



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0187/02

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 **AN ACT relating to:** affecting various provisions of the statutes to correct errors
2 and reconcile conflicts (Correction Bill).

Analysis by the Legislative Reference Bureau

This correction bill was prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats. 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: ✓

3 **SECTION 1.** 29.304 (3) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
4 39, is amended to read:

5 29.304 (3) (a) 1. Is accompanied by his or her parent or guardian or by a person
6 at least 18 years of age who is designated by the parent or guardian; or

NOTE: The underscored "or" was deleted by 2009 Wis. Act 39 without being shown as stricken. No change was intended.

7 **SECTION 2.** 40.03 (2) (it) of the statutes is repealed. ✓

Section 40.03 (2) (it) provided for the promulgation of rules "required for the administration of the private employer health care coverage program established under subch. X." Subchapter X of Chapter 40 was repealed 1-1-10 by 1999 Wis. Act 9.

1 SECTION 3. 48.299 (9) of the statutes, as created by 2009 Wisconsin Act 94, is
2 amended to read:

3 48.299 (9) If at any point in the proceeding the court determines or has reason
4 to know that the child is an Indian child, the court shall provide notice of the
5 proceeding to the child's parent, Indian custodian, and tribe in the manner specified
6 in s. 48.028 (4) (a). The next hearing in the proceeding may not be held until at least
7 10 days after receipt of the notice by the parent, Indian custodian, and tribe or, if the
8 identity or location of the parent, Indian custodian, ~~expectant mother~~, or tribe cannot
9 be determined, until at least 15 days after receipt of the notice by the U.S. secretary
10 of the interior. On request of the parent, Indian custodian, or tribe, the court shall
11 grant a continuance of up to 20 additional days to enable the requester to prepare
12 for that hearing.

NOTE: Provides for parallel construction within the affected sentence, which contains no antecedent for "the ... expectant mother." Removal of the term makes the provision consistent with the notice provisions of s. 48.028 (4) (a) and makes the affected sentence congruent with those contained in ss. 48.42 (2g) (ag), 48.357 (2m) (br), and 48.357 (1) (c) 2r., as created by 2009 Wis. Act 94. Drafting records for Act 94 show that references to "expectant mothers" were included in drafts of Act 94 but removed prior to the final version.

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13 SECTION 4. 48.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 79,
14 section 38, and 2009 Wisconsin Act 94, section 100, is amended to read:

15 ~~48.363 (1) (b) If a hearing is held, at least 3 days before prior to the the hearing~~
16 ~~the court shall notify the child, the child's parent, guardian, legal custodian, and~~
17 ~~Indian custodian, all parties bound by the dispositional order, the child's foster~~
18 ~~parent, treatment foster parent, or other physical custodian described in s. 48.62 (2),~~
19 ~~the child's court-appointed special advocate, the district attorney or corporation~~
20 ~~counsel in the county in which the dispositional order was entered, and, if the child~~
21 ~~is an Indian child who is placed outside the home of his or her parent or Indian~~

1 custodian, the Indian child's tribe. If the child is the expectant mother of an unborn
2 child under s. 48.133, the court shall also notify the unborn child by the unborn
3 child's guardian ad litem. If the proceeding involves an adult expectant mother of
4 an unborn child under s. 48.133, the court shall notify the adult expectant mother,
5 the unborn child through the unborn child's guardian ad litem, all parties bound by
6 the dispositional order, and the district attorney or corporation counsel in the county
7 in which the dispositional order was entered, at least 3 days prior to the hearing. A
8 copy of the request or proposal shall be attached to the notice. If all parties consent,
9 the court may proceed immediately with the hearing. No revision may extend the
10 effective period of the original order.

NOTE: The stricken text was inserted by 2009 Wis. Act 79, section 38, but made unnecessary by the amendment by 2009 Wis. Act 94, section 100. The underscored text was deleted by Act 79, section 38, but was not deleted from this provision by the amendment by Act 94, section 100. The sentence structure of the paragraph that results from the merger of the Act 79 and Act 94 treatments requires the reinsertion of the underscored language in order to give effect to the Act 94 treatment.

11 **SECTION 5.** The treatment of 48.365 (2m) (ag) of the statutes by 2009 Wisconsin
12 Act 79, section 48, is not repealed by 2009 Wisconsin Act 94, section 110. Both ✓
13 treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.365 (2m) (ag) reads:

(ag) The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. A foster parent, treatment foster parent, or other physical custodian who receives notice of a hearing under sub. (2) and a right to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and having the right to be heard.

14 **SECTION 6.** 48.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin Act
15 Act 94, section 111, is amended to read:

1 48.365 (2m) (ag) The court shall give a foster parent or other physical custodian
2 described in s. 48.62 (2) who is notified of a hearing under sub. (2) ~~an opportunity a~~
3 right to be heard at the hearing by permitting the foster parent or other physical
4 custodian to make a written or oral statement during the hearing, or to submit a
5 written statement prior to the hearing, relevant to the issue of extension. A foster
6 parent or other physical custodian who receives notice of a hearing under sub. (2) and
7 ~~an opportunity a right~~ to be heard under this paragraph does not become a party to
8 the proceeding on which the hearing is held solely on the basis of receiving that notice
9 and having the ~~opportunity right~~ to be heard.

NOTE: 2009 Wis. Act 94, section 111, repealed and recreated s. 48.365 (2m) (ag) without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, section 49. There is no mutual inconsistency between the treatments made by the two acts, and the substantive changes made by Act 79 are made here in order to give effect to both treatments.

10 **SECTION 7.** 48.38 (4m) of the statutes, as affected by 2009 Wisconsin Act 79,
11 sections 56 and 57, and 2009 Wisconsin Act 94, sections 113 and 114, is repealed and
12 recreated to read:

13 48.38 (4m) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN
14 DETERMINATION HEARING. (a) If in a proceeding under s. 48.21, 48.32, 48.355, 48.357,
15 or 48.365 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to
16 5. applies with respect to a parent, the court shall hold a hearing within 30 days after
17 the date of that finding to determine the permanency plan for the child. If a hearing
18 is held under this paragraph, the agency responsible for preparing the permanency
19 plan shall file the permanency plan with the court not less than 5 days before the date
20 of the hearing. At the hearing, the court shall consider placing the child in a
21 placement outside this state if the court determines that such a placement would be

1 in the best interests of the child and appropriate to achieving the goal of the child's
2 permanency plan.

3 (b) At least 10 days before the date of the hearing the court shall notify the child;
4 any parent, guardian, and legal custodian of the child; any foster parent, treatment
5 foster parent, or other physical custodian described in s. 48.62 (2) of the child, the
6 operator of the facility in which the child is living, or the relative with whom the child
7 is living; and, if the child is an Indian child, the Indian child's Indian custodian and
8 tribe of the time, place, and purpose of the hearing, of the issues to be determined at
9 the hearing, and of the fact that they shall have a right to be heard at the hearing.

10 (c) If the child's permanency plan includes a statement under sub. (4) (i)
11 indicating that the child's age and developmental level are sufficient for the court to
12 consult with the child regarding the child's permanency plan or if, notwithstanding
13 a decision under sub. (4) (i) that it would not be appropriate for the court to consult
14 with the child, the court determines that consultation with the child would be in the
15 best interests of the child, the court shall consult with the child, in an
16 age-appropriate and developmentally appropriate manner, regarding the child's
17 permanency plan and any other matters the court finds appropriate. If none of those
18 circumstances apply, the court may permit the child's caseworker, the child's counsel,
19 or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral
20 statement during the hearing, or to submit a written statement prior to the hearing,
21 expressing the child's wishes, goals, and concerns regarding the permanency plan
22 and those matters. If the court permits such a written or oral statement to be made
23 or submitted, the court may nonetheless require the child to be physically present
24 at the hearing.

1 (d) The court shall give a foster parent, treatment foster parent, other physical
 2 custodian described in s. 48.62 (2), operator of a facility, or relative who is notified
 3 of a hearing under par. (b) a right to be heard at the hearing by permitting the foster
 4 parent, treatment foster parent, other physical custodian, operator, or relative to
 5 make a written or oral statement during the hearing, or to submit a written
 6 statement prior to the hearing, relevant to the issues to be determined at the hearing.
 7 The foster parent, treatment foster parent, other physical custodian, operator of a
 8 facility, or relative does not become a party to the proceeding on which the hearing
 9 is held solely on the basis of receiving that notice and right to be heard.

NOTE: 2009 Wis. Act 79, section 56, and 2009 Wis. Act 94, section 113, create very similar, but not identical, provisions that are numbered s. 48.38 (4m). This treatment gives effect to both acts by merging the text of the two provisions and eliminating minor differences in punctuation and sentence structure. The provision created as s. 48.38 (4m) (c) in Act 94 is created as s. 48.38 (4m) (d) in Act 79, and a provision with no counterpart in Act 94 is created as s. 48.38 (4m) (c) in Act 79. The provision created as 48.38 (4m) (c) in Act 79 is recreated here as s. 48.38 (4m) (c), and the provision created as s. 48.38 (4m) (c) in Act 94 and as s. 48.38 (4m) (d) in Act 79 is recreated here as s. 48.38 (4m) (d). Act 79, section 57, and Act 94, section 114, each eliminate the phrase "treatment foster care" in s. 48.38 (4m), as created by the respective acts, at a subsequent date. The next section of this bill gives effect to that subsequent change by Act 79, section 57 and Act 94, section 114.

As of
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SECTION 8. 48.38 (4m) (b) and (d) of the statutes, as affected by 2011 Wisconsin Act ... (this act), are amended to read:

48.38 (4m) (b) At least 10 days before the date of the hearing the court shall notify the child; any parent, guardian, and legal custodian of the child; any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the child, the operator of the facility in which the child is living, or the relative with whom the child is living; and, if the child is an Indian child, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

1 (d) The court shall give a foster parent, ~~treatment foster parent~~, other physical
2 custodian described in s. 48.62 (2), operator of a facility, or relative who is notified
3 of a hearing under par. (b) a right to be heard at the hearing by permitting the foster
4 parent, ~~treatment foster parent~~, other physical custodian, operator, or relative to
5 make a written or oral statement during the hearing, or to submit a written
6 statement prior to the hearing, relevant to the issues to be determined at the hearing.
7 The foster parent, ~~treatment foster parent~~, other physical custodian, operator of a
8 facility, or relative does not become a party to the proceeding on which the hearing
9 is held solely on the basis of receiving that notice and right to be heard.

NOTE: Gives effect to 2009 Wis. Act 79, section 57, and 2009 Wis. Act 94, section
114, by eliminating the references to "treatment foster parent" in s. 48.38 (4m) (b) and (d),
as affected by the previous section of this bill.

10 **SECTION 9.** 48.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Act 79,
11 section 58, and 2009 Wisconsin Act 94, section 115, is amended to read:

12 48.38 (5) (b) The court or the agency shall notify the child; the child's parent,
13 guardian, and legal custodian; ~~and the child's foster parent or treatment foster~~
14 ~~parent, the operator of the facility in which the child is living, or the relative with~~
15 ~~whom the child is living; and, if the child is an Indian child who is placed outside the~~
16 ~~home of his or her parent or Indian custodian, the Indian child's Indian custodian and~~
17 ~~tribe of the time, place, and purpose of the review, of the issues to be determined as~~
18 ~~part of the review, and of the fact that they shall have a right to be heard at the review~~
19 ~~as provided in par. (bm) 1. The court or agency shall notify the person representing~~
20 ~~the interests of the public, the child's counsel, the child's guardian ad litem, and the~~
21 ~~child's court-appointed special advocate of the time, place, and purpose of the review,~~
22 ~~of the issues to be determined as part of the review, and of the fact that they may have~~
23 an opportunity to be heard at the review as provided in par. (bm) 1. The notices under

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this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record.

NOTE: Deletes unnecessary "and."

SECTION 10. 48.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Act 94,

section 116, is amended to read:

48.38 (5) (b) The court or the agency shall notify the child, ~~if he or she is 12 years of age or older;~~ the child's parent, guardian, and legal custodian; the child's foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the ~~date, time, and place, and purpose~~ of the review, of the issues to be determined as part of the review, and of the fact that they ~~may have an opportunity shall have a right~~ to be heard at the review by ~~submitting written comments not less than 10 working days before the review or by participating at the review~~ as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate of the ~~date~~ time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may ~~submit written comments not less than 10 working days before the review~~ have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record.

NOTE: 2009 Wis. Act 94, section 116, repealed and recreated s. 48.38 (5) (b) without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, section 59. There is no mutual inconsistency between the treatments made by the two acts, and the substantive changes made by Act 79 are made here in order to give effect to both acts.

1 **SECTION 11.** 48.38 (5) (bm) 1. of the statutes, as affected by 2009 Wisconsin Act
2 79, section 61, is amended to read:

3 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,
4 operator of a facility, or relative who is provided notice of the review under par. (b)
5 shall have a right to be heard at the review by submitting written comments relevant
6 to the determinations specified in par. (c) not less than 10 working days before the
7 date of the review or by participating at the review. A person representing the
8 interests of the public, counsel, guardian ad litem, or court-appointed special
9 advocate who is provided notice of the review under par. (b) may have an opportunity
10 to be heard at the review by submitting written comments relevant to the
11 determinations specified in par. (c) not less than 10 working days before the date of
12 the review. A foster parent, operator of a facility, or relative who receives notice of
13 a hearing review under par. (b) and a right to be heard under this subdivision does
14 not become a party to the proceeding on which the review is held solely on the basis
15 of receiving that notice and right to be heard.

NOTE: 2009 Wis. Act 79 deleted "review" without showing it as stricken and
inserted "hearing" without showing it as scored. No change was intended. The
proceeding under s. 938.38 (5) (b) is referred to as a "review" throughout the provision.

16 **SECTION 12.** The treatment of 48.38 (5) (d) of the statutes by 2009 Wisconsin
17 Act 79 is not repealed by 2009 Wisconsin Act 94. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 48.38 (5) (d) reads:

(d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the permanency plan
shall, at least 5 days before a review by a review panel, provide to each person appointed
to the review panel, the child's parent, guardian, and legal custodian, the person
representing the interests of the public, the child's counsel, the child's guardian ad litem,
the child's court-appointed special advocate, and, if the child is an Indian child who is
placed outside the home of his or her parent or Indian custodian, the Indian child's Indian
custodian and tribe a copy of the permanency plan and any written comments submitted
under par. (bm) 1. Notwithstanding s. 48.78 (2) (a), a person appointed to a review panel,
the person representing the interests of the public, the child's counsel, the child's
guardian ad litem, the child's court-appointed special advocate, and, if the child is an
Indian child who is placed outside the home of his or her parent or Indian custodian, the

Indian child's Indian custodian and tribe may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

1 **SECTION 13.** 48.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Act 79,
2 section 67, and 2009 Wisconsin Act 94, section 119, is amended to read:

3 48.38 (5) (e) Within 30 days, ~~the~~ agency shall prepare a written summary of
4 the determinations under par. (c) and shall provide a copy to the court that entered
5 the order; the child or the child's counsel or guardian ad litem; the person
6 representing the interests of the public; the child's parent, guardian, and or legal
7 custodian; the child's court-appointed special advocate; the child's foster parent or
8 treatment foster parent, the operator of the facility where the child is living, or the
9 relative with whom the child is living; and, if the child is an Indian child who is placed
10 outside the home of his or her parent or Indian custodian, the Indian child's Indian
11 custodian and tribe.

NOTE: Deletes punctuation and "and" inserted by 2009 Wis. Act 79 but made unnecessary by 2009 Wis. Act 94.

12 **SECTION 14.** 48.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Act 94,
13 section 120, is amended to read:

14 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
15 the determinations under par. (c) and shall provide a copy to the court that entered
16 the order; the child or the child's counsel or guardian ad litem; the person
17 representing the interests of the public; the child's parent, guardian, or legal
18 custodian; the child's court-appointed special advocate; the child's foster parent or,
19 the operator of the facility where the child is living, or the relative with whom the
20 child is living; and, if the child is an Indian child who is placed outside the home of
21 his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

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NOTE: 2009 Wis. Act 94, section 120, repealed and recreated s. 48.38 (5) (e) without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, section 68. There is no mutual inconsistency between the treatments made by the two acts, and the substantive changes made by Act 79 are made here in order to give effect to both acts.

1 **SECTION 15.** The treatment of 48.38 (5m) (b) of the statutes by 2009 Wisconsin
2 Act 79, section 69, is not repealed by 2009 Wisconsin Act 94, section 121. Both
3 treatments stand. ✓

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.38 (5m) (b) reads:

(b) Not less than 30 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent or treatment foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate; the agency that prepared the permanency plan; the person representing the interests of the public; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1.

4 **SECTION 16.** 48.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Act
5 94, section 122, is amended to read: ✓

6 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
7 shall notify the child; the child's parent, guardian, and legal custodian; and the
8 child's foster parent, the operator of the facility in which the child is living, or the
9 relative with whom the child is living; of the time, place, and purpose of the hearing,
10 of the issues to be determined at the hearing, and of the fact that they shall have a
11 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's
12 counsel, the child's guardian ad litem, and the child's court-appointed special
13 advocate; the agency that prepared the permanency plan; the person representing
14 the interests of the public; and, if the child is an Indian child who is placed outside
15 the home of his or her parent or Indian custodian, the Indian child's Indian custodian

1 and tribe of the date, time, and place, and purpose of the hearing, of the issues to be
2 determined at the hearing, and of the fact that they may have an opportunity to be
3 heard at the hearing as provided in par. (c) 1.

NOTE: 2009 Wis. Act 94, section 122, repealed and recreated section 48.38 (5m) (b) without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, section 70. There is no mutual inconsistency between the treatments made by the two acts, and the substantive changes made by Act 79 are made here in order to give effect to both acts.

4 **SECTION 17.** The treatment of 48.38 (5m) (d) of the statutes by 2009 Wisconsin
5 Act 79 is not repealed by 2009 Wisconsin Act 94. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.38 (5m) (d) reads:

(d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan and any written comments submitted under par. (c) 1. to the court, to the child's parent, guardian, and legal custodian, to the person representing the interests of the public, to the child's counsel or guardian ad litem, to the child's court-appointed special advocate, and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, to the Indian child's Indian custodian and tribe. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public, the child's counsel or guardian ad litem, the child's court-appointed special advocate, and, if the child is an Indian child who is placed outside of the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

6 **SECTION 18.** The treatment of 48.43 (5m) of the statutes by 2009 Wisconsin Act
7 79, section 90, is not repealed by 2009 Wisconsin Act 94, section 157. Both
8 treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.43 (5m) reads:

(5m) Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, to the child's foster parent or treatment foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living, and, if the order under sub. (1) involuntarily terminated parental rights to an Indian child, to the Indian child's tribe.

9 **SECTION 19.** 48.43 (5m) of the statutes, as affected by 2009 Wisconsin Act 94,
10 section 158, is amended to read:

1 48.43 (5m) Either the court or the agency that prepared the permanency plan
2 shall furnish a copy of the original plan and each revised plan to the child, if he or
3 she is 12 years of age or over, to the child's foster parent ~~or~~, the operator of the facility
4 in which the child is living, or the relative with whom the child is living, and, if the
5 order under sub. (1) involuntarily terminated parental rights to an Indian child, to
6 the Indian child's tribe.

NOTE: 2009 Wis. Act 94, section 158, repealed and recreated s. 48.43 (5m) without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, section 91. There is no mutual inconsistency between the treatments made by the two acts, and the substantive changes made by Act 79 are made here in order to give effect to both acts.

7 **SECTION 20.** The treatment of 48.63 (5) (d) 4. of the statutes by 2009 Wisconsin
8 Act 79 is not repealed by 2009 Wisconsin Act 94. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.63 (5) (d) 4. reads:

4. Not less than 10 days before the review, the agency that placed the child or that arranged the placement of the child shall provide a copy of the revised permanency plan or plans and the request for review submitted under subd. 3. and notice of the time and place of the review to the child, the parent, guardian, Indian custodian, and legal custodian of the child, and the operator of the group home in which the child is placed, together with notice of the issues to be determined as part of the permanency plan review and notice of the fact that those persons shall have a right to be heard at the review by submitting written comments to that agency or the independent reviewing agency before the review or by participating at the review.

9 **SECTION 21.** The treatment of 48.685 (5) (a) of the statutes by 2009 Wisconsin
10 Act 76 is not repealed by 2009 Wisconsin Act 94. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.685 (5) (a) reads:

(a) Subject to pars. (bm) and (br), the department may license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify under s. 48.651, a county department or a child welfare agency may license under s. 48.62, and a school board may contract with under s. 120.13 (14) a person who otherwise may not be licensed, certified, or contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity a person who otherwise may not be employed, contracted with, or permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the county department, the contracted agency, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the Indian tribe under sub. (5d) (a) 3., by clear and convincing

evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

1 **SECTION 22.** 66.0602 (3) (e) 8. of the statutes, as created by 2009 Wisconsin Act
2 28, is amended to read:

3 66.0602 (3) (e) 8. The amount that a political subdivision levies in that year to
4 pay the unreimbursed expenses related to an emergency declared under s. ~~166.03 (1)~~
5 ~~(b) 1.~~ 323.10, including any amounts levied in that year to replenish cash reserves
6 that were used to pay any unreimbursed expenses related to that emergency. A levy
7 under this subdivision that relates to a particular emergency initially shall be
8 imposed in the year in which the emergency is declared or in the following year.

NOTE: Corrects cross-reference. Section 166.03 (1) (b) 1. was consolidated with s.
166.03 (1) (b) (intro.) and renumbered to s. 323.10 by 2009 Wis. Act 42.

9 **SECTION 23.** 79.05 (2) (c) of the statutes, as affected by 2009 Wisconsin Act 28,
10 is amended to read:

11 79.05 (2) (c) Its municipal budget; exclusive of principal and interest on
12 long-term debt and exclusive of revenue sharing payments under s. 66.0305,
13 recycling fee payments under s. 289.645, unreimbursed expenses related to an
14 emergency declared under s. ~~166.03 (1) (b) 1.~~ 323.10, and expenditures from moneys
15 received pursuant to P.L. 111-5; for the year of the statement under s. 79.015
16 increased over its municipal budget as adjusted under sub. (6); exclusive of principal
17 and interest on long-term debt and exclusive of revenue sharing payments under s.
18 66.0305, recycling fee payments under s. 289.645, unreimbursed expenses related to
19 an emergency declared under s. ~~166.03 (1) (b) 1.~~ 323.10, and expenditures from
20 moneys received pursuant to P.L. 111-5; for the year before that year by less than the
21 sum of the inflation factor and the valuation factor, rounded to the nearest 0.10%.

NOTE: Corrects cross-reference. Section 166.03 (1) (b) 1. was consolidated with s.
166.03 (1) (b) (intro.) and renumbered to s. 323.10 by 2009 Wis. Act 42.

1 **SECTION 24.** 91.40 (3) of the statutes, as affected by 2009 Wisconsin Act 28, is
2 amended to read:

3 **91.40 (3)** A statement, signed by the county planning director or the chief
4 elected official, certifying that the farmland preservation zoning ordinance or
5 amendment complies with s. 91.38 (1) (f) and (g) ~~and (h)~~.

NOTE: Corrects cross-reference. Drafting records indicate that s. 91.38 (1) (f) and (g), which were created as part of the repeal and recreation of ch. 91 by 2009 Wis. Act 28 had been numbered s. 91.38 (1) (g) and (h) in a draft of that act that also contained a cross-reference to s. 91.38 (1) (g) and (h) in s. 91.40 (3). The numbering of s. 91.38 (1) (g) and (h) was subsequently changed to s. 91.38 (1) (f) and (g), but the corresponding cross-reference in s. 91.40 (3) was not.

6 **SECTION 25.** 106.50 (5m) (dm) (intro.) of the statutes, as created by 2009
7 Wisconsin Act 95, is amended to read:

8 **106.50 (5m)** (dm) (intro.) It is not discrimination based on status as a victim
9 of domestic abuse, sexual ~~abuse~~ assault, or stalking for a landlord to bring an action
10 for eviction of a tenant based on a violation of the rental agreement or of a statute
11 that entitles the landlord to possession of the premises, unless subd. 1. or 2. applies.
12 A tenant has a defense to an action for eviction brought by a landlord if the tenant
13 proves by a preponderance of the evidence that the landlord knew or should have
14 known any of the following:

NOTE: Makes terminology consistent with a defined term and with usage throughout the statutes. The term defined in s. 106.50 (1m) (u), as created by 2009 Wis. Act 95, is "status as a victim of domestic abuse, sexual *assault*, or stalking."

15 **SECTION 26.** 106.50 (5m) (dm) 1. of the statutes, as created by 2009 Wisconsin
16 Act 95, is amended to read:

17 **106.50 (5m)** (dm) 1. That the tenant is a victim of domestic abuse, sexual ~~abuse~~
18 assault, or stalking and that the basis for the action for eviction is conduct that
19 related to the commission of domestic abuse, sexual ~~abuse~~ assault, or stalking by a
20 person who was not the invited guest of the tenant.

NOTE: See the previous section of this bill.

1 **SECTION 27.** 106.50 (5m) (dm) 2. (intro.) of the statutes, as created by 2009
2 Wisconsin Act 95, is amended to read:

3 106.50 **(5m)** (dm) 2. (intro.) That the tenant is a victim of domestic abuse,
4 sexual ~~abuse~~ assault, or stalking, that the basis for the action for eviction is conduct
5 that related to the commission of domestic abuse, sexual ~~abuse~~ assault, or stalking
6 by a person who was the invited guest of the tenant, and that the tenant has done
7 one of the following:

NOTE: See the previous two sections of this bill.

8 **SECTION 28.** 111.70 (4) (n) (title) of the statutes, as created by 2009 Wisconsin
9 Act 34, is amended to read:

10 111.70 **(4)** (n) (title) *Mandatory subjects of bargaining: preparation time.*

NOTE: Adds a reference to the specific subject matter of the provision to the title.
Section 111.70 (4) (n) and (o) were created with identical titles. See the next section of
this bill.

11 **SECTION 29.** 111.70 (4) (o) (title) of the statutes, as created by 2009 Wisconsin
12 Act 60, is amended to read:

13 111.70 **(4)** (o) (title) *Mandatory subjects of bargaining: teacher evaluation*
14 *plans.*

NOTE: Adds a reference to the specific subject matter of the provision to the title.
Section 111.70 (4) (n) and (o) were created with identical titles. See the previous section
of this bill.

15 **SECTION 30.** 146.62 (1) (b) of the statutes is amended to read:

16 146.62 **(1)** (b) "Rural" means outside a metropolitan statistical area, as
17 specified under 42 CFR 412.62 (f) (ii) (A).

NOTE: Corrects cross-reference. There is no 42 CFR 412.62 (ii) (A). 42 CFR 412.62
(f) (ii) (A) provides: "(A) A Metropolitan Statistical Area (MSA) or New England County
Metropolitan Area (NECMA), as defined by the Executive Office of Management and
Budget; or".

1 **SECTION 31.** 166.218 of the statutes, as created by 2009 Wisconsin Act 43, is
2 renumbered 323.72, and 323.72 (1), as renumbered, is amended to read:

3 **323.72 (1)** A regional structural collapse team shall assist in the emergency
4 response to a structural collapse incident in a region of this state designated by the
5 division. Whenever a regional structural collapse team assists in an emergency
6 response under this subsection, it shall determine under the rules promulgated
7 under sub. (5) whether an emergency requiring the team's response existed. If the
8 regional structural collapse team determines that such an emergency existed, it
9 shall make a good faith effort to identify the person who is required to reimburse the
10 division under sub. (3) and shall provide that information to the division. The
11 division shall contract with local agencies, as defined in s. ~~166.22~~ 323.70 (1) ~~(e)~~ (b),
12 to establish no more than 4 regional structural collapse teams. A member of a
13 regional structural collapse team shall meet the highest standards for a structural
14 collapse team under the National Fire Protection Association standards NFPA 1006
15 and 1670.

NOTE: Confirms renumbering by the legislative reference bureau under s. 13.92
(1) (bm) 2. 2009 Wis. Act 42 renumbered all of chapter 166 to be chapter 323. Section
166.22 (1) (c) was renumbered s. 323.70 (1) (b) by Act 42.

16 **SECTION 32.** 224.77 (1) (o) of the statutes, as affected by 2009 Wisconsin Act 95,
17 section 19, is amended to read:

18 **224.77 (1) (o)** In the course of practice as a mortgage banker, mortgage loan
19 originator, or mortgage broker, except in relation to housing designed to meet the
20 needs of elderly individuals, treat a person unequally solely because of sex, race,
21 color, handicap, sexual orientation, as defined in s. 111.32 (13m), religion, national
22 origin, age, or ancestry, the person's lawful source of income, or the sex, marital

1 status, or status as a victim of domestic abuse, sexual assault, or stalking, as defined
2 in s. 106.50 ~~(1)~~ (1m) (u), of the person maintaining a household.

NOTE: Corrects cross-reference. "Status as a victim of domestic abuse, sexual assault, or stalking" is defined at s. 106.50 (1m) (u). There is no s. 106.50 (1) (u).

3 **SECTION 33.** 231.35 (1) (d) of the statutes is amended to read:

4 231.35 (1) (d) "Rural" means outside a metropolitan statistical area specified
5 under 42 CFR 412.62 (f) (ii) (A) or in a city, village, or town with a population of not
6 more than 14,000.

NOTE: Corrects cross-reference. There is no 42 CFR 412.62 (ii) (A). 42 CFR 412.62 (f) (ii) (A) provides: "(A) A Metropolitan Statistical Area (MSA) or New England County Metropolitan Area (NECMA), as defined by the Executive Office of Management and Budget; or".

7 **SECTION 34.** 287.17 (10) (j) of the statutes, as created by 2009 Wisconsin Act
8 50, is amended to read:

9 287.17 (10) (j) *Audits.* The department may perform or contract for the
10 performance of an audit of the activities of a registered collector or registered
11 recycler. If the department performs or contracts for the performance of an audit of
12 a collector or recycler during the first 3 years in which the collector or recycler is
13 registered under sub. (7) or (8) (a), the collector or recycler shall pay 25 percent of the
14 cost of the audit. If the department performs or contracts for the performance of an
15 audit of a collector or recycler after the first 3 years in which the collector or recycler
16 is registered, the collector or recycler shall pay 50 percent of the cost of the audit.

NOTE: Inserts missing word.

17 **SECTION 35.** 287.95 (1) of the statutes, as affected by 2009 Wisconsin Acts 50
18 and 86, is amended to read:

19 287.95 (1) Any person who violates s. 287.07 (1m) ~~or~~, (4m), or (5) may be
20 required to forfeit \$50 for a first violation, may be required to forfeit \$200 for a 2nd

1 violation and may be required to forfeit not more than \$2,000 for a 3rd or subsequent
2 violation.

NOTE: Corrects punctuation required by the merger of the treatments by Acts 50
and 86.

3 **SECTION 36.** 304.06 (1) (bk) 1. of the statutes, as created by 2009 Wisconsin Act
4 28, is amended to read:

5 304.06 (1) (bk) 1. When an inmate is within 90 days of release to extended
6 supervision under par. (bg), the earned release review ~~committee~~ commission shall
7 notify the sentencing court that it intends to modify the inmate's sentence and
8 release the inmate to extended supervision under par. (bg), and the court may hold
9 a review hearing. If the court does not schedule a review hearing within 30 days after
10 notification under this subsection, the earned release review ~~committee~~ commission
11 may proceed under par. (bg).

NOTE: Inserts correct term consistent with the remainder of s. 304.06. There is no
earned release review committee.

12 **SECTION 37.** 304.06 (1) (bk) 2. b. of the statutes, as created by 2009 Wisconsin
13 Act 28, is amended to read:

14 304.06 (1) (bk) 2. b. At the hearing, the court may consider the inmate's conduct
15 in prison, his or her level of risk of reoffending, based on a verified, objective
16 instrument, and the nature of the offense committed by the inmate. The court may
17 accept the earned release review ~~committee's~~ commission's determination that the
18 inmate has earned positive adjustment time under par. (bg), reject the earned release
19 review ~~committee's~~ commission's determination that the inmate has earned positive
20 adjustment time under par. (bg), or order the inmate to remain in prison for a period
21 that does not exceed the time remaining on the inmate's term of confinement.

NOTE: Inserts correct term consistent with the remainder of s. 304.06. There is no
earned release review committee.

1 **SECTION 38.** 321.66 (1) (a) 2. of the statutes, as created by 2009 Wisconsin Act
2 56, is amended to read:

3 321.66 (1) (a) 2. An operation to provide disaster relief or humanitarian
4 services, when requested by the federal emergency management agency; the first air
5 force of the U.S. air force; the Civil Air Patrol national operations center; the
6 governor; the adjutant general; the governing body, chief or acting chief executive
7 officer, or head of emergency management services of any county, city, village, town,
8 or federally recognized American Indian tribe or band in this state; or, in the case of
9 a public health emergency, as defined in s. ~~166.02 (7)~~ 323.02 (16), the department of
10 health services, if that department is designated by the governor under s. ~~166.03 (1)~~
11 ~~(b) 1.~~ 323.10, or a local health department acting under s. 251.05 (3) (e).

NOTE: Corrects cross-references. Section 166.02 (7) was renumbered to s. 323.02
(16) by 2009 Wis. Act 42. Section 166.03 (1) (b) 1. was consolidated with s. 166.03 (1) (b)
(intro.) and renumbered to s. 323.10 by Act 42.

12 **SECTION 39.** 343.23 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
13 100, section 15, is amended to read:

14 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by
15 the department so that the complete operator's record is available for the use of the
16 secretary in determining whether operating privileges of such person shall be
17 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
18 of public safety. The record of suspensions, revocations, and convictions that would
19 be counted under s. 343.307 (2) shall be maintained permanently. The record of
20 convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for
21 at least 10 years. The record of convictions for disqualifying offenses under s.
22 343.315 (2) (f), (j), and (L), and all records specified in par. (am), shall be maintained
23 for at least 3 years. The record of convictions for disqualifying offenses under s.

1 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a
2 licensee transfers residency to another state such record may be transferred to
3 another state of licensure of the licensee if that state accepts responsibility for
4 maintaining a permanent record of convictions for disqualifying offenses. Such
5 reports and records may be cumulative beyond the period for which a license is
6 granted, but the secretary, in exercising the power of suspension granted under s.
7 343.32 (2) may consider only those reports and records entered during the 4-year
8 period immediately preceding the exercise of such power of suspension.

NOTE: The underscored comma was deleted by 2009 Wis. Act 100 without being shown as stricken. No change was intended.

9 **SECTION 40.** The treatment of 447.03 (1) (intro.) of the statutes by 2009
10 Wisconsin Act 10 is not repealed by 2009 Wisconsin Act 42. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 447.03 (1) (intro.) reads:

(1) DENTISTS. Except as provided under sub. (3) and ss. 257.03 and 447.02 (3), no person may do any of the following unless he or she is licensed to practice dentistry under this chapter:

11 **SECTION 41.** The treatment of 757.05 (1) (a) of the statutes by 2009 Wisconsin
12 Act 12 is not repealed by 2009 Wisconsin Acts 28 and 100. All treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau s. 757.05 (1) (a) reads:

(a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) or (2m), for a financial responsibility violation under s. 344.62 (2), or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced in proportion to the suspension.

13 **SECTION 42.** 767.127 (1) of the statutes is amended to read:

14 767.127 (1) REQUIRED DISCLOSURE. In an action affecting the family, except an
15 action to affirm marriage under s. 767.001 (1) (a), the court shall require each party

1 to furnish, on standard forms required by the court, full disclosure of all assets owned
2 in full or in part by either party separately or by the parties jointly. Disclosure may
3 be made by each party individually or by the parties jointly. Assets required to be
4 disclosed include, but are not be limited to, real estate, savings accounts, stocks and
5 bonds, mortgages and notes, life insurance, retirement interests, interest in a
6 partnership, limited liability company, or corporation, tangible personal property,
7 future interests whether vested or nonvested, and any other financial interest or
8 source. The court shall also require each party to furnish, on the same standard form,
9 information pertaining to all debts and liabilities of the parties. The form used shall
10 contain a statement in conspicuous print that complete disclosure of assets and debts
11 is required by law and deliberate failure to provide complete disclosure constitutes
12 perjury. The court shall require each party to attach to the disclosure form a
13 statement reflecting income earned to date for the current year and the most recent
14 statement under s. 71.65 (1) (a) that the party has received. The court may on its own
15 initiative and shall at the request of either party require the parties to furnish copies
16 of all state and federal income tax returns filed by them for the past 2 years, and may
17 require copies of those returns for prior years.

NOTE: Deletes word made unnecessary by 2005 Wis. Act 443.

18 **SECTION 43.** 814.63 (2) of the statutes, as affected by 2009 Wisconsin Acts 28
19 and 100, is amended to read:

20 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
21 violation of a county, town, city, village, town sanitary district, or public inland lake
22 protection and rehabilitation district ordinance, except for an action for a financial
23 responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b)
24 or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town

1 sanitary district, or public inland lake protection and rehabilitation district shall pay
2 a nonrefundable fee of \$5 to the clerk of circuit court.

NOTE: The underscored "or" was removed by 2009 Wis. Act 100, but its reinsertion is necessary as a result of the treatment by 2009 Wis. Act 28. The stricken comma was inserted by Act 28 but is unnecessary as a result of the treatment by Act 100.

3 **SECTION 44.** 815.18 (2) (i) of the statutes is amended to read:

4 815.18 (2) (i) "Farm products" has the meaning given under s. 409.102 (1) (~~im~~)
5 (ig).

NOTE: Corrects cross-reference. "Farm products" is defined at s. 409.102 (1) (ig).
"Farming operation" is defined at s. 409.102 (1) (im).

6 **SECTION 45.** 895.483 (4) of the statutes, as created by 2009 Wisconsin Act 43,
7 is amended to read:

8 895.483 (4) A regional structural collapse team, a member of such a team, and
9 a local agency, as defined in s. ~~166.22~~ 323.70 (1) (~~e~~) (b), that contracts with the division
10 of emergency management in the department of military affairs for the provision of
11 a regional structural collapse team, are immune from civil liability for acts or
12 omissions related to carrying out responsibilities under a contract under s. ~~166.218~~
13 323.72 (1).

NOTE: Section 166.22 (1) (c) was renumbered s. 323.70 (1) (b) by 2009 Wis. Act 42.
Section 166.218 is renumbered s. 323.72 by this bill.

14 **SECTION 46.** 938.02 (8p) of the statutes, as created by 2009 Wisconsin Act 94,
15 is renumbered 938.02 (8e) and amended to read:

16 938.02 (8e) "Indian custodian" means an Indian person who has legal custody
17 under tribal law or custom or under state law of an Indian juvenile who is the subject
18 of an Indian juvenile custody proceeding, as defined in s. 938.028 (2) (b), or of an
19 Indian juvenile in need of protection or services under s. 938.13 (4), (6), (6m), or (7)
20 who is the subject of a temporary physical custody proceeding under ss. ~~939.19~~

1 938.19 to 938.21 or to whom temporary physical care, custody, and control has been
2 transferred by the parent of that juvenile.

NOTE: Places definition in alphabetical order consistent with current style.
Corrects cross-reference. There is no s. 939.19. Sections 938.19 to 938.21 relate to
custody proceedings.

3 **SECTION 47.** 938.32 (1) (c) 1m. of the statutes, as created by 2009 Wisconsin Act
4 79, is amended to read:

5 938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38
6 (4) (br) 1., who have also been removed from the home, the consent decree shall
7 include a finding as to whether the county department or agency primarily
8 responsible for providing services to the juvenile has made reasonable efforts to place
9 the juvenile in a placement that enables the sibling group to remain together, unless
10 the court determines that a joint placement would be contrary to the safety or
11 well-being of the juvenile or any of those siblings, in which case the court shall order
12 the county department or agency to make reasonable efforts to provide for frequent
13 visitation or other ongoing interaction between the ~~child~~ juvenile and the siblings,
14 unless the court determines that such visitation or interaction would be contrary to
15 the safety or well-being of the juvenile or any of those siblings.

NOTE: Inserts correct word. The affected sentence contains no antecedent for "the
child." The original subject of the sentence is "the juvenile." Chapter 938 relates to
juveniles, whereas chapter 48 relates to children. Replacement of the term makes the
provision consistent with multiple provisions created in chapter 938 by 2009 Wis. Act 79
that contain otherwise identical language.

16 **SECTION 48.** 938.357 (2m) (am) 1. of the statutes, as created by 2009 Wisconsin
17 Act 94, is amended to read:

18 938.357 (2m) (am) 1. If the proposed change of placement would change the
19 placement of an Indian juvenile placed in the home of his or her parent or Indian
20 custodian under s. ~~938.357~~ 938.13 (4), (6), (6m), or (7) to a placement outside that

1 home, a request under par. (a) shall also contain specific information showing that
2 continued custody of the Indian juvenile by the parent or Indian custodian is likely
3 to result in serious emotional or physical damage to the juvenile under s. 938.028 (4)
4 (d) 1., specific information showing that active efforts under s. 938.028 (4) (d) 2. have
5 been made to prevent the breakup of the Indian juvenile's family and that those
6 efforts have proved unsuccessful, a statement as to whether the new placement is in
7 compliance with the order of placement preference under s. 938.028 (6) (a) or, if
8 applicable, s. 938.028 (6) (b) and, if the new placement is not in compliance with that
9 order, specific information showing good cause, as described in s. 938.028 (6) (d), for
✓ 10 departing from that order.

Insert 4

NOTE: Corrects cross-reference consistent with s. 938.357 (2m) (am) 2. There is no s. 938.357 (6m) or (7). Section 938.13 (4), (6), (6m), or (7) relate to conditions that provide jurisdiction to a court when a juvenile is alleged to be in need of protection or services.

11 **SECTION 49.** 938.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Act
12 79, section 138, and 2009 Wisconsin Act 94, section 367, is amended to read:

13 938.363 (1) (b) If a hearing is held, at least 3 days ~~prior to~~ before the hearing
14 the court shall notify the juvenile, the juvenile's parent, guardian, and legal
15 custodian, all parties bound by the dispositional order, the juvenile's foster parent,
16 treatment foster parent, or other physical custodian described in s. 48.62 (2), and the
17 district attorney or corporation counsel in the county in which the dispositional order
18 was entered. If the juvenile is an Indian juvenile who is in need of protection or
19 services under s. 938.13 (4), (6), (6m), or (7), the court shall also notify the Indian
20 juvenile's Indian custodian and, if that juvenile is placed outside the home of his or
21 her parent or Indian custodian, the Indian juvenile's tribe. A copy of the request or
22 proposal shall be attached to the notice. If all parties consent, the court may proceed
23 immediately with the hearing. No revision may extend the effective period of the

1 original order, or revise an original order under s. 938.34 (3) (f) or (6) ~~(am)~~ to impose
2 more than a total of 30 days of detention, nonsecure custody, or inpatient treatment
3 on a juvenile.

NOTE: "Prior to" was inserted by 2009 Wis. Act 79, but made unnecessary by the
treatment by 2009 Wis. Act 94.

4 **SECTION 50.** The treatment of 938.365 (2) of the statutes by 2009 Wisconsin Act
5 79, section 142, is not repealed by 2009 Wisconsin Act 94, section 370. Both
6 treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau, s. 938.365 (2) reads:

(2) NOTICE. No order may be extended without a hearing. The court shall provide
notice of the time and place of the hearing to the juvenile, the juvenile's parent, guardian,
and legal custodian, all parties present at the original hearing, the juvenile's foster
parent, treatment foster parent, or other physical custodian described in s. 48.62 (2), and
the district attorney or corporation counsel in the county in which the dispositional order
was entered. If the juvenile is an Indian juvenile who is in need of protection or services
under s. 938.13 (4), (6), (6m), or (7), the court shall also notify the Indian juvenile's Indian
custodian and, if that juvenile is placed outside the home of his or her parent or Indian
custodian, the Indian juvenile's tribe.

7 **SECTION 51.** 938.365 (2) of the statutes, as affected by 2009 Wisconsin Act 94,
8 section 371, is amended to read:

9 938.365 (2) NOTICE. No order may be extended without a hearing. The court
10 shall provide notice of the time and place of the hearing to the juvenile ~~or the~~
11 ~~juvenile's guardian ad litem or counsel,~~ the juvenile's parent, guardian, and legal
12 custodian, all ~~of the~~ parties present at the original hearing, the juvenile's foster
13 parent or other physical custodian described in s. 48.62 (2), and the district attorney
14 or corporation counsel in the county in which the dispositional order was entered.
15 If the juvenile is an Indian juvenile who is in need of protection or services under s.
16 938.13 (4), (6), (6m), or (7), the court shall also notify the Indian juvenile's Indian
17 custodian and, if that juvenile is placed outside the home of his or her parent or
18 Indian custodian, the Indian juvenile's tribe.

NOTE: 2009 Wis. Act 94, section 371, repealed and recreated s. 98.365 (2) without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, section 143. There is no mutual inconsistency between the treatments made by the two acts, and the substantive changes made by Act 79 are made here in order to give effect to both acts.

1 **SECTION 52.** The treatment of 938.365 (2m) (ag) of the statutes by 2009
2 Wisconsin Act 79, section 150, is not repealed by 2009 Wisconsin Act 94, section 377.
3 Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.365 (2m) (ag) reads:

(ag) The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. A foster parent, treatment foster parent, or other physical custodian who receives notice of a hearing under sub. (2) and a right to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and having the right to be heard.

4 **SECTION 53.** 938.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin
5 Act 94, section 378, is amended to read:

6 938.365 (2m) (ag) The court shall give a foster parent or other physical
7 custodian described in s. 48.62 (2) who is notified of a hearing under sub. (2) ~~an~~
8 ~~opportunity a right~~ to be heard at the hearing by permitting the foster parent or other
9 physical custodian to make a written or oral statement during the hearing, or to
10 submit a written statement prior to the hearing, relevant to the issue of extension.
11 A foster parent or other physical custodian who receives notice of a hearing under
12 sub. (2) and ~~an opportunity a right~~ to be heard under this paragraph does not become
13 a party to the proceeding on which the hearing is held solely on the basis of receiving
14 that notice and having the ~~opportunity right~~ to be heard.

NOTE: 2009 Wis. Act 94, section 378, repealed and recreated s. 938.365 (2m) (ag) without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, section 151. There is no mutual inconsistency between the treatments made by the two acts, and the substantive changes made by Act 79 are made here in order to give effect to both acts.

1 **SECTION 54.** The treatment of 938.38 (3) (intro.) of the statutes by 2009
2 Wisconsin Act 79 is not repealed by 2009 Wisconsin Act 94. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.38 (3) (intro.) reads:

(3) TIME. Subject to sub. (4m) (a), the agency shall file the permanency plan with the court within 60 days after the date on which the juvenile was first removed from his or her home, except under either of the following conditions:

3 **SECTION 55.** 938.38 (4m) of the statutes, as affected by 2009 Wisconsin Act 79,
4 sections 158 and 159, and 2009 Wisconsin Act 94, sections 381 and 382, is repealed
5 and recreated to read:

6 **938.38 (4m) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN**
7 **DETERMINATION HEARING.** (a) If in a proceeding under s. 938.21, 938.32, 938.355,
8 938.357, or 938.365 the court finds that any of the circumstances in s. 938.355 (2d)
9 (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing within 30
10 days after the date of that finding to determine the permanency plan for the juvenile.
11 If a hearing is held under this paragraph, the agency responsible for preparing the
12 permanency plan shall file the permanency plan with the court not less than 5 days
13 before the date of the hearing. At the hearing, the court shall consider placing the
14 juvenile in a placement outside this state if the court determines that such a
15 placement would be in the best interests of the juvenile and appropriate to achieving
16 the goal of the juvenile's permanency plan.

17 (b) At least 10 days before the date of the hearing the court shall notify the
18 juvenile; any parent, guardian, and legal custodian of the juvenile; any foster parent,
19 treatment foster parent, or other physical custodian described in s. 48.62 (2) of the
20 juvenile, the operator of the facility in which the juvenile is living, or the relative with
21 whom the juvenile is living; and, if the juvenile is an Indian juvenile who is or is
22 alleged to be in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the

1 Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the
2 hearing, of the issues to be determined at the hearing, and of the fact that they shall
3 have a right to be heard at the hearing.

4 (c) If the juvenile's permanency plan includes a statement under sub. (4) (i)
5 indicating that the juvenile's age and developmental level are sufficient for the court
6 to consult with the juvenile regarding the juvenile's permanency plan or if,
7 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
8 court to consult with the juvenile, the court determines that consultation with the
9 juvenile would be in the best interests of the juvenile, the court shall consult with the
10 juvenile, in an age-appropriate and developmentally appropriate manner, regarding
11 the juvenile's permanency plan and any other matters the court finds appropriate.
12 If none of those circumstances apply, the court may permit the juvenile's caseworker,
13 the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juvenile's guardian ad litem
14 to make a written or oral statement during the hearing, or to submit a written
15 statement prior to the hearing, expressing the juvenile's wishes, goals, and concerns
16 regarding the permanency plan and those matters. If the court permits such a
17 written or oral statement to be made or submitted, the court may nonetheless require
18 the juvenile to be physically present at the hearing.

19 (d) The court shall give a foster parent, treatment foster parent, other physical
20 custodian described in s. 48.62 (2), operator of a facility, or relative who is notified
21 of a hearing under par. (b) a right to be heard at the hearing by permitting the foster
22 parent, treatment foster parent, other physical custodian, operator, or relative to
23 make a written or oral statement during the hearing, or to submit a written
24 statement prior to the hearing, relevant to the issues to be determined at the hearing.

25 ~~The foster parent, treatment foster parent, other physical custodian, operator of a~~

parent

1 facility, or relative does not become a party to the proceeding on which the hearing
2 is held solely on the basis of receiving that notice and right to be heard.

NOTE: 2009 Wis. Act 79, section 158, and 2009 Wis. Act 94, section 381, create very similar, but not identical, provisions that are numbered s. 938.38 (4m). This treatment gives effect to both acts by merging the text of the two provisions and eliminating minor differences in punctuation and sentence structure. The provision created as s. 938.38 (4m) (c) in Act 94 is created as s. 938.38 (4m) (d) in Act 79, and a provision with no counterpart in Act 94 is created as s. 938.38 (4m) (c) in Act 79. The provision created as 938.38 (4m) (c) in Act 79 is recreated here as s. 938.38 (4m) (c), and the provision created as s. 938.38 (4m) (c) in Act 94 and as s. 938.38 (4m) (d) in Act 79 is recreated here as s. 938.38 (4m) (d). Act 79, section 159, and Act 94, section 382, each eliminate the phrase "treatment foster care" in s. 48.38 (4m), as created by the respective acts, at a subsequent date. The next section of this bill gives effect to that subsequent change by Act 79, section 159, and Act 94, section 382. Also of January 1, 2011.

eliminated

3 SECTION 56. 938.38 (4m) (b) and (d) of the statutes, as affected 2011 Wisconsin
4 Act (this act), are amended to read:

5 938.38 (4m) (b) At least 10 days before the date of the hearing the court shall
6 notify the juvenile; any parent, guardian, and legal custodian of the juvenile; any
7 foster parent, ~~treatment foster parent~~, or other physical custodian described in s.
8 48.62 (2) of the juvenile, the operator of the facility in which the juvenile is living, or
9 the relative with whom the juvenile is living; and, if the juvenile is an Indian juvenile
10 who is or is alleged to be in need of protection or services under s. 938.13 (4), (6), (6m),
11 or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose
12 of the hearing, of the issues to be determined at the hearing, and of the fact that they
13 shall have a right to be heard at the hearing.

14 (d) The court shall give a foster parent, ~~treatment foster parent~~, other physical
15 custodian described in s. 48.62 (2), operator of a facility, or relative who is notified
16 of a hearing under par. (b) a right to be heard at the hearing by permitting the foster
17 parent, ~~treatment foster parent~~, other physical custodian, operator, or relative to
18 make a written or oral statement during the hearing, or to submit a written
19 statement prior to the hearing, relevant to the issues to be determined at the hearing.

1 The foster parent, ~~treatment foster parent,~~ other physical custodian, operator of a
2 facility, or relative does not become a party to the proceeding on which the hearing
3 is held solely on the basis of receiving that notice and right to be heard.

NOTE: Gives effect to 2009 Wis. Act 79, section 159, and 2009 Wis. Act 94, section 382, by eliminating the references to "treatment foster parent" in s. 938.38 (4m) (b) and (d), as affected by the previous section of this bill.

4 **SECTION 57.** 938.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Act 79,
5 section 160, and 2009 Wisconsin Act 94, section 383, is amended to read:

6 938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's
7 parent, guardian, and legal custodian; ~~and the juvenile's foster parent or treatment~~
8 ~~foster parent,~~ the operator of the facility in which the juvenile is living, or the relative
9 with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is
10 placed outside the home of his or her parent or Indian custodian under s. 938.13 (4),
11 (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place,
12 and purpose of the review, of the issues to be determined as part of the review, and
13 of the fact that they shall have right to be heard at the review as provided in par. (bm)
14 1. The court or agency shall notify the person representing the interests of the public,
15 the juvenile's counsel, and the juvenile's guardian ad litem of the time, place, and
16 purpose of the review, of the issues to be determined as part of the review, and of the
17 fact that they may have an opportunity to be heard at the review as provided in par.
18 (bm) 1. The notices under this paragraph shall be provided in writing not less than
19 30 days before the review and copies of the notices shall be filed in the juvenile's case
20 record.

NOTE: Deletes unnecessary "and."

21 **SECTION 58.** 938.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Act 94,
22 section 384, is amended to read:

Insert
5
21

1 938.38 (5) (b) The court or the agency shall notify the juvenile, ~~if he or she is~~
2 ~~10 years of age or older~~; the juvenile's parent, guardian, and legal custodian; the
3 juvenile's foster parent, the operator of the facility in which the juvenile is living, or
4 the relative with whom the juvenile is living; and, if the juvenile is an Indian juvenile
5 who is placed outside the home of his or her parent or Indian custodian under s.
6 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the
7 ~~date, time, and place, and purpose~~ of the review, of the issues to be determined as part
8 of the review, and of the fact that they ~~may have an opportunity~~ shall have a right
9 to be heard at the review ~~by submitting written comments not less than 10 working~~
10 ~~days before the review or by participating at the review~~ as provided in par. (bm) 1.
11 The court or agency shall notify the person representing the interests of the public,
12 the juvenile's counsel, and the juvenile's guardian ad litem of the ~~date~~ time, place,
13 and purpose of the review, of the issues to be determined as part of the review, and
14 of the fact that they may ~~submit written comments not less than 10 working days~~
15 ~~before the review~~ have an opportunity to be heard at the review as provided in par.
16 (bm) 1. The notices under this paragraph shall be provided in writing not less than
17 30 days before the review and copies of the notices shall be filed in the juvenile's case
18 record.

NOTE: 2009 Wis. Act 94, section 384, repealed and recreated s. 938.38 (5) (b) without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, section 161. There is no mutual inconsistency between the treatments made by the two acts, and the substantive changes made by Act 79 are made here in order to give effect to both acts.

19 **SECTION 59.** 938.38 (5) (bm) 1. of the statutes, as affected by 2009 Wisconsin
20 Act 79, section 163, is amended to read:

21 938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent,
22 operator of a facility, or relative who is provided notice of the review under par. (b)

1 shall have a right to be heard at the review by submitting written comments relevant
2 to the determinations specified in par. (c) not less than 10 working days before the
3 date of the review or by participating at the review. A person representing the
4 interests of the public, counsel, or guardian ad litem who is provided notice of the
5 review under par. (b) may have an opportunity to be heard at the review by
6 submitting written comments relevant to the determinations specified in par. (c) not
7 less than 10 working days before the date of the review. A foster parent, operator of
8 a facility, or relative who receives notice of a hearing review under par. (b) and a right
9 to be heard under this subdivision does not become a party to the proceeding on which
10 the review is held solely on the basis of receiving that notice and right to be heard.

NOTE: 2009 Wis. Act 79 deleted "review" without showing it as stricken and inserted "hearing" without showing it as scored. No change was intended. The proceeding under s. 938.38 (5) (b) is referred to as a "review" throughout the provision.

11 **SECTION 60.** The treatment of 938.38 (5) (d) of the statutes by 2009 Wisconsin
12 Act 79 is not repealed by 2009 Wisconsin Act 94. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.38 (5) (d) reads:

(d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the permanency plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the juvenile's parent, guardian, and legal custodian, the person representing the interests of the public, the juvenile's counsel, the juvenile's guardian ad litem, and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe a copy of the permanency plan and any written comments submitted under par. (bm) 1. Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person representing the interests of the public, the juvenile's counsel, the juvenile's guardian ad litem, and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe may have access to any other records concerning the juvenile for the purpose of participating in the review. A person permitted access to a juvenile's records under this paragraph may not disclose any information from the records to any other person.

13 **SECTION 61.** 938.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Act 79,
14 section 169, and 2009 Wisconsin Act 94, section 387, is amended to read:

1 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
 2 the determinations under par. (c) and shall provide a copy to the court that entered
 3 the order; the juvenile or the juvenile's counsel or guardian ad litem; the person
 4 representing the interests of the public; the juvenile's parent, guardian, and or legal
 5 custodian; the juvenile's foster parent or treatment foster parent, the operator of the
 6 facility where the juvenile is living, or the relative with whom the juvenile is living;
 7 and, if the juvenile is an Indian juvenile who is placed outside the home of his or her
 8 parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's
 9 Indian custodian and tribe.

NOTE: Deletes comma and "and" inserted by 2009 Wis. Act 79 but made surplusage
 by 2009 Wis. Act 94.

Insert
10 6

SECTION 62. 938.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Act 94,
 section 388, is amended to read:

12 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
 13 the determinations under par. (c) and shall provide a copy to the court that entered
 14 the order; the juvenile or the juvenile's counsel or guardian ad litem; the person
 15 representing the interests of the public; the juvenile's parent, guardian, or legal
 16 custodian; the juvenile's foster parent or, the operator of the facility where the
 17 juvenile is living, or the relative with whom the juvenile is living; and, if the juvenile
 18 is an Indian juvenile who is placed outside the home of his or her parent or Indian
 19 custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian
 20 and tribe.

NOTE: 2009 Wis. Act 94, section 388, repealed and recreated s. 938.38 (5) (e)
 without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act
 79, section 170. There is no mutual inconsistency between the treatments made by the
 two acts, and the substantive changes made by Act 79 are made here in order to give effect
 to both acts.

1 **SECTION 63.** The treatment of 938.38 (5m) (b) of the statutes by 2009 Wisconsin
2 Act 79, section 171, is not repealed by 2009 Wisconsin Act 94, section 389. Both
3 treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.38 (5m) (b) reads:

(b) Not less than 30 days before the date of the hearing, the court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent or treatment foster parent, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the juvenile's counsel and the juvenile's guardian ad litem; the agency that prepared the permanency plan; the person representing the interests of the public; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1.

4 **SECTION 64.** 938.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Act
5 94, section 390, is amended to read:

6 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
7 shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the
8 juvenile's foster parent, the operator of the facility in which the juvenile is living, or
9 the relative with whom the juvenile is living; of the time, place, and purpose of the
10 hearing, of the issues to be determined at the hearing, and of the fact that they shall
11 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the
12 juvenile's counsel and the juvenile's guardian ad litem; the agency that prepared the
13 permanency plan; the person representing the interests of the public; and, if the
14 juvenile is an Indian juvenile who is placed outside the home of his or her parent or
15 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian
16 custodian and tribe of the date, time, and place, and purpose of the hearing, of the

1 issues to be determined at the hearing, and of the fact that they may have an
2 opportunity to be heard at the hearing as provided in par. (c) 1.

NOTE: 2009 Wis. Act 94, section 390, repealed and recreated s. 48.38 (5m) (b) without taking cognizance of the repeal and recreation of the provision by 2009 Wis. Act 79, section 172. There is no mutual inconsistency between the treatments made by the two acts, and the substantive changes made by Act 79 are made here in order to give effect to both acts.

3 **SECTION 65.** The treatment of 938.38 (5m) (d) of the statutes by 2009 Wisconsin
4 Act 79 is not repealed by 2009 Wisconsin Act 94. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.38 (5m) (d) reads:

(d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan and any written comments submitted under par. (c) 1. to the court, to the juvenile's parent, guardian, and legal custodian, to the person representing the interests of the public, to the juvenile's counsel or guardian ad litem, and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), to the Indian juvenile's Indian custodian and tribe. Notwithstanding s. 938.78 (2) (a), the person representing the interests of the public, the juvenile's counsel or guardian ad litem, and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe may have access to any other records concerning the juvenile for the purpose of participating in the review. A person permitted access to a juvenile's records under this paragraph may not disclose any information from the records to any other person.

5 **SECTION 66.** 941.29 (1) (f) of the statutes is amended to read:

6 941.29 (1) (f) Enjoined under an injunction issued under s. 813.12 or 813.122
7 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
8 established by any federally recognized Wisconsin Indian tribe or band, except the
9 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
10 or she is subject to the requirements and penalties under ~~s. 941.29~~ this section and
11 that has been filed under s. 806.247 (3).

NOTE: Corrects citation form.

12 **SECTION 67.** 946.15 (4) of the statutes, as affected by 2009 Wisconsin Act 28,
13 is amended to read:

1 946.15 (4) Any person employed on a project on which a prevailing wage rate
2 determination has been issued by the department of workforce development under
3 s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local
4 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904
5 (6) who permits any part of the wages to which that person is entitled under the
6 prevailing wage rate determination issued by the department or local governmental
7 unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the
8 deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working
9 on a project that is subject to 40 USC 3142.

NOTE: The underscored text was deleted by 2009 Wis. Act 28 without being shown
as stricken. No change was intended.

10 **SECTION 68.** 971.17 (1g) (title) of the statutes is created to read: ✓

11 971.17 (1g) (title) NOTICE OF RESTRICTION ON FIREARM POSSESSION.

NOTE: The other subsections in s. 971.17 have titles.

12 **SECTION 69.** 973.195 (1r) (e) of the statutes is amended to read: ✓

13 973.195 (1r) (e) Notwithstanding the confidentiality of victim address
14 information obtained under s. ~~302.113 (9g) (g) 3.~~ 302.1135 (7) (c), a district attorney
15 who is required to send notice to a victim under par. (d) may obtain from the clerk
16 of the circuit court victim address information that the victim provided to the clerk
17 under s. ~~302.113 (9g) (g) 3.~~ 302.1135 (7) (c).

NOTE: Corrects cross-reference. Section 302.113 (9g) (g) 3. was renumbered to s.
302.1135 (7) (c) by 2009 Wis. Act 28.

18 **SECTION 70.** 2009 Wisconsin Act 42, section 16 is amended by replacing "~~166.21~~

19 ~~(2) (b) (r)~~" with "~~166.21 (2) (br)~~".

NOTE: "(br)" was deleted without being shown as stricken. The change was
intended but the characters "(b) (r)", which were not a part of the statute text, were shown
as stricken instead.

1 **SECTION 71.** 2009 Wisconsin Act 42, section 99 is amended by replacing “Each
2 ~~such may appropriate~~” with “~~Each such governing body may appropriate~~”.

NOTE: “governing body” was deleted without being shown as stricken. The change was intended.

3 **SECTION 72.** 2009 Wisconsin Act 42, section 104 is amended by replacing
4 “whichever is applicable,” with “whichever is applicable,”.

NOTE: A comma was inserted without being shown as underscored. The change was intended.

5 **SECTION 73.** 2009 Wisconsin Act 42, section 212 is amended by replacing
6 “323.60 (3) and the” with “323.60 (3) and the”.

NOTE: A blank space was stricken and scored. No change was intended.

7 **SECTION 74.** 2009 Wisconsin Act 42, section 245 is amended by replacing “An
8 individual who ~~at any time~~” with “An individual who, ~~at any time~~”.

NOTE: A comma was deleted without being shown as stricken. The change was intended.

9 **SECTION 75.** 2009 Wisconsin Act 76, section 14 is amended by replacing “s.
10 ~~120.13 (14)~~” with “s. ~~120.13 (4)~~”.

NOTE: “(4)” was deleted without being stricken. The change was intended but the characters “(14)”, which were not a part of the statute text, were shown as stricken instead.

11 **SECTION 76. Effective dates.** This act takes effect on the day after publication,
12 except as follows:

13 (1) The amendment of sections 48.365 (2m) (ag), 48.38 (4m) (b) and (d), (5) (b)
14 (by SECTION 10), (bm) 1., and (e) (by SECTION 14), and (5m) (b), 48.43 (5m), 938.365
15 (2) and (2m) (ag), and 938.38 (4m) (b) and (d), (5) (b) (by SECTION 58), (bm) 1., and (e)
16 (by SECTION 62), and (5m) (b) of the statutes takes effect on the date stated in the
17 notice provided by the secretary of children and families and published in the

1 Wisconsin Administrative Register under section 48.62 (9) of the statutes, or on the
2 day after publication, whichever is later.

3 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0187/P2Insert
BJH:.....

Insert 1

SECTION 1. The treatment of 48.363 (1) (b) of the statutes by 2009 Wisconsin Act 79, section 38, is not repealed by 2009 Wisconsin Act 94, section 100. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.363 (1) (b) reads:

(b) If a hearing is held, at least 3 days before prior to the the hearing the court shall notify the child, the child's parent, guardian, legal custodian, and Indian custodian, all parties bound by the dispositional order, the child's foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2), the child's court-appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered, and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's tribe. If the child is the expectant mother of an unborn child under s. 48.133, the court shall also notify the unborn child by the unborn child's guardian ad litem. If the proceeding involves an adult expectant mother of an unborn child under s. 48.133, the court shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all parties bound by the dispositional order, and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

Insert 2

SECTION 2. The treatment of 48.38 (5) (b) of the statutes by 2009 Wisconsin Act 79, section 58, is not repealed by 2009 Wisconsin Act 94, section 115. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.38 (5) (b) reads:

(b) The court or the agency shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent or treatment foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have a right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par.

(bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record.

Insert 3

SECTION 3. The treatment of 48.38 (5) (e) of the statutes by 2009 Wisconsin Act 79, section 67, is not repealed by 2009 Wisconsin Act 94, section 120. Both treatments stand. 119

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 48.38 (5) (e) reads:

(e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order; the child or the child's counsel or guardian ad litem; the person representing the interests of the public; the child's parent, guardian, and or legal custodian; the child's court-appointed special advocate; the child's foster parent or treatment foster parent, the operator of the facility where the child is living, or the relative with whom the child is living; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

Insert 4

SECTION 4. The treatment of 938.363 (1) (b) of the statutes by 2009 Wisconsin Act 79, section 138, is not repealed by 2009 Wisconsin Act 94, section 367. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.363 (1) (b) reads:

(b) If a hearing is held, at least 3 days prior to before the hearing the court shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered. If the juvenile is an Indian juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the court shall also notify the Indian juvenile's Indian custodian and, if that juvenile is placed outside the home of his or her parent or Indian custodian, the Indian juvenile's tribe. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.

Insert 5

SECTION 5. The treatment of 938.38 (5) (b) of the statutes by 2009 Wisconsin Act 79, section 160, is not repealed by 2009 Wisconsin Act 94, section 383. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.38 (5) (b) reads:

(b) The court or the agency shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent or treatment foster parent, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they shall have right to be heard at the review as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem of the time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the juvenile's case record.

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SECTION 6. The treatment of 938.38 (5) (e) of the statutes by 2009 Wisconsin Act 79, section 169, is not repealed by 2009 Wisconsin Act 94, section 387. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 938.38 (5) (e) reads:

SECTION 7. 938.38 (5) (e) of the statutes is amended to read:

(e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order; the juvenile or the juvenile's counsel or guardian ad litem; the person representing the interests of the public; the juvenile's parent, guardian, and or legal custodian; the juvenile's foster parent or treatment foster parent, the operator of the facility where the juvenile is living, or the relative with whom the juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe.