*b1938/1.11\* SECTION 3065cx.** 767.51 (4m) of the statutes is repealed.

17          **\*b1938/1.11\* SECTION 3065cy.** 767.51 (5) of the statutes is repealed.

18          **\*b1938/1.11\* SECTION 3065d.** 767.51 (5d) of the statutes is repealed.

19          **\*b1938/1.11\* SECTION 3065dd.** 767.51 (5p) of the statutes, as affected by 1997  
20 Wisconsin Act 191, is repealed.

21          **\*b1938/1.11\* SECTION 3065de.** 767.53 (intro.) of the statutes is amended to  
22 read:

23           **767.53 Paternity hearings and records; confidentiality.** (intro.) Any  
24 hearing, discovery proceeding or trial relating to paternity determination shall be



1 closed to any person other than those necessary to the action or proceeding. Any  
2 record of ~~the~~ pending proceedings shall be placed in a closed file, except that:

3 \*b1938/1.11\* SECTION 3065df. 767.53 (1) (intro.) of the statutes is amended  
4 to read:

5 767.53 (1) (intro.) Access to the record of any pending or ~~past~~ proceeding  
6 involving the paternity of the same child shall be allowed to all of the following:

7 \*b1938/1.11\* SECTION 3065dg. 767.53 (3) of the statutes is created to read:

8 767.53 (3) Subject to s. 767.19, a record of a past proceeding is open to public  
9 inspection if all of the following apply:

10 (a) Paternity was established in the proceeding.

11 (b) The record is filed after the effective date of this paragraph .... [revisor  
12 inserts date].

13 (c) The record relates to a post-adjudication issue.

14 \*b1938/1.11\* SECTION 3065dh. 767.62 (4) of the statutes, as affected by 1997  
15 Wisconsin Act 191, is repealed and recreated to read:

16 767.62 (4) ORDERS WHEN PATERNITY ACKNOWLEDGED. In an action under sub. (3)  
17 (a), if the persons who signed and filed the statement acknowledging paternity as  
18 parents of the child had notice of the hearing, the court or family court commissioner  
19 shall make an order that contains all of the following provisions:

20 (a) Orders for the legal custody of and periods of physical placement with the  
21 child, determined in accordance with s. 767.24.

22 (b) An order requiring either or both of the parents to contribute to the support  
23 of any child of the parties who is less than 18 years old, or any child of the parties who  
24 is less than 19 years old if the child is pursuing an accredited course of instruction

1 leading to the acquisition of a high school diploma or its equivalent, determined in  
2 accordance with s. 767.25.

3 (c) A determination as to which parent, if eligible, shall have the right to claim  
4 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or  
5 as an exemption for state tax purposes under s. 71.07 (8) (b).

6 (d) An order requiring the father to pay or contribute to the reasonable  
7 expenses of the mother's pregnancy and the child's birth, based on the father's ability  
8 to pay or contribute to those expenses.

9 (e) An order requiring either or both parties to pay or contribute to the costs  
10 of the guardian ad litem fees and other costs.

11 (f) An order requiring either party to pay or contribute to the attorney fees of  
12 the other party.

13 \*b1938/1.11\* SECTION 3065di. 767.62 (4m) of the statutes is created to read:

14 767.62 (4m) LIABILITY FOR PAST SUPPORT. (a) Subject to par. (b), liability for past  
15 support of the child shall be limited to support for the period after the day on which  
16 the petition, motion or order to show cause requesting support is filed in the action  
17 for support under sub. (3) (a), unless a party shows, to the satisfaction of the court,  
18 all of the following:

19 1. That he or she was induced to delay commencing the action by any of the  
20 following:

21 a. Duress or threats.

22 b. Actions, promises or representations by the other party upon which the party  
23 relied.

24 c. Actions taken by the other party to evade proceedings under sub. (3) (a).

1           2. That, after the inducement ceased to operate, he or she did not unreasonably  
2 delay in commencing the action.

3           (b) In no event may liability for past support of the child be imposed for any  
4 period before the birth of the child.”.

5           **\*b1864/2.5\* 1543.** Page 1419, line 18: after that line insert:

6           **\*b1864/2.5\*** “SECTION 3072g. 778.25 (1) (a) 4. of the statutes is repealed.”.

7           **\*b0950/1.1\* 1544.** Page 1420, line 3: after that line insert:

8           **\*b0950/1.1\*** “SECTION 3073m. 800.01 (2) (a) of the statutes is amended to read:

9           800.01 (2) (a) Service under sub. (1) (a) shall be as provided in s. 801.11 or  
10 968.04 (3) (b) 2. or by personal service by ~~a municipal employe~~ an adult who is a  
11 resident of the state where the service is made but who is not a party to the action.”.

12           **\*b0950/1.2\* 1545.** Page 1421, line 6: after that line insert:

13           **\*b0950/1.2\*** “SECTION 3076m. 800.02 (4) (a) (intro.) of the statutes is amended  
14 to read:

15           800.02 (4) (a) (intro.) The summons shall be signed by a municipal judge or by  
16 the attorney who is prosecuting the case in municipal court and shall contain the  
17 following information:”.

18           **\*b0950/1.3\* 1546.** Page 1422, line 17: after that line insert:

19           **\*b0950/1.3\*** “SECTION 3078g. 800.04 (5) of the statutes is created to read:

20           800.04 (5) Unless good cause to the contrary is shown, appearances referred  
21 to in this section may be conducted by telephone or by interactive video and audio  
22 transmission, if available. If testimony is to be taken under oath, the proceeding  
23 shall be reported by a court reporter who is in simultaneous voice communication  
24 with all parties to the proceeding. Regardless of the physical location of any party

1 to the call, any plea, waiver, stipulation, motion, objection, decision, order or other  
2 action taken by the court or any party shall have the same effect as if made in open  
3 court. With the exceptions of scheduling conferences, pretrial conferences, and,  
4 during hours the court is not in session, the proceeding shall be conducted in a  
5 courtroom or other place reasonably accessible to the public. Simultaneous access  
6 to the proceeding shall be provided to persons entitled to attend by means of a  
7 loudspeaker or, upon request to the court, by making a person party to the telephone  
8 call without charge. The court may permit a hearing under this section to be  
9 conducted by telephone or by interactive video and audio transmission only if the  
10 defendant consents. The defendant's consent may be made by telephone.”.

11 \*b1423/2.4\* **1547.** Page 1423, line 17: after that line insert:

12 \*b1423/2.4\* “SECTION 3080mg. 800.09 (1) (c) of the statutes is amended to  
13 read:

14 800.09 (1) (c) The court may suspend the defendant's operating privilege, as  
15 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments  
16 and costs are paid, if the defendant has not done so within 60 days after the date the  
17 restitution or payments or both are to be made under par. (a) and has not notified the  
18 court that he or she is unable to comply with the judgment, as provided under s.  
19 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court  
20 shall take possession of the suspended license and shall forward the license, along  
21 with a notice of the suspension clearly stating that the suspension is for failure to  
22 comply with a judgment of the court, to the department of transportation. This  
23 paragraph does not apply if the forfeiture is assessed for violation of an ordinance  
24 that is unrelated to the violator's operation of a motor vehicle.”.

1           **\*b1423/2.5\* 1548.** Page 1424, line 9: after that line insert:

2           **\*b1423/2.5\*** “SECTION 3083m. 800.095 (4) (b) 4. of the statutes is amended to  
3 read:

4           800.095 (4) (b) 4. That the defendant’s operating privilege, as defined in s.  
5 340.01 (40), be suspended until the judgment is complied with, except that the  
6 suspension period may not exceed 5 years. This subdivision does not apply if the  
7 forfeiture is assessed for violation of an ordinance that is unrelated to the violator’s  
8 operation of a motor vehicle.”.

9           **\*b1938/1.12\* 1549.** Page 1425, line 7: after that line insert:

10          **\*b1938/1.12\*** “SECTION 3085c. 802.12 (3) (d) 1. of the statutes is amended to  
11 read:

12          802.12 (3) (d) 1. Custody and physical placement under s. 767.24, 767.458 (3),  
13 767.51 (3) or 767.62 (4) (a).

14          **\*b1938/1.12\*** SECTION 3085d. 802.12 (3) (d) 3. of the statutes is amended to  
15 read:

16          802.12 (3) (d) 3. Child support under s. 767.25, 767.458 (3), 767.51 or 767.62  
17 (4) (a).”.

18          **\*b1671/1.12\* 1550.** Page 1426, line 12: after that line insert:

19          **\*b1671/1.12\*** “SECTION 3088a. 813.16 (7) of the statutes is amended to read:

20          813.16 (7) If the person seeking the appointment of a receiver under sub. (1)  
21 is a corporation supervised by the division of savings ~~and loan~~ institutions, home  
22 loan bank board, U.S. office of thrift supervision, federal deposit insurance  
23 corporation or resolution trust corporation, the court, unless the opposing party

1 objects, shall appoint an officer of such corporation as receiver to act without  
2 compensation and to give such bond as the court requires.”.

3 **\*b1938/1.13\* 1551.** Page 1426, line 12: after that line insert:

4 **\*b1938/1.13\* “SECTION 3087c.** 808.075 (4) (d) 11. of the statutes is amended  
5 to read:

6 808.075 (4) (d) 11. Enforcement or modification of assignments under s. 767.25  
7 (4m), or 767.265, 767.51 (3m) or 767.62 (4) (b) 3.”.

8 **\*b0813/1.1\* 1552.** Page 1431, line 11: after that line insert:

9 **\*b0813/1.1\* “SECTION 3312m.** 891.455 (4) of the statutes is created to read:

10 891.455 (4) The presumption under sub. (2) for cancers caused by smoking or  
11 tobacco product use shall not apply to any municipal fire fighter who smokes  
12 cigarettes, as defined in s. 139.30 (1), or who uses a tobacco product, as defined in s.  
13 139.75 (12), after January 1, 2001.”.

14 **\*b1237/1.7\* 1553.** Page 1431, line 11: after that line insert:

15 **\*b1237/1.7\* “SECTION 3111g.** 880.155 (2) of the statutes is amended to read:

16 880.155 (2) If one or both parents of a minor child are deceased and the child  
17 is in the custody of the surviving parent or any other person, a grandparent or  
18 stepparent of the child may petition for visitation privileges with respect to the child,  
19 whether or not the person with custody is married. The grandparent or stepparent  
20 may file the petition in a guardianship or temporary guardianship proceeding under  
21 this chapter that affects the minor child or may file the petition to commence an  
22 independent action under this chapter. The Except as provided in sub. (3m), the  
23 court may grant reasonable visitation privileges to the grandparent or stepparent if

1 the surviving parent or other person who has custody of the child has notice of the  
2 hearing and if the court determines that visitation is in the best interest of the child.

3 **\*b1237/1.7\* SECTION 3111j.** 880.155 (3m) of the statutes is created to read:

4 880.155 (3m) (a) Except as provided in par. (b), the court may not grant  
5 visitation privileges to a grandparent or stepparent under this section if the  
6 grandparent or stepparent has been convicted under s. 940.01 of the first-degree  
7 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
8 a parent of the child, and the conviction has not been reversed, set aside or vacated.

9 (b) Paragraph (a) does not apply if the court determines by clear and convincing  
10 evidence that the visitation would be in the best interests of the child. The court shall  
11 consider the wishes of the child in making the determination.

12 **\*b1237/1.7\* SECTION 3111m.** 880.155 (4m) of the statutes is created to read:

13 880.155 (4m) (a) If a grandparent or stepparent granted visitation privileges  
14 with respect to a child under this section is convicted under s. 940.01 of the  
15 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
16 homicide, of a parent of the child, and the conviction has not been reversed, set aside  
17 or vacated, the court shall modify the visitation order by denying visitation with the  
18 child upon petition, motion or order to show cause by a person having custody of the  
19 child, or upon the court's own motion, and upon notice to the grandparent or  
20 stepparent granted visitation privileges.

21 (b) Paragraph (a) does not apply if the court determines by clear and convincing  
22 evidence that the visitation would be in the best interests of the child. The court shall  
23 consider the wishes of the child in making the determination.

24 **\*b1237/1.7\* SECTION 3111p.** 880.157 of the statutes is created to read:

1           **880.157 Prohibiting visitation or physical placement if a parent kills**  
2           **other parent.** (1) Except as provided in sub. (2), in an action under this chapter  
3           that affects a minor child, a court may not grant to a parent of the child visitation or  
4           physical placement rights with the child if the parent has been convicted under s.  
5           940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree  
6           intentional homicide, of the child's other parent, and the conviction has not been  
7           reversed, set aside or vacated.

8           (2) Subsection (1) does not apply if the court determines by clear and  
9           convincing evidence that visitation or periods of physical placement would be in the  
10          best interests of the child. The court shall consider the wishes of the child in making  
11          the determination.”.

12          **\*b1674/2.1\* 1554.** Page 1431, line 11: after that line insert:

13          **\*b1674/2.1\* “SECTION 3113m.** 895.505 of the statutes is created to read:

14          **895.505 Disposal of records containing personal information. (1)**

15          DEFINITIONS. In this section:

16          (a) “Credit card” has the meaning given in s. 421.301 (15).

17          (am) “Dispose” does not include a sale of a record or the transfer of a record for  
18          value.

19          (b) “Financial institution” means any bank, savings bank, savings and loan  
20          association or credit union that is authorized to do business under state or federal  
21          laws relating to financial institutions, any issuer of a credit card or any investment  
22          company.

23          (c) “Investment company” has the meaning given in s. 180.0103 (11e).



1 (d) "Medical business" means any organization or enterprise operated for profit  
2 or not for profit, including a sole proprietorship, partnership, firm, business trust,  
3 joint venture, syndicate, corporation, limited liability company or association, that  
4 possesses information, other than personnel records, relating to a person's physical  
5 or mental health, medical history or medical treatment.

6 (e) "Personal information" means any of the following:

7 1. Personally identifiable data about an individual's medical condition, if the  
8 data are not generally considered to be public knowledge.

9 2. Personally identifiable data that contain an individual's account or customer  
10 number, account balance, balance owing, credit balance or credit limit, if the data  
11 relate to an individual's account or transaction with a financial institution.

12 3. Personally identifiable data provided by an individual to a financial  
13 institution upon opening an account or applying for a loan or credit.

14 4. Personally identifiable data about an individual's federal, state or local tax  
15 returns.

16 (f) "Personally identifiable" means capable of being associated with a particular  
17 individual through one or more identifiers or other information or circumstances.

18 (g) "Record" means any material on which written, drawn, printed, spoken,  
19 visual or electromagnetic information is recorded or preserved, regardless of  
20 physical form or characteristics.

21 (h) "Tax preparation business" means any organization or enterprise operated  
22 for profit, including a sole proprietorship, partnership, firm, business trust, joint  
23 venture, syndicate, corporation, limited liability company or association, that for a  
24 fee prepares an individual's federal, state or local tax returns or counsels an  
25 individual regarding the individual's federal, state or local tax returns.

1           **(2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION.** A financial  
2 institution, medical business or tax preparation business may not dispose of a record  
3 containing personal information unless the financial institution, medical business,  
4 tax preparation business or other person under contract with the financial  
5 institution, medical business or tax preparation business does any of the following:

6           (a) Shreds the record before the disposal of the record.

7           (b) Erases the personal information contained in the record before the disposal  
8 of the record.

9           (c) Modifies the record to make the personal information unreadable before the  
10 disposal of the record.

11           (d) Takes actions that it reasonably believes will ensure that no unauthorized  
12 person will have access to the personal information contained in the record for the  
13 period between the record's disposal and the record's destruction.

14           **(3) CIVIL LIABILITY; DISPOSAL AND USE.** (a) A financial institution, medical  
15 business or tax preparation business is liable to a person whose personal information  
16 is disposed of in violation of sub. (2) for the amount of damages resulting from the  
17 violation.

18           (b) Any person who, for any purpose, uses personal information contained in  
19 a record that was disposed of by a financial institution, medical business or tax  
20 preparation business is liable to an individual who is the subject of the information  
21 and to the financial institution, medical business or tax preparation business that  
22 disposed of the record for the amount of damages resulting from the person's use of  
23 the information. This paragraph does not apply to a person who uses personal  
24 information with the authorization or consent of the individual who is the subject of  
25 the information.

1           (4) PENALTIES; DISPOSAL AND USE. (a) A financial institution, medical business  
2 or tax preparation business that violates sub. (2) may be required to forfeit not more  
3 than \$1,000. Acts arising out of the same incident or occurrence shall be a single  
4 violation.

5           (b) Any person who possesses a record that was disposed of by a financial  
6 institution, medical business or tax preparation business and who intends to use, for  
7 any purpose, personal information contained in the record may be fined not more  
8 than \$1,000 or imprisoned for not more than 90 days or both. This paragraph does  
9 not apply to a person who possesses a record with the authorization or consent of the  
10 individual whose personal information is contained in the record.”.

11           **\*b1822/1.8\* 1555.** Page 1431, line 11: after that line insert:

12           **\*b1822/1.8\*** “SECTION 3111m. 895.035 (4) of the statutes is amended to read:

13           895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.  
14 943.51, the maximum recovery under this section from any parent or parents may  
15 not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any  
16 one act of a juvenile in addition to taxable costs and disbursements and reasonable  
17 attorney fees, as determined by the court. If 2 or more juveniles in the custody of the  
18 same parent or parents commit the same act the total recovery under this section  
19 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs  
20 and disbursements. The maximum recovery from any parent or parents for retail  
21 theft by their minor child is established under s. 943.51.

22           **\*b1822/1.8\* SECTION 3111t.** 895.035 (4a) of the statutes is created to read:

23           895.035 (4a) (a) The maximum recovery under this section by a school board  
24 or a governing body of a private school from any parent or parents with custody of

1 a minor child may not exceed \$20,000 for damages resulting from any one act of the  
2 minor child in addition to taxable costs and disbursements and reasonable attorney  
3 fees, as determined by the court, for damages caused to the school board or the  
4 governing body of a private school by any of the following actions of the minor child:

5 1. An act or threat that endangers the property, health or safety of persons at  
6 the school or under the supervision of a school authority or that damages the  
7 property of a school board or the governing body of a private school and that results  
8 in a substantial disruption of a school day or a school activity.

9 2. An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or  
10 947.015.

11 (b) In addition to other recoverable damages, damages under par. (a) may  
12 include the cost to the school board or the governing body of a private school in loss  
13 of instructional time directly resulting from the action of the minor child under par.  
14 (a).

15 (c) If 2 or more minor children in the custody of the same parent or parents are  
16 involved in the same action under par. (a), the total recovery may not exceed \$20,000,  
17 in addition to taxable costs, disbursements and reasonable attorney fees, as  
18 determined by the court.

19 (d) If an insurance policy does not explicitly provide coverage for actions under  
20 par. (a), the issuer of that policy is not liable for the damages resulting from those  
21 actions.”.

22 \*b1832/1.1\* **1556.** Page 1431, line 11: after that line insert:

23 \*b1832/1.1\* “SECTION 3113m. 895.58 of the statutes is created to read:

**895.58 Liability exemption; use of special waste under public works**

**contracts. (1)** In this section:

(a) "Department" means the department of natural resources.

(b) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an agency or corporation of such a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

(c) "Public works project" means any work done under contract to a state agency or local governmental unit.

(d) "Special waste" means any solid waste which is characterized for beneficial use in public works projects by the department of natural resources.

(2) The department may characterize a solid waste for beneficial use in public works projects by rule, memorandum of understanding between itself and other state agencies or local governmental units, or on a case-by-case basis. The department shall compile and maintain a list of special wastes in a format readily available to the general public and only those special wastes may be required by contracting agencies to be used in a public works project.

(3) Special waste, when used in a public works project, is not subject to regulation as solid waste under ch. 289.

(4) A person is immune from liability for the use of special waste on a public works project or for damages resulting from the person's actions or omissions relating to the use of the special waste on a public works project if all of the following apply:

(a) The acts or omissions by the person occurred while performing work under a contract for a public works project including acts or omissions by any person who

1 has a direct contractual relationship with the prime contractor, as defined in s.  
2 779.01 (2) (d), under a contract for a public works project to perform labor or furnish  
3 materials.

4 (b) The acts or omissions involving the special wastes were required or  
5 permitted in a contract for a public works project and the acts or omissions conformed  
6 to the provisions of the contract.

7 (5) Subsection (4) does not apply to any person to whom either of the following  
8 applies:

9 (a) The person's act or omission involved reckless, wanton or intentional  
10 misconduct.

11 (b) The person's act or omission resulted in injury or death to an individual.”.

12 \*b1867/2.7\* **1557**. Page 1431, line 11: after that line insert:

13 \*b1867/2.7\* “SECTION 3113g. 895.48 (1m) (intro.) of the statutes, as affected  
14 by 1997 Wisconsin Acts 67 and 156, is amended to read:

15 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,  
16 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency  
17 medical technician licensed under s. 146.50, physician assistant licensed under ch.  
18 448, registered nurse licensed under ch. 441 or a massage therapist or bodyworker  
19 issued a license of registration under subch. X of ch. 440 who renders voluntary  
20 health care to a participant in an athletic event or contest sponsored by a nonprofit  
21 corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001  
22 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655  
23 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that  
24 care if all of the following conditions exist:

1           **\*b1867/2.7\* SECTION 3113m.** 895.48 (1m) (b) of the statutes, as affected by  
2 1997 Wisconsin Act 156, is amended to read:

3           895.48 (1m) (b) The physician, athletic trainer, chiropractor, dentist,  
4 emergency medical technician, physician assistant, registered nurse, massage  
5 therapist or bodyworker does not receive compensation for the health care, other  
6 than reimbursement for expenses.”.

7           **\*b1225/2.3\* 1558.** Page 1431, line 22: after that line insert:

8           **\*b1225/2.3\* “SECTION 3130m.** 938.20 (8) of the statutes is amended to read:

9           938.20 (8) If a juvenile is held in custody, the intake worker shall notify the  
10 juvenile’s parent, guardian and legal custodian of the reasons for holding the juvenile  
11 in custody and of the juvenile’s whereabouts unless there is reason to believe that  
12 notice would present imminent danger to the juvenile. If a juvenile who has violated  
13 the terms of aftercare supervision administered by the department or a county  
14 department is held in custody, the intake worker shall also notify the department or  
15 county department, whichever has supervision over the juvenile, of the reasons for  
16 holding the juvenile in custody, of the juvenile’s whereabouts and of the time and  
17 place of the detention hearing required under s. 938.21. The parent, guardian and  
18 legal custodian shall also be notified of the time and place of the detention hearing  
19 required under s. 938.21, the nature and possible consequences of that hearing, the  
20 right to counsel under s. 938.23 regardless of ability to pay and the right to present  
21 and cross-examine witnesses at the hearing. If the parent, guardian or legal  
22 custodian is not immediately available, the intake worker or another person  
23 designated by the court shall provide notice as soon as possible. When the juvenile  
24 is alleged to have committed a delinquent act, the juvenile shall receive the same

1 notice about the detention hearing as the parent, guardian or legal custodian. The  
2 intake worker shall notify both the juvenile and the juvenile's parent, guardian or  
3 legal custodian.

4 **\*b1225/2.3\* SECTION 3131m.** 938.21 (3) (d) of the statutes is amended to read:

5 938.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian  
6 or legal custodian shall be informed by the court of the allegations that have been  
7 made or may be made, the nature and possible consequences of this hearing as  
8 compared to possible future hearings, the right to counsel under s. 938.23 regardless  
9 of ability to pay, the right to confront and cross-examine witnesses and the right to  
10 present witnesses.

11 **\*b1225/2.3\* SECTION 3142g.** 938.23 (2) of the statutes is created to read:

12 938.23 (2) (a) Whenever a juvenile is alleged to be in need of protection or  
13 services under s. 938.13, any parent under 18 years of age who appears before the  
14 court shall be represented by counsel; but no such parent may waive counsel.

15 (b) If a petition under s. 938.13 is contested, no juvenile may be placed outside  
16 his or her home unless the nonpetitioning parent is represented by counsel at the  
17 fact-finding hearing and subsequent proceedings. If the petition is not contested,  
18 the juvenile may not be placed outside his or her home unless the nonpetitioning  
19 parent is represented by counsel at the hearing at which the placement is made. A  
20 parent who is required under this paragraph to be represented by counsel may,  
21 however, waive counsel if the court is satisfied that such waiver is knowingly and  
22 voluntarily made, and the court may place the juvenile outside the home even though  
23 the parent was not represented by counsel.

24 **\*b1225/2.3\* SECTION 3142m.** 938.23 (3) of the statutes is amended to read:



1           938.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings~~  
2 ~~under s. 938.13, at~~ At any time, upon request or on its own motion, the court may  
3 appoint counsel for the juvenile or any party, unless the juvenile or the party has or  
4 wishes to retain counsel of his or her own choosing. ~~The court may not appoint~~  
5 ~~counsel for any party other than the juvenile in a proceeding under s. 938.13.~~

6           **\*b1225/2.3\* SECTION 3142p.** 938.23 (4) of the statutes is amended to read:

7           938.23 (4) PROVIDING COUNSEL. In any situation under this section in which a  
8 person juvenile has a right to be represented by counsel or is provided counsel at the  
9 discretion of the court and counsel is not knowingly and voluntarily waived, the court  
10 shall refer the person juvenile to the state public defender and counsel shall be  
11 appointed by the state public defender under s. 977.08 without a determination of  
12 indigency. In any situation under sub. (2) in which a parent 18 years of age or over  
13 is entitled to representation by counsel; counsel is not knowingly and voluntarily  
14 waived; and it appears that the parent is unable to afford counsel in full, or the parent  
15 so indicates; the court shall refer the parent to the authority for indigency  
16 determinations specified in s. 977.01 (1). In any other situation under this section  
17 in which a person has a right to be represented by counsel or is provided counsel at  
18 the discretion of the court, competent and independent counsel shall be provided and  
19 reimbursed in any manner suitable to the court regardless of the person's ability to  
20 pay, except that the court may not order a person who files a petition under s. 813.122  
21 or 813.125 to reimburse counsel for the juvenile who is named as the respondent in  
22 that petition.”.

23           **\*b1237/1.8\* 1559.** Page 1431, line 22: after that line insert:

24           **\*b1237/1.8\* “SECTION 3130p.** 938.207(1)(a) of the statutes is amended to read:

1           938.207 (1) (a) The home of a parent or guardian, except that a juvenile may  
2 not be held in the home of a parent or guardian if the parent or guardian has been  
3 convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05  
4 of the 2nd-degree intentional homicide, of a parent of the juvenile, and the conviction  
5 has not been reversed, set aside or vacated, unless the person making the custody  
6 decision determines by clear and convincing evidence that the placement would be  
7 in the best interests of the juvenile. The person making the custody decision shall  
8 consider the wishes of the juvenile in making that determination.

9           **\*b1237/1.8\* SECTION 3130r.** 938.207 (1) (b) of the statutes is amended to read:

10           938.207 (1) (b) The home of a relative, except that a juvenile may not be held  
11 in the home of a relative if the relative has been convicted under s. 940.01 of the  
12 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
13 homicide, of a parent of the juvenile, and the conviction has not been reversed, set  
14 aside or vacated, unless the person making the custody decision determines by clear  
15 and convincing evidence that the placement would be in the best interests of the  
16 juvenile. The person making the custody decision shall consider the wishes of the  
17 juvenile in making that determination.”.

18           **\*b1423/2.6\* 1560.** Page 1431, line 22: after that line insert:

19           **\*b1423/2.6\* “SECTION 3129b.** 938.17 (2) (d) of the statutes is amended to read:

20           938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
21 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
22 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
23 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
24 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture

1 imposed by the municipal court, the court may not impose a jail sentence but may  
2 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
3 years, or, unless the forfeiture was imposed for violating an ordinance unrelated to  
4 the juvenile's operation of a motor vehicle, may suspend the juvenile's operating  
5 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.  
6 If a court suspends a license or privilege under this section, the court shall  
7 immediately take possession of the applicable license and forward it to the  
8 department that issued the license, together with the notice of suspension clearly  
9 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
10 the forfeiture is paid during the period of suspension, the court shall immediately  
11 notify the department, which shall thereupon return the license to the person.”.

12 \*b1654/3.27\* **1561.** Page 1431, line 22: after that line insert:

13 \*b1654/3.27\* “SECTION 3117d. 938.02 (15g) of the statutes is amended to read:

14 938.02 (15g) “Secured child caring institution” means a child caring institution  
15 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in  
16 secure custody persons adjudged delinquent.

17 \*b1654/3.27\* SECTION 3118d. 938.02 (15m) of the statutes is amended to read:

18 938.02 (15m) “Secured correctional facility” means a correctional institution  
19 operated or contracted for by the department of corrections or operated by the  
20 department of health and family services for holding in secure custody persons  
21 adjudged delinquent. “Secured correctional facility” includes the Mendota juvenile  
22 treatment center under s. 46.057, the facility at which the juvenile boot camp  
23 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)  
24 (b), 938.538 (4) (b) or 938.539 (5).