



2009 ASSEMBLY BILL 568

November 10, 2009 - Introduced by LAW REVISION COMMITTEE. Referred to
Committee on Rules.

1 **AN ACT relating to:** revising various provisions of the statutes for the purpose
2 of correcting errors, supplying omissions, and eliminating defects (Correction
3 Bill).

Analysis by the Legislative Reference Bureau

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats., corrects and clarifies ambiguous effective dates for provisions contained in 2009 Wisconsin Act 28. Specific changes are explained in the NOTES in the body of the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act
5 28, sections 313 and 314, is repealed and recreated to read:
6 20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)
7 and (hr), the amounts in the schedule for juvenile correctional services specified in
8 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,

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1 including vehicles, from juvenile correctional institutions operated by the
2 department, all moneys received as payments in restitution of property damaged at
3 juvenile correctional institutions operated by the department, all moneys received
4 from miscellaneous services provided at a juvenile correctional institution operated
5 by the department, all moneys transferred from the appropriation accounts under
6 pars. (ho) and (hr) as provided in 2009 Wisconsin Act 28, section 9211 (1), all moneys
7 transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys
8 received in payment for juvenile correctional services specified in s. 301.26 (4) (d),
9 (dt), and (g) shall be credited to this appropriation account. If moneys generated by
10 the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by
11 2% or more, all moneys in excess of that 2% shall be remitted to the counties during
12 the subsequent calendar year or transferred to the appropriation account under par.
13 (kx) during the subsequent fiscal year. Each county and the department shall receive
14 a proportionate share of the remittance and transfer depending on the total number
15 of days of placement at juvenile correctional institutions including the Mendota
16 Juvenile Treatment Center. Counties shall use the funds for purposes specified in
17 s. 301.26. The department shall deposit in the general fund the amounts transferred
18 under this paragraph to the appropriation account under par. (kx).

NOTE: 2009 Wis. Act 28, section 9411 (1), contained an incorrect cross-reference that resulted in a possible ambiguity in the effective dates for the treatments of s. 20.410 (3) (hm) by Act 28. SECTIONS 1 and 2 of this bill, together with the delayed effective date specified in SECTION 12 (3) of this bill, clarify the effective dates for the treatments of section 20.410 (3) (hm) in Act 28 as follows:

SECTION 1. The treatment of s. 20.410 (3) (hm) by section 313 of Act 28 is in effect until July 1, 2010.

SECTION 2. The treatment of s. 20.410 (3) (hm) by section 314 of Act 28 takes effect on July 1, 2010.

SECTIONS 1 and 2 of this bill reflect the statute text from sections 313 and 314 of Act 28, respectively.

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1 **SECTION 2.** 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act
2 (this act), is repealed and recreated to read:

3 20.410 (3) (hm) *Juvenile correctional services*. Except as provided in pars. (ho)
4 and (hr), the amounts in the schedule for juvenile correctional services specified in
5 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,
6 including vehicles, from juvenile correctional institutions operated by the
7 department, all moneys received as payments in restitution of property damaged at
8 juvenile correctional institutions operated by the department, all moneys received
9 from miscellaneous services provided at a juvenile correctional institution operated
10 by the department, all moneys transferred under s. 301.26 (4) (cm), and, except as
11 provided in par. (hr), all moneys received in payment for juvenile correctional
12 services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this
13 appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d)
14 exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of
15 that 2% shall be remitted to the counties during the subsequent calendar year or
16 transferred to the appropriation account under par. (kx) during the subsequent fiscal
17 year. Each county and the department shall receive a proportionate share of the
18 remittance and transfer depending on the total number of days of placement at
19 juvenile correctional institutions including the Mendota Juvenile Treatment Center.
20 Counties shall use the funds for purposes specified in s. 301.26. The department
21 shall deposit in the general fund the amounts transferred under this paragraph to
22 the appropriation account under par. (kx).

NOTE: See the NOTE for SECTION 1 of this bill.

23 **SECTION 3.** 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act 28,
24 sections 315, 316 and 317, is repealed and recreated to read:

ASSEMBLY BILL 568**SECTION 3**

1 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for
2 providing foster care, treatment foster care, group home care, and institutional child
3 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.
4 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment
5 for providing foster care, treatment foster care, group home care, and institutional
6 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and
7 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation
8 account. If moneys generated by the daily rate exceed actual fiscal year foster care,
9 treatment foster care, group home care, and institutional child care costs, that excess
10 shall be transferred to the appropriation account under par. (hm) as provided in 2009
11 Wisconsin Act 28, section 9211 (1), except that, if those moneys generated exceed
12 those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties
13 during the subsequent calendar year or transferred to the appropriation account
14 under par. (kx) during the subsequent fiscal year. Each county and the department
15 shall receive a proportionate share of the remittance and transfer depending on the
16 total number of days of placement in foster care, treatment foster care, group home
17 care, or institutional child care. Counties shall use the funds for purposes specified
18 in s. 301.26. The department shall deposit in the general fund the amounts
19 transferred under this paragraph to the appropriation account under par. (kx).

NOTE: 2009 Wis. Act 28, section 9411 (1), contained an incorrect cross-reference that resulted in a possible ambiguity in the effective dates for the treatments of s. 20.410 (3) (ho) by Act 28. SECTIONS 3, 4, and 5 of this bill, together with the delayed effective dates specified in SECTION 12 (1) and (2) of this bill, clarify the effective dates for the treatments of section 20.410 (3) (ho) in Act 28 as follows:

SECTION 3. The treatment of s. 20.410 (3) (ho) by section 315 of Act 28 is in effect until the treatment of s. 20.410 (3) (ho) by section 316 or 317 take effect.

SECTION 4. The treatment of s. 20.410 (3) (ho) by section 316 of Act 28 takes effect on the effective date specified in the Wisconsin Administrative Register as provided in section 9408 (6) of Act 28.

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SECTION 5. The treatment of s. 20.410 (3) (ho) by section 317 of Act 28 takes effect on July 1, 2010, or on the effective date specified in the Wisconsin Administrative Register as provided in section 9408 (6) of Act 28, whichever is later.

SECTIONS 3, 4, and 5 of this bill reflect the statute text shown in sections 315, 316, and 317 of Act 28, respectively.

1 **SECTION 4.** 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act ...
2 (this act), section 3, is repealed and recreated to read:
3 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for
4 providing foster care, group home care, and institutional child care to delinquent
5 juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys
6 transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing
7 foster care, group home care, and institutional child care to delinquent juveniles
8 under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4)
9 (e) and (ed) shall be credited to this appropriation account. If moneys generated by
10 the daily rate exceed actual fiscal year foster care, group home care, and institutional
11 child care costs, that excess shall be transferred to the appropriation account under
12 par. (hm) as provided in 2009 Wisconsin Act 28, section 9211 (1), except that if those
13 moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall
14 be remitted to the counties during the subsequent calendar year or transferred to the
15 appropriation account under par. (kx) during the subsequent fiscal year. Each
16 county and the department shall receive a proportionate share of the remittance and
17 transfer depending on the total number of days of placement in foster care, group
18 home care, or institutional child care. Counties shall use the funds for purposes
19 specified in s. 301.26. The department shall deposit in the general fund the amounts
20 transferred under this paragraph to the appropriation account under par. (kx).

NOTE: See the NOTE for SECTION 3 of this bill.

ASSEMBLY BILL 568**SECTION 5**

1 **SECTION 5.** 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act ...
2 (this act), section 4, is repealed and recreated to read:

3 20.410 **(3)** (ho) *Juvenile residential aftercare.* The amounts in the schedule for
4 providing foster care, group home care, and institutional child care to delinquent
5 juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys
6 transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing
7 foster care, group home care, and institutional child care to delinquent juveniles
8 under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4)
9 (e) and (ed) shall be credited to this appropriation account. If moneys generated by
10 the daily rate exceed actual fiscal year foster care, group home care, and institutional
11 child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the
12 counties during the subsequent calendar year or transferred to the appropriation
13 account under par. (kx) during the subsequent fiscal year. Each county and the
14 department shall receive a proportionate share of the remittance and transfer
15 depending on the total number of days of placement in foster care, group home care,
16 or institutional child care. Counties shall use the funds for purposes specified in s.
17 301.26. The department shall deposit in the general fund the amounts transferred
18 under this paragraph to the appropriation account under par. (kx).

NOTE: See the NOTE for SECTION 3 of this bill.

19 **SECTION 6.** 39.435 (8) of the statutes, as affected by 2009 Wisconsin Act 28,
20 sections 761 and 762, is repealed and recreated to read:

21 39.435 **(8)** The board shall award grants under this section to University of
22 Wisconsin System students from the appropriations under s. 20.235 (1) (fe) and (ke).

NOTE: 2009 Wis. Act 28 contains two treatments of s. 39.435 (8). Section 761 of Act 28 amended s. 39.435 (8) effective July 1, 2010. Section 762 of Act 28 amended s. 39.435 (8), as affected by section 761, but without a specified delayed effective date, which resulted in a possible ambiguity in the effective dates for the treatments of s. 39.435 (8)

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by Act 28. SECTIONS 6 and 7 of this bill, together with the delayed effective date specified in SECTION 12 (3) of this bill, clarify the effective dates for the two treatments of s. 39.435 (8) as follows:

SECTION 6. The treatment of s. 39.435 (8) by section 761 of Act 28 is in effect until July 1, 2010.

SECTION 7. The treatment of s. 39.435 (8) by section 762 takes effect July 1, 2010.

SECTIONS 6 and 7 of this bill reflect the statute text shown in sections 761 and 762 of Act 28, respectively.

1 **SECTION 7.** 39.435 (8) of the statutes, as affected by 2009 Wisconsin Act (this
2 act), is repealed and recreated to read:

3 39.435 (8) The board shall award grants under this section to University of
4 Wisconsin System students from the appropriation under s. 20.235 (1) (fe).

NOTE: See the NOTE for SECTION 6 of this bill.

5 **SECTION 8.** 111.322 (2m) (a) and (b) of the statutes, as affected by 2009
6 Wisconsin Acts 3 and 28, are repealed and recreated to read:

7 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
8 right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12,
9 109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

10 (b) The individual testifies or assists in any action or proceeding held under or
11 to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50,
12 104.12, 109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to
13 103.82.

NOTE: Section 111.322 (2m) (a) and (b) were amended effective April 1, 2010, by 2009 Wis. Act 3 and, as affected by Act 3, by 2009 Wis. Act 28. Act 28 did not provide a delayed effective date for the Act 28 treatment, which resulted in a possible ambiguity in the effective date for the Act 28 treatment. SECTIONS 8 and 9 of this bill, together with the delayed effective date specified in SECTION 12 (4) of this bill, clarify the effective date for the Act 28 treatment as follows:

SECTION 8. Section 111.322 (2m) (a) and (b), as they were in effect before any treatment by 2009 Wis. Acts 3 or 28, remain in effect until the treatment by SECTION 9 of this bill — which reflects the treatments by 2009 Wis. Acts 3 and 28 — takes effect.

SECTION 9. The treatments of s. 111.322 (2m) (a) and (b) by Acts 3 and 28 take effect on April 1, 2010.

SECTION 8. of this bill reflects the text of s. 111.322 (2m) (a) and (b) before enactment of Acts 3 and 28, and SECTION 9 of this bill reflects the text as affected by Acts 3 and 28.

ASSEMBLY BILL 568**SECTION 9**

1 **SECTION 9.** 111.322 (2m) (a) and (b) of the statutes, as affected by 2009
2 Wisconsin Act (this act), are repealed and recreated to read:

3 111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any
4 right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50,
5 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64
6 to 103.82.

7 (b) The individual testifies or assists in any action or proceeding held under or
8 to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455,
9 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599
10 or 103.64 to 103.82.

NOTE: See the NOTE for SECTION 8 of this bill.

11 **SECTION 10.** 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act
12 28, sections 2817 and 2818, is repealed and recreated to read:

13 341.14 (6r) (c) Special group plates shall display the word “Wisconsin”, the
14 name of the applicable authorized special group, a symbol representing the special
15 group, not exceeding one position, and identifying letters or numbers or both, not
16 exceeding 6 positions and not less than one position. The department shall specify
17 the design for special group plates, but the department shall consult the president
18 of the University of Wisconsin System before specifying the word or symbol used to
19 identify the special groups under par. (f) 35. to 47., the secretary of natural resources
20 before specifying the word or symbol used to identify the special group under par. (f)
21 50., the chief executive officer of the professional football team and an authorized
22 representative of the league of professional football teams described in s. 229.823 to
23 which that team belongs before specifying the design for the applicable special group
24 plate under par. (f) 55., the department of veterans affairs before specifying the

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1 design for the special group plates under par. (f) 49d., 49h., and 49s., and the
2 department of tourism and chief executive officer of the organization specified in par.
3 (f) 55m. before specifying the design and word or symbol used to identify the special
4 group name for special group plates under par. (f) 55m. Special group plates under
5 par. (f) 50. shall be as similar as possible to regular registration plates in color and
6 design. The department shall make available 2 designs for the special group plates
7 under par. (f) 60. The department may not specify any design for the special group
8 plates under par. (f) 60. unless the design is approved by the executive vice president
9 of the Milwaukee Brewers Baseball Club LP.

NOTE: 2009 Wis. Act 28 contains two treatments of s. 341.14 (6r) (c) (sections 2817 and 2818). Section 2818 of Act 28 amended s. 341.14 (6r) (c) as affected by section 2817 but without a specified delayed effective date. Section 9450 (4) of Act 28 provides that the treatment of s. 341.14 (6r) (c) by section 2918 — as opposed to 2818 — takes effect on January 1, 2010, but section 2918 of Act 28 does not affect s. 341.14 (6r) (c), which results in a possible ambiguity in the effective dates for the treatments of s. 341.14 (6r) (c) by Act 28. SECTIONS 10 and 11 of this bill, together with the delayed effective date specified in SECTION 12 (5) of this bill, clarify the effective dates for the treatments of s. 341.14 (6r) (c) in Act 28 as follows:

SECTION 10. The treatment of s. 341.14 (6r) by section 2817 is in effect until January 1, 2010.

SECTION 11. The treatment of s. 341.14 (6r) (c) by section 2818 takes effect on January 1, 2010.

SECTIONS 10 and 11 of this bill reflect the statute text from sections 2817 and 2818 of Act 28, respectively.

10 **SECTION 11.** 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act
11 (this act), is repealed and recreated to read:

12 341.14 (6r) (c) Special group plates shall display the word “Wisconsin”, the
13 name of the applicable authorized special group, a symbol representing the special
14 group, not exceeding one position, and identifying letters or numbers or both, not
15 exceeding 6 positions and not less than one position. The department shall specify
16 the design for special group plates, but the department shall consult the president
17 of the University of Wisconsin System before specifying the word or symbol used to

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1 identify the special groups under par. (f) 35. to 47., the secretary of natural resources
2 before specifying the word or symbol used to identify the special groups under par.
3 (f) 50. and 59., the chief executive officer of the professional football team and an
4 authorized representative of the league of professional football teams described in
5 s. 229.823 to which that team belongs before specifying the design for the applicable
6 special group plate under par. (f) 55., the department of veterans affairs before
7 specifying the design for the special group plates under par. (f) 49d., 49h., and 49s.,
8 and the department of tourism and chief executive officer of the organization
9 specified in par. (f) 55m. before specifying the design and word or symbol used to
10 identify the special group name for special group plates under par. (f) 55m. Special
11 group plates under par. (f) 50. shall be as similar as possible to regular registration
12 plates in color and design. The department shall make available 2 designs for the
13 special group plates under par. (f) 60. The department may not specify any design
14 for the special group plates under par. (f) 60. unless the design is approved by the
15 executive vice president of the Milwaukee Brewers Baseball Club LP. The word or
16 symbol used to identify the special group under par. (f) 59. shall be different from the
17 word or symbol used to identify the special group under par. (f) 50. and the design
18 shall cover the entire plate.

NOTE: See the NOTE for SECTION 10 of this bill.

19 **SECTION 12. Effective dates.** This act takes effect on the day after publication,
20 except as follows:

21 (1) The treatment of section 20.410 (3) (ho) (by SECTION 4) of the statutes takes
22 effect on the date stated in the notice provided by the secretary of children and
23 families and published in the Wisconsin Administrative Register under section 48.62
24 (9) of the statutes or on the day after publication, whichever is later.

