

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7 **SECTION 2.** 40.03 (2) (it) of the statutes is repealed.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 X." Subchapter X of Chapter 40 was repealed 1-1-10 by 1999 Wis.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.

13 **SECTION 4.** The treatment of 48.363 (1) (b) of the statutes by 2009 Wisconsin
14 Act 79, section 38, is not repealed by 2009 Wisconsin Act 94, section 100. Both
15 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. 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.

1 **SECTION 5.** The treatment of 48.365 (2m) (ag) of the statutes by 2009 Wisconsin
2 Act 79, section 48, is not repealed by 2009 Wisconsin Act 94, section 110. Both
3 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.

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

6 48.365 (2m) (ag) The court shall give a foster parent or other physical custodian
7 described in s. 48.62 (2) who is notified of a hearing under sub. (2) ~~an opportunity a~~
8 right to be heard at the hearing by permitting the foster parent or other physical
9 custodian to make a written or oral statement during the hearing, or to submit a
10 written statement prior to the hearing, relevant to the issue of extension. A foster
11 parent or other physical custodian who receives notice of a hearing under sub. (2) and
12 ~~an opportunity a~~ right to be heard under this paragraph does not become a party to
13 the proceeding on which the hearing is held solely on the basis of receiving that notice
14 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.

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2 sections 56 and 57, and 2009 Wisconsin Act 94, sections 113 and 114, is repealed and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

4 **48.38 (4m) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN**
5 **DETERMINATION HEARING.** (a) If in a proceeding under s. 48.21, 48.32, 48.355, 48.357,
6 or 48.365 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to
7 5. applies with respect to a parent, the court shall hold a hearing within 30 days after
8 the date of that finding to determine the permanency plan for the child. If a hearing
9 is held under this paragraph, the agency responsible for preparing the permanency
10 plan shall file the permanency plan with the court not less than 5 days before the date
11 of the hearing. At the hearing, the court shall consider placing the child in a
12 placement outside this state if the court determines that such a placement would be
13 in the best interests of the child and appropriate to achieving the goal of the child's
14 permanency plan.

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

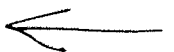
22 (c) If the child's permanency plan includes a statement under sub. (4) (i)
23 indicating that the child's age and developmental level are sufficient for the court to
24 consult with the child regarding the child's permanency plan or if, notwithstanding
25 a decision under sub. (4) (i) that it would not be appropriate for the court to consult

1 with the child, the court determines that consultation with the child would be in the
2 best interests of the child, the court shall consult with the child, in an
3 age-appropriate and developmentally appropriate manner, regarding the child's
4 permanency plan and any other matters the court finds appropriate. If none of those
5 circumstances apply, the court may permit the child's caseworker, the child's counsel,
6 or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral
7 statement during the hearing, or to submit a written statement prior to the hearing,
8 expressing the child's wishes, goals, and concerns regarding the permanency plan
9 and those matters. If the court permits such a written or oral statement to be made
10 or submitted, the court may nonetheless require the child to be physically present
11 at the hearing.

12 (d) The court shall give a foster parent, other physical custodian described in
13 s. 48.62 (2), operator of a facility, or relative who is notified of a hearing under par.
14 (b) a right to be heard at the hearing by permitting the foster parent, other physical
15 custodian, operator, or relative to make a written or oral statement during the
16 hearing, or to submit a written statement prior to the hearing, relevant to the issues
17 to be determined at the hearing. The foster parent, other physical custodian,
18 operator of a facility, or relative does not become a party to the proceeding on which
19 the hearing 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 eliminated the phrase "treatment foster parent" in s. 48.38 (4m), as created by the respective acts as of January 1, 2011.

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1 **SECTION 8.** The treatment of 48.38 (5) (b) of the statutes by 2009 Wisconsin Act
2 79, section 58, is not repealed by 2009 Wisconsin Act 94, section 115. Both treatments
3 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.

4 **SECTION 9.** 48.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Act 94,
5 section 116, is amended to read:

6 48.38 (5) (b) The court or the agency shall notify the child, ~~if he or she is 12 years~~
7 ~~of age or older~~; the child's parent, guardian, and legal custodian; the child's foster
8 parent, the operator of the facility in which the child is living, or the relative with
9 whom the child is living; and, if the child is an Indian child who is placed outside the
10 home of his or her parent or Indian custodian, the Indian child's Indian custodian and
11 tribe of the ~~date, time, and place, and purpose~~ of the review, of the issues to be
12 determined as part of the review, and of the fact that they ~~may have an opportunity~~
13 shall have a right to be heard at the review ~~by submitting written comments not less~~
14 ~~than 10 working days before the review or by participating at the review as provided~~
15 in par. (bm) 1. The court or agency shall notify the person representing the interests
16 of the public, the child's counsel, the child's guardian ad litem, and the child's
17 court-appointed special advocate of the ~~date~~ time, place, and purpose of the review,

1 of the issues to be determined as part of the review, and of the fact that they may
2 ~~submit written comments not less than 10 working days before the review~~ have an
3 opportunity to be heard at the review as provided in par. (bm) 1. The notices under
4 this paragraph shall be provided in writing not less than 30 days before the review
5 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.

6 **SECTION 10.** 48.38 (5) (bm) 1. of the statutes, as affected by 2009 Wisconsin Act
7 79, section 61, is amended to read:

8 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,
9 operator of a facility, or relative who is provided notice of the review under par. (b)
10 shall have a right to be heard at the review by submitting written comments relevant
11 to the determinations specified in par. (c) not less than 10 working days before the
12 date of the review or by participating at the review. A person representing the
13 interests of the public, counsel, guardian ad litem, or court-appointed special
14 advocate who is provided notice of the review under par. (b) may have an opportunity
15 to be heard at the review by submitting written comments relevant to the
16 determinations specified in par. (c) not less than 10 working days before the date of
17 the review. A foster parent, operator of a facility, or relative who receives notice of
18 a ~~hearing~~ review under par. (b) and a right to be heard under this subdivision does
19 not become a party to the proceeding on which the review is held solely on the basis
20 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.

1 **SECTION 11.** The treatment of 48.38 (5) (d) of the statutes by 2009 Wisconsin
2 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.

3 **SECTION 12.** The treatment of 48.38 (5) (e) of the statutes by 2009 Wisconsin
4 Act 79, section 67, is not repealed by 2009 Wisconsin Act 94, section 119. Both
5 treatments stand.

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.

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

8 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
9 the determinations under par. (c) and shall provide a copy to the court that entered
10 the order; the child or the child's counsel or guardian ad litem; the person
11 representing the interests of the public; the child's parent, guardian, or legal

1 custodian; the child's court-appointed special advocate; the child's foster parent or,
2 the operator of the facility where the child is living, or the relative with whom the
3 child is living; and, if the child is an Indian child who is placed outside the home of
4 his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

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.

5 **SECTION 14.** The treatment of 48.38 (5m) (b) of the statutes by 2009 Wisconsin
6 Act 79, section 69, is not repealed by 2009 Wisconsin Act 94, section 121. Both
7 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.

8 **SECTION 15.** 48.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Act
9 94, section 122, is amended to read:

10 **48.38 (5m) (b)** Not less than 30 days before the date of the hearing, the court
11 shall notify the child; the child's parent, guardian, and legal custodian; and the
12 child's foster parent, the operator of the facility in which the child is living, or the
13 relative with whom the child is living; of the time, place, and purpose of the hearing,
14 of the issues to be determined at the hearing, and of the fact that they shall have a
15 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's

1 counsel, the child's guardian ad litem, and the child's court-appointed special
2 advocate; the agency that prepared the permanency plan; the person representing
3 the interests of the public; and, if the child is an Indian child who is placed outside
4 the home of his or her parent or Indian custodian, the Indian child's Indian custodian
5 and tribe of the date, time, and place, and purpose of the hearing, of the issues to be
6 determined at the hearing, and of the fact that they may have an opportunity to be
7 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.

8 **SECTION 16.** The treatment of 48.38 (5m) (d) of the statutes by 2009 Wisconsin
9 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.

10 **SECTION 17.** The treatment of 48.43 (5m) of the statutes by 2009 Wisconsin Act
11 79, section 90, is not repealed by 2009 Wisconsin Act 94, section 157. Both
12 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.

1 **SECTION 18.** 48.43 (5m) of the statutes, as affected by 2009 Wisconsin Act 94,
2 section 158, is amended to read:

3 48.43 (5m) Either the court or the agency that prepared the permanency plan
4 shall furnish a copy of the original plan and each revised plan to the child, if he or
5 she is 12 years of age or over, to the child's foster parent ~~or~~, the operator of the facility
6 in which the child is living, or the relative with whom the child is living, and, if the
7 order under sub. (1) involuntarily terminated parental rights to an Indian child, to
8 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.

9 **SECTION 19.** The treatment of 48.63 (5) (d) 4. of the statutes by 2009 Wisconsin
10 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.

11 **SECTION 20.** The treatment of 48.685 (5) (a) of the statutes by 2009 Wisconsin
12 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 21.** 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 22.** 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

1 moneys received pursuant to P.L. 111-5; for the year before that year by less than the
2 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.

3 **SECTION 23.** 91.40 (3) of the statutes, as affected by 2009 Wisconsin Act 28, is
4 amended to read:

5 91.40 (3) A statement, signed by the county planning director or the chief
6 elected official, certifying that the farmland preservation zoning ordinance or
7 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.

8 **SECTION 24.** 106.50 (5m) (dm) (intro.) of the statutes, as created by 2009
9 Wisconsin Act 95, is amended to read:

10 106.50 (5m) (dm) (intro.) It is not discrimination based on status as a victim
11 of domestic abuse, sexual ~~abuse~~ assault, or stalking for a landlord to bring an action
12 for eviction of a tenant based on a violation of the rental agreement or of a statute
13 that entitles the landlord to possession of the premises, unless subd. 1. or 2. applies.
14 A tenant has a defense to an action for eviction brought by a landlord if the tenant
15 proves by a preponderance of the evidence that the landlord knew or should have
16 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."

17 **SECTION 25.** 106.50 (5m) (dm) 1. of the statutes, as created by 2009 Wisconsin
18 Act 95, is amended to read:

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

NOTE: See the previous section of this bill.

5 **SECTION 26.** 106.50 (5m) (dm) 2. (intro.) of the statutes, as created by 2009
6 Wisconsin Act 95, is amended to read:

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

NOTE: See the previous two sections of this bill.

12 **SECTION 27.** 111.70 (4) (n) (title) of the statutes, as created by 2009 Wisconsin
13 Act 34, is amended to read:

14 111.70 (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.

15 **SECTION 28.** 111.70 (4) (o) (title) of the statutes, as created by 2009 Wisconsin
16 Act 60, is amended to read:

17 111.70 (4) (o) (title) *Mandatory subjects of bargaining: teacher evaluation*
18 *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.

19 **SECTION 29.** 146.62 (1) (b) of the statutes is amended to read:

1 146.62 (1) (b) "Rural" means outside a metropolitan statistical area, as
2 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".

3 **SECTION 30.** 166.218 of the statutes, as created by 2009 Wisconsin Act 43, is
4 renumbered 323.72, and 323.72 (1), as renumbered, is amended to read:

5 323.72 (1) A regional structural collapse team shall assist in the emergency
6 response to a structural collapse incident in a region of this state designated by the
7 division. Whenever a regional structural collapse team assists in an emergency
8 response under this subsection, it shall determine under the rules promulgated
9 under sub. (5) whether an emergency requiring the team's response existed. If the
10 regional structural collapse team determines that such an emergency existed, it
11 shall make a good faith effort to identify the person who is required to reimburse the
12 division under sub. (3) and shall provide that information to the division. The
13 division shall contract with local agencies, as defined in s. ~~166.22~~ 323.70 (1) ~~(e)~~ (b),
14 to establish no more than 4 regional structural collapse teams. A member of a
15 regional structural collapse team shall meet the highest standards for a structural
16 collapse team under the National Fire Protection Association standards NFPA 1006
17 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.

18 **SECTION 31.** 224.77 (1) (o) of the statutes, as affected by 2009 Wisconsin Act 95,
19 section 19, is amended to read:

20 224.77 (1) (o) In the course of practice as a mortgage banker, mortgage loan
21 originator, or mortgage broker, except in relation to housing designed to meet the

1 needs of elderly individuals, treat a person unequally solely because of sex, race,
2 color, handicap, sexual orientation, as defined in s. 111.32 (13m), religion, national
3 origin, age, or ancestry, the person's lawful source of income, or the sex, marital
4 status, or status as a victim of domestic abuse, sexual assault, or stalking, as defined
5 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).

6 **SECTION 32.** 231.35 (1) (d) of the statutes is amended to read:

7 231.35 (1) (d) "Rural" means outside a metropolitan statistical area specified
8 under 42 CFR 412.62 (f) (ii) (A) or in a city, village, or town with a population of not
9 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".

10 **SECTION 33.** 287.17 (10) (j) of the statutes, as created by 2009 Wisconsin Act
11 50, is amended to read:

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

NOTE: Inserts missing word.

20 **SECTION 34.** 287.95 (1) of the statutes, as affected by 2009 Wisconsin Acts 50
21 and 86, is amended to read:

1 287.95 (1) Any person who violates s. 287.07 (1m) ~~or~~, (4m), or (5) may be
2 required to forfeit \$50 for a first violation, may be required to forfeit \$200 for a 2nd
3 violation and may be required to forfeit not more than \$2,000 for a 3rd or subsequent
4 violation.

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

5 **SECTION 35.** 304.06 (1) (bk) 1. of the statutes, as created by 2009 Wisconsin Act
6 28, is amended to read:

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

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

14 **SECTION 36.** 304.06 (1) (bk) 2. b. of the statutes, as created by 2009 Wisconsin
15 Act 28, is amended to read:

16 304.06 (1) (bk) 2. b. At the hearing, the court may consider the inmate's conduct
17 in prison, his or her level of risk of reoffending, based on a verified, objective
18 instrument, and the nature of the offense committed by the inmate. The court may
19 accept the earned release review ~~committee's~~ commission's determination that the
20 inmate has earned positive adjustment time under par. (bg), reject the earned release
21 review ~~committee's~~ commission's determination that the inmate has earned positive

1 adjustment time under par. (bg), or order the inmate to remain in prison for a period
2 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.

3 **SECTION 37.** 321.66 (1) (a) 2. of the statutes, as created by 2009 Wisconsin Act
4 56, is amended to read:

5 321.66 (1) (a) 2. An operation to provide disaster relief or humanitarian
6 services, when requested by the federal emergency management agency; the first air
7 force of the U.S. air force; the Civil Air Patrol national operations center; the
8 governor; the adjutant general; the governing body, chief or acting chief executive
9 officer, or head of emergency management services of any county, city, village, town,
10 or federally recognized American Indian tribe or band in this state; or, in the case of
11 a public health emergency, as defined in s. ~~166.02 (7)~~ 323.02 (16), the department of
12 health services, if that department is designated by the governor under s. ~~166.03 (1)~~
13 ~~(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.

14 **SECTION 38.** 343.23 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
15 100, section 15, is amended to read:

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

1 at least 10 years. The record of convictions for disqualifying offenses under s.
2 343.315 (2) (f), (j), and (L), and all records specified in par. (am), shall be maintained
3 for at least 3 years. The record of convictions for disqualifying offenses under s.
4 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a
5 licensee transfers residency to another state such record may be transferred to
6 another state of licensure of the licensee if that state accepts responsibility for
7 maintaining a permanent record of convictions for disqualifying offenses. Such
8 reports and records may be cumulative beyond the period for which a license is
9 granted, but the secretary, in exercising the power of suspension granted under s.
10 343.32 (2) may consider only those reports and records entered during the 4-year
11 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.

12 **SECTION 39.** The treatment of 447.03 (1) (intro.) of the statutes by 2009
13 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:

14 **SECTION 40.** The treatment of 757.05 (1) (a) of the statutes by 2009 Wisconsin
15 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.

1 **SECTION 41.** 767.127 (1) of the statutes is amended to read:

2 **767.127 (1) REQUIRED DISCLOSURE.** In an action affecting the family, except an
3 action to affirm marriage under s. 767.001 (1) (a), the court shall require each party
4 to furnish, on standard forms required by the court, full disclosure of all assets owned
5 in full or in part by either party separately or by the parties jointly. Disclosure may
6 be made by each party individually or by the parties jointly. Assets required to be
7 disclosed include, but are not be limited to, real estate, savings accounts, stocks and
8 bonds, mortgages and notes, life insurance, retirement interests, interest in a
9 partnership, limited liability company, or corporation, tangible personal property,
10 future interests whether vested or nonvested, and any other financial interest or
11 source. The court shall also require each party to furnish, on the same standard form,
12 information pertaining to all debts and liabilities of the parties. The form used shall
13 contain a statement in conspicuous print that complete disclosure of assets and debts
14 is required by law and deliberate failure to provide complete disclosure constitutes
15 perjury. The court shall require each party to attach to the disclosure form a
16 statement reflecting income earned to date for the current year and the most recent
17 statement under s. 71.65 (1) (a) that the party has received. The court may on its own
18 initiative and shall at the request of either party require the parties to furnish copies
19 of all state and federal income tax returns filed by them for the past 2 years, and may
20 require copies of those returns for prior years.

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

21 **SECTION 42.** 814.63 (2) of the statutes, as affected by 2009 Wisconsin Acts 28
22 and 100, is amended to read:

23 **814.63 (2)** Upon the disposition of a forfeiture action in circuit court for
24 violation of a county, town, city, village, town sanitary district, or public inland lake

1 protection and rehabilitation district ordinance, except for an action for a financial
2 responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b)
3 or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town
4 sanitary district, or public inland lake protection and rehabilitation district shall pay
5 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.

6 **SECTION 43.** 815.18 (2) (i) of the statutes is amended to read:

7 815.18 (2) (i) "Farm products" has the meaning given under s. 409.102 (1) (~~im~~)
8 (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).

9 **SECTION 44.** 895.483 (4) of the statutes, as created by 2009 Wisconsin Act 43,
10 is amended to read:

11 895.483 (4) A regional structural collapse team, a member of such a team, and
12 a local agency, as defined in s. ~~166.22~~ 323.70 (1) (~~e~~) (b), that contracts with the division
13 of emergency management in the department of military affairs for the provision of
14 a regional structural collapse team, are immune from civil liability for acts or
15 omissions related to carrying out responsibilities under a contract under s. ~~166.218~~
16 323.72 (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.

17 **SECTION 45.** 938.02 (8p) of the statutes, as created by 2009 Wisconsin Act 94,
18 is renumbered 938.02 (8e) and amended to read:

19 938.02 (8e) "Indian custodian" means an Indian person who has legal custody
20 under tribal law or custom or under state law of an Indian juvenile who is the subject
21 of an Indian juvenile custody proceeding, as defined in s. 938.028 (2) (b), or of an

1 Indian juvenile in need of protection or services under s. 938.13 (4), (6), (6m), or (7)
2 who is the subject of a temporary physical custody proceeding under ss. ~~939.19~~
3 938.19 to 938.21 or to whom temporary physical care, custody, and control has been
4 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.

5 **SECTION 46.** 938.32 (1) (c) 1m. of the statutes, as created by 2009 Wisconsin Act
6 79, is amended to read:

7 938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38
8 (4) (br) 1., who have also been removed from the home, the consent decree shall
9 include a finding as to whether the county department or agency primarily
10 responsible for providing services to the juvenile has made reasonable efforts to place
11 the juvenile in a placement that enables the sibling group to remain together, unless
12 the court determines that a joint placement would be contrary to the safety or
13 well-being of the juvenile or any of those siblings, in which case the court shall order
14 the county department or agency to make reasonable efforts to provide for frequent
15 visitation or other ongoing interaction between the ~~child~~ juvenile and the siblings,
16 unless the court determines that such visitation or interaction would be contrary to
17 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.

18 **SECTION 47.** 938.357 (2m) (am) 1. of the statutes, as created by 2009 Wisconsin
19 Act 94, is amended to read:

1 938.357 (2m) (am) 1. If the proposed change of placement would change the
2 placement of an Indian juvenile placed in the home of his or her parent or Indian
3 custodian under s. ~~938.357~~ 938.13 (4), (6), (6m), or (7) to a placement outside that
4 home, a request under par. (a) shall also contain specific information showing that
5 continued custody of the Indian juvenile by the parent or Indian custodian is likely
6 to result in serious emotional or physical damage to the juvenile under s. 938.028 (4)
7 (d) 1., specific information showing that active efforts under s. 938.028 (4) (d) 2. have
8 been made to prevent the breakup of the Indian juvenile's family and that those
9 efforts have proved unsuccessful, a statement as to whether the new placement is in
10 compliance with the order of placement preference under s. 938.028 (6) (a) or, if
11 applicable, s. 938.028 (6) (b) and, if the new placement is not in compliance with that
12 order, specific information showing good cause, as described in s. 938.028 (6) (d), for
13 departing from that order.

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.

14 **SECTION 48.** The treatment of 938.363 (1) (b) of the statutes by 2009 Wisconsin
15 Act 79, section 138, is not repealed by 2009 Wisconsin Act 94, section 367. Both
16 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.

1 **SECTION 49.** The treatment of 938.365 (2) of the statutes by 2009 Wisconsin Act
2 79, section 142, is not repealed by 2009 Wisconsin Act 94, section 370. Both
3 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.

4 **SECTION 50.** 938.365 (2) of the statutes, as affected by 2009 Wisconsin Act 94,
5 section 371, is amended to read:

6 938.365 (2) NOTICE. No order may be extended without a hearing. The court
7 shall provide notice of the time and place of the hearing to the juvenile ~~or the~~
8 ~~juvenile's guardian ad litem or counsel~~, the juvenile's parent, guardian, and legal
9 custodian, all ~~of the~~ parties present at the original hearing, the juvenile's foster
10 parent or other physical custodian described in s. 48.62 (2), and the district attorney
11 or corporation counsel in the county in which the dispositional order was entered.
12 If the juvenile is an Indian juvenile who is in need of protection or services under s.
13 938.13 (4), (6), (6m), or (7), the court shall also notify the Indian juvenile's Indian
14 custodian and, if that juvenile is placed outside the home of his or her parent or
15 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 51.** 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 52.** 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.

15 **SECTION 53.** The treatment of 938.38 (3) (intro.) of the statutes by 2009
16 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:

1 **SECTION 54.** 938.38 (4m) of the statutes, as affected by 2009 Wisconsin Act 79,
2 sections 158 and 159, and 2009 Wisconsin Act 94, sections 381 and 382, is repealed
3 and recreated to read:

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

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

1 determined at the hearing, and of the fact that they shall have a right to be heard
2 at the hearing.

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

18 (d) The court shall give a foster parent, other physical custodian described in
19 s. 48.62 (2), operator of a facility, or relative who is notified of a hearing under par.
20 (b) a right to be heard at the hearing by permitting the foster parent, other physical
21 custodian, operator, or relative to make a written or oral statement during the
22 hearing, or to submit a written statement prior to the hearing, relevant to the issues
23 to be determined at the hearing. The foster parent, other physical custodian,
24 operator of a facility, or relative does not become a party to the proceeding on which
25 the hearing 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 eliminated the phrase "treatment foster parent" in s. 938.38 (4m), as created by the respective acts as of January 1, 2011.

1 **SECTION 55.** The treatment of 938.38 (5) (b) of the statutes by 2009 Wisconsin
 2 Act 79, section 160, is not repealed by 2009 Wisconsin Act 94, section 383. Both
 3 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.

4 **SECTION 56.** 938.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Act 94,
 5 section 384, is amended to read:

6 938.38 (5) (b) The court or the agency shall notify the juvenile, ~~if he or she is~~
 7 ~~10 years of age or older~~; the juvenile's parent, guardian, and legal custodian; 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; and, if the juvenile is an Indian juvenile
 10 who is placed outside the home of his or her parent or Indian custodian under s.
 11 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe of the
 12 date, time, and place, and purpose of the review, of the issues to be determined as part

1 of the review, and of the fact that they ~~may have an opportunity~~ shall have a right
2 to be heard at the review ~~by submitting written comments not less than 10 working~~
3 ~~days before the review or by participating at the review~~ as provided in par. (bm) 1.
4 The court or agency shall notify the person representing the interests of the public,
5 the juvenile's counsel, and the juvenile's guardian ad litem of the date time, place,
6 and purpose of the review, of the issues to be determined as part of the review, and
7 of the fact that they may ~~submit written comments not less than 10 working days~~
8 ~~before the review~~ have an opportunity to be heard at the review as provided in par.
9 (bm) 1. The notices under this paragraph shall be provided in writing not less than
10 30 days before the review and copies of the notices shall be filed in the juvenile's case
11 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.

12 **SECTION 57.** 938.38 (5) (bm) 1. of the statutes, as affected by 2009 Wisconsin
13 Act 79, section 163, is amended to read:

14 938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent,
15 operator of a facility, or relative who is provided notice of the review under par. (b)
16 shall have a right to be heard at the review by submitting written comments relevant
17 to the determinations specified in par. (c) not less than 10 working days before the
18 date of the review or by participating at the review. A person representing the
19 interests of the public, counsel, or guardian ad litem who is provided notice of the
20 review under par. (b) may have an opportunity to be heard at the review by
21 submitting written comments relevant to the determinations specified in par. (c) not
22 less than 10 working days before the date of the review. A foster parent, operator of

1 a facility, or relative who receives notice of a ~~hearing~~ review under par. (b) and a right
2 to be heard under this subdivision does not become a party to the proceeding on which
3 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.

4 **SECTION 58.** The treatment of 938.38 (5) (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. 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.

6 **SECTION 59.** The treatment of 938.38 (5) (e) of the statutes by 2009 Wisconsin
7 Act 79, section 169, is not repealed by 2009 Wisconsin Act 94, section 387. Both
8 treatments stand.

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

9 **SECTION 60.** 938.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Act 94,
10 section 388, 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, or legal
5 custodian; the juvenile's foster parent ~~or~~, the operator of the facility where the
6 juvenile is living, or the relative with whom the juvenile is living; and, if the juvenile
7 is an Indian juvenile who is placed outside the home of his or her parent or Indian
8 custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian
9 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.

10 **SECTION 61.** The treatment of 938.38 (5m) (b) of the statutes by 2009 Wisconsin
11 Act 79, section 171, is not repealed by 2009 Wisconsin Act 94, section 389. Both
12 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.

13 **SECTION 62.** 938.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Act
14 94, section 390, is amended to read:

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

14 **SECTION 63.** The treatment of 938.38 (5m) (d) of the statutes by 2009 Wisconsin
15 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.

1 **SECTION 64.** 941.29 (1) (f) of the statutes is amended to read:

2 941.29 (1) (f) Enjoined under an injunction issued under s. 813.12 or 813.122
3 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
4 established by any federally recognized Wisconsin Indian tribe or band, except the
5 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
6 or she is subject to the requirements and penalties under ~~s. 941.29~~ this section and
7 that has been filed under s. 806.247 (3).

NOTE: Corrects citation form.

8 **SECTION 65.** 946.15 (4) of the statutes, as affected by 2009 Wisconsin Act 28,
9 is amended to read:

10 946.15 (4) Any person employed on a project on which a prevailing wage rate
11 determination has been issued by the department of workforce development under
12 s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local
13 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904
14 (6) who permits any part of the wages to which that person is entitled under the
15 prevailing wage rate determination issued by the department or local governmental
16 unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the
17 deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working
18 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.

19 **SECTION 66.** 971.17 (1g) (title) of the statutes is created to read:

20 971.17 (1g) (title) NOTICE OF RESTRICTION ON FIREARM POSSESSION.

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

21 **SECTION 67.** 973.195 (1r) (e) of the statutes is amended to read:

1 973.195 (1r) (e) Notwithstanding the confidentiality of victim address
2 information obtained under s. ~~302.113 (9g) (g) 3.~~ 302.1135 (7) (c), a district attorney
3 who is required to send notice to a victim under par. (d) may obtain from the clerk
4 of the circuit court victim address information that the victim provided to the clerk
5 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.

6 **SECTION 68.** 2009 Wisconsin Act 42, section 16 is amended by replacing “~~166.21~~
7 ~~(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.

8 **SECTION 69.** 2009 Wisconsin Act 42, section 99 is amended by replacing “~~Each~~
9 ~~such may appropriate~~” with “~~Each such governing body may appropriate~~”.

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

10 **SECTION 70.** 2009 Wisconsin Act 42, section 104 is amended by replacing
11 “~~whichever is applicable,~~” with “whichever is applicable,”.

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

12 **SECTION 71.** 2009 Wisconsin Act 42, section 212 is amended by replacing
13 “~~323.60 (3) and the~~” with “323.60 (3) and the”.

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

14 **SECTION 72.** 2009 Wisconsin Act 42, section 245 is amended by replacing “An
15 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.

16 **SECTION 73.** 2009 Wisconsin Act 76, section 14 is amended by replacing “s.
17 ~~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.

1

(END)